

January 24, 1921.

Land-Sales.

2841-21.

W M W

Stacy Matlock

James R. Murie

Harry Cummings

Henry E. Roberts

Pawnee Indian Delegation

Pawnee, Oklahoma.

Careful consideration has been given to various tribal matters submitted by you in the oral hearing of Jan. 11, 1921 and the following answers are made thereto for your information and also that your people may be fully advised.

1. Delegation expenses.

With respect to your request to be allowed payment from the \$30,000 tribal annuity fund for delegation expenses amounting to about \$900.00, you are advised that, before such payment could be authorized it would be necessary to secure the consent of the tribe thereto. It would also be necessary to obtain the approval of the Secretary of the Interior and of the President of the United States. The consent of the tribe should be obtained in a regularly called council meeting by the Superintendent of the Pawnee School.

In this connection, attention is invited to the fact that your delegation came to Washington without first obtaining the consent or approval of this office. Further, Indian office circular No. 1480 dated October 9, 1918 provided that the unauthorized delegates visiting this city must pay their own expenses. As you may not be aware, a recent order requires that no expenses or compensation be paid to any persons out of tribal funds unless in advance of incurring such expenses, this office authorize the delegation's visit.

In view of the foregoing the office cannot assure you that your expenses will be paid; but if the consent of the tribe is obtained as indicated the matter will be given careful consideration.

2. Pawnee Agency Reservation.

Relative to your request to be advised, following the decision of Dec. 6, 1920 of the Court of Claims (No. 17,324, Congressional) that the title to the Pawnee Agency Lands is in the said tribe- that such tracts including the school lands belong exclusively to your people, you are advised and informed as follows:

The said decision of the Court of Claims (Senate Document No. 311 66th Congress, Third Session) contains the following with reference to the title of the tracts of land mentioned:

Paragraph 5, Item (e) and (f) were,--

"(e) Claim for \$36,000 as the value of the Pawnee School farm and Agency buildings on the reservation of the tribe in Nebraska, reserved from sale when the said reservation was sold. The facts as to this item are set out in finding VI.

"(f) Claim for \$315,781.49 for surplus lands of the reservation in Oklahoma after allotment in severalty, ceded to the United States by the Jerome agreement and interest at 5 per centum to July 1, 1920. The facts as to this item are set out in finding VII."

Finding VI. as to facts, contain the following:

2. Pawnees.

"There was a tract of land with the improvements on it which contained 160 acres and formed part of the reservation of the plaintiff Indians. The United States by Act of Congress "22 Stat. 68,85) without the consent of the tribe of indians reserved this 160 acre tract from sale. It used the land and buildings for the purpose of education of the indians of other tribes, chiefly Sioux, Arapahoes and Winnebagoes with whom the Pawnees were in hostility. Since the removal of the Pawnees from Nebraska in 1876 no Pawnee has ever been educated in this school. The appraised value of this 160 acres was \$6. per acre and by act of Congress approved March 3, 1883 (27 Stat. 612-620) \$960. was appropriated to reimburse the plaintiff tribe for this appraised value of the 160 acre tract.

In lieu of the school farm and buildings in their former reservations in Nebraska the Government established on their Oklahoma reservation a school farm of about 670 acres and up to 1893, had built a school plant consisting of ten buildings, costing in the aggregate sum of \$20,975. In 1916 the school plant consisted of 39 buildings valued at \$46,673.28; a water plant valued at \$3,500., furniture and fixtures valued at \$3,100, equipment for industrial education valued at \$2,350. and school lands (640 acres) valued \$32,000, a grand total valuation of \$87,623.28.

Finding VII (page 9 of Senate Document) contains the following: "Under the above act \$80,000 was paid to said indians and distributed in coin to the individual members of the tribe and allotments were made to each member, aggregating 111,931.61 acres, leaving 171,088.37 acres of surplus lands, of which 755 acres were reserved for school land agency purposes and continues as tribal property and the balance--170,333.37 acres was disposed of by the United States. 142,826.99 acres were patented to homesteaders under the free-homestead act and 6,729.80 acres were paid for at \$2.50 per acre by settlers and the residue granted to the State of Okla. as school lands. The amount agreed to be paid to the tribe by the Jerome Commission for the surplus lands--170,333.37 acres at \$1.25 per acre was \$212,916.71 which less \$80,000 heretofore paid would leave \$132,916.71, the interest of which from Mar. 3, 1893 to September 3, 1920 at 5 per cent per annum would amount to \$6,645.84 annually or a total interest for 27 years 6 months of \$182,760.⁶⁶ Neither this principal sum nor any of this interest has been paid.

Our tract books show reserves for Government school and agency as follows: Fee patent #753183 June 3, 1920 to Woman's Home Missionary Society of the Southern Baptist Convention

25.54 acres

160 acres NE 32-22-5 school

80 acres NE NW, SE NW 32-22-5 Agency

40 acres NE SE 32-22-5 Govt. school

30 acres E $\frac{1}{2}$ NW- SE, NW NW SE 32-22-5 Govt. school

10 acres SW NW SE 32-22-5 Agency.

40 acres SE SE 32-22-5 Govt. school

40 acres SW SE 32-22-5 Govt. school

40 acres NE SW 32-22-5 Agency

40 acres SE SW 32-22-5 Govt. school

160 acres NW 33-22-5 Govt. school

160 acres SW 33-22-5 Govt. school

800.54 A.

title In view of the finding of the court of Claims as set out Supra- it is clear that the title to the school and agency lands was and is the property of the Pawnee tribe.

With respect to your tribe being allowed to lease these tracts for oil and gas purposes, you are advised that such of these lands as are now occupied and actually needed for agency and school purposes will of course be held by the government for such use for the benefit of your people; and the question of such of these lands as might be spared for tribal leasing

3. Pawnee.

would have to be taken up with your Superintendent and given careful consideration when his report with respect thereto should be received. A few copies of the rules and regulations promulgated by this Department governing the leasing of tribal lands for the purposes mentioned are inclosed for your information.

fair grounds.
✓3. A 40 acre tract conveyed by an act of Congress to the town of Pawnee. In answer to your inquiry concerning the above matter you are advised that the act of Mar. 1, 1907 (34 Stat. 1015-1044) provided: "That there is hereby granted to the town of Pawnee in Pawnee county, Oklahoma Territory, for park educational and other public purposes all of that part of Section 32 in Township 22 North, Range 5 East, Indian Meridian, in said county, described as follows, to-wit: Commencing at the NW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 32, township 22 North, Range 5 East, Indian Meridian in said county; thence running due east on the north line of said section 32, forty four one hundredths chain more or less and the said lands hereby granted being a portion of the Pawnee Indian Reservation set apart for agency and school purposes at the Pawnee agency in said county under act of Congress approved Feb. 28, 1891 and in accordance with the instruction from the Acting Commissioner of Indian Affairs dated Mar. 17, 1891, the said lands are hereby granted to said town of Pawnee being subject to the rights of way of the Eastern Okla. Railway Co. and the Arkansas Valley and Western Railway Co. hereto fore acquired. That the said lands are to be held and used by the said town of Pawnee for park, educational and other public purposes; Provided, that the board of Trustees of said town may authorize the board of education of said town to use the same for the erection and maintenance of school buildings thereon and the necessary grounds for use in connection therewith; Provided, further; that the Pawnee Indian children shall be admitted to any school thus maintained free of charge and on terms of equality with the white pupils in such school; Provided further; that the said city shall pay \$1.25 per acre for said land .

The above land described was partly timbered and contained an area of approximately 88.43 acres. The allotment fund of the office was not considered applicable for surveying the land and such survey was ordered and was executed by a representative of the General Land Office, June 1 to 5, 1907 (See I.O. Plat Book Vol. 43, page 84)

fair grounds.
Patent in fee was issued to the town of Pawnee on payment of \$110.55 for the 88.43 acres on May 21, 1908, (G. L. O. Vol. 775, page 368). A certified copy is now in preparation in the General Land Office. The money was turned into the United States Treasury as proceeds of sale of public lands. Since the Court of Claims has decided that the school and agency lands were and are the property of the Pawnee tribe, steps will be taken to have the money transferred to the credit of the Pawnee Indians.

Should the town authorities have erected on the said tract of land and fail to admit Pawnee Indian children free of charge and on terms of equality with the white pupils, you should promptly report the facts to your Superintendent in order that he may carefully investigate the matter and submit the same to this office for further consideration. A copy of this letter will be sent to the Superintendent in charge of the Pawnee School for his information. In accordance with your request there are inclosed several copies of the excerpts from the regulations of the Indian Office of 1904, citing paragraph 326 thereof with respect to Indians holding rights in two or more tribes.

Your friend,
(Signed) E. B. Meritt
Assistant Commissioner

Hearing held in Indian Office Jan. 11, 1921 with the Pawnee Indian Delegation by the Acting Assistant Commissioner of Indian Affairs. (Office of Indian Affairs Received Jan. 12, 1921, --2841)

Hearing with Pawnee, Oklahoma, Delegation, consisting of Stacy Matlock, Chairman, James R. Murie, Harry Cummings and Henry E. Roberts, Secretary.

After submitting proper credentials, showing their appointment by the chiefs and the head men of the tribe such letter of credentials being dated Jan. 3, 1921, the delegation submitted for the information and such action of the Indian Office the following tribal matters.

1. The delegation expenses, ---about \$900.00.

We wish to ask that our expenses while here on tribal business in connection with obtaining the passage of a bill now pending in Congress H. R. 15, 156, entitled "To pay to the Pawnee tribe of Indians of Oklahoma, the sum of (\$315,777.03) found to be due by the Court of Claims" - be paid to us as soon as possible out of our tribal annuity fund, we receiving the sum of \$30,000 per annum in semi-annual payments. We especially ask that this amount be authorized from the said fund for the reason that we have given three personal notes of \$330. each and have obtained the money from banks in Pawnee upon which we are paying 10% interest. We have particular reference in making this request to the payment that is usually made in Mar. and would if possible, ask that the money be paid to us at that time.

Messrs. Kappler & Merillat our Attorneys under a former contract duly executed with your Department have had their fees, as we are advised, paid out of this money up to the present time, and by referring thereto you could ascertain what amount has been disbursed and the funds therefor.

2. Pawnee Agency Reserve.

In the decision of the Court of Claims, No. 17,324, Congressional (decided December 6, 1920) the Pawnee tribe of Indians vs. the United State the court held that the title to the Pawnee agency lands, including the school tracts and school buildings and other improvements was in our tribe and belonged to our people and not to the government. This tract embraces 755 acres and we ask that the Department advise us that this belongs exclusively to our tribe, as we wish to lease the same as other tribal lands are leased for oil and gas purposes. We also ask whether there are any regulations promulgated by the Department to cover such leases, and that we be furnished a number of copies of such regulations for our information.

3. A forty acre tract conveyed some years ago by an act of Congress, to the town of Pawnee. We wish to call your attention on behalf of the tribe to a conveyance of part of the agency tract about 1905 to the town of Pawnee for educational and public park purposes, and to state that this conveyance which was made upon the condition that the town should erect a school building and allow the Indian children free school facilities. The town has failed to comply with this requirement and also has not continued to use the land for park purposes. Though the town did for awhile exercise the proper care over this tract, they have of recent years failed to do so

Fences have been allowed to rot down and the park is not kept up as it should be. We wish also to know by what deed or instrument or just how this land was conveyed to the town of Pawnee, and to be furnished with a photostatic copy of such conveyance if there was any. We have been told that this forty acres of our land was obtained by the town of Pawnee thru an act of Congress and that the town authorities paid but \$1.25 per acre whereas the land was of much greater value. The tribe as we are advised, has never been paid the \$1.25 and we want to know where the proceeds from the sale are and why it was not paid to us.

Four grounds