

part for the removal of restrictions from part of the lands of allottees; authorized leases of allotted lands; made unrestricted lands subject to taxation; voided alienation or incumbrance of restricted lands; and authorized appointment of local agents to investigate estates of minors and to advise and represent allottees.

FINAL DISPOSITION OF AFFAIRS OF THE FIVE CIVILIZED TRIBES

Act Apr. 26, 1906, ch. 1876, 34 Stat. 137, provided in part for membership and enrollment rules; required patents to issue in name of allottee and to be recorded; transferred records of land offices to the clerk of the United States district court; transferred control of tribal schools to Secretary of the Interior; abolished tribal taxes; extended restrictions on alienation of allotted lands; authorized conveyances of inherited lands; authorized disposal of property by will; provided that lands upon dissolution of the tribes be held in trust by the United States; and continued tribal governments.

**§ 356. Allowance of undisputed claims of restricted allottees of Five Civilized Tribes**

No undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, shall be forwarded to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases (except oil and gas leases) shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within thirty days from the date of said decision or order.

(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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 322 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.
- 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.
- 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,