

Re. #  
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# 1949 EDITION CODE OF FEDERAL REGULATIONS

Title 25—Indians

1951  
CUMULATIVE POCKET SUPPLEMENT  
FOR USE DURING 1952 (as of Jan. 1, 1952)

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

**Title 25—Indians**

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 Title 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 "I. D." 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 minors 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 Ruling A-32204, dated July 26, 1935.

**Chapter I—Bureau of Indian Affairs**

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 §§ 223.60 through 223.65. 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****MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS [ADDED]****241.52 Approval of mortgagees and deeds of trust.**

**§ 241.52 Approval of mortgages and deeds of trust.** 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.

(R. S. 161; 5 U. S. C. 22) [16 F. R. 3000, Sept. 32, 1951]

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

See:

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. 705, 46 Stat. 1495, as amended.

Sources: §§ 243.1 to 243.6 appear at 15 F. R. 7243, Oct. 20, 1950.

**§ 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, 1949.

**§ 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