

PART II

LANDS ALLOTTED TO THE FIVE CIVILIZED TRIBES IN OKLAHOMA

The principal features of this part are two sets of charts. The first chart is based on a typed copy of the so-called "Fitzpatrick Charts", published originally in 1917. These charts were accompanied by notes. The author is in possession of one typed copy of the charts and of two typewritten versions of those notes. The versions of the notes differ in a substantial degree. This is the result of updating whatever was the form of the original notes. In being prepared for inclusion in this work, the notes have been updated once again. The changes made therein are so extensive that I must accept the blame for any inaccuracies found in this version of the notes. The second set of charts is the Gholston-Rarick Extension.

The original chart was apparently published not only in black and white, but in red as well. Changes have been made in the key to adapt it to black and white only reproduction.

The Fitzpatrick Charts, although published in 1917, were projected until 1931. Fitzpatrick chose the date of 1931 with which to close his charts because the Act of 1908, 35 Stat. 312, extended restrictions until 1931. But prior to that date changes were made in the law. For this reason, the Gholston-Rarick Extension should be checked as to all conveyances after May 27, 1908.

I had no compunction in updating the notes to the Fitzpatrick Charts, since there was evidence that my copies were not in original form. I have no reason to doubt, however, that the charts are in virgin form. Nostalgia, therefore, prevents me from omitting that portion of the charts running from 1908 to 1931.

Further comments on the Gholston-Rarick Extension will be found just before the Extension.

Where these charts indicate that a transaction under examination is valid under the law at the time made, then the examiner may pass title as far as that particular transaction is involved.

If the transaction under examination does not qualify as valid under the charts, title may still be good by adverse possession but merchantable title will require a quiet title action. Elsewhere in this work the applicability of Oklahoma statutes of limitation is examined. The position is also taken elsewhere in this work that the careful title examiner will not rely upon the so-called "Merchantable Title Act".

Excerpts from several of the more important cases cited in the notes to the charts follow the notes.