# Land Titles in Oklahoma Under the General Allotment Act

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On February 8, 1887, Congress passed what is generally known as the General Allotment Act. The passage of this Act inaugurated a new program in the governments dealing with the lands and properties of the Indian tribes most of whom are still regarded as wards of the United States. Under the General Allotment Act, the lands comprising tribal reservations were to be divided among the members of the various Indian tribes so as to give each individual Indian an qeual share in the tribal lands with the excess lands to be sold under rules and regulations passed by the government. The General Allotment Act did not apply to the Osages or the Five Civilized Tribes.

## Trust Patents

Under the General Allotment Act, what is known as trust patents were issued to the individual allottee. Under this patent, the allottee received an equitable title to and a right to use and occupy the land and the allottee was to receive a final patent in fee which was to be issued at the end of the trust period. The original trust period was 25 years from the date of the issuance of the trust patent. The trust patent was issued for the sole use and benefit of the allottee and his heirs. The Secretary of the Interior has the sole right to determine the heirs of a deceased Indian, but the descent and distribution is governed by the laws of the State of Oklahoma since it became a state.

Section Five of the General Allotment Act provided that the President of the United States may in his descretion extend the period during which the government shall continue to hold the land in trust. By Executive Order No. 10.027, made on January 7, 1949, the trust period was extended for another 25 years on all allotments where the trust period expired in 1949. See Simple on *Oklahoma Indian Land Titles,* Page 513, Chapter 724. The Interior Department has held that the Executive Orders is issued by the President under the authority of the Act of June 21, 1906, applied only to patented allotments allotments and did not extend the restriction on Kaw allotments which were held under restricted allotment dees. Accordingly, restrictions

expired on Kaw homesteads as of December 31, 1947, and on Surplus lands as of March 3, 1948. See Simple on *Oklahoma Indian Land Titles*, Page 514, Section 724.

Section Five of the General Allotment Act provided that any conveyance of allotted lands or any contract made touching the same before the expiration of the trust period, shall be absolutely null and void.

Under the Act of June 21, 1906, 34 Statutes, 327, Congress amended the General Allotment Act by adding the following:

"No land acquired under the provisions of the Act shall in any event become liable to the satisfaction of any debt contracted prior to the accruing from any lease of sale of lands held in trust by the United States for any Indian shall become liable for the payment of any debt of, or claim against, such Indian contracted or arising during such trust period, or in the case of a minor during his minority, except with the approval and consent of the Secretary of the Interior."

A number of members of the Kickapoo tribe had moved to Old Mexico and under the Act of June 21, 1906, 34 Statutes, 363, all restrictions as to sale and encumbrance of lands inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo and Wichita Indians who have heterofore been or now are known as Indians of said tribes affiliating with said Kickapoo Indians now or hereafter non-resident in the United States who have been allotted lands in Oklahoma or Indian Territory, are hereby removed.

Upon the death of an allottee, unless his restrictions have been removed, the title to land under the General Allotment Act still remains in the United States as a trustee and the heirs of the deceased Indian take subject to the same restrictions and limitations as applied to the original allottee. See U.S. vs. Relly, 290 US 33 54 Supreme Court 41 78 Law Ed. 154. U.S. vs. Kilgore 111 Fed. 2nd 665. As to heirs who are not of Indian blood, there is no restriction on their inherited land. See Mixon vs. Littleton 265 Fed. 603 Bailess vs. Paukune 97 Law Ed. 197.

Except where restrictions have been lifted as to individual Indians by the issuance of competency certificates of by special acts of Congress, the Federal and not the State laws control as to all matters that pertain to the allotment of lands under the General Allotment Act.

If the Secretary deems an Indian who has been allotted lands under the General Allotment Act competent to manage his own affairs, he may issue to him a patent in fee which is the same thing as removing the restrictions as to that land. See Chatterton vs. Lukin 154 Pac. 2nd 798.

## Capacity to Contract

Except as to his allotment, his restricted inherited lands, trust funds, or to property purchased with the proceeds of restricted funds, all Indians sui juris coming under the General Allotment Act can contract and sue and be sued, the same as any other person. He is not deprived of any

rights of citizenship because of his disabilities regarding the alienation of his restricted or trust properties.

## Descent and Distribution

Under the General Allotment Act, the Secretary of the Interior is clothed with broad plenary powers in determining whether Wills are to be given effect as testamentary documents and whether certain persons are to be determined to be the heirs of deceased persons, yet, the laws of the State, where the land is situated, control as to descent and distribution. All allotted lands of allottees dying since the admission of the State of Oklahoma into the Union are controlled by the laws of descent and distribution of the State of Oklahoma except where specifically modified or otherwise provided by acts of Congress. Blanset vs. Cardin 256 US 319 65 Law Ed. 950.

The Act of Congress of May 2, 1890, 26 Statutes, At Large 81 94, provided that the general laws of Arkansas in force at the close of the session of the general assembly of that state in 1883 published in a volume known as Mansfields Digest of the statutes of Arkansas "which are not locally inapplicable or in conflict with this Act or with any law of Congress, relating to the subjects especially mentioned in this section are hereby extended over and put in force in the Indian Territory until Congress shall otherwise provide." Mansfields Digest included Chapter 49 on the subject of "Descent and Distribution." Later, under the Act of April 28, 1904, Chapter 1824, 33 Statutes, 573, Congress provided that "all the laws of Arkansas heretofore put in force in the Indian Territory are hereby continued and extended in their operation so as to embrace all persons and estates in said territory whether Indians, freedmen, or otherwise, and full and complete jurisdiction is hereby conferred upon the District Court in said territory in the settlement of all estates of decedents whether Indians, freedmen, or otherwise;" and in the case of Labadie, et al. vs. Smith 41 Oklahoma 773 140 Pac. 427 the Supreme Court of the State of Oklahoma had occasion to pass upon the law of descent and distribution regarding the heirs of a deceased member of the Peoria tribe (an Indian under the General Allotment Act) who died in 1906 and the Supreme Court held that the Arkansas law of descent and distribution applied. The question in the case was whether the Kansas law as provided by the General Allotment Act applied or whether the Arkansas law of descent and distribution applied and the court held that the Arkansas law of descent and distribution applied. The opinion in this case admits that the provisions of Section Five of the General Allotment Act providing that the laws of the State of Kansas should regulate the descent and distribition of Indians under the General Allotment Act applied to Peoria Indians, and the opinion says that the Kansas law was extended to and remained in force as to the Peoria tribe until the Act of April 28, 1904. Then the opinion ecides that under the Act of April 28, 1904, the Arkansas law of descent and distribution was put in force in the Indian Territory as to all persons and estates in said territory whether Indians freedmen or otherwise so the case really holds that since the passage of the Act of April 28, 1904, the laws of Arkansas of descent and distribution applied rather than the Kansas law.

The Labadie case was followed by the Supreme Court of Oklahoma in Mellot vs. Cayuga, another Peoria Indian case 98 Oklahoma 98 224 Pac. 308. This case also held that the Arkansas

law governed since April 28, 1904, the same as the holding in the case of Labadie vs. Smith. Then Judge Campbell, Federal Judge for the Eastern District of Oklahoma in Bartlett vs. Oklahoma Oil Company, et al., 218 Federal 380 on Page 385 of the opinion cited the case of Labadie vs. Smith saying that the Act of April 28, 1904 put the Arkansas law of descent and distribution in force in the Indian Territory as to all estates. However, in 1941, in the case of Peoria tribe or band vs. Wea Townsite Company 117 Fed. 2nd 940, the Circuit Court of Apeals for the Tenth Circuit decided that the Kansas laws of descent and distribution applied to Wea,a member of the Confederate Wea, Peoria, Kaskaskia and Piankeshaw tribes, so there appears to be a conflict between the cases from the State of Oklahoma on this point and the Tenth Circuit Court of Appeals decision is correct because the General Allotment Act provided that the Kansas laws regulating descent and distribution should apply to lands in the Indian Territory allotted under the General Allotment Act and the Act of 1890 that put the Arkansas laws in force provided that the Arkansas laws should be put in force where they were not "locally inapplicable or in conflict with this Act or with any law of Congress." Chapter 49 of Mansfields Digest was in conflict with the General Allotment Act putting the Kansas laws in force and, therefore, we do not think the Act of May 2, 1890 putting the Arkansas laws in force extended the Arkansas laws of descent and distribution as set out in Mansfields Digest over the Indian Territory. It is true the Act of April 28, 1904 provided that all the laws of Arkansas heretofore put in force in the Indian Territory are hereby continued and extended in their operation so as to embrace all persons and estates in said territory whether freedmen or otherwise. Still, we think that the decision in Labadie vs. Smith is erroneous because the Arkansas laws of descent and distribution were not extended over Indian Territory by the 1890 Act and were not in force in the Indian Territory because of the provisions in Section Five of the General Allotment Act. As heretofore stated, Labadie vs. Smith admits that Section Five of General Allotment Act putting the Kansas law in force applied to the Peoria tribe until the Act of April 28, 1904, but we do not agree that the Act of April 28, 1904 changed the rule of descent and distribution as to these General Allotment Act Indians who had allotments in the Indian Territory. We think that the Tenth Circuit Court of Appeals is right in holding that the Kansas law applied and we believe it continued to apply up until statehood. The Oklahoma Supreme Court has not had occasion to pass upon this question since the case of Mellott vs. Cayuga, decided in 1924 as far as our research goes.

As we see it, the laws of Kansas under Section Five of the General Allotment Act governed the descent and distribution of Indians under the General Allotment Act who were allotted lands in the Indian Territory until statehood. The laws of Oklahoma Territory governed the descent and distribution of Indians allotted lands in Oklahoma Territory under the General Allotment Act. See Beam vs. United States, et al. 162 Fed. 260 and United States vs. Park Land Company 188 Fed. 383. After statehood, the laws of descent and distribution of the State of Oklahoma applied to all Indians under the General Allotment Act who died after statehood.

On August 9, 1888 (25 Statutes 392) Congress passed a law that no white man not otherwise a member of any tribe of Indians who after August 9, 1888 married an Indian woman should not by such marriage acquire any right to any tribal property, privilige or interest whatever to which any member of such tribe is entitled. This law did not apply to the Five Civilized Tribes and it did not prevent a white man who was married to an Indian woman from taking property as an heir.

The Act of Congress approved June 7, 1897, Title 25 USCA 184 provided that all children born of marriage solemnized prior to the passage of that act between a white man and Indian woman where the woman was recognized a member of the tribe by blood (not by adoption) should have the same rights and priviliges in the tribe of which the mother was a member, the same as any other member of the tribe. Children of plural marriages except with certain limitations, take by inheritance the same as any other chlidren. Even the children of void marriages contracted between Indians and Negroes have been allowed to inherit. See Atkins Estate 3 Pac. 2nd 682.

The Act of July 8, 1940, Chapter 555, Sections 1 and 2, 54 Statutes 746, Title 25 Section 372-A, USCA, recognized the right of adopted children to inherit under certain conditions.

## Heirship Under the General Allotment Act

The Supreme Court of Oklahoma has held that after the issuance of a patent to an allottee under the General Allotment Act and the removal of his restrictions and the withdrawal of Federal supervision where the Secretary has not theretofore determined the heirs of a deceased allottee during the trust period the County Courts of the State would have jurisdiction in a proper proceeding to ascertain and determine the heirs of allottees. Gray vs. McKnight 75 Oklahoma 268, 183 Pac. 489. As long as the land is restricted, State Courts have no jurisdiction to determine heirship.

There was no specific provision for the determination of heirship by the Secretary of the Interior until the Act of June 25, 1910, 36 Statutes 855. This Act was amended by the Act of February 14, 1913, 37 Statutes, At Large 678. By the amendment of February 14, 1913, the Act of June 25, 1910 was put into effect in Oklahoma as to all tribes except the Five Civilized Tribes and the Osage Tribe. See Maz-he vs. Jefferson Trust Company 82 Oklahoma 107, 198 Pac. 319. Under the Act of June 25, 1910 as amended by the Act of February 14, 1913, which is now Section 372, Title 25 USCA, the Secretary of the Interior was given authority to ascertain the legal heirs of such decedent and his decision was made final and conclusive. This grant of authority to the Secretary of the Interior has been upheld and his ruling has been held to be final in the absence of fraud, error of law or gross mistake of fact. Dixon, et al., vs. Cox, et al., 268 Fed. 285, Eighth Circuit Court of Appeals.

By the Act of May 27, 1902, Section 379, USCA, the Secretary of the Interior could approve the conveyances of adults and minors of their inherited lands. The approval of the deed by the Secretary of the Interior prior to the Act of June 25, 1910, constituted a practical determination of the heirs. See Bertrand vs. Doyle 36 Fed. 2nd 351.

As we have heretofore stated prior to the Act of June 25, 1910, (36 Statutes 855) which was made applicable to Oklahoma by the Act of Congress of February 14, 1913, the Secretary of the Interior did not have any specific authority to determine heirs.

A record is kept in the office of the Commissioner of Indian Affairs at Washington, D.C. of all determinations of heirship by the Department of Interior.In order to ascertain what persons have been determined to be heirs of a deceased Indian who takes under the General Allotment Act, it is necessary to contact the Washington office. A request for a certified copy of the Departmental findings as to heirship should be addressed to the Commissioner of Indian Affairs. As a rule, information may be had in the local field office of the tribe to which the allottee belonged as to what determination has been made by the Indian office as there is a copy of findings, in most instances, in the local field office. However, this is not always a safe procedure and resort should be had to the Commissioner of Indian Affairs for a certified copy of the Findings as to Heirship.

Under the Act of June 25, 1910, the Secretary of Interior could issue a fee simple patent to the heirs of a deceased Indian if he found them competent to manage their own affairs, or if the heirs wanted to sell the lands, the Secretary of Interior could issue a patent to them or issue one direct to the purchaser.

Under this Act, the Secretary could, as heretofore stated, issue a simple patent to any Indian he might find competent to manage his own affairs, however, this power has been very sparingly exercised.

Under Title 25, Section 405, USCA, any non-competent Indian to whom patent containing restrictions on alienation has been issued, may sell or convey all or any part of his allotment or any inherited interest on such terms and conditions as the Secretary of Interior may prescribe.

## Administration of Estates of Deceased Indians

The estates of deceased trust patent Indians are not subject to administration under the laws of the State in so far as their allotted or restricted inherited lands or lnds purchased with trust funds are concerned. These estates are under Federal jurisdiction. As a rule, with the death of an allottee, the interested parties appear before the Indian Department and the heirs are determined. An officer known as the Examiner of inheritance usually takes testimony andmakes findings subject to the approval by the Department. The basic authority of the Secretary to probate the estates of deceased Indians is found in the Act of June 25, 1910, 36 Statutes 855 as amended by the Act of February 14, 1913, 37 Statutes 678. The Act of June 25, 1910 was put into effect in Oklahoma as to all tribes except the Five Civilized Tribes and the Osage Tribe by the amendment of February 14, 1913, 37 Statutes, At Large 678.

His determination of heirship is final in the absence of fraud, error of law or gross mistake of fact. Dixon, et al., vs. Cox 268 Fed. 285, Eighth Circuit Court of Appeals. While the Secretary determines the heirs, the state laws control as to the descent and distribution. 25 USCA Section 348.

An Indian may be insolvent and bankrupt under the Bankruptcy Laws but lands allotted

under the General Allotment Act or lands purchased with restricted funds, do not constitute assets that pass to a trustee in bankruptcy. See Russie 96 Fed. 609.

By the Act of Congress of June 30, 1919 41 Statutes, Sections 3 and 9, 25 USCA, 163, the Secretary of the Interior was given unlimited power to compile a correct roll of the members of the tribe of Indians throughout the United States. This roll was conclusive both to the ages and quantum of Indian blood. Thus the Secretary of the Interior was given authority to decide who were minors.

While dealing with administration of deceased Indians, we also mention the fact that the Oklahoma procedure as to sale of minors property inherited under the General Allotment Act does not apply. See White vs. Sallee 86 Oklahoma 260 208 Pac. 214.

## Wills

Indians who own trust allotments, who have attained the age of 21, may dispose of their interest in such lands or moneys or securities held in trust by Will in accordance with rules promulgated by the Secretary, but no Will has any force or effect unless approved by the Secretary. The Secretary may approve the Will before or after the deth of the testator. In cases where a Will has been approved and it is later ascertained that fraud was practiced in its procurement, the Secretary is authorized, within one year after the date of the death of the testator, to cancel his approval.

All proceedings on Will under the General Allotment Act was before the Department of the Interior. All matters with reference to procedure concerning Wills may be found in Title 25 Sub Chapter J 1010 of the Code of Federal Regulations. These regulations should be checked by anyone interested in the procedure. Where a Will deals only with the trust allotment or with lands or funds derived therefrom held by the Secretary as restricted, it is not necessary that the Will of such Indian be filed for probate in the local probate courts. If a Will deals with restricted and unrestricted property as well, it would have to be probated and comply with the State laws as to Wills. The State laws relative to omitted children and to disinheritance of a spouse, have no application to Indians who take under the General Allotment Act in so far as the Will may deal with properties held in trust. A Will executed by an Indian who takes under the General Allotment Act as amended may disinherit a child or a spouse under the State laws and yet, if approved by the Secretary, there is no method of relief available to the aggrieved disinherited party. See Blanset vs. Ccardin 65 Law Ed. 950, 261 Fed. 309. However, the regulations of the Secretary provide that when a testator seeks to disinherit one who would take as an heir by inheritance under the State statutes, such attempted disinheritance shall be carefully inquired into before approval of the Will. See Title 847 Simple, *Oklahoma Indian Land Titles*.

In determining whether a person is a lawful spouse of a deceased allottee, the Secretary is controlled to a large extent by the customs and usages of the tribe of which the deceased allottee was a member. Where, however, it appears that Indians are no longer residents on the tribal

reservation or in the nation to which they belong but live off the reservation, the question of marriage is determined by the decisions of the appellate court of the State in which the marriage was consummated. See Section 848, Simple, *Oklahoma Indian Land Laws*. The approval of the Will by the Secretary does not terminate the trust period nor remove the Federal restrictions against alienation, Title 25, Section 373, USCA, nor does the approval operate to make the State laws applicable. Blanset vs. Cardin 256 US 319 65 Law Ed. 950, Indians who took under the General Allotment Act were not permitted to execute Wills prior to the Act of June 25, 1910. There were two cases decided by the Circuit Court of Appeals for the Tenth Circuit that covered practically all phases of the law relating to Wills by Indians who come under the General Allotment Act. One is the case of Hanson vs. Hoffman 113 Fed. 2nd 780, decided in 1940, and the case of Drummand vs. U.S., decided in 1942, 131 Fed. 2nd 568.

## Partition of Lands Under the General Allotment Act

Title 25, Section 378, USCA provides as follows:

If the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competencey, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent or order of extension of the trust period set out in said patent. May 18, 1916 c. 125.1, 39 Statutes, 127. (Title 25 Section 379, USCA)

The State Courts have no jurisdiction to partition lands allotted under the General Allotment Act even if one of the heirs is a non-member of the tribe. Where the department, during the existence of the trust period, proceeds to divide the land in kind under its power to partition among heir, the original restriction continues with the same force and effect as if held by the allottee. As to lands not affected by the General Allotment Act, the land of an Indian may be partitioned the same as to any non-Indian.

## Easements Under the General Allotment Act

By the Act of Congress approved March 2, 1899, the Secretary of the Interior was given authority to grant rights-of-way to any railroad over any lands allotted in trust or alloted in fee with restrictions against alienation. On February 28, 1902, Congress passed what is commonly known as the Enid an Anadarko Railroad Company Act, (32 Statutes 43) which supplanted the Act of March 2, 1899. This Act provided a comprehensive scheme for railroad building.

The Act of March 3, 1901 (25 USCA 311) gave authority to the Secretary of the Interior to

establish publich highways through Indian lands and the regulations of the Secretary governed the matter or easements.

Provisions for pipe line rights-of-way over Indian lands were made by the Act of March 11, 1904 (33 Statutes 65).

The Act of March 3, 1901 (31 Statutes 1058) provides a remedy by condemnation ofl ans allotted in severalty under the applicable laws of the state or territory where the lands are situated and directs that the money awarded as damages be paid to the allottee. The United States is a necessary party to the condemnation proceedings.

Under the Act of Congress approved February 5, 1948, the Secretary was given authority to grant rights-of-way for practically all public purposes over and accross allotted lands of individual Indians and ribes under the General Allotment Act. However, Section 2 of the Act provides that no grants of right-of-way across lands of a tribe organized under the Act of June 18, 1934, which is the Wheeler-Howard Act (48 Statutes 984) as amended by the Act of May 1, 1936 (49 Statutes 1250) shall be made by the Secretary without the consent of the tribe. This Act also contemplates consent of the Indian allottees also be obtained.

## Farming and Grazing Leases

The restricted allotment of any Indian or his heirs may be leased subject only to the approval of the superintendent or other officer in charge of the reservation where the land is located under such rules and regulations as the Secretary of the Interior may prescribe. Title 25, Section 393, USCA.

Farming and grazing leases are void without the aprroval of the department and where an Indian attempts to lease for a forbidden period, the lease is wholly void. See Smith vs. McCullough 270 US 456 70 Law Ed 682.

Restricted allotments of deceased Indians may be leased except for oil and gas mining purposes by the superintendents of the reservation within which the lands are allocated:

(1) When the heirs or devisees of such decedent have not been determined.
(2) When the heirs or devisees of the decedent have been determined and such lands are not in use by any of the heirs and the heirs have not been able during a three month period to agree upon a lease.

See Title 25, USCA, Section 380.

Lands may be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior. Title 25, USCA, Section 396, Act of March 3, 1909.

There is a later provision for the leasing of allotted lands for mining purposes under the Act of Congress of August 9, 1955, which is found in the 1959 cumulative annual pocket part for 1959 US Code Annotated. Title 25, Section 396.

## Taxation

The extent to which Indian lands are subject to taxes imposed by the State or subdivision thereof, is to be determined by reference to treaties and Acts of Congress and not State laws. U.S. vs. Rickert 188 US 432 47 Law Ed. 532 23 Supreme Court 478. U.S. vs. Reynolds 250 US 104 63 Law Ed. 873 39 Supreme Court 409. Brown vs. Anderson 61 Okla. 136 160 Pac. 724. As to whether or not the Oklahoma Estate Tax has been applied to the estates of Indians under the General Allotment Act see Oklahoma Tax Commission vs. U.S. 319 US 598 63 Supreme Court 1284 87 Law Ed. 612. Also see the application of this tax to estates or restricted Indians in Simple *Oklahoma Indian Land Titles, Section* 833.

Lands allotted to Indians by trust patents become taxable upon expiration of the trust period. The issuance of a patent in fee or certificate of competency by the Secretary also operates to subject the lands of the allottee to the ordinary burdens of taxation. See Millne vs. Leiphart 174 Pac. 2nd 805 119 Mont. 263. As to Federal Income Tax laws, Federal Estate Taxes and Federal Capital Gains Tax and the State Sales Tax and Gross Production and Excise Taxes, see Chapter 834 through 842, *Oklahoma Indian Land Titles*, Simple.

## Limitation of Actions

The State laws as to limitation do not apply against the United States where the United States sues in its own name for the benefit of restricted Indians. See U.S. vs. 7405.7 Acres 97 Fed. 2nd 417. The laws of the State of Oklahoma do not apply to allotted lands so long as the title remains in the United States. See Goodrum vs. Buffalo 162 Fed. 817. The general subject of limitations, laches and estoppel are discussed in this early case applying to the Indians who take under the General Allotment Act. This acse lays down the rule that an Indian of the restricted class cannot be divested of his title by statutes of limitation, pleas in estoppel or laches. However, where lands have been sold and the deed has been approved by the Secretary of the Interior, the State statutes do apply and they begin to run from the date of the approval of the deed. See Beaver vs. Cowan 230 Pac. 251 104 Oklahoma 256. In this case, our Supreme Court held that under the provisions of the Act of May 31, 1902, the Arkansas statute of limitations of seven years was in force and barred the heirs of a full blood Peoria Indian from recovering land after seven years from the approval of the deed by the Secretary. The Act of May 31, 1902, is Title 25 Section 347, UCA and it applies the State statutes of limitation where an action is brought by any patentee, his heirs, gratees or any persion claiming under such patentee after the approval of the deed by the Secretary of the Interior.

## Wheeler-Howard Act 25 USCA 465

The Wheeler-Howard Act of Congress passed June 18, 1934, 25 USCA 465, is mentioned by Simple, Section 732, as one of the most far reaching acts passed by Congress in recent years. Many of the provisions of the Act do not apply to Oklahoma Indians. Sections 2, 4, 7, 16, 17 and 18 of the Act were specifically made inapplicable to most of the Indians in Oklahoma under the General Allotment Act. See Section 734, Simple, *Oklahoma Indian Land Titles*. One of the principal features of the Act was that no Indian reservation was to be allotted in severalty after the passage of that Act.

## Restrictions as to Purchase of Land by Persons Employed in the Indian Service

Before concluding this article, we call attention to the fact that persons employed in the Indian service are prohibited from acquiring directly or indirectly any interest in lands of members of an Indian tribe under the jurisdiction of the Interior Department.