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1949 EDITION CODE OF FEDERAL REGULATIONS

Title 25—Indians

1951
CUMULATIVE POCKET SUPPLEMENT
FOR USE DURING 1952 (*to Jan. 1, 1952*)

For changes subsequent to December 31, 1951
see the daily issues of the
FEDERAL REGISTER

at such convenient times and places as the superintendent may designate, except as otherwise provided in this part.

§ 221.4 *Minors.* Funds of a minor may be disbursed for the minor's support, health, education, or welfare to parents, state-appointed guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the superintendent, or directly to the minor upon such conditions as the superintendent may prescribe, in such amounts as he may deem necessary in the best interests of the minor. Superintendents are authorized to require modification of an approved plan whenever deemed in the best interest of the minor.

§ 221.5 *Adults under legal disability.* The funds of an adult who is non compos mentis or under other legal disability may be disbursed for his benefit for such purposes deemed to be for his best interest and welfare in the discretion of the superintendent, or the funds may be disbursed to a state-appointed guardian or curator under such conditions as the superintendent may prescribe.

§ 221.6 *Voluntary deposits.* Voluntary deposits shall not be accepted, but Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is the judgment of the superintendent that an exception to this prohibition should be made to avoid a substantial hardship, he shall submit the facts in the case to the Area Director who is authorized to allow or deny an exception.

§ 221.7 *Payments by other Federal Agencies.* Superintendents are authorized to accept and administer moneys that may be received from the Veterans Administration or other government agency pursuant to the act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 221.8 *Purchase orders.* Purchase orders shall not be issued except upon the request of the individual and only to meet emergencies.

§ 221.9 *Restrictions.* Funds obligated under assignments made pursuant to Part 30 of this chapter shall be disbursed only in accordance with the terms thereof. Funds derived from the sale

of capital assets which by agreement approved prior to such sale by the Commissioner or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the superintendent or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress.

§ 221.10 *Funds of deceased Indians.* Funds of a deceased Indian may be disbursed (a) for support of dependent members of the families of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probate heirs; (b) for the payment of obligations previously authorized; (c) for the last illness and funeral expenses of the decedent; and (d) for probate fees and claims allowed pursuant to Parts 81 and 82 of this chapter.

§ 221.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and state estate and income taxes, obligations approved by the superintendent prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, and costs of determining heirs to restricted property by the state courts.

§ 221.12 *Supervision; appeal.* Exercise of authority by superintendents under this part shall be subject to the supervision and control of the Commissioner and his designated representatives. Appeal from an action taken by the superintendent may be taken within 30 days to the Area Director and thence to the Commissioner within a like period.

Part 223—Judgment and Payments in Lieu of Allotment Funds

SUBPART B—SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING (REVISED)

- Sec. 223.50 Program required; purposes for which expenditures may be made.
223.52 Scope of programs.

- Sec. 223.54 Approval of programs.
223.55 Right of appeal.
223.56 Individual land purchases.
223.57 Issuance of purchase orders.
223.58 Purchase of real property.
223.59 Trust status of property.
223.60 Allowances for support.
223.61 Medical treatment.
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223.63 Approval for certain expenditures.
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223.67 Disposition of funds in event of death.
223.68 Fee patent Indians.

AUTHORITY: §§ 223.50 to 223.68 issued under sec. 2, 63 Stat. 1128; 25 U. S. C. 573.

SOURCE: §§ 223.50 to 223.69, set forth in this Pocket Supplement, appear as 16 F. R. 10695, Oct. 19, 1951.

§ 223.50 *Program required; purposes for which expenditures may be made.* Pro rata shares of the Shoshone Judgment Fund shall be expended in accordance with an approved program and for: Purchase of land; improvement of land to be acquired or already held by the Indian; erection and improvement of suitable homes; education; 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.

§ 223.52 *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 hereinafter provided, shall a program provide for the expenditure in the first year, after its approval, of 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 when required for its most effective development. Expenditures of a minor's funds

under this subpart shall not exceed a total sum of \$500 and the remaining \$1,350 of each minor's share shall be held intact until his majority, as required in section 2 of the act of July 27, 1939 (53 Stat. 1128).

§ 223.54 *Approval of programs.* The superintendent, subject to the limitations described in this subpart, shall approve or disapprove all programs submitted by Indians for the use and disbursement of pro rata shares of the Shoshone Judgment Fund. 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, which shall be filled out in duplicate, one copy to be filed at the Wind River Indian Agency and one copy to be retained in the possession of the Indian.

§ 223.55 *Right of appeal.* Indians shall have the right of appeal, through the superintendent, to the Area Director, Billings Area Office, Bureau of Indian Affairs (hereinafter referred to as the Area Director) (a) from an action of the superintendent in withholding funds under § 223.53 and (b) from an action of the superintendent in disapproving a program under § 223.54. Appeals must be filed within 60 days with the superintendent who shall promptly forward the appeal, together with a statement of the facts in the case and of his reasons for the action taken by him, to the Area Director. An appeal will lie within a like period from the action of the Area Director to the Commissioner of Indian Affairs.

§ 223.56 *Individual land purchases.* Before approving a program which includes an individual land purchase, the superintendent shall determine that such purchase will not conflict with the tribal land program of land purchase, consolidations and use authorized by the act of July 27, 1939 (53 Stat. 1128). No purchase of land by individuals using restricted funds shall be made within the ceded or opened portion of the Wind River Reservation.

§ 223.57 *Issuance of purchase orders.* In the discretion of the superintendent, expenditures from pro rata share accounts, other than for the purchase of

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

real property, may be made either by purchase order or by cash disbursement to the individual for the execution of an approved program.

§ 223.58 *Purchase of real property.* Except as otherwise provided in § 223.68 payment for the purchase of real property shall be made by the superintendent, and such payment shall be made only after the title has been found satisfactory by the Area Director.

§ 223.59 *"Trust" status of property.* Title to all real property to be acquired with restricted funds, when such property is situated within the diminished portion of the Wind River Reservation, shall be taken in the name of the United States in trust for the individual. Title to personal property acquired pursuant to a purchase order shall be taken in trust and shall be held in trust until released in writing by the superintendent. Livestock purchased in trust and the offspring thereof shall be branded "U. S." and shall be marked with the individual brand of the owner. The provisions of this section are subject to the provisions of § 223.68.

§ 223.60 *Allowances for support.* The superintendent may, upon proper showing, approve expenditures for the maintenance and support of the aged, infirm, decrepit, and incapacitated, whether adults or minors, and expenditures from that part of an adult's pro rata share which exceeds \$1,450 for the support of an individual who has proved to be incapable of conducting a productive enterprise. The manner of disbursement and the amount of funds to be used for such purposes shall be determined by the superintendent, subject to the expenditure limitations set forth in § 223.52.

§ 223.61 *Medical treatment.* The superintendent may approve the expenditure from that part of an adult's pro rata share which exceeds \$1,450 to cover medical, dental, surgical, or hospital treatment, including nursing services. No part of a minor's pro rata share shall be expended for such purposes.

§ 223.62 *Education.* The superintendent may authorize the expenditure of funds from any minor's account for clothing because of school needs, and in addition, from the account of any minor who is in the ninth grade or higher for his tuition and other necessary expense in a government, private, public, or mission school.

§ 223.63 *Approval for certain expenditures.* [Revoked]

§ 223.65 *Repayment of loans.* Before approving a program, the superintendent shall make certain that provision has been made therein for the repayment of any amounts due on any loan, evidenced by a written agreement, from the United States or from the Shoshone Tribe.

§ 223.66 *Funds not available for payment of certain debts.* Debts, except those to the United States and the Shoshone Tribe, 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 expenses, as authorized in this subpart, and any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 223.67 *Disposition of funds in event of death.* Prior to the determination of heirs, the superintendent may disburse whatever amount he deems necessary and proper for the support of the widow of the decedent and for each minor child of the decedent. Before making the disbursement, the superintendent shall be reasonably satisfied that actual need for assistance exists and that the value of the estate is sufficient to justify such payments considering all proper claims. A complete record of all disbursements shall be reported by the superintendent to the examiner of inheritance and by the latter considered and included in his report of probate proceedings. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the Shoshone Tribe and excluding any claims arising out of debts incurred prior to July 27, 1939, the balance shall be transferred to the individual accounts of the heirs of the decedent in accordance with the approved heirship findings. Expenditures from inherited funds shall be made for purposes authorized in this subpart.

§ 223.68 *Fee patent Indians.* For the purposes of this subpart, a "fee patent

Comptroller General Bulletin A-62204, dated July 26, 1936.

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 through 223.55. Fee patent Indians shall not be required to make purchases through purchase orders, but shall have funds disbursed to them direct by the superintendent for such purchases. 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

cover 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 property situated within the diminished portion of the Wind River Reservation. Payments 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. Except as otherwise provided in this section, fee patent Indians shall conform to all the provisions of this subpart.

SUBCHAPTER I—PATENTS IN FEE, COMPETENCY CERTIFICATES, SALES AND REINVESTMENT OF PROCEEDS

Part 241—Issuance of Patents in Fee, Certificates of Competency, Sale of Certain Indian Lands, and Reinvestment of Proceeds

Source: §§ 243.1 to 243.6 appear at 16 F. R. 7243, Oct. 23, 1950.

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS (ADDED)

241.62 Approval of mortgages and deeds of trust.

§ 241.52 *Approval of mortgages and deeds of trust.* The Commissioner of Indian Affairs or his authorized representative may approve mortgages or deeds of trust on any individually owned trust or restricted land whenever such lands under any law or treaty may be sold with the approval of the Secretary of the Interior or his duly authorized representative. (R. S. 161; 5 U. S. C. 22) (16 F. R. 9000, Sept. 22, 1951)

§ 243.1 *Purpose of regulations.* The regulations in this part govern the procedures in determining the competency of Crow Indians under Public Law 303, 81st Congress, approved September 3, 1946.

§ 243.2 *Application and examination.* The Commissioner of Indian Affairs or his duly authorized representative, upon the application of any unenrolled adult member of the Crow Tribe, shall classify him by placing his name to the competent or incompetent rolls established pursuant to the act of June 4, 1920 (41 Stat. 751), and upon application shall determine whether those persons whose names now or hereafter appear on the incompetent roll shall be reclassified as competent and their names placed on the competent roll.

§ 243.3 *Application form.* The application form shall include, among other things: (a) The name of the applicant; (b) his age, residence, degree of Indian blood, and education; (c) his experience in farming, cattle raising, business, or other occupation (including home-making); (d) his present occupation, if any; (e) a statement concerning the applicant's financial status, including his average earned and unearned income for the last two years from restricted leases and from other sources, and his outstanding indebtedness to the United States, to the tribe, or to others; (f) a

Part 243—Determination of Competency: Crow Indians [Revised]

- Sec. 243.1 Purpose of regulations.
- 243.2 Application and examination.
- 243.3 Application form.
- 243.4 Factors determining competency.
- 243.5 Children of competent Indians.
- 243.6 Appeals.

Authority: §§ 243.1 to 243.6 issued under sec. 12, 41 Stat. 765, 48 Stat. 1495, as amended.