

tion to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other Act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of 10 per centum of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase price is to be paid on such deferred payments, all payments made, together with all interest paid on such deferred installments, shall be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the allottee or his heirs. Upon payment of the purchase price in full, the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: *Provided*, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent as their respective interests shall appear: *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death to his heirs, to whom a patent in fee containing restrictions on alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent: *Provided further*, That any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to the said disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Secretary of the Interior.

(June 25, 1910, ch. 431, §1, 36 Stat. 855; Mar. 3, 1928, ch. 122, 45 Stat. 161; Apr. 30, 1934, ch. 169, 48 Stat. 647; Pub. L. 101-301, §12(c), May 24, 1990, 104 Stat. 211; Pub. L. 106-462, title I, §106(b)(1), Nov. 7, 2000, 114 Stat. 2007.)

#### REFERENCES IN TEXT

The Indian Land Consolidation Act, referred to in text, is title II of Pub. L. 97-459, Jan. 12, 1983, 96 Stat. 2517, which is classified generally to chapter 24 (§2201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

This Act, referred to in text, is act June 25, 1910, ch. 431, 36 Stat. 855, which enacted sections 47, 93, 151, 202, 337, 344a, 351, 352, 353, 372, 403, 406, 407, and 408 of this title, section 6a-1 of former Title 41, Public Contracts, and section 148 of Title 43, Public Lands, and amended sections 191, 312, 331, 333, and 336 of this title and sections 104 and 107 of former Title 18, Criminal Code and Criminal Procedure. Sections 104 and 107 of former Title 18 were repealed and restated as sections 1853 and 1856 of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, 62 Stat. 683. Section 6a-1 of former

Title 41 was repealed and restated as section 6102(e) of Title 41, Public Contracts, by Pub. L. 111-350, §§3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

2000—Pub. L. 106-462 substituted “under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to such rules” for “under such rules” in first sentence.

1990—Pub. L. 101-301 substituted “his decisions shall be subject to judicial review to the same extent as determinations rendered under section 373 of this title” for “his decision thereon shall be final and conclusive”.

1934—Act Apr. 30, 1934, substituted “, all payments made, together with all interest paid on such deferred installments, shall be so forfeited” for “a further amount, not exceeding 15 per centum of the purchase price together with all interest paid on such deferred installments may be so forfeited”, inserted “allottee or his” in sentence beginning “All forfeitures shall inure” and struck out “hereafter” from last proviso.

1928—Act Mar. 3, 1928, inserted in introductory text “or may hereafter be made,” after “has been made,” “together with all interest paid on such deferred installments” after “purchase price”, “or may hereafter be” after “restrictions on alienation has been”, and “hereafter” in last proviso, and substituted “by this or any other Act” for “by any Act”.

#### § 372-1. Repealed. Pub. L. 101-301, § 12(a), May 24, 1990, 104 Stat. 211

Section, Pub. L. 90-28, title I, June 24, 1967, 81 Stat. 69, provided that, on and after June 24, 1967, hearing officers appointed for Indian probate work did not have to be appointed pursuant to the Administrative Procedure Act, as amended. Similar provisions were contained in the following prior appropriation acts:

May 31, 1966, Pub. L. 89-435, title I, 80 Stat. 181.  
 June 28, 1965, Pub. L. 89-52, title I, 79 Stat. 185.  
 July 7, 1964, Pub. L. 88-356, title I, 78 Stat. 284.  
 July 26, 1963, Pub. L. 88-79, title I, 77 Stat. 107.  
 Aug. 9, 1962, Pub. L. 87-578, title I, 76 Stat. 345.  
 Aug. 3, 1961, Pub. L. 87-122, title I, 75 Stat. 256.  
 May 13, 1960, Pub. L. 86-455, title I, 74 Stat. 104.  
 June 23, 1959, Pub. L. 86-60, title I, 73 Stat. 92.  
 June 4, 1958, Pub. L. 85-439, title I, 72 Stat. 155.  
 July 1, 1957, Pub. L. 85-77, title I, 71 Stat. 257.  
 June 13, 1956, ch. 380, title I, 70 Stat. 257.  
 June 16, 1955, ch. 147, title I, 69 Stat. 141.  
 Aug. 26, 1954, ch. 935, Ch. VII, 68 Stat. 813.

#### SAVINGS PROVISION

Pub. L. 101-301, §12(b), May 24, 1990, 104 Stat. 211, provided that: “Hearing officers heretofore appointed to preside over Indian probate proceedings pursuant to the proviso repealed by subsection (a) [25 U.S.C. 372-1], having met the qualifications required for appointment pursuant to section 3105 of title 5, United States Code, shall be deemed to have been appointed pursuant to that section.”

#### § 372-2. Indian probate judges

Notwithstanding any other provision of law, for fiscal year 2006 and each fiscal year thereafter, for the purpose of adjudicating Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of this title are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5 governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without