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TITLE 25

to the credit of the fund "Proceeds of Oil and Gas Leases, Royalties, etc., Osage Reservation, Oklahoma".

§ 222.26 *Expenses incurred pending qualification of an executor or administrator.* Pending the qualification of the executor or administrator of the estate of a deceased Indian of one-half or more Indian blood who did not have a certificate of competency at the time of his death, the superintendent may authorize the extension of credit for the following purposes, subject to allowance of claims by the executor or administrator and approval thereof by the court:

(a) Funeral expenses, including the cost of a funeral feast, in an amount not to exceed $1,000.

(b) Necessary expenses in hearings before the Osage Agency involving the approval or disapproval of last wills and testaments.

(c) Expenses necessary to preserve restricted property.

§ 222.27 *Custody of funds pending administration of estates—(a) Estates of Indians of less than one-half Indian blood and estates of Indians who had certificates of competency.* Upon the death of an Indian of less than one-half Indian blood or an Indian who had a certificate of competency, the superintendent shall pay to the executor or administrator of the estate all moneys and securities, other than segregated trust funds, to the credit of the Indian and all funds which accrue pending administration of the estate.

(b) *Estates of Indians of one-half or more Indian blood who did not have certificates of competency.* Upon the death of an Indian of one-half or more Indian blood who did not have a certificate of competency at the time of his death, the following classes of funds, less any amount hypothecated for the payment of taxes as provided in § 222.2, shall be paid by the superintendent to the executor or administrator of the estate:

(1) Allowance funds to the credit of the Indian.

(2) Any quarterly payment authorized prior to the death of the Indian.

(3) Interest on segregated trust funds and deposits computed to the date of death.

(4) Rentals and income from restricted lands collected after the death of the Indian which were due and payable to the Indian prior to his death.

Except as provided in § 232.28, the superintendent shall not pay to the executor or administrator any surplus funds to the credit of the Indian or any funds, other than those listed in subparagraphs (1) (2) (3) and (4) of this paragraph which accrue pending administration of the estate.

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

(a) Debts authorized by the superintendent during the lifetime of the Indian.

(b) Expenses incurred pending the qualifications of an executor or administrator under authority contained in § 222.26.

(c) Expenses of administration, including court costs, premium on bond of executor or administrator, transcript fees and appraiser fees.

(d) Living expenses incurred within 90 days immediately preceding the date of death of the Indian.

(e) Allowance of not to exceed $100 per month for 12 months to a widow who is entitled to participate in the distribution of the estate and who does not have sufficient funds of her own.

(f) Allowance of not to exceed $35 per month for 12 months for each child of the decedent under 21 years of age who is entitled to participate in the distribution of the estate and who is in need of such support.

(g) Insurance premiums and license fees on restricted property.

(h) Not to exceed $1,000 for the preservation and upkeep of restricted property, including the services of a caretaker when necessary.

The superintendent shall disburse no funds to an executor or administrator for the payment of the foregoing classes of claims unless the executor or administrator has no other funds in his hands available for the payment of such claims.

§ 222.29 *Sale of improvements.* The superintendent may approve the sale of improvements on restricted Indian lands when such improvements are appraised at not more than $500 and when the owner has submitted a written request that the sale be made and a statement that the improvements can no longer be used by him. The proceeds of all such sales shall be deposited to the credit of the Indian as surplus funds. Improvements consisting of buildings, etc., located on property within the Osage villages of Pawhuska, Hominy, and Grayhorse may, upon approval of the superintendent, be disposed of to other Osage Indians. The superintendent may disburse the surplus funds of the purchaser to consummate the transaction. Sale of such improvements to non-Indian or non-Osage Indians must be approved by the Commissioner.

§ 222.30 *Sale of personal property.* The superintendent may approve the sale of restricted personal property other than livestock. The superintendent may also approve the sale of livestock when authorized so to do by special or general instructions from the Commissioner. The proceeds from the sale of personal property other than livestock shall be deposited to the credit of the Indian as surplus funds unless the surplus funds from which said property was purchased have been reimbursed from allowance funds, in which case the proceeds from such sale shall be disbursed as allowance funds. If partial reimbursement only has been made, such portion of the proceeds of sale as may be necessary to complete the reimbursable agreement shall be deposited to the credit of the Indian as surplus funds and the balance, if any, shall be disbursed as allowance funds. The proceeds from the sale of livestock shall be deposited in conformity with general or specific instructions from the Commissioner.

§ 222.31 *Removal of restrictions from personal property.* The superintendent may relinquish title to personal property (other than livestock) held by the United States in trust for the Indian when to do so will enable the Indian to use the property as part payment in the purchase of other personal property and when the remainder of the purchase price is to be made from other than surplus funds of the Indian.

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

§ 222.33 *Signature of illiterates.* An Indian who cannot write shall be required to endorse checks payable to his order and sign receipts or other documents by making an imprint of the ball of the right thumb (or the left, if he has lost his right) after his name. This imprint shall be clear and distinct, showing the central whorl and striations and witnessed by two reputable persons whose addresses shall be given opposite or following their names. An Indian may sign by marking "X" before two witnesses where he is unable to attach his thumb mark for physical reasons.

§ 222.34 *Financial status of Indians confidential.* The financial status of Indians shall be regarded as confidential and shall not be disclosed except to the owner of the account or his authorized agent, unless authorized in advance by the Commissioner.

§ 222.35 *Appeals.* In all cases involving administrative decisions parties in interest may appeal from the decision or action of the superintendent to the Commissioner and from the decision or action of the Commissioner to the Secretary.

Part 223—Judgment and Payments in Lieu of Allotment Funds

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SUBPART A—KLAMATH TRIBE

AUTHORITY: §§ 223.1 to 223.18 issued under sec. 2, 52 Stat. 605, secs. 1, 2, 53 Stat. 1252, 1263; 25 U. S. C. 552, 541, 542.

SOURCE: §§ 223.1 to 223.18 appear at 4 F. R. 4260, except as noted following section affected.

NOTE: For declaration of policy in disbursement of the Klamath judgment fund and payments in lieu of allotments, see 4 F. R. 4262.

§ 223.1 *Approval of programs.* The superintendent of the Klamath Reservation, to the extent permitted by this part, shall approve or disapprove of all plans or programs submitted by Indians for disbursement of pro-rata shares of the Klamath judgment fund and the payments in lieu of allotment. Should the superintendent disapprove the plan or program, in whole or in part, the individual concerned shall have the right to appeal, through the superintendent, to the Commissioner of Indian Affairs. The superintendent shall promptly forward all appeals thus filed to the Commissioner of Indian Affairs with his comments. Preference shall be given by the superintendent to programs: (a) For the construction or improvement of Indian homes; (b) to provide better living conditions; (c) to establish the Indian in such enterprise or undertaking as will, with his resources, training, education and ability, best enable him to succeed in providing for himself and family; and (d) to provide a better education for those desirous of obtaining higher education. No plan or program for the expenditure of a sum of less than $25 shall be considered by the superintendent.

§ 223.2 *Repayment of loans.* The superintendent shall draw checks against the funds of an individual for the repayment of all debts due by him, according to the terms of the agreement signed by the individual, to the United States or to the Klamath Tribes. If the individual has borrowed from the Klamath loan fund, repayment of all or a part of which loan is not due under the loan agreement, an amount equal to the unpaid balance of the loan, plus interest computed at the rate and for the term agreed upon in the loan agreement, shall be withheld by the superintendent, except that it may be paid over to the individual for use under this part with the written consent of the Klamath Loan Board.

§ 223.3 *Use of judgment fund shares.* The superintendent may expend individual shares of the judgment fund for: Purchase of land; improvement of land acquired or already held by the Indian; erection and improvement of suitable homes; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other pursuits or vocations, including education, as will enable him to become self-supporting; and health.

§ 223.4 *Use of payments in lieu of allotment.* The superintendent may expend the payments in lieu of allotment of individual Indians, for: Industrial and agricultural assistance and the construction and improvement of homes, including the purchase of land and interests in land, building material, farming equipment, industrial equipment, trucks, livestock, feed, food, seed, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other industrial or agricultural pursuits or avocations as will enable him to become self-supporting; educational advancement; and financial assistance in case of illness, death, or other emergency.

§ 223.5 *Authority to withhold funds.* The superintendent may stop disbursement of funds in the execution of an approved program when he believes that the program or expenditure will not result in benefit to the Indian, and he may require either further justification for carrying out the program theretofore approved or the submission of a new program.

§ 223.6 *Family programs.* The funds of a husband and wife, and of any other adults in a family group, may be used in the execution of a family program: *Provided,* The written consent of each individual is filed with the superintendent. The available funds of a minor may be used in the execution of such family program, only if (a) the funds of such minors are used solely in the development, repair or maintenance of real or personal property owned by said minor or held in trust for him, or in the creation, development or completion of a project or undertaking or in the production of a gain or profit which will inure directly to the benefit of such minor; (b) the title to any real property or fixtures, purchased wholly or in part with his money, is held in trust for him: *Provided,* That a minor's funds may not be used in the purchase of real property or fixtures unless 75 percent or more of the purchase price is paid from his funds; or (c) the adults convey to the United States in trust for such minor sufficient real or personal property to assure, insofar as is possible, that the minor upon attaining majority will have, in lieu of the money, property of a value equal to that of his funds used in the execution of the program. The superintendent shall not approve a family program which involves the transfer to a minor, in exchange for his funds, of assets of a nature which will not be useful to him.

§ 223.7 *Limitations upon superintendent's authority.* The superintendent shall not, without the approval of the Commissioner of Indian Affairs: (a) Approve any family plan or program for the expenditure of more than $3,800; (b) expend more than $500 of a minor's funds; (c) approve a plan or program for the purchase of land or interests in land; or (d) approve of a plan or program for the purchase of a passenger automobile. Authority for the expenditure of amounts in excess of those authorized in §§ 223.8, 223.9, and 223.10 must be obtained from the Commissioner of Indian Affairs. No funds shall be expended, except as provided in this subpart, without the approval of the Commissioner of Indian Affairs. Requests for authorization from the Commissioner of Indian Affairs shall be submitted by the superintendent with a full explanation of the circumstances, the program, and his report.

§ 223.8 *Allowances for support.* The superintendent may, upon a proper showing, make expenditures for monthly allowances for maintenance and support at a rate of not to exceed $150 per quarter for adults or $100 per quarter for minors. Allowances to minors must be solely for their direct benefit.

§ 223.9 *Medical, dental, and surgical treatment.* The superintendent may expend not to exceed $500 from the funds of any adult or minor to cover medical, dental, surgical, or hospital treatment, including nurse's services.

§ 223.10 *Education.* The superintendent may transfer to the superintendent of a non-reservation school not more than $350 for the use of a minor, including tuition, board and room, while in attendance at such school. The superintendent may expend not to exceed $350 a year from the funds of any minor for his tuition, board and room, and other expenses in a Government, private or mission school. The superintendent shall give special attention to the educational needs of children and young people.

§ 223.11 *Funds not available for payment of certain debts.* Debts, except those to the United States and the Klamath Tribes, incurred by Indians prior to August 7, 1939, shall not be paid from any funds made available from the

Klamath judgment fund. Debts of Indians will not be paid from the funds to be disbursed under this subpart unless previously authorized by the superintendent, except in emergency cases necessitating medical treatment or in the payment of last illness or funeral expenses,[1] as authorized in this subpart, and in any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 223.12 *Issuance of purchase orders.* The superintendent may issue orders to Indians who are mentally incompetent or clearly incapable of acting for their best interest. The orders shall be headed "To Any Dealer" and the total sum to be expended shall be clearly shown. In addition, a detailed list of the goods, wares and merchandise to be purchased shall be set out therein. A notation shall be added to the effect that no cash shall be given to the Indian under any circumstances. The superintendent may also pay to the individual to whom the order is issued not more than $5 in cash to enable him to travel by convenient means to a locality where the goods may be purchased.

§ 223.13 *Disposition of funds in event of death.* The funds remaining to the credit of a deceased Indian shall be carried to the credit of the estate of such individual until his heirs have been determined. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the tribes, the balance, including any sum to his credit on the books of the Bureau of Indian Affairs, will be transferred to the individual accounts of the heirs in accordance with the heirship findings of the Secretary of the Interior. Such funds shall be expended in accordance with this subpart. The superintendent may disburse not to exceed $50 per month for the support of the widow of a decedent; $50 per month for the support of the minor children of a decedent, and $50 per month for the support of orphaned minors. Before making the disbursement, the superintendent shall reasonably satisfy himself that the recipients are the probable heirs to the estate, that they are in actual need of assistance, and that the value of the estate is sufficient to justify such payments. Complete record of such disbursements must be reported by the superintendent to the examiner of inheritance and by the latter considered and are included in his report in the probate proceedings.

§ 223.14 *Certain minors' funds unavailable.* The sum of $1,500 of each unallotted, minor Indian entitled to payment in lieu of allotment is not available during the minority of such Indian for the purposes of this subpart. Said sum is subject to the conditions and requirements of section 2 of the act of June 1, 1933 (52 Stat. 605; 25 U. S. C. 552), as amended by section 2 (b) of the act of August 7, 1939 (53 Stat. 1253; 25 U. S. C. 542 (b)). No part of the $500 of each minor's share of the judgment fund is available for the purposes of this subpart. This share of each minor's funds shall be held intact during his minority, as provided for in section 1 of the act of August 7, 1939 (53 Stat. 1252; 25 U. S. C. 541).

§ 223.15 *Definition of "minor."* The term "minor" shall include all members of the tribe less than 21 years of age, except those 18 years of age or over and who are married or have families of their own to support.

§ 223.16 *Branding.* Livestock purchased, except horses, shall be branded ID and also with the individual brand of the Indian. All personal property purchased shall be covered by a bill of sale in the name of the superintendent in trust for the individual, as provided for in § 221.27.

§ 223.17 *Transfer of funds.* The superintendent may transfer to the superintendent of another reservation the funds dealt with in this subpart to the credit of any Indian where such Indian is a resident within the jurisdiction of such other superintendent. All funds so transferred shall be expended in accordance with this subpart.

§ 223.18 *Use of additional payments of judgment fund share.* The sum of $500 credited to each member of the Klamath Tribes, pursuant to the provisions of the Klamath Welfare Act, may be expended and disbursed for the purposes prescribed in the act. Sections 223.1 to 223.17, inclusive, in so far as such sections are consistent with the provisions of the act, shall be applicable to such expenditures and disbursements.

[Order 544, Amdt. 1, 13 F. R. 4232]

[1] Comptroller General Ruling A-62264, dated July 25, 1935.

SUBPART B—SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYO.

AUTHORITY: §§ 223.50 to 223.70 issued under sec. 2, 53 Stat. 1128; 25 U. S. C. 572.

SOURCE: §§ 223.50 to 223.70 appear at 4 F. R. 4795, except as noted following sections affected.

NOTE: For declaration of policy in disbursement of the judgment fund of the Shoshone Tribe of the Wind River Reservation, Wyo., see 4 F. R. 4797.

§ 223.50 *Program required; purposes for which expenditures may be made.* Pro-rata shares of the Shoshone judgment fund shall be expended only in accordance with an approved program and only for: purchase of land; improvement of land to be acquired or already held by the Indian; erection and improvement of suitable homes; education; medical service, including hospitalization, purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment, supplies, or training necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other pursuits or vocations as will enable him to become self-supporting.

§ 223.51 *Family programs.* The funds of a husband and wife, and of any other adults in a family group, may be used in the execution of a family program: *Provided*, The written consent of each individual is filed with the superintendent of the Wind River Indian Agency Wyoming, hereafter in this subpart referred to as the superintendent. The available funds of a minor may be used in the execution of such family program, only on condition that (a) the funds of such minor are used solely in the development, repair or maintenance of real or personal property owned by said minor or held in trust for him, or in the creation, development, or completion of a project or undertaking or in the production of a gain or profit which will inure directly to the benefit of such minor, (b) title to any real property or fixtures, purchased wholly or in part with his money shall, except with the approval of the Commissioner of Indian affairs, be held in trust for him, or (c) the adults convey to the United States in trust for such minor sufficient real or personal property to assure, in so far as is possible, that the minor upon attaining majority will have, in lieu of the money, property of a value equal to that of his funds used in the execution of the program. The superintendent shall not approve a family program which involves the transfer to a minor, in exchange for his funds, of assets of a nature which will not be useful to him. The written consent of a minor who is 16 years of age or over, duly witnessed by at least two disinterested persons, shall accompany any family program which involves the use of said minor's funds.

§ 223.52 *Scope of programs.* Programs shall contemplate the eventual use of the entire pro-rata share or definitely provide for the conservation of a portion of such share, but in no case, except as provided in this subpart shall a program provide for the expenditure in the first year, after its approval, or more than $1,350 for each adult or more than $500 for each minor contributing to the program, and the program shall recognize that future use and expenditures for such program after the first year shall depend upon the proper use of the funds initially authorized to be expended: *Provided*, That the program of an adult may, with the approval of the Commissioner of Indian Affairs, provide for the expenditure in the first year after its approval of more than $1,350, but only when such program contemplates an economic enterprise based on the purchase of land or the purchase of livestock and such enterprise, for its most effective development, requires the expenditure of more than $1,350 in the first year after approval of the program. Expenditures of a minor's funds under this subpart shall not exceed a total sum of $500 and the remaining $1,850 of each minor's share shall be held intact until his majority, as required in section 2 of the act of July 27, 1939.

[5 F. R. 1486]

§ 223.53 *Authority to withhold funds.* The superintendent may stop disbursement of funds in the execution of an approved program upon evidence that the Indian is not complying with the program or that the continuation of the program or expenditures thereunder will not result in benefit to the Indian, and he may require either further justification for carrying out the program theretofore approved or the submission of a new program.

§ 223.54 *Approval of programs.* The superintendent, subject to the limitations described in this subpart, shall ap-

prove or disapprove all programs submitted by Indians for the use and disbursement of pro-rata shares of the Shoshone judgment fund. Preference shall be given by the superintendent to programs (a) to establish the Indian in such enterprise or undertaking as will with his resources, training, education, and ability best enable him to succeed in providing for himself and family, (b) for the improvement of housing and living conditions, (c) to assist Indians in obtaining such higher academic or vocational education as will enable them to become self-supporting. Prior to being considered by the superintendent, programs shall be considered and approved by one or more members of the staff of the Wind River Indian Agency who, because of their experience in the fields of endeavor contemplated by the programs, shall be designated by the superintendent to advise and assist the Indians. The Shoshone business council may act, or designate a committee of Indians to act, in an advisory capacity in the preparation and consideration of programs. Programs shall be prepared upon an approved form [1] which shall be filled out in duplicate, one copy to be filed at the Wind River Indian Agency, and one copy to remain the property of the Indian.

§ 223.55 *Right of appeal.* Indians shall have the right of appeal, through the superintendent, to the Commissioner of Indian Affairs, (a) from an action by the superintendent in withholding funds under the provisions of § 223.53, and (b) from an action of the superintendent in disapproving a program under the provisions of § 223.54. The superintendent shall promptly forward such appeals, with his comments.

§ 223.56 *Limitations on superintendent's authority.* Except as otherwise provided in § 223.68, the superintendent shall not, without the approval of the Commissioner of Indian Affairs or his designated representative, (a) approve any expenditure for the purchase of land or an interest in land, or (b) approve any expenditure for the construction of a dwelling or other building estimated to cost $100 or more, except in cases where such construction is in accordance with designs which have already been approved by the Commissioner of Indian Affairs. Individual land purchases shall not conflict with the tribal program of land purchase, consolidation and use authorized by the Act of July 27, 1939, and the right granted individual Indians by said act to acquire lands by purchase with restricted funds or by exchange shall not extend to lands on the ceded or opened portion of the Wind River Reservation.

§ 223.57 *Issuance of purchase orders.* All expenditures from pro-rata share accounts for the purchase of property other than real property shall be by purchase orders which shall be issued by the superintendent and shall be headed "To any dealer," and which shall indicate the particular items of purchase and the total sum to be expended, and which shall bear a notation to the effect that no cash shall be given to the Indian under any circumstances: *Provided*, That the superintendent may disburse to the individual to whom the order is issued a reasonable amount of cash to enable him to travel by convenient means to a locality where the goods may be purchased: *And provided further*, That adult Indians may, upon approval of the Shoshone business council and the superintendent, have cash disbursed to them in lieu of a purchase order for the execution of an approved program. Prior to the approval of a program, the superintendent may disburse to an adult Indian not to exceed $45 upon the written application of such Indian and upon a showing satisfactory to the superintendent of a need for such disbursement: *Provided*, That any sum so disbursed shall be expended for the purposes specified in this subpart. The provisions of this section are subject to the provisions of § 223.68.

[4 F. R. 4969]

§ 223.58 *Purchase of real property.* Except as otherwise provided in § 223.68, payment for purchases of real property shall be made by the superintendent, and shall be made only after title to such property has been examined and approved by the Secretary of the Interior and the deed placed on record. Purchases of real property are subject to the provisions of § 223.56.

§ 223.59 *Trust status of property.* All personal property purchased, except non-recoverable goods costing $25 or less, shall be covered by a bill of sale in the name of the superintendent in trust for the individual. All real property purchased shall be taken in the name of the United States in trust for the Indian, except that title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in trust without the prior approval of the Commissioner of Indian Affairs. All livestock purchased and the offspring thereof shall be branded ID and also marked with the individual brand of the Indian. All property, including livestock, whether originally purchased or the income or increase therefrom, shall be held in trust unless released by the superintendent in the form of a permit or written record authorizing the sale or disposition of any such property or funds. It shall be the duty of the Indian, in carrying out his program, to make every effort to maintain the capital value of his original investment, and sales or other disposals depleting such capital value shall not be permitted except in cases where, in the opinion of the superintendent, such sales or disposals are clearly to the advantage of the Indian. The provisions of this section are subject to the provisions of § 223.68.

[5 F. R. 2661]

§ 223.60 *Allowances for support.* The superintendent may, upon a proper showing, make expenditures for the maintenance and support of aged, infirm, decrepit, and incapacitated Indians, whether adult or minor, at a rate of not to exceed $40 a month for adults and $20 a month for minors. Allowances to minors must be solely for their direct benefit. In the case of allowances to an adult probable expectancy of life shall be considered in determining the amount of such allowances in order that, in so far as possible, his funds shall last during his lifetime.

§ 223.61 *Medical treatment.* The superintendent may expend not to exceed $200 from the funds of any adult or minor to cover medical, dental, surgical, or hospital treatment, including nurse's services.

§ 223.62 *Education.* The superintendent may permit the expenditure of not to exceed $25 per year from any minor's account for clothing on account of school needs. In addition, the superintendent may expend not to exceed $175 a year from the funds of any minor in the ninth grade or above for his tuition, board and room, and other expenses in a government, private, public, or mission school. The superintendent shall give special attention to the educational needs of minors.

§ 223.63 *Approval for certain expenditures.* Authority for the expenditure of amounts in excess of the limitation provided in § 223.60 must be obtained from the Secretary of the Interior and authority for the expenditure of amounts in excess of those authorized in §§ 223.61 and 223.62 must be obtained from the Commissioner of Indian Affairs. Such requests for authorization shall be submitted by the superintendent with a full explanation of the circumstances and his recommendations.

§ 223.64 *Transfer of funds.* When an Indian who is entitled to a pro-rata share of the Shoshone judgment fund is a resident within the jurisdiction of another Indian agency, the superintendent may transfer to the superintendent of such other agency, to the credit of such Indian, the share of the Shoshone judgment fund to which such Indian is entitled. All funds so transferred shall be expended in accordance with this subpart.

§ 223.65 *Repayment of loans.* The superintendent shall draw checks against the funds of an individual for the repayment of all debts due by him, according to the terms of the agreement signed by the individual, to the United States or to the Shoshone and Arapaho Tribes. If the individual has borrowed from the tribal funds, repayment of all or a part of which loan is not due under the loan agreement, an amount equal to the unpaid balance of the loan, plus interest computed at the rate and for the term agreed upon in the loan agreement, shall be withheld by the superintendent, except that it may be paid over to the individual for use under this subpart with the written consent of the Shoshone and Arapaho business councils.

§ 223.66 *Funds not available for payment of certain debts.* Debts, except those to the United States and the Shoshone and Arapaho Tribes, incurred by Indians prior to July 27, 1939, shall not be paid from any funds made available from the Shoshone judgment fund. Debts of Indians will not be paid from the funds to be disbursed under this subpart unless previously authorized by the superintendent, except in emergency cases necessitating medical treatment or in the payment of last illness or funeral

[1] Forms shall be made available at the Wind River Indian Agency.

expenses,' as authorized in this subpart, and in any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 223.67 *Disposition of funds in event of death.* The funds remaining to the credit of a deceased Indian shall be carried to the credit of the estate of such individual until his heirs have been determined. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the Shoshone and Arapaho Tribes and excluding any claims arising out of debts incurred prior to July 27, 1939, the balance, including any sum to his credit on the books of the Bureau of Indian Affairs, will be transferred to the individual accounts of the heirs in accordance with the heirship findings of the Secretary of the Interior. Such funds shall be expended in accordance with this subpart. The superintendent may disburse not to exceed $40 per month for the support of the widow of a decedent, $20 per month for the support of each minor child of a decedent, and $20 per month for the support of an orphaned minor. Before making the disbursement, the superintendent shall reasonably satisfy himself that the recipients are the probable heirs to the estate, that they are in actual need of assistance, and that the value of the estate is sufficient to justify such payments. Complete record of such disbursements must be reported by the superintendent to the examiner of inheritance and by the latter considered and included in his report in the probate proceedings.

§ 223.68 *Fee patent Indians.* For the purposes of this subpart a "fee patent Indian" shall be an adult Indian who has received a patent in fee to his allotment. Fee patent Indians shall be required to submit a program, the approval of which shall be in conformity with §§ 223.50–223.55, and 223.63. Fee patent Indians shall not be required to conform to the provisions of § 223.56 (b), but shall be required to conform to the remaining provisions of said section, except that they shall be required to conform to the provisions of § 223.56 (a) only when the purchase of land or an interest in land contemplated by a program concerns lands within the diminished portion of the Wind River Reservation. Fee patent Indians shall not be required to make purchases through purchase orders as provided in § 223.57, but may have funds disbursed to them by the superintendent for such purchases. The superintendent may disburse to fee patent Indians an initial payment of not more than $1,350 each for the first year and thereafter, on evidence of the proper use of the initial payment, a subsequent payment of not more than $1,000 each for the execution of an approved program. Funds of minor children of fee patent Indians may be included in an approved family program, but their expenditure shall be subject to the same provisions as govern the expenditure of the funds of minor children of Indians other than fee patent Indians. Fee patent Indians shall be required to conform to the provisions of § 223.58 only when the purchase of real property involves such property situated within the diminished portion of the Wind River Reservation; payment by fee patent Indians for real property outside the diminished portion of the Wind River Reservation may be made by them with funds disbursed to them by the superintendent and approval of title to such property by the Secretary of the Interior shall be only upon their request. Upon the request of fee patent Indians, and with the approval of the Shoshone business council and the superintendent, such Indians shall not be required to conform to the provisions of § 223.59, except that title to real property situated within the diminished portion of the Wind River Reservation shall be taken in the name of the United States in trust for such Indians and title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in the name of the United States in trust but shall be taken in fee in the name of such Indians. Except as otherwise provided in this section, fee patent Indians shall conform to all the provisions of this subpart.

§ 223.69 *Non-resident Indians.* The provisions of § 223.68 pertaining to fee patent Indians shall also apply to Indians other than fee patent Indians who habitually reside away from the Wind River Reservation and have, to all intents and purposes, severed their affiliation with the tribe, and who shall furnish to the superintendent in writing a statement that they intend to continue to reside away from the reservation and evidence, satisfactory to the superintendent, of their competency and ability to support themselves and manage their own affairs.

§ 223.70 *Definition of "adult" and "minor."* The term "adult" shall include all members of the tribe 18 years of age or over, and the term "minor" shall include all members of the tribe less than 18 years of age.

[1] Comptroller General Ruling A-62264, dated July 25, 1935.

Part 224—Annuity and Other Per Capita Payments

Sec.
224.1 Persons to share payments.
224.2 Enrolling non-full blood children.
224.3 Payments by check.
224.4 Election of shareholders.
224.5 Future payments.

AUTHORITY: §§ 224.1 to 224.5 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: §§ 224.1 to 224.5 contained in annuity and other per capita payment regulations, Jan. 30, 1928.

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

[1] Forms may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

CROSS REFERENCES: For regulations pertaining to the determination of heirs and approval of wills, see Part 81 and §§ 161.30–161.320 of this chapter. For individual Indian money regulations, see Part 221 of this chapter.

§ 224.2 *Enrolling non-full blood children.* Where an Indian woman was married to a white man prior to June 7, 1897, and was at the time of her marriage a recognized member of the tribe even though she left it after marriage and lived away from the reservation, the children of such a marriage should be enrolled—and, also in the case of an Indian woman married to a white man subsequent to the above date but who still maintains her affiliation with the tribe and she and her children are recognized members thereof; however, where an Indian woman by marriage with a white man after June 7, 1897, has, in effect, withdrawn from the tribe and is no longer identified with it, her children should not be enrolled. In case of doubt all the facts should be submitted to the Bureau of Indian Affairs, Washington, D. C., for a decision.

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

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

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