

## KEY TO GENERAL ALLOTMENT CHARTS

The organization of the charts differs materially in that the primary divisions reflect the type of alienation, e.g., "Sale by Heirs," "Partition among Heirs," and so forth, rather than reflecting critical periods of time as was true in relation to the Five Civilized Tribes. This structure avoided substantial amounts of repetition.

The first column on the left carries the indication of critical dates. These dates are the function of the effective dates of the pertinent legislation. Thus, the "Sale by Heirs" was first permitted under legislation approved on May 27, 1902, and continues to the present time under the indicated conditions in the second column. Similarly, "Partition among Heirs" was first authorized by legislation approved on June 25, 1910, under the first paragraph of conditions in the second column. Notice that between June 25, 1910, and the second date in the first column, February 14, 1913, this legislation was inapplicable to General Allotment Indians in Oklahoma. On that later date, the basic legislation was amended to make the Act applicable to General Allotment Indians in Oklahoma.

The three columns on the right side of the page are numbered "1," "2," and "3." The first of these columns contains numbers which identify the appropriate notes among those which follow the table. The second column probably could have been omitted. The symbols in that column indicate whether "surplus" indicated by "5", or "homestead" indicated by "H", or both "surplus and homestead" indicated by "All" are alienable. As indicated in Note 2, the division between homestead and surplus to be found in the Act of May 27, 1902, is probably meaningless because contrary to the law relating to the Five Civilized Tribes, Part II, supra, and the Osage Tribe, Part IV, below, the General Allotment Act did not provide that any portion of the allotment be designated as homestead.

The third of the three columns on the right indicates whether adult, minor, or all allottees or heirs, as the case may be, are authorized to alienate. In this column "A" indicates adult, "M" stands for minors, and "All" refers to both.

It should be noticed that there is no distinction between various degrees of Indian blood as in the case of the Five Civilized Tribes and the Osage Indians.

Where one not of Indian blood succeeds to an interest in the land, it was held in *Bailess v. Paukne*, 344 U.S. 171 (1952) that while the U.S. still held the legal title, the trust was dry and passive, and all that remained to be done was the ministerial act of the issuance of the fee patent. The Court relied on *Levindale Lead & Zinc Mm. Co. v. Coleman*, 241 U.S. 432 (1916) holding that land in the hands of white heir of an Osage allottee became immediately alienable. See *Semple*, &sect; 782.

Two works are cited repeatedly in the notes to the chart. The work cited as "Mills," is *Mills, Oklahoma Indian Land Laws* (2d ed. 1924). *Mills, Supplement to Oklahoma Indian Land Laws*

is cited as "Mills Supp." The second work cited as "Semple" is Semple, Oklahoma Indian Land Titles (1952). This work is kept current by periodic publication of a pocket part which should, of course, always be referred to along with the pertinent material in the main text. The current pocket part is edited by Katherine Kyle, who is generally regarded as the living authority on Indian title problems.