

(Feb. 14, 1920, ch. 75, § 18, 41 Stat. 426.)

#### CODIFICATION

The clause "heretofore required to be approved under existing law by the Secretary of the Interior" after the words "but all such undisputed claims or uncontested leases (except oil and gas leases)" omitted from text as superfluous.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

### § 357. Condemnation of lands under laws of States

Lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee.

(Mar. 3, 1901, ch. 832, § 3, 31 Stat. 1084.)

#### CODIFICATION

Section is comprised of the second paragraph of section 3 of act Mar. 3, 1901. The first paragraph of such section 3 is classified to section 319 of this title.

### § 358. Repeal of statutory provisions relating to survey, classification, and allotments which provide for repayment out of Indian moneys

Any and all provisions contained in any Act passed prior to March 7, 1928, for the survey, re-survey, classification, and allotment of lands in severalty under the provisions of the Act of February 8, 1887 (24 Stat. 388), which provide for the repayment of funds appropriated proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes, are repealed: *Provided further*, That the repeal shall not affect any funds authorized to be reimbursed by any special Act of Congress wherein a particular or special fund is mentioned from which reimbursement shall be made.

(Mar. 7, 1928, ch. 137, § 1, 45 Stat. 206.)

#### REFERENCES IN TEXT

Act of February 7, 1887, referred to in text, is popularly known as the Indian General Allotment Act. For classification of this Act to the Code, see Short Title note set out under section 331 of this title and Tables.

## CHAPTER 10—DESCENT AND DISTRIBUTION; HEIRS OF ALLOTTEE

Sec.	
371.	Descent of land.
372.	Ascertainment of heirs of deceased allottees; settlement of estates; sale of lands; deposit of Indian moneys.
372-1.	Repealed.
372-2.	Indian probate judges.
372a.	Heirs by adoption.
373.	Disposal by will of allotments held under trust.
373a.	Disposition of trust or restricted estate of intestate without heirs; successor tribe; sale of land.

Sec.	
373b.	Restricted estate or homestead on the public domain.
373c.	Sections 373a and 373b as inapplicable to certain Indians.
374.	Attendance of witnesses.
375.	Determination of heirship of deceased members of Five Civilized Tribes.
375a.	Jurisdiction of Secretary of the Interior over probate and distribution of estates not exceeding \$2,500.
375b.	Repealed.
375c.	Disbursement of sums not exceeding \$500 to heirs or legatees.
375d.	Disposition of estates of intestate members of Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs.
376.	Oaths in investigations.
377.	Repealed.
378.	Partition of allotment among heirs; patents.
379.	Sale of allotted lands by heirs.
380.	Lease of inherited allotments by superintendent.

### § 371. Descent of land

For the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of section 348 of this title, whenever any male and female Indian shall have cohabited together as husband and wife according to the custom and manner of Indian life the issue of such cohabitation shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of the Indians so living together, and every Indian child, otherwise illegitimate, shall for such purpose be taken and deemed to be the legitimate issue of the father of such child: *Provided*, That the provisions of this Act shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet."

(Feb. 28, 1891, ch. 383, § 5, 26 Stat. 795.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Feb. 28, 1891, ch. 383, 26 Stat. 794, as amended, which enacted sections 336, 371, and 397 of this title and amended section 331 of this title. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

A further provision of section 5 of act Feb. 28, 1891, "that no allotment of lands shall be made or annuities of money paid to any of the Sac and Fox of the Missouri Indians who were not enrolled as members of said tribe on January first, eighteen hundred and ninety; but this shall not be held to impair or otherwise affect the rights or equities of any person whose claim to membership in said tribe is now pending and being investigated," was repealed by a provision of the Indian Appropriation Act of Mar. 2, 1895, ch. 188, § 1, 28 Stat. 902.

### § 372. Ascertainment of heirs of deceased allottees; settlement of estates; sale of lands; deposit of Indian moneys

When any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under the