

REGULATIONS

OF

THE INDIAN OFFICE.

EFFECTIVE APRIL 1, 1904.

U.S. Bureau of Indian Affairs.

PUBLISHED BY AUTHORITY OF THE SECRETARY OF THE INTERIOR.

REVISED BY THE INDIAN OFFICE.

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Regs. 1904 and
amendment No. 30 and
promulgating new sec.
viz. 291a.

Also see Sec 1840 USRS

The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs and for the settlement of accounts of Indian affairs. (Sec. 465, R. S.) 25 USC 9

The President speaks and acts through the heads of the several Departments in relation to subjects which appertain to their respective duties. (Wilcox v. Jackson, 13 Peters, 498.)

As a general rule the direction of the President is to be presumed in all instructions and orders issuing from the competent Department. (VII Op. Att. Gen., 453.)

The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations. (Sec. 463, R. S.) Sec 2 Title 25 USC Code

All accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the Commissioner for administrative examination, and by him passed to the proper accounting officers of the Department of the Treasury for settlement. (Sec. 464, R. S.)

It shall be the duty of the Commissioner of Indian Affairs to cause to be compiled and printed for the use of Indian agents and inspectors the provisions of the statutes regulating the performance of their respective duties, and also to furnish said officers from time to time information of new enactments upon the same subject. (Act May 17, 1882, Sec. 7; 22 Stat., 88.) 25 USC Sec 3.

Regulation has force of law - See Black Letter Book
"Regulation"

Also see Act of Nov 2, 1921 (42 Stat 208) Snyder Act. authorizing
and of to direct, supervise & expenditure of approp. &

IRS

Also see Statute book 18 USC 571

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 1, 1904.

The following regulations governing the management of affairs growing out of Indian relations are promulgated for the information and guidance of all concerned, and will supersede those of 1894 on April 1, 1904.

Indian agents and all other officers of the Indian Department are enjoined to carefully study the regulations herein set forth and to render a strict compliance therewith in every particular.

Papers or accounts not made out in the prescribed form may be returned to the officer by whom prepared for restatement, while a continued disregard of the regulations laid down on the following pages will render the offender liable to suspension or removal from office.

W. A. JONES,
Commissioner.

Approved:

ETHAN A. HITCHCOCK,
Secretary of the Interior.

An act to provide for the organization
of the department of Indian Affairs
Act of June 30, 1834
4 Stat R 73.

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REGULATIONS OF THE INDIAN OFFICE.

AGENTS.

1. Except when otherwise clearly indicated by the context, wherever the words "agent" and "agency" occur in these regulations they are intended to apply to all disbursing officers of the Indian service and the territory or offices under their jurisdiction.

2. It is the duty of an Indian agent to manage and superintend the intercourse with the Indians of his agency agreeably to law, and to perform such duties not inconsistent with law, as may be prescribed by the President, Secretary of the Interior, or Commissioner of Indian Affairs. (*Sec. 2058, R. S.*)

3. Where practicable, an agent shall, if required, perform the duties of two agencies for one salary. (*Sec. 2053, R. S.*)

4. Any military officer may be required by the President to execute the duties of an Indian agent, and when such duties are required of a military officer he shall perform the same without any other compensation than his actual traveling expenses. Officers of the Army, while acting as such agents, shall be under the orders and direction of the Secretary of the Interior. (*Sec. 2062, R. S., act July 13, 1892; 27 Stats., 120.*)

5. The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or any part thereof upon the superintendent of the Indian training school located at such agency, whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents. (*Ind. Appn., act of Mar. 3, 1903.*) **32 Stat 983.**

6. An agent must reside and keep his agency within or near the territory of the tribe for which he is agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission. (*Sec. 2060, R. S.*)

7. Neither agents nor employees are entitled to their salaries while absent from their agencies or employments without leave. (*Sec. 2074, R. S.*)

8. When an agent leaves his agency under authority of the Department, he will authorize, in writing (Form 5-120), the employee best

qualified for the purpose to act in his place during such absence; such authority will be issued in triplicate, one copy to be given to the person designated, one forwarded to the Indian Office, and the other retained in the agency files.

9. The employee authorized to act during the agent's absence will write his signature upon the copy of the authority sent to the Indian Office, and the agent will certify upon the same paper that such signature is genuine.

10. During the agent's absence the employee authorized to act in his place will perform the duties pertaining to the office of agent without extra compensation, but will sign no papers except routine correspondence and current reports. Papers pertaining to the receipt and expenditure of either money or property must be signed by the agent. (*Dept. Cir., Dec. 10, 1884.*)

11. The agent will be held responsible, under his bond, for the acts of the employee authorized by him to act in his absence.

11a ~~11~~ 12. Before entering upon the discharge of their duties agents are required to subscribe to the oath of office on blanks furnished for that purpose (Form 1-280) and to give bonds in such penalties and with such sureties as the President or the Secretary of the Interior may prescribe. (*Sec. 2057, R. S.*) *Sec. 2014, 1911 - at any and all times*

13. The salary and accounts of a newly appointed agent will commence with and include the day upon which he receipts to his predecessor for the public property. The new agent will be regarded as in actual charge of the agency on the date of receipt, and is required to report such date to the Indian Office immediately by telegraph.

14. The expenses incurred by an agent in traveling from his home to his post of duty are not regarded as a proper charge against the Government and can not therefore be allowed.

15. Agents are not entitled to any compensation beyond their actual expenses for extra service when doing duty under order of the Government away from their agencies, nor to any allowance for travel or expenses in coming to the seat of Government unless required thereto by the Secretary of the Interior. (*Secs. 2063, 2077, R. S.*)

16. The salary of a retiring agent will cease with the day preceding that upon which his successor receipts to him for the public property: *Provided, however,* That when an agent is summarily removed, or suspended and afterwards dismissed the service, his salary shall cease on the date when such removal or suspension becomes effective.

17. Immediately after he is relieved by his successor the outgoing agent will deposit all unexpended balances of public funds in his hands and to his official credit, except "Individual Indian moneys," in a Government depository to the credit of the United States, and submit his final cash and property accounts to the Indian Office for adjustment. Failure to comply with this requirement may subject the delinquent

Amendment No. 34.

DEPARTMENT OF THE INTERIOR,
Finance Office of Indian Affairs,
78051/1911 Washington.
L P W

September 18, 1911.

Amendments to section 11a, regulations, 1904.

To all Disbursing Officers
of the Indian Service:

With the approval of the Acting Secretary of the Interior, Regulations of the Indian Office, 1904, are hereby amended by changing section 11a, as amended November 15, 1904, by amendment No. 4, to read as follows:

An agent or an employee of the Indian Service, located in the field and whose compensation is not fixed by law, may, in the discretion of the Secretary of the Interior, be permitted to occupy quarters in buildings owned or rented for that purpose by the Government, but shall not be entitled to receive from the Government any other compensation or allowance either in subsistence, materials, fuel, feed for animals, or otherwise, than the amount designated as his salary; but, where necessary, a reasonable provision may be made for offices and office contingencies.

Please acknowledge the receipt of this amendment and paste same between pages 10 and 11 of your Book of Regulations.

Respectfully,

R. G. VALENTINE,
Commissioner.

See Act of 9/20/13 (38 Stat. 27)

Amendment No. 33.

DEPARTMENT OF THE INTERIOR
Finance Office of Indian Affairs
A W C Washington

Special deposits. August 9, 1911.

Amendments to Sec-
tions 17 and 252,
Regulations, 1904.

All Disbursing Officers
of the Indian Service:

Hereafter deposits received with bids for land sales, etc., and cash deposited with disbursing officers to insure the payment of right-of-way damages across tribal or allotted lands or to guarantee the faithful performance of contracts or agreements, etc., shall be taken up in the cash accounts of disbursing officers of the Indian Service under the heading "Special deposits."

Funds of this character should not be covered into the Treasury and Sections 17 and 252, Indian Office Regulations, 1904, are hereby modified to read as follows:

17. Immediately after he is relieved by his successor the outgoing agent will deposit all unexpended balances of public funds in his hands and to his official credit, except "Individual Indian moneys," and "Special deposits" in a Government depository to the credit of the United States, and submit his final cash and property accounts to the Indian Office for adjustment. Failure to comply with this requirement may subject the delinquent official to immediate

(Over)

suit on his bond. Instructions for depositing money will be found under the head of "Public funds." (Sec. 3624 R. S.; Cir. 65, Treas., 1875.)

252. On the 30th of June of each year agents must deposit all unexpended balances remaining in their hands to the credit of the United States. (Sec. 3690, R. S.) This does not refer to "Miscellaneous receipts, Class IV," "Individual Indian moneys," and "Special deposits." (See Secs. 294 and 301.)

Please acknowledge the receipt of this circular and paste copies of same between pages 10 and 11 and 46 and 47 of the Book of Regulations.

R. G. VALENTINE,
Commissioner.

Approved:
August 10, 1911.
SAMUEL ADAMS,
Secretary of the Interior.

ACCOUNTS.
74571-1904.

AMENDMENT
No. 4.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., November 15, 1904.

To all Disbursing Officers
of the Indian Service:

By direction of the Honorable Secretary of the Interior, the Regulations of the Indian Office, 1904, are hereby amended by inserting after section 11 thereof the following:

11 a. An agent or any employee of the Indian Service is not entitled to receive from the Government any further compensation or allowance, either in subsistence, materials, fuel, feed for animals, or otherwise, than the amount designated as his salary; but, where necessary, a reasonable allowance or provision may be made for offices and office contingencies. (Sec. 2076, R. S.; I. O. let. 74571-1904.)

The foregoing is the same as section 179 of the Regulations of 1894, which section was left out of the revised edition of 1904.

Please acknowledge the receipt of this circular and paste the same between pages 10 and 11 of your book of Regulations.

Very respectfully,

W. A. JONES,
Commissioner.

15522b1500-11-04

XIII Compt 307-810

3/2/1875

ACCOUNTS
29963-1907.

AMENDMENT
No. 13.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 1, 1907.

To all Disbursing Officers
of the Indian Service:

By authority of the Honorable Secretary of the Interior sections 19, 20, and 21 of the Regulations of the Indian Office, 1904, are hereby amended so as to read as follows:

19. If he has sufficient funds in his hands applicable for the purpose the outgoing agent will, before being relieved, pay his own and the salaries of the employees up to and including the day preceding that upon which his successor takes charge. Should he not have sufficient funds he will prepare sworn receipt rolls for amounts due and forward the same to the Indian Office. His own name will not be included in such sworn rolls, but a claim for the salary due him will be submitted to the Indian Office for consideration in connection with the final settlement of his accounts.

20. Such rolls will show the name, period of service, rate of pay, and amount due each employee, and be supported by the agent's affidavit to the effect that the employees named thereon actually rendered service for the periods and at the rates of compensation set opposite their respective names; that their services were necessary, and that there is due them the amounts for which claim is made, aggregating (the amount to be expressed in words), no part of which has been paid, and that the rolls are issued in duplicate only. These rolls should be prepared on Form 5-330 and the affidavit thereon changed to meet the requirements of this section. When payment is made by the succeeding agent a true copy of the sworn rolls will be placed in the agency files.

21. For all other authorized liabilities outstanding on the date of his relief the outgoing agent will issue certified vouchers, as provided for in sections 468 to 476, inclusive. Salaries of employees constitute the only indebtedness incurred by his predecessor which can be settled by a new agent, and even salaries must not be paid except upon specific instructions from the Indian Office, after the required sworn receipt rolls shall have been received, examined, and found to agree with the records of such Office.

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 10 and 11 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

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official to immediate suit on his bond. Instructions for depositing money will be found under the head of "Public funds." (*Sec. 3624 R. S.; Cin. 65, Treas., 1875.*)

18. If there are any funds on hand of the class excepted by the preceding section, they will be transferred to the new agent, whose receipt will be taken in triplicate, two copies to be forwarded to the Indian Office with the final accounts of the retiring agent, and the other to be filed at the agency.

19. If he has sufficient funds in his hands applicable for the purpose the outgoing agent will, before being relieved, pay his own and the salaries of the employees up to and including the day preceding that upon which his successor takes charge. Should he not have sufficient funds he will prepare certified receipt rolls for amounts due and forward the same to the Indian Office, with a sworn report of all employees, whether paid or not. His own name will not be included in such certified rolls, but a claim for the salary due him will be submitted to the Indian Office for consideration in connection with the final settlement of his accounts.

20. Such rolls will show the name, period of service, rate of pay, and amount due each employee, and be supported by the agent's certificate to the effect that the employees named thereon actually rendered service for the periods and at the rates of compensation set opposite their respective names; that their services were necessary, and that there is due to them the amounts for which claim is made, aggregating (the amount to be expressed in words) no part of which has been paid, and that the rolls are issued in duplicate only. When payment is made by the succeeding agent a true copy of the certified rolls will be made and placed in the agency files.

21. For all other authorized liabilities outstanding on the date of his relief the outgoing agent will issue certified vouchers, as provided for in sections 468 to 476, inclusive. Salaries of employees constitute the only indebtedness incurred by his predecessor which can be settled by a new agent, and even salaries must not be paid except upon specific instructions from the Indian Office, after the required certified receipt rolls shall have been received, examined, and found to agree with the records of such office.

22. In case of an agent dying in the service, the person or persons desiring to settle his accounts with the Government must take out letters of administration upon the estate of the deceased, of which proper evidence must be filed in the Indian Office, and any correspondence had for the purpose of adjusting said accounts must be signed by such administrator or administrators in his or their official capacity.

23. A pay roll showing the services rendered by and salary due the employees of a deceased agent up to and including the date of his death will be prepared and submitted to the Indian Office for payment. To

this roll each and every employee will be required to make affidavit before a notary public or other officer qualified to administer oaths, in the following form:

We, employees of — Agency, —, solemnly swear that the above account is correct and just; that we performed service for the periods of time and at the rates of compensation stated; that such service was necessary, and that there is due us therefor the sums set opposite our respective names, no part of which has been paid.

24. Agents, after leaving the service, are expected to keep the Indian Office and the office of the Auditor for the Interior Department advised of their post-office addresses until their accounts are finally settled.

25. Agents are authorized—

(1) To take acknowledgments of deeds and to administer oaths in investigations committed to them in the Indian country under such regulations as the Secretary of the Interior may prescribe. (*Secs. 2064, 2157, R. S.*)

(2) To administer oaths, etc., in Indian pension claims. (*Sec. 4721, R. S.*)

(3) To administer oaths to persons giving testimony relating to Indian depredation claims.

(4) To administer such oaths to employees as may be required by these regulations, or found necessary in the preparation of agency accounts.

26. When a disbursing officer makes an illegal or double payment on the order of a superior, he does it at his peril, and the Government reserves the right to charge it to either or both. (*Cir. 13, Treas., 1877.*)

27. An agent must not accept presents from, nor by any other like means allow himself to be placed under obligations to the Indians, or any of them, under his charge.

BONDS.

28. Sureties on the official bond of a disbursing officer can not be released from the responsibility thereby assumed, so long as the officer retains the appointment by reason of which the bond was given, nor until his accounts under such bond are finally settled. (*Asst. Att. Gen., June 8, 1892; Ind. Office L.; 21615-92.*)

29. Bonds of disbursing officers shall be renewed every four years, but a noncompliance with this requirement shall not be held to affect the liability of principal or sureties, and such bonds may be continued without renewal after the expiration of the specified period, pending the appointment and qualification of the officer's successor. (*Act Mar. 2, 1895, 28 Stats., 808.*)

30. Bonds of disbursing officers shall be examined at least once every two years, and as much oftener as deemed necessary by the Depart-

ment, for the purpose of ascertaining the sufficiency thereof. (*Act Mar. 2, 1895, 28 Stats., 807 and 808.*)

31. Additional security and in larger amounts may from time to time be required of any person charged with the disbursement or application of money or goods on account of Indian affairs. (*Sec. 2075, R. S.*)

32. The giving of a renewal or a cumulative bond does not operate to release the sureties on the first bond from liability for future transactions; but the sureties on the old and new bonds are jointly and severally liable therefor. (*Dig. Dec. Comp., p. 559.*)

33. When an agent gives either a renewal or a cumulative bond without receiving a new appointment, he will thereafter be held *under both*; but in order that the liability of the sureties on each may be clearly defined, he will close his accounts under his old bond on the day preceding the date of the new one and open a new set of accounts under both bonds, commencing with and including the date of the new one. For example, should an agent execute such a bond on May 16, 1904, his accounts for the first fraction of the fourth quarter, 1904, embracing the period from April 1 to May 15, 1904, inclusive, would be rendered under the old bond, and those for the second fraction of the same quarter, from May 16 to June 30, 1904, would be rendered under both bonds.

34. All balances of public funds in the hands of an officer at the date of executing a new bond, except funds designated as "Individual Indian moneys," will be placed in a Government depository to the credit of the United States instead of being taken up and carried to account of the new bond. The transfer of any funds, except those specified, from one bond to another is expressly forbidden. (*Cirs. 2d Compt., Apr. 13, 1839, and Sept. 27, 1854; see sec. 257.*)

REGULAR EMPLOYEES.

35. Not more than ten thousand dollars shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed; *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed fifteen thousand dollars: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing. (*Act June 7, 1897, 30 Stats., 90.*)

See also 31 Stat. 1897, Sec. 3, p. 92, as to papers of applicants, supervisors & ad- ministrators.

36. On or before April 1 of each year the agent will prepare a list showing the number and kinds of employees, including police, which he considers necessary for the proper conduct of his agency for the ensuing fiscal year, the amount of compensation proposed to be paid in each case, for what purposes the services are to be engaged, the necessity therefor, and such other particulars as may be necessary to enable the Department to act advisedly and understandingly in the matter and forward the same to the Indian Office for consideration.

37. The law requires that Indians shall be employed in every position which they are capable of filling properly, and that the expense for white employees shall be reduced to the lowest possible limit. Where Indians are found competent to fill positions authorized for whites, the agent must recommend them for such positions, stating the character of the work to be performed and the ability and qualifications of the Indians selected. Where funds are available, each agency mechanic should have one or more Indian apprentices. (*Act Mar. 3, 1875, sec. 5, 18 Stats., 449; Mar. 1, 1883, sec. 6, 22 Stats., 451.*)

38. Estimates for agency and school employees will be submitted on separate lists.

39. When the lists shall have been revised by the Indian Office and the requisite authority obtained from the Secretary of the Interior, the agent will be notified of the number and kinds of employees it has been decided to allow his agency, the rate of compensation, and the length of time each is to be employed.

40. On the 1st of July annually, or as soon thereafter as practicable, agents will, unless otherwise instructed, submit reports containing descriptive statements of all regular employees for the ensuing fiscal year, the dates of their entrance upon duty under the authority for the establishment or renewal of their positions, the dates upon which they originally entered the Indian service, their legal or voting residence, and the rates of compensation at which they are to be paid. The forms to be used for such reports are No. 5-240 for agency employees, No. 5-241 for school employees, and No. 5-245 for Indian police.

41. All officers and regular employees at Indian agencies and schools of whatever function or designation, whether compensated by a fixed salary or otherwise, except persons employed merely as laborers, and Indian agents, whose appointments are subject to confirmation by the Senate, are in the classified service.

42. The following positions are, however, excepted from the requirements of examination and certification by the Civil Service Commission and consequently also from the civil-service rule governing the removal of employees:

(a) All Indians, except those employed as superintendents, teachers, manual-training teachers, kindergartners, physicians, matrons, clerks, seamstresses, farmers, and industrial teachers.

(b) Financial clerks.

(c) Physicians employed by contract at Indian schools and receiving not more than \$720 per annum salary, who may lawfully perform their official duties in connection with their private practice, each employment, however, to be subject to the approval of the Civil Service Commission.

(d) Additional farmers.

43. All appointments in the classified service are made by the Commissioner of Indian Affairs—those to excepted positions (particularly in the case of Indians) upon the recommendation of agents or other persons having knowledge of the qualifications of the applicants, and those to nonexcepted positions by selection from the eligible register of the Civil Service Commission.

44. Appointments to nonexcepted positions are for a probationary period of six months. If at the end of that time the services of the employee are considered satisfactory he will be given a permanent appointment. The agent will in each case report as to the punctuality, industry, habits, ability, and adaptability of the probationer, and recommend whether he should be retained or dropped from the service. Such reports and recommendations will be submitted in time for the Indian Office to pass upon the same and notify the employee of his reappointment or relief before the expiration of his probationary term.

45. If an authorized position is vacant and the exigencies of the service require that it shall be filled before a regular appointment can be made, the agent may employ a suitable person and submit his nomination for temporary appointment on Form 5-240 or 5-241.

46. Indians may be appointed as superintendents, teachers, manual-training teachers, kindergartners, physicians, matrons, clerks, seamstresses, farmers, and industrial teachers upon noncompetitive examinations, which shall consist of the same tests of fitness as those applied to persons seeking appointment through competitive examination. (*C. S. Rules of Apr. 15, 1903.*)

47. When required in the interests of good administration, such a noncompetitive examination may also be given to test the fitness of a classified employee not in the excepted class, for transfer or promotion from one position to another calling for different or higher qualifications, and also to test the fitness of the wife of the superintendent of an Indian school for appointment as teacher or matron in such school. (*C. S. Rules of Apr. 15, 1903.*)

48. All promotions, transfers, reductions, and dismissals will be made by the Commissioner of Indian Affairs, but agents may very properly recommend such changes from time to time as they believe to be for the best interest of the service.

49. No recommendation for the promotion of a classified employee shall be considered by any officer concerned in making promotions,

unless it be made by the person under whose supervision such employee has served; and such recommendation by any other person, if made with the knowledge and consent of the employee, shall be sufficient cause for debarring him from the promotion proposed, and a repetition of the offense shall be sufficient cause for removing him from the service. (*C. S. Rules of Apr. 15, 1903.*)

50. The only considerations that may be expected to influence the retention or promotion of a nonexcepted employee are character, conduct, efficiency, health, and general fitness for the duties required. Removals will be made only for causes such as immorality, insubordination, inefficiency, neglect of duty, and manifest physical disability.

51. When such an employee is guilty of an offense, or is inefficient to an extent that seems to warrant dismissal from the service, it is the duty of the agent to prefer written charges to the Indian Office, stating specifically the ground of complaint, and at the same time furnish a copy thereof to the accused. Within a reasonable time thereafter the latter may, through the agent, submit to the Commissioner of Indian Affairs a reply in writing, and in default of such a reply it will be considered that defense is waived. No examination of witnesses nor any trial or hearing shall be required or allowed except in the discretion of the Commissioner of Indian Affairs.

52. When, in his judgment, the interests of the service require such summary action the accused employee may be suspended by the agent from duty and pay, pending action upon the charges by the Indian Office. In all cases of suspension, report thereof, with a full explanation of the circumstances necessitating such action, must be submitted *immediately* to the Commissioner of Indian Affairs.

53. The Department will not undertake to regulate the conduct of its employees in respect to their personal business affairs, but gross, habitual commercial turpitude must be regarded as inconsistent with the qualities of character essential to honorable public service, and will be treated accordingly. (*Dept. Circ., June 9, 1897.*)-2436-1897.

54. Should the position of an employee be abolished he will have to be dropped from the service, unless transferred to another position, and can have no claim against the Government for salary after being so dropped.

55. Employees who are separated from the service without delinquency or misconduct are eligible for reinstatement without examination at any time within one year to a position requiring the same kind of examination as the one from which they were separated: *Provided*, That the limitation as to time does not apply to persons who served in the United States Army or Navy during the civil war or the war with Spain, and were honorably discharged therefrom, nor to the widows and orphans of such persons, nor to any army nurse of either war.

56. All changes in the force of employees, whether caused by

appointment, promotion, reduction, suspension, marriage of a female employee, abolishment of position, death, resignation, or dismissal, must be reported to the Indian Office as soon as they become effective. The blanks to be used for this purpose are Forms 5-240, 5-241, and 5-245.

57. When an employee resigns from the service his written resignation, with an appropriate indorsement by the agent, must be forwarded to the Indian Office for acceptance. This does not however apply to Indians whose positions are excepted from the requirement of examination and certification by the Civil Service Commission, nor to white persons employed as mere laborers, nor to any persons employed under temporary or emergency appointments.

58. All new appointees, whether white or Indian, will upon entering the service take and subscribe to an oath of office or affirmation on the blanks which are provided for that purpose—Form 1-280. This does not apply to persons engaged for temporary service only and designated as "irregular employees."

59. An employee who is changed from one position to another must take the oath at the time of such change, but a change of compensation without change of position does not necessitate a new oath. One who is continued in the same position from year to year need not take the oath except when he first enters upon duty in such position.

60. Oaths of office shall be taken before notaries public or other officers authorized to administer them, and any expenses connected therewith must be borne by the employees.

61. In addition to the duties of their particular positions, all regular employees are expected, without extra compensation, to do such other work as the interests and exigencies of the service may, in the judgment of the agent, require. (*Secs. 1764 and 1765, R. S.; act May 11, 1880, sec. 5, 21 Stats., 133; Treas. Circ. 13, 1877.*)

62. Employees are expected to devote their whole time and attention to the duties for which they are employed by this Department, and will not be permitted to accept employment, either from another Department or an individual, which interferes with their duties, and receive compensation for both services. There is no objection to their accepting other employment, if desired, provided they can be spared from their duties at the agency, but on such occasions the time so spent must be charged against their annual leave, or, if they have no leave due them, deducted from their salaries. All cases coming within the provisions of this section should be promptly reported to the Indian Office for appropriate action. (*I. O. Circ., June 10, 1903.*)

63. The law limiting the hours of daily service to be required of laborers and mechanics in the employ of the United States (see sec. 80) does not apply to regular employees at Indian agencies and schools, they being regarded as teachers in their respective lines of work and

expected, in addition to performing their regular duties, to give instruction therein to both adult and minor Indians.

64. Indian inspectors are not authorized to order any expense to be incurred, nor to direct the employment of any person or persons at agencies. (*Circ. 105, Ind. Office.*)

65. An accurate and complete register of all employees will be kept as a part of the permanent records at each agency. The name of every employee must be entered on the day the service commences, and every resignation or discharge must be noted on the day it takes place. This book will be kept in the agency office subject to inspection. (*Circ. 119, Ind. Office.*)

IRREGULAR EMPLOYEES.

66. Whenever there is a necessity for special work or extra labor which can not be performed by the *regular* employees, temporary or irregular service may be employed, subject to the conditions and requirements specified in the following sections.

67. No such labor shall be employed without specific authority from the Department, *previously obtained*, except in emergencies involving the loss of life or property, which will not admit of sufficient delay to enable the agent to ask for and receive the requisite authority beforehand. Irregular labor authorized for a specified object can not be employed for any other purpose, without permission for the change being first obtained from the Department.

68. Requests for authority to employ irregular labor must show the necessity therefor, character of work to be performed, rate of compensation to be paid, and aggregate amount to be expended. If the work has already been completed, or even begun, the request must also contain a full and satisfactory explanation of the reasons for not having secured the requisite authority in advance.

69. If an agent employs labor without or in excess of authority he does it upon his own responsibility and at the risk of his action being disapproved by the Department.

70. No Department or officer of the United States shall accept voluntary service for the Government, or employ personal service in excess of that authorized by law, except in cases of sudden emergency, involving the loss of human life or the destruction of property. (*Act May 1, 1884.*)

71. All irregular service performed by white persons, with the exception of those employed at schools and in emergencies to prevent the loss of life or property, upon irrigation work, in the erection of buildings, and in making other permanent improvements, comes within the provision of law limiting expenditures for white employees at Indian agencies. See section 35.

ACCOUNTS
1897-1906.

AMENDMENT
No. 8.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., *March 1, 1906.*

*To all Disbursing Officers
of the Indian Service:*

The Honorable Secretary of the Interior, by order of February 16, 1906, modified the Regulations of the Indian Office, 1904, by striking out sections 72, 73, and 78 thereof.

This amendment becomes effective at the beginning of the fourth quarter, 1906, and the last monthly report of irregular employees submitted should, therefore, be the one for the month of March, 1906. Sections 66 to 71, 74 to 77, 79 and 80 of the Regulations remain in force and must be complied with.

Hereafter a copy of the authority must be attached to the irregular pay roll and the instructions printed on the back of the new blank must be fully complied with as the office will now get information from the pay roll heretofore obtained from the monthly report of irregular employees now eliminated.

Please acknowledge the receipt of this circular on the postal card inclosed herewith and paste it between pages 18 and 19 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

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See Memorandum No. 81

72. At the close of each month a report of irregular employees will be prepared on the blanks provided for that purpose (Form 5-252) and submitted to the Indian Office for approval. Such reports will show the name and race of each irregular employee who rendered any service during the month, the character and object of the service, the number of days and the dates upon which each was employed, the rate of compensation of each, the authority or authorities for the employment, and the total indebtedness incurred under each authority, as well as the aggregate amount earned by all whose services are reported. Reports for agencies and schools will be submitted on separate blanks.

73. Employees to be designated as "irregular" and reported as required by the preceding section are (1) all who are paid a per diem rate of compensation, (2) those holding positions paying annual or monthly salaries whose services the agent is especially directed to so report, (3) those serving temporarily in positions of regular employees absent on leave without pay, and (4) school employees who receive salaries of \$96 or less per annum. Labor performed by school pupils will not be submitted on reports of irregular service unless specific authority has been granted for their payment.

74. Irregular employees who receive an annual or monthly rate of compensation will be allowed pay for Sundays and legal holidays coming within their periods of service, but the beginning or ending of service on Sundays or holidays will not be permitted except when absolutely necessary.

75. Irregular employees who receive a per diem compensation will not be allowed pay for the Sundays coming within their periods of service unless it is clearly shown that they *actually and necessarily* worked on each Sunday for which compensation is claimed, nor will per diem employees *whose services are merely temporary* be allowed pay for legal holidays coming within their periods of service unless actually and necessarily employed. (*Act Jan. 6, 1885, 23 Stats., 516; Act Feb. 23, 1887, 24 Stats., 644; Act June 28, 1894, 28 Stats., 96; Fourth Comp. Dec., 499; Sixth Comp. Dec., 803; Seventh Comp. Dec., 278.*)

Labor Day

76. In order to avoid small fractions and afford an even basis for calculation, no service will be reported for a less period than one quarter of a day. When an employee does not work during the entire day, his services will be reported as for one-quarter, one-half, or three-quarters of a day, as the case may be, and no other fractions will be used.

77. The payment of pupils for work in connection with the conduct and maintenance of Indian schools while in session will not be permitted unless specifically authorized by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior.

78. Letters of transmittal must invariably accompany reports of irregular employees when the labor shown thereon, or any of it, has not been previously authorized, or there is any other unusual circumstance requiring explanation. In ordinary cases such letters are neither necessary nor desired.

79. Authorities for irregular service granted for one fiscal year are not applicable to another, but expire by limitation on the 30th of June. If renewal is desired the request therefor must show the necessity for the same, the condition of the work, the amount required for its completion, and the unexpended balance remaining from the former authority.

80. The service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day, except in case of extraordinary emergency.

Sec. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof. (*Act of Aug. 1, 1892; 27 Stats., 340. See sec. 63 of these regulations.*)

PHYSICIANS.

81. Physicians are expected to devote their whole time and attention to the duties of their positions, and are not allowed to engage in outside practice, except in cases of emergency involving the loss of life or limb, without special permission from the Indian Office.

82. All Indians and all agency and Government school employees, with such members of their families as may be resident on the reservation, are entitled to the services of the physician, and it is his duty to furnish them free of charge with such medical and surgical aid as they may need. It is also his duty to examine applicants for pension when called upon to do so by the Indian Office. No charge shall be made for this service.

83. While responsible to the agent and under his control, the physician will have charge of the health and sanitary condition of the Indians, the agency, and the reservation.

84. He will not only treat Indians in his office, but will also visit them in their homes, and will do all in his power to give needed treatment and care to the sick. He will be governed by the highest code of professional conduct; give prompt attention to all calls for his services; impress upon his patients and their attendants the importance of the careful and regular administration of medicines and food, and instruct them in proper methods of nursing. He will also endeavor to improve sanitary and hygienic conditions generally, and instruct the Indians how to do so. He will do his best, with tact and firmness, to induce the Indians to discard the practices of their native medicine men, and to substitute civilized treatment for superstitious and barbarous rites and customs.

85. Light and fuel will be furnished by the Government for the office and dispensary of the physician, and when practicable he will be given means of transportation to visit patients residing at a distance.

86. The physician should give especial attention to the condition of agency and school buildings and grounds, and report immediately to the agent any defect in sewerage, heating, or ventilation of apartments, and any condition of grounds or water supply which endangers the health of Indians or employees.

87. When a necessity exists for repairs or alterations in the dispensary or hospital buildings or in the furnishings, the physician should bring the matter promptly to the attention of the agent.

88. A thorough inspection of all matters affecting the health of the Indians and employees should be made at least once in each month, and more frequently if necessary.

89. Every precaution practicable must be taken to guard against the destruction by fire of medical property and buildings under the charge of the physician, especially hospitals. If no fire-extinguishing apparatus is provided, a sufficient number of buckets should be kept filled with water to be used only for extinguishing fire.

90. If there is an agency hospital, the physician will have immediate supervision thereof and will see that the building and premises are kept in good sanitary condition. He shall prescribe the general régime of the hospital, give instructions, and decide upon the admission and dismissal of patients. The employees of the hospital shall be under his immediate direction, although their duties shall be assigned them by the agent.

91. For the duties of physicians in connection with schools and school hospitals, and instructing pupils in elementary anatomy, physiology, and hygiene, and examining pupils for admission to school or for transfer to other schools, see pamphlet entitled "Rules for Indian School Service."

92. Physicians must promptly report to the Indian office, through the proper channels, all facts that may come to their knowledge concerning the outbreak or spread of scarlet fever, diphtheria, smallpox, or other epidemic diseases at or near an agency or school.

93. As a protection against smallpox, the physician is required to vaccinate all Indians, employees, and other persons residing at the agency, except such as have already had the disease or are immune by reason of recent successful vaccination. (*Circ. I. O., Aug. 24, 1901.*)

94. Any person attacked by a contagious disease should be immediately isolated and a rigid quarantine established and maintained until the disease is completely under control and all probability of its further spread has ceased.

95. Buildings occupied by persons suffering from contagious diseases should, after vacation by the patients, be immediately and thoroughly disinfected by fumigation, scrubbing, etc., before being used for any other purpose. Infected clothing and bedding should be burned or completely disinfected by dry heat, prolonged boiling, steaming, or other equally efficacious method.

96. The prevalence of venereal diseases among the Indians is to receive special attention, and physicians are expected to use all the means at their command to modify and abate the same.

97. Employees or other white persons having any form of venereal disease must not be allowed to remain at an agency or school, and when such a case comes to the knowledge of the physician he must report the fact, through the agent, to the Indian Office.

98. The physician must assist the agent in preparing estimates for medical supplies.

99. The agent is responsible, under his bond, for all medical supplies furnished at his agency, and the physician must exercise prudence and good judgment in expending them.

100. At the end of each quarter a report of medical property, made in duplicate, will be furnished by the physician to the agent, to be included in the agency accounts.

101. A permanent record, known as the sanitary record, must be kept by the physician in a book provided for that purpose. It should give the name of every person treated for sickness or injury, nature of the disability, length of time under treatment, and manner of termination of the case. In this book the physician should also keep as accurate a record as possible of all births and deaths among the Indians, whether he personally attended the cases or not. The cause of each death, if known, should be given.

102. Good judgment should be exercised in entering cases in the sanitary record; trivial cases encumber the record and do not conduce to intelligent, concise, and reliable information as to the hygienic or sanitary condition of those who are under the physician's care.

103. If a patient while under treatment dies of an intercurrent but entirely distinct disease from that first noted, the death will be entered in the column opposite the name of the disease causing death, but the case will not be entered as new.

INDIAN POLICE.

104. The agent is recognized as the commander of the Indian police force, and will be held responsible for the general efficiency and conduct of the members thereof. It is his duty to visit the Indian camps and settlements from time to time, in order to keep himself informed as to the efficiency of the police in the discharge of their duties; to subject the force to regular periodical inspections; to so inform the officers in regard to their duties that they may be competent to instruct their subordinates; and to see that a complete and permanent record is kept of all property missing, lost or stolen, of all crimes committed, arrests made, names of criminals and witnesses, charges brought, punishment inflicted, and all other matters properly belonging to the police service.

CHIEFS OF POLICE.

The agent may designate as chief of police, either for an emergency or for the fiscal year, any competent and reliable employee of the agency, who shall serve without additional compensation. Such chief of police shall be the representative of the agent and responsible to him. A chief of police shall perform such duties as may be required of him by the agent.

CAPTAINS.

Captains will see that their subordinates clearly understand the rules and regulations prescribed for the conduct of the police force and are fully informed as to their duties and powers. They will observe the general bearing and appearance of their subordinates and report to the agent any whose dress, arms, or accouterments do not conform to prescribed rules. They are also expected to see that their subordinates are zealous and efficient in the performance of duty and report any delinquency to the agent. Except when on duty in the field, all orders issued by captains must first be submitted to the agent for approval.

LIEUTENANTS.

Lieutenants will be expected to assist their superior officers by enforcing orders, by keeping subordinates informed of the rules and regulations, and by setting an example to them of prompt obedience, zeal, discretion, and neatness of appearance.

SERGEANTS.

Sergeants will be governed by the same rules as those prescribed for the conduct of lieutenants.

PRIVATES.

Privates will be subject to the orders of their superior officers, and with them be governed by the requirements of the following

GENERAL RULES.

Every member of the police force must—

Render prompt obedience to superiors, be orderly and respectful in deportment, and refrain from profane, insolent, or vulgar language;

Wear the uniform of the police while on duty and at meetings for drill, and present a tidy appearance;

Attend punctually all meetings for instruction and drill;

Be well acquainted with the topography of the reservation, and so inform themselves as to the appearance of the cattle, wagons, and other property belonging on the reservation as to be able to identify them wherever found;

Constantly patrol the districts assigned and not loiter in the cabins of Indians or settlers;

Give immediate notice of the arrival of strangers upon the reservation;

Obtain all possible information in regard to timber, cattle and horse thieves, squatters, and liquor sellers in the vicinity, and vigilantly watch the movements of all suspicious characters and their associates, and make due report of the same;

Report marriages, deaths, and cases of severe sickness or accident; and

Not only perform the regular duties assigned, in the regular hours allotted, but be ready for special service at any time.

No member shall receive or share, for his own benefit, any present, fee, or emolument for police service other than the regular compensation provided by the United States Government, except by permission of the agent, who must first obtain the approval of the Commissioner of Indian Affairs.

No member shall communicate to any person information which might enable parties to escape arrest or punishment, or to secrete goods or other valuables stolen or embezzled; nor shall he communicate any information respecting orders which he has received, except by permission of his superiors.

No member shall be concerned, directly or indirectly, in any compromise or arrangement between a party suspected of crime and the party alleged to have been injured.

No member shall drink intoxicating liquor, or enter any place where liquor is sold or furnished, except by order of his superior officers.

No member shall maltreat or use unnecessary harshness or violence toward a prisoner or other person.

No member shall leave the beat assigned him without permission or orders from his superior officer, unless he has a prisoner in custody.

No member shall sell, barter, exchange, pledge, loan, or give away the clothes, arms, or accouterments furnished him by the United States.

REMOVAL FROM OFFICE.

Any member of the police force may be removed from office—

For intoxication;

For willful noncompliance with rules or disobedience of orders;

For violent, insolent, or vulgar language or behavior;

For inefficiency;

For willful maltreatment or unnecessary violence;

For permitting or conniving at the escape of prisoners;

For absence from his post without leave;

For committing a crime or misdemeanor; or

For neglect of duty.

Upon the resignation, death, or discharge of a member of the police force his shield, emblem, and other insignia of office, also his arms and accouterments, must be delivered to the agent.

For a member of the police force to carelessly lose his shield, emblem, or other insignia of office, his arms or accouterments, or fail to immediately report such loss, will be considered a serious neglect of duty.

COMPENSATION.

The compensation of Indian police is fixed by law at \$15 per month for officers (captains and lieutenants) and \$10 per month for privates. Sergeants are paid at the same rate as privates. Each member of the force may, in addition to his salary, receive the established ration of subsistence for himself alone.

QUALIFICATIONS FOR APPOINTMENT.

An Indian, to receive appointment on the police force, must be—

A member of the tribe in which the police duty is to be performed, familiar with the language of the tribe, and possessed of some influence therein;

A man of unquestioned energy, courage, and self-command;

Well proportioned physically, and not less than 5 feet 6 inches in height;

In vigorous physical health; and

A good horseman, and good shot with the pistol.

105. Police are empowered to arrest Indians committing offenses against the rules and regulations for the preservation of order on Indian reservations only upon warrants issued or approved by the agents.

(Circ. I. O., Jan. 10, 1901.)

Re arrest of Indians or rear for offences committed outside reservation, see O. O. Circ 12656 dated Jan. 21, 1930. Also see file 321-1930.

106. Arrests for offenses against State or Federal laws cognizable in State or Federal courts must in all cases be made in conformity to the laws applicable. (*Circ. I. O., Jan. 10, 1901.*)

107. Where Indians who have been allotted lands continue to live within the boundaries of an Indian reservation, over which the United States has control as over Indian country, such Indians must be held to be under control of the agent in charge and subject to the rules and regulations prescribed for the government of Indians upon a reservation. The circular letter of January 10, 1901, will control in such cases. (*Circ. I. O., July 23, 1901.*)

108. Where, however, Indians of a particular reservation have been allotted lands in severalty, the surplus lands have been thrown open to settlement and disposition, and the territory theretofore occupied by said Indians has ceased to be Indian country, under exclusive control of the United States, but has become a part and parcel of the State or Territory in which it lies, for all governmental and political purposes; the Indian citizens are members of the body politic of such State or Territory, subject to its laws and jurisdiction the same as other citizens thereof. In such cases the laws of the State or Territory have operation to the exclusion of rules and regulations for the government of Indian country. (*Circ. I. O., July 23, 1901.*)

LEAVES OF ABSENCE.

109. Leaves of absence can not be claimed as a right, but may be granted to agents and other regular officers and employees under the conditions and circumstances prescribed in the following sections.

110. Annual leave for not exceeding thirty days in any one calendar year will be allowed with pay, provided the applicant can be spared from his duties without impairing the efficiency of the service or causing any extra expense to the Government. Sundays and legal holidays will not be counted in periods of annual leave.

111. Sick leave with pay for not exceeding thirty days in any one calendar year may be allowed by the Secretary of the Interior (1) in cases of personal illness which disqualifies the employee for duty or makes it necessary for him to leave the agency to obtain special treatment or undergo a surgical operation, (2) when some member of the employee's immediate family is afflicted with a contagious disease and requires his care and attendance, and (3) when, because of exposure to a contagious disease, whether in his own family or not, the presence of the employee at his post of duty would endanger the health of fellow-employees.

112. Sick leave will not be granted in advance, but when necessary an employee may take the time actually required and submit an application for such leave through the agent upon his return to duty. The

agent, however, must make immediate report of all such cases to the Indian Office.

113. Applications for sick leave must specify the exact period for which leave is desired and be accompanied by the certificate of a health officer or regularly licensed physician in support of the claim of sickness or contagion. If such a certificate is not obtainable, affidavits and other evidence may be considered.

114. Sundays and legal holidays will be counted in periods of sick leave and leave without pay, except when the leave begins or ends on one of such days.

115. Should it become necessary or desirable for an employee to be absent from his duties on account of important business, the serious illness or death of a relative, or for any other good and sufficient reason at a time when he can not be spared without the Government being put to the expense of hiring some one else in his place or his regular annual leave is exhausted, he may, upon the recommendation of the agent and a satisfactory explanation of the circumstances, be granted a leave without pay.

116. In such cases the agent will, upon request and the presentation of satisfactory reasons therefor, be authorized to hire an irregular or temporary employee to do the work of the one who is absent. The hiring of substitutes by employees themselves is forbidden, unless specifically authorized by the Indian Office.

117. Applications for sick leave and leave without pay will be considered upon their merits without regard to the annual leave which may have been previously granted.

118. Superintendents and employees of boarding schools, except as hereinafter provided, are required to take their annual leave during the vacation season if possible. Should application be made for such leave to be taken during the school term satisfactory explanation of the necessity therefor will be required.

119. School employees whose work has to do with farming, stock raising, dairying, and kindred industries will not be granted annual leave during the vacation season, but must arrange to take such leave at other times when their absence will interfere less with their duties.

120. No leaves of absence, either annual or sick, are allowed teachers and other employees of Indian day schools who are paid monthly salaries.

121. Should the leave to which an employee would be entitled for one calendar year be not taken before the expiration of that particular year it will be forfeited and can not be taken at any subsequent time.

122. Employees who have been in the service less than twelve months may be allowed leave with pay only at the rate of two and one-half days annual and two and one-half days sick, if necessary, for each month of service rendered.

123. All leaves of absence are granted with the distinct understanding that should the employee be separated from the service by resignation, abolishment of position, or otherwise, the leave or any part of it not taken before the date of separation shall be forfeited.

124. When an employee who has been granted leave is transferred, to take effect on a specified date, any of the leave not taken before that date is canceled. His application may, however, be renewed after entering upon duty at his new station.

125. A leave of absence granted to an employee is not in the nature of a contract which the Government may not at any time revoke, and the employee may be ordered to return to duty before its expiration, should the exigencies of the service require such action. An employee who continues absent after the revocation of a leave granted him is not entitled to compensation for the period of such absence. (*Dig. Dec. Comp.*, p. 413.)

126. All applications for leave will be addressed to the Commissioner of Indian Affairs, and may be made either by the agents or the employees themselves through the usual channel. When an application for annual leave is made or favorably indorsed by the agent, the presumption will be that the same has been carefully considered and that the employee can be spared without detriment to the service or additional expense to the Government.

127. When a leave of absence is asked for or granted by telegraph, it must be at the expense of the applicant.

128. The agent is required to make a report to the Indian Office on Form 5-247 immediately after the expiration of each absence, whether on account of annual leave, sick leave, or leave without pay, stating the length of such absence and the dates of its beginning and ending.

CONTRACTS AND PURCHASES.

129. Purchases and contracts for supplies or services shall be made only after due public advertising for proposals respecting the same (*see secs. 206 and 210*), except in the case of—

- (1) Personal services.
- (2) Supplies not exceeding \$500 in value at any one time.
- (3) Goods and supplies to be purchased in open market as provided in section 146.
- (4) Transportation not exceeding \$2,000 in amount.
- (5) Funds appropriated for construction of artesian wells, ditches, and other works for irrigation, which may be expended in open market, under the direction of the Secretary of the Interior.
- (6) Purchases from Indians.
- (7) Exigency, when, in the discretion of the Secretary of the Interior, he may direct that purchases be made in open market in amounts not exceeding \$3,000 at any one purchase. (*Secs. 2083, 3709,*

R. S.; acts March 3, 1877, sec. 1, 19 Stats., 291, and July 13, 1892, sec. 3, 27 Stats., 143; *II Op. Att. Gen.*, 257; *III ib.*, 437.)

130. Goods for any tribe or school will only be purchased upon the written requisition of the agent in charge. Hence agents will transmit to the Indian Office annually, upon blank forms furnished for the purpose, which will be forwarded to them at the proper time, estimates made as carefully as possible of the quantities of all articles needed for use during the entire fiscal year in the office, schools, and shops for farm work, repairs, erection of buildings, etc., and all necessary subsistence supplies.

School estimates made by agents must be forwarded separately from the others.

Purchases will be made as far as practicable by the Indian Office, and the various articles forwarded to the several agencies. (*Sec. 2084, R. S.*)

PROPOSALS.

131. When it is necessary to procure supplies, bids or proposals shall be invited for the same, except as heretofore provided, either by advertisement in one or more papers in the localities most favorable for purchasing the articles required, or by posters distributed in the same localities, or by both. (*Secs. 2083, 3709, R. S.*)

132. Detailed information in regard to supplies, for which proposals have been invited, will be furnished to all persons desiring it upon application to the source designated in the advertisement.

133. Proposals should be made in strict accordance with the terms of the advertisement or circular of instructions to bidders.

134. Proposals for supplies should be so framed that each article may be considered separately.

135. Specifications need not be written out in the body of the proposal. Their attachment to the proposal and the declaration that they form a part of it will be sufficient.

136. Each bid must contain the names of all persons interested in or parties to it, and must be signed by the bidder submitting the same with his usual signature in full.

137. Bidders must designate their places of business and post-office addresses.

138. A copy of the advertisement inviting the proposal must be attached to the bid.

139. Proposals must be inclosed in envelopes, sealed, and indorsed and addressed as required by the advertisement, and must be received by the officer to whom addressed before the time appointed for the opening.

140. All proposals received prior to the advertised time of opening must be securely kept by the officer to whom addressed, and must not be opened nor read until the time appointed.

141. Bids shall be opened and read aloud at the time and place designated, in the presence of bidders and others who may wish to attend, and the contracts shall be awarded to the lowest responsible bidders for the best interests of the service; but no service shall be performed nor supplies received under the contracts until after the same shall have been approved by the Secretary of the Interior. (*Secs. 3710, 3722, R. S.*)

142. The contracting officer is at liberty to reject a bid from any person who has in any respect defaulted in any previous bid or contract.

143. Any and all bids or any part of any bid may be rejected if deemed for the best interests of the Government.

144. When bids are opened in Washington, D. C., for supplies, stock cattle, buildings, etc., they must be properly scheduled and submitted to the Secretary of the Interior, with proper recommendation for consideration and action. (*Letter Sec. Int., Apr. 29, 1901.*)

145. Where samples accompany the bids, and because of the superiority of the samples, or other good cause, the contract is awarded to a bidder not the lowest, the reason for such award must be stated.

146. Whenever bids for any article are received containing conditions detrimental to the Government, they may be rejected and the articles specified in such bids purchased in open market at prices not to exceed those of the lowest bidder and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made. (*Act July 13, 1892, sec. 6, 27 Stat., 145.*)

147. Bids for goods, etc., to be furnished or service to be performed must be accompanied by a certified check or draft for 5 per cent of the amount of the bid, payable to the order of the Commissioner of Indian Affairs, upon some United States depository, or some one of the solvent national banks within the neighborhood in which the bidder resides or does business, in all cases without regard to the amount of the bid. In case a bidder on being awarded a contract fails to execute the same, the amount deposited shall be forfeited and paid into the Treasury of the United States. If the contract is duly executed the amount deposited will be returned to the bidder. (*Auth. 25997, Ind. O.; Act Mar. 3, 1875, sec. 9, 18 Stats., 450.*)

148. Bidders for goods and supplies will be required to furnish samples of all articles bid for, except lumber, building material, machines, engines, and like bulky articles. In such cases the kind, size, capacity, and quality of each article proposed to be furnished must be fully stated, and the Department reserves the right to call for samples if deemed for the best interests of the service.

149. When samples are required they should be delivered at the place designated before the time of opening bids.

150. Samples must not be opened until after all bids have been publicly read.

151. As soon as practicable after the reading of the bids the samples offered will be examined and passed upon either by the contracting officer himself or by some competent disinterested person or persons to be selected by him.

152. In making awards of goods and supplies the right will be reserved to increase or diminish to any extent the quantity of any of the articles specified in any bid; and the further right to increase or decrease the quantities specified in any contract to an extent to be specified in the contract. Parties desiring to limit the quantity offered of any article must state in their bids the quantity proposed to be furnished, followed by the word "only" and the right will be reserved to accept any part thereof not exceeding the amount designated.

153. As soon as practicable after the proposals shall have been opened and read, an abstract of them shall be made, upon which shall be entered every proposal received, with the price per item stated. The accepted bid, with the quantity and price of each article to be furnished thereunder, shall also be noted on said abstract. (*Form 1-007.*)

154. An abstract of the proposals must accompany the copy of the contract sent to the Auditor of the Treasury for the Interior Department.

155. Every contract made by an agent must be accompanied by an abstract of proposals covering each article enumerated in schedule of contract; said abstract to be duly certified to by him and forwarded to the Indian Office with the original of the contract. Copies of the abstract are not required with copies of the contract.

156. The form of certificate which must be placed on every abstract of bids shall be in words as follows, viz:

I certify the above to be a complete abstract of all bids received at this agency under advertisement of _____, 19____, for _____, etc., deliverable at this agency during the fiscal year 19—.

United States Indian Agent.

CONTRACTS.

157. Every contract must be reduced to writing and signed by the contracting parties at the end thereof. (*Sec. 3744, R. S.*)

158. All contracts must be executed in quadruplicate; the original to be sent to the Auditor of the Treasury for the Interior Department within ninety days of its date; one copy to the agent affected by the contract, one to the contractor, and the other, with accompanying papers (*see sec. 173*), to the Returns Office of the Interior Department. (*Sec. 3743 R. S.; Act March 3, 1875, sec. 7, 18 Stats., 450.*)

159. In case a contract is made by an agent it must be forwarded to

the Indian Office in quadruplicate for examination and approval. After the contract has been examined and approved, and the several copies compared with the original, one copy will be mailed to the contracting officer for his office files, one mailed to the contractor, and one sent to the Returns Office, as required by section 173.

160. Contracts between the Government and a copartnership must be signed by *each* member of the firm. The ordinary firm signature is not sufficient. The following are the correct forms:

(a) In the body of the contract: "Smith, Brown & Co., a copartnership composed of John Smith, James Brown, and William Jones, of ———, parties of the second part." Both contract and bond to be signed as follows:

"SMITH, BROWN & Co.
"JOHN SMITH.
"JAMES BROWN.
"WILLIAM JONES."

(b) In the body of the contract: "Brown and Smith, a copartnership composed of John Brown and William Smith, and doing business under the firm name and style of The Crow Brand Company, of ———, parties of the second part." Both contract and bond to be signed:

"THE CROW BRAND Co.
"JOHN BROWN.
"WILLIAM SMITH."

As a general rule, however, it is desirable that one member only of a firm should sign a bid and propose to enter into contract, thus avoiding the necessity of producing powers of attorney authorizing one member to sign for another, who may be absent, as required by law.

161. Contracts executed by the president, secretary, or other officer of an incorporated company must be accompanied by a certificate of the board of directors or executive committee thereof, of even date with or prior to date of contract, under seal, that the officer so signing was duly authorized to make contract for and on behalf of the company, and that the act of such officer in executing the contract is binding upon the company represented by him. The manner of affixing the signature must be as follows: "The Moline Wagon Co., by John Doe, vice-president." The corporate seal must be impressed on each copy of the contract and also on the bond.

162. The certificate required by the preceding section will be in the following form:

This is to certify that _____ is duly authorized to make contracts
(Name and title of officer.)
for and on behalf of the _____, and that his acts in executing such contracts
are binding upon this company, so represented by him, and his action in signing the
contract attached hereto with the _____, dated _____, 19 —,
(Title of official and name of agency.)
for _____, is hereby ratified and declared to be binding upon this company.

[Impress corporate seal here and
upon contract papers and bond.]

Directors.

163. The Christian names of all parties appearing in a contract must be written and signed in full, and the signature of each contracting party witnessed by at least two persons. The signatures of witnesses should be written opposite to the signature witnessed.

164. An impression or seal of some adhesive substance must be affixed to the signature of each principal.

165. Contracts signed by an agent of a firm, or by one member for another, or by an attorney, are not valid unless the same be accompanied by a duly executed power of attorney from the party or parties for whom such agent, member, or attorney shall sign (of date even with or prior, except in the case of a general power of attorney, to the date of the instrument), which power of attorney must set forth specifically the particular purpose for which it was given by describing in full the names of the contracting parties and the date and object of the contract.

166. The post-office addresses of contracting parties and witnesses must be given.

167. Quantities should be stated in words as well as figures.

168. In contracts for goods and supplies, point and time of delivery must be distinctly stated.

169. The advertisement under which award is made must form a part of and be attached to the original and each copy of the contract; and when the contract is made by an agent, a copy of the authority therefor must also be attached.

170. All dates must be carefully supplied, and all particulars and conditions stated as fully and clearly as may be practicable.

171. Erasures, interlineations, or other irregularities must be explained over the signatures and seals of the parties to the instrument.

172. Every contract must contain a clause to the effect that no Member of or Delegate to Congress, officer or agent of the Government, or any employee thereof, has any interest in or shall derive any benefit or profit, directly or indirectly, therefrom. (*Secs. 3739, 3741, 3742, R. S.; act June 22, 1874, sec. 10; 18 Stats., 177.*)

173. A copy of each contract must be filed by the officer making and signing the same in the Returns Office of the Department of the Interior as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal, and marked by numbers in regular order, according to the number of papers composing the whole return, and must have affixed the affidavit of the contracting officer in the

following form, sworn to before some magistrate having authority to administer oaths:

I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ————; that I made the same fairly, without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ————, or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such cases made and provided.

(Secs. 3744, 3755, R. S.)

174. The law provides that every officer who makes any contract and fails or neglects to make return of the same according to the provisions of the preceding section, unless from unavoidable accident or causes not within his control, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred nor more than five hundred dollars, and imprisoned for not more than six months. (Sec. 3746, R. S.)

175. Contracts entered into without due advertisement are considered by the accounting officers of the Treasury as "open-market" transactions, subject to the same rules as such transactions, and are, therefore, prohibited.

176. All contracts terminate with the fiscal year for which they are made, except for buildings and other permanent improvements. (Secs. 3735, 3679, R. S.; IV Op. Att. Gen., 476.)

177. No contract shall be made unless the same is authorized by law, or is under an appropriation adequate to its fulfillment. (Sec. 3732, R. S.; IV Op. Att. Gen., 600.)

178. A contract once properly executed can not be altered or modified, nor can the time fixed for its completion be extended without the consent of the bondsmen, unless provided for in the contract. (See sec. 182.)

179. Any change made in a contract, under the unrestricted authority to increase or diminish the quantity specified in the bid, must be made before the contract is signed by either party, and must be included in the quantity stated in the contract.

After a contract has been signed by either party no change of any character can be made in its terms without the knowledge and assent of the party who has signed.

No change of any character in the contract should be made, even with the assent of the bidder, after the contract has been signed by him, unless it be also assented to by the sureties on his bond, or a new bond be given for the fulfillment of the contract as so changed.

Whenever the right to change the quantity of any article has been exercised, either before the contract is executed, or subsequent thereto, specific notice of the exercise of such right, stating the extent to which

the right has been so exercised, should be given in writing to the bidder or contractor in such way as to insure actual notice to him of the change in quantity so made. (*Letter Sec. Int., Apr. 12, 1902.*)

180. Contracts are not transferable. A transfer annuls the contract so far as the United States is concerned. (Sec. 3737, R. S.)

181. Payment for service or supplies under contract shall not exceed the value of the service rendered or articles delivered previously to such payment. (Sec. 3648, R. S.)

182. Where an agent is authorized to enter into contract, he should advertise for proposals for furnishing the articles or performing the services required, and award the contract to the lowest bidder or bidders, for the best interests of the service, stipulating in the contract, if for goods and supplies, for such an increase or diminution of the quantities as might be rendered necessary by the demands of the service, and for the delivery of the articles at such times throughout the year as they may be needed. (See secs. 145 and 152.) Agents, however, must not order any of the articles thus contracted for in excess of the quantity specified in the contract, without first obtaining specific authority from the Indian Office. (See sec. 222.)

183. When contracts other than annual contracts are made, they should be so drawn as to expire within a specified period after the approval thereof by the Secretary of the Interior.

184. Extension of time in case of any contract can not be granted by agents or other officers, and will not be by the Department, unless absolutely necessary. The request for any extension of time must be clearly set forth in a sealed instrument, signed by the contractor and consented to and signed by the sureties to the original bond, duly witnessed, wherein such sureties agree to hold themselves, in case of such extension, as equally bound as in the original bond for the faithful performance of the contract. Such request for extension in all cases must be executed before such officer as is required in the making of a contract. Blank forms of application for extension of contracts can be had by applying to the Indian Office.

BONDS.

185. Each contract must be accompanied by a joint and several bond in the sum of at least 50 per cent of the amount of the contract price, executed by the principal and at least two individual sureties conditioned for the faithful performance of the terms thereof; but a corporate surety duly qualified under the act of Congress of August 13, 1894, may be accepted as sole surety. Corporate sureties on bonds are preferred.

186. One bond only is required with each set of contract papers.

187. The full name of the principal and each of the sureties should be written in the body of and signed to the bond, and there must be a seal of wax, wafer, or other adhesive substance attached to the signature of the obligor and each of the sureties. The printed word "seal" or a scroll will not be deemed sufficient.

188. The principal and each of the sureties must sign the bond in the presence of two persons, who shall sign their names thereto as attesting witnesses, and it must appear for whom each witness signs, but the same witnesses may attest all the signatures if signed in their presence.

189. The sureties must justify in amounts the aggregate of which will be equal to at least twice the penalty of the bond. This rule applies to corporate as well as to individual sureties; and corporate sureties will be required to attach to each bond a copy of the last statement of their assets and liabilities as rendered pursuant to section 4 of the act of Congress of August 13, 1894, together with a certificate, under corporate seal, by the secretary of the corporation, as to the official character of the person signing for the corporation and that such person is so authorized.

190. In order that the Department may be fully secured, it is required that where a party or parties become surety or sureties to more than one bond, evidence must be filed to satisfy the Department that the said party or parties are possessed of property not exempt from execution, over and above all debts and liabilities and free from all incumbrances, of value not less than the sum of the several bonds upon which they are sureties. Hence, to secure immediate favorable action upon contracts, agents will require all successful bidders, in the execution of bonds for their contracts, to request information from the parties whom they intend to offer as sureties on their bonds whether such sureties have qualified as such upon any other bonds of existing contracts with the Indian Bureau; and, if they have, such sureties must set out, in the affidavits to accompany the bond of the contract to be executed, that they are worth in unincumbered property not exempt from execution, after payment of all their just debts and liabilities, a sum equal to the aggregate amount of all the sums for which they have so become sureties upon existing contracts with the Indian Bureau.

191. The sureties on a bond covering a contract for \$10,000 and over, for erection of a building or buildings or other permanent improvements, must submit sworn statements showing unincumbered property to the value at least of the amounts for which they become sureties—one-half of said unincumbered property to consist of real estate. Said sworn statements will be attached to and made a part of the bond. Blank forms of "Affidavit of surety" can be had by applying to the Indian Office. (*Letter Sec. Int., Mar. 25, 1903.*)

192. The following additional requirements will be observed in the execution of bonds:

First. Bonds may be executed before a clerk of a court of record, or before any other officer authorized to administer oaths, by observing rule 3 of this section.

Second. Whenever the officer before whom any of the acknowledgments are made or oaths taken has an official seal, he must use it. There should be a separate and distinct impression of the official seal for each acknowledgment or oath.

Third. Whenever such acknowledgments are made before a notary public or justice of the peace, the jurat shall be accompanied by a certificate of the clerk of the district or circuit court, under the seal thereof, in the county and State in which such notary or justice resides, that at the time of administering such oath such notary or justice held such office and was duly authorized by law to administer such oath.

Fourth. Where the oath is administered by a "commissioner of the circuit court of the United States" the certificate should so show, and not appear in the usual way of "United States commissioner," etc.

Fifth. Bonded officers of the United States and married women will not be accepted as sureties, but unmarried women may be accepted as such, provided that the officer administering the oath certifies that they possess sufficient property in their own right to make them sufficient sureties, and that they are single.

Sixth. Where a corporation is a party to a contract, no officer thereof will be accepted as surety, and the same rule applies where a copartnership is a party to a contract.

Seventh. Where the sureties are other than corporate, it must appear in the affidavit or oath of justification that each surety is more than 21 years old and in all other respects legally competent to make and enter into a contract.

Eighth. All bonds must be accompanied by a certificate as to the sufficiency of the sureties thereon, signed by a judge of a United States court, a United States district attorney, a United States postmaster (or such other officer of the United States as may be acceptable to the Secretary of the Interior), residing in the district where such bonds are executed. The foregoing does not apply to corporate sureties.

Ninth. Special care must be taken to prevent erasures, interlineations, or mutilations of any kind in a bond, but if they should occur it must be explained by a certificate of the officer before whom the instrument is executed that they were made before the bond was signed by the principal and sureties.

Tenth. Any bond not executed in conformity with the foregoing regulations will be returned for an observance thereof.

OPEN-MARKET PURCHASES.

193. Purchases allowable in open market without advertising may be made at the places where articles of the description wanted are usually bought and sold and in accordance with the following rules. (sec. 3709, R. S.):

194. When an open-market purchase involves an expenditure of money in excess of \$50, or a less amount if directed by the Indian Office, informal proposals must be invited from the principal dealers in the articles needed who may be within convenient reach or in near-by cities and towns. All such proposals must be forwarded with the voucher covering the purchase as evidence that the prices paid are the lowest and most favorable that can be obtained.

This section is not to be construed as applying to purchases from Indians, who must be given the preference whenever possible.

195. Specific authority of the Secretary of the Interior must be obtained for purchases of any kind before they are made, except in cases of special exigency, such as repairs to machinery, water and heating systems, etc., when the absolute necessities of the service will not admit of the delay incident to securing the required authority. In such cases purchases may be made by agents before authority is obtained.

196. Agents are not the sole judges of the exigency provided for in the preceding section, but a full report of the facts attending purchases made without authority, accompanied by an itemized list showing articles purchased and prices paid, must be immediately submitted for the consideration of the Indian Office. With proper care and foresight on the part of agents such exigencies will seldom arise, and, so far as practicable, all purchases will be made by contract.

197. Agents making purchases without previous authority do so at their own risk.

198. The fact of an agent having in his hands public funds applicable thereto, or that funds are sent him for a specific purpose in accordance with his estimate, does not confer the necessary authority to make any purchases whatever.

199. Authorities for open-market purchases and the employment of labor expire at the end of the fiscal year for which they are granted. No indebtedness shall therefore be incurred under such an authority in any subsequent year, unless a renewal is first asked for and obtained.

200. Authorities to make purchases in open market do not cover expenses of journeys by the agent to neighboring cities, towns, or villages to make such purchases. When such journeys are necessary, authority therefor must be requested at the same time as the request for authority to make the purchase, and the action of the agent should conform to the authority granted. (Circ. 108, Ind. Office.)

Re appn applicable - goods purchased under infagreement near close of
See Circ 994

Amendment No. 35.

Education-
 Supplies
 83386/1911
 F H E

DEPARTMENT OF THE INTERIOR
 OFFICE OF INDIAN AFFAIRS

WASHINGTON

October 1, 1911.

To All Disbursing Officers
 of the Indian Service:

By the authority of the Secretary of the Interior, the Regulations of the Indian Office, 1904, are hereby amended by striking out Section 195 and 195a in their entirety and substituting therefor the following section, to be known as Section 195 and to be in force and effect October 1, 1911:

See Circulars 127 & 832
 "Section 195. Specific authority must be obtained for purchases and expenditures of all kinds before they are made, regardless of the amount involved, excepting when an exigency arises which will not permit of a delay incident to the acquirement of authority in advance. In cases of exigency purchases may be made before authority is granted and without inviting bids; but the vouchers for payment must be immediately submitted to the Office for approval with a full explanation and justification of the exigency."

Please acknowledge the receipt of this Circular and paste it between pages 38 and 39 of your book of Regulations.

Respectfully,

C. J. Hauke

Acting Commissioner.

ACCOUNTS.

Amendment No. 29.

See Amendment # 35
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 20, 1909.

To all disbursing officers of the Indian service:

By authority of the Secretary of the Interior, section 195a is amended, and section 195 of the regulations of the Indian Office, 1904, as modified by amendment No. 7, dated May 1, 1905, and amendment No. 17, dated April 30, 1907, and amendment No. 26, dated January 4, 1909, is further amended so as to read as follows:

195. Specific authority must be obtained for open-market purchases and expenditures of all kinds in excess of \$50 before they are made, except when an exigency arises which will not admit of the delay incident to obtaining the required authority in advance. In cases of exigency, purchases may be made before authority is granted and without inviting bids; but the vouchers for payment must be immediately submitted to the office for approval, with a full explanation of the exigency.

195a. Legitimate expenses amounting to \$50 or less may be incurred and paid without specific authority, provided the disbursing officer has funds in hand which are applicable and not needed for authorized purposes. Vouchers for such expenditures must refer to section 195a of Indian Office Regulations, 1904, as authority for payment.

This section does not apply to expenses payable from the appropriation "Contingencies, Indian Department," which, under the law, must be specifically authorized by the Secretary of the Interior.

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 38 and 39 of your book of Regulations.

Very respectfully,

F. H. ABBOTT,
Acting Commissioner.

APPROVED, December 22, 1909.

FRANK PIERCE,
First Assistant Secretary.

O

ACCOUNTS
87947-88097-08.
1189-09.

AMENDMENT
No. 26.

See Amendment # 35

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, *January 4, 1909.*

*To all Disbursing Officers
of the Indian Service:*

By authority of the Secretary of Interior, Section 195a is added, and Section 195 of the regulations of the Indian Office, 1904, as modified by Amendment No. 7, dated May 1, 1905, and amendment No. 17, dated April 30, 1907, is further amended so as to read as follows:

195. Specific authority must be obtained for open market purchases and expenditures of all kinds in excess of \$10 before they are made, except when an exigency arises which will not admit of the delay incident to obtaining the required authority in advance. In cases of exigency, purchases may be made before authority is granted and without inviting bids; but the vouchers for payment must be immediately submitted to the Office for approval, with a full explanation of the exigency.

195a. Expenses of any kind amounting to \$10 or less may be incurred and paid without specific authority, provided the disbursing officer has funds in hand which are applicable and not needed for authorized purposes. Vouchers for such expenditures must refer to Section 195a of Indian Office Regulations 1904 as authority for payment.

This section does not apply to expenses payable from the appropriation "Contingencies, Indian Department," which, under the law, must be specifically authorized by the Secretary of the Interior.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 38 and 39 of your book of Regulations.

Very respectfully,

R. G. VALENTINE,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 30, 1907.

*To all Disbursing Officers
of the Indian Service:*

By authority of the Secretary of the Interior, sections 194 and 195 of the Regulations of the Indian Office, 1904, as modified by amendment No. 7, dated May 1, 1905, are hereby further amended so as to read as follows:

194. Before making an open-market purchase involving the expenditure of more than \$20 (or a smaller amount, if so directed by the Commissioner of Indian Affairs), informal proposals, on blank No. 5-086, must be invited from the principal dealers in the articles needed, who may be within convenient reach or in near-by cities and towns. All such proposals, with an abstract thereof and a list of all persons or firms invited to bid, must be attached to the voucher for payment, as evidence that the prices paid are the lowest and most favorable that can be obtained.

This section does not apply to purchases from Indians, who must be given the preference when possible, or to the emergency cases provided for in section 195, or to purchases of such articles as can be obtained only at one place and at a fixed price, making competition impracticable.

195. Specific authority must be obtained for open-market purchases of any kind *before they are made*, except when an exigency arises which will not admit of the delay incident to obtaining the required authority. In such cases purchases may be made before authority is granted and without inviting bids; but the vouchers for payment must be immediately submitted to the Indian Office for approval, with a full explanation of the exigency.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 38 and 39 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., May 1, 1905.

To all Disbursing Officers
of the Indian Service:

By authority of the Honorable Secretary of the Interior, the Regulations of the Indian Office, 1904, are hereby amended by striking out sections 194 and 195 and substituting therefor the following:

194. Before purchases of any kind or in any amount are made in open market, informal proposals must be invited from the principal dealers in the articles needed, who may be within convenient reach or in nearby cities and towns. All such proposals must be forwarded with the voucher covering the purchase as evidence that the prices paid are the lowest and most favorable that can be obtained.

This section must not be construed as applying to purchases from Indians, who must be given the preference whenever possible.

195. Special authority of the Secretary of the Interior must be obtained for open-market purchases of any kind before they are made—unless the amount involved is \$100 or less, in which case the authority may be granted by the Commissioner of Indian Affairs—except in cases of special exigency, such as repairs to machinery, water and heating systems, etc., when the absolute necessities of the service will not admit of the delay incident to securing the required authority. In such cases purchases may be made by agents before authority is obtained.

Please acknowledge the receipt of this circular and paste the same between pages 38 and 39 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

Auth 103865, Mar 9/07.
\$5000-01 Lead
See p. 57. C. F. L. # 5.

201. Requests for authority to purchase must not only specify particularly whether sufficient funds are in hand applicable thereto, designate the title of the appropriation it is proposed to use, and the amount required for each particular item, but must show fully and clearly the facts upon which the agent bases his judgment of the necessity of the purchase. (*Circ. 89, Ind. Office.*)

202. In submitting requests for authority to purchase, agents must state explicitly whether or not the prices quoted include the cost of transporting the articles to the place where they are required. If not, the estimated cost of such transportation must be given. If no mention is made of transportation charges it will be understood that the prices are for delivery at the agency or school.

203. Requests for authority to make purchases or for other purposes should, in all possible cases, be made by letter and not by telegraph. (*See sec. 323.*)

204. When the interests of the service require purchases to be made, a list of the articles to be purchased with the probable cost of the same must be forwarded to the Indian Office for consideration, and further action suspended until the requisite authority is granted.

205. Purchases must not be made from employees of the Indian service.

ADVERTISING.

206. The law requires advertising for all purchases and contracts for supplies and services, except in the cases specified in section 129. (*Sec. 3709, R. S.; act July 13, 1892, sec. 3, 27 Stats., 143.*)

207. No advertisement, notice, or proposal for the Indian service shall be published in any newspaper except upon the prior written authority of the Secretary of the Interior; and no bill for any such advertising or publication shall be paid unless there be presented with such bill a copy of such prior written authority. (*Sec. 3828, R. S.*)

208. When an agent desires to enter into contract for any purpose whatsoever, he will submit a request for authority to the Indian Office, accompanied by a copy of the proposed advertisement, and state in what paper or papers, whether daily or weekly, and for how long a time such advertisement should be published.

209. When stock or other public property is to be advertised for sale at public auction the requirements of the preceding section will be observed unless the advertising is to be done by posters.

210. At least three weeks must intervene between the date of the first publication of the advertisement and the date designated therein for the opening of the bids or the sale to take place. (*Act July 13, 1892; sec. 3, 27 Stats., 143.*)

211. Advertisements will be paid for at prices not to exceed the commercial rates charged to private individuals, with the usual dis-

counts; such rates to be ascertained from sworn statements of the proprietors or publishers of the newspapers containing the advertisements. (*Act June 20, 1878; sec. 6, 20 Stats., 216.*)

212. Publishers or proprietors will submit their accounts to the Indian Office for settlement, accompanied by a copy of each issue of the paper in which the advertisement appears, a printed schedule of the rates, supported by the affidavit required by the preceding section, and the authority for the publication of the advertisement.

213. Blank forms of the affidavit required by law as to rates will be furnished publishers. The affidavit should also show the name of the party who is authorized to receive and receipt for money due the paper or publishing company.

DELIVERY AND INSPECTION OF SUPPLIES.

214. All articles furnished under contract will be subject to inspection, and must be delivered at the places designated for their reception in such quantities as may be required; and if for shipment must be strongly and properly packed, in perfect order, and fully and plainly marked according to directions.

215. No charges will be allowed for cases, packing, baling, cooperage, etc.

216. Such articles as in any respect fail to conform to the samples or specifications of the contract will be rejected and the contractor required to furnish such as will conform thereto. In the event of his failure to do so they will be purchased at his expense.

217. When articles of any kind have been delivered at an agency under the terms of an approved contract, whether made by the Indian Office or the agent, and an inspection of said supplies has been made by a duly authorized inspector, as required by section 379, the agent will issue his receipt therefor in duplicate (stating such facts over his official signature), the original to be given to the claimant and the duplicate to be forwarded to the Indian Office by the first mail. ⊕

218. The number, quantity, or weight of the articles, etc., must be stated in words, and where weight is mentioned it should be specified whether the same be net or gross. When for beef cattle, the number of head, and the number of cows and steers, respectively, as well as the weight of each class separately, will be stated; the weight to be determined on the agency scales. The receipt must be accompanied by an inspector's certificate and weigher's return in duplicate, showing the number of head in each draft, and the weight of the same.

219. When articles have been delivered by a transportation company the agent will receipt the bills of lading in a proper manner, and state thereon the date upon which the goods were actually received. See Circ. 1897

220. All references in certificates to number, weight, and price of articles paid for, or to be paid for, together with the aggregate amount involved, should be written out in words as well as figures.

FINANCE
41175-1907.

AMENDMENT
No. 20.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 1, 1907.

*To all Disbursing Officers
of the Indian Service:*

By direction of the Secretary of the Interior, sections 217 and 225 of the Regulations of the Indian Office, 1904, are hereby amended by making certain additions thereto, so that they will read as follows:

217. When articles of any kind have been delivered at an agency under the terms of an approved contract, whether made by the Indian Office or the agent, and an inspection of said supplies has been made by a duly authorized inspector, as required by section 379, the agent will issue his receipt therefor in duplicate (stating such facts over his official signature), the original to be given to the claimant and the duplicate to be forwarded to the Indian Office by the first mail; unless, by direction of the Commissioner of Indian Affairs, the supplies are to be paid for by the agent, in which case he will take the receipt of the contractor on Form 5-338, and file the same as a voucher to his cash account.

225. A weigher's return marked "original" must be given to the contractor who delivers the goods, or to the transporter of the goods, and another marked "duplicate" forwarded to the Indian Office. The quantities and weights must be recorded in a suitable book, in accordance with these directions, and such record must be preserved and kept ready for inspection when called for by the duly authorized agents of the Government, except where the supplies are paid for by the agent, when the weigher's returns should be filed with the voucher.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 40 and 41 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

221. Agents are not permitted to receive beef cattle or other supplies from contractors in advance of the time fixed by the contract for delivery of the same.

222. No delivery of supplies shall be made and no receipt given in excess of the amount provided for by the terms of the contract, unless the consent of the Department for such increase shall first have been obtained.

223. No receipt for articles delivered at an agency shall be issued by an agent until the proper examination has been made of their quantities and weights. Drafts of a few packages each of such articles as flour, sugar, coffee, corn, hard bread, bacon, salt, soap, and others usually sold by the pound, must be successively placed upon the scale and weighed, and a record made of the number of packages, the description of articles, and the weight of each draft until the total quantity and weight of each article has been ascertained and recorded.

224. A sufficient number of the containing barrels, boxes, and bags must be weighed separately from their contents, to furnish a criterion whereby to estimate the proper deductions to be made for "tare" and thus arrive at the net weights of articles; and, the number of such barrels, boxes, and bags, as well as the weights thereof, must be duly recorded.

225. A weigher's return marked "original" must be given to the contractor who delivers the goods, or to the transporter of the goods, and another marked "duplicate" forwarded to the Indian Office. The quantities and weights must be recorded in a suitable book, in accordance with these directions, and such record must be preserved and kept ready for inspection when called for by the duly authorized agents of the Government.

FLOUR.

226. Flour, when it reaches the place of delivery, must be inspected by the agent or party authorized to receive it, notwithstanding any other inspection of it which may have been previously made.

In cases where by direction of the Department inspection is made at a distance, on samples forwarded to an expert, inspection by the agent will be waived, except as to the general condition of the flour offered for delivery (as to quality and condition of sacks, etc.), and the result of such expert's inspection will be final.

Agents will not accept such flour until notified of the result of the expert's inspection, and will then issue proper papers therefor, bearing dates subsequent to the date of such inspection. (*Circ. Dec. 13, 1897.*)

227. When inspecting flour, the agent, or party authorized to receive it, must call to his assistance the agency miller, or, when there is no miller, some other employee competent for the service. He must examine critically samples of flour from at least 10 per cent of the

total number of sacks contained in each delivery, inspecting each separately, and rejecting such as are found to be of a lower grade than the sample furnished him for comparison.

228. If, upon inspection and comparison with the sample furnished, it shall be found that some of the flour is below the standard called for by the contract, the examination must continue until the agent is enabled to make a definite statement of the number of sacks of flour not equal to the sample. Upon ascertaining the quantity of inferior flour, the agent or party authorized to receive it shall notify the contractor of his rejection of said flour. He shall also immediately notify the Commissioner of Indian Affairs as to the quality and quantity of the flour rejected, and of his action in the matter; and he shall forward a fair sample of the inferior flour for the Commissioner's inspection.

BEEF.

229. Beef cattle delivered at an Indian agency must be thoroughly inspected before acceptance by the agent in charge, and such inspection must be conducted in accordance with the rules and regulations hereinafter set forth.

230. At least five days previous to the appointed time for a delivery of beef cattle at any agency situated within 40 miles by wagon route or 65 miles by railroad (or wagon and railroad combined) of an army post, the agent shall request the commandant of the said post to detail or cause the detail of an officer to inspect the cattle to be delivered. When making such request the agent will furnish for the use of the officer to be detailed a copy of the contract under which the cattle are to be received. At agencies situated more than 40 miles by wagon route or 65 miles by railroad (or wagon and railroad combined) from an army post, the agent shall detail a competent employee of his agency to inspect all cattle delivered thereat under contract, and for the information of such employee he shall furnish him with a copy of the contract under which the cattle are to be received. In case the commandant of the post upon whom the request is made shall fail to detail an inspecting officer; or if the officer so detailed shall fail to appear, or for any reason it becomes impossible to procure military inspection at any agency situated within the limits herein specified, then a competent employee to inspect the cattle to be delivered shall be detailed by the agent, who shall indorse upon the certificate of inspection, over his own signature, the reason why the inspection was not made by a military officer; and such reason being satisfactory to the Commissioner of Indian Affairs, shall be deemed a full compliance with these regulations, and sufficient warrant for the allowance of the account of the contractor whose cattle were so inspected and received. (*Circ. Jan. 11, 1897.*)

231. At the time of the inspection the agent shall not receive any cattle which may be objected to by the inspector on the ground of non-conformity with the provisions of the contract, nor shall he receive any cattle which, in his own judgment, should be rejected. In case of disagreement between himself and the inspector he will report to the Indian Office full details of the inspection and disagreement.

232. During the inspection the agent shall mention, in the presence of the inspector, the requirements of the contract respecting the condition as to health, the net percentages of good merchantable beef, the average and minimum gross weights, and the ages of the cows and steers, respectively, which are to govern them in their judgment of the cattle offered for acceptance.

233. No animal shall be put upon the scales with a view to its acceptance which does not conform to the stipulations of the contract.

234. If, when called upon by the agent, the contractor fails to present proper cattle for inspection, and the exigencies of the services are such as not to permit the agent to wait for permission from the Commissioner of Indian Affairs to purchase other cattle, the inspection of such cattle as may be offered shall proceed as heretofore directed; but only such a limited number of the cattle offered shall be received as may be absolutely necessary to supply immediate needs; and there shall be a deduction of 1 per cent in the price agreed upon in the contract for each and every 5 pounds or fraction thereof that the cattle so received shall fall short of the weights agreed upon in the contract. And if the agent is compelled, by the necessities of the service, to receive cattle whose condition as to quality—although of the average weight required by the contract—renders them inferior to the requirements, then the value of the cattle so received shall be determined by deducting from the price thereof, as agreed upon in the contract, such a percentage as may be agreed upon by the agent and the inspector, said agent and inspector to appoint, in case of their disagreement, a third and disinterested person, to form with them a board of survey, the decision of a majority of which will be binding upon all parties concerned.

235. In addition to his own signature to the certificate of inspection of cattle received under the provisions of article 6 of any contract, the agent must request that of the military officer, or the employee who acts with him, and in the absence of that of the military officer he must furnish good reasons for failing to obtain his services. But nothing in this section shall be construed as in conflict with section 230.

236. The attention of agents is particularly directed to articles 4, 6, and 7 of the contract for beef.

Article 4 provides for the right of the Commissioner to purchase if the contractor should fail to collect the beef cattle fast enough in the vicinity of the places of delivery;

Article 6 provides for deductions in case the necessities of the service compel the acceptance of inferior cattle; and

Article 7 provides for the rejection of inferior cattle not actually needed for the service and the purchase of such cattle as may be required to supply the deficiency.

237. It will be seen by article 4 that agents are expected to keep themselves informed as to whether or not the contractor is accumulating proper cattle fast enough to be able to deliver when called upon; and as the Commissioner's right to purchase, provided for in said article, can not be availed of unless he is notified in time of the contractor's failure to collect proper cattle, agents must give these matters their particular attention. While the necessities of the service may be met with inferior cattle, as provided for in article 6, the mere statement of the agent that such necessity has arisen will not be considered sufficient to exculpate him from the charge of neglecting to keep himself informed and to notify the Commissioner of the contractor's failure to collect proper cattle fast enough; he will be called upon to give good reasons for the neglect which led to the necessity of receiving poor cattle. The preliminary measures contemplated by article 4 must be given due attention by agents, in order that article 7 may be rigidly enforced.

FORWARDING SAMPLES.

238. Whenever an inspection of flour or other similar supplies purchased for delivery at the agency or places where they are required for use is made by inspectors appointed for the purpose, either with or without the assistance of the agent, and any of the articles inspected prove to be of inferior quality to the samples upon which the goods were contracted for or purchased, it shall be the duty of the agent to consult with the inspector and agree with him upon such samples as will truly represent the goods inspected, and to forward such samples to the Indian Office. A sufficient number of samples (proportioned to the number of packages and quantity of flour, etc.) should be forwarded, inclosed in separate packages, numbered consecutively, and each marked with the number of packages, or pounds, which it is intended to represent, to afford full opportunity for the Indian Office to judge of the character of the goods delivered and make reclamation upon a definite quantity of goods in such sums as it shall deem just and proper. If samples of the supplies contracted for, or purchased, have not been furnished to the agent, it will then become the duty of the inspectors to select representative samples of such articles as flour and other supplies and, proceeding as already indicated, forward such samples to the Indian Office.

239. A certificate of inspection should be forwarded at the same time with the samples, and should refer to them by numbers and quantities,

and give the names of the contractors or vendors by whom they were delivered, and the dates of deliveries.

TRANSPORTATION BY INDIANS.

240. Whenever and wherever practicable, transportation from railroad stations or steamboat landings to agencies shall be performed by Indians, for which service, in case they furnish their own teams, they will be paid at such rates as may be fixed by the Indian Office upon the recommendation of the agent. (*Act Mar. 3, 1877, sec. 1, 19 Stats., 291.*)

241. In case an Indian does not own a wagon and harness, or either, but desires to possess them, agents are authorized to permit him to use those belonging to the Government for transportation of supplies, as above stated, and to credit him with the amount of work performed until such time as the value thereof shall amount to the cost of the wagon and harness, or either, as the case may be, when the same may be issued to the Indian in lieu of payment in cash for the said service. When an Indian, through carelessness or neglect, breaks or otherwise damages wagon or harness, he should not be paid for services which he has rendered if they do not exceed such damage.

PUBLIC FUNDS.

242. Public funds of all classes, no matter from what source received, must be immediately taken up in the agent's accounts and no expenditures whatsoever shall be made therefrom except by authority of the Department.

ESTIMATING FOR.

243. Agents are directed to forward quarterly to the Indian Office estimates of the funds required for the ensuing quarter. In certain cases, where it is to the interest of the service, agents may make estimates for funds covering two quarters.

244. The estimate must show in detail every purpose for which the money is to be used; if it is for pay of employees, the position of each employee and the amount required for each must be stated.

245. When funds are required for open market purchases previously authorized the number of each authority must be specified in the estimate.

246. The estimate must show the amount of funds on hand under each appropriation at the end of the preceding quarter, and if the same is required to pay liabilities already incurred it must be so stated.

247. The estimates should be sent in as early in the quarter as possible, and within thirty days at most after the beginning of the same.

248. Funds placed to the credit of an agent to meet certain specified expenses shall not be used for any other purpose except by permission of the Indian Office.

CARING FOR.

249. Agents are required to deposit public money intrusted to them for disbursement with the Treasurer or some one of the assistant treasurers of the United States. In places, however, where there is no Treasurer or Assistant Treasurer the Secretary of the Treasury may, when he deems it essential to the public interests, specially authorize the deposit of public money in any other depository. (*Sec. 3620, R. S.*)

250. If an agent deposits any public money in any place not designated for the purpose by the Secretary of the Treasury, or unlawfully converts, loans, transfers, or applies public money, he will be deemed guilty of embezzlement, and shall be punished by imprisonment with hard labor for not less than one nor more than ten years, or by a fine of not more than the amount embezzled or less than \$1,000, or by both such fine and imprisonment. (*Sec. 5488, R. S.*)

DEPOSITING.

251. Unexpended balances of Indian appropriations made for one fiscal year can not be used to liquidate obligations incurred in another fiscal year. (*Sec. 3690, R. S.*)

252. On the 30th of June of each year agents must deposit all unexpended balances remaining in their hands to the credit of the United States. (*Sec. 3690, R. S.*) This does not refer to "Miscellaneous Receipts, Class IV," and "Individual Indian Moneys." (*See secs. 294 and 301.*)

253. If any portion of the amount so deposited be available for expenditure without limit, as are permanent money annuities, interest, trust funds, and proceeds of lands, the amount thereof, if necessary, will be again remitted.

254. Any portion of the funds so deposited belonging to appropriations made especially for the previous fiscal year, which are required to meet authorized expenses incurred on or before the 30th of June, ~~will also be returned~~ to the agent upon his requisition; but if the aforesaid expenses are not paid before the 30th of September the funds must then be redeposited to the credit of the United States, and the outstanding liabilities will have to be settled in the form of claims. (*Treas. Dept. Circ. 133, Dec. 15, 1903.*)

255. In accordance with the preceding section, any accounts or claims against the United States, incurred in one fiscal year and payable from annual appropriations for that particular year, which are not paid before the expiration of the first quarter of the next succeeding fiscal

Sec. 17, + 252

Amendment No. 33.

DEPARTMENT OF THE INTERIOR
Finance Office of Indian Affairs
A W C Washington

Special deposits.

August 9, 1911.

Amendments to Sections 17 and 252,
Regulations, 1904.

All Disbursing Officers
of the Indian Service:

Hereafter deposits received with bids for land sales, etc., and cash deposited with disbursing officers to insure the payment of right-of-way damages across tribal or allotted lands or to guarantee the faithful performance of contracts or agreements, etc., shall be taken up in the cash accounts of disbursing officers of the Indian Service under the heading "Special deposits."

Funds of this character should not be covered into the Treasury and Sections 17 and 252, Indian Office Regulations, 1904, are hereby modified to read as follows:

17. Immediately after he is relieved by his successor the outgoing agent will deposit all unexpended balances of public funds in his hands and to his official credit, except "Individual Indian moneys," and "Special deposits" in a Government depository to the credit of the United States, and submit his final cash and property accounts to the Indian Office for adjustment. Failure to comply with this requirement may subject the delinquent official to immediate

(Over)

suit on his bond. Instructions
for depositing money will be
found under the head of "Public
funds." (Sec. 3624 R. S.; Cir.
65, Treas., 1875.)

252. On the 30th of June of
each year agents must deposit all
unexpended balances remaining in
their hands to the credit of the
United States. (Sec. 3690, R. S.)
This does not refer to "Miscel-
laneous receipts, Class IV," "In-
dividual Indian moneys," and
"Special deposits." (See Secs.
294 and 301.)

Please acknowledge the receipt of this
circular and paste copies of same between
pages 10 and 11 and 46 and 47 of the Book
of Regulations.

R. G. VALENTINE,
Commissioner.

Approved:

August 10, 1911.

SAMUEL ADAMS,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., April 13, 1907.

To all Disbursing Officers
of the Indian Service:

By authority of the Honorable Secretary of the Interior the Regulations of the Indian Office, 1904, are hereby amended by striking out sections 261, 262, 263, and 264 thereof, and changing sections 258, 259, and 260 so as to read as follows:

258. When an agent deposits to the credit of the United States any public moneys that may have come into his possession, he will cause to be indicated on the certificate of deposit on what account (i. e., whether unexpended balances of appropriations, miscellaneous receipts, or disallowances) and *under what bond* the deposit is made; also, the appropriation or fund to which each item is to be credited.

259. He will immediately notify the Auditor for the Interior Department of each deposit made in accordance with the preceding section. This notice should not be sent through the Indian Office, but directly to the Auditor.

260. When more than one class of funds are deposited at the same time they should all be included in one certificate, the making of a separate certificate for each class being neither necessary nor desirable.

The foregoing changes are made for the purpose of expediting the settlement of accounts, and disbursing officers will be expected to comply strictly with the requirements of the new sections.

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 46 and 47 of your book of Regulations

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

year, shall not be paid by the agent, but submitted to the Indian Office in the form of claims, and settled by the accounting officers of the Treasury Department.

256. No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties. (*Sec. 1766, R. S.*)

257. Advances of public money will not be made for any fiscal year until the account of the previous year shall have been rendered, and it is shown that all balances due the Government are ready to be paid over to the proper officer of the United States. (*Sec. 2092, R. S.*) No advances will be made under a new bond until all balances under the prior bond shall have been deposited to the credit of the United States. This does not, however, apply to funds designated as "Individual Indian moneys," which may be transferred from one bond to the other. (*See sec. 34.*)

258. When an agent deposits to the credit of the United States any public moneys that may have come into his possession, he will transmit the original certificate of deposit to the Secretary of the Treasury and the duplicate to the Indian Office.

259. Certificates of deposit must not be filed with accounts rendered; such a disposition of certificates of deposit will not secure to the officers transmitting them the desired credit. Credits are given officers in the settlement of their accounts only upon warrants, which warrants are issued by the Secretary of the Treasury, and are based upon the original certificates of deposit.

260. The original and duplicate certificates of deposit must be accompanied by a statement in detail, showing the character of the funds deposited, i. e., whether they are (1) advances from regular appropriations; (2) miscellaneous receipts; or (3) moneys deposited to offset disallowances made in the examination or settlement of accounts. The total unexpended balance should be included in one certificate of deposit, the making of a separate certificate for each class of funds being neither necessary nor desirable.

261. The statement should also show the several appropriations of which the funds deposited are unexpended balances, and the quarter in which credit is taken on the account current of the agent for said funds as having been deposited to the credit of the United States.

262. If they are miscellaneous funds, the statement must give in detail the dates of receipt and specifically the sources whence they were

derived. If derived from sales of subsistence, it must be shown whether the subsistence was sold to employees or to others, and whether it was raised on the reservation or purchased from appropriated funds.

263. When funds are deposited to cover a disallowance, the statement should give the title of the appropriation from which the erroneous payment was made, as well as the number of the voucher showing payment and the quarter and year to which it pertains.

264. In making a deposit, the date of the bond and the appropriation to which the amount involved is to be credited must be designated.

265. In taking credit for a deposit on the account current, the agent should state specifically the date of the deposit and the designation and location of the depository in which it was made, as well as the source from which the funds were derived.

266. Failure of an agent to render accounts, or to pay over, in the manner and in the time required by law or by the regulations of the Department to which he is accountable, any public money remaining in his hands is by law constituted embezzlement, the penalty of which is imprisonment for not less than six months nor more than ten years and a fine equal to the amount embezzled. (*Secs. 3624, 3633, 3634, 5491, 5492, R. S.*)

See 177 Title 18 U.S.C. 1926
REPORTING BALANCES.

267. The rules of the Treasury require agents to report at the close of each ~~week~~ ^{day} and month the balances of public funds in their hands or on deposit to their official credit. *by means of the disb officer*

268. These reports must contain a correct statement, and be promptly forwarded ~~every Monday morning~~ and on the first day of each month. (Forms 5-300 and 5-301.)

DISBURSING.

269. Special care must be taken in the disbursement of public moneys to prevent their misapplication. No sufficient excuse can be offered for misapplying funds received by requisition from the Indian Office, as with each notice of the issue of such requisition there is a tabular statement, setting forth clearly and fully the applicability of the funds under each head and subhead of appropriation, and even the objects for which they shall be used. Furthermore, at agencies where funds are provided under treaty stipulations the treaties generally prescribe the manner of expending such funds. Treaty funds can not be diverted from the objects for which appropriated without the consent of the tribes, expressed in general council, which consent, stated in writing, must be approved by the Secretary of the Interior, and the approval communicated to the agent, before the diversion can be made. A copy of the approval referred to must accompany the quarterly accounts when forwarded to the Indian Office. (*Sec. 2097, R. S.*)

AMENDMENT No. 32 TO REGULATIONS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 8, 1911.

To all Disbursing Officers of the Indian Service:

Sections 267 and 268 of the Regulations of the Indian Office, 1904, as amended January 10, 1905 (amendment No. 5), are hereby further amended by striking them out entirely and substituting therefor the following:

267. Each disbursing officer is required to make a monthly report on Form 5-300, showing the unexpended balances under the various appropriations and funds for which he is responsible at the close of business on the last day of the preceding month. The analysis provided for on the blank must show the individual Indian money on deposit in banks to the credit of Indians separately from that in the hands or to the official credit of the disbursing officer. These reports must be submitted as soon after the first day of the month as possible.

268. A report similar to that required by the preceding section must accompany each request for funds submitted on Form 5-092, showing the balances on the date of such request.

Please paste this circular between pages 48 and 49 of your book of regulations.

Respectfully,

R. G. VALENTINE,
Commissioner.

Approved April 10, 1911.

FRANK PIERCE,
First Assistant Secretary of the Interior.

ACCOUNTS.
90644-1904.

AMENDMENT
No. 5.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., *January 10, 1905.*

*To all Disbursing Officers
of the Indian Service:*

By direction of the Honorable Secretary of the Interior, the Regulations of the Indian Office, 1904, are hereby amended by striking out sections 267 and 268 and substituting therefor the following:

SECTION 267. Indian agents, superintendents and supervisors of Indian schools, and the special agents provided for by law are required to promptly forward, every Monday morning, a correct statement of the balance of public funds in their hands and on deposit to their official credit at the close of the preceding week. (Form 5—300.)

SECTION 268. For all other bonded officers and employees in the Indian Service, it will be sufficient to promptly forward, on the first day of each month, a report of the balance of public funds in their hands and on deposit to their official credit at the close of the preceding month. (Form 5—301.)

Please acknowledge the receipt of this circular and paste the same between pages 48 and 49 of your book of Regulations.

Very respectfully,

F. E. LEUPP,
Commissioner.

270. No credit can be allowed an agent for money expended under a head of appropriation exceeding the amount in his hands under that head, and under no circumstances must a transfer of funds be made from one head of appropriation to another.

271. Funds on deposit in a United States depository must be drawn out only as they are required for payment. (*Sec. 3620, R. S.*)

272. When practicable payment must be made by check drawn to the order of the payee. (*Sec. 3620, R. S.; Act Feb. 27, 1877; 19 Stats., 249.*)

273. Upon each check must be stated the appropriation upon which it is drawn and the object or purpose to which it is to be applied. Such statement may be brief, but it must clearly indicate the object of the expenditure, as, for instance, "pay," "traveling expenses," "purchase of subsistence," etc.

274. Checks will not be returned to the drawer after payment, but the depository with which the account is kept will furnish the agent with a monthly statement of his deposit account.

275. No allowance will be made for expenses charged for collecting money on checks. (*Sec. 3651, R. S.*)

276. In case of the death, resignation, or removal of an agent, checks previously drawn by him will be paid from funds to his credit, unless such checks have been drawn more than four months before their presentation, or reasons exist for suspecting fraud. (*Circ. 107, Treas., 1876.*)

277. An agent when opening his first account, and before issuing any checks, will furnish the depository in which funds are placed to his credit with his official signature, duly verified by some officer whose signature is known to the depository.

278. Agents are required to make a report on the 30th day of June, annually, of all checks issued by them, which may then have been outstanding and unpaid for three years or more, stating the number, date, and amount of each check, the name and address of the payee, for what purpose given, the institution upon which drawn, and the number of the voucher received therefor.

DEFICIENCIES.

279. In order to prevent deficiencies the law requires that supplies shall be distributed and paid out to the Indians entitled to them in such proper proportions as that the amount of appropriations made for the current year shall not be expended before the end of such current year, and that no expenditure shall be made or liability incurred on the part of the Government on account of the Indian service for any fiscal year, unless in compliance with existing law,

beyond the amount of money previously appropriated for said service during such year. (*Act Mar. 3, 1875; 18 Stats., 450.*)

280. Borrowing from one appropriation for the benefit of another, or making expenditures in excess of available appropriations, is prohibited by law. Hence no expenditure must be made for any purpose in excess of the amount standing to the agent's credit under the particular appropriation to which the expense is chargeable. (*Secs. 3678, 3679, 3732, R. S.*)

281. No person, at his own option, can create a legal claim against the United States by advancing his own private funds, or borrowing money for disbursements.

MISCELLANEOUS RECEIPTS.

282. Funds derived from miscellaneous sources are divided into four classes, viz:

CLASS I.

283. Money not available for any purpose whatever, but to be covered into the Treasury on account of "proceeds of Government property," as required by sections 3617 and 3618, Revised Statutes.

284. This class embraces all money derived from—

1. Rent of Government buildings.
2. Sale of buildings or other property belonging exclusively to the Government, except such as may be condemned by a board of survey. (*See sec. 454.*)

285. The aggregate amount of funds of Class I coming into an agent's hands during a quarter must be deposited to the credit of the United States at the end of such quarter.

CLASS II.

286. Money to be carried back to the appropriation from which originally taken, to be again expended for the benefit of the Indian service.

287. This class embraces all money derived from—

1. Sale of subsistence to employees, as provided in section 437.
2. Sale of forage purchased from regular appropriations.
3. Sale of hides of cattle purchased for subsistence of Indians.

288. Funds of Class II must be deposited to the credit of the United States at the end of each quarter, except money derived from sale of hides, which may be held until the end of the fiscal year and then deposited with other funds to be returned to the Treasury

CLASS III.

289. Money to be deposited in the Treasury in accordance with the act providing that the proceeds of all pasturage and sales of timber,

Finance

Amendment

No. 31 to
Regulations.

September 10, 1910.

Proceeds of Sale,
Government Property.

To all disbursing officers
of the Indian Service:

In view of the statutes quoted in Circular No. 461, dated August 11, 1910, Sections 282, 284, and 289 of the Regulations of the Indian Office, 1904, as amended May 16, 1910 (amendment No. 30), are hereby further amended, as follows:

Section 282. By changing paragraph (b) so as to read "Sale of any property purchased from gratuity appropriations," and striking out paragraph (c) altogether.

Section 284. By changing paragraph (b) so as to read "Sale of any property purchased from treaty or agreement appropriations," and striking out paragraph (c) altogether.

Section 289. By striking out paragraph (d) altogether.

Please make these changes on the circular advising you of amendment No. 30 to Regulations, and also on blank form 5-237, "Report of Miscellaneous Funds Received."

Very respectfully,

C. F. HAUKE,

Acting Commissioner.

Approved.

September 12, 1910.

FRANK PIERCE,

First Assistant Secretary
of the Interior.

Amended further by
Circular dated Dec 12, 1911

Finance
48903-1910
Miscellaneous
Receipts.

Amendment
No. 30 to
Regulations.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 16, 1910.

To all disbursing officers of the Indian Service:

The Regulations of the Indian Office, 1904, are hereby amended by striking out sections 282 to 300, inclusive, and substituting therefor the following:

Miscellaneous Receipts.

Funds coming into the hands of disbursing officers from miscellaneous sources are divided into the following classes, and must all be taken up and accounted for in compliance with the act of July 1, 1898 (30 Stat. L., 595), which provides that—

Hereafter Indian agents shall account for all funds coming into their hands as custodians from any source whatever, and be responsible therefor under their official bonds.

CLASS I.

282. Funds not available for expenditure, but to be covered into the Treasury as "Miscellaneous receipts," in compliance with sections 3617 and 3618 of Revised Statutes.

This embraces money derived from—

- (a) Sale or rent of buildings erected from gratuity appropriations.
- (b) Sale of ^{any property} ~~subsistence supplies~~ purchased from gratuity appropriations.
- (c) ~~Sale of condemned or unserviceable property purchased from gratuity appropriations.~~ See amendment #31 to Regs. Date 9-10-10.
- (d) Sale of live stock purchased from gratuity appropriations.
- (e) Sale of hides from stock purchased for breeding or dairy purposes from gratuity appropriations.
- (f) Transportation charges added to price of subsistence supplies sold.
- (g) Rent of water from agency or school water or irrigation systems.
- (h) Payments by transportation companies for goods lost in transit which were purchased from gratuity appropriations.

283. These funds should be taken up in accounts as "Miscellaneous receipts, Class I." Necessary expenses of sales, if authorized, may be paid from the proceeds thereof. (Act June 8, 1896. 29 Stat. L., 268.) The net receipts must be deposited to the credit of the United States at the end of each quarter.

CLASS II.

284. Funds to be covered back into the appropriations from which they were taken and made available for reexpenditure for the purposes for which originally appropriated.

This embraces money derived from—

- (a) Sale of buildings erected from treaty or agreement appropriations.
- (b) Sale of ~~substantive~~ ^{any property} ~~properties~~ purchased from treaty or agreement appropriations.
- (c) ~~Sale of condemned or unserviceable property purchased from treaty or agreement appropriations.~~ *See amendment #31 dated 9/10/10*
- (d) Sale of live stock purchased from treaty or agreement appropriations.
- (e) Sale of hides from stock purchased from treaty or agreement appropriations.
- (f) Sale of hides from stock purchased for subsistence of Indians from gratuity appropriations.
- (g) Refunds of overpayments from any appropriations.
- (h) Payment by transportation companies for goods lost in transit which were purchased from treaty or agreement appropriations.

285. These funds should be taken up in accounts as "Miscellaneous receipts, Class II." Necessary expenses of sales, if authorized, may be paid from the proceeds thereof. (Act of June 8, 1896, 29 Stat. L., 268.) The net amount received in any quarter must be deposited to the credit of the United States at the end thereof, except, that the proceeds of sale of hides may be held and used for expenditures authorized therefrom until the close of the fiscal year, except on a change of disbursing officers or the filing of a new bond, when the unexpended balance must be covered into the Treasury.

CLASS III.

286. Funds to be expended for the benefit of the Indians under the act of March 2, 1887 (24 Stat. L., 463), which provides that:

The Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the act approved March third, eighteen hundred and eighty-three, and which is carried on the books of that department under the caption of "Indian moneys, proceeds of labor," for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress.

This embraces money derived from—

- (a) Sale of town lots, timber, etc., from tribal lands under special acts of Congress.
- (b) Sale of lumber manufactured at agency mills from timber cut on tribal lands.
- (c) Sale of any products of tribal lands not included in paragraphs a and b, which are not the result of labor of individual Indians.
- (d) Sale of any property purchased from Class III funds or "Indian moneys, proceeds of labor," belonging to Indians.
- (e) Rent of buildings erected from treaty or other tribal funds.
- (f) Leasing of tribal lands.
- (g) Grazing or trespass on tribal lands.
- (h) Rights of way on tribal lands.
- (i) Royalties on coal, oil, and gas from tribal lands.

287. These funds should be taken up in account as "Miscellaneous receipts, Class III." Necessary expenditures for labor, sale, collection, etc., may be paid from them before they are covered into the Treasury, but the net receipts must be deposited to the credit of the United States at the end of each quarter, as required by the act of March 3, 1883 (22 Stat. L., 590), and the act of June 8, 1896 (29 Stat. L., 268).

288. General authority is hereby conferred on disbursing officers to sell the products of tribal lands mentioned in paragraphs b, c, and d of section 286 at such times and in such manner as seems best to them.

February 17, 1911.

Miscellaneous Receipts.

Modification of
Amendment No 30
to the Regulations.

To All Disbursing Officers
of the Indian Service:

By authority of the Secretary of the Interior, Section 291, as amended by amendment No. 30, May 16, 1910, is hereby modified, effective April 1, 1911, by striking out the word "either" in the third line and the words "or after" in the fourth line thereof, making paragraph No. 291, as finally amended and modified read as follows:

291. General authority is hereby conferred on disbursing officers to sell the products of agencies and schools mentioned in Section 289 at such time and in such manner as seems best to them, and to make expenditures from funds of this class (before they are deposited in the Treasury) for any legitimate purpose which will be for the benefit of the agency or school producing them. Agency money should not be used for a school, nor should school money be used for an agency. Articles purchased from such funds will be regarded as government property for purposes of accounting.

Please acknowledge the receipt of this circular and paste the same between pages 50 and 51 of the Book of Regulations.

Respectfully,

APPROVED: F. H. ABBOTT,
February 18, 1911. Assistant Commissioner.
R. A. BALLINGER,
Secretary of the Interior.

Finance
H D
Amendment 38
to Regulations
(Modification
Amendment 30.)

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs
Washington

November 2, 1915.

To All Disbursing Officers of the Indian Service:

Paragraph (g), section 289 of "Regulations, Indian Service, 1904" (Amendment No. 30), which reads--

School entertainments, band concerts, athletic contests, sales of curios or of fancy articles manufactured by pupils, subscriptions to school journals or advertising therein, job printing, or any other like enterprise--

is hereby amended so as to read as follows:

(g) Sales of curios or of fancy articles manufactured by pupils, subscriptions to school journals or advertising therein, and job printing.

Also the following new regulation is hereby promulgated:

291 (a) Unless otherwise specially directed by the Commissioner of Indian Affairs, proceeds of school entertainments, band concerts, athletic contests, or any other enterprise of societies, clubs, and associations, composed of students or adult Indians may be received and expended by the officers of the organizations without being carried in the official account of the disbursing officer, provided that such funds do not come into the hands of the disbursing officer, and he exercises no control over them, except in an advisory capacity. Itemized accounts of all such receipts and expenditures shall be kept in the office of the disbursing officer, who shall audit them and keep them on file, subject to inspection by investigating officials.

Very respectfully,

Approved: November 3, 1915.

CATO SELLS,
Commissioner.

BO SWEENEY,
Assistant Secretary of the Interior.

CLASS IV.

289. Funds to be expended for the benefit of the agency or school where they are produced.

This embraces money derived from--

- (a) Sale of property purchased from Class IV funds or "Indian moneys, proceeds of labor" belonging to agencies and schools.
- (b) Sale of products of agency and school shops, farms, and gardens.
- (c) Sale of hides from stock produced at agencies and schools.
- (d) ~~Sale of surplus agency and school property under the act of July 1, 1898~~ Stat. L., 596. (Vide. Dec. Comp. Apr. 29, 1901.)
- (e) Pasturage on agency and school lands.
- (f) Fines imposed by courts of Indian offenses.
- (g) ~~School entertainments, band concerts, athletic contests, sales of curios or of fancy articles manufactured by pupils, subscriptions to school journals or advertising therein, and job printing, or any other like enterprise.~~

290. These funds should be taken up in accounts as "Miscellaneous receipts, Class IV, agency," or "Miscellaneous receipts, Class IV, school," as appropriate. They may be held by disbursing officers for expenditure as provided in the succeeding section, and need not be covered into the Treasury except on a change of disbursing officers or the filing of a new bond, when they must be deposited to the credit of the United States.

291. General authority is hereby conferred on disbursing officers to sell the products of agencies and schools mentioned in section 289 at such time and in such manner as seems best to them, and to make expenditures from funds of this class (either before or after they are deposited in the Treasury) for any legitimate purpose which will be for the benefit of the agency or school producing them, without the restrictions as to inviting bids imposed by section 194, as amended April 30, 1907. Agency money should not be used for a school, nor should school money be used for an agency. Articles purchased from such funds will be regarded as government property for purposes of accounting.

291 (a) - See Amendment #38 dated 11/2/15.

CLASS V.

292. Fees collected to pay for advertising the sale of Indian allotments.

293. These funds should be taken up in accounts as "Miscellaneous receipts, Class V." They may be expended by disbursing officers for the purpose for which collected, but for no other, and need not be covered into the Treasury, except on a change of disbursing officers or the filing of a new bond, when they must be deposited to the credit of the United States.

294. After being deposited in the Treasury, miscellaneous receipts, Class III, will be carried on the books under the title, "Indian moneys, proceeds of labor, --- Indians;" miscellaneous receipts, Class IV, as "Indian moneys, proceeds of labor, --- agency;" or "Indian moneys, proceeds of labor, --- school," according to the source of derivation, and miscellaneous receipts, Class V, as "Indian moneys, proceeds of labor, --- advertising." These titles should be used by disbursing officers in requests for return of the funds to their credit. The funds, when returned, must be accounted for under these titles, and not consolidated with miscellaneous receipts which have not been deposited.

295. As "Indian moneys, proceeds of labor," are advanced by the Treasury, the unexpended balance thereof must be redeposited at the close of each fiscal year.

296. Disbursing officers are required to keep a record of miscellaneous funds belonging to agencies and schools received and disbursed or deposited in the Treasury, so that they may know at any time the exact amount of each kind which is available for expenditure.

Amended by Am #38 11/2/15. See Enclosure 9/17.

297. With every cash account in which the receipt of miscellaneous funds of the preceding classes is acknowledged, a report must be furnished on form 5-237, showing the derivation of each item.

Please acknowledge the receipt of this circular and paste the same between pages 50 and 51 of the Book of Regulations.

Very respectfully,

R. G. VALENTINE, *Commissioner.*

Approved June 14, 1910.

R. A. BALLINGER,
Secretary of the Interior.

○

coal, or other products of any Indian reservation, which are not the result of Indian labor, shall be covered into the Treasury for the benefit of the tribe, under such regulations as the Secretary of the Interior shall prescribe. (*Act Mar. 3, 1883; 22 Stats., 590.*)

290. This class embraces the following items:

1. Proceeds of sale of all products of reservations not the result of Indian labor.
2. Proceeds of tax for grazing on reservations.
3. Proceeds of right of outsiders to cut hay.
4. Proceeds of right of way for cattle herds across reservations.
5. Proceeds of dead timber cut on reservations by persons other than Indians.

291. The *net* funds realized from the sources named in the preceding section must be deposited to the credit of the United States at the end of each quarter. The necessary expense for labor, sale, collection, etc., when authorized, must be defrayed from said receipts.

292. Each deposit of funds of Class III must be accompanied by a statement showing the tribes or bands to which the several sums belong, and at proper time the agent should make such recommendations as to the manner of expenditure for the benefit of the Indians as he may deem best.

293. Funds of this class are available for expenditure for the benefit of the Indians under the act of March 3, 1887, viz:

The Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the act approved March 3, 1883, and which is carried on the books of that Department under the caption of "Indian Moneys, Proceeds of Labor," for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress.

CLASS IV.

294. Money not to be covered into the Treasury, but to be retained by the agent subject to expenditure when authorized by the Secretary of the Interior for the sole benefit of the Indians from whose labor it was derived.

295. This class embraces all receipts from—

1. Sales of articles manufactured by Indian pupils in manual and training schools.
2. Sale of stock, produce, etc., raised at Indian schools and of hides obtained from the increase of cattle belonging to agency and school herds.
3. Sale of surplus timber cut by Indians for the purpose of clearing land for cultivation.
4. Sale of dead and down timber prepared for market by Indians.
5. Fines imposed by Indian courts.

6. Sale of property condemned as unserviceable by boards of survey.

7. Sale of property under the act which provides "that at any of the Indian reservations where there is now on hand Government property not required for the use and benefit of the Indians at said reservations, the Secretary of the Interior is hereby authorized to move such property to other Indian reservations where it may be required, or to sell it and apply the proceeds of the same in the purchase of such articles as may be needed for the use of the Indians for whom said property was purchased; and he shall make report of his action hereunder to the next session of Congress thereafter." (*Act July 13, 1892, 27 Stats., p. 145.*)

296. At the end of each quarter, or oftener, the agent must report to the Indian Office the amount of this class of funds on hand and the sources whence it was derived; and he may, as circumstances require, make such recommendations for expenditures therefrom as in his opinion will be for the best interest of the Indians and the service.

297. The foregoing may fail to state every source from which "miscellaneous" funds may come into an agent's hands, but it is believed to be sufficient to indicate the class to which any belong. If uncertain, however, as to any of his receipts, an agent should apply to the Indian Office for instructions in time to render his quarterly accounts properly.

298. Miscellaneous funds of all classes must be taken up on the regular account current, and every expenditure therefrom must be properly authorized and vouched for. (*See sec. 242.*)

299. The sources from whence these funds are derived must be stated on the account current.

300. Receipts for all articles sold must accompany the account, supported by the certificate of the buyer and agent to the effect that the prices were the highest obtainable in the market at the time and place of sale.

INDIVIDUAL INDIAN MONEYS.

301. Moneys coming into the hands of agents for rents, leases, and sales of property belonging to individual Indians will be designated as "individual Indian moneys." They are not to be covered into the United States Treasury, but accounted for as other funds, and paid, upon proper vouchers, directly to the Indians to whom they belong. (*See sec. 348.*)

TRAVELING EXPENSES.

302. Except where otherwise provided by law the expenses of all officers, employees, and other persons, when traveling on duty or other public business in the Indian Service, will be confined to the "actual and necessary traveling expenses," usual and essential to the ordinary

comfort of travelers, and will embrace the following items of expenditure, viz:

1. Fares upon railroads, steamboats, packets, or other usual modes of conveyance.

2. Hire of special transportation, either by land or water, when there are no regular means of conveyance.

3. Ferriage, tolls, and horse keeping, when transportation is hired.

4. Street-car, omnibus, or transfer-coach fare to and from depots and hotels, and, when there are no such conveyances, moderate and necessary hack hire, not exceeding the legal rates; also baggage fees to porters and expressmen. Items for hack hire and portage require explanation as to the distance and neces. for the same.

5. Sleeping-car fare for one double berth for each person; parlor-seat or customary state-room accommodation on boats, steamers, etc.; and reasonable fees to porters on sleeping cars, parlor cars, boats and steamers.

6. Hotel expenses (board and lodging), not exceeding \$5 per day, when the detention is incident to or necessary for the performance of the duties for which the travel is ordered: *Provided*, That under unusual circumstances a greater amount, not to exceed \$8 a day, may, with the special approval of the Secretary of the Interior, be allowed. Hotel bills must show the regular per-diem rate for board and lodging, together with the dates and number of days charged for.

7. Necessary meals, en route, but for no other items of refreshment than the ordinary food provided for travelers. No charge will be allowed for hotel bills when the detention is unnecessary for the execution of the orders under which the journey is performed, nor for meals furnished on steamers or other means of conveyance which are included in the charge for fare. Charges for meals must be itemized by meal. Subvouchers for meals only are not required to be furnished.

8. Reasonable charges for laundry work and baths when the travel continues for a week or more.

9. The legal rate for an affidavit can be charged in an account, when required, at the rate paid in the State where taken.

303. Travel on limited trains will not be allowed except when absolutely necessary and when specially directed by the Secretary. When unusual routes or expensive means of transportation are charged for, explanatory certificates, setting forth the necessity for the same, must accompany the accounts, and, if approved by the head of the Department, such charges will be allowed. All persons are required to travel by the shortest and most direct route.

304. Charges for telegrams must be accompanied by a copy of the telegram showing the number of words. Only Government rates will be allowed. Charges for telephone service will be allowed, provided a statement is furnished of places to and from, and time occupied.

See Account #18 next page.

305. Every officer or other person traveling, as above indicated, will keep a memorandum of the expenditures herein allowed, noting each item upon its being made and will ~~make affidavit~~ ^{certify on honor} that the different charges in detail have been taken from and verified by his memorandum; that they are correct and just; that the amount charged was actually paid; that no part of the journey was made under a free pass on any railway, steamboat, or other public conveyance; that the number of days charged for were necessarily consumed in unavoidable delays incident to travel, and in the performance of the duty ordered or service rendered, and that the journey was performed with all practicable dispatch by the most direct route.

306. Subvouchers, properly receipted, will be required for livery hire, feed or stabling of horses, services or board of drivers or guides, express, telegraph, or telephone messages, and all miscellaneous expenditures where the total sum amounts to one dollar or more, except for meals and where it is clearly shown to have been impracticable to obtain such receipts, in which case a statement to that effect must be included in the ~~affidavit~~ ^{certificate} required by the preceding section.

307. Subvouchers for traveling expenses may be taken singly, and copies made for file with the duplicate and triplicate accounts. The originals, however, must invariably accompany one of the sets forwarded to the Indian Office.

308. Payments will not be made for travel over land-grant or bond-aided railroads by disbursing officers. Persons making such travel will, upon application to the Department, be furnished with the necessary transportation requests to journey over said roads. An officer or other person traveling on duty or public business over any such railroad will exhibit his request for transportation to the proper officer of the railroad company, and on receiving the requisite order therefor will give the company the necessary voucher for the amount of the fare.

309. The railroads above referred to are as follows, viz:

Traveling and Miscellaneous Expenses

DEPARTMENT OF THE INTERIOR

Washington, D. C.

To All Disbursing Officers

Department of the Interior

Your attention is called to Departmental Order of May 1, 1908, with reference to the Departmental Order of April 1, 1908, with the requirement that traveling and miscellaneous expenses be verified by affidavits in accordance with Treasury Department Circular Series 1907.

By letter of April 30, 1908, the Secretary of the Treasury has modified the requirements of Circular No. 52 as to affidavits for all travel and accounts submitted by disbursing officers of this Department for expenses incurred by employees prior to July 1, 1908.

Accounts for expenses incurred on or after that date must be verified by affidavit, except as set out in the order hereunto referred to.

Very truly yours,

JAMES RUTLEDGE GARRISON

RECEIVED

DEPARTMENT OF THE INTERIOR,

WASHINGTON, *May 2, 1908.*

The attention of all employees of this Department is directed to the following order:

ACCOUNTS FOR TRAVELING EXPENSES—AFFIDAVIT REQUIRED.

All reimbursement accounts for actual traveling and miscellaneous expenses, except railroad, steamboat, sleeping and parlor car fares, must be verified as to correctness by an affidavit before an officer authorized to administer oaths for general purposes, and authenticated by him, except as provided in the following paragraphs:

Where the employee is far removed from an officer before whom the oath can be taken, or where by the taking of such an affidavit the disclosure of the fact of the presence of a government officer, agent, or employee at the particular place where such affidavit is taken will be detrimental to the public interest, the affidavit may be omitted, and the account certified on honor as correct, accompanied by a statement showing the conditions which made it impracticable to secure the affidavit.

The affidavit may be omitted on reimbursement accounts submitted by employees of the U. S. Geological Survey under authority contained in the act of June 30, 1906 (34 Stat., 727), and the reimbursement accounts of school teachers in Alaska, in the employ of the Bureau of Education, under the authority of act of March 21, 1906 (34 Stat., 824).

These exceptions will not interfere in any way with the right of the Auditor and Comptroller to demand proof by affidavit, or otherwise, as to them may seem just or proper in order to establish the validity of such account.

Departmental order of April 11, 1907, and all other orders, circulars, or instructions in conflict herewith, are hereby canceled and revoked.

JAMES RUDOLPH GARFIELD,

Secretary.

ACCOUNTS.

Certificate substituted for affidavit.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, *April 11, 1907.*

ORDER:

Hereafter, in submitting accounts for traveling or other expenses incurred in the performance of duty, officers or employees of this Department, or any of its bureaus or offices, will not be required to make affidavit as to the correctness of such accounts, but shall append to every such account a certificate beginning with the words "I certify upon honor," and embracing the same statements of fact as those heretofore required to be included in such affidavits.

All orders, circulars, or instructions in conflict herewith are hereby canceled and revoked.

JAMES RUDOLPH GARFIELD,

Secretary.

ACCOUNTS
38273-1907.

AMENDMENT
No. 18.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, *April 30, 1907.*

*To all Disbursing Officers
of the Indian Service:*

By direction of the Secretary of the Interior, officers and employees of the Indian Service will not be required after April 11, 1907, to make affidavit to vouchers for traveling or other expenses incurred in the performance of duty, but shall append to every such voucher a certificate beginning with the words "I certify on honor," and embracing the same statements of fact as those included in the affidavits heretofore required.

In order to carry this change into effect the Regulations of the Indian Office, 1904, are hereby amended by striking out article 9 of section 302; substituting the words "certify on honor" for the words "make affidavit" in section 305; and substituting the word "certificate" for the word "affidavit" in section 306 thereof.

The blanks already provided for traveling expense vouchers may still be used until new ones are printed, the only alteration necessary being the conversion of the affidavit thereon into a certificate.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 54 and 55 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

28941b1500-4-07

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 30, 1907.

*To all Disbursing Officers
of the Indian Service:*

By direction of the Secretary of the Interior, officers and employees of the Indian Service will not be required after April 11, 1907, to make affidavit to vouchers for traveling or other expenses incurred in the performance of duty, but shall append to every such voucher a certificate beginning with the words "I certify on honor," and embracing the same statements of fact as those included in the affidavits heretofore required.

In order to carry this change into effect the Regulations of the Indian Office, 1904, are hereby amended by striking out article 9 of section 302; substituting the words "certify on honor" for the words "make affidavit" in section 305; and substituting the word "certificate" for the word "affidavit" in section 306 thereof.

The blanks already provided for traveling expense vouchers may still be used until new ones are printed, the only alteration necessary being the conversion of the affidavit thereon into a certificate.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 54 and 55 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

Alphabetical list of land-grant and bond-aided railroads of the United States.

Name of road.	From—	To—	Miles.	Remarks.
Atchison, Topeka and Santa Fe.....	Atchison, Kans.....	State line, Kansas and Colorado.....	470.58	50 per cent land grant.
Atchison, Topeka and Santa Fe—Southern Kansas Division.	Lawrence, Kans.....	South boundary of Kansas, near Coffeyville.....	142.80	Do.
Central Pacific.....	Ogden, Utah.....	Sacramento, Cal.....	742.61	Bonded.
Do.....	Brighton, Cal.....	Niles, Cal.....	108.83	Do.
Do.....	Niles, Cal.....	San Jose, Cal.....	17.54	Do.
Chicago, Burlington and Quincy.....	Burlington, Iowa.....	Missouri River, via Pacific Junction, to East Platts-mouth, Iowa.	279.98	50 per cent land grant.
Chicago, Milwaukee and St. Paul.....	St. Paul, via Mendota or St. Paul Junction, Faribault and Austin.	Lyle, Minn.....	112.00	Do.
Do.....	Minneapolis, Minn., via same route..do.....	115.00	Do.
Do.....	Calmar, Iowa.....	Sheldon, Iowa, junction with Chicago, St. Paul, Minneapolis and Omaha—St. Paul and Sioux City Division.	211.00	Do.
Do.....	Madison, Wis.....	Portage, Wis.....	39.00	Do.
Do.....	Hastings, Minn.....	Ortonville, west boundary of State.....	202.10	Free land grant.
Do.....	Dubuque, Iowa, south.....	Tête des Morts Creek, on west bank Mississippi River.	10.78	50 per cent land grant.
Do.....	Mississippi River, La Crescent, opposite La Crosse, Wis.	Houston, Minn.....	18.00	Do.
Do.....	Houston, Minn.....	Airlie, on western boundary of State of Minnesota..	279.37	Free land grant.
Chicago and Northwestern.....	Cedar Rapids, Iowa.....	Transfer grounds, or Council Bluffs, Iowa.....	271.60	50 per cent land grant.
Do.....	Branch-Lyons, Iowa.....	Clinton, Iowa.....	2.60	Do.
Do.....	Winona, Minn.....	Six-tenths of a mile west of Watertown station.....	323.22	Do.
Do.....	Fond du Lac, Wis.....	Junction with Duluth, South Shore and Atlantic—12 $\frac{3}{4}$ miles west of Marquette.	241.20	Do.
Chicago, Rock Island and Pacific.....	Davenport, Iowa.....	Transfer grounds, or Council Bluffs, Iowa.....	317.75	Do.
Chicago, St. Paul, Minneapolis and Omaha.....	12 $\frac{3}{4}$ miles south of Warrens, Wis.....	St. Paul, Minn.....	172.60	Do.
Do.....	Stillwater Junction.....	Stillwater, Minn.....	3.50	Do.
Do.....	St. Paul, via Lemars, Iowa.....	Sioux City, Iowa.....	269.60	Do.
Do.....	Hudson, Wis.....	Superior, Wis.....	149.50	Do.
Do.....	Superior Junction, Wis.....	Bayfield, Wis.....	94.40	Do.
Choctaw and Memphis.....	Mississippi River, opposite Memphis, Tenn.	Argenta, opposite Little Rock, Ark.....	131.00	Free land grant.
Duluth, South Shore and Atlantic.....	Marquette, Mich.....	L'Anse, Mich.....	63.00	50 per cent land grant.
East Tennessee, Virginia and Georgia—Queen and Crescent System.	Wauhatchie, Tenn.....	Meridian, Miss.....	289.00	Do.
Do.....	Jackson, Miss.....do.....	96.00	Do.
Do.....	Delta, La., opposite Vicksburg, Miss..	Waskom, near State line of Texas and Louisiana.....	191.00	Do.
Do.....	Selma, Ala.....	Jacksonville, Ala.....	145.00	Do.
Flint and Pere Marquette.....	Flint, Mich.....	Ludington, on Lake Michigan.....	170.66	Do.
Florida Central and Peninsular.....	Fernandina, Fla.....	Tampa Bay, Fla.....	241.00	Do.
Do.....	Wald, Fla.....	Cedar Keys, Fla.....	71.00	Do.
Do.....	Jacksonville, Fla.....	Chattahoochee River, Fla.....	209.00	Do.
Grand Rapids and Indiana.....	Fort Wayne, Ind.....	Petoskey, on Traverse Bay, Mich.....	333.00	Do.

Name of road.	From—	To—	Miles.	Remarks.
Great Northern Railway Line.....	St. Paul, Minn.....	Breckenridge, Minn.....	216.84	50 per cent land grant.
Do.....	St. Paul, Minn., via St. Cloud and Hannibal, Minn.	St. Vincent, Minn.....	390.25	Do.
Hannibal and St. Joseph.....	Hannibal, Mo.....	St. Joseph, Mo.....	206.40	Do.
Illinois Central.....	Cairo, Ill.....	Chicago, Ill.....	365.00	Do.
Do.....	Centralia, Ill.....	East Dubuque, Ill.....	342.73	Do.
Do.....	Dubuque, Iowa.....	Sioux City, Iowa.....	326.58	Do.
Lake Shore and Michigan Southern.....	Jonesville, Mich.....	Lansing, Mich.....	60.00	Free land grant.
Little Rock and Fort Smith.....	Argenta, opposite Little Rock, on left bank of Arkansas River.	Garrison avenue, Fort Smith, Ark.....	165.16	Do.
Louisville and Nashville.....	Decatur, Ala.....	Flomaton, Ala.....	302.00	50 per cent land grant.
Do.....	Flomaton, Ala.....	Pensacola, Fla.....	44.00	Do.
Do.....	Pensacola, Fla.....	River Junction, west bank Appalachicola River.....	161.00	50 per cent land grant.
Michigan Central.....	Lansing, Mich.....	Mackinaw City, Mich.....	259.00	Free land grant.
Missouri Pacific.....	St. Louis, Mo.....	Pacific, Mo.....	37.00	50 per cent land grant.
Missouri Pacific—Central Branch.....	Atchison, Kans.....	Waterville, Kans.....	100.00	Bonded.
Missouri Pacific—St. Louis, Iron Mountain and Southern.....	Birds Point, opposite Cairo, via Pop- larbluff and Little Rock.	Texarkana, Ark.....	394.50	Free land grant.
Missouri, Kansas and Texas.....	Junction City, Kans.....	Northern boundary of Osage Reservation, near Chanute, Kans.		Do.
Mobile and Girard.....	Girard, Ala.....	Troy, Ala.....	84.00	50 per cent land grant.
Mobile and Ohio.....	Mobile, Ala.....	State line, Mississippi and Tennessee.....	333.28	Do.
Northern Pacific.....	Ashland, Wis.....	Portland, Oreg.....	1,980.00	Do.
Do.....	Walla Walla Junction, Wash.....	Pasco Junction, Wash.....	16.00	Do.
Do.....	Watab, Minn.....	Brainerd, Minn.....	54.84	Do.
Santa Fe Pacific.....	Isleta Junction, near Albuquerque.....	Mojave, Cal.....	805.80	Do.
Southern Pacific.....	Alcalde via Huron, Goshen, Tulare, Mojave, and Los Angeles.	Colorado River, opposite Yuma, Ariz.....	551.35	Do.
Southern Pacific—San Francisco and Port- land line.....	Roseville Junction, Cal.....	Portland, Oreg.....	664.00	Free land grant.
Southern Railway Co.....	See East Tennessee, Virginia and Georgia—Queen and Crescent.			
St. Louis and San Francisco.....	Pacific, Mo.....	Sapulpa, Ind. T.....	405.00	50 per cent land grant.
St. Paul and Duluth.....	St. Paul, Minn.....	Duluth, Minn.....	154.42	Do.
Wisconsin Central.....	Portage City, via Stevens Point, Wis.....	Ashland, Wis.....	256.00	Do.

310. Government requests for transportation are not to be used to obtain transportation over any roads other than those named in the preceding section. They may, however, be used in procuring tickets at the rates paid by the public for journeys between points over railroads, where the distance to be traveled is in part over the "subsidized or aided portions thereof," and in part over the portions that have not been built by the aid of Government bonds.

311. Agents are required to obtain authority for each journey undertaken by them, and, if practicable, before starting. If not practicable, as in cases of emergency, where prompt action is necessary and the delay incident to obtaining authority would be prejudicial to the best interests of the service, the agent should immediately after the completion of the journey render an itemized account of the expense incurred, explain the object of and necessity for the journey, and request approval.

312. Requests for authority to cover expenses already incurred should not be made on informal or incomplete papers, but the vouchers covering such expenses should be complete in every detail, having proper subvouchers attached, before being submitted for approval.

313. The expenses of each trip should be kept separate, and every particular connected therewith, such as time of starting, points visited, time of return, number of men and horses employed, compensation, etc., should be stated.

314. Careful regard must be paid to the foregoing rules in the preparation of vouchers of this character, particularly to the section requiring an itemized account of actual expenses incurred, and that requiring subvouchers.

315. When it becomes necessary to detail clerks and other employees of the Indian service outside of Washington to assist in the opening of bids, making of contracts, and shipping goods, they may be allowed a per diem of not exceeding \$4 per day for hotel and other expenses, which per diem shall be in lieu of all expenses exclusive of transportation and sleeping-car fare. *Act of May 12, 1882 (27 Stat. 780)*

316. When delays are incident to travel or necessary to the performance of the duties for which the travel is ordered, charges will, as a general rule, be allowed for hotel expenses; but the extent to which such charges will be allowed will depend upon the circumstances of the case. *(2d Compt., Mar. 14, 1882; Auth. 3974, Ind. Office; 2d Compt., Nov. 16, 1883; 21232, 1883, Ind. Office.)*

317. Within the limits of their official territory, agents may make journeys in the discharge of their duty without permission of the Department; but any expenditure on account of such journeys must be approved by the Secretary of the Interior before credit therefor will be allowed; and such approval will be given only when it shall appear that the journey was imperatively necessary.

ACCOUNTS.
Authority 104836.

AMENDMENT
No. 21.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., August 10, 1907.

To all Disbursing Officers
of the Indian Service:

By authority of the Secretary of the Interior, section 317 of the Regulations of the Indian Office, 1904, is hereby amended so as to read as follows:

317. Within the limits of their official territory, agents may make journeys in the discharge of their official duties without special permission; but any expenses incurred in so doing must be approved by competent authority before credit therefor will be allowed; and such approval will be given only when it appears that the journey was imperatively necessary.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 56 and 57 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

TELEGRAPHING.

318. Vouchers for telegrams must have attached thereto copies of all messages charged for. When a message, to reach its destination, makes any part of its journey by mail, the terminal points will be stated.

319. When a telegraph company charges for a message sent during a month other than that for which the account is rendered, explanation of the discrepancy in date must be made.

320. Expenses of telegrams exclusively for the personal benefit of individuals (requesting and granting leaves of absence, etc.) must not be charged to the Government. Messages brought into a disbursing officer's accounts must be on Government business solely.

321. In addition to the foregoing rules, the Postmaster-General is, by act of July 24, 1866, authorized to make such regulations as he may deem proper, which will govern in the settlement of all telegraphic accounts until modified or revoked by him. Agents should see that they are in possession of the current regulations of the Post-Office Department on this subject.

322. All expenses for telegrams on public business between the Indian Office and Indian agents will be paid by the Indian Office and *not* by the agent sending or receiving the same. All such dispatches to the Indian Office must be marked "collect." Telegrams to other parties, when necessary, may be paid for by the agent.

323. Agents will use the telegraph only when the necessities of the service are such as not to admit of the delay of communication by mail. When used, telegrams should always be prepared with the utmost brevity, and may embrace more than one subject. In all Government telegrams the address and signature are charged for at the same rate as for words in the body of the message; hence these should be condensed. In addressing the Indian Office it will be sufficient to say simply "Commissioner Indian Affairs, Washington." The name of the Commissioner, or any honorary title, is unnecessary. So in the signature, instead of "John Brown, U. S. Indian agent," it will be sufficient to sign "Brown, agent."

ANNUITY PAYMENTS.

324. Except when otherwise provided by treaty stipulations or instructions from the Indian Office, annuity funds will be divided and paid in equal shares, per capita, to all members of the tribe entitled to participate therein under the following rules and regulations:

1. A roll will be prepared containing the name and a brief description of each Indian entitled to share in the payment, and the names on such roll will be numbered consecutively from 1 to the end. The forms to be used for this purpose are 5-322a, 5-322b, and 5-322c.

facts, and give their reasons for their refusal so to certify. Each parent of the child should then furnish you an affidavit, setting out in detail the facts as to the marriage, and birth of the child; and the mother should include in her statement the facts as to her Indian blood, descent, and tribal enrollment; when and where she was married, and to whom; how and in just what way she and her child are or have been recognized by the tribe as belonging thereto; and how her family have affiliated and identified themselves with the tribal community and interests; and where she went to live when married, and the places she has since resided up to the present time, whether among the Indians or whites. Further, the parents should, so far as possible, furnish you affidavits from relations or others corroborating their statements.

After the receipt of the desired evidence you should give the case a careful investigation, and submit it to this office, with *all* of the evidence relative thereto, and with your recommendation for or against the enrollment of the applicant.

Please acknowledge the receipt of this circular, and paste the same between pages 58 and 59 of your book of Regulations, and beside circular known as Amendment No. 6.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

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DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., June 30, 1905.

To all Disbursing Officers of the Indian Service:

Referring to office circular of April 1, 1905, being amendment No. 6 to paragraph 4 of section 324 of the Regulations of the Indian Office, 1904, relative to the enrollment of children, born to annuitants, as members of the tribe to which their parents belong, you are advised, in view of the requests for instructions from agents and superintendents as to the exact meaning or construction to be placed upon the said amendment, as follows:

The said amendment, No. 6, as will be seen, contains three governing conditions, which must be met before enrollment can be made of children born to Indian women married to white men:

1. The woman must be recognized by the tribe as belonging thereto.
2. The child must be recognized by the tribe as belonging thereto.
3. The family so founded must be identified and affiliated with the tribe of which the mother is a recognized member.

The third or last sentence of amendment No. 6, which reads:

When an Indian woman by her marriage with a white man has, in effect, withdrawn from the tribe and is no longer identified with the tribal community and interests, the offspring of such a marriage are not entitled to share in annuities or other benefits as Indians and must not be enrolled,—

is simply the negative corollary of what precedes, and has no further bearing other than as amplifying the instructions which it follows.

If the evidence in the case of any child born to an Indian woman married to a white man fully meets the three conditions as above set out, and is entirely satisfactory to you, the child is to be enrolled. However, the office desires that the tribe, or band, or meeting of the allotted Indians of the community, should formally certify to the three requirements named, and such certificate should be properly witnessed and attested by you, and then attached to the annuity or tribal rolls, with a statement to the effect that the enrollment is made in accordance with the satisfactory evidence attached, and under the provisions contained in the amendment referred to.

Should the tribe, or meeting of the representatives of the Indians, or business committee, from their knowledge of the case, refuse to make such certification, thereby inaugurating a contest, you should have them make formal statement before you as to their knowledge of the

ACCOUNTS.
Auth. 93595.

AMENDMENT
No. 6.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., April 1, 1905.

To all Disbursing Officers
of the Indian Service:

By direction of the Honorable Secretary of the Interior, the Regulations of the Indian Office, 1904, are hereby amended by striking out paragraph 4 of section 324 and substituting therefor the following:

4. All children born to annuitants either before or since the last preceding payment, who have not already been enrolled, should be enrolled with their parents. This includes cases where the mother is an Indian woman married to a white man, and such woman and her issue are recognized by the tribe as belonging thereto, and where the family so founded identifies itself and affiliates with the tribe of which the mother is a recognized member. When an Indian woman by her marriage with a white man has, in effect, withdrawn from the tribe and is no longer identified with the tribal community and interests, the offspring of such a marriage are not entitled to share in annuities or other benefits as Indians and must not be enrolled. (*Op. Asst. Att'y-Gen'l, Int. Dept., Mar. 14, 1905; I. O. Let. 21245-1905.*)

Please acknowledge the receipt of this circular and paste the same between pages 58 and 59 of your book of Regulations.

Very respectfully,

F. E. LEUPP,
Commissioner.

2. The arrangement will be by family groups, heads of families being enrolled first and followed by their wives and minor children, and any other persons whose shares of annuity they are entitled to draw.

3. Inasmuch as Indians attain their majority in respect to annuities at the age of 18 years, all single persons 18 years old and over will be enrolled by themselves. Persons under that age will be enrolled with their parents, unless they are married or have children of their own, in which events they will either be enrolled with their husbands or recognized as heads of families and treated accordingly.

4. All children born to annuitants since the last preceding payment will be enrolled with their parents: *Provided*, That a child born to an Indian woman as the result of a marriage with a white man contracted after June 7, 1897, is not entitled to annuities or other benefits accruing to the tribe and must not be enrolled. (25 Stats., 392; 30

Stats., 90.)
Act of 8/9/1888; Act

of June 7, 1897.)
5. Deceased Indians may be carried on the rolls for one payment after death. This applies to all periodical payments, whether the funds to be distributed are regular annuities or derived from sales of timber, grazing privileges, or other miscellaneous sources. In other words, where an Indian has been accustomed to receiving regular payments of more than one kind of funds, he may be carried on the rolls for one payment *of each* after death, provided the same accrued during the lifetime of the annuitant.

6. Each annuity roll will be carefully compared with the one immediately preceding, and, as far as practicable, the names on the two rolls will be made to correspond. The number of the individual on the previous roll will be entered in red ink opposite the name of the same individual on the current roll. If a name on the previous roll does not appear on the current roll, the reason therefor must be given.

7. The father and head of the family will be required to sign a receipt for the shares of himself, his wife, and minor children, as hereinafter provided.

8. If for any reason, such as sickness, very old age, or incompetency, the husband and father is unable to be present at the payment, the wife may be permitted to receive and receipt for the family shares.

9. If the husband and father is known to be improvident, a drunkard, a gambler, a spendthrift, or for any other reason an unfit person to handle the money of his wife and children, the wife will be paid his own share and the mother allowed to receive and receipt for the shares of herself and minor children.

10. If a husband and wife are separated, the husband will be paid his or her own share, and the shares of the minor children will be paid to the parent who cares for and supports them.

11. If an Indian has more than one wife he will be paid his own share and those of the wife with whom he is living, and her minor children; the shares of the other wife or wives and their minor children will be paid to such wife or wives: *Provided, however,* That if all are living together the man will be recognized as the husband of the first wife only, and the other wife or wives will be allowed to draw for themselves and children as indicated.

12. The shares of all minor members of a family who are not children of either the man or wife, such as nephews, nieces, or adopted children, may be paid to the head of the family, provided there shall first be obtained from two or more of the principal men of the tribe a certificate, on Form 5-131, setting forth the relationship and showing conclusively that the person receiving the money is the proper guardian of the child to whom it belongs. When a guardian receipts, he is required to sign his own name as well as that of the person for whom he acts.

13. If, however, there is any reason to believe that the guardian so designated is not a proper person to be intrusted with the money of his ward, and that the money if paid to him would not be expended for the sole use and benefit of the minor, the agent will decline to make the payment and report the facts in the case to the Indian Office.

14. As a general policy the annuities of children, whether orphans or not, who are being cared for in Government boarding schools, should be returned to the United States Treasury and allowed to accumulate there until the annuitants become of age or marry, so that they will then have something with which to make a start in life. Such children are of but little expense to their parents or guardians, and the maintenance and training they receive in school may very properly be regarded as more than compensating the parents and guardians for the loss to them of the withheld annuities.

15. The shares of deceased claimants will be paid to the proper heirs, upon certificates of two or more principal men of the tribe, on Form 5-131, that they are the proper persons to receive and receipt for the same. If the deceased leaves no heirs, the shares will be returned to the United States Treasury. The shares of any living persons who for any reason are not paid will also be returned to the Treasury, to be afterwards paid through the Indian Office in the form of claims.

16. When payments are made by check, each check will be drawn to the order of the person receipting for the money and placed directly in the hands of the person in whose name it is made payable.

17. No arrangement will be made to further the interests of any merchant, trader, or other creditor of the Indians, and neither they nor their representatives nor collectors of any kind are to be allowed in the vicinity of the office while the payment is in progress.

De Bruijn's 588 dated 12/16/11, amendments of Jan 22/1912

ACCOUNTS
29963-1907

AMENDMENT
No. 14.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 1, 1907.

To all Disbursing Officers
of the Indian Service:

By authority of the Honorable Secretary of the Interior, article 22, section 324 of the Regulations of the Indian Office, 1904, is hereby amended so as to read as follows:

324. 22. An interpreter, or some person acting in that capacity, will also be present and witness every payment: *Provided*, That this requirement shall be waived when it is shown that an interpreter can not be had, or when the Indians sign their own names, in which latter case it will be presumed that they can read and write the English language and consequently need no interpreter. The certificates of interpreter, witnesses, and agents on the final sheet of the roll must be properly filled out, signed, and dated.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 60 and 61 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

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18 Powers of attorney will not be recognized, nor will any order given by an Indian to another person for his share of the payment.

19. Agents will be careful to note on the pay rolls, in the column of "Remarks," any matters which are unusual, such as date of birth of each child enrolled since previous payment; date of death of each deceased annuitant; reason for wife signing in place of husband for family shares; reason for paying husband his share and wife her own and the shares of her children; name of school at which is located anyone of age whose share is returned to the Treasury; reasons for returning shares of persons who are not paid; number of certificate of guardianship.

20. Each payment will be attested by two disinterested and properly qualified witnesses, who will sign their names on the same line with the signature of the payee. This requirement will be insisted upon, whether the Indians sign the receipt by mark or by writing their own names.

21. If an Indian can not write he will sign the receipt by mark, thus: Ah-ke-tah, his x mark. All signatures will be on the same line with the amount for which the receipt is given.

22. An interpreter, or some person acting in that capacity, will also be present and witness every payment. The certificates of interpreter, witnesses, and agent on the final sheet of the roll must be properly filled out, signed, and dated.

23. The numbers of all who may remain unpaid will be noted in the space prepared for that purpose on the last sheet of

24. Proper effort should be made by the agent to absent annuitants who are sojourning at other agencies. Receipts of legal age who are pupils at nonreservation boarding schools. Receipts of all such must be taken on Form 5-214 and attached to the pay roll as subvouchers.

325. A ledger account shall be kept at every agency of the unpaid annuity or other funds distributed per capita, in which each share is to be credited to the person to whom it is due at the time it is returned to the Treasury. This account must show at any time the money in the Treasury then actually due individual Indians. Every entry must give the number of the share and voucher so that ready reference may be made to the annuity roll from which it is taken, and when a claim is allowed by the Indian Office, the Treasury officials will be requested to forward the warrant through the agent in order that the proper debit may be made against the account before transmitting it to the annuitant.

326. An Indian holding equal rights in two or more tribes can share in the annuities of but one, and will be required to elect with which tribe to be enrolled, and relinquish in writing his claims to annuities with all others before receiving any payment. In the case of an infant or minor the required election will be made by the parents.

327. Persons not Indians, unless adopted by the tribal authorities, which adoption must be approved by the Department and the Indian Office to be valid, or unless they are specially provided for by treaty or act of Congress, have no legal status in an Indian tribe and can not share in any annuities paid to said tribe.

328. Annuity funds can not be diverted for the payment of chiefs or headmen, nor for any purpose whatever unless permitted by treaty stipulations. The President may, however, at the request of an Indian tribe to which annuity is payable in money, cause the same to be paid in goods. (*Secs. 2082 and 2097, R. S.*)

329. No annuities or moneys or goods shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and headmen of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country. (*Sec. 2087, R. S.*)

330. No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United States or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress. And the Commissioner of Indian Affairs shall report to Congress at each session any case of hostilities, by any tribe with which the United States has treaty stipulations, which has occurred since his next preceding report. (*Sec. 2100, R. S.*)

331. There is no necessary relation between the rights of Indians as citizens and the right of the United States to impose such restrictions as it sees fit in the distribution of annuities paid in accordance with treaties. (*Dig. Dec. Comp., p. 385.*)

332. Whenever, in pursuance of office instructions, the appointment of administrators and guardians in conformity with local laws becomes necessary to administer the estates and receive and receipt for shares of annuity or other funds of deceased or minor Indians, such shares shall be paid only upon certificate of the agent in charge of the Indians that the appointees are fit and proper persons to administer the trusts imposed upon them. This certificate shall be substantially as follows:

I certify on honor that I have carefully investigated the character and responsibility of _____, administrator (or guardian, as the case may be) of the estate of _____, deceased (or minor) annuitant, and that I find him to be a person

Land-
Contracts
80173-1912
W M W
Enrollment
applications.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

August 16, 1912.

To All Disbursing Officers
of the Indian Service:

The Regulations of the Indian Office, 1904, are hereby amended by adding to Section 327 thereof the following paragraph, to be in force and affect from the date hereof:

When an application of any person for enrollment with an Indian tribe has been denied by the Department, no subsequent application will be received from or on behalf of the same person unless accompanied by evidence tending strongly to show either that the denial was based upon a mistaken belief as to the facts, or that material facts have come to light, not presented at the former consideration.

Please acknowledge the receipt of this circular and paste the same between pages 62 and 63 of your book of Regulations.

Respectfully,

Approved:
August 31, 1912.

C. J. Hauke
Second Assistant Commissioner.

Samuel Adams
First Assistant Secretary.

of good (indifferent or ill) repute, in good (indifferent or poor) circumstances; he is engaged in the business of _____, and is (not) a proper person to administer this trust; and to the best of my knowledge and belief the interests of the heirs (or ward) are (not) safe in his hands.

I respectfully recommend that the amount be (not) paid.

(Signed.)

_____,
U. S. Indian Agent.

333. Claims of administrators and guardians for annuity will be submitted through the agent, and any claims that are sent independently to the Indian Office will be returned to him for the required investigation and certificate.

334. The matter of administering the estates of deceased and minor annuitants is of increasing importance as the Indians become citizens, and the tribal trust funds are paid to them wholly or in part. The utmost care must be taken by agents to secure the appointment of fit and proper persons to administer these trusts, and the responsibility thus resting upon them shall not be evaded with the excuse that such business belongs to the courts. The United States is bound to exercise all possible care in safe-guarding the interests of the Indians, and and if through any fault of indifference or insufficient precaution on the part of agents this obligation is not carried out and the heirs and wards are defrauded, such offending officers shall be dismissed from the service and steps taken to secure repayment under the bond of the administrator or guardian, or if the bond be worthless, to secure the punishment of the embezzler.

335. As a proper method of discharging this responsibility agents will explain to the county or probate judge the obligation and authority of the United States in the payment of annuity and other fund to Indians, and effect an arrangement with him whereby only such administrators and guardians as they adjudge to be fit and proper persons shall be appointed. Agents should also secure the concurrence of the judge to a plan by which they are first to examine and approve all accounts before these papers are filed with and approved by the court. If duly appointed guardians are not fulfilling their obligations in a satisfactory manner, agents shall, in making a payment, return the shares of the wards to the Treasury, noting on the roll the reasons therefor, in addition to taking steps to compel the execution of the trust and effect a change of guardians.

ACCOUNTS.

336. Agents are required to render quarterly accounts for all Government funds and property which may come into their hands. Such accounts must be forwarded to the Indian Office, with a letter of transmittal within *twenty* days after the expiration of the quarter, or fractional quarter, to which they relate. A failure to comply with this

requirement may subject the delinquent official to serious embarrassment, as no additional funds can be placed to his credit until the delay is satisfactorily explained. *Act July 31/1894 Sec 12, 28 Stats*

337. A delay of more than *thirty* days in rendering such accounts may result in a suit on the agent's bond for the recovery of the public funds and property in his hands.

338. The cash accounts and all papers pertaining thereto, except as hereinafter provided, will be made in triplicate, one copy to be retained by the agent and the two others marked respectively "original" and "duplicate," to be forwarded to the Indian Office.

339. Property accounts will be made in duplicate, the "original" to be forwarded to the Indian Office and the other to be retained by the agent.

340. All authorized expenses should be paid in the quarter in which they are incurred, and brought into the accounts for that period. If, however, from the nonreceipt of funds, or other good cause, which must be fully stated on the voucher, payment can not be made during the quarter in which the expense is incurred, it may be made in the quarter next succeeding; but in no case at any later period without special authority from the Indian Office. (*See sec. 255.*)

341. The date of payment and not the date of purchase or period of service determines the quarter to which a voucher belongs.

342. The availability of an annual appropriation for payment for goods or services is determined by the date of purchase or period of service.

343. In forwarding accounts care will be taken to see that the package or packages contain all papers pertaining to the said accounts and requisite for their proper examination and settlement, and no others. The cash and property accounts must be separated from each other, and the papers belonging to each arranged so as to follow each other in regular order.

344. The papers comprising a complete cash account are Account Current, Abstract of Disbursements, Vouchers, Transcript of Cash Book, and Report of Employees. Those to be included in a property account are Property Return, Abstracts A, B, C, D, E, and F, Vouchers to Abstracts D and F, and Medical Return.

345. The instructions contained in the following sections in regard to the preparation of quarterly accounts must be complied with in every particular. When properly prepared, accounts will require no suspensions or disallowances, but be susceptible of rapid administrative examination by the Indian Office, and prompt settlement by the Treasury Department, thereby relieving both offices of unnecessary labor, and the agent of the care and anxiety consequent upon an unsettled condition of his accounts.

CASH.

ACCOUNT CURRENT.

(Form 5-115.)

346. The account current shall show upon the credit side the amount already on hand, and all moneys received, whether from appropriations or miscellaneous sources; and upon the debit side the aggregate amount expended, as per abstract of disbursements, all deposits to the credit of the United States, and the balance remaining at the close of the quarter or period for which the account is rendered.

347. The agent shall make affidavit on the account current, to the effect that the account is just and true as stated; that the disbursements have been faithfully made for the objects shown by the vouchers; and that the account embraces all public moneys received from any source whatever, not theretofore accounted for. Such affidavit shall also show the amount of miscellaneous funds received during the period for which the account is rendered, as well as the unexpended balance of *all* public moneys remaining in his hands and on deposit to his official credit. (*See sec. 391.*) *30 state 595*

348. Under the act of July 1, 1898, which provides that Indian agents "shall account for all moneys coming into their hands as custodians from any source whatever, and be responsible therefor under their official bonds," such agents are required to include in their regular accounts moneys received from the sale of property belonging to Indians, and to furnish proper vouchers for all disbursements therefrom. (*Dig. Dec. Comp., p. 12. See sec. 301.*)

349. An account current must be rendered for each and every quarter, whether any funds have been received or disbursed during that period or not.

350. Each account current must show the date of the bond or bonds

351. The abstract of disbursements shall show the funds disbursed, under the several heads and subheads of appropriation, as designated in tabular statements of remittances; the names of persons to whom payments are made, as they appear in the vouchers; on what account the disbursements are made; and the dates and numbers of the vouchers.

352. Vouchers will be arranged numerically, and each amount properly carried out under the heads and subheads of appropriation, which should appear at the top of the several columns on the abstract.

ACCOUNTS.
41820-1904.

1st Amendment
DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 1, 1904.

To all Disbursing Officers
of the Indian Service:

By authority of the Honorable Secretary of the Interior, the Regulations of the Indian Office, 1904, are hereby amended by inserting after section 348 thereof the following:

348 a. When individual Indian moneys or miscellaneous receipts of any class are received during the period for which an account is rendered, a schedule thereof must be attached to the account current showing as to each item the source from which received, the date and amount of receipt, and the object for which the money was paid in. Such schedule must be supported by a certificate of the agent as to correctness.

Please acknowledge the receipt of this circular and paste the same between pages 64 and 65 of your book of Regulations.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

18670b1500-6-04

353. The designation of funds is not determined by the object for which they are to be used, but by the name of the appropriation under which they are received.

354. Miscellaneous receipts will be included in the abstract of disbursements and a separate heading given to each class.

VOUCHERS.

355. A properly executed voucher must be furnished for each and every expenditure, and the latter must be authorized by the Secretary of the Interior before credit therefor will be allowed.

356. A copy of the authority must be attached to the voucher, except when there are two or more expenditures in the same quarter under the same authority, in which case one copy will be sufficient, provided reference is made on the other vouchers to the one to which the authority is attached.

357. Each voucher must have an indorsement giving its number, the quarter to which it pertains, the name of the person in whose favor it is drawn, the amount, and, when payment is made by check, the number and date of the check and the name of the bank or other institution upon which it is drawn.

358. In receipts to vouchers the sums paid must, when practicable, be written out in words as well as expressed by figures, and the date of the payment and the name of the person by whom it is made must be stated.

359. Vouchers must be stated in the name of the person, firm, company, or corporation rendering the service or furnishing the articles for which payment is made. (*Treas. Circ. 52, Apr. 29, 1903.*)

360. If the payee be a partnership, the receipt to the voucher should be signed in the usual firm signature; if an incorporated or unincorporated company, the receipt should be in the company name, followed by the autograph signature of the officer (with his title) authorized to receive the money and receipt therefor. (*Treas. Circ. 52, Apr. 29, 1903.*)

361. Evidence of the authority of the officer receipting for an incorporated or unincorporated company must accompany the voucher, or be on file, unless the payment is made by a check drawn on a United States depository, *to the order of the company*, and that fact, with the date and number of the check and name of the depository, is stated on the voucher. (*Treas. Circ. 52, Apr. 29, 1903.*) This does not, however, apply to subvouchers for traveling expenses. (*Treas. Circ. 70, June 26, 1902.*)

362. When one writes the name of another to a receipt he must have proper written authority for so doing: *Provided*, That when a disbursing officer is satisfied that an attorney, agent, or officer is authorized

ACCOUNTS.
41320-1904.

2d Amendment.
DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 1, 1904.

*To all Disbursing Officers
of the Indian Service:*

By authority of the Honorable Secretary of the Interior, the Regulations of the Indian Office, 1904, are hereby amended by adding to section 366, after the last word thereof, the following:

When such articles as flour, meal, grain, hay, seed, produce, wood, coal, and lumber are purchased in open market they must be weighed or measured by some competent and reliable employee or other person, whose certificate as to weight or measurement, on Form 5-176, must be attached to the voucher for payment.

The requirements of this section apply to purchases from Indians as well as to those made from other persons.

Please acknowledge the receipt of this circular and paste the same between pages 66 and 67 of your book of Regulations.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

13671b1500-6-04

ACCOUNTS
87917-88097-08.
1189-09.

AMENDMENT
No. 27.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 4, 1909

*To all Disbursing Officers
of the Indian Service:*

By authority of the Secretary of the Interior, Section 356 of the Regulations of the Indian Office, 1904, is hereby amended so as to read as follows:

356. The original authority must be attached to the original voucher and copies thereof to memorandum vouchers except in the cases provided for in Section 195a. If more than one voucher is necessary under an authority, the authority should be attached to the first one and a reference thereto made on all subsequent vouchers. When expenditures made without previous authority are approved and the vouchers retained in the Indian Office, the foregoing rule can not, of course, be observed; but in all other cases disbursing officers will be held to a strict compliance therewith. In order that their records may be complete, disbursing officers are required to have true copies of all authorities made and filed in their offices.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 66 and 67 of your book of Regulations.

Very respectfully,

R. G. VALENTINE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., August 10, 1907.

*To all Disbursing Officers
of the Indian Service:*

By authority of the Secretary of the Interior, section 355 of the Regulations of the Indian Office, 1904, is hereby amended so as to read as follows:

355. A properly executed voucher must be furnished for each and every expenditure, and the latter must be authorized by competent authority before credit therefor will be allowed.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 66 and 67 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

30873b1500-7-07

ACCOUNTS.
Authority 101336.

AMENDMENT
No. 22.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., August 10, 1907.

*To all Disbursing Officers
of the Indian Service:*

By authority of the Secretary of the Interior, section 355 of the Regulations of the Indian Office, 1904, is hereby amended so as to read as follows:

355. A properly executed voucher must be furnished for each and every expenditure, and the latter must be authorized by competent authority before credit therefor will be allowed.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 66 and 67 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 1, 1907.

*To all Disbursing Officers
of the Indian Service:*

By authority of the Honorable Secretary of the Interior section 368 of the Regulations of the Indian Office, 1904, as amended September 20, 1904, and sections 370, 373, and 413, are hereby amended so as to read as follows:

368. Vouchers showing payments to Indians, amounting to \$10 or more, must be supported by the certificate of an interpreter that he explained to the Indians the nature of the voucher, that they fully understood the same, and that he witnessed the payment and the signing by the Indians of the receipt therefor: *Provided*, That this requirement shall be waived when it is shown that an interpreter can not be had, or where the Indians sign their own names, in which latter case it will be presumed that they can read and write the English language and consequently need no interpreter.

If there is no interpreter employed as such, some other person (preferably an employee) should be required to act in that capacity.

370. All signatures by mark must be attested by at least one witness, who shall sign his name opposite each signature witnessed. Signatures of Indians, or others, who write their own names need not be attested.

373. Each receipt roll will be brought to the abstract of disbursements as one voucher, but the abstract must show the sums disbursed under each head and subhead of appropriation.

413. All of these vouchers must be supported by the certificates of an interpreter, one or more disinterested witnesses, and the agent, etc.

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 66 and 67 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 1, 1907.

*To all Disbursing Officers
of the Indian Service:*

By authority of the Honorable Secretary of the Interior section 368 of the Regulations of the Indian Office, 1904, as amended September 20, 1904, and sections 370, 373, and 413, are hereby amended so as to read as follows:

368. Vouchers showing payments to Indians, amounting to \$10 or more, must be supported by the certificate of an interpreter that he explained to the Indians the nature of the voucher, that they fully understood the same, and that he witnessed the payment and the signing by the Indians of the receipt therefor: *Provided*, That this requirement shall be waived when it is shown that an interpreter can not be had, or where the Indians sign their own names, in which latter case it will be presumed that they can read and write the English language and consequently need no interpreter.

If there is no interpreter employed as such, some other person (preferably an employee) should be required to act in that capacity.

370. All signatures by mark must be attested by at least one witness, who shall sign his name opposite each signature witnessed. Signatures of Indians, or others, who write their own names need not be attested.

373. Each receipt roll will be brought to the abstract of disbursements as one voucher, but the abstract must show the sums disbursed under each head and subhead of appropriation.

413. All of these vouchers must be supported by the certificates of an interpreter, one or more disinterested witnesses, and the agent, etc.

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 66 and 67 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

ACCOUNTS,
62716-1904.

3d Amendment.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, *September 20, 1904.*

*To all Disbursing Officers
of the Indian Service:*

By the authority of the Honorable Secretary of the Interior, the Regulations of the Indian Office, 1904. are hereby amended by striking out section 368 thereof in its entirety and substituting therefor the following.

368. Vouchers showing payments to Indians, amounting to \$10 or more, must be supported by the certificate of an interpreter that he explained to the Indians the nature of the voucher, that they fully understood the same, and that he witnessed the payment and the signing by the Indians of the receipt therefor: *Provided*, That this requirement shall be waived when it is clearly shown that an interpreter can not be had, or where the Indians sign their own names and it is explained by the agent that they understand and speak the English language.

If there is no interpreter employed as such, some other person (preferably an employee) should be required to act in that capacity.

Please acknowledge the receipt of this circular and paste the same between pages 66 and 67 of your book of Regulations.

Very respectfully,

W. A. ONES,
Commissioner.

See Mem 3/27/07

to receipt for his principal, whether an individual, firm, company, or corporation, the receipt of the principal by the attorney, agent, or officer will be sufficient, without proof of authority accompanying the voucher, if payment is made by a check drawn on a United States depository and *payable to the order of the principal*, and the memorandum required in the preceding section is made upon the voucher. (*Treas. Circs. 21 of 1875 and 52 of 1903.*)

363. All vouchers for services or supplies must contain a certificate of the proper officer that the services have been rendered, and in case of supplies, that they have been delivered, and show by whom received. (*Treas. Circ. 52, Apr. 29, 1903.*)

364. Vouchers for open-market purchases (Form 5-340a) must show the date and place of purchase, necessity therefor, and date and place of delivery, and be supported by the certificate of the agent that there is no contract for the delivery of the articles purchased, and that the prices are reasonable and just and the lowest that could be obtained. Except when purchase is made from Indians, the original invoice must be attached as a subvoucher. *See 400*

365. Invoices attached to open-market purchase vouchers must contain a full and complete description of the articles purchased—the rate per pound, bushel, yard, etc., and the total amount paid for each item being specified—with a certificate signed by the person or firm furnishing the goods, that they were delivered at the agency (or place of shipment) on the —— day ——, 19—. In no case must the invoice or voucher for a purchase from a firm or company be made out in the name of an individual instead of that of the firm or company.

366. All articles purchased in open market shall be inspected by some reliable and competent employee or other person, to be designated by the agent, unless inspection shall be waived by the Commissioner of Indian Affairs at the time authority for the purchase is granted.

367. Where goods are not delivered at the agency by the seller free of charge, purchase vouchers must show the gross weight of all articles appearing thereon; and upon the voucher for transportation, when paid by the agent, there must be a reference to the purchase voucher, in order that the articles transported may be identified.

368. Vouchers showing payments to Indians must have attached thereto the certificate of an interpreter that he explained to the Indians the nature of the voucher and that he witnessed the payment and the signing of the receipt therefor. But this does not apply where the amount is less than \$10, nor where an interpreter can not be had, which fact must be shown. (*Circ. 85, Ind. Office.*) *See am*

369. Certificates of interpreters and others must be so worded as to show distinctly what they are certifying to—in case of payments by giving names, numbers, or amounts, or all of them. A certificate

as to the correctness of the "foregoing" is not sufficiently explicit. (*Circ. 13, Treas., 1877.*)

370. All signatures by mark must be attested by two witnesses, who shall sign their names opposite each signature witnessed. Signatures of Indians or others who write their names need not be attested.

371. Signing or certifying vouchers or receipts in blank is fraught with evil and strictly forbidden.

372. All erasures and alterations on vouchers, receipts, or other official papers must be explained by the person issuing the same; when issued before a magistrate, the explanation must be verified by his initials. (*Circ. 21, Treas., 1875.*)

373. Each receipt roll, whether of regular or irregular employees, (Forms 5-330a and 5-330b) will be brought to the abstract of disbursements as one voucher, but the abstract must show the sums disbursed under each head and subhead of appropriation.

374. In ascertaining the amount of compensation due employees, both regular and irregular, the "Government Salary Tables" will be used, and any variation therefrom will necessitate an exception in the examination of the agent's accounts.

375. When the salaries of employees, either regular or irregular, are paid by check, the receipt roll must show the date and number of each check and the name of the bank or other institution upon which it is drawn.

376. The salary of a deceased Indian employee may be paid to his widow, if he leaves one; otherwise the agent will submit a statement of the facts to the Indian Office and await instructions.

377. The salary of a deceased white employee, when the amount is less than \$100, may be paid, without letters of administration, to his widow, if he leaves one; otherwise to his other legal heirs. In such cases the receipt of the person or persons receiving the money will be taken, and evidence of their right to it must be filed with the voucher.

378. When the salary due a deceased white employee is \$100 or more it can be paid only to an administrator, and letters of administration or certified copies thereof will be required with the voucher.

379. When an agent is authorized to liquidate contract obligations, the voucher must show the date of such authority, as well as the date of the contract, and be accompanied by a certificate of inspection that the articles received were of quality equal to the requirements of the contract. Such certificate will be made by a regular inspector, if inspection is required by the contract, otherwise by the agent.

380. Vouchers for the open-market purchase of horses or other stock must show the sex, weight, and age of each animal purchased, and be accompanied by a certificate of inspection on Form 5-134.

381. When an agent makes payment to a railroad or other transportation company for freight, wharfage, drayage, or any other purpose, the particulars of the charge must be fully explained in the voucher. When reimbursement is made for charges alleged to have been advanced, a statement of the particulars is required, and the receipts of the persons to whom the payments were made must be attached as subvouchers.

382. Payments of Indian freighters for transporting supplies will be made on Form 5-334 and supported by the certificates of an interpreter and two witnesses, in addition to that of the agent. Bills of lading (Form 5-922) showing the amount of freight for which each Indian is paid must accompany the voucher and be numbered to correspond with the names of the Indians as they appear on the voucher.

383. The employment of attorneys or counsel at the expense of the United States is forbidden by law, which requires that the Department in need of counsel or advice shall call upon the Department of Justice, the officers of which shall attend to the same. (*Secs. 189 and 365, R. S.*)

384. Any disbursing or other officer of the United States or other person who shall knowingly present, or cause to be presented, any voucher, account, or claim to any officer of the United States for approval or payment, or for the purpose of securing a credit in any account with the United States relating to any matter pertaining to the Indian Service, which shall contain any material misrepresentation of fact in regard to the amount due or paid, the name or character of the article furnished or received, or of the service rendered, or to the date of purchase, delivery, or performance of service, or in any other particular, shall not be entitled to payment or credit for any part of said voucher, account, or claim; and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both in the same manner as other debts due the United States are collected: *Provided*, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: *And provided further*, That the officers and persons by and between whom the business is transacted shall be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim: *And provided further*, That the foregoing shall be in addition to the penalties now prescribed by law, and in no way to affect proceedings under existing law for like offenses. That where practicable this section shall be printed on the blank forms of vouchers provided for general use. (*Act Mar. 1, 1883, sec. 8, 22 Stats., 451; act July 4, 1884, sec. 8; Circ. 113, Ind. Office.*)

REGULATIONS OF THE INDIAN OFFICE.

TRANSCRIPT OF CASH BOOK.

385. Each Indian agent shall keep a book in which an itemized record shall be made of all contracts, receipts, and expenditures of money, and financial transactions of every kind whatever, as they occur from day to day. Said book shall not be removed from the reservation, but remain in the agent's office, subject to inspection, and handed over by him to his successor. (*Act Mar. 3, 1875, sec. 10, 18 Stats., 451.*)

386. A transcript of all entries in the cashbook for that particular period shall be prepared on Form 5-305 and forwarded to the Commissioner of Indian Affairs at the end of each quarter. (*Act Mar. 3, 1875, sec. 10, 18 Stats., 451.*) The agent is required to certify as to the correctness of such transcript and forward the same immediately at the expiration of the quarter, without waiting for the completion of the remaining papers comprising his accounts.

387. Should an agent knowingly fail to keep a perfect record in such book as prescribed, or knowingly make any false entry therein or in the transcript forwarded to the Commissioner of Indian Affairs, he shall be deemed guilty of a misdemeanor, and on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and rendered incompetent to hold the office of Indian agent thereafter. (*Act Mar. 3, 1875, sec. 10, 18 Stats., 451.*)

REPORT OF EMPLOYEES.

388. Each cash account must be accompanied by a report on Form 5-242, showing the name, position or occupation, period of service, and rate of compensation of every employee, regular and irregular, white and Indian, who renders any service during the quarter, whether their salaries are paid or not. The different classes of employees will be arranged in separate groups and an appropriate heading given to each. Such reports should also show the time spent by any employee away from his post of duty, whether on leave of absence or otherwise.

389. Every report of employees must be supported by the affidavit of the agent in the following form:

I solemnly swear that the employees claimed for were actually and bona fide employed at ——— Agency, and at the compensation as claimed, and that such service was necessary; and that I have not received, and am not to receive, either directly or indirectly, any part of the compensation claimed for any other employee.

(*See sec. 391.*)

390. When two or more sheets are required for the report of employees they should all be fastened together and consecutively numbered. One affidavit on the last sheet will then be sufficient to cover all.

Accounts.

Amendment
No. 28.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 23, 1909.

To all Disbursing Officers
of the Indian Service:

The Indian appropriation act approved March 3, 1909 (Public—No. 316, pp. 4 and 5), contains the following provision:

That section ten of the act of March third, eighteen hundred and seventy-five (Eighteenth Statutes at Large, four hundred and fifty-one), be amended so as to read as follows:

"Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use: *Provided*, That should any agent knowingly make any false entry in said books, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under said act."

This relieves disbursing officers from the duty of furnishing transcripts of the cash book to the Indian Office, and modifies sections 385, 386, and 387 of regulations to that extent.

Please paste this circular between pages 70 and 71 of your book of regulations.

Very respectfully,

R. G. VALENTINE,
Acting Commissioner.

4055b1500-4-09

Amended by Act of March 3, 1909
35 Stat. 7784
Amendment # 284
Page 70

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., *September 16, 1907.*

*All Disbursing Officers
of the Indian Service:*

By authority of the Secretary of the Interior, the Regulations of the Indian Office, 1904, are amended by inserting the following new section therein:

387a. In addition to the cash book required by section 385, each agent is required to keep a record of all receipts and disbursements under the various funds and appropriations. This record will be kept in a book provided for the purpose by the Indian Office, and is designed to show at any time the exact amount for which an agent is accountable under any fund or appropriation.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 70 and 71 of your book of Regulations.

Very respectfully,

F. E. LEUPP,
Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., April 1, 1907.

To all Disbursing Officers
of the Indian Service:

By authority of the Honorable Secretary of the Interior the Regulations of the Indian Office, 1904, are hereby amended as follows: Sections 388, 389, and 390, which were amended under date of January 20, 1907, by amendment No. 9, are further amended so as to read as follows:

388. When an agent has employees under his charge, each cash account must be accompanied by a receipt roll on Form 5-330, showing the name, position or occupation, period of service, and rate of compensation of each and every employee, regular and irregular, who renders service during the period covered by the account, whether their services are paid for or not. It must also show any time lost by employees from their duties on account of absence without leave or leave without pay. The different classes of employees will be arranged in separate groups, and an appropriate heading given to each.

389. Every receipt roll of employees must be supported by the affidavit of the agent in the following form:

I do solemnly swear that the employees claimed for were actually and bona fide employed at _____ Agency, and at the compensation as claimed; that such services were necessary and were rendered as stated; that I have not received, and am not to receive, either directly or indirectly, any part of the compensation claimed for any other employee; that the payments claimed herein are correct and just, and that I have actually, on the dates named, paid the amount of _____ dollars to the persons receiving therefor, and issued this voucher in _____.

390. When extra sheets are required for a receipt roll, Form 5-330a should be used, and the several sheets should be securely fastened together and consecutively numbered. If two or more payments are made during a quarter they will not be treated as separate vouchers, but will all be brought into one roll. One affidavit on the last or main sheet will then be sufficient.

The above changes will be effective from and including this date.

A supply of blanks (Forms 5-330 and 5-330a) sufficient for your immediate needs will be mailed to you under separate cover as soon as they are received from the printer. When more blanks are needed they may be obtained upon requisition in the usual manner.

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 70 and 71 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 27, 1907.

To all Disbursing Officers
of the Indian Service:

By authority of the Honorable Secretary of the Interior the Regulations of the Indian Office, 1904, are hereby amended by striking out sections 388, 389, 390, and 391, and substituting therefor the following:

388. Payments to regular and irregular employees for services rendered shall be made on pay rolls, Forms 5-330 *a* and 5-330 *b*, respectively. These pay rolls must show the name, position or occupation, period of service, and rate of compensation of each and every employee to whom payment is made. They must also show any time lost by such employees from their duties on account of leave of absence without pay or absence without leave. Persons serving temporarily in regular positions will be included in the pay roll for *regular* employees.

389. Every pay roll of employees must be supported by the affidavit of the agent in the following form:

I do solemnly swear that the employees claimed for were actually and bona fide employed at _____ Agency, and at the compensation as claimed; that such services were necessary and were rendered as stated; that I have not received, and am not to receive, either directly or indirectly, any part of the compensation claimed for any other employee; that the above payments are correct and just, and that I have actually, on the date named, paid the amount of _____ dollars to the persons named, for the purposes specified, and issued vouchers therefor in _____.

390. When two or more sheets are required for a pay roll for either regular or irregular employees, they should all be fastened together and consecutively numbered. One affidavit on the last sheet of each roll will then be sufficient. In preparing pay rolls, as many payments as practicable should be shown on one sheet.

391. The account current and pay rolls of employees, as well as all other papers requiring the affidavit of the agent, must be sworn to before an officer authorized by law to administer oaths for general purposes: *Provided*, That when there is no such officer within convenient distance the Secretary of the Interior may, upon application, grant authority for the agent to "certify on honor" instead of making the usual affidavit. (*Act Mar. 3, 1875, sec. 5, 18 Stats., 449.*) In such cases the form of the certificate will be identical with that of the prescribed oath, except that the words "certify on honor" will be substituted for the words "solemnly swear."

Blank forms for regular and irregular pay rolls are now being prepared to meet the new requirements, and may soon be obtained upon requisition.

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 70 and 71 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, D. C., January 5, 1905.

ORDER.

By direction of the President:

It is hereby ordered that hereafter no officer, clerk, or employee in the Executive service of the Government, who is also a notary public, shall charge or receive any compensation whatever for performing any notarial act for an officer, clerk, or employee of the Government in his official capacity, or in any matter in which the Government is interested, or for any person when, in the case of such person, the act is performed during the hours of such notary's service to the Government. Disobedience of this order shall be ground for immediate dismissal from the service.

E. A. HITCHCOCK,
Secretary.

On March 31, 1905, the President directed the amendment of the above by adding at the end thereof the following paragraph:

This order shall not apply to oaths of disinterestedness, or other oaths required to be made by law, provided that the work in connection therewith is not performed during office hours.


Secretary

April 7, 1905.

AFFIDAVITS.

391. The abstract of disbursements, report of employees, and abstract E to the property account, as well as all other papers requiring the affidavit of the agent, must be sworn to before an officer authorized by law to administer oaths for general purposes: *Provided*, That when there is no such officer within convenient distance the Secretary of the Interior may, upon application, grant authority for the agent to "certify on honor" instead of making the usual affidavit. (*Act Mar. 3, 1875, sec. 5, 18 Stats., 449.*) In such cases the form of the certificate will be identical with that of the prescribed oath, except that the words "certify on honor" will be substituted for the words "solemnly swear."

392. In order to obtain authority to submit his accounts under certificate an agent must show to the satisfaction of the Department that it is impracticable for him to appear before a properly qualified officer for the purpose of making the required affidavits. Authorities of this kind are operative only during the continuance of the conditions under which they are granted.

393. The usual rule is to require affidavits when there is an officer empowered to administer oaths within 60 miles of the agency, but this requirement may be waived upon the presentation of sufficient reasons for so doing.

394. An authority to certify granted to one agent does not extend to his successor, each agent being required to obtain such authority for himself.

395. An authority to certify must invariably be obtained in advance, and a copy thereof is required with each set of accounts.

396. Affidavits relating to accounts and papers specified in section 391, taken before an official without a seal, must be supported by the certificate of an officer of a court of record, authenticated by the seal of such court, that the person before whom the affidavit has been made was on the date thereof authorized to administer oaths, and giving the date of the expiration of his commission. When accounts for more than one quarter are sworn to before the same officer without a seal, one certificate as to his authority to administer oaths will be sufficient.

397. Only the original papers need be sworn to. Copies of the affidavits may be affixed to the duplicate and retained sets.

398. Fees for administering oaths required by law or regulations to verify the accounts of an agent may be paid from public funds, but the expense of taking oaths of office and affidavits to answer exceptions or verify any personal claims are not regarded as a proper charge against the Government and will not be allowed.

399. Notaries public and commissioners who are employees of the Indian Service must execute, free of charge, affidavits required by law or regulations to verify the accounts of agents, and also affidavits of

Indians to official papers in which they (the Indians) have a pecuniary interest. (*Circ. I. O., May 1, 1899.*)

PROPERTY.

PROPERTY RETURN.

(Forms 5-155a and 5-155b.)

400. The property return shall show all property (except medical supplies and hospital stores) already on hand, that received from all sources, that expended, and the balance remaining on hand at the close of the quarter or period for which the account is rendered.

401. Property must be listed alphabetically on the return and accompanying abstracts, and accounted for in definite quantities; i. e., by pounds, gallons, yards, etc., rather than by sacks, barrels, pieces, etc. Fractions of pounds, etc., should be avoided as far as possible.

402. The combining of several articles of the same general class, but of different kinds and values, under the same general heading, such, for instance, as books, boots, shoes, hats, clothing, underwear, bolts, screws, files, iron, buckets, tinware, glassware, etc., will not be permitted. All property must be taken up on the abstracts and carried to the property return as invoiced.

403. Should it appear advisable in any particular instance to waive the requirements of the preceding section, the facts and circumstances will be reported to the Indian Office for consideration and proper action. Favorable action in the premises should never be presumed or anticipated.

404. The following abstracts shall accompany each property account. If nothing is received or expended which would properly be noted on an abstract it will be submitted anyway with an indorsement thereon of "no receipts" or "no expenditures," as the case may be.

ABSTRACT A.—Articles purchased by the agent.

(Form 5-001.)

405. Abstract A shall show all articles purchased by the agent in open market during the quarter, whether paid for or not, except those for which certified vouchers are issued, the date of each purchase and, when paid for, the number of the voucher in his cash accounts showing such payment.

ABSTRACT B.—Articles received from contractors, etc.

(Form 5-002.)

406. Abstract B shall show all articles received from contractors and by consignment for which receipts have been given or bills of lading signed, and all articles purchased in open market for which certified vouchers have been issued, giving, as far as possible, the names of

parties from whom the goods were purchased, the number and kind of packages, and the number and gross weight of each package.

407. All goods must be taken up as invoiced, and a separate line on the abstract given to each invoice or receipt. In taking up beef cattle, the number of head and gross weight must be shown.

ABSTRACT C.—Articles received from miscellaneous sources.

(Form 5-003.)

408. Abstract C shall show all articles which may have come into the hands of the agent by manufacture, production, increase of stock, or in any manner whatever other than by purchase or consignment, during the quarter or period for which the account is rendered.

409. This abstract will be supported by the certificate of each and every employee having charge of any branch of the agency work, to the effect that it is a true exhibit of all articles received from the sources mentioned in the preceding section, as well as by the certificate of the agent as to correctness.

410. If no property has been so received, a certificate to that effect, signed by each employee above referred to, as well as by the agent, must appear upon the face of the abstract.

411. When for any reason the agent finds that he has a larger quantity of supplies or any kind of property on hand than is shown by his returns, the surplus must be taken up on this abstract with an explanation of the facts of the case.

ABSTRACT D.—Issues to Indians.

(Form 5-004.)

412. Abstract D shall show all property issued to Indians and be accompanied by the receipts of the Indians on the following blanks: *Form 5-310a*, to be used for occasional issues of annuity goods and supplies, principally at agencies where no regular issues are made; also for issues to police and to aged, sick, and helpless Indians; *Form 5-310b*, to be used at agencies where, by treaty stipulations, the annuities are issued annually, all at one time, and where it is required that the issues shall be witnessed by an army officer detailed for the purpose; *Form 5-310c*, to be used for periodical issues of subsistence at regular ration agencies where the number of Indians is not sufficiently large to preclude the possibility of obtaining the receipt of each head of family; and *Form 5-310d*, to be used at regular ration agencies where the number of Indians is so large that it is impracticable to obtain the receipt of each head of family.

413. All of these vouchers must be supported by the certificates of an interpreter, two disinterested witnesses and the agent, in the blank spaces provided for that purpose. When the issues on Form 5-310b

are witnessed by an army officer, he must also certify on the voucher that he was present and witnessed the issue of the several articles in the quantities and to the individuals set forth in the voucher; that the articles were weighed, measured, or counted in his presence, and that the aggregate quantity of each article issued is correctly stated on the voucher. He should also furnish to the Indian Office a report showing the character of goods issued, etc. When Form 5-310d is used it must, in addition to the other certificates, be supported by one from the chiefs and headmen of the tribe that they were present and witnessed the issue of the several articles in the quantities named in the voucher, and that the supplies were issued to heads of families according to the numbers in their families, respectively.

414. All annuity supplies furnished for distribution to Indians must be issued in conformity with law, which requires that the agent shall prepare rolls showing the names of the heads of families, with the number in each family, entitled to participate in the distribution, and give out supplies to such heads of families instead of to the heads of tribes or bands. (*Act Mar. 3, 1875, sec. 4, 18 Stats., 449.*)

415. Subsistence supplies shall not be issued for more than one week at a time: *Provided*, That the Commissioner of Indian Affairs may, in his discretion, authorize issues for a longer period to such Indians as are peaceably located upon their reservation and engaged in agriculture. (*Act Mar. 3, 1875, sec. 4, 18 Stats., 449; act Mar. 3, 1877, sec. 2, 19 Stats., 293.*)

416. For the purpose of inducing Indians to labor and become self-supporting the law also makes it the duty of an agent, in distributing supplies and annuities, to require all able-bodied male Indians, between 18 and 45 years of age, to perform service upon the reservation for the benefit of themselves or of the tribe at a reasonable rate, to be fixed by the agent, and to an amount equal in value to the supplies issued; and the allowances provided for such Indians shall be denied to them only upon condition of the performance of such service under such rules and regulations as the agent may prescribe.

The Secretary of the Interior may, however, by written order, except any particular tribe or portion of tribe from the operation of this provision where he deems it proper and expedient. (*Act Mar. 3, 1875, sec. 3, 18 Stats., 449.*)

417. When Indians are excepted by the Secretary of the Interior from the labor requirement contained in the preceding section, the clause relating to the same may be omitted from the certificate of the agent. The date of the order making the exception must, however, be given.

418. The object of the labor clause is not to require so much work at a cost of such a quantity of subsistence supplies, but to prepare the Indians to support themselves. The agent will judge from the spirit

and disposition to work manifested rather than by the value of the labor performed, whether or not the Indian is entitled to rations.

419. The agent shall see that each able-bodied male Indian is afforded an opportunity for labor which will benefit himself or his tribe; but they should not be required to perform labor in payment for supplies which would be *for the benefit of the agency* and more properly performed by Government employees.

420. Indians who labor for the benefit of themselves or the tribe in payment for supplies issued are not to be regarded in any sense as employees.

421. When articles of subsistence are regularly issued, and the kind and quantity of supplies furnished will justify it, the following shall constitute the daily allowance for 100 rations, unless otherwise provided by treaty or agreement:

Beef (gross)	300 pounds.
Or beef (net)	150 pounds.
Bacon	10 pounds.
Baking powder	1 pound.
Beans	3 pounds.
Coffee	4 pounds.
Corn	25 pounds.
Flour	50 pounds.
Salt	2 pounds.
Soap	2 pounds.
Sugar	7 pounds.

This is the maximum allowance, and should be reduced whenever practicable.

422. When hard bread, rice, and hominy are furnished, they will be issued in lieu of certain other articles mentioned in the preceding section, in the following quantities per 100 rations:

Hard bread, in lieu of the allowance of either flour or corn	25 pounds.
Hard bread, in lieu of the allowance of both flour and corn	15 pounds.
Rice, in lieu of the allowance of beans	10 pounds.
Hominy, in lieu of the allowance of beans	10 pounds.

423. Agents are not permitted to issue certain articles in excess of the regular ration, as a substitute for other articles, without authority from the Commissioner of Indian Affairs. Should an exigency arise when such an overissue is necessitated, and is made by the agent, all the facts in the case, and his reasons for so doing, must be immediately reported to the Indian Office.

424. When, for any reason, issues of subsistence have not been received at the usual times, no claim by the Indians for rations overdue will be recognized.

425. Beef must be issued from the block, unless authority is obtained from the Indian Office to issue on the hoof. In the latter case a sufficient quantity of beef should be issued from the block to insure the

delivery to each Indian of the exact number of pounds to which he may be entitled.

426. At every agency where regular distributions of subsistence supplies are made, the agent is provided with an issue book, which is intended to be a transcript of the vouchers covering the issues and should correspond thereto in respect to the quantities of supplies distributed and the names of the Indians who receive the same. Such book shall be kept at the agency, open to inspection at all times by those having a right to know its contents.

427. All annuity goods and supplies provided for that purpose may be issued to Indians without special authority, except live stock, wagons, harness, and the larger and more expensive agricultural implements, such as plows, harrows, cultivators, mowers, reapers, and sulky hayrakes. When the time approaches for the distribution of articles of this sort the agent is required to submit a request for authority, stating specifically the number of each kind to be issued.

428. Should an exigency arise necessitating the issue of such articles without obtaining the requisite authority beforehand, an immediate report of the circumstances must be submitted to the Indian Office, with a request for authority to cover the issues made.

429. Such articles should not be issued until the Indians are ready to put them to immediate use, and prepared to shelter and otherwise take proper care of them.

430. When cattle are issued to Indians, either for work oxen or for breeding purposes, each animal must be branded, in addition to the I. D. brand, with a private mark, to indicate the person to whom it belongs. A record of such private marks must be kept in the agency office. The agent is also required to see that the increase of all issued cattle are similarly branded.

431. Cattle bearing the I. D. brand, but not the private issue mark, referred to in the preceding section, will be taken possession of by the agent as Government property.

432. Where Indians are in possession or control of cattle or their increase which have been purchased by the Government, such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong, or to any citizen of the United States, whether intermarried with the Indians or not, except with the consent in writing of the agent of the tribe to which the owner or possessor of the cattle belongs. All sales made in violation of this provision shall be void, and the offending purchaser on conviction thereof shall be fined not less than five hundred dollars and imprisoned not less than six months. (*Act July 4, 1884, 23 Stats., 94; Circ. I. O., Oct. 8, 1901.*)

433. Removal of any cattle, horses, or stock from the Indian country for the purposes of trade or commerce, except by authority of an order of the Secretary of War, connected with movement of troops,

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 20, 1907.

To all Disbursing Officers
of the Indian Service:

By authority of the Honorable Secretary of the Interior the Regulations of the Indian Office, 1904, are hereby amended by striking out sections 438, 439, and 440, and substituting therefor the following:

438. The agent is required to certify on the abstract that it embraces all articles of subsistence sold to employees during the quarter, and that none of the employees have received or used any supplies purchased for the agency or Indians other than those specified thereon.

439. The abstract must also be supported by the certificates of all employees who purchase subsistence that they have not bought, received, or used any goods or supplies belonging to the Government whatsoever, except as shown upon the abstract.

440. In the event that no supplies are sold, the abstract must be supported by the certificates of the agent and two or more employees to the effect that no goods or supplies whatsoever belonging to the Government have been sold to, received, or used by any employee during the quarter or period for which the account is rendered.

A blank form for Abstract E is now being prepared to meet the new requirements and may soon be obtained upon requisition.

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 76 and 77 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

is punishable by fine or imprisonment, or both. (See sec. 432; sec. 2138, R. S.)

434. When wagons, harness, agricultural implements, and stock of any kind are issued, a copy of the authority therefor must in each case be attached to the voucher upon which credit is taken, and the Indians will be required to sign, in addition to the usual receipt, an agreement not to sell, exchange, give away, or otherwise dispose of the articles received without the full knowledge and written consent of the agent.

435. Annuity goods and supplies are issued to the Indians for their own use and benefit, and not for the purpose of sale or barter. The Indians shall therefore be given to understand that the title to such property will remain in the United States, and that in the event of its being unlawfully sold, bartered, given away, removed from the reservation, or not put to proper uses, the right to its possession shall revert to the Government and it may be retaken by the agent or any other Government officer.

436. The loaning of Government goods and supplies to traders or other persons is not permissible under any circumstances whatsoever, unless previously authorized by the Indian Office. This does not apply to agricultural implements and other articles kept at an agency for the common use of the Indians. Such property may be loaned to the Indians, as needed, but to no other persons.

ABSTRACT E.—Subsistence sold to employees.

(Form 5-005.)

437. Abstract E shall show all articles of subsistence sold under the rule which permits the sale to employees at cost prices, transportation added, of such supplies as may be on hand and can be spared for that purpose, except at agencies and schools located in or near cities, towns, and villages, in which cases the employees are required to obtain their supplies from the regular markets. The abstract must show the invoice price and transportation cost of each article sold.

438. The agent is required to make affidavit on the abstract that it embraces all articles of subsistence sold to employees during the quarter, and that none of the employees have received any supplies purchased for the agency or Indians other than those specified thereon. (See sec. 391.)

439. The abstract must also be supported by the affidavit of each employee who purchases subsistence that they have not bought, received, or used any goods or supplies belonging to the Government whatsoever, except as shown upon the abstract. These affidavits may be administered by the agent.

440. In the event that no supplies are sold the abstract will be supported by the affidavits of the agent and two or more employees to the

effect that no sales were made during the quarter or period for which the account is rendered.

441. The sale of subsistence being an independent transaction, no reference thereto should be made on the receipt roll of employees. The employees will be paid their salaries in full, and the agent will then collect from them the amount due from each for supplies purchased during the quarter.

442. The aggregate amount of money received from sales of subsistence supplies will be carried to the account current as "proceeds of sales of subsistence to employees," and deposited at the end of each quarter to the credit of the United States in order that it may be carried back to the appropriation from which the supplies were purchased and expended for the benefit of the Indians.

ABSTRACT F.—*Miscellaneous expenditures of property.*

(Form 5-006 a.)

443. Abstract F shall show all property expended otherwise than by issue to Indians or sale to employees, and be supported by the certificate of the agent as to correctness.

444. Vouchers to this abstract will be made as occasion demands, on forms 5-315, 5-316, etc., and must be supported by the certificates (or affidavits, if required), of the employees under whose supervision the expenditures are made, as well as the certificate of the agent, the disposition of each article being stated on the voucher.

445. When public property of any considerable value, including cattle and other animals, is lost or destroyed, whether by fire, storm, straying, theft, death, or otherwise, the facts must be immediately reported to the Indian Office, in order that an investigation may be ordered, if deemed necessary, to fix the responsibility for the loss.

446. When public property is sold, either at public or private sale, authority therefor must be obtained from the Department beforehand, and an account of the sale must be rendered on blank Form 5-315a.

447. Requests for authority to sell public property, including cattle and other animals, must contain a definite statement of the number or quantity of each kind to be disposed of, and an explanation of the reasons why such a disposition of the property is desirable.

448. Sales of property will always be made at public auction, after due advertisement, unless it is shown to the satisfaction of the Department that better prices can be realized or that it will be more advantageous for other reasons to sell at private sale.

449. Surplus cattle, sheep, hogs, and other animals should, whenever suitable, be slaughtered for issue to Indians (where rations are allowed) or subsistence of schools, and a corresponding reduction made in the quantity of beef or other meats to be received from the

ACCOUNTS
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AMENDMENT
No. 25.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 26, 1908.

*To all Disbursing Officers
of the Indian Service:*

By authority of the Secretary of the Interior, Section 449 of the Regulations of the Indian Office, 1904, is hereby amended by substituting a new second sentence, so as to read as follows:

449. Surplus cattle, sheep, hogs, and other animals should, whenever suitable, be slaughtered for issue to Indians (where rations are allowed) or subsistence of schools, and a corresponding reduction made in the quantity of beef or other meats to be received from the contractor. A certificate by the Agent and one or more employees in a position to have knowledge of surplus cattle or other animals, that the animals slaughtered were surplus stock and in excess of the needs of the School or Agency, must accompany the voucher of the property account on which the animals are dropped.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 78 and 79 of your book of Regulations.

Very respectfully,

R. G. VALENTINE,

Acting Commissioner.

contractor. This will not, however, be done without special authority of the Indian Office, and the agent must state in his request for authority the number and kind of animals to be slaughtered.

450. When cattle or other animals are slaughtered for subsistence the number of head (and gross weight if carried on property return) will be dropped on a voucher to Abstract F and the fresh meat, hides, etc., must be taken up on Abstract C, to be thereafter accounted for according to the manner in which they are expended. Both gross and net weights must be verified by the affidavit of the butcher or other employee under whose supervision the slaughtering is done.

451. Clothing given to school pupils may be dropped from the agent's accounts at time of issue, but police uniforms, hats, and other equipment remain the property of the United States and must not be dropped until worn-out and worthless, which condition will have to be certified to by two disinterested employees, as well as the agent.

452. When property of any kind is used in the manufacture of other articles, the latter will be taken up on Abstract C and the number or quantity thereof must also be shown on the voucher for the expenditure of the former.

453. Property which is complete in itself, and not material, purchased for manufacture or repairs, must not be expended upon certificates of agents or employees.

This does not, however, apply to—

(1) Bed linen, curtains, towels, and other similar articles used in boarding schools, which when worn-out and worthless may be dropped on certificate of the matron or principal teacher, provided they are used for making repairs, in the manufacture of other articles, or as dusting cloths, scouring cloths, etc.

(2) Crockery and glassware which may be so badly broken up that it would be impossible for a board of survey to identify them, provided a statement to that effect shall appear on the voucher on which such articles are dropped.

(3) Text-books used in schools, which may be dropped when worn-out and worthless. Books which children leaving school not to return have been using may be given them and dropped from returns, the receipts of the children being filed as vouchers.

Any instructions heretofore issued which are not in conformity with the provisions of this section will be disregarded.

454. When articles of property (other than those mentioned in the preceding section), complete in themselves and not intended for purposes of manufacture or repairs, become broken, worn-out, or otherwise unserviceable, they will be set aside and held for the action of a board of survey, which will be appointed and convened upon request of the agent, by an inspector, a special agent, or a school supervisor, when one of such officials visits the agency.

Auth for this Office to authorize Agent or Supt to convene Bd of Survey. Auth 116-1908. File 252-Bleef.

1. A board of survey will be composed of two or more disinterested and properly qualified employees, who will be required to examine the property named in the list submitted to the inspecting official, report its actual condition, and the best disposition to be made of it according to their opinions.

2. The board will be required to divide the property into the following classes:

- (a) Such as can be economically repaired and put to further use.
- (b) Such as can be used in making repairs.
- (c) Such as would be of some use to Indians, if issued to them.
- (d) Such as would bring a reasonable price, if sold at public auction.
- (e) Such as is utterly worthless for any purpose and should be condemned to destruction.

3. When property is placed under the head of class (d) and recommended for sale, a statement should be made of the reasons why it is not included in one of the first three classes; in other words, why it will be better to sell such property than to repair it, use it in making repairs, or issue it to Indians.

4. When property is recommended for sale or issue to Indians, it will not be so disposed of until authority therefor has been granted by the Department or Office of Indian Affairs.

5. The property condemned to destruction as utterly worthless must be completely destroyed by the board, in the presence of the inspecting official. The members of the board will then make affidavit before the inspecting official that the destruction has been thorough and complete, and the latter will turn said affidavit, with his own certificate as to correctness, over to the agent for file with the voucher upon which the property is dropped.

6. The report of the board will be made in triplicate to the inspecting official, who will place thereon a suitable indorsement and turn it over to the agent, who will then forward the original with his indorsement to the Indian Office and file the duplicate and triplicate with his property accounts.

455. The subsistence supplies allowed reservation and nonreservation boarding schools shall be as follows for each 100 rations:

Flour or corn meal	90 pounds.
Rolled oats or cracked wheat.....	5 pounds.
Beef (net)	90 pounds.
Or 80 pounds of beef and 10 pounds of bacon.	
Coffee	3 pounds.
Or, in lieu of coffee, tea	1 pound.
Or, in lieu of either, cocoa	2 pounds.
Sugar.....	12 pounds.
Beans	12 pounds.
Or rice, or barley, or hominy	4 pounds.

Dried fruit.....	12 pounds.
Fresh fruit may be substituted in proper season in the ratio of 1 bushel of apples, pears, or peaches, and 30 pounds of grapes, per 100 rations.	
Sirup or molasses.....	1½ gallons.
Potatoes	1 bushel.
Onions	¼ bushel.
Vinegar	1 quart.
Salt	4 pounds.
Pepper, or other spices	¼ pound.
Baking powder	1 pound.
Lard	2 pounds.
Soap	10 pounds.

This is the maximum allowance and should be reduced whenever practicable. Milk, butter, eggs, garden vegetables, etc., produced on the school farms may be used in addition to the above. Where vegetables can not be raised, they may be purchased under authority of the Indian Office. (*Indian School Rules, 1900.*)

456. The subsistence supplies allowed Indian day schools where noonday meals are furnished shall be as follows for each 10 rations:

Flour or corn meal.....	3 pounds.
Bacon.....	1 pound.
Or beef.....	2 pounds.
Rolled oats or cracked wheat.....	½ pound.
Beans	1 pound.
Or rice, or barley, or hominy	½ pound.
Dried fruit.....	1¼ pounds.
Or sirup or molasses.....	1½ pints.
Salt	4 ounces.
Baking powder	1 ounce.
Soap	1 pound.

This is the maximum allowance and should be reduced whenever practicable. Milk, butter, eggs, garden vegetables, etc., produced in the school gardens may be used in addition to the above. (*Indian School Rules, 1900.*)

457. The following is the daily ration for animals and must not be exceeded but reduced whenever practicable.

Animals.	Number of pounds per day.		
	Corn or oats.	And hay.	Or hay alone.
Horses.....	12	14	
Mules.....	9	12	
Ponies.....	9	12	
Oxen.....	12	14	30
Cows.....	9	12	25
Beef cattle.....	9	12	25

MEDICAL RETURN.

(Form 5-155c.)

458. The return of medical property shall be prepared by the physician, and show all of such property remaining on hand at the close of the preceding quarter and that received, expended, and remaining on hand at the close of the quarter for which such return is rendered; it must be supported by the certificate of the physician that it exhibits the true condition of the medical property at the agency to the best of his knowledge and belief, and must also be approved by the agent.

459. Whenever any articles are expended otherwise than "with sick" a certificate by the physician must accompany the return, stating the manner in which each article was expended.

DESCRIPTIVE STATEMENT OF GOVERNMENT BUILDINGS.

(Form 5-140.)

460. The agent shall prepare annually, upon blanks furnished for the purpose, a statement showing the number and description of buildings belonging to the United States and used for the Indian service on the reservation under his charge, and forward the same with his property returns for the third quarter of each year, retaining a copy in the agency files.

EXPLANATIONS TO EXCEPTIONS.

461. Explanations to exceptions taken in the examination of the accounts of an agent must be submitted within thirty days after the receipt of such exceptions. Failure to comply with this requirement will render the delinquent official liable to suit on his bond.

462. When the exceptions are taken by the Indian Office the explanations will be sent directly to that Office; when by the office of the Auditor for the Interior Department, the agent will address his reply to the Auditor *through the Commissioner of Indian Affairs*.

463. Answers to exceptions to cash accounts must be submitted in duplicate, but for those relating to property accounts only one copy is required.

464. Explanations pertaining to cash accounts, property accounts, accounts under different bonds, and accounts for different fiscal years must be submitted *separately*.

465. When articles of property are to be taken up or dropped in answer to exceptions, the corrections will not be made directly on the property returns, but on Abstract C or Abstract F, as the case may be.

LOST CHECKS.

466. Whenever an original check is lost, stolen, or destroyed, agents are authorized, after the expiration of six months and within three

ACCOUNTS
40881-1907.AMENDMENT
No. 19.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 1, 1907.

To all Disbursing Officers
of the Indian Service:

By authority of the Secretary of the Interior, sections 462, 463, and 500 of the Regulations of the Indian Office, 1904, are hereby amended so as to read as follows:

462. When exceptions to accounts are taken by the Indian Office the explanations will be made to that office. Answers to exceptions to cash accounts must be submitted in duplicate, but for those relating to property accounts only one copy is required.

463. If the exceptions are taken by the Office of the Auditor for the Interior Department, the agent will send his explanations directly to the Auditor and, at the same time, mail a copy thereof to the Commissioner of Indian Affairs.

500. Officers and employees of the Indian Service are forbidden to communicate with any other department, or bureau thereof, on matters of business pertaining to their offices, except *through the Commissioner of Indian Affairs*, and any known violation of this rule may subject the offender to summary dismissal: *Provided, however,* That nothing in this section shall be construed as debarring disbursing officers from corresponding directly with the Auditor for the Interior Department or with depositories where funds are to their credit in regard to routine matters affecting their accounts, or to interfere with their right to appeal or submit any question touching the disbursement of money to the Comptroller of the Treasury for decision.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 82 and 83 of your book of Regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., *March 30, 1907.*

*To all Disbursing Officers
of the Indian Service:*

By authority of the Honorable Secretary of the Interior, the Regulations of the Indian Office, 1904, are amended by striking out section 466 and substituting therefor the following:

Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check." (Act of June 19, 1906, 34 Stats., 301.)

Please acknowledge on the inclosed card the receipt of this circular and paste the same between pages 82 and 83 of your book of Regulations.

Very respectfully,

For instructions in re issuing lost checks, see form 1343-blank indemnity bond.
2819361500-3-07

C. F. LARRABEE,
Acting Commissioner.

years from the date of such check, to issue a duplicate thereof, under such regulations and upon the execution of such bonds of indemnity as the Secretary of the Treasury shall prescribe. (*Sec. 3646, R. S., as amended by act of Feb. 16, 1885.*)

467. Immediately upon the loss of a check, the bank or other institution upon which it was drawn should be furnished with a full description of the check and requested to stop payment thereon. The agent should at the same time report the matter to the Indian Office in order that it may be referred to the Treasury Department for proper action.

CERTIFIED VOUCHERS.

468. Under no circumstances whatever will a voucher of this class be issued by an agent, to be presented at the Indian Office for settlement, except on the special authority of the Commissioner of Indian Affairs. When such authority has been given the following rules will govern:

469. The vouchers must be legibly dated and every certificate dated and signed.

470. A copy of the authority for incurring the indebtedness must in every case be attached.

471. When for articles purchased in open market, the date and place of purchase and of delivery must be stated, and the original invoice of purchase attached as a subvoucher. The purchasing officer must describe the nature of the exigency justifying the immediate delivery of the articles, and certify that there is no contract for the same, and that the prices are reasonable and the lowest that could be obtained.

472. In a certified voucher for transactions other than the purchase of merchandise, the character of the indebtedness must be fully and clearly stated, and the several items composing the voucher given in detail. The officer issuing the voucher must certify that it is correct and just, and that the prices are reasonable and the lowest that could be obtained.

473. If articles named in the voucher are deliverable by the seller at a point other than the agency or place where they are to be used, and are to be transported thence to destination by a common carrier, then the voucher must state at what place they were delivered to the carrier, and must be accompanied by a "transporter's receipt," in duplicate, for the articles turned over for transportation; or if deliverable by the seller at the agency, the words "see receipt of transporter" in the certificate must be erased by the officer issuing the voucher.

474. Interlineations or erasures will not be accepted as valid unless certified over the signature of the officer issuing the voucher.

475. In addition to any other certificate that may be required, every officer issuing a voucher of this character must certify thereon that there is due the claimant the sum of \$—— (the amount to be stated

in words, not in figures), that no part thereof has been paid, and that the voucher is issued in duplicate only, in accordance with instructions from the Indian Office dated _____.

476. Certified vouchers will be issued in duplicate only, one copy to be given to the claimant and the other to be forwarded to the Office of Indian Affairs. Settlement will not be made nor payment recommended until both copies are in possession of the Indian Office.

CLAIMS.

477. Claims for supplies furnished and services rendered, for which the agent is not authorized to pay, must be submitted to the Indian Office, in duplicate, for administrative action and transmission to the Auditor for the Interior Department.

478. Claims or invoices for goods and supplies purchased for delivery at Indian warehouses must be supported by an inspector's certificate as to quality and quantity, and a receipt showing delivery to the proper agent of the Department or some responsible common carrier. The dates of requisition for and receipt of supplies purchased under contract must be shown on the face of the invoice.

479. Claims for supplies purchased for delivery at an agency under contract must consist of a contract receipt (Form 5-210 or 5-212a), signed by the agent; a weigher's return (Form 5-176), signed by some person appointed for the purpose and certified by the agent, and a certificate of inspection (Form 5-134 or 5-135), signed by the person duly authorized to make the inspection.

480. Claims for supplies purchased in open market, when payment is to be made through the Indian Office, must be prepared on the blank provided for certified open-market purchase vouchers (Form 5-340b), and supported by weigher's returns and certificates of inspection, as required by the preceding section.

481. Claims for shares of annuity or other payments (Form 5-172) must show the date of payment, the tribe or tribes to which original payment was made, amount due, number of claimant on roll, and his post-office address. Claimant must sign the application exactly as his name appears on the roll. Such applications must be accompanied by the certificate of a bonded officer of the United States or the affidavits of two or more other persons that the claimant is the identical person he represents himself to be and that they have no interest in the claim; also by a certificate of the agent that the agency records show the sum claimed to be due and not paid.

482. If a claim of the kind referred to in the preceding section is made by a person other than the original beneficiary he must furnish indisputable evidence that he is entitled to the money; if by an administrator or guardian, certified copies of letters of administration or guardianship must be furnished.

AMENDMENT 36 TO INDIAN OFFICE REGULATIONS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 6, 1911.

To all disbursing officers of the Indian Service:

By the authority of the Secretary of the Interior, the Regulations of the Indian Office, 1904, are hereby amended by striking out sections 468 to 489, inclusive, in their entirety, and substituting therefor the following sections to be in force and effect December 1, 1911.

Please acknowledge receipt of this circular and paste it between pages 84 and 85 of your book of Regulations, and strike out amended sections.

Respectfully,

F. H. ABBOTT,
Acting Commissioner.

CLAIMS.

468. **What May Be.**—Bills against the United States, which disbursing officers are not able, or not authorized, to pay, must be submitted to the Indian Office in the form of claims for administrative examination and transmittal to the Auditor for the Interior Department, by whom settlement will be made.

469. **Purchases Through Warehouses.**—Claims for supplies purchased for delivery at the various Indian warehouses, or at other points than the agency or school for which purchased, whether under contract or in open market, will be paid as provided for in the preceding section. Those for contract supplies should be prepared on Form 5-327 and those for open-market purchases on Form 5-328. All supplies purchased after July 1, 1911, through warehouses, but delivered direct to an agency or school by the vendor, will be paid for by the disbursing officer thereof on vouchers to be included in his quarterly account. Form 5-340 will be used for these vouchers.

470. **Purchases by Superintendents.**—Claims for supplies purchased by a disbursing officer, either under contract or in open market, which for any reason can not be paid by him, should be submitted to the Indian Office on Form 5-340.

471. **Miscellaneous Indebtedness.**—Claims for miscellaneous items, such as tuition of pupils under contract, rent of buildings, telephone service, gas or electric lighting, water supply, etc., must be prepared on Form 5-335a, and the items clearly and fully stated, with the unit price of each.

Vouchers covering tuition of pupils in sectarian schools should be prepared by the superintendent promptly at the close of each quarter, or pay period, and the original voucher accompanied by the original report of the teacher in charge of the school, duly certified as called for by the form (5-246), should be certified by the superintendent and then transmitted direct to the supervising school bureau in Washington, D. C., or elsewhere, as the case may be, for the claimant's signature; at the same time, the memorandum copy of the voucher and the teacher's duplicate report should be mailed direct to the Indian Office. The supervising school bureau will complete the voucher by affixing claimant's signature, and will then file claim direct with Indian Office.

472. Personal Services.—For personal services performed under the supervision of a disbursing officer, a pay roll on regular blank form, sworn to as required by sections 19 and 20 of the Regulations of 1904, shall be submitted. The making of this roll does not relieve a disbursing officer from including in his cash account for the period covered a sworn pay roll covering all services rendered within the period, whether paid for or not. (See sections 388 and 389 of the Regulations, 1904.)

A claim for salary due an outgoing superintendent, or any person who is not under the supervision of a disbursing officer, or any person whose services have been sworn to by a disbursing officer, may be made on Form 5-335c. If the appointment of the claimant is so worded that the certificate printed on the face of the blank is not applicable to his case, the certificate should be altered to conform to the terms of his appointment.

473. Traveling Expenses.—Claims for reimbursement of traveling expenses must be prepared on Form 5-335d, and sworn to whenever any items are included in the account, except railroad or Pullman fares. The items of expense must be set out in detail, with the date of each, and receipts or subvouchers must be furnished in accordance with the regulations governing traveling expenses. (See sections 302 to 317.)

474. Annuity Shares.—Claims for shares of annuity, or other per capita payments to Indians, must be prepared on Form 5-172, and must show the tribe or tribes to which payment was made, the description of the voucher or roll on which payment was made, giving number of quarter, year, and per capita share for each item claimed, the amount due, the roll number of the claimant, and his post-office address. Such claims must be supported by the certificate of a disbursing officer, or the affidavits of two or more other persons, that the claimant is the individual he represents himself to be, and if the names on roll and application are not identical, that they represent one and the same person; also by a certificate of the disbursing officer that the agency records show the sum claimed to be due and unpaid.

475. Annuity Shares, To Whom Payable.—Claims of the kind described in the preceding section, if for shares due a deceased, minor, or incompetent Indian, may be paid to an administrator, to surviving relatives, or to a legal or natural guardian, as provided for in existing regulations, or the letter of instructions governing the distribution of the money. When claim is made by an administrator or legal guardian, certified copies of letters of administration or guardianship must be furnished unless they are already on file, in which case a specific reference must be made to them.

476. Distribution of Trust Funds.—Claims for shares of individual Indians in tribal trust funds under the act of March 2, 1907 (34 Stat. L., 1221), must be prepared on Form 5-204, and be supported by the evidence of competency or disability called for by the blank.

477. Passenger Transportation.—Claims by carriers for passenger transportation and for sleeping and parlor car accommodations must be submitted on Form 5-345, and the request or order on which the tickets were furnished must be attached thereto.

478. Freight, Expressage, etc.—Claims by carriers for freight and express transportation, and for storage, demurrage, and other similar charges, must be prepared on Form 5-346, and the freight or express items must be supported by attached bills of lading, duly receipted by the consignees. In case a bill of lading has been lost or accidentally destroyed, a certificate of shipment must be furnished in lieu thereof. Charges for storage, demurrage, etc., require such explanation and supporting evidence as will enable the Indian Office to verify them.

479. Construction of Buildings, etc.—Claims for construction of buildings, water and sewer systems, heating and lighting plants, etc., must be prepared on Form 5-335a. They must describe the buildings erected and the work performed, show the value of material and labor expended up to the time to which payment is claimed, and be

supported by certificates of the officer in charge and the superintendent of construction to the effect that the work has been carefully inspected and found to be actually in place, and of the value represented; that it has been done in a workmanlike manner, and that the requirements of the contract have been fully met. Sample certificates and more detailed instructions will be furnished on application.

480. Newspaper Advertising.—Claims for newspaper advertising must be prepared on Form 1-325 and be forwarded to the Secretary of the Interior with an affidavit as to the rates charged, if the same is not already on file in the department. A copy of each issue of the paper in which the advertisement appears must also be furnished to the Secretary with the claim when practicable. If this can not be done without injury to the office files of the publisher, a single copy of the advertisement, accompanied by an affidavit that it was published as ordered during the time for which payment is claimed and giving the reason why the papers are not furnished as required will be satisfactory.

GENERAL INSTRUCTIONS APPLICABLE TO ALL CLAIMS.

481. How Prepared.—In general, a voucher to be paid as a claim should be prepared in the same manner as though payment were to be made by a disbursing officer. The exceptions will be noted or have been stated.

An original and memorandum copy of each claim must be prepared and sent to the Indian Office. Only the original copy need be signed, certified, or sworn to by the claimant. The certifying officer, such as the superintendent of a warehouse or of an Indian school or agency, should not certify the original claim until after the claim has been signed by the claimant, and, except as stated in section 471, the claim (both original and memorandum copy) should be transmitted direct to the Indian Office from the certifying officer. Except for deliveries at warehouses the officer's certificate should be modified by adding these or equivalent words, "Said claim is due and wholly unpaid." The claimant should be advised of the steps to be taken before payment.

482. How Stated.—Claims for money due under contract must be stated in the name of the contractor, and give the date and number of contract. All others, except as provided with reference to annuities, must be stated in the name of the person, or firm, actually furnishing the commodity or service.

Disbursing officers and employees generally are cautioned not to make cash payments from personal funds to persons to whom the United States is indebted, with intent to seek reimbursement, but to require the claimant to submit his claim on proper voucher for direct settlement. This does not apply to traveling expenses, and similar expenditures. (Compare section 486.)

483. Authority.—If the indebtedness has been incurred under a letter of authorization, the original letter must be attached to the original claim and a copy thereof to the memorandum. In the event that more than one claim is presented under the same authority, or under an authority attached to a voucher in a disbursing officer's cash account, it will be sufficient to refer in subsequent claims to the claim or voucher to which the authority is attached. If the expenditure has not been authorized, or if the authority granted requires modification, request therefor with full explanation in the premises should be submitted with the claim.

484. Proposals.—If the claim covers supplies, or services other than personal, the method of purchase or procuring the service must be stated on the voucher (see instructions on back of blanks), and the original of the accepted proposal (Form 5-086), together with an abstract of all bids received, must be attached to the original claim, or a legal reason given for not doing so. If the proposal has been attached to other papers submitted with a prior claim or account, it will be sufficient to refer to the claim or voucher to which it is attached.

485. Claims of Subcontractors.—The Government is not responsible for debts due by contractors to subcontractors or to any other person; but on construction contracts the bond of the contractor may be sued on by a subcontractor or materialman. (33 Stats. L., 812.)

486. Transfers not Recognized.—No transfer or assignment of a claim, prior to the issuance of a warrant in payment thereof, will be recognized by the Government, and then only when in statutory form.

487. Instructions on Blank Forms.—The foregoing, and the more detailed instructions printed on the various blank forms referred to in these Regulations, should be carefully observed in the preparation of claims. Otherwise, it may be necessary to return the claim for correction or completion, which will, of course, cause delay in settlement.

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483. Claims for passenger transportation must be accompanied by the Government request or order upon which the railroad or other ticket was issued.

484. Claims for tuition of pupils, if under contract, must be prepared and submitted in accordance with the terms of the contract; otherwise, the dates of service, as well as rate of compensation, must be shown and sworn to by the claimant. A copy of the letter authorizing the service must accompany the claim or the date of such letter must be given.

485. Claims for advertising must be prepared on blanks provided for the purpose (Form 1-325), and accompanied by the letter authorizing the publication and an affidavit as to the rates charged. A copy of each issue of the paper containing the advertisement must also be furnished. Should it be impossible to furnish a copy of each paper without destroying the office files an affidavit to that effect, with a statement that the advertisement was published as ordered during the time for which payment is claimed, must be furnished and have a copy of the advertisement attached thereto.

486. Claims for services of inspectors, superintendents of construction, and others irregularly employed must show the nature and dates of service, rate of compensation, and amount due. A copy of the letter authorizing the service must be furnished or the date of such letter given. The claim must also be accompanied by a certificate of approval from the officer under whom the service was rendered, or, in lieu of such certificate, by the affidavit of the claimant that the services were actually rendered as stated and that payment therefor has not been made.

487. Claims for reimbursement for traveling and other expenses must state the nature of the services on account of which the expenses were incurred; show in detail the expenditures actually made, with date of each item, and be accompanied by or show the date of the letter of authority therefor. A receipt or subvoucher for each expenditure of \$1 or more, is required. The claim must also be supported by an affidavit, as prescribed by section 305.

488. Claims for construction of buildings, water and sewer systems, heating and lighting plants, etc., must describe the buildings erected or work performed; give the name of contractor and date of contract, and show in detail the value of material and labor expended to the time payment is claimed. They must be accompanied by the certificates of the agent and superintendent of construction that the work has been carefully inspected and found to be actually in place and of the value represented; that it has been done in a workmanlike manner; that the stipulations of the contract have been fully complied with, and that the amount claimed is actually due, no part thereof having been paid.

489. Every claim, of whatever character, submitted for payment through the Indian Office, must show the post-office address and, when in favor of an individual, the Christian or given name as well as the surname of the claimant.

OFFICIAL CORRESPONDENCE.

490. All communications to the Indian Office will be addressed to the Commissioner of Indian Affairs. White paper of ordinary letter size, and none but black ink (unless typewritten) will be used. Only one side of the sheet should be written upon.

491. Letters will be folded in three equal folds, running parallel with the lines of writing, and an indorsement placed on the first fold of the last sheet, leaving blank spaces of about 2 inches at both top and bottom. Loose sheets or jackets for indorsements will not be used.

492. The indorsement will contain (1) the name of the agency, its location and the date of the letter; (2) the name and official title of the writer, and (3) a clear and concise brief of the contents of the letter.

493. Only one subject should be embraced in a letter, but when two or more communications are sent by the same mail, they may all be placed in the same envelope. Telegrams may include more than one subject.

494. All inclosures to communications, except quarterly accounts, will be briefed and numbered in the order in which they are to be read, and the total number thereof noted at the bottom of the indorsement. The several pages of a letter are not regarded as inclosures.

495. All official letters will be press-copied in books provided for that purpose, special care being taken to guard against blurring or indistinctness. Private correspondence of agents and others will not be copied in these books, which are a part of the permanent records of the agency and not to be removed therefrom.

496. In replying to communications from the Indian Office, reference should always be made to the date as well as to the name of division and numbers in the upper left-hand corner thereof.

497. The acknowledgment of the receipt of office letters when the subject-matter thereof does not call for reply is unnecessary.

498. All correspondence between employees and the Indian Office must be conducted through the agent. When an employee addresses a communication to the Commissioner of Indian Affairs, it is the duty of the agent to forward the same, whether it meets with his approval or not, with such remarks and recommendations indorsed thereon as he may think proper to make.

499. In the event that the agent declines for any reason to forward such a communication, it may be sent by the employee directly to the Indian Office, with a full explanation of the reasons for so doing.

CORRESPONDENCE.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, April 24, 1907.

ORDER.

It is hereby ordered:

1. All correspondence which relates to the larger matters of policy of the Department and all communications with committees of Congress and with heads of other departments, should be conducted through the Office of the Secretary.

2. All correspondence which relates to the details of the work of each bureau should be conducted by the head of that bureau with other bureau chiefs in the Interior Department or in other departments of the Government (including the Civil Service Commission).

3. All communications from Members of Congress addressed to the head of a bureau, and relating to the work of that bureau, should be answered by the head of the bureau, unless the matter involved relates to broad questions of policy, in which case the letter should be sent through the Office of the Secretary.

4. Direct oral communications with committees of Congress may be had in cases where testimony is called for on short notice, as, for instance, in cases where chairmen of committees call upon the heads of bureaus to appear before a committee. Such requests should be given immediate attention and the fact communicated to the Secretary.

JAMES RUDOLPH GARFIELD,

Secretary.

500. Officers and employees of the Indian Service are forbidden to communicate with any other department, or bureau thereof, upon matters of business pertaining to their offices, except *through the Commissioner of Indian Affairs*, and any known violation of this rule may subject the offender to summary dismissal: *Provided, however*, That nothing in this section shall be construed as debarring disbursing officers from corresponding directly with depositories where funds are to their credit, in regard to routine matters affecting their accounts with such depositories, or to interfere with their right to appeal or submit any question touching the disbursement of money to the Comptroller of the Treasury for decision. (*Circs. I. O. Nov. 8, 1901, Feb. 10, 1903, and Apr. 6, 1903.*)

501. Penalty envelopes are provided for the use of Government officers in transmitting letters and other official papers and documents through the mails. Officers authorized to use such envelopes may inclose them, with return address, to any person or persons from whom official information is desired, for use in mailing the reply and any papers connected therewith. The sending of such envelopes with orders for merchandise, so that the goods may be transmitted by mail, free of postage, is forbidden by law. (*Circ. I. O. Nov. 29, 1901.*)

STATIONERY AND BLANKS.

502. Stationery and blanks will not be purchased by agents, everything needful in that line being furnished by the Department upon requisition therefor.

503. Requisitions for stationery (Form 5-279) should be forwarded on or about the 1st of each April for a supply sufficient for the ensuing fiscal year.

504. Requisitions for blanks (Form 5-276) are to be made on the 1st of January and 1st of July of each year for supplies sufficient to last six months.

505. All requisitions must be made *in duplicate* and upon the blanks provided for that purpose.

506. The following list of blanks furnished by the Department is published for the guidance of agents when in doubt as to the form that should be used in any particular instance:

No. of blank.	Title of blank or blank book.
1-002b	Bond (contractor's).
1-006a	Oath of disinterestedness.
1-007	Abstract of proposal.
1-230	Oath of office.
1-325	Voucher—Advertising.
5-001	Abstract A to property return. (Articles purchased.)
5-002	Abstract B to property return. (Received from contractors.)
5-003	Abstract C to property return. (Received from other sources.)
5-004	Abstract D to property return. (Articles issued to Indians.)
5-005	Abstract E to property return. (Sold to employees.)
5-006a	Abstract F to property return. (Expended in service.)

No. of blank.	Title of blank or blank book.
5-006b	Extra sheets for Abstract F.
5-007	Extra sheets for Abstracts A, B, C, D, and E.
5-010	Abstract of disbursements.
5-021	Trader's bond.
5-053	Affidavit to accompany trader's license.
5-054	Application for renewal of license as Indian trader.
5-055	Duties of field matron.
5-080	Contract for beef cattle.
5-081	Contract without penalty.
5-082a	Contract for goods and supplies.
5-082b	Contract for goods and supplies—extra sheet.
5-083	Contract for buildings.
5-084	Contract for miscellaneous.
5-087	Abstract of proposals.
5-092	Estimate for funds.
5-097a	Estimate for supplies, etc.
5-097b	Extra sheet for estimate for supplies.
5-115	Account-current sheet.
5-118	Affidavit relative to advertising.
5-119	Bill of lading—original.
5-119a	Bill of lading—duplicate.
5-120	Authority to act as agent.
5-130	Certificate to correctness of claim for traveling expenses.
5-131	Certificate for annuity payments (guardianship).
5-134	Certificate of inspection—beef cattle.
5-135	Certificate of inspection—supplies.
5-138	Descriptive statement of pupils transferred.
5-140	Descriptive statement of Government buildings.
5-154	Report of absence on account of illness.
5-155a	Property return.
5-155b	Extra sheet for property return.
5-155c	Property return—medical.
5-160	Ration check.
5-174	Warrant for sergeant of Indian police.
5-176	Weigher's certificate.
5-192	Consent blanks—application for enrollment.
5-197	Application for appointment as additional farmer, etc.
5-210	Receipt—beef.
5-212a	Receipt—supplies—contract (flour and grain)—original.
5-213	Receipt for annuities.
5-214	Receipt for annuities (subvoucher).
5-240	Report of changes in employees—agency.
5-241	Report of changes in employees—school.
5-242	Quarterly report of employees—agency.
5-243	Quarterly report of employees—school.
5-244	Request for leave of absence—school service.
5-245	Report of changes in Indian police.
5-246	Report of special Indian agents—semiweekly.
5-247	Report of leave of absence taken.
5-248a	Quarterly sanitary report.
5-248b	Quarterly sanitary report—extra sheet.
5-249	Monthly school report.
5-250	Weekly supply report.
5-251a	Quarterly school report.
5-251b	Extra sheets for quarterly school reports.
5-252	Report of irregular employees—monthly.
5-253	Efficiency report of employees—semiannual.
5-259	Report of farmer—monthly.
5-276	Requisition for blanks and blank books. (Semiannual.)
5-277	Requisition for blanks and blank books. (Short.)
5-278b	Requisition for stationery. (Short.)
5-279	Requisition for stationery—annual.
5-299	Statement of arrival and departure of pupils.
5-300	Weekly statement of funds.
5-301	Monthly statement of funds.
5-305	Quarterly statement of receipts and disbursements.
5-307	Statement of expenses of schools.
5-310a	Voucher—Abstract D, property return, Form No. 1
5-310b	Voucher—Abstract D, property return, Form No. 2.
5-310c	Voucher—Abstract D, property return, Form No. 3.
5-310d	Voucher—Abstract D, property return, Form No. 4.
5-311	Voucher—Abstract D, property return. Abstract of issues.
5-315a	Voucher—Abstract F, account of sales of public property.
5-315b	Voucher—Abstract F, issues to boarding schools.
5-316	Voucher—Abstract F—miscellaneous.
5-317	Abstract F, abstract of issues to boarding schools.
5-322a	Annuity pay roll, Form No. 1.
5-322b	Annuity pay roll, Form No. 2.
5-322c	Annuity pay roll, Form No. 3.
5-323a	Annuity pay roll, Form No. 1, for typewriter.
5-323b	Annuity pay roll, Form No. 2, for typewriter.
5-329a	Lease money, Form No. 1.
5-329b	Lease money, Form No. 2.
5-329c	Lease money, Form No. 3.
5-330a	Monthly receipt roll. (Regular.)
5-330b	Pay roll of irregular employees.

ACCOUNTS
74748-1907.
File 110.

AMENDMENT
No. 24.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D. C., *September 16, 1907.*

*To all Disbursing Officers
of the Indian Service:*

By authority of the Secretary of the Interior, the Regulations of the Indian Office, 1904, are amended by inserting the following new section therein:

506a. Each agent shall keep a book, to be known as a Diary, in which shall be recorded from day to day every event of importance or interest occurring within his jurisdiction. A few examples of the things to be noted thus are: losses by fire, flood, death, and theft; visits of inspecting officials and others; absence of the agent or employees, whether on leave, traveling on official business, or otherwise; property loaned to or in possession of employees, and authority therefor; and timber trespasses, with names of trespassers, description of land, etc.

No special form is prescribed for this record, but any blank book suitable for the purpose may be used.

Please acknowledge on the inclosed card the receipt of this circular, and paste the same between pages 88 and 89 of your book of Regulations.

Very respectfully,

F. E. LEUPP,
Commissioner.

No. of blank.	Title of blank or blank book.
5-332a	Individual Indian money.
5-332b	Individual Indian money—extra sheet.
5-334	Transportation—Indian freighters.
5-335a	Vouchers—miscellaneous—long.
5-335b	Vouchers—miscellaneous—extra sheet.
5-335c	Vouchers—miscellaneous—short.
5-335d	Vouchers—miscellaneous—traveling expenses—disbursing officers.
5-335e	Vouchers—miscellaneous—traveling expenses—other than disbursing officers.
5-338	Vouchers—contract.
5-339	Subvoucher to 5-329. Lease money.
5-340a	Vouchers—purchases—open market.
5-340b	Vouchers—purchases—open market. (Certified.)
5-342	Purchases—open market—from Indians.
5-920	Cash book.
5-922	Bill of lading. (Stub book.)
5-923	Pass to be absent from agency—100 pages.
5-925	Issue book.
5-927	Subvoucher book.
5-929	Record of employees at agency.
5-931	Memorandum book, letter size, 352 pages.
5-932	Memorandum book, cap size, 352 pages.
5-933	Memorandum book, ledger, cap size, 352 pages, ruled dollars and cents.
5-934	House and farm book—bound half Russia, 150 pages.
5-935	Blank book, 10 $\frac{1}{2}$ by 14, 200 pages. Intex in front.
5-942	Sanitary record of sick, etc.
5-946	Memorandum book, size 4 by 6 $\frac{1}{2}$ inches, 24 pages.
5-947	Memorandum book, size 5 by 7 $\frac{1}{2}$ inches, 24 pages.

(7)

RECORDS.

507. The account books, letter books, invoices, correspondence, orders, circulars, retained copies of cash and property accounts, and all papers of any kind whatsoever pertaining to the affairs of the Indian Service, are the property of the Government, and must not be removed from the agency, but retained there subject to inspection at all times by properly authorized officers of the Department. Copies of official papers may, however, be made by an outgoing agent for his own use.

508. Every agent is required to keep a register of the books in his office, and to add to it from time to time as new books may be opened. When the agent is relieved such register will be turned over with the books and other papers to his successor.

AGENCY REPORTS.

509. As early as practicable after the close of the fiscal year, and prior to September of each year, the agent will submit an annual report, giving a history of the work, progress, and events of the fiscal year, together with full statistics in regard to points named in the succeeding section.

510. Each agent is required in his annual report to submit a census of the Indians at his agency or upon the reservation under his charge, showing the number of males above 18 years of age, the number of females above 14 years of age, the number of school children between the ages of 6 and 16 years, the number of schoolhouses at his agency, the number of schools in operation and the attendance at each, and the names of teachers employed and salaries paid such teachers. (*Act July 4, 1884, sec. 9, 23 Stats., 98.*)

511. Special instructions with necessary blanks are furnished by the Indian Office annually; but, to insure completeness and accuracy of statistics, data for the same should be carefully collected throughout the year.

BEEF HIDES.

512. Hides obtained from cattle slaughtered for subsistence or killed by disease or accident will be taken up on Abstract C to the property account, particular care being exercised to keep the hides from purchased cattle separate from those of cattle raised on the agency or school farm. (See sec. 514.)

513. When a sufficient number of hides have been accumulated to justify such action, the agent should request authority to sell them and await a reply before taking further action. (See secs. 446, 447, and 448.)

514. If the cattle from which the hides are taken were purchased by the Government, the money derived from the sale belongs to the appropriation from which the cattle were bought, and should be taken up as miscellaneous receipts, *Class II*; but if they were raised on the reservation or school farm, the money will be accounted for as miscellaneous receipts, *Class IV*. (See secs. 287 and 295.)

PRIVATE STOCK ON RESERVATIONS.

515. Neither the agent nor any white employee is permitted to keep private stock on an Indian reservation without special authority from the Commissioner of Indian Affairs, which will be granted only in exceptional and meritorious cases for purely domestic purposes. When such a privilege is granted it will be with the distinct understanding that the stock belonging to the Government and Indians shall not be accommodated thereby, and that the necessary dry feed and attendance for such private stock shall be provided by the owners thereof at their own expense. Government employees will not be permitted to devote any time to the care of stock belonging to themselves or fellow-employees which should be devoted to their official duties.

516. The provisions of the preceding section may be waived and authority granted by the Commissioner of Indian Affairs for the stabling and feeding of horses belonging to employees, at Government expense, when it is shown to his satisfaction that such horses are actually needed and used by the employees in the discharge of their official duties.

TRADE WITH INDIAN TRIBES.

LICENSED TRADERS.

517. The Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper, specifying

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C., 20541

Provisions of the Indian Service

Section 208. U. S. Revised Statutes provides:

51. Any person employed in Indian affairs shall be considered as a public officer with the Indians, except for and on account of the United States, and any person who is hereby shall be liable to a penalty of five hundred dollars if he is removed from his office.

The attention of all employees in the Indian Service is directed to the following provisions of this statute:

Proper observance of official propriety further demands that employees of the Indian Service shall have any interest in real estate, except for and on account of the United States, in any sale of the same by or for or on behalf of any Indian or citizen Indian. Not one employee of the Indian Service be permitted to enter or have access in any way to the public lands of the United States reserved for the use of reservation Indians or that are subject to disposal to individual Indians.

Government employees will be summarily dismissed from the service

for any violation of

the provisions of this statute.

the kind and quantity of goods and the prices at which such goods shall be sold to the Indians. (*Act Aug. 15, 1876, sec. 5, 19 Stats., 200.*)

518. No person employed in Indian affairs shall have any interest or concern in any trade with Indians except for and on account of the United States; and any person offending herein shall be liable to a penalty of \$5,000, and shall be removed from his office. (*Sec. 2078, R. S. Sec. 318 4/29/1909.*)

519. Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of five hundred dollars: *Provided*, That this section shall not apply to any person residing among or trading with the Choctaws, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the Five Civilized Tribes, residing in the Indian Territory, and belonging to the Union Agency therein: *And provided further*, That no white person shall be employed as a clerk by any Indian trader, except such as trade with said Five Civilized Tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior. (*22 Stats., 179.*)

520. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil of the kind commonly obtained by the Indians in their intercourse with the white people or any article of clothing, except skins or furs, shall be liable to a penalty of \$50. (*Sec. 2135, R. S.*)

521. By the act of July 23, 1892, it is enacted that section 2139 of the Revised Statutes be amended so as to read as follows:

No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barter, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian under charge of any Indian superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, wine, beer, or intoxicating liquors of any kind into the Indian country shall be punished by imprisonment for not more than two years and by fine of not more than \$300 for each offense. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority in writing from the War Department, or any officer duly authorized thereunto by the War Department. All complaints for the arrest of any person or persons made for violation of any of the provisions of this act shall be made in the county where the offense shall have been committed, or if

committed upon or within any reservation not included in any county, then in any county adjoining such reservation, and, if in the Indian Territory, before the United States court commissioner, or commissioner of the circuit court of the United States residing nearest the place where the offense was committed, who is not for any reason disqualified; but in all cases such arrest shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 1014 of the Revised Statutes of the United States. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense. (*27 Stats., 260.*)

522. If any superintendent of Indian affairs, Indian agent, or subagent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, subagent, or commanding officer may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. It shall, moreover, be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section Indians shall be competent witnesses. (*Sec. 2140 R. S.*)

523. No part of section 2139 or of section 2140 of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, sutler, or storekeeper, attaché, or employee of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, wines, beer, or any intoxicating beverage whatsoever to any Indian. (*Act July 4, 1884, 23 Stats., 94.*)

524. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than \$5,000 nor more than \$10,000 with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for

the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same. (*Sec. 2128, R. S.*)

525. The act of March 3, 1901, provides as to the Osage Reservation as follows: "On and after July first, nineteen hundred and one, any person desiring to trade with the Indians on said reservation shall, upon establishing the fact to the satisfaction of the Commissioner of Indian Affairs that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians." The act of March 3, 1903, extends the above provision "to apply to *all* Indian reservations." (*31 Stats. 1065 and 32 Stats. 1009.*)

526. A "proper person" is one whose personal character and influence among the Indians is conducive to their welfare and whose dealings with them are both honest and just. Bad morals, dishonest methods, or extortionate prices are among the disqualifications of a "proper person" to trade among Indians.

527. Application for license must be made in writing, setting forth the full name and residence of applicant; if a firm, the full firm name and name of each member; the place it is proposed to carry on the trade; the capital to be employed; the names of the clerks or other persons to be employed; the record of applicant for five years previous, etc. This application must be forwarded to the Commissioner of Indian Affairs.

528. Satisfactory testimonials as to the character of the applicant and his employees and their fitness to be in the Indian country must accompany the application.

529. Applications for license forwarded by the agent must be accompanied by the affidavit of the agent that neither he nor any person for him has any interest, directly or indirectly, present or prospective, in the proposed business or the profits arising therefrom, and that no arrangement for any benefit to himself or to other person or persons on his behalf is in contemplation in case the license shall be granted.

530. No license will be granted for a longer period than one year; but at the end of that time, if the Commissioner of Indian Affairs be satisfied that the trade has been conducted properly, and that the laws, the regulations and the terms of the license have been duly observed, a new license may be granted.

531. Application for *renewal* of license must be made to the Commissioner of Indian Affairs through the agent of the Indians with whom the trade has been carried on, and the agent must testify as to the record which applicant has made as trader and his fitness to continue as such under a new license.

532. The application for the renewal of a license must be made at least thirty days prior to the expiration of the existing license.

533. A new bond must be given with each renewal of license, as required in section 534.

534. A bond in the penal sum of \$10,000 must be furnished by the person or persons licensed that they will faithfully observe all the laws and regulations made for the government of trade and intercourse with the Indian tribes, and will in no respect violate the same. (*Sec. 2128, R. S.*)

535. The bond must be made out in accordance with the following instructions:

1. If a bond with individuals as sureties is given, there must be not less than two such sureties, but a guaranty company duly qualified under the act of August 13, 1894, may be accepted as sole surety.

2. The full name of the principal and each of his sureties should be written in the body of and so signed to the bond. If any woman signs as surety it must satisfactorily appear that she is unmarried, *married women not being accepted as sureties* except where, under the laws applicable, she is competent to make such a contract, and her separate property can be taken in the enforcement thereof; and except also where, under the laws applicable, she may sign with her husband, and thereby charge their community property with liability upon execution.

3. There must be a seal of wax, wafer, or other adhesive substance attached to each signature. The printed word "seal" or a scroll is not sufficient.

4. The residence of each principal and surety must be distinctly stated, and the signature of each of them must be made in the presence of two witnesses, and it must appear for whom each witness signs.

5. The bond if with individual sureties must be approved by a United States district judge or attorney, and the approval must be of even or subsequent date to that of the bond.

6. Bonds must not be executed on Sundays or legal holidays.

7. Sureties (individual) must not be bonded officers of the United States, or attorneys having business before the Indian Office, or employees of the principal.

8. Special pains must be taken to prevent erasures or mutilations of any kind in the bond, but if they do occur it must be explained by a certificate of the officer by whom the bond is approved that they were made before the bond was signed by the principal and his sureties.

536. If, after the license shall have been granted, a trader desires to employ persons other than those named in the license, their names, the capacity in which it is proposed to employ them, and satisfactory tes-

timonials as to character, as required in section 528, must be furnished, and permission in writing obtained for their employment.

537. Agents must see that the employees of traders are fit persons to be in the Indian country, and that the rules respecting permits for such employees have been complied with, and if any of them are found to have objectionable habits, the fact must be immediately reported to the Indian Office, when steps will be taken to have them removed.

538. The principals of trading establishments will be held responsible for the conduct and acts of the persons in their employ in the Indian country; and an infraction, by such persons, of any of the terms or conditions of a license, or any of the laws or regulations, will be considered good and sufficient cause for revoking the license, in the same manner as if the offenses were committed by the principals themselves.

539. Agents must familiarize themselves with the laws and regulations governing the business of licensed traders and see that they are strictly complied with. Any infraction of the laws or regulations, or of any of the terms and conditions of a license, with all the circumstances connected therewith, and any improper conduct on the part of traders, or persons in their employ in the Indian country, must be reported without delay by the agent to the Indian Office.

540. On January 1 and July 1 of each year the agent shall submit to the Indian Office a statement showing whether, and to what extent, each licensed trader has or has not complied with the laws and regulations governing trade with Indians.

541. If persons carry on trade within a reservation with the Indians without a license, or continue to trade after the expiration of the license without applying for renewal, agents will close the stores of such traders and immediately report the facts in the case to the Indian Office, in order that legal steps may be taken to enforce the penalties of the law.

542. Licenses will be revoked by the Commissioner of Indian Affairs whenever, in his opinion, the persons licensed, or any persons in their employ, have transgressed any of the laws or regulations made for the government of trade and intercourse with the Indian tribes, or have so conducted themselves that it would be improper to permit them to remain in the Indian country.

543. No trade with Indians is permitted at any other place than that specified in the license. Licenses do not cover branch stores. Such stores are not allowed, as the business of a licensed trader must be managed by the bonded principal and not by an unbonded subordinate.

544. Traders must actually carry on the business themselves, and habitually reside upon the reservation where they are licensed. They will not be permitted to farm out, sublet, transfer, or assign the

business to others. The presence of a silent partner, not under bond, in any trading establishment will be considered sufficient cause for the revocation of the license.

545. Traders and all persons employed by them will confine themselves to their legitimate business according to the license issued. A license to trade with Indians does not confer upon the trader any rights or privileges in respect to herding or raising cattle upon the reservation. Use of reservation lands, whether tribal or allotted, for such purposes can be obtained by a trader only upon the terms and under the restrictions which apply to other persons. His license gives him no advantage over others in this respect.

546. License to trade does not confer the right to traffic in any uniform clothing, other than that of the United States, nor any medals, flags, arm-bands, or other ornaments of dress bearing the figures, emblems, or devices of any foreign power; nor does it authorize any trade with a tribe or tribes with whom intercourse may have been prohibited by the President of the United States, or who are engaged in hostilities.

547. Traders are forbidden to buy, trade for, or have in their possession any annuity or other goods of any description that have been purchased or furnished by the Government for the use or welfare of the Indians.

548. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied. (*Sec. 2136, R. S.*) *See 677-1912*

549. License to trade does not confer the right to traffic in or to have in possession any description of wines, ale, beer, cider, intoxicating liquor, or compound composed in part of alcohol or whisky.

550. Traders must see to it that no intoxicating liquor is allowed on or about their premises under any pretense. A violation of this rule by traders or a failure on their part to use their utmost efforts to suppress traffic in or use of intoxicating liquors, or to notify the Indian Office in regard to it, will subject them to revocation of license and removal from the reservations.

551. The sale of the mescal bean, or any product thereof, by traders is positively prohibited.

552. Traders are not permitted to keep their places of business open on Sunday. Violation of this rule will be considered sufficient cause for the revocation of a trader's license.

553. Gambling, by dice, cards, or in any way whatever, is strictly prohibited in any licensed trader's establishment or on the premises.

554. Before any goods are offered for sale, traders shall exhibit to the agent the original invoices of the goods intended for sale, and also the bills of lading therefor, together with the price at which each article is to be sold; and it is the duty of the agent to see that the prices are fair and reasonable.

555. Invoices of purchase for the replenishment of the trader's stock, as well as the bills of lading for the same, must be submitted to the agent in the same manner and for the same purpose as is provided in the preceding section for the original purchase of stock.

556. The trader shall keep an itemized ledger, which shall give such a description of the articles charged to each Indian that they can be easily and positively identified on the invoice showing the original cost of such articles. The quantity and the price per pound, per yard, per bushel, etc., shall be stated. The amounts credited to each Indian shall also be itemized so as to show every cash payment made and every credit allowed for articles sold or services rendered by him, the kind, quantity, and price allowed for each article sold, as well as the character and amount of labor performed, and the rate of compensation allowed therefor, to be stated.

557. Not exceeding the following rates of profit may be allowed traders on goods and supplies sold to Indians, after adding the expense of transportation to the first cost or invoice prices:

Dry goods, including blankets, woolen goods, shawls, hosiery, bed quilts, cotton goods, yarns, etc., 25 per cent.

Ready-made clothing, including underwear, 30 per cent.

Boots and shoes and rubber goods, 30 per cent.

Hats and caps, 25 per cent.

Notions, including beads, twine, gloves, etc., 35 per cent.

Groceries, including canned goods, an average of 20 per cent.

Crockery, lamps, and glassware, 25 per cent.

Furniture and wooden ware, 25 per cent.

Harness, saddles, leather, etc., 25 per cent.

Miscellaneous articles, including clocks, sewing machines, churns, brass kettles, cornshellers, fanning mills, feed cutters, etc., 20 per cent.

All kinds of agricultural implements, 20 per cent.

Flour, meal, grain, etc., 20 per cent.

Wagons and wagon fixtures, 20 per cent.

Paints and oil, 30 per cent.

Stoves, hollow ware, tinware, stamped ware, 25 per cent.

Hardware, including nails, glass, grindstones, rope, horseshoes, etc., 25 per cent.

Patent medicines, the regular established retail price.

558. At least three written or printed copies, in both English and Indian (if the Indian language has been reduced to writing), of all the leading articles kept on sale, with the price of each article, must be conspicuously posted about the agency, and one copy thereof must be posted in each trader's store. At least twice each year the trader must furnish the agent with a list of prices charged for staple articles.

559. The quality of all articles kept on sale must be good and merchantable.

560. Traders' weights shall conform to either Fairbanks's or Howe's scales.

561. If credit is given Indians by a trader, he must take the risk of his action; no assistance in the collection of alleged claims will be given him by the agent. But whenever Indians obtain goods of the licensed trader on credit, they are expected to pay for the same promptly, in the manner and at the time agreed upon.

562. Traders must not pay Indians in tokens, tickets, store orders, or anything else of that character. Payment must be made in money, or in credit if the Indian is indebted to the trader.

563. Indians must be permitted to sell their crops or other articles produced by them at available market towns, precautions being taken to guard them against fraud or obtaining intoxicating liquors.

INDIAN DEPREDAATION CLAIMS.

564. By the act of March 3, 1891, the Court of Claims is invested with jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in said act, all claims for depredations committed by Indians of the classes therein specified. (*See 26 Stats., 851, sec. 1.*)

565. That no claim accruing prior to July 1, 1865, shall be considered by the court unless the claim shall be allowed or has been or is pending, prior to the passage of this act, before the Secretary of the Interior or the Congress of the United States, or before any superintendent, agent, subagent, or commissioner authorized under any act of Congress to inquire into such claims; but no case shall be considered pending unless evidence has been presented therein: *And provided further*, That all claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within three years after the passage hereof, or shall be thereafter forever barred: *And provided further*, That no suit or proceeding shall be allowed under this act for any depredation which shall be committed after the passage thereof. (*Sec. 2, ibid., 852.*)

566. That the investigation and examinations under the provisions of the acts of Congress heretofore in force of Indian depredation claims shall cease upon the taking effect of this act. (*Sec. 13, ibid., 854.*)

CIVILIZATION.

567. The chief duty of an agent is to induce his Indians to labor in civilized pursuits. To attain this end every possible influence should be brought to bear, and in proportion as it is attained, other things being equal, an agent's administration is successful or unsuccessful.

568. Every able-bodied Indian should be engaged in some useful industrial pursuit, from which to earn in whole, or as far as practicable, his self-support. No work must be given white men which can be done by Indians, and it is expected that no payments will be made to white laborers for cutting hay or wood, splitting rails, or gathering crops. Plowing and fencing should also be done by Indians.

569. Indians to whom allotments have been made should be encouraged to labor and instructed to cultivate their farms or a portion thereof. Agents should aid and direct such individual efforts on the part of such Indians, even though the manner of their farming should at first be crude and the crops small and unremunerative, so as to awaken in them a sense of proprietorship and to serve as beginnings in the direction of self-support.

570. Where lands have not been allotted on a reservation it is the duty of the agent to persuade the Indians to select and cultivate small tracts of land on different parts of the reservation with a view to taking them for their allotments when the same shall be ordered.

571. The practice of purchasing seed every year for the use of the Indians should be discontinued, and each Indian employed in agricultural pursuits should be required to save sufficient seed for sowing and planting, and if he has no suitable place for storing such seed he should be required to turn over to the agent, to store for his use, such quantity of grain, etc., as the agent shall consider proper and necessary for his next year's seed.

572. Indians should be persuaded, as far as possible, to exchange their ponies for cattle, sheep, swine, and poultry, and agents should forbid, and as far as possible prevent, the sale of ponies to Indians. An Indian should be encouraged to accumulate provisions and property for his own sustenance and use, instead of bartering them with the trader for articles for which he has no special need.

573. The attention of agents is called to the provisions of section 2139 United States Revised Statutes, as amended by the acts of July 23, 1892 (27 Stats., 260), and January 30, 1897 (29 Stats., 506), in relation to the suppression of the traffic in intoxicating liquors. By the act of February 13, 1862 (12 Stats., 338), it was made a crime, punishable by fine and imprisonment, to sell liquors to Indians under the care of a superintendent or agent, whether on or *off* their reservations, and the constitutionality of this law was affirmed by the Supreme Court in 1865. By an act approved February 27, 1877 (U. S. Stat., vol. 19, p. 244), the words "except an Indian in the Indian country" were

stricken out of section 2139, so that all persons who now engage in the liquor traffic with Indians, no matter in what locality or who give liquor to them, are liable to a penalty of \$300 and two years' imprisonment. The law (act July 4, 1884) also provides that no part of sections 2139 and 2140, Revised Statutes, shall be a bar to the prosecution of any officer, soldier, sutler or storekeeper, attaché, or employé of the Army of the United States who shall barter, donate, or furnish, in any manner whatsoever, liquors, wines, beer, or any intoxicating beverage whatsoever, to any Indian. The act of July 23, 1892, includes ale, beer, and all intoxicating liquors of whatever kinds in the prohibition of the statute. The act of January 30, 1897, modifies the act of 1892 so as to fully protect Indian allottees and to provide more specific penalties for violations of the law. It repeals so much of the act of 1892 as is inconsistent with its provisions.

574. Having therefore the power to break up to a great extent this demoralizing traffic, agents are expected to use the utmost vigilance in enforcing the penalties of the law against all persons who engage in it with the Indians under their charge, whether this is done on or off the reservation.

575. When persons are detected in a violation of the law their cases should be placed in the hands of the district attorney for the district wherein the crime was committed, in order that they may be promptly arrested, tried, and punished; and agents will cooperate with that officer in his efforts to convict the guilty parties, furnishing him with the requisite evidence and all the facts that they may be able to obtain for the purpose indicated. Indians are competent witnesses in these cases.

576. It is also the duty of agents to strictly carry out the provisions of sections 2140 and 2141 of the Revised Statutes of the United States respecting the searching for concealed liquors within their agencies and respecting the destruction of distilleries set up or continued in Indian country.

577. The attention of Indian agents is specially directed to the fact that Indians are subject, under law, to the jurisdiction of the State, Federal, or Territorial courts, according to the location of their reservations and to their status as to citizenship in the United States, as follows, viz:

STATE AND TERRITORIAL COURTS.

578. Where the Indians of any tribe, located upon a reservation within a State or Territory, have had lands allotted to them under any law or treaty of the United States they thereby become citizens and are, therefore, entitled to the benefits of and are subject to the laws, both civil and criminal, of the State or Territory in which they reside. When an Indian takes up his residence separate and apart from his

tribe and adopts habits of civilized life he likewise becomes a citizen, entitled to all the privileges and immunities, and subject to all the burdens incident upon such citizenship; but his rights and interests in tribal or other property are not in any manner impaired or otherwise affected. (*See sec. 6, Act of Feb. 8, 1887; 24 Stats., 388, 390.*)

579. Crimes and misdemeanors committed by Indians within a State and not within an Indian reservation are punishable in the courts of such State and in accordance with State laws, whether the Indian charged with crime or misdemeanor be a citizen of the United States or not. *For arrest of such Indians returning to reservation see D.O. line 2656 Jan 21, 1930.*

FEDERAL AND TERRITORIAL COURTS.

580. Indians committing murder, manslaughter, rape, assault with intent to kill, arson, burglary, or larceny against the person or property of another Indian or other person within an Indian reservation in a State are subject to the same laws, to trial in the same courts and in the same manner, and liable to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States." (*Sec. 9, Act of Mar. 3, 1885, 23 Stats., 385; United States v. Kagama, 118 U. S., 375.*)

581. Indians, whether citizens of the United States or not, committing any of the crimes named in the foregoing regulation against the person or property of another Indian or other person "within any Territory of the United States, and either within or without an Indian reservation," are subject therefor to the laws of such Territory relating to said crimes, and to trial therefor "in the same courts and in the same manner and liable to the same penalties as are all other persons charged with the commission of said crimes respectively." (*Ibid.*)

582. In the Indian Territory criminal jurisdiction over crimes against the laws of the United States is exercised by the Federal courts for the Indian Territory. Civil jurisdiction over all controversies, except cases over which the tribal courts have exclusive jurisdiction is exercised by the United States court for the Indian Territory. (*See Act of Mar. 1, 1889, 25 Stats., 783; also sec. 533, R. S.; also Act of May 2, 1890, 26 Stats., 81, 93; Act of June 28, 1898, 30 Stats., 495.*)

583. In the Territory of Oklahoma the Territorial courts have the same criminal jurisdiction over Indians in that Territory as is exercised by courts of other Territories over Indians residing therein, and in addition have jurisdiction over civil controversies between Indians and citizens of the United States and between Indians of different tribes. (*See Act of May 2, 1890, 26 Stats., 81.*)

COURTS OF INDIAN OFFENSES.

584. The following rules governing courts of Indian offenses are promulgated for the guidance and direction of the several United States Indian agents, and each agent will see to it that the requirements thereof are strictly enforced.

First. When authorized by the Department there shall be established at each agency a tribunal, consisting ordinarily of three Indians, to be known as "the court of Indian offenses," and the members of said court shall each be styled "judge of the court of Indian offenses."

Agents may select from among the members of the tribe persons of intelligence and good moral character and integrity, and recommend the same to the Indian Office for appointment as judges; provided, however, that no person shall be eligible for appointment to such a position who is a polygamist.

Second. The court of Indian offenses shall hold at least two regular sessions in each and every month, the time and place for holding said sessions to be agreed upon by the judges, or a majority of them, and approved by the agent; and special sessions of the court may be held when requested by three reputable members of the tribe, and approved by the agent.

Third. The court shall hear and pass judgment upon all such questions as may be presented to it for consideration by the agent, or by his approval, and shall have original jurisdiction over all "Indian offenses" designated as such in rules 4, 5, 6, 7, and 8 of these rules. The judgment of the court may be by two judges; and that the several orders of the court may be carried into full effect, the agent is hereby authorized and empowered to compel the attendance of witnesses at any session of the court, and to enforce, with the aid of the police, if necessary, all orders that may be passed by the court or a majority thereof; but all orders, decrees, or judgments of the court shall be subject to approval or disapproval of the agent, and an appeal to and final revision by the Indian Office; *Provided*, That when an appeal is taken to the Indian Office, the appellant shall furnish security satisfactory to the court, and approved by the agent, for good and peaceful behavior pending the final decision.

Fourth. The "sun-dance," and all other similar dances and so-called religious ceremonies, shall be considered "Indian offenses," and any Indian found guilty of being a participant in any one or more of these "offenses" shall, for the first offense committed, be punished by withholding from him his rations for a period not exceeding ten days; and if found guilty of any subsequent offense under this rule, shall be punished by withholding his rations for a period not less than fifteen days nor more than thirty days, or by incarceration in the agency prison for a period not exceeding thirty days.

Fifth. Any plural marriage hereafter contracted or entered into by any member of an Indian tribe under the supervision of a United States Indian agent shall be considered an "Indian offense," cognizable by the court of Indian offenses; and upon trial and conviction thereof by said court the offender shall pay a fine of not less than \$20, or work at hard labor for a period of twenty days, or both, at the

discretion of the court, the proceeds thereof to be devoted to the benefit of the tribe to which the offender may at the time belong; and so long as the Indian shall continue in this unlawful relation he shall forfeit all right to receive rations from the Government. And whenever it shall be proven to the satisfaction of the court that any member of the tribe fails, without proper cause, to support his wife and children, no rations shall be issued to him until such time as satisfactory assurance is given to the court, approved by the agent, that the offender will provide for his family to the best of his ability.

Sixth. The usual practices of so-called "medicine men" shall be considered "Indian offenses" cognizable by the court of Indian offenses, and whenever it shall be proven to the satisfaction of the court that the influence or practice of a so-called "medicine man" operates as a hindrance to the civilization of a tribe, or that said "medicine man" resorts to any artifice or device to keep the Indians under his influence, or shall adopt any means to prevent the attendance of children at the agency schools, or shall use any of the arts of a conjurer to prevent the Indians from abandoning their heathenish rites and customs, he shall be adjudged guilty of an Indian offense, and upon conviction of any one or more of these specified practices, or any other, in the opinion of the court, of an equally antiprogressive nature, shall be confined in the agency guardhouse for a term not less than ten days, or until such time as he shall produce evidence satisfactory to the court, and approved by the agent, that he will forever abandon all practices styled Indian offenses under this rule.

Seventh. Any Indian who shall willfully destroy, or with intent to steal or destroy, shall take and carry away any property of any value or description, being the property free from tribal interference, of any other Indian or Indians, shall, without reference to the value thereof, be deemed guilty of an "Indian offense," and, upon trial and conviction thereof by the court of Indian offenses, shall be compelled to return the stolen property to the proper owner, or, in case the property shall have been lost or destroyed, the estimated full value thereof, and in any event the party or parties so found guilty shall be confined in the agency guardhouse for a term not exceeding thirty days; and it shall not be considered a sufficient or satisfactory answer to any of the offenses set forth in this rule that the party charged was at the time a "mourner," and thereby justified in taking or destroying the property in accordance with the customs or rites of the tribe.

Eighth. Any Indian or mixed blood who shall pay or offer to pay any money or other valuable consideration to the friends or relatives of any Indian girl or woman, for the purpose of living or cohabiting with said girl or woman, shall be deemed guilty of an Indian offense, and upon conviction thereof shall forfeit all right to Government rations for a period at the discretion of the agent, or be imprisoned in

Sumit post in prison

the agency guardhouse for a period not exceeding sixty days; and any Indian or mixed blood who shall receive or offer to receive any consideration for the purpose hereinbefore specified shall be punished in a similar manner as provided for the party paying or offering to pay the said consideration; and if any white man shall be found guilty of any of the offenses herein mentioned he shall be immediately removed from the reservation and not allowed to return thereto.

Ninth. In addition to the offenses hereinbefore enumerated, the court of Indian offenses shall also have jurisdiction (subject to the provisions of rule 3) of misdemeanors committed by Indians belonging to the reservation, and of civil suits where Indians are parties thereto; and any Indian who shall be found intoxicated, or who shall sell, exchange, give, barter, or dispose of any spirituous, vinous, or fermented liquors to any other Indian, or who shall introduce or attempt to introduce, under any pretense whatever, any spirituous, vinous, or fermented liquors on the reservation, shall be punishable by imprisonment for not less than thirty days nor more than ninety days, or by the withholding of Government rations therefrom, at the discretion of the court and approval of the agent.

The civil jurisdiction of such court shall be the same as that of a justice of the peace in the State or Territory where such court is located, and the practice in such civil cases shall conform as nearly as practicable to the rules governing the practice of justices of the peace in such State or Territory; and it shall also be the duty of the court to instruct, advise, and inform either or both parties to any suit in regard to the requirements of these rules.

585. Agents are instructed to notify all nomadic Indians under their supervision that they will not be allowed to roam away from their reservations without any specific object in view, nor will they be allowed to trespass upon the public domain; but that they will be expected to remain within the limits of their reservation and not to leave it except as hereinafter provided.

586. The practice of bands of Indians making or returning visits to other reservations is deemed injurious to the Indians, and must not be allowed; but where a few Indians, who have by meritorious conduct and attention to labor earned the extension of certain privileges, or for satisfactory reasons, desire to make short visits at seasons when it will not interfere with the necessary work at the agencies, agents may allow them to make such visits, in their discretion, as a reward for their good conduct, provided the consent of the agent of the tribe to be visited has previously been obtained, and that it will in no event be likely to prove disadvantageous to the Indian Service, and provided further, that the consent of the Indian Office has been asked for and obtained.

587. It is not the intention of the Indian Office to deprive the Indians of the privilege of selling their products where they can obtain the highest prices, or purchasing their supplies where they can obtain the best terms; so where a necessity exists either for the sale of products or the purchase of supplies, the same liberty of action will be allowed them that is enjoyed by the whites under similar circumstances, care being taken that they are not defrauded.

588. Whenever it shall be deemed either necessary or judicious to grant to Indians a permit of the character above mentioned, an escort of police should accompany them, if desirable.

589. Agents will endeavor by every means in their power to impress upon the minds of their Indians the urgent necessity for a strict compliance with these instructions, and warn them that without this protection they are liable to be looked upon and treated as hostile Indians, subject to arrest and punishment.

590. The foregoing rules must be read and explained to the Indians at each agency, and copies of the same posted in conspicuous places.

591. The agent should be especially careful that he nominate none for the position of judge under these rules except those whom he believes to be intelligent, honest, and upright, and of undoubted integrity.

LAND.

592. The right of the Indians to the reservations ordinarily occupied by them is that of occupancy alone. The fee is in the United States, subject only to this right of occupancy. The Indians have no power of alienation except to the United States. But while the fee to the reservation is in the United States, the right of the Indians to their use and occupancy is as sacred as that of the Government to the fee. They have the right to apply to their own use and benefit the entire products of the reservation, whether the result of their own labor or of natural growth, so they do not commit waste. If the lands in a state of nature are not in a condition for profitable use they may be made so; if desired for the purpose of agriculture they may be cleared of their timber to such an extent as may be reasonable under the circumstances, and the surplus timber taken off by the Indian in such clearing, and not required for use on the premises, may be sold by them. The Indians may cut growing timber for fuel and for necessary use upon the reservation; they may open mines and quarry stone for the sole purpose of obtaining fuel and building material; they may cut hay for the use of the live stock, and may sell any surplus not needed for that purpose. In short, what a tenant for life may do upon the lands of a remainderman the Indians may do upon their reservations, but no more. (*U. S. v. Cook, 19 Wallace, 591; acts of Mar. 22 and 31, 1882; Sec'y Int., May 19, 1882, 9636, 1882, Ind. Office.*)

593. The attention of agents is called to the act of February 16, 1889 (25 Stats., 673), which provides that—

The President of the United States may from year to year, in his discretion, under such regulations as he may prescribe, authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation or allotment, for the sole benefit of such Indian or Indians. But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then in that case such authority shall not be granted.

No timber shall be cut for the sole purpose of sale otherwise than in pursuance of the requirements of this law or special acts of Congress. (*Op. Att. Gen., Nov. 23, 1888; 29105, 1888.*)

594. Agents will see to it that depredations shall not be committed by Indian occupants on the timber of the reservation under the pretense of clearing the land for improvement or for adapting the same to agricultural uses. And no extensive clearing of land shall be permitted without the consent of the Commissioner of Indian Affairs having first been obtained therefor.

595. Money derived from the sale of timber, hay, etc., must be taken up and accounted for as directed under the head of "Miscellaneous Receipts."

596. The military, when stationed at a post within an Indian reservation, have the right to cut and use timber and hay to an amount sufficient for their necessities, without liability to make payment therefor to the Indians or to any person in their behalf. No person except Indians, officers of the Indian service, and the military are authorized to cut timber or hay upon Indian reservations, and the rights of said excepted classes are carefully limited and restricted as stated above.

597. Indian agents will promptly report to the Commissioner of Indian Affairs the name and post-office address of any person who unlawfully cuts or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon any Indian reservation or lands belonging to or occupied by any tribe of Indians under authority of the United States, and the names and post-office addresses of all witnesses of such depredations, that the same may be reported to the Department of Justice for prosecution. (*Act June 4, 1888, 25 Stats., p. 166.*)

LEASING OF INDIAN LANDS.

598. Section 3 of the act of Congress approved February 28, 1891 (26 Stats., 795), provides—

That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty, can not personally and with benefit to himself occupy or improve

his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

It is to be observed that this law provides for leasing both allotted and unallotted or tribal lands; the first part of the section relating to allotted lands, and the proviso to unallotted lands.

ALLOTTED LANDS.

599. The policy of the Government in the general allotment act was to give the Indian a tract of land that he could call his own; in which he would feel a personal interest and from the cultivation of which, by the labor of his own hands, he might gain a subsistence and at the same time acquire the arts of civilization. To permit the indiscriminate leasing of these allotments would defeat the purpose for which they were made.

600. There are cases, however, where allottees should be permitted to lease their individual holdings, and to meet these exceptional cases the amendment to the general allotment act authorizing these leases was made. When an allottee, "by reason of age or other disability," can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased; but it is not intended to authorize the making of any lease by an allottee who has the necessary physical and mental qualifications to enable him to cultivate such allotted land, either personally or by hired help.

601. An allottee (who is entitled to lease) is one who holds a trust patent for his lands or whose allotment has been approved by the Secretary of the Interior.

602. Applications by allottees to lease their allotted lands should be made direct to the agent, and if the case clearly falls within the meaning and intent of the law, as herein indicated, the application should be forwarded to the Indian office for approval. In submitting applications to the Indian office the agent should state *all material facts* in relation to the allottee, the proposed lessee, and the allotted land to be leased.

RULES TO BE OBSERVED IN THE EXECUTION OF LEASES OF INDIAN ALLOTMENTS.

603. Section 3 of the act of Congress approved February 28, 1891, quoted in section 598, is modified by the act of Congress approved

August 15, 1894, making appropriations, etc., for the Indian Department (28 Stats., p. 305). Said section, as modified, provides as follows:

That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes.

This is modified by the act of June 7, 1897 (30 Stats., p. 85), which provides:

That hereafter whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased, in the discretion of the Secretary, upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding three years for farming or grazing purposes, or five years for mining or business purposes.

The act approved March 1, 1899 (30 Stats., p. 941), modifies the above in so far as it applies to the Indians of the Yakima Reservation, Wash., as follows:

That the Indians of the Yakima Indian Reservation to whom lands have been allotted under the laws of the United States may lease their lands so allotted for agricultural purposes for a term not exceeding five years, under such rules and regulations as are or may be prescribed by the Secretary of the Interior, anything in the law now limiting the term to a shorter term notwithstanding.

The act of May 31, 1900 (31 Stats., p. 229), extends the leasing term to five years for farming purposes only:

Provided, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming purposes only.

A special provision permits the Yakima Indians to lease unimproved agricultural lands for ten years (p. 246):

Provided further, That the Indians to whom lands have been allotted on the Yakima Reservation, in the State of Washington, shall be permitted to lease unimproved allotted lands for agricultural purposes for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.

From the acts quoted above it will be seen that the term for which allotted lands may be leased is limited to three years for grazing and

five years for farming, mining, or business purposes, except as to the Indians of the Yakima Reservation, who may lease their allotted lands for agricultural purposes for five years, or, when unimproved, for ten years.

The conditions necessary to the exercise of this privilege are, except as to the Yakima Indians, that it must be "made to appear to the Secretary of the Interior that by reason of *age, disability, or inability*" the Indian allottee "can not personally, and with benefit to himself, occupy or improve his allotment or any part thereof."

In order to give full force and effect to the above enactments, the following amended rules and regulations are hereby promulgated for the information and direction of United States Indian agents and all parties concerned.

WHO MAY LEASE.

604. 1. The term "age" as used in said amended act is defined to apply to all persons under 18 and all persons disabled by reason of old age.

2. The term "disability" is defined to apply to—

(a) All unmarried women.

(b) All widows who have no sons of suitable age under their control to cultivate their lands with profit.

(c) All married women whose husbands or sons are not in condition to cultivate their lands with profit to the family.

(d) All allottees who are disabled by reason of chronic sickness or incurable physical defects.

(e) All allottees who are disabled by native defect of mind or permanent incurable mental disease such as to prevent them from cultivating their lands.

3. The term "inability," as used in said amended act, can not be specifically defined as the other terms have been. Any allottee not embraced in any of the foregoing classes who, for any reason other than those stated, is unable to cultivate his lands or a portion of them, and desires to lease the same, may make application therefor to the proper Indian agent. If his inability to cultivate his lands (or the portion thereof he desires to lease) is clearly shown in the reasons assigned, the allottee may be permitted to lease. In submitting such application the agent must state in brief, concise terms the cause of such inability.

4. Every adult male able-bodied Indian not engaged in some permanent business or occupation by which he is gaining a livelihood for himself and family will be required to reserve not less than 40 acres

of cultivable land from his own allotment for occupancy and cultivation by himself, which shall always be exempt from leasing.

Adult male Indians not wholly disqualified by physical or mental infirmities from working a portion of their allotments, but who may be less able than those not so disqualified, will be required to work or manage a part of their allotments, to be regulated and determined by the actual conditions in each case, to be fully and conclusively shown in the applications for permission to lease.

In both of the last-mentioned cases the allottees will be permitted to receive a portion or percentage of their lease money from that portion of their allotments that may be leased, the remainder to be retained until the expiration of the lease period, whenever, in the discretion of the agent, such action will not work a hardship to the allottee.

These requirements are not applicable to the several classes named in article 2.

All leases covering unfenced allotments should have provision therein for fencing the lands, and with further provision that the same shall be kept in good order and repair and become the property of the Indian owner of the land at the termination of the lease.

5. Indian agents, however, are hereby expressly directed that it is not intended by the terms "disability" and "inability" to authorize the making of any lease by an allottee who has the necessary physical and mental qualifications to enable him to cultivate his own land, either personally, through the aid of his minor children, or by hired help, unless for exceptional reasons, which must be clearly shown, he falls within the provisions of rule 3.

605. All leases submitted for Departmental action should show clearly the nature and extent of the disability or inability of the Indian owner of the land; if from old age, the exact or approximate age and physical condition and capacity for work should be given. In cases where lessors are minors their ages should be stated, and when heirs of deceased allottees are lessors it should be shown whether or not they have allotments of their own, and if so, the extent thereof and whether they are occupying and improving the same. In cases where lessees agree to break up and prepare a certain number of acres each year the agent's certificate as to the character of the land should show how much of it has already been cultivated, if any, and whether all or any part of that agreed to be broken is new and previously unbroken.

606. Every individual case submitted for consideration should be accompanied by full and complete information as to its merits. Any lease which does not contain all information necessary to form an intelligent judgment of the case or present especially good reasons why it is thought desirable to lease the land will not be approved.

607. Leases should provide for some specific improvements of a permanent nature in addition to money, such as buildings, fences, wells, breaking new land, etc., and with further provision that the same shall be kept in good order and repair, and become the property of the lessor after the termination of the lease.

608. No applications for mining leases will be considered by the Department, unless specific permission has first been granted by the Department for negotiating for the same with the individual Indians whose lands are sought to be leased.

LENGTH OF TERM.

609. Leases for a money consideration alone will be made for a period of one year for grazing purposes, and two years for grazing and farming, or farming; but where there is other consideration in addition to money, such as placing substantial improvements on the land, they may be made for two and three years, respectively, and in cases of an exceptional character, upon a full statement of facts, leases may be made for three years for grazing and five years for farming, and in the case of the Yakima Indians farming leases may, as to unimproved land, be extended to ten years.

The lands of minor heirs or allottees may be leased by their natural or legal guardians. Such leases, however, must not extend beyond the time such minors attain their majority, after which they must act for themselves.

The word "majority" must govern the age at which Indians will be permitted to take charge of their own business in connection with leasing their allotments as fixed by the laws of the States or Territories in which the allotments are located.

The Department will assume the age of 21 as the majority for males and 18 for females, unless specific information is furnished to the contrary.

HOW EXECUTED.

610. 1. The indenture of lease must be executed in conformity with the terms and conditions expressed in the printed blanks issued by the Indian Office and approved by the Department. Leases executed on other forms will not be recognized. Agents in charge of reservations where there are allotted lands will be furnished a supply of these blank forms on application.

2. The lease must be executed in triplicate, in the presence of two subscribing witnesses, and acknowledged before the Indian agent within the limits of whose agency the allottee resides.

3. If the allottee or lessor does not reside within the limits of an Indian agency the instrument of lease may be acknowledged before a justice of the peace or other officer having legal jurisdiction, whose

official character must be certified by the clerk of a court of record under the seal of such court.

4. If only a portion of the allotment is leased a definite description by subdivisions or by metes and bounds of said portion should be incorporated in said lease, accompanied by a diagram indicating the portion to be leased, whenever said metes and bounds do not conform to the public survey.

5. The lease must be accompanied by the certificate of the Indian agent for the tribe to which the allottee belongs that the contents, purport, and effect of the lease were explained to and fully understood by the allottee or legal representative of said allottee; that said allottee, being — years old, can not personally and with benefit to —self occupy or improve— allotment or the part thereof described and covered by said lease, giving the specific reasons therefor as indicated in rules 2 and 3; that the lessor is competent to manage his affairs and thus lease said allotment; that he has examined the said land and the character thereof, which he shall describe by legal subdivisions or by natural metes and bounds, and give a general description of its surface, wood and water supply, improvements, present use, nearness to market, use for which best adapted, and any other details which will enable the Commissioner of Indian Affairs and the Secretary of the Interior to form a just estimate as to the desirability of the lease.

He shall state clearly and in detail the specific reasons why authority to make the lease is asked, and make recommendation in the premises, stating expressly whether, in his judgment, it would be to the manifest advantage of the allottee to authorize the lease, and that he is satisfied that the land can be occupied, used, and improved more advantageously and profitably for the purposes named in the lease than for the other purposes referred to in said act; that he believes the rent or consideration agreed upon to be a full, fair, just, and reasonable rental for the premises, and the most desirable obtainable; and that the said lease is, in every respect, free from fraud or deception, and that he is in no respect interested in said lease.

He will set forth the character and habits of the allottee as to industry, thrift, and general conduct; also the character, uprightness, and intelligence of the proposed lessee, and shall indicate whether, in his judgment, the presence of said lessee will be beneficial to the Indians.

6. If the instrument is acknowledged before a justice of the peace or any officer other than the Indian agent he must furnish the certificate required of the Indian agent in rule 5. If, however, the facts shall not be known to the Indian agent or other officer they must be verified by affidavits of not less than two disinterested credible persons, who are cognizant of the facts and of the value of said land for

the purposes named in said lease, whose veracity must be certified to by such officer.

7. All the testimony and all the papers pertaining to said indenture or lease must be properly authenticated under seal.

8. Where the allottee is dead the affidavits of two or more disinterested credible persons must be furnished, setting forth from their personal knowledge the identification of the lessor as the heir or legal representative of the allottee, his age, and state specifically the reason why such lessor should be given the benefits of the said act.

EXECUTION OF THE BONDS.

611. 1. The bond must be signed by two or more sufficient sureties, guaranteeing the payment of all the rents and royalties at the time specified, and the performance of all covenants and agreements named in the indenture to be paid and performed by the lessee.

2. Below the bond is a blank "Verification of sureties." This verification must be subscribed and sworn to before some officer who is authorized to administer oaths. If subscribed to before a justice of the peace or a notary public, the official character of such officer must be certified to before some officer of a court of record, under seal, having jurisdiction in the county where the acknowledgment was taken. The sureties must write their own names in the verification. They must not be written by the officer taking the acknowledgment.

3. Each surety must justify under oath to an amount equal to the value of the entire rent to be paid.

4. The sureties must sign the bond in the presence of two subscribing witnesses.

5. All names, both in the lease and bond, must be written in full, as initial letters will not be recognized as a Christian name.

THE AGENT'S CERTIFICATE.

612. This must be filled out by the agent in person or by a trusted employee, and all the requirements of the blank form must be strictly complied with.

TRIBAL OR UNALLOTTED LANDS.

613. It should be observed that the lands authorized to be leased are lands occupied by Indians who have "bought and paid for the same," which lands are not needed for farming and agricultural purposes and are not desired for individual allotments; that the leasing is to be "by authority of the council speaking for such Indians;" that the length of term must not exceed five years for grazing or ten years for mining purposes; that there are but three purposes for which such lands may be leased—for farming, grazing and mining; that the quantities and

terms and conditions are to be recommended by the agent in charge of the particular reservation, and that the leases are "subject to the approval of the Secretary of the Interior."

614. With reference to what Indians can be held to have "bought and paid for" the lands which they occupy, within the meaning of the law, the Assistant Attorney-General for the Interior Department rendered an opinion January 11, 1892, in which the Department concurred, as follows:

It is very clear that Congress intended by this act to confer upon the Indians and upon the Department powers which they did not theretofore possess, and the provisions of this section are clear and unambiguous. The parties who may lease lands are Indians who have "bought and paid for" the same. Congress was legislating with reference to those Indians who have, under treaty or otherwise, become possessors and owners of certain specific tracts or bodies of lands by purchase or exchange or surrender of other property, in contradistinction to those Indians who are occupying reservations created by Executive order or legislative enactment. The words "bought and paid for" do not, in my opinion, imply that the consideration for the lands must have been cash in hand paid by the Indians, but rather that the words were used in their ordinary and usual acceptation and signify a purchase either by the payment of money or by exchange of, or surrender of, other property or possessions.

615. If the Indians of a reservation desire to lease their surplus land for farming, grazing or mining purposes, the agent should submit the question to the Indian Office. The first step necessary to be taken, in case the surplus lands are subject to lease, is the authorization by the council. If the reservation can lawfully be leased, the surplus lands thereon, subject to lease, should be divided into separate ranges or grazing districts, adopting, if possible, rivers or other natural physical features as boundaries, and the full description and estimated number of acres in each range should be given.

616. Bids for grazing privileges will ordinarily be requested, and the privilege of grazing each particular district or range awarded to the highest bidder. Each bidder should be required to deposit with his bid a certified check or draft on some solvent national bank or United States depository in the vicinity of his place of business, made payable to the order of the Commissioner of Indian Affairs, for at least 5 per cent of the amount of the proposal, which check or draft shall be forfeited to the United States in case any bidder or bidders receiving an award shall fail to promptly execute the lease for grazing purposes; otherwise to be returned to the bidder.

617. All successful bidders will be required to enter into bond, with at least two sureties, in an amount equal to one year's rental, conditioned for the faithful performance of the same.

618. The form of advertisement for insertion in the newspapers and on printed posters, the names of the newspapers in which advertisement should be made, and the number of insertions necessary to be made in

each, the form of lease and form of bond to be used, must all be submitted to the Indian Office for approval.

619. The action of the council authorizing the leasing must be reduced to writing and properly signed and authenticated. A certified copy of the council proceedings must be attached to each lease and made a part thereof.

620. Where provision is made by treaty for the establishment of cattle trails across an Indian reservation, and such trails have been established with the consent of the Indians and the approval of the Department, cattlemen will be permitted to cross such reservation, care being taken by the agent that the established route is not deviated from, and that unnecessary time is not consumed upon the reservation.

621. Subject to the preceding section, no white person or persons will be permitted to drive stock across Indian reservations or Indian country to range and feed thereon without first having obtained the consent of the Indians and the approval of the Indian Office. Persons violating this section are liable to a penalty of one dollar for each animal driven upon the reservation. (*Sec. 2117 R. S., U. S. v. Matlock; 2 Saw., 148; 16 Op., 568.*)

622. Indians have no right to grant, lease, or otherwise convey the lands occupied by them for any purpose whatever unless such conveyance be made in accordance with treaty or with law. (*Sec. 2116, R. S.*)

623. Settlement on any lands secured to the Indians by treaty, surveying or attempting to survey, or in any manner to designate the boundaries of such lands, is expressly forbidden by law under a penalty of one thousand dollars. (*Sec. 2118, R. S.*)

624. Foreigners are forbidden to go into the Indian country without a passport from the Department of the Interior, agent, or commanding officer of the nearest military post, or to remain therein after the expiration of such passport, under a penalty of one thousand dollars. Such passport must show the object of the visit, the time allowed to remain, and route of travel. (*Sec. 2134, R. S.*) *sec 18 Op. Atty Gen 555*

625. Hunting on Indian lands by others than Indians, except for subsistence in the Indian country, is prohibited. Any violation of this section will render the offender liable to a forfeiture of all his guns, traps, ammunition, etc., and to a further penalty of five hundred dollars. (*Sec. 2137, R. S.*) *Sec 216 Title 25 USC*

626. Indian agents have authority to remove from the Indian country all persons found therein contrary to law, and the military may be used for the purpose under direction of the President. Any person who, having been removed, returns thereafter to the Indian country is liable to a penalty of one thousand dollars. (*Sec. 2147-48, R. S.*)

627. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person thereon unlawfully, or whose pres-

ence on the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians, and may employ such force as may be necessary for the purpose. (*Sec. 2149, R. S.*)

INDIAN HOMESTEADS.

628. Such Indians as may now be located on public lands, or as may, under the direction of the Secretary of the Interior, or otherwise, hereafter so locate, may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; * * * but no fees or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust, for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs, according to the laws of the State or Territory where such land is located, and at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. (*Act of July 4, 1884, sec. 1, 23 Stats., 96.*)

NONRESERVATION ALLOTMENTS.

629. Any Indian not residing upon a reservation at the passage of the general allotment act, or for whose tribe no reservation has been provided by treaty, act of Congress, or Executive order, who shall have made, or may make, settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, shall be entitled to have the same allotted to him or her, and to his or her children in quantities and manner as provided for Indians residing upon reservations, and patents shall be issued to them for such lands as provided in said general allotment act and amendments thereto. (*Sec. 4, act Feb. 8, 1887, 24 Stats., p. 388; act Feb. 28, 1891, 26 Stats., p. 794; Circ. Int. Dept., Sept. 17, 1887, and July 2, 1891.*)

630. Indian women married to white men, citizens of the United States, and the children of such a marriage, follow the status of the husband and father as to citizenship and are held to be not entitled to allotments of lands on the public domain under the fourth section of said acts. Neither are the wives and children of Indian homesteaders entitled to such allotments.

631. Nonreservation Indians, who are entitled to an allotment of land under existing laws, should make application for eighty acres only, unless the lands applied for, or any legal subdivision thereof, are valuable only for grazing purposes.

In case of minors the person entitled to select for them should be allowed to make application for an allotment of eighty acres for each one.

If the lands applied for, or any legal subdivision thereof, are only valuable for grazing purposes, then such lands may be applied for by any Indian in double quantities.

632. Orphan children are those who have lost both parents.

633. Lands to which the mineral laws of the United States apply are not subject to allotment under the provisions of the fourth section of the general allotment act. (*Circ. Int. Dept., Sept. 17, 1887.*)

634. Any Indian making application at any United States land office for an allotment of land under the foregoing section shall be required to make oath that he is an Indian of the ——— tribe; that he was born in the United States; that he is the head of a family, or a single person over eighteen years of age, as the case may be; that he was not residing upon a reservation at the date of the act aforesaid (February 8, 1887); or, in lieu of the latter declaration, that no reservation has been provided for his tribe, by treaty, act of Congress, or Executive order; that he has made actual bona fide settlement upon the lands he desires to have allotted to him, for his exclusive use and benefit, and that he has not previously had the benefit of said fourth section.

This must be corroborated in so far as his Indian character, nativity, and actual bona fide settlement are concerned, by the affidavits of two or more disinterested witnesses, or by the affidavit or certificate of a special agent to allot lands in severalty to Indians, special Indian agent, Indian agent, inspector, Indian school superintendent, or special commissioner of this department.

Indians will be regarded as competent witnesses.

If the applicant is the head of a family, and applies for allotments for his minor children, he must make oath to their names and ages, respectively, and that they are living under his care and protection; and in all cases the applications for such children must be made in *their names*, respectively. (*Circ. Int. Dept., Sept. 17, 1887.*)

635. All applications for *unsurveyed* lands must contain a description of the same by metes and bounds, beginning with some natural object which may be readily identified, or a permanent artificial monument or mound set for the purpose, or in such other manner as to admit of its being readily identified when the lines of the official survey come to be extended.

Where the application is made for lands claimed to be "only valuable for grazing purposes," such claim must be supported by the affidavit of the applicant and his witnesses.

Unsurveyed lands in the States (not Territories) having school grants, which, if unsurveyed, would fall within sections 16 and 36 granted for

schools, are not subject to allotment, and applicants for allotment should avoid making settlement in such sections. When practicable, adjacent surveys should be examined to determine the question.

A "nonmineral affidavit" in the prescribed form will be required, except in the States to which the mineral statutes are not applicable, to wit: Michigan, Wisconsin, Minnesota, Missouri, Kansas, and Alabama. This may be made by the applicant himself, or by one or both of his corroborative witnesses, or other reputable person having a knowledge of the facts.

Where the applicant is prevented by bodily infirmity, distance, or other good cause from personal attendance at the district land office, the required affidavits may be made before the judge or clerk of any court of record having a seal. (*Circ. Int. Dept., Sept. 17, 1887.*)

636. Any agent, special agent, or inspector of the Indian Department, or any officer authorized to administer oaths and having a seal, in the land district where the land is situated, is authorized to take affidavits and administer oaths to Indian applicants for allotments under the said fourth section and to their witnesses. (*Int. Dept. Letter, July 1, 1892, authority 31, 323.*)

637. Upon the official survey of the lands embracing the Indian allotment, the surveyor must note upon the plat of the survey the lands claimed by the allottee, and adjust the allotment to conform thereto, and report the description of the land by legal subdivisions to the register and receiver of the proper local land office.

The register of the land office must make a record of all Indian allotments made upon *unsurveyed* lands in a book kept expressly for that purpose, and thereupon forward the application to the General Land Office, together with the required affidavits in support of the same. The General Land Office will refer the papers to the Indian Office, where the application will be noted in a book to be kept for that purpose, and thereupon the special agent appointed by the President to allot lands in severalty to Indians under said act, on duty in said office, will allot the lands described in the application to the applicant, if satisfied that he is entitled to the same, and certify the allotment to the Commissioner of Indian Affairs, in duplicate, one copy of which will be retained in the Indian Office, and the other transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office, as the act requires.

The same rule will be observed when the Indian settlement is made upon surveyed lands, except that in such cases the entry will be noted in the regular tract books of the local land office. (*Circ. Int. Dept., Sept. 17, 1887, and July 2, 1891.*)

638. It is the duty of registers and receivers to give to Indian allotments under this act a special series of numbers, and at the end of each month make separate abstracts of the same, sending up therewith

the papers in each case. (*Circ. Int. Dept., Sept. 17, 1887, and July 2, 1891.*)

639. Registers and receivers are required to afford every facility to Indians who desire to take allotments, and, when necessary, assist them in the preparation of their applications and the required proof. (*Circ. Int. Dept., Sept. 17, 1887.*)

640. Blank forms hereby prescribed may be had upon application to the Commissioner of Indian Affairs or the register and receiver of the various district land offices. (*Circ., Sept. 17, 1887.*)

TRESPASSES.

641. Agents are instructed to take such measures, not inconsistent with law, as may be necessary to protect those Indians who have adopted the habits of civilized life, and received their lands in severalty by allotment, in the quiet enjoyment of the lands allotted to them. (*Sec. 2119, R. S.*)

642. If any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities, and who has not adopted the habits of civilized life and received lands in severalty by allotment, commits a trespass upon the lands of any Indian who has so received his lands by allotment, the agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made either to the band or tribe to which the party committing the trespass belongs, as in the discretion of the agent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approve, be paid over to the party injured. (*Sec. 2120, R. S.*)

643. Whenever such trespasser as is mentioned in the preceding section is the chief or headman of a band or tribe, the agent shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith. The chief or headman may, however, be sooner restored to his former position if the agent so directs. (*Sec. 2121, R. S.*)

644. Agents must report the violation of any of the preceding sections under this heading immediately upon its occurrence, giving names of offenders, witnesses, etc., to the Indian Office, in order that proper proceedings may be taken in the premises.

IRRIGATION.

645. It shall be the duty of agents to study the topography and general characteristics of their reservations, for the purpose of ascertaining whether irrigation is necessary and feasible. They will report the facts fully to the Indian Office, showing the districts, if any, requiring irrigation, the quantity of land that can be irrigated, the most

available sources of water supply, the number of Indians who would or could be benefited by it, suggest a plan of work and submit a careful estimate in detail of the cost. The irrigation districts should be made to conform, where practicable, to the road districts of the reservation.

ROADS.

I. UNDER SUPERVISION OF THE INDIAN OFFICE.

646. It is important that Indians be instructed in the duty and labor of opening and repairing roads, and building bridges for their common benefit and the general welfare.

647. All roads existing or required to be opened on Indian reservations or school tracts for general use by the Indians, and for purposes of the Indian Service (except such as may exist under charter or other proper authority requiring them to be in condition for travel) should be kept in good repair.

648. Where new roads are to be opened or old ones are straightened or otherwise necessarily changed they should be laid out and constructed, as far as may be practicable, upon the lines dividing the allotments or tracts occupied by individual Indians; and those roads likely to form a continuation and part of public highways, existing outside of reservations, should be laid out and constructed in the general direction most necessary and convenient for the public interest.

649. The whole reservation shall be districted, the districts for this purpose to coincide, as nearly as practicable, with those prescribed for the purposes of the Indian courts. The agent shall appoint a "supervisor of roads" for each district, who will be selected from the most industrious, capable, intelligent, and progressive Indians residing therein, and who will be charged with the duty of the supervision of the roads and bridges within his district.

650. When a farmer, additional farmer, or other person employed for instructing Indians in industrial pursuits is stationed in any road district, he will be expected to see that the work necessary to keep the roads in condition for travel is not neglected; and the supervisor of roads for that district shall make his reports to the agent through him.

651. Each supervisor of roads, as soon as practicable after his appointment, shall prepare and submit to the agent an alphabetical list of all persons liable to road labor, residing within his district, such list to be revised yearly, and the revised list to be filed with the agent on or before the first day of January of each year.

652. All able-bodied male Indians belonging on the reservation, between the ages of 21 and 45 years, including persons permitted to reside there by reason of marriage to Indian women, or for any other reason, except employees of the Government, missionaries, ministers

of the gospel, and persons regularly employed in school work, will be required to perform, without compensation therefor, such number of days of labor in each year, not less than two nor more than five, as may be required for opening and repairing the roads; provided, when great damage is done to the roads by sudden storms, etc., such greater number of days' labor may be required of those persons liable for road labor as the emergency may demand.

653. The supervisor shall call upon those in his district liable to road labor to perform their respective duties at such times as will least interfere with their own private work upon their allotments or elsewhere, and shall give each person not less than two days' notice. Every person so notified shall be required to appear at the place and hour designated by the supervisor, with such tools and implements as said supervisor may direct, and shall perform, under the personal direction of the supervisor, or of some one appointed by him, eight hours faithful labor for each day's work assessed to him. Any person furnishing, when required to do so, teams, tools, or other implements for work on the roads, will be allowed proper deduction therefor from the number of days of personal labor assessed to him.

654. Any person required to perform labor on the roads of his district may be allowed, if he desire to do so, to furnish at his own expense a competent and suitable substitute to perform such labor in lieu of his own personal service.

655. Any Indian who refuses, or without good and sufficient cause fails to perform the work assessed to him, shall be reported by the supervisor having charge of the district in which he is liable to perform such labor, to the agent, and by the agent to the judge of the Indian court having jurisdiction over such district, if such court exists, and shall be subject to the punishment provided in the regulations relating to the establishment and jurisdiction of Indian courts. If no such court exists the agent shall himself take steps to oblige the delinquent to perform the proper amount of work, or to punish him according to the nature of the offense in such manner as may be within the scope of his authority. Any person other than an Indian refusing or failing to perform the road duty assessed to him shall be liable to removal from the reservation.

656. Persons held as prisoners under charge of the agent may be required, when practicable and in the discretion of the agent, to perform labor necessary for opening and repairing roads on the reservation.

657. It shall be the duty of each supervisor to submit to the agent an annual report, showing:

1. The total number of days' work done under his supervision during the year.
2. The locality in which such work was done and the nature of the work.

3. The number of days' labor actually performed by each Indian, or other person, whose name appears on the roll of those liable to road labor, and whether such work was performed by the individual in person or by a substitute.

4. The points in the district where it is most desirable that work be done during the next year and the nature and extent of the work required.

658. The agent shall make an annual report to the Commissioner of Indian Affairs, based upon the several supervisors' reports submitted to him, and upon his personal observation and knowledge of the work accomplished during the year in the way of road improvement and building.

II. PUBLIC ROADS ESTABLISHED BY THE LOCAL OR STATE AUTHORITIES.

659. Section 4 of the Indian appropriation act approved March 3, 1901 (31 Stat., p. 1058), provides:

That the Secretary of the Interior is hereby authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian reservation or through any lands which have been allotted in severalty to any individual Indians under any laws or treaties but which have not been conveyed to the allottees with full power of alienation.

660. The laws of the several States and Territories respecting the establishment of public roads, and the conditions surrounding the different reservations and allotted lands likely to be crossed by public roads, are so widely at variance that it is not deemed advisable to formulate other than general rules governing the manner of presenting the application for the grant of the permission and the showing made in support thereof. (*Circ. June 3, 1903, approved by Sec'y June 11, 1903.*)

661. In order to secure the grant of permission to open public highways through any Indian reservation or over lands allotted in severalty to and held in trust by the United States for individual Indians, local road authorities will be required to make formal application, addressed to the Secretary of the Interior, and accompany the same by a satisfactory showing as to the necessity for the proposed road or highway, and a map or plat thereof showing its exact location in connection with the lines of the public survey where surveyed, also its width and length within the reservation or allotted lands. Where the lands traversed have been surveyed the proposed road or highway must follow section lines as far as practicable, and satisfactory showing must be made for any departure therefrom. (*Ibid.*)

662. These applications must be filed with the Indian agent in charge of the reservation desired to be crossed, and in case of allotted lands,

where attached to an agency, with the agent in charge, and where not attached, directly with the Commissioner of Indian Affairs. (*Ibid.*)

663. It shall be the duty of the Indian agent to bring the matter to the attention of the individual Indians or tribe affected and to examine fully into the matter and make report thereon in forwarding the application to the Commissioner of Indian Affairs, who, in turn, will submit the application with his recommendation thereon to the Secretary of the Interior for approval or disapproval. (*Ibid.*)

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