

ACTS OF FORTY-FOURTH CONGRESS - FIRST SESSION, 1876.

Chap. 51. An act to authorize the sale of the Pawnee Reservation.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That with the consent and concurrence of the Pawnee tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and he is hereby, authorized to cause to be appraised and sold the entire reservation set apart for said Indians, in the State of Nebraska, by the provisions of the first article of a treaty with them, concluded September twenty-fourth, eighteen hundred and fifty-seven, in the following manner: The said Secretary shall appoint three disinterested and competent persons, who, after being duly sworn to perform said service, faithfully and impartially, shall personally examine and appraise said lands at their actual cash value, by legal subdivisions of one hundred and sixty acres, separately from the value of any improvements on the same, and shall also examine and appraise the value of said improvements on the same, and make return thereof to the Commissioner of Indian Affairs. After the appraisement of said lands as herein provided, the Secretary of the Interior shall be, and he is hereby, authorized to offer the same for sale on the following terms and conditions, to wit: After advertising the time of sale for three months in one newspaper published in each of the cities of New York, Washington, Chicago, Saint Louis, Cincinnati, Columbus, Nebraska, and Omaha, he shall offer the lands at public sale to the highest bidder for one third cash in hand, the balance in two equal annual payments, drawing interest at the rate of six per centum per annum from the day of sale. Said land shall be sold in separate tracts of one hundred and sixty acres, and none of it shall be sold for less than its appraised value, or for less than two dollars and fifty cents per acre. Said sale to take place at some point in Nebraska as near as may be to said land, to be fixed by the Secretary of the Interior. If any person shall commit waste or damage upon said lands before full payment therefor, his rights to the lands purchased by him shall cease, and the same, together with all of said lands not sold at said public sale, shall be sold under the direction of the Secretary of the Interior, at private sale, on the same terms and subject to the same conditions as those sold at said public sale: PROVIDED, That said lands shall not be sold for less than their appraised value, or for less than two dollars and fifty cents per acre. And patents in fee-simple shall be issued to the purchasers of lands under the seals (sales) herein provided for upon the payment to the Secretary of the Interior in full of the purchase price of the same: PROVIDED, That if any of said tracts of land shall contain valuable improvements thereon, made by or for the Indians, or for Government purposes, said improvements may be sold separately from the lands on which they are situated, or may be sold with the land, as the Secretary of the Interior may deem best: AND PROVIDED FURTHER, That the second section of the act of Congress, approved June tenth, eighteen hundred and seventy-two, making provision for the sale of a portion of these lands, be, and the same is hereby, repealed.

Sec. 2. That there be, and hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of three hundred thousand dollars, out of which not more than one hundred and fifty thousand dollars shall be used in defraying expenses already incurred for the subsistence of said Pawnee tribe of Indians, and for their removal to the Indian Territory, and other necessary expenses connected with their establishment and settlement therein: PROVIDED, That the accounts for said expenses heretofore incurred shall not be paid until after they have been examined and approved by the Secretary of the Interior, who is directed to settle said expenses upon principles of equity and justice as between the claimants and the Indians. And the residue of said three hundred thousand dollars after the payment of expenses heretofore incurred shall be applied to defray the expenses of appraisement and sale of the lands referred to in the first section of this act, and to the settlement of said Indians, and to their further subsistence, until they can become self-sustaining, and also in the purchase of agricultural implements and live stock, and in establishing and supporting schools, and for other beneficial



objects including expenditures made for the above mentioned purposes during the fiscal year ending June thirtieth, eighteen hundred and seventy-six; said sums to be available for the purposes hereinbefore specified immediately after the approval of this act: PROVIDED, That the said three hundred thousand dollars herein appropriated shall be reimbursed to the United States out of the funds arising from the sale of the lands described in the first section of this act; AND PROVIDED ALSO, That so much of the residue of the three hundred thousand dollars aforesaid as may be needed for the immediate necessities of the aforesaid Pawnee Indians may be expended in the purchase of supplies therefor in open market.

Sec. 3. That any surplus that may remain from the proceeds of the sale of the lands described in said first section, after the reimbursement to the United States of said sum of three hundred thousand dollars, and after the purchase of a suitable reservation in the Indian Territory for the Pawnee tribe of Indians, shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at a rate not to exceed five per centum per annum, payable semiannually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use for subsistence or other beneficial objects.

Sec. 4. That the following described reservation in Indian Territory be, and the same is hereby, set apart for the use and occupation of the Pawnee tribe of Indians, namely: All that tract of country between the Cimarron and Arkansas Rivers embraced within the limits of townships twenty one, twenty two, twenty three, and twenty four north, of range four east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, twenty three, and twenty-four north, of range five east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three north, of range six east of the Indian meridian; PROVIDED, That the terms of the sixteenth article of the Cherokee treaty of July nineteenth, eighteen hundred and sixty-six, shall be complied with so far as the same may be applicable, thereto; AND PROVIDED, FURTHER, That the sum to be paid to the Cherokees by the Pawnees for such quantity of the land herein described as may be within the limits of the Cherokee country west of the ninety-sixth meridian of west longitude shall not exceed seventy cents per acre; AND PROVIDED ALSO, That the portion of the reservation herein described lying within the territory ceded to the United States by the third article of the Creek treaty of June fourteenth, eighteen hundred and sixty-six, shall be paid for by said Pawnees at the rate of thirty cents per acre.

Sec. 5. That the Secretary of the Interior shall cause to be made to each head of a family or single person over twenty-one years of age belonging to said Pawnee tribe, and residing upon said reserve, who shall so elect, an allotment within said reservation, of one hundred and sixty acres of land, as near as may be, to be governed by the lines of public survey; and upon the approval of the Secretary of the Interior of such allotments, certificates shall be issued therefor by the Commissioner of Indian Affairs; PROVIDED, That whenever it shall be made to appear to the satisfaction of the Secretary of the Interior that any allottee has occupied and cultivated any portion of his or her allotment for the period of five successive years, and has at least twenty-five acres of the same fenced and in crop, such allottee shall be entitled to receive a patent for his or her allotment, with the condition that the same shall not be aliened or conveyed within fifteen years from the date thereof, and then only with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe.

Approved, April 10, 1876.