

**CUMULATIVE POCKET SUPPLEMENT**

**TO THE . . . CODE  
OF FEDERAL  
REGULATIONS**

**Title 25—Indian Affairs**

**AS OF  
JANUARY,  
1956**

For changes in this title  
through 1, 1956, see the daily issue of the Federal Register

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 § 223.52 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 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 "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

\* Comptroller General Ruling A-62264, dated July 25, 1965.

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 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 §§ 223.59 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 T—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**

PATENTS IN FEE [REVISED]  
Sec. 241.1 Application for patent in fee.

Sec. 241.2 Issuance for patents in fee.  
SALES AND EXCHANGES OF INDIVIDUALLY OWNED TRUST OR RESTRICTED LAND, EXCLUSIVE OF FIVE CIVILIZED TRIBES LAND  
241.9 Sales and exchanges by Indians [Revised]  
241.10 Sales by the Secretary. [Revised]  
241.11 Sale of heirship lands on reservations not under Reorganization Act. [REVOKED]

Sec. 241.12 Sales of original and inherited allotments not under Reorganization Act. [Revoked]

METHOD OF SALES

- 241.17 Petitions for the sale of land. [Revoked]
- 241.18 Petition to sell inherited lands. [Revoked]
- 241.19 Petition to sell interests of minors. [Revoked]
- 241.20 Petition to sell lands outside reservation boundaries. [Revoked]
- 241.24 Appraisal, advertisement, consideration. [Revoked]
- 241.26 Number of bids. [Revised]
- 241.27 Bidding not open to employees. [Revised]
- 241.31 Deferred payment sales. [Revised]
- 241.32 Deferred payment sales; execution. [Revoked]
- 241.33 Sales; approval of Secretary of Interior required. [Revoked]

REMOVAL OF RESTRICTIONS AGAINST ALIENATION, EXCLUSIVE OF FIVE CIVILIZED TRIBES LAND

- 241.49 Procedure for removing restrictions. [Revised]
- 241.50 Sale of purchased lands. [Revoked]
- 241.51 Removal of restrictions against alienation of purchased lands. [Revoked]

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS [ADDED]

- 241.52 Approval of mortgages and deeds of trust.

**AUTHORITY NOTE:** The citation of authority for Part 241 is changed to read as follows, 20 F. R. 617, Jan. 28, 1955: "R. S. 191; 5 U. S. C. 22. Interpret or apply sec. 7, 32 Stat. 376, 34 Stat. 1018, sec. 1, 35 Stat. 444, sec. 1, 2, 35 Stat. 855, 856, as amended, sec. 17, 40 Stat. 579, 62 Stat. 236; 25 U. S. C. 379, 405, 404, 373, 375, 483. Other statutory provisions interpreted or applied are cited to text in parentheses."

PATENTS IN FEE [REVISED]

§ 241.1 Application for patent in fee. Any Indian 21 years of age or over may apply for a patent in fee for land, the title to which is held in trust for said Indian by the United States. The application shall be made on a form approved by the Commissioner of Indian Affairs and shall be completed and filed with the Superintendent or other officer in charge of the Indian agency or other local facility having administrative jurisdiction over the land. [20 F. R. 6174, Dec. 10, 1953]

§ 241.2 Issuance of patents in fee. (a) The Secretary of the Interior may, in his discretion, and pursuant to the acts of February 3, 1852, as amended

(24 Stat. 388, as amended; 25 U. S. C. 349); June 25, 1910, as amended (36 Stat. 855, as amended; 25 U. S. C. 372); and May 14, 1948 (62 Stat. 236; 25 U. S. C. 483), and pursuant to other authorizing acts, issue patents in fee to Indians applying therefor in accordance with § 241.1. A patent in fee will not be issued pursuant to this paragraph unless it appears that the applicant is competent and capable of managing his or her own affairs. Prior to the issuance of a patent in fee pursuant to this paragraph the land shall be appraised at its fair market value. If an application is denied, the applicant shall be so notified in writing.

(b) The Secretary will, pursuant to the act of March 1, 1907 (34 Stat. 1015, 1034), issue a patent in fee to any adult mixed-blood Indian owning land within the White Earth Reservation in the State of Minnesota upon application being made by such Indian, and without regard to the applicant's competency and ability to manage his or her own affairs.

(c) Whenever the Secretary determines that land, or any interest therein, held in trust for an Indian by the United States, has been acquired through inheritance or devise by (1) a non-Indian or (2) an alien Indian or an Indian who has become an alien subsequent to the time of such acquisition, the Secretary may issue a patent in fee for the land or interest therein to such non-Indian or alien Indian, without regard to such person's competency and ability to manage his or her own affairs, and regardless of whether such person has applied for a patent in fee. [20 F. R. 6174, Dec. 10, 1953]

SALES AND EXCHANGES OF INDIVIDUALLY OWNED TRUST OR RESTRICTED LAND, EXCLUSIVE OF FIVE CIVILIZED TRIBES LAND

§ 241.9 Sales and exchanges by Indians. Pursuant to the acts of May 27, 1902 (32 Stat. 278; 25 U. S. C. 379); March 1, 1907 (34 Stat. 1018; 25 U. S. C. 405); May 29, 1908 (35 Stat. 444; 25 U. S. C. 404); and May 14, 1948 (62 Stat. 236; 25 U. S. C. 483) and pursuant to other authorizing acts, the following classes of land may be sold or exchanged with the approval of the Secretary of the Interior:

(a) Allotted land, and devised and inherited interests therein;

<sup>1</sup> Centerhead amended 20 F. R. 617, Jan. 28, 1955.

(b) Land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites either that title is in the United States in trust for the Indian or that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior. [20 F. R. 617, Jan. 28, 1955]

§ 241.10 Sales by the Secretary. The Secretary of the Interior may, pursuant to the act of June 25, 1910, as amended (36 Stat. 855, as amended; 25 U. S. C. 372), and the act of February 14, 1913 (37 Stat. 678; 25 U. S. C. 373), sell interests in trust allotments acquired by Indians through inheritance or devise. [20 F. R. 617, Jan. 28, 1955]

§ 241.11 Sale of heirship lands on reservations not under Reorganization Act. [Revoked]

CONTINUATION: §§ 241.11, 241.12, 241.18, 241.20, 241.32, 241.33, 241.50, and 241.51 were revoked. 20 F. R. 617, Jan. 28, 1955.

§ 241.12 Sales of original and inherited allotments not under Reorganization Act. [Revoked]  
(See codification note to § 241.11)

METHOD OF SALES

§ 241.17 Petitions for the sale of land. Petitions for the sale of trust or restricted land shall be filed, on forms approved by the Commissioner of Indian Affairs, with the Superintendent or other officer in charge of the Indian Agency or other local facility having administrative jurisdiction over the land. [20 F. R. 617, Jan. 28, 1955]

§ 241.18 Petitions to sell inherited lands. [Revoked]  
(See codification note to § 241.11)

§ 241.19 Petition to sell interests of minors. [Revoked]  
(See codification note to § 241.11)

§ 241.20 Petition to sell lands outside reservation boundaries. [Revoked]  
(See codification note to § 241.11)

§ 241.24 Appraisal, advertisement, consideration. (a) Prior to making or approving a sale, exchange or gift of trust or restricted land, an appraisal shall be made indicating the fair market value of such land.

(b) Except as provided in paragraph (c) of this section, proposed sales of land shall be advertised for at least 30 days prior to the proposed date for opening bids on such land, unless a shorter period is otherwise authorized by the Secretary of the Interior. At the request of the owner, the advertisement may afford to the tribe occupying the reservation where the land is located, to members of such tribe, or to any reasonably defined class of Indians, a right to meet the high bid.

(c) The following types of conveyances need not be advertised and may be negotiated: (1) A sale to another Indian, an Indian tribe, the United States or an agency thereof, or a state or local government or agency thereof; (2) a conveyance to a member of the Indian's immediate family pursuant to the provisions of paragraph (d) of this section; (3) a sale to a non-Indian, when the Secretary determines that it is impractical to advertise; (4) an exchange; (5) temporary easements for rights of way not to exceed fifty years. Except as provided in paragraph (d) of this section, the consideration for a negotiated sale shall be not less than the appraised value of the land. The consideration for an exchange shall be either land, or a combination of land and money or other thing of value, the fair market value of which is not less than the appraised value of the trust or restricted land. Sales between Indians, either of whom is an employee of the United States Government, are governed by the provisions of § 276.5 of this chapter.

(d) An Indian owner of trust or restricted land may, with the approval of the Secretary, convey land to a member of his or her immediate family for a consideration less than that prescribed in paragraph (c) of this section or for no consideration. For purposes of this section "immediate family" is defined as the Indian's spouse, brothers and sisters, lineal ancestors of Indian blood, and lineal descendants. [20 F. R. 6176, Dec. 10, 1953]

Prior Amendments

1955; 20 F. R. 617, Jan. 28.

§ 241.26 Number of bids. No bidder will be permitted to include more than one item in any single bid. If a bidder

desires to bid on more than one item, he must bid a separate amount for each item.

[20 F. R. 9176, Dec. 10, 1955]

§ 241.27 *Bidding not open to employees.* Except as authorized by the provisions of § 276.5 of this chapter, no employee of the Bureau of Indian Affairs shall directly or indirectly bid, or make or prepare any bid, or assist any bidder in preparing his bid.

[20 F. R. 617, Jan. 28, 1955]

§ 241.31 *Deferred payment sales.* When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. If the purchaser, whether Indian or non-Indian, is to take title in a nontrust and unrestricted status, the purchaser shall pay not less than 25 percent of the purchase price in advance, and shall execute notes for the balance payable in three equal payments on or before 1, 2, and 3 years after date, on Form 5-110g. If the purchaser is an individual Indian or Indian tribe, and if the purchaser is to take title in a trust or restricted status, the purchaser shall pay not less than 10 percent of the purchase price in advance; terms for the payment of remaining installments are within the discretion of the Secretary of the Interior. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

[20 F. R. 617, Jan. 28, 1955]

§ 241.32 *Deferred payment sales; execution.* [Revoked]

(See codification note to § 241.11)

§ 241.33 *Sales; approval of Secretary of Interior required.* [Revoked]

(See codification note to § 241.11)

**REMOVAL OF RESTRICTIONS AGAINST ALIENATION, EXCLUSIVE OF FIVE CIVILIZED TRIBES' LAND\***

§ 241.49 *Procedure for removing restrictions.* An Indian may apply for the removal of restrictions from land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites that the land

shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior. An application for the removal of restrictions from such land shall be filed with the superintendent or other officer in charge of the Indian agency or other local facility having administrative jurisdiction over the land. The application shall set forth the experience the applicant has had in the transaction of his business affairs and the reasons why a removal of restrictions is desired. If it appears that the applicant is competent and capable of managing his affairs or that the removal of restrictions is otherwise in the best interests of the applicant, an order removing restrictions against alienation of the land may be issued. Prior to the issuance of such an order the land shall be appraised at its fair market value.

[20 F. R. 9175, Dec. 10, 1955]

*Prior Amendments*

1955: 20 F. R. 617, Jan. 28.

§ 241.50 *Sale of purchased lands.* [Revoked]

(See codification note to § 241.11)

§ 241.51 *Removal of restrictions against alienation of purchased lands.* [Revoked]

(See codification note to § 241.11)

**MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS [ADDED]**

§ 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. The approval of such a mortgage or deed of trust terminates the trust or restricted status of the land only with respect to such mortgage or deed of trust and only for the purpose of permitting foreclosure or sale pursuant to the terms of the mortgage or deed of trust in accordance with the laws of the State or Territory in which the land is situated.

[18 F. R. 6926, Dec. 31, 1953]

*Prior Amendments*

1951: 16 F. R. 9360, Sept. 22.

**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. 755, 46 Stat. 1495, as amended.

**SOURCE:** §§ 243.1 to 243.6 appear at 15 F. R. 7243, Oct. 28, 1950.

§ 243.1 *Purpose of regulations.* The regulations in this part govern the procedures in determining the competency of Crow Indians under Public Law 393, 81st Congress, approved September 8, 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 on 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 description of his property and its value, including his allotted and inherited lands; and (g) the name of the applicant's spouse, if any, and the names of his minor children, if any, and their ages, together with a statement regarding the land, allotted and inherited, held by each.

§ 243.4 *Factors determining competency.* Among the matters to be considered by the Commissioner of Indian Affairs in determining competency are the amount of the applicant's indebtedness to the tribe, to the United States Government, and to others; whether he is a public charge or a charge on friends and relatives, or will become such a charge, by reason of being classed as competent; and whether the applicant has demonstrated that he possesses the ability to take care of himself and his property, to protect the interests of himself and his family, to lease his land and collect the rentals therefrom, to lease the land of his minor children, to prescribe in lease agreements those provisions which will protect the land from deterioration through over-grazing and other improper practices, and to assume full responsibility for obtaining compliance with the terms of any lease.

§ 243.5 *Children of competent Indians.* Children of competent Indians who have attained or upon attaining their majority shall automatically become competent except any such Indian who is declared incompetent by a court of competent jurisdiction or who is incompetent under the laws of the State within which he resides.

§ 243.6 *Appeals.* An appeal to the Secretary of the Interior may be made within 30 days from the date of notice to the applicant of the decision of the Commissioner of Indian Affairs.

**SUBCHAPTER V—RELIEF OF INDIANS**

**Part 251—Ration Regulations [Revoked]**

**COMPARISON:** Part 251 was revoked, 17 F. R. 5719, June 23, 1952.

\* Continued amended, 20 F. R. 617, Jan. 28, 1955.