

§ 83.13 *Government employees as beneficiaries.* In considering the will of a deceased Osage Indian the superintendent may disapprove any will which names as a beneficiary thereunder a government employee who is not related to the testator by blood, or otherwise the natural object of the testator's bounty.

§ 83.14 *Appeals.* Upon his final action of approval or disapproval of a will the superintendent shall immediately notify by mail all attorneys appearing in the case, together with interested parties who are not represented by attorneys. Any party desiring to appeal from the action of the superintendent, within 10 days of the date of the mailing of such notice, shall notify the

superintendent in writing of his intention to appeal to the Commissioner and shall within 30 days from the mailing date of such notice by the superintendent, perfect his appeal to the Commissioner by service of the same upon the superintendent, who will promptly transmit the entire record to the Commissioner for his consideration and action. The action of the Commissioner on the appeal is subject to the right of further appeal to the Secretary. On final action by the Commissioner, or the Secretary, the will shall be returned to the superintendent for appropriate disposition. If no notice of appeal is given within 10 days, the superintendent's action will become final.

SUBCHAPTER K—HOSPITAL AND MEDICAL CARE OF INDIANS

Part 86—Commitment to St. Elizabeths Hospital

Sec.

86.1 Sanity hearings.

86.2 Petition for commitment in local institutions.

86.3 Commitment in St. Elizabeths Hospital.

AUTHORITY: §§ 86.1 to 86.3 issued under R. S. 463; 25 U. S. C. 2.

SOURCE: §§ 86.1 to 86.3 appear at 5 F. R. 3913, Oct. 5, 1940.

§ 86.1 *Sanity hearings.* No Indian residing on any Indian reservation under the jurisdiction of the United States shall be placed in any hospital or other institution for the care and treatment of the insane except in pursuance of a sanity hearing and an order for commitment issued as provided in this part.

§ 86.2 *Petition for commitment in local institutions.* Upon petition of the spouse, a parent, brother, sister or child of full age or other next of kin of any Indian alleged to be insane for commitment of said Indian to any State hospital or State institution for the care and treatment of the insane, the superintendent or other official in charge of the reservation, whenever he finds after due investigation that such course is justified, may arrange for such commitment in conformity with the laws of the State pertaining to such cases.

§ 86.3 *Commitment in St. Elizabeths Hospital.* Insane Indians residing on

Indian reservations under the jurisdiction of the United States may be committed to St. Elizabeths Hospital for the insane in Washington, D. C., by order of the Secretary of the Interior based on certificates of insanity issued as provided in this section:

(a) A certificate of insanity must be made under oath by two reputable physicians appointed to conduct an examination of the alleged insane Indian by the Superintendent of the reservation on which such Indian resides. The physicians must be full time Bureau physicians or graduates of recognized medical schools or colleges, have the qualifications prescribed by law for the practice of medicine or surgery, and shall not be related by blood or marriage to such Indian nor to any person applying for a certificate of insanity.

(b) The spouse, a parent, brother, sister or child of full age or other next of kin of any Indian alleged to be insane may file with the superintendent a petition for a commitment, such petition to contain a statement of the facts on which the allegation of insanity is based. Upon the receipt of such a petition, or in any other case in which the superintendent or other official in charge has reason to believe from personal investigation or otherwise that an Indian is insane, the superintendent or other official in charge shall immediately appoint two physicians having qualifications prescribed in paragraph (a) of this section, to conduct an

examination of the Indian alleged to be insane at such time and place as the superintendent or other official in charge may determine. Notice of the time and place of the examination shall be served personally upon the alleged insane Indian, the spouse, parent, or some other of the next of kin of full age if there be any such known to be residing on the reservation, at least 48 hours before the examination of such alleged insane Indian.

(c) The physicians shall make such personal examination of the Indian alleged to be insane as to enable them to form an opinion as to his sanity or insanity and no certificate of insanity shall be issued except after such personal examination. The Indian alleged to be insane shall have the right to present witnesses in his own behalf and to submit other evidence bearing upon his sanity. If upon conclusion of the examination and consideration of all evidence submitted the physicians are of the opinion the Indian is insane, they shall issue a certificate of insanity. The certificate must show: (1) that it is the opinion of the physicians the Indian named therein is actually insane, (2) the facts and circumstances upon which the opinion is based, and (3) whether the condition of the Indian examined is such as to require

care and treatment in a hospital for the care, custody and treatment of the insane.

(d) Each certificate of insanity issued in conformity with this section, together with a transcript of all evidence taken in the case, shall be transmitted promptly by the superintendent or other official in charge through the Commissioner of Indian Affairs to the Secretary of the Interior. If in the opinion of the Secretary of the Interior the Indian named in the certificate is a fit subject for treatment in St. Elizabeths Hospital, the Secretary may issue an order for his commitment to that institution until such Indian recovers his reason and is discharged as cured.

(e) In any case in which an Indian is alleged to be insane or of unsound mind and such Indian has displayed homicidal tendencies or has otherwise demonstrated that if permitted to remain at large or to go unrestrained the rights of persons and of property will be jeopardized or the preservation of the public peace imperiled and the commission of crime rendered probable, it shall be the duty of the superintendent or other official in charge to take such Indian into custody and detain him in some suitable place pending examination and hearing as provided in this section.

SUBCHAPTER L—IRRIGATION PROJECTS; OPERATION AND MAINTENANCE

Part 91—Blackfeet Irrigation Project, Montana

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91.1	Organization.
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Sec.

91.19	Cooperation between users and employees.
91.20	Complaints.
91.21	Disputes.

AUTHORITY: §§ 91.1 to 91.21 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

SOURCE: §§ 91.1 to 91.21 contained in regulations for operation and maintenance of the Blackfeet irrigation project, Montana, Aug. 3, 1932, except as otherwise noted.

CROSS REFERENCE: For rights-of-way for irrigation projects, see Part 256 of this chapter.

§ 91.1 *Organization.* Indian irrigation projects are in charge of a project engineer or other appointed employee of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this