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TITLE 25--INDIANS

CHAPTER 9--ALLOTMENT OF INDIAN LANDS

Sec. 355. Laws applicable to lands of full-blooded members of Five Civilized Tribes

The lands of full-blooded members of any of the Five Civilized Tribes are made subject to the laws of the State of Oklahoma, providing for the partition of real estate. Any land allotted in such proceedings to a full-blood Indian, or conveyed to him upon his election to take the same at the appraisal, shall remain subject to all restrictions upon alienation and taxation obtaining prior to such partition. In case of a sale under any decree, or partition, the conveyance thereunder shall operate to relieve the land described of all restrictions of every character.

(June 14, 1918, ch. 101, Sec. 2, 40 Stat. 606.)

Choctaw Tribe; Sale of Lands and Interests Therein; Transfer to Tribal Corporation or Foundation; Per Capita Distribution

Pub. L. 91-386, Sec. 1, Aug. 24, 1970, 84 Stat. 828, repealed Pub. L. 86-192, Secs. 1-12, Aug. 25, 1959, 73 Stat. 420, as amended by Pub. L. 87-609, Secs. 1, 2, Aug. 24, 1962, 76 Stat. 405; Pub. L. 89-107, Aug. 4, 1965, 79 Stat. 432; Pub. L. 90-476, Aug. 11, 1968, 82 Stat. 703, which provided for termination of Federal supervision over affairs of the Choctaw Tribe, including termination of eligibility of individual Choctaw members for certain Federal services and benefits provided Indians because of their status as Indians; authority to establish a trustee, corporation, or other legal entity under State law as a successor in interest to the tribal entity; and authority for Secretary of the Interior to sell land and interest in land owned by the Choctaw Tribe for benefit of the tribe, to convey to the successor entity certain lands and mineral interests of the Choctaw Tribe, and to distribute per capita funds held by the United States for benefit of the Choctaw Tribe.

Section 2 of Pub. L. 91-386 provided that: ``Repeal of the Act of August 25, 1959 [see note above] shall not be construed to abrogate, impair, annul, or otherwise affect any right or interest which may have vested under the provisions of said Act nor shall repeal affect any legal action pending on the date of enactment of this Act [Aug. 24, 1970].''

Extension of Period of Restrictions on Lands

Act Aug. 11, 1955, ch. 786, 69 Stat. 666, extended for the lives of

the Indians who own lands the period of restrictions against alienation, lease, mortgage, or other encumbrance of land; provided for application to Secretary of the Interior for removal of restrictions; authorized the Secretary, without application, to remove restrictions on lands of Indians who are able to manage their own affairs; permitted proceeding in county court where Secretary disapproved or failed to either approve or disapprove the application for removal; granted right of appeal; required Secretary to turn over full ownership and control of any money and property held in trust when an order removing restrictions becomes effective; and, continued existing exemptions from taxation that constitute a vested property right.

Removal of Land Restriction at Death; Approval of Conveyance; Jurisdiction of Oklahoma State Courts; Tax Exemption

Act Aug. 4, 1947, ch. 458, 61 Stat. 731, provided that death removed restrictions on land; clarified the laws relating to the approval of conveyances of restricted lands; defined the jurisdiction of Oklahoma State courts over certain classes of Indian litigation; set out the procedure governing the removal of cases to the Federal courts and authorized appeals from orders of remand; and limited the tax-exempt acreage of restricted Indian lands.

Section 6(e) of act Aug. 4, 1947, was amended by act Aug. 12, 1953, ch. 409, Sec. 2, 67 Stat. 558, by permitting the filing of a list of nontaxable lands that have been sold during the preceding year, instead of cumulative lists showing all restricted lands of the Five Civilized Tribes that are tax exempt.

Validation of Land Titles and Court Judgments

Act July 2, 1945, ch. 223, 59 Stat. 313, validated titles to certain lands conveyed by the Indians of the Five Civilized Tribes on and after April 26, 1931, and prior to July 2, 1945; amended act Jan. 27, 1933, ch. 23, 47 Stat. 777, by limiting restrictions on the alienation of lands or interests in lands acquired by inheritance, devise, or in any other manner where such lands or interests were not restricted against alienation at the time of acquisition, and all conveyances executed after Jan. 27, 1937, and prior to July 2, 1945; and validated State court judgments in Oklahoma and judgments of the United States District Courts of the State of Oklahoma.

Creation of Trusts

Act Jan. 27, 1933, ch. 23, 47 Stat. 777, as amended by act Aug. 4, 1947, ch. 458, Sec. 12, 61 Stat. 734, provided for the creation of trusts by Indians; authorized transfers to trustees; denied release of trust agreement restrictions and alienation of corpus and income; made approved contracts irrevocable; provided remedy for illegally procured trusts by cancellation proceedings; and delegated administration of act to Secretary of the Interior.

Removal of Restrictions From Part of Allotted Lands; Leases; Taxation; Appointment of Local Agents

Act May 27, 1908, ch. 199, 35 Stat. 312, as amended by act Apr. 12, 1926, ch. 115, Sec. 1, 44 Stat. 239, provided in 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.