

JUL -3 1928

The Honorable

The Secretary of the Interior.

My dear Mr. Secretary:

On February 27, 1928, the Department approved Office letter of February 24 to the Superintendent of the Pawnee Indian Agency, returning without action an oil and gas mining lease in favor of H. L. Turner, covering 440 acres of land reserved for Indian agency and school purposes, and authorized the Superintendent to advertise the land for lease at public auction, in accordance with the Act of April 17, 1926 (44 Stat. L. 300).

The Superintendent was advised that if Mr. Turner was the successful bidder, the lease in his favor could be returned for further action. Mr. Turner bid in the land and the lease was approved April 5, 1928. It is on the form covering tribal Indian lands and gives as authority for leasing, the Acts of February 28, 1891 (26 Stat. L. 795) as amended by the Act of May 29, 1924 (43 Stat. 244).

Attention is invited to a letter dated July 2 from Mr. Turner saying that a question has arisen whether the lease complies with the regulations under the Act of April 17, 1926, and whether in its present form it was issued under that act. Mr. Turner is in the city and has requested informally that early attention be given his letter.

The Act of April 17, 1926 authorizes the Secretary of the Interior to lease agency and school reserve lands under such rules and regulations as he may prescribe, in accordance with existing law applicable to other lands in such reservation. No specific regulations have been issued covering the leasing of school and agency reserves and the only instructions issued in this particular case were those contained in Office letter of February 24, which authorized the Superintendent to return the lease already executed in the event Mr. Turner was the highest bidder.



Tribal Indian land is leased on the form used and in the manner prescribed in this case, and that part therefore complies with the Act of April 17, 1926. In order that there may be no question as to the intention of the Department to grant Mr. Turner a lease thereunder, it is recommended that the action of the Department in authorizing the Superintendent to return for further action the lease on the tribal lease form in favor of Mr. Turner be declared as adopting that form for use under the Act of April 17, 1926, the same as if reference thereto was set out in the body of the lease.

Respectfully,

*Charles E. Smith*

Commissioner.

7 EMB 2

Recommendation approved:

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(Signed) John H. Edwards

Assistant Secretary.