

ceeds of such sale shall be held in trust for such Indians as the Secretary may designate, within the State or States wherein the land is situated.

(Nov. 24, 1942, ch. 640, §1, 56 Stat. 1021.)

**§ 373b. Restricted estate or homestead on the public domain**

If an Indian found to have died intestate without heirs was the holder of a restricted allotment or homestead or interest therein on the public domain, the land or interest therein and all accumulated rents, issues, and profits therefrom shall escheat to the United States, subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder, and the land shall become part of the public domain subject to the payment of such creditors' claims as the Secretary of the Interior may find proper to be paid from the cash on hand or income accruing to said estate: *Provided*, That if the Secretary determines that the land involved lies within or adjacent to an Indian community and may be advantageously used for Indian purposes, the land or interest therein shall escheat to the United States to be held in trust for such needy Indians as the Secretary of the Interior may designate, where the value of the estate does not exceed \$50,000, and in case of estates exceeding said sum, such estates shall be held in trust by the United States for such Indians as the Congress may on and after November 24, 1942 designate, subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder<sup>1</sup> *Provided further*, That interests in all Burns public domain allotments located in Harney County, Oregon, belonging to Indians who die intestate without heirs shall be held in trust by the United States for the Burns Paiute Indian Colony of Oregon and shall be part of the Burns Paiute Indian Reservation.

(Nov. 24, 1942, ch. 640, §2, 56 Stat. 1022; Pub. L. 98-25, §§2, 3, May 2, 1983, 97 Stat. 185.)

AMENDMENTS

1983—Pub. L. 98-25, §2, inserted proviso that interests in all Burns public domain allotments located in Harney County, Oregon, belonging to Indians who die intestate without heirs shall be held in trust by the United States for the Burns Paiute Indian Colony of Oregon and shall be part of the Burns Paiute Indian Reservation.

Pub. L. 98-25, §3, substituted "\$50,000" for "\$2,000".

NON-INDIAN LANDS IN HARNEY COUNTY, OREGON

Pub. L. 98-25, §2, May 2, 1983, 97 Stat. 185, provided in part that no non-Indian lands in Harney County, Oregon, shall be considered Indian country as defined in section 1151 of Title 18, Crimes and Criminal Procedure.

**§ 373c. Sections 373a and 373b as inapplicable to certain Indians**

The provisions of sections 373a and 373b of this title shall not apply to the Indians of the Five Civilized Tribes or the Osage Reservation, in Oklahoma.

(Nov. 24, 1942, ch. 640, §3, 56 Stat. 1022.)

<sup>1</sup> So in original. Probably should be followed by a colon.

**§ 374. Attendance of witnesses**

The authority delegated to judges of the United States courts by section 24 of title 35 is conferred upon the Secretary of the Interior to require the attendance of witnesses at hearings, upon proper showing by any of the parties to determine the heirs of decedents, held in accordance with sections 372 and 373 of this title, under such rules and regulations as he may prescribe.

(Aug. 1, 1914, ch. 222, §1, 38 Stat. 586.)

CODIFICATION

"Section 24 of title 35" substituted in text for "section 56 of title 35" on authority of act July 19, 1952, ch. 950, 66 Stat. 792, section 1 of which enacted Title 35, Patents.

**§ 375. Determination of heirship of deceased members of Five Civilized Tribes**

A determination of the question of fact as to who are the heirs of any deceased citizen allottee of the Five Civilized Tribes of Indians who may die or may have heretofore died, leaving restricted heirs, by the probate court of the State of Oklahoma having jurisdiction to settle the estate of said deceased, conducted in the manner provided by the laws of said State for the determination of heirship in closing up the estates of deceased persons, shall be conclusive of said question: *Provided*, That an appeal may be taken in the manner and to the court provided by law, in cases of appeal in probate matters generally: *Provided further*, That where the time limited by the laws of said State for the institution of administration proceedings has elapsed without their institution, as well as in cases where there exists no lawful ground for the institution of administration proceedings in said courts, a petition may be filed therein having for its object a determination of such heirship and the case shall proceed in all respects as if administration proceedings upon other proper grounds had been regularly begun, but this proviso shall not be construed to reopen the question of the determination of an heirship already ascertained by competent legal authority under existing laws: *Provided further*, That said petition shall be verified, and in all cases arising hereunder service by publication may be had on all unknown heirs, the service to be in accordance with the method of serving nonresident defendants in civil suits in the district courts of said State; and if any person so served by publication does not appear and move to be heard within six months from the date of the final order, he shall be concluded equally with parties personally served or voluntarily appearing.

(June 14, 1918, ch. 101, §1, 40 Stat. 606.)

ADMINISTRATION EXPENSES; COMPENSATION;  
RESTRICTION ON USE OF FUNDS; APPEAL

Act June 30, 1919, ch. 4, §18, 41 Stat. 21, appropriated \$205,000 for expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, prohibited any part of the appropriation from being used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior