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85th Congress
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INDIAN LAND TRANSACTIONS

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MEMORANDUM

OF THE

CHAIRMAN

TO THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

AN ANALYSIS OF THE PROBLEMS AND EFFECTS OF OUR DIMINISHING INDIAN LAND BASE, 1948–57

48

DECEMBER 1, 1958

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A STATEMENT BY HON. JAMES E. MURRAY

To the Members of the Senate Committee on Interior and Insular Affairs:

During the past 4 or 5 years there has been grave concern over the increasing alienation of Indian lands from trust status. I was keenly aware of the situation in my own State of Montana and was informed that a similar situation existed in other States. The major apprehension is that decreases in the Indian land base will seriously impair the effective use of Indian tribal and individual trust land in terms of economic land units.

Finding that detailed statistics on the extent of Indian trust land disposals were not available in Washington, I arranged for the formulation of a questionnaire which would provide the committee with the necessary data for more adequate study. On April 17, 1958, the questionnaire was sent to 52 agency offices and the tribal organizations of those agencies.

On May 13, 1958, I requested the Secretary of the Interior to declare a moratorium on Indian trust land sales until such time as this committee might complete its investigation of the situation and initiate recommendations for legislation or other measures. On May 28, 1958, Acting Secretary of the Interior Hatfield Chilson informed me that the requested moratorium would be in effect for the balance of the congressional session. The moratorium would not apply to the Klamath Reservation of Oregon because the trust status of all allotted lands would terminate there on August 13, 1958, and the termination law specifically provides for departmental assistance to these Indians in the sale of their heirship lands.

The preliminary committee study elicited some of the most detailed statistical data that has been collected in recent years concerning Indian trust land. Tribal trust land increased by 1,213,307.41 acres during the 10 years studied (1948–57), while individual trust land decreased by 3,307,217.38 acres, resulting in a net loss of 2,093,909.97 acres of trust land to our Indian population. The greatest losses took place within the Billings and Aberdeen areas with Billings alone accounting for a loss of over 1 million acres of individual Indian trust land.

The study did not stop at this point but showed the various means by which the land was removed from trust status. Total acreage removed from individual trust (3,307,217.38) included lands that were sold to the tribes and presumably remained in trust status, thus not representing a direct loss to our Indian population. The prime objective of this study concerned the individual acreage removed from *all* trust status, so the statistics were refined to include only "sales to fee" and "fee patent," indicating complete removal from trust. Lands in these categories are individually owned trust lands. Under "sales to fee" the land is sold directly from trust status with the fee patent issued to the buyer. On the other hand, lands categorized as "fee

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patent" are those for which the Indian owner was issued a fee patent. In both cases the Bureau of Indian Affairs' responsibility ceases with issuance of the patent. During the 10-year period studied (1948–57), 2,595,413.66 acres of individual trust land were completely removed from all trust status. After subtracting the land acreage in the category of "takings for public purposes," the figure emerges as 2,174,517.85 acres removed from individual trust status through actions or approvals of the Bureau of Indian Affairs. Therefore, at the outset the questionnaire verified two major points: (1) An alarming acreage of individual Indian trust land has been removed from that category during the 10-year period and (2) "takings for public purposes" and "sales to tribes" were *not* the major areas of removal. After dividing the period under study into two 5-year segments I found that while 804,763.84 acres were removed from 1948 to 1952, inclusive, the period from 1953 to 1957 alone shows 1,790,649.82 acres were removed. This shows that my concern at the outset of this study was well founded—individual Indian trust land alienation is climbing at a potentially disastrous rate. The statistics by year for Indian trust land removed from that status are as follows:

1948	99,121.36	1952	157,919.89	1956	235,627.72
1949	152,175.11	1953	302,650.44	1957	287,815.36
1950	100,546.84	1954	575,778.41		
1951	295,000.64	1955	388,777.89		

The magnitude of these removals raises a question as to whether the Indian Bureau has exercised its authority wisely in granting so many applications for sales and patents. Has the Bureau fully considered the possible adverse effects on both the tribe and individuals in each case? I feel this question can only be satisfactorily answered by further investigation of the committee.

One of the important aspects of the Indian land problem concerns "key tracts" generally considered Indian trust lands, which, if sold, would reduce the value and use of surrounding Indian trust land. In view of the fact that sale of key tracts has a direct and important bearing on the entire Indian land problem, the inadequacy of the Bureau returns were quite discouraging. Major problems encountered on this point were: (1) Lack of clarity in the Bureau returns, (2) varied understanding as to the meaning of the term "key tract" by Bureau officials, (3) lack of sufficient returns from the tribes, and (4) confusion over the responsibilities of Bureau versus tribal personnel. Answers to various questions on the subject such as "* * * since 1953 there were not very many," are impossible of interpretation. However, as stated in the Library of Congress analysis "* * * a much clearer picture is needed of the problem and methods of ascertaining accurate data from which a more conclusive analysis can be made." I suggest the committee use this information as the basis for future consideration of the problem.

Another aspect concerning the general land problems of our Indians concerns those Federal lands acquired since 1930 for the use and benefit of our Indian population. As you know, part of our questionnaire was intended to develop not only the total acreage of such lands still in Federal ownership but how much is actually being used for the benefit of Indians at this time. There are 529,991.17 acres of such land now set aside for the Indians, and of this acreage 389,-

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640.80 acres are currently being used by our Indian population, leaving a balance of 140,350.37 acres not being used expressly for the Indians' benefit.

I would like to call the committee's attention to the very evident interest on the part of some Indian tribes in the subject of disposal from trust status of individual Indian lands. A fairly large segment of tribes have real-estate committees which are either vested with authority to approve tribal real-estate transactions or to advise the tribal councils in this connection. Some tribes have their own real-estate employees while others pay the salaries of agency employees who handle these matters. A number of tribes have employed real-estate specialists as advisers and consultants, and some have developed tribal land enterprises and formulated land programs.

During the course of this study, the source of several major problems concerning Indian land problems became quite obvious, and possible solutions presented themselves. I am therefore submitting for the committee's consideration various suggestions concerning the Bureau of Indian Affairs, tribal councils, and the committee itself.

BUREAU OF INDIAN AFFAIRS

Under the heading of a press release by the Bureau of Indian Affairs entitled "Emmons Issues Policy Statement on Sale of Individually Owned Indian Lands" (May 15, 1958), it is stated that "during the past 4 years the Department and Bureau have been giving a great deal of intensive study to this problem." The returns to this committee's questionnaire indicate that very few studies have been or are being made at the agency level. The studies referred to in the press release must then be in process here in Washington and the committee would undoubtedly be interested in a progress report. This also raises the question as to whether the committee might recommend that studies be made at the agency level. Such a procedure would enable the Bureau of Indian Affairs to utilize personnel familiar with the problem and stationed at the scene, who can obviously produce more substantial data from which a more adequate policy can emanate.

Applications for sale to fee status or patents in fee filed by individual Indians are a source of concern not only to the various tribes but to fellow Indians owning nearby trust land. It is at this stage that our problems of tribal land acquisition programs and key tracts enter the picture. It is at this point also that the effectiveness of Bureau operation is most felt, since its decision is so all-important to other Indian owners of trust land. Returns to our questionnaire show that the Bureau field officials do not follow the uniform procedures in passing on an application for sale or fee patent. In some cases a fairly detailed study is made while in others the application is simply brought to the attention of the tribe. This is not in keeping with the position of the Federal Government, and the Bureau of Indian Affairs in particular, as guardians and caretakers of Indian trust land. Primary responsibility for decisions in this area resides with the Bureau of Indian Affairs, and while the tribes should certainly be made aware of all such action, they should also have the benefit of advice and competent studies of the Bureau's professional staff. The committee might consider recommendations to the Commissioner of Indian Af-

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fairs concerning more specific instruction and regulations for the guidance of field officials. Such regulations would help to bring about a more adequate assumption of their guardianship responsibilities by Bureau field officials, and would undoubtedly be of assistance to the tribes.

While the Bureau's stated policy has been to study the "key tract" problem, our material indicates a very confused situation among Bureau field officials who seem to have varying interpretations of what is meant by the term. It is my thought that the committee consider suggesting to the Commissioner of Indian Affairs that a much more specific definition of the term is needed for the guidance of field officials. Such definition might take into consideration tracts that may be "key" to: (1) Tribal land acquisition programs, (2) surrounding tribal trust land, and (3) adjacent individual Indian trust land. It would seem appropriate that such a definition would be formulated with the most beneficial utilization of surrounding tribal and individual Indian trust land in mind.

I might bring it to the committee's attention that the study shows Bureau field officials and employees are diligently striving to assist the Indians but are operating under somewhat of a handicap for lack of more specific direction from both the area and central offices. While I understand that regulations cannot be so stringent as to leave the field official entirely without necessary flexibility, nevertheless they should not be so vague that various agencies are operating by entirely different methods and standards. Perhaps the committee should consider recommendations to the Commissioner which would lead to more specific regulations concerning Indian land sales activities of the Bureau. Such a coordination of Bureau activities would undoubtedly assist in creating a closer cooperation between tribal and Bureau officials at the agency level.

TRIBAL COUNCILS

While I found that some tribes had organized land acquisition programs and active real-estate committees, many others had not. The committee might consider the possibility of recommending that tribal councils organize such activities and also make a study of individual trust lands in their area. These actions could serve several purposes: (1) The Congress would have adequate up-to-date information concerning tribal land problems and planning, (2) the Bureau of Indian Affairs would have a guide indicating the objectives of the tribe in rounding out their land base, (3) the tribe and the Bureau would profit by agreeing on "key tracts" *before* individuals apply for fee patents or sales to fee status, (4) a closer cooperation and understanding of each others problems would result between tribal and Bureau officials. It is hoped that should the committee make such a recommendation the Bureau of Indian Affairs will assist the various tribes in their planning and also cooperate with them in all future transactions.

COMMITTEE

I strongly recommend that the committee continue this valuable study and develop more fully the problem areas that have been brought to light. Specific areas that might be pursued further are: (1) Fed-

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eral lands acquired for Indian use and not being so used at this time; (2) methods of halting any further lands from going into "heirship status," perhaps through some program of tribal acquisition; (3) procedures of Bureau approval of fee patents and sales to fee status as they are now being applied and the participation of the tribes in such determination; (4) tribal land-acquisition programs and their problems; (5) possibility of turning over Federal lands acquired for Indian use to the tribes; and (6) the feasibility of legislative action designed to financially assist tribes in the purchase of individual Indian trust land.

I believe that the moratorium has had a salutary effect in causing officials of the Indian Bureau, Members of Congress, and the general public to pause to consider the ultimate consequences of the present land-sale policies.

I wish to thank the many Indian Bureau field officials and Indian tribal officials for their diligent work in preparing the answers to the questionnaires, although I am disappointed that more tribal groups did not respond to the questionnaire. I am particularly grateful to Dr. William H. Gilbert and Stephen A. Langone, of the Legislative Reference Service, for their painstaking analysis of the questionnaires, and to Dr. Ernest Griffith, former Director of Legislative Reference, Library of Congress, and his successor, Dr. Hugh L. Elsbree, who arranged for these two Indian Affairs specialists to analyze the material during this busy season.

JAMES E. MURRAY, *Chairman.*

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INDIAN LAND TRANSACTIONS

SENATOR MURRAY'S REQUEST FOR MORATORIUM ON THE SALE OF INDIAN LANDS

[Excerpts from the Congressional Record of May 13, 1958, pp. 7636–7639 and A4796 and A4797]

REQUEST FOR MORATORIUM ON SALE OF INDIAN LANDS

Mr. MURRAY. Mr. President, as chairman of the Senate Committee on Interior and Insular Affairs, I have today asked the Secretary of the Interior to declare a moratorium on the sale of Indian lands. I have asked that this moratorium continue until my committee has reviewed and commented on reports concerning Indian land sales which we are obtaining from Indian tribal officials and various Indian Bureau field offices throughout the country.

I know that other Senators share my concern over the alienation of Indian land. My distinguished colleague from Montana [Mr. Mansfield], as well as our colleagues in the House, Representatives Metcalf and Anderson, have tried without too much success to stem the tide in our State.

The distinguished senior Senator from Illinois [Mr. Douglas] is one of the most effective champions of Indian rights who has ever served in Congress. We in the Senate are particularly fortunate to have as the chairman of the Indian Affairs Subcommittee the distinguished junior Senator from Oregon [Mr. Neuberger]. He is an informed and articulate student of Indian affairs. Furthermore, he has devoted a great deal of time and effort toward bettering the conditions of the Indians, of which his yeoman service regarding the Klamath bill is but the most recent example.

I know that other Senators are just as concerned as I am over the fact that thousands of Indians have been forced by poverty to sell their landholdings, which all too frequently constitute their only source of income.

Their words are more eloquent than mine. Here is what one of them, a man on the Crow Reservation whom I have known personally for many years, wrote me about a month ago:

> Due to the fact that there is no jobs here on the Crow Reservation, except a very few that have jobs at the agency office, some of us have no money coming in so we are having a hard time. I am one of them. I am an old man, and as you know that very seldom an old man can get a job, so he could get by. I have been compelled to put up as security all of my beaded buckskin outfit, war bonnet and my saddle and bridle in order to get something to eat.
>
> I don't know how I am going to get more money for my living expenses. So I thought it possible the quickest way is to try and get a fee patent on some of my inherited land. If I ask to put some of my land in the supervised land sale it would take too long to wait.

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Mr. President, Mr. Iliff McKay, the secretary of the Blackfeet Tribal Council, recently made this prediction to me:

If the present practice of holding supervised sales of Indian land is continued, and land is alienated from Indian ownership at its present rate, then in a matter of 5 short years not enough land will remain under supervision of the Bureau of Indian Affairs to organize economical grazing units for even the Indian-owned livestock on the reservation.

In his letter to me dated April 29, 1958, Mr. McKay summarizes the concern of the Blackfeet Tribal Council in these words:

1. Land: The tribal council feels this problem is of greatest importance, particularly the insistence of the Indian Bureau that individuals be allowed to sell their land at public sales supervised by the Bureau. This policy clearly demonstrates lack of foresight and planning on the part of those responsible for it.

In carrying out this policy, no consideration is given to the long-term development of the individual, the tribe, or the community. The only benefit, if there is one, is an immediate access to money for the individual. This policy contributes nothing to the long-term building or development of the individual's character, earning power, or financial ability. Records which we hope to make available soon will show that in most cases these people are allowed to dispose of their land and dissipate the proceeds from this disposition in a short time. Then, as the land is mostly sold to non-Indians, the individual becomes dependent upon the economy of the tribe for assistance; even though this economy is made more difficult to build and stabilize because of the alienation of the land upon which it is based. One practical solution to this problem, aside from an abandonment of this policy on the part of the Bureau, would be the making of long-term loans by the Government, similar to loans from the Federal land bank made to non-Indians, to either the tribe or to individual Indians for the purchase of land offered for sale in this manner.

Members of the Northern Cheyenne Tribe in Montana also suffer from administration land policy. During 1957 a supervised sale of land was held on their reservation. The tribe wished to bid on some of the land which Indian allottees, desperate for cash, had put up for sale. The Northern Cheyennes had sold cattle, and planned to invest the proceeds in the land, so they could hold together at least a part of their reservation. But the Indian Bureau, busy for months auditing the proceeds from the cattle sale, refused to delay the sale until this money was made available to the tribe. Secondly, the Indian Bureau sold at least one key tract, the loss of which jeopardizes the grazing economy of the entire tribe. And as a final blow the Indian Bureau refused to permit the tribe the opportunity it requested to meet the price of the highest bidder.

On yet another Montana reservation, the Fort Peck, some 80,000 acres of Indian land was sold in 1957. In less than 50 years, two-thirds of the individually owned land has been disposed of.

Mr. President, I have explained events on 4 of Montana's 7 reservations. But the matters of which I speak are not isolated instances occurring only in Montana. Similar situations exist throughout the country, as many Senators well know. Only last month the Board of

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Directors of the Association on American Indian Affairs concluded that there is hope for an Indian future only where a stable land base exists.

The board of directors adopted a policy calling for a 1-year moratorium by the Federal Government on all Indian land sales to nonmembers of the tribes.

Furthermore, the National Congress of American Indians, which is composed entirely of Indians, indicated the concern or despair of Indians throughout the country by passing the following resolution at its 14th annual convention in Claremore, Okla., last fall:

RESOLUTION NO. 19—LAND

Whereas Indian lands are rapidly diminishing as a result of sales of trust allotted tracts of land; and

Whereas legislative bills have been introduced in Congress, which favor both rehabilitation programs for the American Indians and immediate termination of Federal control over Indian land and the Indian people; and

Whereas the mere sale of Indian land will not solve the problems of the Indian people nor the problems brought about by Federal administration of the Indian's problems and affairs; and

Whereas the Bureau of Indian Affairs has curtailed the use of Federal funds which may be used for the purpose of revolving credit loans to tribal members: Now, therefore, be it

Resolved by the National Congress of American Indians in convention assembled in Claremore, Okla., October 28 to November 1, 1957, That the Secretary of the Interior and/or the Commissioner of Indian Affairs declare a moratorium in the alienation of trust lands to non-Indians, for a sufficient period of time to give the American Indian tribes opportunity to plan a program of full utilization of Indian land through purchase and rehabilitation programs.

Mr. President, on April 17, 1958, as chairman of the Senate Committee on Interior and Insular Affairs, I sent detailed questionnaires concerning Indian lands to Indian tribal officials and various Indian Bureau field officers throughout the country. I expressed the hope that the replies be returned to the committee by June 15, 1958. I believe that the replies will be most illuminating and most helpful to Congress in dealing with the problem of alienation of Indian land. They will, of course, be particularly helpful to the Senate Interior and Insular Affairs Committee and its Subcommittee on Indian Affairs.

Mr. President, about a year ago the Bureau of Indian Affairs put out a press release headlined "Over 1 Million Acres Added to Indian Tribal Landholdings in Last 3 Years." Actually 1,023,696 of those acres were turned over to the Indians by Congress or purchased by the Indians themselves. Only 653 of the 1,024,349 acres involved were turned over to the Indian tribes by the administration.

During this same period, according to Indian Bureau figures, 1,342,626 acres passed out of Indian ownership. Thus the Indians' net loss was 318,479 acres.

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How much land has passed from Indian ownership since then? The Indian Bureau has not come up with the answer to that. We hope, through the questionnaires sent out to tribal and Bureau officials, to obtain up-to-date answers to this important question. However, as I pointed out earlier, on but one reservation in my State, the Fort Peck, more than 80,000 acres were sold last year.

Mr. President, there are many ramifications to the Indian problem. But I submit that this matter of Indian land sale demands immediate attention and policy review. That is why I requested the moratorium.

Mr. President, I ask unanimous consent to have printed in the Record, immediately following these remarks, my letter of April 17, 1958, and the questionnaires referred to.

There being no objection, the letter and questionnaire were ordered to be printed in the Record, as follows:

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
April 17, 1958.

DEAR SIRS: Effective legislation by the Congress concerning Indian lands requires extensive historical and statistical data concerning all local land transactions in recent years. Current legislation must be based on studies of prior legislation and resulting actions in the field. Therefore, a comprehensive 10-year record of all transactions involving the disposition and the acquisition of Indian lands is considered an indispensable necessity in the process of considering currently proposed legislation. In keeping itself informed on this kind of data, the committee has found that a best source for accurate and up-to-date information is in the field offices themselves.

The enclosed questionnaire has been drafted for submission to the various Bureau field officers and the tribal officials of each local jurisdiction, reservation, or agency. It is intended to evoke answers which are at once comprehensive and accurate so that the resulting legislation may be sound and well considered. It will be especially helpful, where estimates must be used, if they are so identified and the basis of estimation clearly stated. In order that the committee needs may be adequately met, please return answers in duplicate and include any accessory materials relating to the subject in hand, such as maps, tables, charts, diagrams, and any other pertinent or seemingly pertinent items. The committee has tried to make these questions as clear as possible. Should there be any question of interpretation, please explain the basis for each answer. The committee would also appreciate an enumeration of all Federal lands on each reservation which have been acquired from private owners since 1930, the extent of acreage involved and number of tracts, the authorities, dates of acquisition, and purposes involved in the purchase of this land and the amount, if any, of current Indian tribal or individual use of this land through leasing or otherwise, and the conditions of such leasing or use.

Figures as to the total number of tribal employees on each reservation and the number, out of this total, who are concerned with land transactions are also desired. This material could be included in a history of tribal land employment during the last 10 years.

In order that staff analysis may be completed within a time commensurate with committee needs, it is desirable that replies be in committee hands by June 15, 1958. Please fill out the enclosed tabular forms which will help make your numerical data more useful to the committee and return your filled-out forms and answers to me, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.

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The committee thanks you for your cooperation, and appreciates your evident desire that the Congress be kept well informed on the condition of Indians and their welfare.

Sincerely yours,

JAMES E. MURRAY, *Chairman.*

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

The purpose of this part of the questionnaire is to obtain information as to the volume of certain transactions involving Indian lands, the number of acres involved in these transactions, and the nature of the transactions. Attached are tables showing the information desired, which are submitted for your use in understanding the question below. It is realized that, due to the manner in which land records are maintained and the methods by which statistical information has been reported, in some instances it will be difficult to obtain accurate replies to the questions presented. If exact statistics are unavailable, please give the number of transactions and the acreage involved for the period July 1, 1947, to June 30, 1957. Please prepare statements to accompany the questionnaire regarding the need for the making of estimates in reply to the questionnaire and a statement as to the adequacy of the records and the reporting methods regarding realty transactions.

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?
2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?
3. How many transactions by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?
4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?
5. Give the numbers of transactions for each year which will be shown in answer to No. 3, above, broken down by the type of transaction.
6. Give the acreages for each year which will be shown in answer to No. 4, above, broken down by the type of transaction.

(Questions 7 to 10 refer only to land not previously under Indian ownership.)

7. How many transactions by which tribal or individual Indian lands were acquired were consummated during each fiscal year since July 1, 1947?
8. How many acres were so acquired during each calendar year since July 1, 1947?
9. Give the numbers of transactions for each year which will be shown in answer to No. 7, above, broken down by the type of transaction.
10. Give the acreages for each year which will be shown in answer to No. 8, above, broken down by the type of transaction.
11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?
12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?
13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

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14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(a) undivided interest owned by the tribe;

(b) undivided interest owned by non-Indians and alien Indians;

(c) undivided interest owned by minors on reservations which are under the Indian Reorganization Act;

(d) difficulty of reaching agreement among all heirs as to use or disposal of land;

(e) what use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

PART II

The purpose of this part of the questionnaire is to determine to what extent key tracts have gone into non-Indian ownership, the extent to which key tracts have been conveyed to other Indians or to the tribe, and the extent to which key tracts which were in fee status have been acquired by individual Indians or tribes. Since July 1, 1953, approximate date of the initiation of the present policy of not subordinating the interests of the individual Indian owner of land to the interests of the tribe or other individual Indians.

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian lands remaining in Indian ownership.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

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PART III

The purpose of this part of the questionnaire is to ascertain to what extent the tribes have assumed responsibility for real-estate activities.

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

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Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents in fee																				
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes																				
Sales to other Indians in trust or restricted status																				
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																					
Sales to fee status																					
Takings for public purposes																					
Other (explain)																					

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																					
Exchanges from individual trust or restricted land																					
Purchases from tribes																					
Purchases of trust or restricted land from other Indians																					
Other (explain)																					

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																					
Purchases of fee lands																					
Other (explain)																					

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Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. MANSFIELD. Mr. President, I wish to associate myself with the remarks of my distinguished senior colleague, who has brought to the attention of the Senate the land situation as it affects Indians not only in Montana—especially the Northern Cheyenne Indian Reservation—but also throughout the United States. I am hopeful the request, which has the full support of the Montana delegation, will be given the attention it deserves by the Bureau of Indian Affairs.

Mr. MURRAY. I thank the able Senator from Montana.

OUR DEBT TO THE AMERICAN INDIAN

(Extension of remarks of Hon. James E. Murray, of Montana, in the Senate of the United States, Tuesday, May 13, 1958)

Mr. MURRAY. Mr. President, I wish to call to the attention of the Senate a very important article which deals with the American Indian. The article is entitled "Our Debt to the American Indian," and appeared in the February 1, 1958, issue of America. It was written by Miss Dana Ann Rush, who for 7 years has been associated with the Marquette League for Catholic Indian Missions.

Miss Rush traces the history of the United States Government's shabby treatment of the Indians. She tells how the land which was rightfully theirs was taken away from them. "The present abysmal poverty of these first Americans stems from man's greed for land," she writes.

In conclusion, she agrees with Msgr. Bernard J. Cullen, director general of the Marquette League, that—

> Every American who has found prosperity in the New World should see to it that the original owners of our rich country receive an equal chance to share America's bounty.

Mr. President, I ask unanimous consent to have the article printed in the Appendix of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

OUR DEBT TO THE AMERICAN INDIAN

(By Dana Ann Rush)

The majority of Americans are not aware that within our borders there is a racial group as poor as any of the impoverished peoples of Asia or Africa. While we have been sending billions of dollars abroad to raise the economic level of destitute foreign nations, the American Indians, living below a decent standard, have a life expectancy of only 36 years, and on some reservations not more than 20 years.

Lack of nutritious food, poor sanitary conditions, and inadequate medical care are the causes of their high mortality rate. Glen L. Emmons, shortly after his appointment in 1953 as Commissioner of the Bureau of Indian Affairs, stated that medical service for the Indians was 50 years behind that for non-Indian Americans. Dr. John R. Shaw, chief of the Bureau's Health Branch, reported in 1954 that there were 3,000 seeding cases of tuberculosis on the Navaho Reservation that were not hospitalized.

As late as 1954, more than one-half of the school-age Navahos were unable to enter school because the Government had failed to provide schools and teachers for them—had not, in a word, lived up to the treaty of 1868 which the Navahos had signed with the United States and which promised adequate school facilities.

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DOMESTIC POINT 4

Through a number of emergency programs—trailer schools and the transfer of children to boarding schools in adjacent States—the school shortage has been remedied. In fact, this particular reservation is an example of what can be done for destitute Indian reservations through a domestic point-4 program. In 1950, the Navaho-Hopi rehabilitation program was adopted, and Congress appropriated around $88 million to be spent within 10 years. In 1957, its seventh year, the reservations not only have more schools, but some of their arid acres are under irrigation and a few paved highways making traveling easier.

Organizations working for the welfare of the Indians—the Marquette League for Catholic Indian Missions, the Association on American Indian Affairs, and the National Congress of American Indians—advocate the enactment of an Indian point-4 program and oppose the relocation of Indians to industrial centers.

The poverty that prevails among the Indians is not, as many believe, the result of shiftlessness. Their sufferings come from the indifference of the American public, from a century of Government mismanagement of Indian affairs, and from the fact that in exchange for 2.5 million square miles of the best land within our borders, the Indians were given most unprofitable land, land the white man did not want because he could not make it yield him a living.

Moreover, the red man was left no other resources for earning a living than this submarginal land. There are no industrial plants in his country, no jobs from various occupations found in towns and cities, because it takes a prosperous countryside to establish a prosperous town.

In contrast with these unhappy conditions are the high principles expressed in the United States Indian policy. Our country is the only one in world history credited with attempting to deal justly with conquered aborigines. Shortly after we became a nation, Chief Justice John Marshall ruled that the Indians, because of centuries of prior occupation, had a natural right to their land. Thereafter land was bought from them with the same formality as from a foreign nation. Most of the 400 treaties between the Indians and the United States that are found in the archives of Washington concern real-estate deals.

The present abysmal poverty of these First Americans stems from man's greed for land. From the days of Davy Crockett, Daniel Boone and other pioneer frontiersmen, the Indians' natural rights to their homelands were violated. And despite the fact that we have possession of all the land that once belonged to the Indians, with the exception of a few dusty acres, legislation passed in 1953 and bills that will come before the 85th Congress when it convenes in January raise new threats. These laws and proposed laws are labeled by Joseph R. Garry, the Coeur d'Alene Indian who heads the National Congress of American Indians, as "further designs to reduce the Indian land holdings."

A review of Indian land history may answer the question: "What do we owe the American Indians?"

The American colonists based their rights to the land on rules created by Anglo-Saxon jurisprudence. That is, title to the land rested originally with the sovereign, who made grants to his lords, and they in turn had power to make further grants. Though the colonists bought land from the Indians, they did so only in order to avoid hostilities.

Chief Justice Marshall was free to invoke the Anglo-Saxon land theory, but he refused. Instead he recognized the Indians' aboriginal rights. The late Felix S. Cohen, author of many learned articles on Indians, traced the concept of this ruling back to a professor in a Spanish university in the days of the conquistadors. In 1537, Pope Paul III in a bull defined the concept when he declared that "the said Indians and all other peoples who may be discovered by Christians are by no means to be deprived of their liberty or the possession of their property."

By 1840, the Indians had ceded almost all their territory east of the Mississippi. Many treaties were made under duress and the land bought at unfair prices. In some cases the Indians were disarmed and forced to march to a new reservation.

"The chief task of the Government's Indian agent for the first 50 years of our national existence," says a recent Government pamphlet, "was to secure Indian land for the white settlers." These land-hungry Americans pushed the frontier farther and farther west, regardless of whether it was into land that we had guaranteed to the Indians in a solemn treaty for "so long as the sun set in the west."

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In those covered-wagon days, the white settler took the land they wanted, and defended with the shotgun their right to keep it. "The only good Indian is a dead one," expressed their sentiment. When a United States marshal arrived on the scene, more often than not he was persuaded to settle the dispute by removing the Indians to another area. Each move meant the surrender of large tracts of Indian land, which was either opened for homesteading or given by Congress to the railroad companies or to the new States which were being established.

The Osage Indians, subjects of the Americans' favorite Cinderella story, were moved 10 times between 1808 and 1870, each time to a less desirable location. They were the last of 20 tribes to be settled in the Indian Territory (now Oklahoma), and consequently received what was considered the "ash heap" of the region. They were miserably poor on their sandy acres—until oil was discovered there. At the peak of the oil boom (1925), each Osage received $13,200 annually for his share in the communally owned property.

GOVERNMENT AND THE INDIANS

In 1871 Congress asserted its right to deal directly with the Indians. Contracts, not treaties, became the term applied to those pieces of parchment bearing the seal of the United States which we had treated with no more respect than if they had been "scraps of paper."

But our national conscience again asserted itself. To protect the Indian, who was not considered competent to operate in the white man's economy, his land was put under the trusteeship of the Federal Government. Indian land, of course, had been tax free during the era when the tribes were regarded as foreign nations. It remained tax free under the Government's trusteeship.

But by 1887 the white settlers again became restless—they wanted more land. The General Allotment Act of 1887 abrogated trust protection. Individual Indians, judged competent to handle their own affairs, were granted fee patents of their tribal holdings. During the time the law was in force, the Indians lost 88 million acres of their best land.

ON THE WARPATH

In 1934 the Indian Reorganization Act terminated the General Allotment Act and, it was believed, postponed indefinitely the removal of trust protection over Indian reservations. But in August 1953, House Concurrent Resolution 108 enunciated a proposal not only to terminate the trusteeship, but for Federal withdrawal of Indian affairs in general. It was followed by bills proposing termination of the trustee status of some 10 tribes in a dozen different States.

The Indians and their friends went on the warpath. President Garry of the National Congress of American Indians called the measures the gravest threat in many years against his people. Termination meant the end of freedom from land taxation, an exemption which the Indians considered as compensation for the many thousands of acres taken from them in the different land exchanges. Moreover, since most of the reservations are made up of submarginal land, they feared that much of their remaining land would be lost should they be unable to carry the burden of taxes.

Six Indian reservations were "terminated" before the Indians and their friends were able to rally sentiment to their side. So far, however, House Concurrent Resolution 108 has never been rescinded, though champions of justice have pronounced it "a compromise of legal and moral issues, as well as unwise, from the economic point of view."

It is up to our generation, according to LeVerne Madigan, executive secretary of the Association on American Indian Affairs, to decide whether the Indian peoples of the Great Plains—the Sioux, Winnebagos, Omahas, and other tribes of the Dakotas and Nebraska—shall survive with self-esteem in communities simultaneously Indian and American, or whether they shall survive as landless individuals, migrating desolately from camp to camp. "The forces allied to cause or condone the breakdown of these Indian reservations," declares Mrs. Madigan, "are organized stock growers of the Dakotas and Nebraska—powerful in State and Federal politics, and who covet Indian lands."

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The American press forced Congress to enact the Navaho-Hopi rehabilitation program after the blizzard of 1949 focused the eyes of the world on the Navaho Reservation, where 1 baby out of every 4 died before the age of 5 and the TB rate was 28 times higher than that in non-Indian communities. People who love justice and scorn greed can force Congress to inaugurate an Indian point 4 program now for all of these much-abused Americans. As Msgr. Bernard J. Cullen, director general of the Marquette League, says: "Every American who has found prosperity in the New World should see to it that the original owners of our rich country receive an equal chance to share America's bounty.

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INDIAN AGENCIES AND TRIBAL COUNCILS TO WHOM THE QUESTIONNAIRES WERE SENT

The following agencies (arranged by area field offices) submitted completed questionnaires as requested by the committee:

I. Aberdeen area office:
1. Cheyenne River Agency.
2. Fort Berthold Agency.
3. Pierre Agency.
4. Pine Ridge Agency.
5. Rosebud Agency.
6. Sisseton Agency.
7. Standing Rock Agency.
8. Turtle Mountain Consolidated Agency.
9. Winnebago Agency.

II. Anadarko area office:
1. Cheyenne and Arapaho area field office.
2. Kiowa area field office.
3. Osage Agency.
4. Pawnee area field office.
5. Potawatomi area field office.
6. Shawnee area field office.

III. Billings area office:
1. Blackfeet Agency.
2. Crow Agency.
3. Flathead Agency.
4. Fort Belknap Consolidated Agency.
5. Fort Peck Agency.
6. Northern Cheyenne Agency.
7. Wind River Agency.

IV. Gallup area office:
1. Consolidated Ute Agency.
2. Jicarilla Agency.
3. Mescalero Agency.
4. Navaho Agency.
5. United Pueblos Agency.
6. Zuni Agency.

V. Minneapolis area office:
1. Great Lakes Agency.
2. Minnesota Agency.

VI. Muskogee area office:
1. Choctaw Agency.
2. Five Civilized Tribes Agency.
3. Quapaw area field office.
4. Seminole Agency.

VII. Phoenix area office:
1. Colorado River Agency.
2. Fort Apache Agency.
3. Hopi Agency.
4. Nevada Agency.
5. Papago Agency.
6. Pima Agency.
7. San Carlos Agency.
8. Uintah and Ouray Agency.

VIII. Portland area office:
1. Colville Agency.
2. Fort Hall Agency.
3. Northern Idaho Agency.
4. Umatilla Agency.
5. Warm Springs Agency.
6. Western Washington Agency.
7. Yakima Agency.

IX. Sacramento area office:
1. California Agency.
2. Hoopa area field office.
3. Riverside area field office.

In addition to the foregoing area field offices contacted, the chairman directed that the following Indian tribal councils be sent the questionnaire for completion and submission to the committee (asterisk indicates that the tribe complied):

Absentee-Shawnee Tribal Council
Arapahoe Business Council
Bad River Tribal Council
Bay Mills General Tribal Council
Blackfeet Tribal Business Council
Burns-Paiute Tribal Council
Caddo Tribal Council
Camp Verde (*see* Yavapai-Apache)
Chehalis Tribal Council
Cherokee Tribal Council (Eastern)
Cherokee Nation (Oklahoma)
Cheyenne-Arapaho Business Council
Cheyenne River Sioux Tribal Council
Chickasaw Nation
Choctaw Nation (Oklahoma)
Choctaw Tribal Council (Mississippi)
Cocopah Tribal Council
Citizen Band of Potawatomi Council
Coeur d'Alene Tribal Council
Colorado River Tribal Council

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Colville Business Committee
Cow Creek Seminole Community Council
Creek Nation
Crow Tribal Council
Crow Creek Tribal Council
Delaware Tribal Council
Dresslerville (*see* Washoe)
Duck Valley (*see* Shoshone-Paiute)
Duckwater Shoshone Tribal Council
Duwamish Tribal Council
Eastern Shawnee Tribal Council
Elwha Valley Tribal Council
Fallon-Paiute Tribal Council
Flandreau Santee-Sioux General Business Council
Flathead (Confederated Salish and Kootenai)
Forest County Potawatomi General Tribal Council
Fort Apache (*see* White Mountain Apache)
Fort Belknap Community Council
Fort Berthold Tribal Business Council
Fort Hall Business Council
Fort McDermitt Tribal Council
Fort McDowell (*see* Mohave Apache)
Fort Peck Tribal Executive Board
Fort Sill Apache Tribal Council
Fort Totten Tribal Council
Gila River Pima-Maricopa Indian Community Council
Goshute Business Council
Hannahville Indian Community Council
Havasuapi Tribal Council
Hopi Tribal Council
Hoopa Valley Tribal Council
Hualapai Tribal Council
Iowa (Kansas and Nebraska) Tribal Executive Committee
Iowa (Oklahoma) Business Committee
Jamestown Indian Council
Jicarilla Apache Tribal Council*
Kaibab Tribal Council
Kalispel Indian Community Council
Kaw Tribal Council
Keweenaw Bay Indian Tribal Council
Kickapoo (Kansas) Tribal Council
Kickapoo (Oklahoma) Tribal Council
Kiowa, Comanche, Apache Tribal Council
Kootenai Tribal Executive Committee
Lac Courte Oreilles Tribal Council
Lac du Flambeau Tribal Council
Lower Brule Sioux Tribal Council
Community Council of Lower Sioux Indian Reservation
Lummi Tribal Council
Makah Indian Tribal Council*
Mescalero Tribal Business Committee
Miami Tribal Council
Minnesota Chippewa Tribal Executive Committee
Moapa Business Council
Mohave Apache Community Council
Mole Lake (*see* Sokaogon Chippewa)
Muckleshoot Indian Tribal Council
Navaho Tribal Council
Nez Perce Tribal Council
Nisqually Tribal Council
Nooksack Tribal Council
Northern Cheyenne Tribal Council*
Oglala Sioux Tribal Council
Omaha Tribal Council
Oneida General Tribal Council
Osage Tribe*
Otoe Tribal Council
Palm Springs*
Papago Council
Pawnee Business Council
Ponca Board of Governors (Nebraska)
Ponca Tribal Council (Oklahoma)
Port Gamble Community Council
Potawatomi (Prairie Band) Business Council
Prairie Island Tribal Council
Puyallup Tribal Council
Pyramid Lake Paiute Tribal Council
Quapaw Tribal Business Committee
Quechan Tribal Council
Quileute Tribal Council
Quinaielt Tribal Council
Red Cliff Tribal Council
Red Lake General Council
Reese River (*see* Yomba)
Reno-Sparks Indian Council
Rocky Boy's Business Committee
Rosebud Tribal Council*
Sac and Fox Tribal Council (Sac and Fox)
Sac and Fox Tribal Council (Oklahoma)
Sac and Fox Tribal Council (Kansas and Nebraska)
Saginaw-Chippewa Tribal Council
Salt River Pima-Maricopa Community Council
San Carlos Tribal Council
Santee-Sioux Tribal Council
Seminole Tribe (Florida)
Seminole Tribe (Oklahoma)
Seneca-Cayuga Tribal Business Community
Shoshone Business Council (Wind River)
Shoshone Paiute Business Council
Sisseton-Wahpeton Tribal Council
Skagit Tribal Council
Skokomish Tribal Council
Snoqualmie Tribal Council
Sokaogon Chippewa Tribal Council
Southern Ute Tribal Council*
Spokane Business Council
Standing Rock Tribal Business Council
St. Croix Business Council
Stockbridge-Munsee Tribal Council
Suiattle Tribal Council
Summit Lake Paiute Shoshone Board of Trustees
Suquamish Tribal Council
Swinomish Indian Senate
Tamiami Seminole Council
Te-Moak Western Shoshone Council

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Tonkawa Tribal Committee
Tulalip Board of Directors
Tule River Tribal Council
Turtle Mountain Advisory Committee
Uintah and Ouray Tribal Business Committee*
Umatilla Tribal Business Committee
United Pueblos (All Pueblo) Council*
Ute Mountain Tribal Council*
Walker River Paiute Tribal Council*
Warm Springs Tribal Council
Washoe Tribal Council
White Mountain Apache Tribal Council
Wichita Tribal Business Committee
Wind River (*see* Arapahoe and Shoshone)
Winnebago Tribal Council
Yakima Tribal Council
Yavapai Apache Tribal Council
Yerington Paiute Tribal Council
Yomba Shoshone Tribal Council

The following tribes complied with the request of the Chairman and completed the questionnaire:

Jicarilla Apache Tribal Council
Makah Indian Tribal Council
Northern Cheyenne Tribal Council
Osage Tribe
Palm Springs
Rosebud Tribal Council
Southern Ute Tribal Council
Uintah and Ouray Tribal Business Council
United Pueblos (All Pueblo) Council
Ute Mountain Tribal Council
Walker River Paiute Tribal Council

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NEWSLETTER "INDIAN AFFAIRS," DATED MARCH 1958, PUBLISHED BY THE ASSOCIATION ON AMERICAN INDIAN AFFAIRS, COMMENTING ON THE POLICY OF THE INTERIOR DEPARTMENT AND PRESENTATION OF THE CORRESPONDENCE BETWEEN VARIOUS TRIBES AND THE DEPARTMENT

[Indian Affairs, No. 25, March 1958]

GREAT PLAINS TRIBES RESIST SALE OF THEIR LANDS—ASSOCIATION ON AMERICAN INDIAN AFFAIRS MAKES FOUR APPEALS TO INTERIOR DEPARTMENT

In recent weeks Montana, Nebraska, and Dakota tribes have variously implored and demanded that the Interior Department review the policy of its Bureau of Indian Affairs which, the tribal spokesmen say, is resulting in the disappearance of the land base upon which the Indian communities rest.

It is a standing principle of the Association on American Indian Affairs that American Indians have the right to survive in communities of their own people and that the United States has the responsibility to protect Indian ownership of the lands without which the communities cannot continue to exist. The association's advocacy of this principle has long been well known to the Interior Department. However, in support of the Plains tribes in their own actions to obtain a revision of Indian Bureau land policy, Association President Oliver LaFarge has four times in the past few months written Secretary of the Interior Fred A. Seaton, urging that a new look be taken at the plight of the tribes which are working on economic development plans for their communities at the very same time that the communities are being sold away from under their feet.

The Interior Department answered the first of Mr. LaFarge's letters. His other letters have not at this writing been acknowledged.

THE NORTHERN CHEYENNES

The lands of the Northern Cheyennes lie about Lame Deer, Mont. Some of these lands are tribally owned, and some are allotted to individual members of the tribe. These lands constitute the Northern Cheyenne community. When grouped into grazing units, they also constitute the basis of the community's cattle-raising economy. The usefulness of these grazing units depends upon the presence in them of key tracts"—tracts, for example, controlling the only water available to an entire unit. If a key tract passes into non-Indian hands, Indian lands around it can become worthless. A non-Indian desiring to acquire a whole grazing unit at low rental or sale price, therefore,

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does well to purchase one of these key tracts. The Commissioner of Indian Affairs, on May 15, 1955, instructed Bureau reservation officials to facilitate the sale of individually owned Indian lands, even when these lands were key tracts upon which the value of other Indian-owned lands depended. Then, admittedly responding to outraged protest by the tribes and organizations friendly to them, the Commissioner in late 1955 revised his instructions to reservation officials to read:

If there is any real possibility that the disposal of a particular allotment might adversely affect other Indian lands in trust, the Bureau will take the initiative in consulting with the Indians concerned and will give them every possible assistance in working out a satisfactory solution to the problem.

Last summer the Billings area office of the Indian Bureau announced that 60 tracts of Northern Cheyenne land would be put up for public bidding. Included in this acreage was a key tract. The Northern Cheyennes did not want to see their lands pass out of the ownership of their people, and in August they acted under authority given them by a resolution of their own tribal council—a resolution authorizing the sale of a herd of tribal cattle for $40,000 for the express purpose of buying up Northern Cheyenne lands about to be sold, and appropriating $10,000 for the express purpose of purchasing for the tribe the above-mentioned key tract. These funds, sufficient to buy up the lands being offered for sale, had to be released by the Indian Bureau in Washington before the tribe could spend them. The Bureau refused to release the tribe's own funds to the tribe before the land sale was held, and refused to postpone the land sale until the funds were released. Over Northern Cheyenne protest, the sale was held as scheduled in October.

Nearly 1,000 acres of Northern Cheyenne land were sold out of Indian ownership, including, to be sure, the key tract. This information was telephoned to the Association on American Indian Affairs immediately after the sale by John Woodenlegs, Northern Cheyenne tribal chairman. Mr. Woodenlegs added, with some relief, that the Bureau of Indian Affairs had informed him that the $40,000 had been released—too late to save the key tract and other lands which were gone now, but in time to save lands which would go up for sale in the future.

Early in the above chain of events Mr. Woodenlegs had appealed to the Association on American Indian Affairs and to Senator Murray, of Montana. The association, and the Senator on behalf of the entire Montana congressional delegation, wrote independently to the Secretary of the Interior to inquire into the strange conditions under which the Northern Cheyenne land sale was being held. They also inquired into an allegation of Mr. Woodenlegs that the Bureau of Indian Affairs, despite its publicly announced interest in promoting economic development in Indian areas, was using every possible means to hamstring the operations of First Americans, Inc., a small manufacturing enterprise which was giving wage employment to Northern Cheyennes on their reservation.

Replying to the association's inquiry on January 14, after the land sale had been held, the Interior Department said that upon investigation it was satisfied with the behavior of Indian Bureau officials. The Interior Department defended the Indian Bureau policy of permitting individual Indians to sell their land out of the tribal community and

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ignored the frequently made proposal that tribes be assisted or, at least, allowed with their own funds to buy land in the community which individual Indians were forced by poverty to sell.

The Interior Department's justification of Indian Bureau administration at the Northern Cheyenne Agency failed to discuss the tribal chairman's statement about Bureau-created impediments to the development of First Americans, Inc. It failed also to explain the fact that in allowing the key tract to be sold out of Indian ownership over strong tribal protest, the Bureau of Indian Affairs had violated the ruling against the sale of key tracts enunciated by the Commissioner of Indian Affairs in 1956.

The Association on American Indian Affairs sent a team of investigators to assemble data for an objective report of conditions on the Northern Cheyenne Reservation at Lame Deer, Mont. This report has been submitted to the association and, after study, will be publicly released.

Epilog

In a letter addressed to the Association on American Indian Affairs on February 14, the chairman of the Northern Cheyenne Tribe said that he had been misinformed earlier by local Bureau officials and the $40,000 had not yet been released for the tribal land-repurchase program, after all.

Mr. Woodenlegs wrote, "We need quick action. Help us."

THE OMAHAS

On December 11, 1957, the chairman of the Omaha Tribal Council of Macy, Nebr., wrote the following letter:

Hon. Fred A. Seaton,
Secretary of the Interior,
Washington, D. C.

Dear Sir: It is the Omaha Indians' humble plea to you, regardless of the findings of Assistant Secretary Roger Ernst's reexamination of the Department's favorable report on S. 332, or even the 1920 law limitations of land sales: the Omaha Tribal Council absolutely opposes individual or heirship land sales.

This plea and opposition is substantiated with the fact the Omaha Tribe is just beginning a community development program, where land is the main and essential item of means for success for our plan.

This past year saw nearly 8,000 acres of land come up for bid and pass from Indian ownership. This past month again, nearly 3,000 acres were advertised for bid. These, too, will pass from the tracts of Indian ownership.

With the present conditions, our people are being given no choice of retaining their lands, they must each day struggle with the needs of a destitute people for food, shelter, and the means to keep from freezing. The basic needs of the people are going to be their first consideration, and if selling the land will alleviate their need just for this day, then that is what they will do, sell the land to live.

The Omaha Reservation is pockmarked with the farms of white men, who rent the farmlands of the Indian, giving a share of the crop or on a cash basis as the case may be. The most an Indian may realize from his land is $6 per acre, sometimes only $2.50 per acre per year. The white farmer realizes a net profit of from $100 to $150 per acre. The land was to have been the home of the Omaha people. The land can support only a given number of people. Who, then, is entitled to this livelihood? Our long-range program of rehabilitation will be to see the Indian receives his full income from the land. The difference between $6 and $100 is too large a sum to ignore.

In closing we should like to impress you with the need of our people, of our tribe, for a long-range program of rehabilitation with the technical assistance to plan and the financial assistance to carry the program out. We do not feel the present sale of Indian lands will solve the problems of our people, rather it will

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only cause an added burden for the tribe to bear, for as this land passes from Indian ownership, the Indian people will continue being Indian, only now landless Indians who will huddle along the right-of-way of the Missouri River. This in contrast to the 300,000 acres of Nebraska lands where the Government grandly vowed, "This shall be the home of the Omahas for as long as the Missouri River flows."

We trust and pray you to consider this plea.

Sincerely yours,

ALFRED W. GILPIN,
Chairman, Omaha Tribal Council.

On January 3, the president of the Association on American Indian Affairs wrote the letter which appears below:

Hon. FRED A. SEATON,
Secretary of the Interior,
Washington, D. C.

DEAR MR. SECRETARY: The Tribal Council of the Omahas of Nebraska have called our attention to their letter to you of December 11, in which they humbly plead—as they put it—that you will hold back further sales of individual Indian lands until the tribe can work out a plan for its economic salvation. In the Omahas' words, the Association on American Indian Affairs also "trusts and prays" that you will grant this request.

The Omahas are an impoverished tribe. Many of their people, especially those who have lost their land, live under conditions of great wretchedness. For all the talk that there has been in the past, from one Indian administration after another, about economic rehabilitation of Indians, the Omahas are one of the many tribes for whom nothing that can be taken seriously has been done. On their own initiative, they have now enlisted the aid of members of the staff of the University of Nebraska to help them in trying to find some way out of their present, nearly—but not quite—hopeless situation. Obviously, they can make no coherent plan when blocks of as much as 3,000 acres of their land pass out of their control at a time, while they are helpless to do anything to retain it, and in a single year they lose as much as 8,000 acres. As they point out, at present destitute tribesmen cannot resist selling the land, which is their only resource, in order to secure the funds that will enable them to live a little longer.

I take the liberty of reminding you again of the public commitments that your Indian officials have made to rehabilitate the Indian economy. As I pointed out to you in writing to you about the needless, indeed gratuitous, alienation of Northern Cheyenne land, your administration is not in any way committed to destroy the remaining Indian estate, although its actions are leading to the belief among many people that in fact it is so committed. I do not believe that you or any major official under you would admit to any such commitment, nor approve of any such policy if it were submitted for approval. Therefore, it is not without hope that I urge you to balance permission of the sale of heirship and other individual Indian trust lands against the realities of tribal economies. Your Bureau of Indian Affairs has emphatically and clearly urged the tribes to develop programs of self-help. I repeat that the commitment to a program of economic aid for Indians has been clear and unequivocal. Permitting the rapid destruction of the land base upon which economic developments must be founded, if only to the extent that it gives the Indians concerned a piece of land upon which to maintain a home, makes all these commitments and urgings seem fraudulent and causes them to redound against you.

The cases of the Omahas and of the Northern Cheyennes, concerning which latter I am hoping to hear shortly from your office, typify the very difficult problem of Indian land in all the Indian country outside the Southwest. The major line of action that your Department takes in regard to this problem must inevitably be the most important criterion by which its Indian policy will be judged. For every reason, humane and political, it seems to me that you should adopt the policy that will most fairly and reasonably preserve for the Indians an opportunity to start the economic progress that I know you desire to see them make.

Yours sincerely,

OLIVER LAFARGE, *President.*

The foregoing letter has not at this writing been acknowledged. The Omahas report, however, that the Interior Dejartment answered them in courteous words, congratulating them upon their effort to work out a plan for the economic development of the Omaha community, and

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suggesting that they themselves find a way to persuade members of the tribe not to sell their land. According to the Omahas, the Interior Department reply took no cognizance of their statement, made in the tribe's original appeal, that individual Omahas were forced to sell their allotments in order to get money to buy food and that this poor tribe needed help in order to buy up the lands which were being offered for sale.

THE BLACKFEET

On December 13, 1957, the Blackfeet Tribal Council of Browning, Mont., passed a resolution protesting supervised land sales and transmitted this resolution to the Interior Department. On January 3, the secretary of the tribe sent a copy of the resolution to Senator Murray of Montana with the following letter:

Hon. JAMES L. MURRAY,
Chairman, Senate Committee on Interior and Insular Affairs,
Washington, D. C.

DEAR SENATOR MURRAY: I am enclosing herein Resolution 51–57 of the Blackfeet Tribal Council asking that a committee be appointed to evaluate the progress of the Blackfeet Tribe since the beginning of the practice of holding "supervised" sales of Indian land on the Blackfeet Reservation. Under this practice, as you know, Indians who have land held in trust for them by the United States Government are allowed to sell land to the highest bidder for cash, regardless of whether or not the bidder happens to be another Indian or a non-Indian. As a practical matter, however, most of the land offered is purchased by non-Indians because members of the tribe do not have adequate credit or the means to purchase land. When the land sale is consummated, the successful bidder is required to take a patent in fee for the land if—in the opinion of the Secretary of the Interior—he is able to manage his own affairs without supervision from the Department of the Interior.

Land on the Blackfeet Reservation is predominantly used for grazing purposes. This land is leased under supervision of the Bureau of Indian Affairs under the so-called permit system. Grazing permits are issued for a definite period of years and contain such amounts of acreage as the Indian Bureau feels will be most conducive to competitive bidding for leases after members of the tribe are allocated enough range to run their family livestock. At this point, Senator, I would like to make a prediction: If the present practice of holding supervised sales of Indian land is continued and land is alienated from Indian ownership at its present rate, then in a matter of 5 short years not enough land will remain under supervision of the Bureau of Indian Affairs to organize economical grazing units for even the Indian-owned livestock on the reservation.

I know this sounds drastic and a little farfetched, but we believe an impartial investigation of this system will bring out such facts as this.

These supervised sales should also be scrutinized in view of the Indian Bureau's tendency to hold their relocation program up to Congress as a shining example of what the Bureau is trying to do, or is doing, for Indians. In justifying requests for appropriations for the relocation program, I know that many times officials of the Bureau have asserted that relocation of Indians to areas other than their reservations is necessary because "Indian reservations are overpopulated and do not have the land base to support members of tribes living on them." Yet the Indian Bureau insists upon operating one of the most effective vehicles for shrinking the present Indian land base simply on the grounds that to do otherwise would be to deprive Indians of the right to sell their property. It would seem to me as trustee for property held by Indians, the Bureau would be better advised to take into consideration the greater possible long-term gain in economic development than to succumb to a theory whose only possible benefit is temporary financial gain of the Indian proposing to dispose of his estate.

I hope you will take these things into consideration and that you will cause an appraisal of the land policies of the Indian Bureau to be made in the immediate future.

May we have your thoughts in this matter?

Sincerely,

ILIFF MCKAY,
Secretary, Blackfeet Tribal Council.

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The president of the Association on American Indian Affairs, on January 21, supported the Blackfeet appeal in the communication which appears below:

Hon. Fred A. Seaton,
Secretary of the Interior,
Washington, D. C.

Dear Mr. Secretary: Recently in a letter to you I remarked that what was done about Indian land might well be the measure by which your Indian administration would be judged. Certainly the communications we continue to receive from various tribes, and that are being sent to you, requesting some mitigation of the present practice of selling off allotted Indian lands to the disruption of the precarious economies of the tribes, indicate that to the Indians themselves this is a major issue.

From the Blackfeet Tribal Council we now have a resolution protesting the present conduct of supervised land sales on the Blackfeet Reservation, that is, sales of the land of Indians not rated as competent. The council has very reasonably asked that the sales be halted until a group or committee, including one member of the council, can evaluate the effect of these sales, and further that Indian landowners and operators—meaning, I presume, cattle operators—be granted the right to meet the high bid for lands put up for sale when purchase of those lands is necessary to their continued progress.

There is nothing earth shaking or astounding about this request except that it should have to be made. An impartial, serious appraisal of the effects of recent land sales upon any allotted reservation would be most desirable. That Indians be allowed to sustain their economies by buying in Indian land that must be offered for sale when they have the means or can secure the credit to do so is just and reasonable. Not to facilitate such buying is obviously inconsistent with your administration's often stressed policy of building up Indian economy, as well as with the pledge made in Salt Lake City last September by the Commissioner of Indian Affairs to help Indians to retain their land.

The Association on American Indian Affairs heartily supports the modest request of the Blackfeet Tribal Council, and sincerely hopes that you, or your Commissioner of Indian Affairs, will grant it. We suggest, indeed, that you would find it well worthwhile to review the whole policy under which land has been passing out of Indian ownership so rapidly in the last 5 years, with special reference to the whole urgent question of enabling Indians to become decently self-supporting.

Yours sincerely,

Oliver LaFarge, *President.*

At this writing, the association has not received an acknowledgment of Mr. LaFarge's letter. Information has been received that Senator Murray has joined the Blackfeet in the request that the Commissioner of Indian Affairs appoint a group to evaluate the progress of the Blackfeet Tribe since the practice of holding supervised land sales was started. Information has also been received that another land sale, involving some 3,700 acres, was held on the Blackfeet Reservation on January 18.

THE MIDWESTERN INTERTRIBAL COUNCIL

The Midwestern Intertribal Council is composed of official representatives of the tribes of North Dakota, South Dakota, and Nebraska.

There is printed below the text of a resolution which was passed by this body at a meeting in Pierre, S. Dak., on January 12, 1958.

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Whereas the Indian-owned land is very limited; and

Whereas sale of Indian-owned land, instead of helping the Indian does more harm to the individual Indian landowner and to the tribe in general; and

Whereas proceeds from sale of Indian land have been squandered and in no instance have helped an Indian or the tribe: Now, therefore, be it hereby

***Resolved by the Midwestern Intertribal Council,* That a moratorium on Indian land sales is requested until definite studies have been made for a better system of land use or transaction by Indians; it is further**

***Resolved* that copies of this resolution shall be sent to all Nebraska and North and South Dakota Senators and Representatives in Washington, D. C.**

The president of the Association on American Indian Affairs has written the Interior Department in support of this resolution. The text of Mr. LaFarge's letter is not released here, since the Interior Department has not yet had adequate time in which to reply.

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POLICY STATEMENT OF COMMISSIONER OF INDIAN AFFAIRS GLENN L. EMMONS ON SALE OF INDIVIDUALLY OWNED INDIAN LANDS, DATED MAY 15, 1958

[Department of the Interior, Bureau of Indian Affairs, Information Service—For release May 15, 1958]

EMMONS ISSUES POLICY STATEMENT ON SALE OF INDIVIDUALLY OWNED INDIAN LANDS

Improved safeguards for the property interests of both individual Indians and tribes were announced today by Commissioner of Indian Affairs Glenn L. Emmons. The Department of the Interior made public his statement on the Indian Bureau's policy governing sales of individually owned Indian lands.

The Commissioner said the statement was issued to correct widespread misinformation about sale of lands which are the property in trust of individual Indians. Tribally owned lands, comprising about 75 percent of the Indian holdings in Federal trust status, are not involved since their sale requires congressional legislation.

The problem, in essence, has been to work out a method for permitting the fullest possible development of sound tribal land-acquisition plans without violating the property rights and interests of the individual tribal members—

Commissioner Emmons said. The policy was developed recently after an intensive 4-year study, he said.

Commissioner Emmons pointed out that tribal holdings have increased since he became Commissioner, August 10, 1953.

He said that when a single Indian owner of an allotment requests that his land be sold, a sale will be authorized if it appears to be clearly justified.

In all such cases, however, the tribal organization will be notified of the proposed sale, Commissioner Emmons added. The notice will provide an opportunity for the tribe to negotiate a purchase with the owner.

If a negotiated sale is not arranged, the policy provides two additional methods by which the tribal organization may acquire the property, by meeting the high bid, if the owner approves, or at auction.

Commissioner Emmons said the same general procedures would govern sales of Indian allotments in multiple ownership as a result of inheritance, but with some exceptions. The policy statement explains in detail how the owners' rights are protected and how the tribal organization may obtain the land.

The Commissioner said the Department and Bureau recognize that some difficulties remain to be solved, including limitations on the

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amounts of tribal funds available for land purchases. Legislative proposals are being developed to eliminate the handicaps, he said.

The policy statement follows:

TEXT OF STATEMENT BY COMMISSIONER OF INDIAN AFFAIRS GLENN L. EMMONS

Because of the evidence of widespread public concern and substantial public misunderstanding about the Indian Bureau's policy governing sales of Indian land, it seems essential at this time to state the policy that is being followed (and the reasons for it) as clearly and concisely as possible.

It should be emphasized at the outset that what follows deals only with lands which are the property in trust of individual Indians. Tribally owned lands, which comprise roughly three-fourths of the Indian holdings currently in Federal trust status, lie wholly outside the scope of this discussion since they cannot be sold or alienated except as authorized by congressional legislation. While there has been some slight diminishment of tribal holdings in the past few years in connection with Federal flood-control projects (principally in the upper Missouri Basin), this has been much more than offset by the addition or return of more than 1 million acres to tribal holdings during the same period since 1953. These additions have resulted either from tribal purchases approved by the Department or from legislation sponsored or endorsed by the Department.

To put the current policy governing sales of individually owned Indian lands in proper perspective, it is necessary to review briefly the immediate historical background. During the 1930's and the early 1940's the Department followed substantially the same policy on land sales that is now being so strenuously urged by the outstanding critics of the present policy. In other words, it strongly discouraged individual Indian landowners from selling their holdings and permitted such sales ordinarily only to other Indian individuals or to tribal groups. During this period hundreds of Indian landowners who wished to convert their landholdings in excess of their needs into cash for various purposes were completely frustrated and tied to lands that may have produced little or no benefit to them. Where sales were permitted with the market limited to Indian purchasers, thousands of acres were sold at prices substantially below the returns that the Indian sellers might have realized if free and unrestricted bidding had been permitted.

During the late 1940's the former policy of restricting the market to Indian purchasers began to break down as Indian landowners demanded to be allowed to sell their holdings for a maximum price. They developed the practice of going directly to Congress for individual legislation that gave them fee patents or unrestricted title to their lands. Although the Department in this period generally recommended against the enactment of such bills, a great many of those introduced in each congressional session were nonetheless enacted. A substantial acreage of individually owned Indian land was removed from Federal trusteeship through this process and undoubtedly the major portion of it was sold to non-Indian purchasers.

The policy which the Department and Bureau have been following over the past few years, and especially since 1955, is based on a full recognition of the individual Indian property rights which are unquestionably involved. In allotting lands to individual Indians on many of the reservations and the public domain under congressional law during the latter part of the 19th century and down through the 1920's, the Federal Government, in effect, gave these Indians a deed to the lands allotted. It thus vested in these individual Indians (and their rightful heirs) a valid property right, though under trust, fully equivalent, in the last analysis, to that enjoyed by any other American property owner.

Under the system of free democracy few concepts are more centrally important than respect for individual property rights. This is in sharp contrast with the situation in the Soviet Union and other Communist countries where individual property rights are either not recognized at all or regularly and systematically subordinated to the interests of the State or the larger group.

At the same time, however, we are also fully aware of our trust responsibilities for tribal property and we recognize that many of the tribal organizations have a legitimate and valid interest in acquiring individual Indian properties that may be offered for sale. The problem, in essence, has been to work out a method for permitting the fullest possible development of sound tribal land acquisition plans without violating the property rights and interests of the individual tribal members.

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During the past 4 years the Department and Bureau have been giving a great deal of intensive study to this problem and we have recently developed a policy which, we believe, goes a long way toward attainment of the desired objective. The essential elements of this policy are as follows:

1. Wherever a single Indian owner of an allotment asks that his land be sold and, after careful examination of the circumstances in his case, a sale appears to be clearly justified in the light of his long-range best interests, a sale will be authorized.

2. In all such cases the tribal organization will be notified that the particular allotment is being offered for sale. This will give the tribe an opportunity to negotiate a purchase with the owner. If the owner insists on competitive bidding, he will be specifically asked whether he is willing to let the tribal organization meet the high bid that may be offered. The land will then be advertised for sale and sealed bids will be received. If all bids fall substantially below the Bureau's appraisal of the property's value, all will be rejected. If one or more of the bids are acceptable, the tribe will be given the opportunity to buy the land by meeting the high bid provided that the owner has agreed in advance to such an arrangement. If the owner has not agreed and one or more sealed bids exceed the appraisal, the land will be put up for auction with the amount of the highest sealed bid as the floor of the auction bidding. This will give the tribe an additional opportunity to acquire the property in competition with other bidders.

3. In connection with Indian allotments which are in multiple ownership as a result of inheritance, the same general procedure will be followed with a few noteworthy exceptions. Such properties will be sold only if a sale is requested by one of the owners and approved by or on behalf of all the others. If any one of the owners is interested in buying out the others, he will be given first opportunity to purchase the land at the Bureau's appraisal figure unless one or more of the other owners object. A sale may also be made to one of the owners at less than the appraisal if the other owners are agreeable. If more than one of the owners wishes to buy the allotment, all of those interested will submit sealed bids and the property will be sold to the highest bidder. If none of the owners is interested, the property will be offered to the tribal organization at the appraisal price unless one of the owners objects. If there is objection by an owner, then the procedure outlined under No. 2 above, involving sealed bids to be followed by an auction, will be used.

The Department and its Bureau of Indian Affairs recognize that there are difficulties in the present situation which will hinder the tribes from full realization of their land-acquisition and development plans even under the policy outlined above. One of these is the difficulty of securing the approval of frequently dozens of owners for sale of multiple-ownership lands as required under existing law. Another is the fact that many, perhaps most, of the tribes do not now have the financial resources needed for a substantial land-purchase program. The Department and Bureau are now working to develop legislative proposals which we believe will go a long way toward eliminating these deterrents.

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BUREAU OF INDIAN AFFAIRS PRESS RELEASE OF MAY 28, 1958, AGREEING TO THE MORATORIUM

[Department of the Interior, Bureau of Indian Affairs, Information Service—For release May 28, 1958]

DEPARTMENT AGREES TO DELAY INDIAN LAND SALES FOR BALANCE OF CONGRESSIONAL SESSION AT REQUEST OF SENATOR MURRAY

Acting Secretary of the Interior Hatfield Chilson announced today that the Bureau of Indian Affairs will delay until the end of the present congressional session any additional sales of Indian trust land requested by the Indian owners.

The action was taken in compliance with a request by Senator James E. Murray in his capacity as chairman of the Senate Committee on Interior and Insular Affairs.

The delay will not apply on the Klamath Reservation of Oregon because the trust status of all allotted lands will terminate there next August 13, and the termination law specifically provides for departmental assistance to these Indians in the sale of their heirship lands.

In a letter of May 13 to Secretary Seaton, Senator Murray indicated that questionnaires on Indian land sales had been sent by the committee to Indian Bureau field officers and tribal officials at each local jurisdiction with a request for return of the information by June 15. He asked for a moratorium on all land sales requested by the Indians until the committee could complete a study and analysis of the completed questionnaires.

In a reply to Senator Murray dated May 28, Mr. Chilson emphasized the property rights of individual Indians that are involved.

It is definitely not the policy of the Department or the Bureau—

he said—

to encourage, suggest, or advise the individual Indian allottees to dispose of their land holdings. At the same time, we believe that we are democratically duty bound to honor their individual property rights the same as any other American citizen.

Imposition of an overall moratorium for an indefinite period, Mr. Chilson added, would involve a curtailment of the property rights of individual Indians and would work a hardship on many Indian owners. Moreover, he said, the Department is hesitant to take such a step even for a limited period, and is doing so only in response to Senator Murray's specific request for the balance of the present congressional session.

In his letter Mr. Chilson also called Senator Murray's attention to a May 15 statement of policy on Indian land sales by Commissioner of Indian Affairs Glenn L. Emmons. The new policy, he said, will make it easier for both tribal organizations and Indian heirs to buy up lands offered for sale by Indian owners and the net effect will be to keep more of the lands in Indian ownership.

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LIBRARY OF CONGRESS ANALYSES

Analyses of returns to questionnaire circulated to Indian Agencies by the Senate Committee on Interior and Insular Affairs

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INTRODUCTION TO THE LEGISLATIVE REFERENCE SERVICE MEMORANDUMS RELATIVE TO VARIOUS ASPECTS OF INDIVIDUAL INDIAN TRUST LAND REMOVED FROM THAT STATUS DURING THE PERIOD 1948 THROUGH 1957

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., November 12, 1958.

To: Hon. James E. Murray.
From: Indian Affairs.
Subject: Introduction to the Legislative Reference Service memorandums relative to various aspects of individual Indian trust land removed from that status during the period 1948 through 1957.

The accompanying memorandums were written in answer to various requests of the committee concerning Indian land transactions. Their relationship to each other may not be immediately obvious if read as separate items. It is therefore the purpose of this memorandum to briefly place each in its proper perspective and to cover various aspects of the study that were not the subject of individual memorandums but were indicated to be of interest to the committee.

The basic objective expressed to us was the compilation and analysis of the returns from the Committee questionnaire relating to the subject of the American Indians' land base and the removal of individual Indian trust land from trust status.

Acreage removed (*see pp. 37–60, 99–112*)

The memorandums concerning acreages removed from individual trust status are organized in such a manner as to indicate by what method and for what purpose the land was removed. Our statistics are therefore refined in a manner to isolate such categories as: (1) individual Indian trust land taken for public purposes; (2) individual Indian trust land sold to the tribe; (3) individual Indian trust land removed through private laws; and (4) individual Indian land removed from all trust status. For category 4 we have also included charts[1] for ready reference indicating such acreage by year, agency, area office, and grand totals for all.

Key tracts (*see pp. 61–66*)

The memorandum was originally intended as an analysis of methods and procedures by which the Bureau of Indian Affairs approves the sale of individual Indian trust land alleged to be "key tracts" and the removal from Indian ownership would be detrimental to the use or value of surrounding Indian trust land. While the returns imposed severe limitations on an adequate analysis they did produce a much clearer picture of the problem. There seemed to be an area of

[1] Charts indicated were prepared by Robert L. Bostick, graphic information specialist, Legislative Reference Service, Library of Congress.

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misunderstanding among tribal and Bureau officials that might well be the "core" of the "key tract" problem. This is further explained in the memorandum on the subject.

Heirship lands (*see pp. 93–94*)

The returns indicate that heirship lands continue to be a problem in the full utilization of Indian trust lands. Briefly, the returns show that heirship lands (those owned by many heirs) are creating a problem for the Bureau in obtaining sufficient signatures to sell, rent or lease such lands. This situation prevents the tribes from purchasing such lands.

Cause and effect of land sales (*see pp. 93–94*)

One of the objectives of the committee questionnaire was to determine if studies of the cause and effect of Indian land sales had been made at the agency level. A few returns (3) indicate such studies had been made, and a few others contained comments indicating some attention had been given to the subject.

Federal lands acquired for Indian use (*see pp. 95–98*)

Our appraisal of the returns concerning Federal lands acquired since 1930 for Indian use was intended to show whether those lands were being fully utilized for the benefit of our Indian population. The returns indicate that approximately 150,000 acres are not being utilized at this time for the Indians' benefit.

Indian land transactions (*see pp. 77–78*)

The study of the returns concerning transactions is one that might lead to some confusion unless it is thoroughly understood. It was undertaken to show which agencies and area offices had the greatest number of land transactions during the years 1948 to 1957. While transactions do not adequately reflect acreages, they serve a purpose in showing where land disposition has affected the most individual Indians. Types of transactions also indicate in which categories of land disposition, i. e. sales to fee, fee patent, sales to tribes, etc., the greatest activity is taking place. This is valuable information for the determination of trends in individual and tribal land activities.

Tribal real estate activities (*see pp. 89–94*)

A summary survey was made of the returns to ascertain what part the various tribes play in the removal of Indian land from trust status. It was found that 19 tribes have employees handling real-estate activities, while 14 have employed professional advisers or consultants.

WILLIAM H. GILBERT.
STEPHEN A. LANGONE.

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ACREAGE REMOVED FROM INDIVIDUAL INDIAN TRUST LAND STATUS DURING THE YEARS 1948 TO 1957

THE LIBRARY OF CONGRESS,
LEGISATIVE REFERENCE SERVICE,
Washington, D. C., November 3, 1958.

To: Hon. James E. Murray.
From: Indian Affairs.
Subject: Acreage removed from individual Indian trust land status during years 1948 to 1957.[1]

As requested by Mr. Gamble, of the Senate Committee on Interior and Insular Affairs, we have completed a statistical analysis of the committee questionnaire and returns concerning the following:

(1) Individual Indian trust land removed from that status by "takings for public purposes."

(2) Individual Indian trust land removed from that status by "sales to the tribe."

(3) Individual Indian trust land removed from all trust status, by years.

(4) Total acreage of individual Indian trust land removed from all trust status by area office.

(1) Individual Indian trust land removed from that status by "takings for public purposes"

During the period under study 420,895.81 acres were "taken" for public purposes, and we find the area offices (in the order of greatest acreage taken) to be ranked as follows: (1) Aberdeen; (2) Billings; (3) Anadarko; (4) Portland; (5) Muskogee; (6) Sacramento, and followed by Gallup, Minneapolis, and Phoenix without any land in this category. Table I lists the agencies in the order of largest "takings" and table II lists the area offices in the order of largest "takings."

(2) Individual Indian trust land removed from that status by "sales to the tribe"

Indian tribes purchased 682,147.92 acres of individual Indian trust land during the years 1948 to 1957. In terms of greatest sales to the various tribes, we find the area offices to be ranked as follows: (1) Aberdeen; (2) Billings; (3) Gallup; (4) Portland; (5) Phoenix; (6) Sacramento; (7) Minneapolis; (8) Muskogee, and (9) Anadarko without any sales in this category. Table III lists all agencies in the order of greatest acreage sold to the tribes, while table IV lists the area offices in the same manner.

[1] Statistics for these tables were based on the tables submitted by the agencies.

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(*3*) *Individual Indian trust land removed from all trust status by year*

Table V is organized by area office giving totals by year from 1948 to 1957 for all land in this category. Tables V to XIII are more complete breakdowns by area office and listing each agency separately with appropriate statistics.

(*4*) *Total acreage of individual Indian trust land removed from all trust status*

The total individual Indian trust land removed from all trust status during the period under study was 2,595,413.66 acres. This figure includes "takings for public purpose," but excludes land in the category of "sold to tribe," since it is presumed to have remained in trust status. In segregating the statistics concerning the greatest acreage of individual Indian trust land removed from all trust status, and ranking the area offices in the order of greatest acreage so removed we find the order to be (1) Billings; (2) Aberdeen; (3) Muskogee; (4) Anadarko; (5) Minneapolis; (6) Sacramento; (7) Portland; (8) Gallup; and (9) Phoenix.

Table XIV has been set up to indicate the losses in this category by area office with totals by year and grand total. Table XV indicates the rank of area offices in this category.

Additional tabular data

Tables XVII to XXV are compilations of statistics for each area office indicating (1) acreage taken for public purposes by agency; and (2) acreage sold to the tribe by agency.

Table XXVI is a compilation of these statistics by area office.

Table XXVII lists all agencies in the order of greatest individual Indian trust acreage removed from all trust status.

Table XXVIII is a composite of all ranks in four categories by area office. The categories are (1) total acreage (individual trust) removed from all trust status; (2) total acreage taken for public purposes; (3) acreage removed from all trust status exclusive of "takings"; and (4) total acreage sold to tribe. This is intended to be a "quick glance" table giving each area office its rank in the various categories and allowing easy comparison.

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TABLE I.—*Individual Indian trust land "taken" for public purposes July 1, 1947, to Dec. 31, 1957*

IN THE ORDER OF GREATEST "TAKINGS" BY AGENCY

Agency	"Taken" for public purposes (acres)	Agency	"Taken" for public purposes (acres)
Wind River	186,118.00	Rosebud	581.00
Fort Berthold	146,420.00	Northern Idaho	430.00
Pierre	17,414.00	Winnebago	340.00
Cheyenne River	45,976.00	Umatilla	338.00
Kiowa	6,786.00	Pine Ridge	267.00
Cheyenne Arapahoe	6,800.06	Quapaw	232.00
Colville	3,450.00	Western Washington	116.00
Standing Rock	2,913.00	Seminole	51.73
Osage	1,080.02	Fort Hall	41.00
Five Civilized Tribes	772.00	Hoopa	31.00
Fort Peck	739.00		

NO LAND TAKEN FOR PUBLIC PURPOSES

Blackfeet	Fort Belknap	Northern Cheyenne	Sisseton
California	Great Lakes	Papago	Turtle Mountain
Choctaw	Hopi	Pawnee	Uintah and Ouray
Colorado River	Jicarilla	Pima	United Pueblo
Consolidated Ute	Mescalero	Potawatomi	Warm Springs
Crow	Minnesota	Riverside	Yakima
Flathead	Navajo	San Carlos	Zuni
Fort Apache	Nevada	Shawnee	

TABLE II.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Total acreage taken for public purposes in the order of greatest takings by area office*

Area office	Total acreage taken for public purposes	Area office	Total acreage taken for public purposes
1. Aberdeen	213,911.00	6. Sacramento	31.00
2. Billings	186,857.00	Gallup	None
3. Anadarko	14,666.08	Minneapolis	None
4. Portland	4,375.00	Phoenix	None
5. Muskogee	1,055.73		

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TABLE III.—*Individual Indian trust land sold to the tribes, July 1, 1947, to Dec. 31, 1957*

IN THE ORDER OF GREATEST ACREAGE BY AGENCY

Agency	Acreage sold to the tribe	Agency	Acreage sold to the tribe
Flathead	113,859.00	Riverside	8,363.15
Cheyenne River	107,081.00	Northern Cheyenne	7,705.15
Pine Ridge	76,804.00	Colville	4,693.94
Jicarilla	61,078.52	Great Lakes	4,675.00
Fort Belknap	56,687.00	Wind River	2,961.00
Blackfeet	43,108.00	Minnesota	2,516.01
Standing Rock	39,680.07	Nevada	535.18
Rosebud	32,824.39	Northern Idaho	520.00
Pierre	27,654.00	United Pueblo	320.00
Fort Berthold	21,221.00	California	266.00
Fort Peck	16,259.00	Hoopa	158.53
Turtle Mountain	12,259.09	Quapaw	100.00
Warm Springs	10,800.00	Winnebago	80.00
Uintah and Ouray	10,641.01	Western Washington	1.00
Consolidated Ute	9,963.59	Pima	.29
Fort Hall	9,333.00		

NO ACREAGE SOLD TO TRIBE

Cheyenne Arapahoe	Hopi	Papago	Shawnee
Choctaw	Kiowa	Pawnee	Sisseton
Colorado River	Mescalero	Potawatomi	Umatilla
Crow	Navajo	San Carlos	Yakima
Five Civilized Tribes	Osage	Seminole	Zuni
Fort Apache			

TABLE IV.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Total acreage sold to tribes, in the order of greatest acreage by area office—All area offices*

Area office	Acreage sold to tribes	Area office	Acreage sold to tribes
1. Aberdeen	317,603.55	6. Sacramento	8,787.68
2. Billings	240,579.15	7. Minneapolis	7,191.01
3. Gallup	71,362.11	8. Muskogee	100.00
4. Portland	25,347.94	9. Anadarko	None
5. Phoenix	11,176.48		

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TABLE V.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Aberdeen area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Cheyenne River	1,285.70	5,825.50	963.39	160.00	2,071.21	1,522.00	45,976.00	1,740.00	7,637.93	1,898.00	69,079.73
Fort Berthold	347.00			124,733.00		59.00	193.00	4,300.00	400.00	240.00	130,272.00
Pierre	908.00	1,200.00	2,631.00	1,073.00	2,645.00	2,431.00	1,990.00	18,696.00	2,079.00	8,057.00	41,710.00
Pine Ridge	8,498.00	11,984.00	2,840.00	5,100.00	9,522.00	17,046.00	30,198.00	22,533.00	25,469.00	15,614.00	148,804.00
Rosebud	8,717.78	23,060.98	12,438.84	10,290.07	3,664.46	2,519.16	8,194.75	11,347.03	16,852.89	19,966.13	117,052.09
Sisseton		120.00	179.05	421.50	678.10	1,194.95	1,724.79	212.24	339.15	713.49	5,583.27
Standing Rock	6,641.91	23,257.80	5,743.61	2,689.51	8,790.60	9,399.16	10,707.80	9,761.62	14,062.08	14,088.86	105,142.95
Turtle Mountain						131.60			100.00	240.00	471.60
Winnebago	465.56	395.01	160.00	1,406.86	391.58	482.65	925.33	813.91	1,415.58	536.83	6,993.31
Total	26,863.95	65,843.29	24,955.89	145,873.94	27,762.95	34,785.52	99,909.67	69,403.80	68,355.63	61,354.31	625,108.95

TABLE VI.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Anadarko area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Cheyenne Arapahoe	15,584.06	1,162.00	852.00	1,325.00	521.00	802.00	3,049.00	5,028.00	8,028.00	7,315.00	43,666.06
Kiowa	3,316.00	5,833.00	4,504.00	4,732.00	5,017.00	6,528.00	8,259.00	6,716.00	12,921.00	22,965.00	80,791.00
Osage	9,187.14	15,519.00	9,263.00	9,391.90	13,186.11	11,796.73	13,686.24	4,815.99	11,305.62	8,430.05	106,581.78
Pawnee	1,385.64	946.07	591.16	540.00	726.70	499.07	723.88	999.37	3,197.99	8,825.56	18,435.44
Potawatomi	580.43	240.00	80.00	130.00	196.62	520.07	140.00	283.10	976.32	1,477.70	4,624.24
Shawnee	80.00	508.43	750.08	1,103.70	457.91	290.00	235.00	678.80	1,348.90	2,698.48	8,151.30
Total	30,133.27	24,208.50	16,040.24	17,222.60	20,105.34	20,435.87	26,093.12	18,521.26	37,777.83	51,711.79	262,249.82

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TABLE VII.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Billings area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Blackfeet	720.00	10,669.00	6,579.00	4,287.00	13,200.00	51,420.00	49,768.00	40,565.00	7,721.00	29,290.00	214,219.00
Crow	9,257.00	11,992.00	18,475.00	22,214.00	30,628.00	39,426.00	82,138.00	103,893.00	22,356.00	22,717.00	363,106.00
Flathead	360.00	120.00		851.00	1,515.00	2,362.00	2,282.00	2,202.00	2,646.00	1,913.00	14,281.00
Fort Belknap		80.00	320.00		161.65	5,925.00	8,395.00	1,045.00	1,940.00	3,200.00	21,066.65
Fort Peck	8,902.00	18,586.00	7,553.00	8,352.00	5,541.00	37,906.00	73,669.00	60,147.00	14,261.00	34,277.00	269,194.00
Northern Cheyenne								768.83	490.00	2,365.35	3,624.18
Wind River	1,606.00	80.00	1,762.00	317.00	142.00	25,936.00	163,151.00	2,696.00	273.00	810.00	196,773.00
Total	20,855.00	41,527.00	34,689.00	36,021.00	51,217.65	162,975.00	379,403.00	211,316.83	49,687.00	94,572.35	1,082,263.83

TABLE VIII.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Gallup area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Consolidated Ute									80.00		80.00
Jicarilla											
Mescalero											
Navajo				160.00	2,699.00	640.00	40.00		160.00		3,699.00
United Pueblo			1,840.00	801.00						160.00	2,801.00
Zuni											
Total			1,840.00	961.00	2,699.00	640.00	40.00		240.00	160.00	6,580.00

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TABLE IX.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Minneapolis area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Great Lakes				1,988	167	7,883	13,031	6,499	9,923	10,748	50,239
Minnesota						2,282	2,730	20,203	23,618	20,881	69,714
Total				1,988	167	10,165	15,761	26,702	33,541	31,629	119,953

TABLE X.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Muskogee area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Choctaw											
Five Civilized Tribes	12,737.00	9,567.00	3,602.00	48,346.00	35,887.00	51,874.00	44,879.00	44,018.00	30,124.00	27,368.00	308,402.00
Quapaw	548.00	437.00	379.00	436.00	610.00	776.00	750.00	602.00	710.00	862.00	6,110.00
Seminole										51.73	51.73
Total	13,285.00	10,004.00	3,981.00	48,782.00	36,497.00	52,650.00	45,629.00	44,620.00	30,834.00	28,281.73	314,563.73

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TABLE XI.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Phoenix area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Colorado River											
Fort Apache											
Hopi											
Nevada		160.09		140.00		600.00	280.00	240.00			1,420.09
Papago											
Pima											
San Carlos											
Uintah and Ouray	221.14	402.07	20.00				39.04		40.00	120.00	842.25
Total	221.14	526.16	20.00	140.00		600.00	319.04	240.00	40.00	120.00	2,262.34

TABLE XII.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Portland area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Colville	270.00	113.53	195.51	757.31	290.33	911.42	876.69	8,088.29	5,098.49	5,539.80	22,141.37
Fort Hall		40.00	160.00	297.00	800.00	240.00	382.00	678.05	127.00	711.00	3,435.05
Northern Idaho	88.00	908.00	1,321.00	1,781.00	4,121.01	4,803.00	2,664.00	3,045.00	2,974.00	1,062.00	22,767.01
Umatilla	1,606.76	1,002.46		160.00	40.00	80.00	560.00	599.58	897.89	1,809.93	6,756.62
Western Washington				671.00	343.00	591.00	266.00	832.00	2,288.00	8,785.00	13,776.00
Warm Springs	160.00	160.00	160.00		160.00	160.00	320.00	320.00	960.00	640.00	3,040.00
Yakima [1]											
Total	2,124.76	2,223.99	1,836.51	3,666.31	5,754.34	6,785.42	5,068.69	13,562.92	12,345.38	18,547.73	71,916.05

[1] Tables not submitted.

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TABLE XIII.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—Sacramento area office*

[Acres]

Agency	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Hoopa		12.00	45.45	52.66	30.85	56.00	8.00	76.86	132.32	245.65	659.79
Riverside									80.00		80.00
California	5,638.24	7,794.17	17,138.75	40,293.13	13,685.76	13,566.63	3,546.89	4,334.22	2,594.56	1,192.80	109,785.15
Total	5,638.24	7,806.17	17,184.20	40,345.79	13,716.61	13,622.63	3,554.89	4,411.08	2,806.88	1,438.45	110,524.94

TABLE XIV.—*Individual Indian trust lands removed from all trust status, 1948 to 1957—by area office*

[Acres]

Area offices	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
Aberdeen	26,863.95	65,843.29	24,955.89	145,873.94	27,762.95	34,776.52	99,909.67	69,403.80	68,355.63	61,354.31	625,099.95
Anadarko	30,133.27	24,208.50	16,040.24	17,222.60	20,105.34	20,435.87	26,093.12	18,521.26	37,777.83	51,711.79	262,249.82
Billings	20,855.00	41,527.00	34,689.00	36,021.00	51,217.65	162,975.00	379,403.00	211,316.83	49,687.00	94,572.35	1,082,263.83
Gallup			1,840.00	961.00	2,699.00	640.00	40.00		240.00	160.00	6,580.00
Minneapolis				1,988.00	167.00	10,165.00	15,761.00	28,702.00	33,541.00	31,629.00	119,953.00
Muskogee	13,285.00	10,004.00	3,981.00	48,782.00	36,497.00	52,650.00	45,629.00	44,620.00	30,834.00	28,281.73	314,563.73
Phoenix	221.14	562.16	20.00	140.00		600.00	319.04	240.00	40.00	120.00	2,262.34
Portland	2,124.76	2,223.99	1,836.51	3,666.31	5,754.34	6,785.42	5,068.69	13,562.92	12,345.38	18,547.73	71,916.05
Sacramento	5,638.24	7,806.17	17,184.20	40,345.79	13,716.61	13,622.63	3,554.89	4,411.08	2,806.88	1,438.45	110,524.94
Total	99,121.36	152,175.11	100,546.84	295,000.64	157,919.89	302,650.44	575,778.41	388,777.89	235,627.72	287,815.36	2,595,413.66

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TABLE XV.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Total acreage removed from all trust status in the order of greatest acreage*

Area office	Total acreage removed from all trust status	Area office	Total acreage removed from all trust status
1. Billings	1,082,263.83	6. Sacramento	110,524.94
2. Aberdeen	671,075.95	7. Portland	71,916.05
3. Muskogee	314,563.73	8. Gallup	6,580.00
4. Anadarko	262,249.82	9. Phoenix	2,102.25
5. Minneapolis	119,953.00		

TABLE XVI.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Acreage removed from all trust status exclusive of takings, in the order of greatest acreage removed by area office*

Area office	Acreage removed from all trust status exclusive of "takings"	Area office	Acreage removed from all trust status exclusive of "takings"
1. Billings	895,406.83	6. Sacramento	110,493.94
2. Aberdeen	457,164.95	7. Portland	69,643.30
3. Muskogee	313,508.00	8. Gallup	6,580.00
4. Anadarko	247,583.74	9. Phoenix	2,102.25
5. Minneapolis	119,953.00		

TABLE XVII.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Aberdeen area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe	Agency	Acreage taken for public purposes	Acreage sold to the tribe
Cheyenne River	45,976.00	107,081.00	Standing Rock	2,913.00	39,680.07
Fort Berthold	146,420.00	21,221.00	Turtle Mountain	None	12,259.09
Pierre	17,414.00	27,654.00	Winnebago	340.00	80.00
Pine Ridge	267.00	76,804.00			
Rosebud	581.00	32,824.39	Total	213,911.00	317,603.55
Sisseton	None	None			

TABLE XVIII.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Anadarko area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe	Agency	Acreage taken for public purposes	Acreage sold to the tribe
Cheyenne Arapahoe	6,800.06	None	Potawatomi	None	None
Kiowa	6,786.00	None	Shawnee	None	None
Osage [1]	1,080.02	[2]			
Pawnee	None	None	Total	14,666.08	None

[1] Osage return did not include the chart and therefore the statistics on "taken land" and that transferred from individual to tribal ownership were not available in the proper form.
[2] No answer.

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TABLE XIX.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Billings area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe	Agency	Acreage taken for public purposes	Acreage sold to the tribe
Blackfeet	None	43,108.00	Northern Cheyenne	None	7,705.15
Crow	None	None	Wind River	186,118.00	2,961.00
Flathead	None	113,859.00			
Fort Belknap	None	56,687.00	Total	186,857.00	240,579.15
Fort Peck	739.00	16,259.00			

TABLE XX.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Gallup area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe	Agency	Acreage taken for public purposes	Acreage sold to the tribe
Consolidated Ute	None	9,963.59	United Pueblo	None	320.00
Jicarilla	None	61,078.52	Zuni	None	None
Mescalero	None	None			
Navajo	None	None	Total	None	71,362.11

TABLE XXI.—*Individual Indian trust land transactions—Minneapolis area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe
Minnesota	None	2,516.01
Great Lakes	None	4,675.00
Total	None	7,191.01

TABLE XXII.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Muskogee area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe	Agency	Acreage taken for public purposes	Acreage sold to the tribe
Choctaw	None	None	Seminole	51.73	None
Five Civilized Tribes	772.00	None			
Quapaw	232.00	100.00	Total	1,055.73	100.00

TABLE XXIII.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Phoenix area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe	Agency	Acreage taken for public purposes	Acreage sold to the tribe
Colorado River	None	None	Pima	None	0.29
Fort Apache	None	None	San Carlos	None	None
Hopi	None	None	Uintah and Ouray	None	10,641.01
Nevada	None	535.18			
Papago	None	None	Total	None	11,176.48

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TABLE XXIV.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Portland area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe	Agency	Acreage taken for public purposes	Acreage sold to the tribe
Colville	3,450.00	4,693.94	Western Washington	116.00	1.00
Fort Hall	41.00	9,333.00	Yakima	None	None
Northern Idaho	430.00	520.00			
Umatilla	338.00	None	Total	4,375.00	25,347.94
Warm Springs	None	10,800.00			

TABLE XXV.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—Sacramento area office*

Agency	Acreage taken for public purposes	Acreage sold to the tribe
California	None	266.00
Hoopa	31.00	158.53
Riverside	None	8,363.15
Total	31.00	8,787.68

TABLE XXVI.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—All area offices*

Area office	Total acreage taken for public purposes	Total acreage sold to tribe	Area office	Total acreage taken for public purposes	Total acreage sold to tribe
Aberdeen	213,911.00	317,603.55	Phoenix	None	11,176.48
Anadarko	14,666.08	None	Portland	4,375.00	25,347.94
Billings	186,857.00	240,579.15	Sacramento	31.00	8,787.68
Gallup	None	71,362.11			
Minneapolis	None	7,191.01	Total	420,895.81	682,147.92
Muskogee	1,055.73	100.00			

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TABLE XXVII.—*Individual Indian trust lands removed from all trust status, July 1, 1947, to Dec. 31, 1957*

IN THE ORDER OF GREATEST ACREAGE BY AGENCY

Agency	Acreage removed from Indian trust status	Agency	Acreage removed from Indian trust status
Crow	363, 106. 00	Flathead	14, 281. 00
Five Civilized Tribes	308, 402. 00	Western Washington	13, 776. 00
Fort Peck	269, 194. 00	Shawnee	8, 151. 30
Blackfeet	214, 219. 00	Winnebago	6, 993. 31
Wind River	196, 773. 00	Umatilla	6, 756. 62
Pine Ridge	148, 804. 00	Quapaw	6, 110. 00
Fort Berthold	130, 272. 00	Sisseton	5, 583. 27
Rosebud	117, 052. 09	Potawatomi	4, 624. 24
California	109, 785. 15	Navajo	3, 699. 00
Osage	106, 581. 78	Northern Cheyenne	3, 624. 18
Standing Rock	105, 142. 95	Fort Hall	3, 435. 05
Kiowa	80, 791. 00	Warm Springs	3, 040. 00
Minnesota	69, 714. 00	United Pueblo	2, 801. 00
Cheyenne River	69, 079. 73	Nevada	1, 420. 09
Great Lakes	50, 239. 00	Uintah and Ouray	842. 25
Cheyenne Arapahoe	43, 666. 06	Hoopa	659. 79
Pierre	41, 710. 00	Turtle Mountain	471. 60
Northern Idaho	22, 767. 01	Consolidated Ute	80. 00
Colville	22, 141. 37	Riverside	80. 00
Fort Belknap	21, 066. 65	Seminole	51. 73
Pawnee	18, 435. 44		

NO ACREAGE REMOVED FROM INDIVIDUAL TRUST STATUS

Choctaw
Colorado River
Fort Apache
Hopi
Jicarilla
Mescalero
Papago
Pima
San Carlos
Zuni

NO TABLE SUBMITTED

Yakima

TABLE XXVIII.—*Individual Indian trust land transactions, July 1, 1947, to Dec. 31, 1957—All area offices and their rank in the various categories of individual Indian trust land removed from that status*

[Ranks are assigned in descending order of greatest acreage removed]

Area office	Total acreage removed from all trust status	Total acreage taken for public purposes	Acreage removed from all trust status exclusive of "takings"	Total acreage sold to tribe
Aberdeen	2	1	2	1
Anadarko	4	3	4	9
Billings	1	2	1	2
Gallup	8	(1)	8	3
Minneapolis	5	(1)	5	7
Muskogee	3	5	3	8
Phoenix	9	(1)	9	5
Portland	7	4	7	4
Sacramento	6	6	6	6

[1] Not applicable.

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CHART I

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948-1957

TOTAL—ALL AREA OFFICES

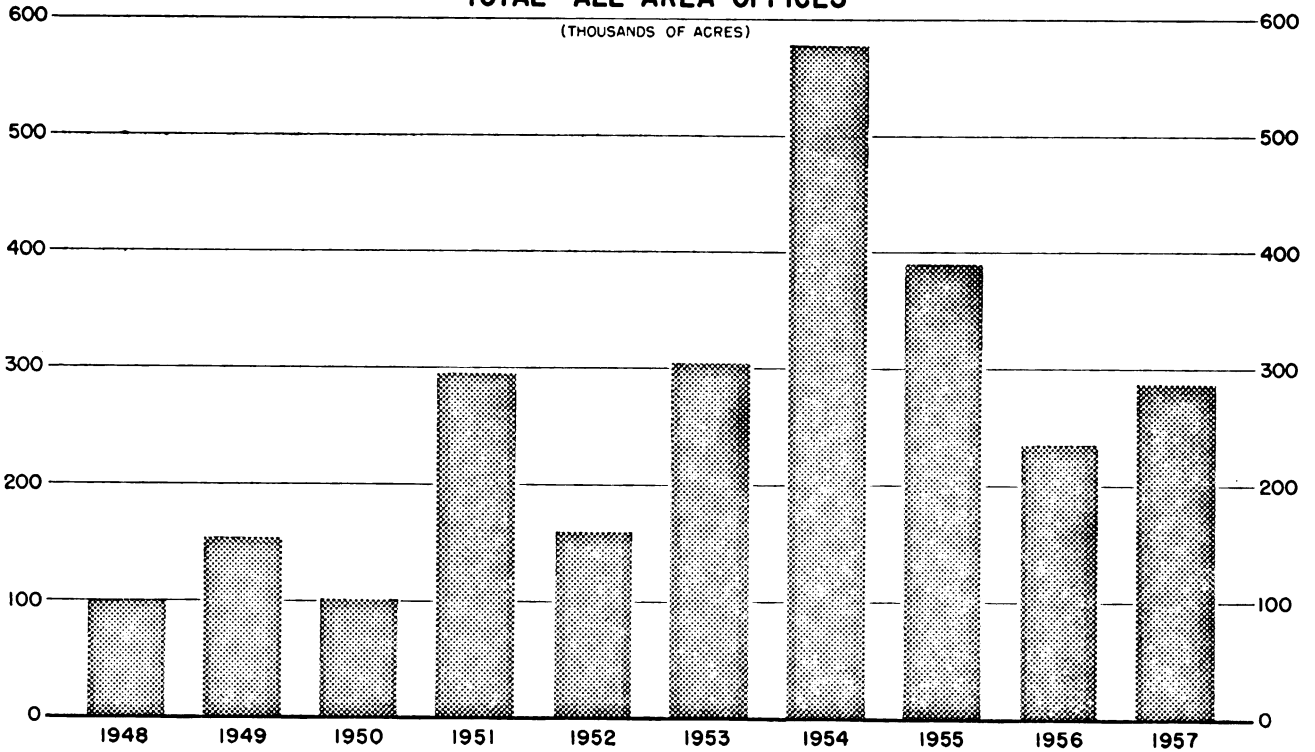

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CHART 2

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948–1957

ABERDEEN AREA OFFICE

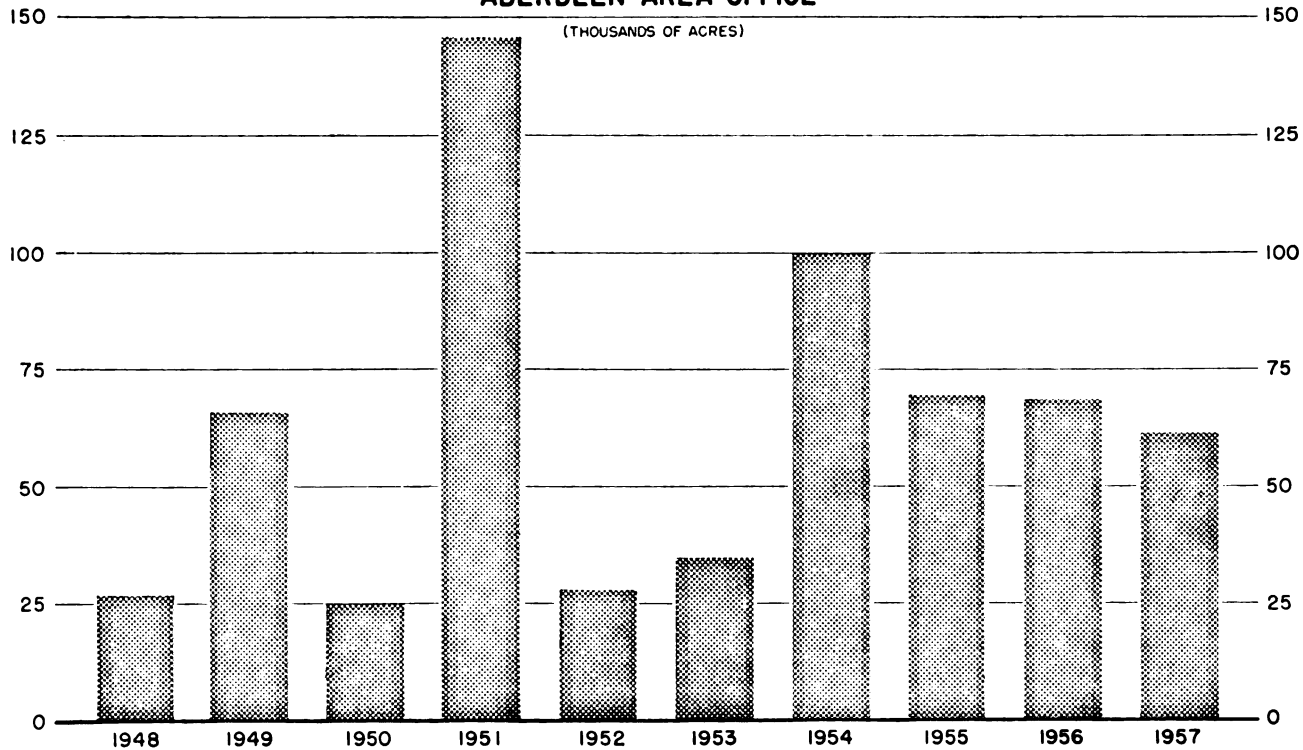

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CHART 3

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948–1957

ANADARKO AREA OFFICE

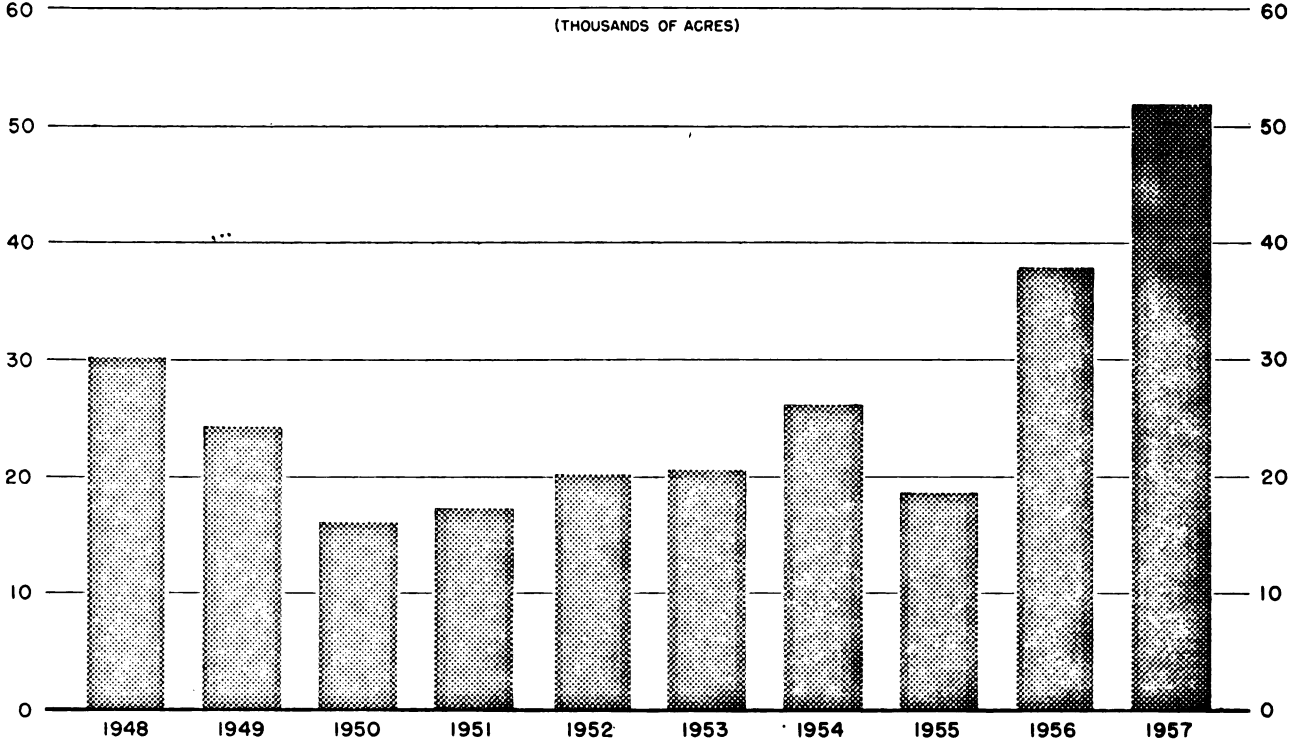

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CHART 4

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948–1957
BILLINGS AREA OFFICE

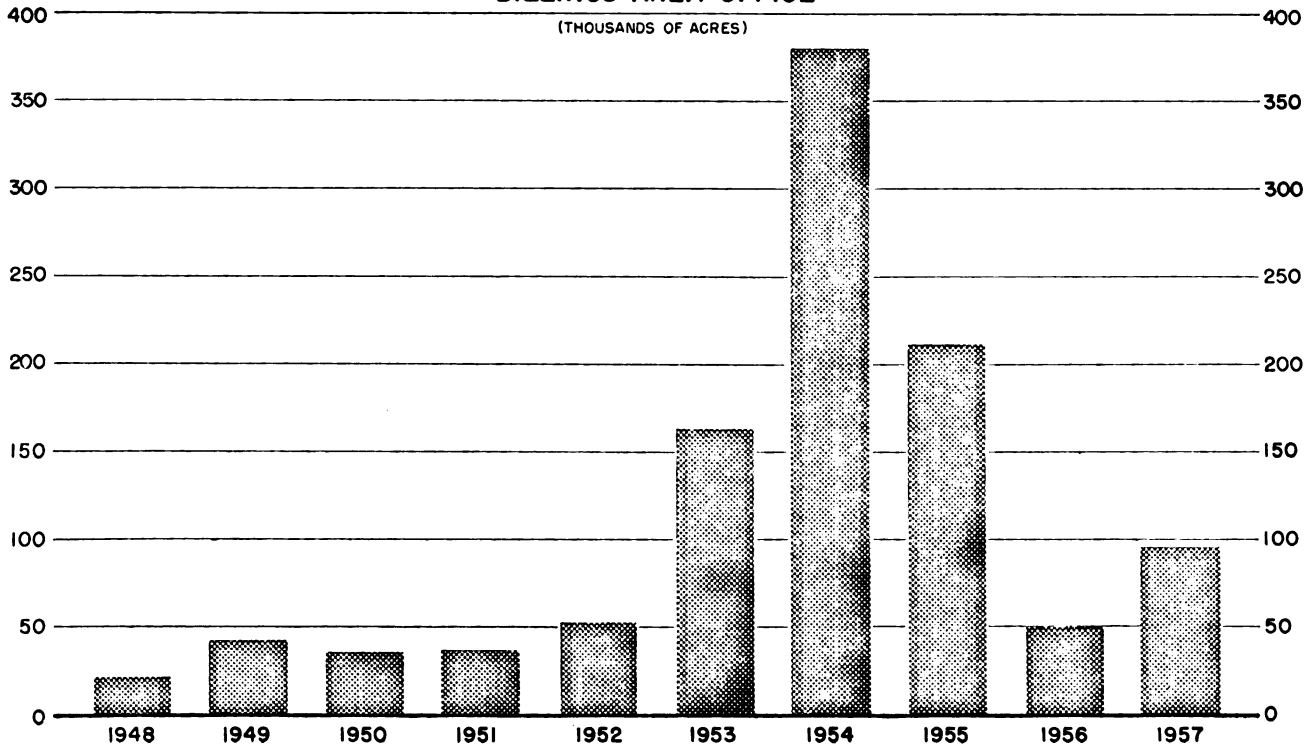

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CHART 5

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948-1957
GALLUP AREA OFFICE

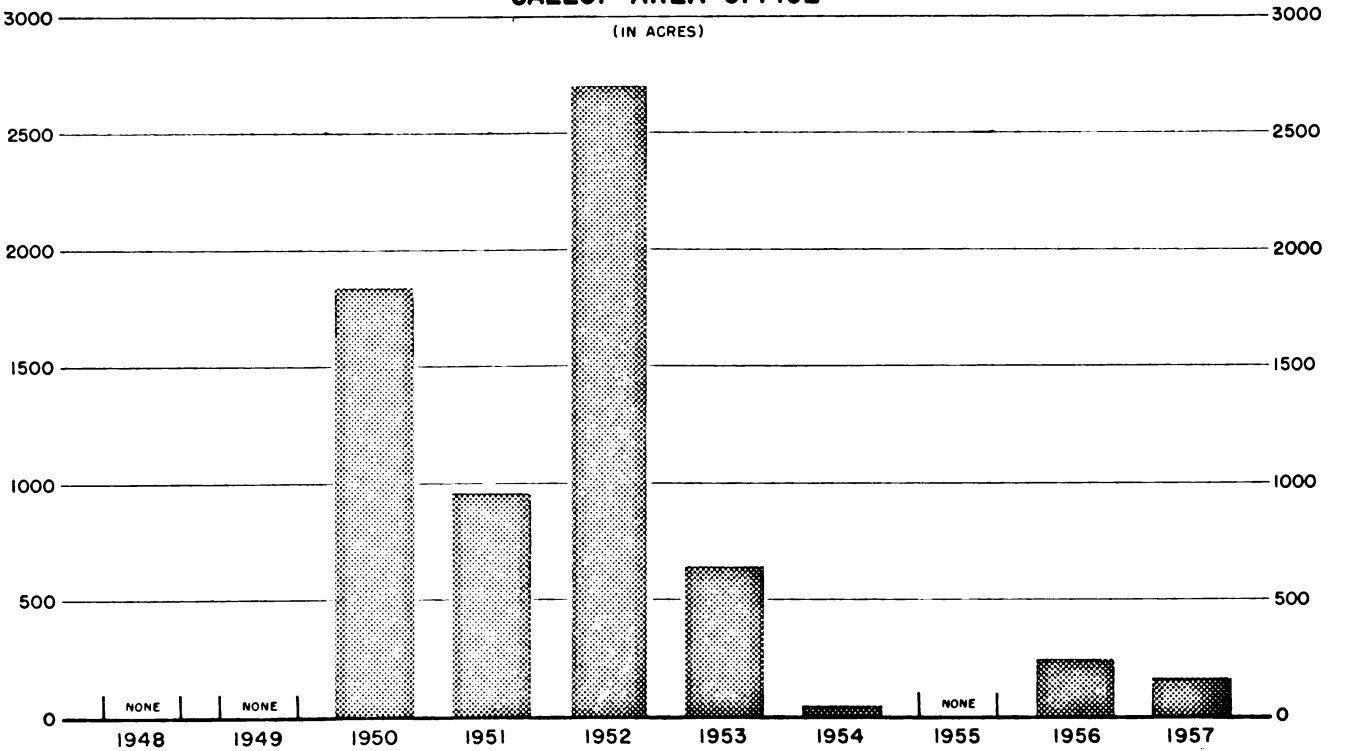

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CHART 6

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948-1957
MINNEAPOLIS AREA OFFICE

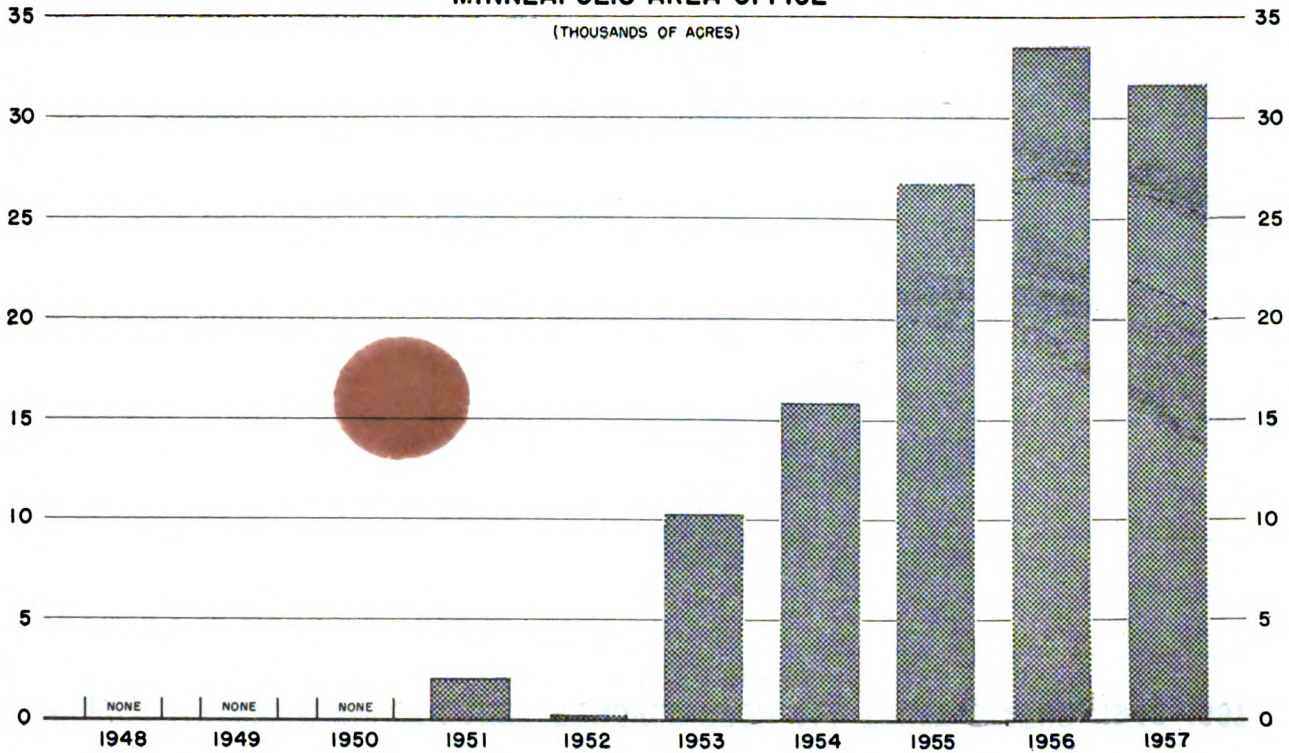

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CHART 7

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948–1957
MUSKOGEE AREA OFFICE

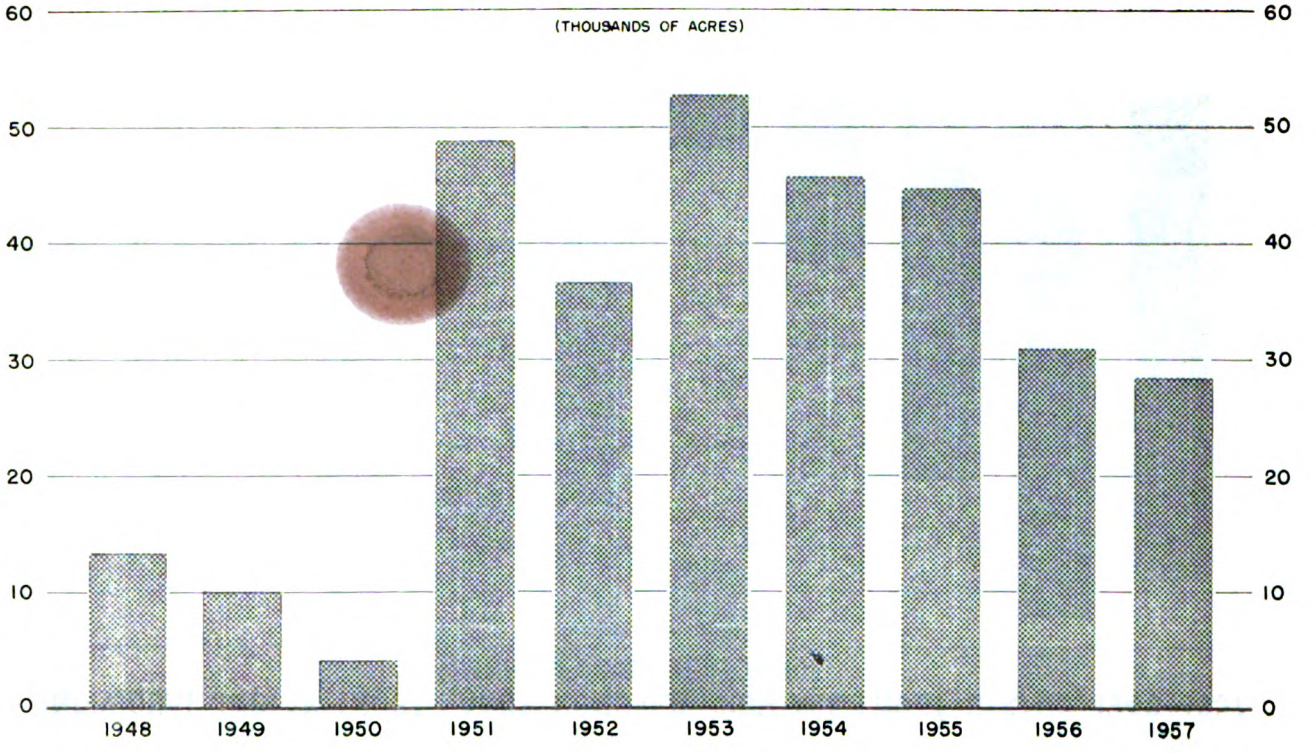

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CHART 8

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948-1957

PHOENIX AREA OFFICE

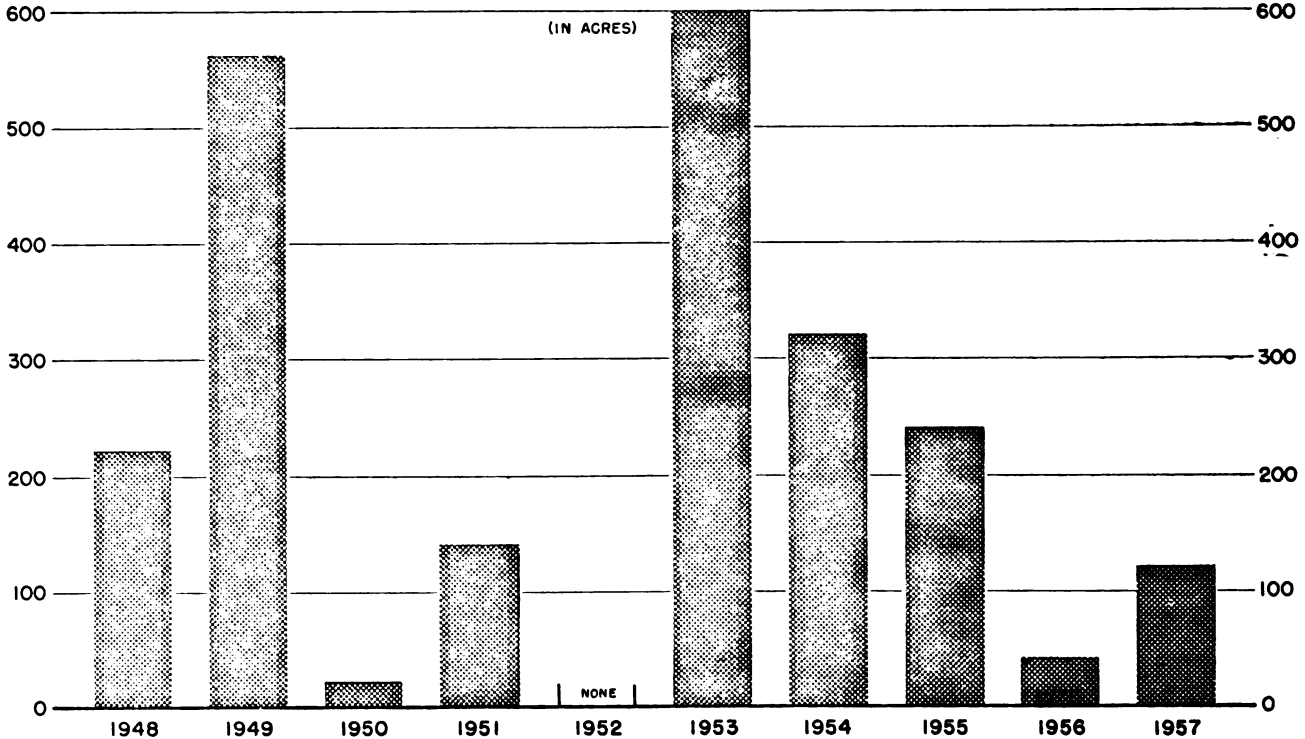

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CHART 9

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948-1957
PORTLAND AREA OFFICE

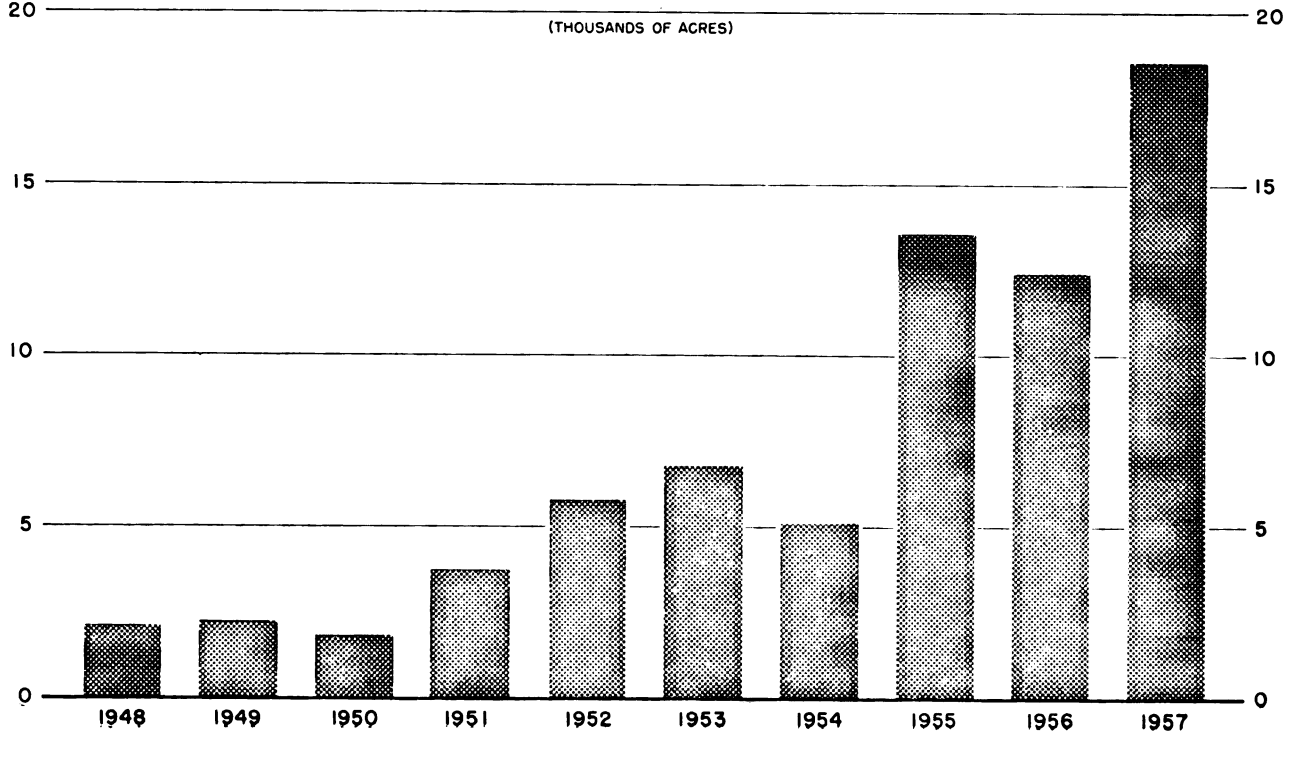

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CHART 10

INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS, 1948-1957
SACRAMENTO AREA OFFICE

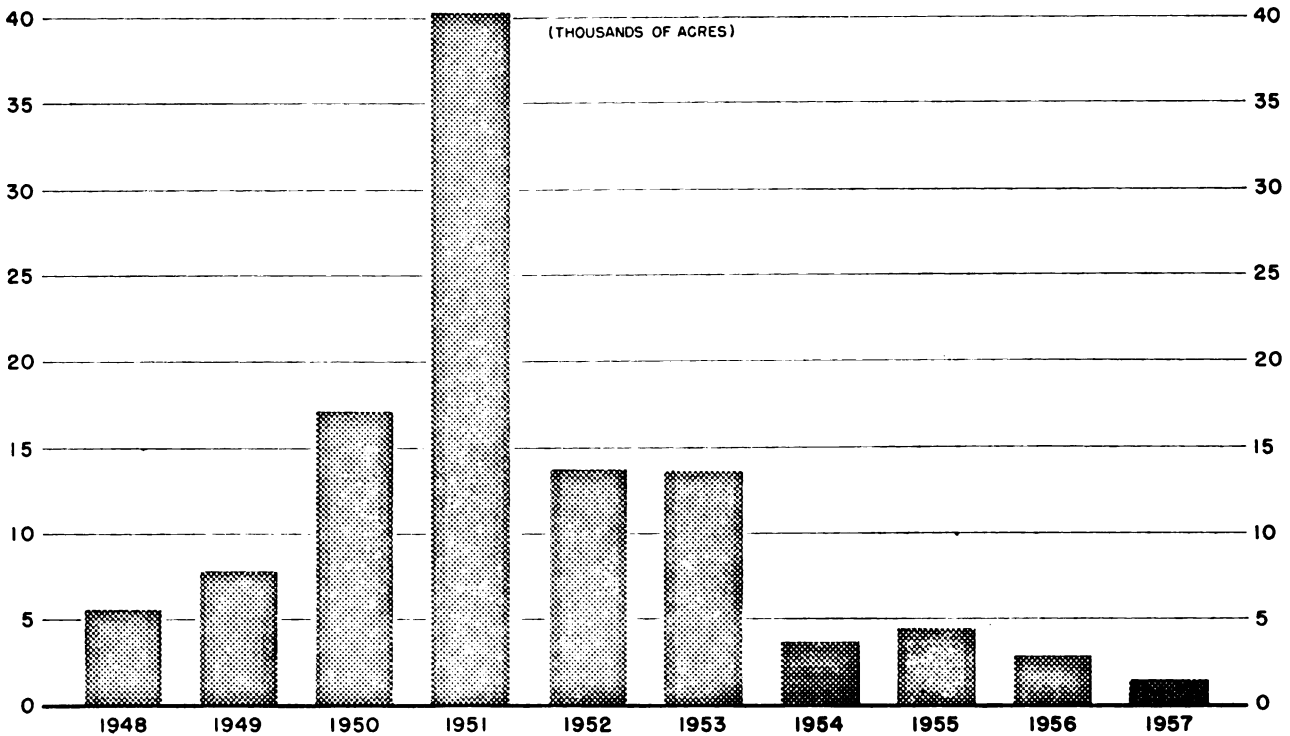

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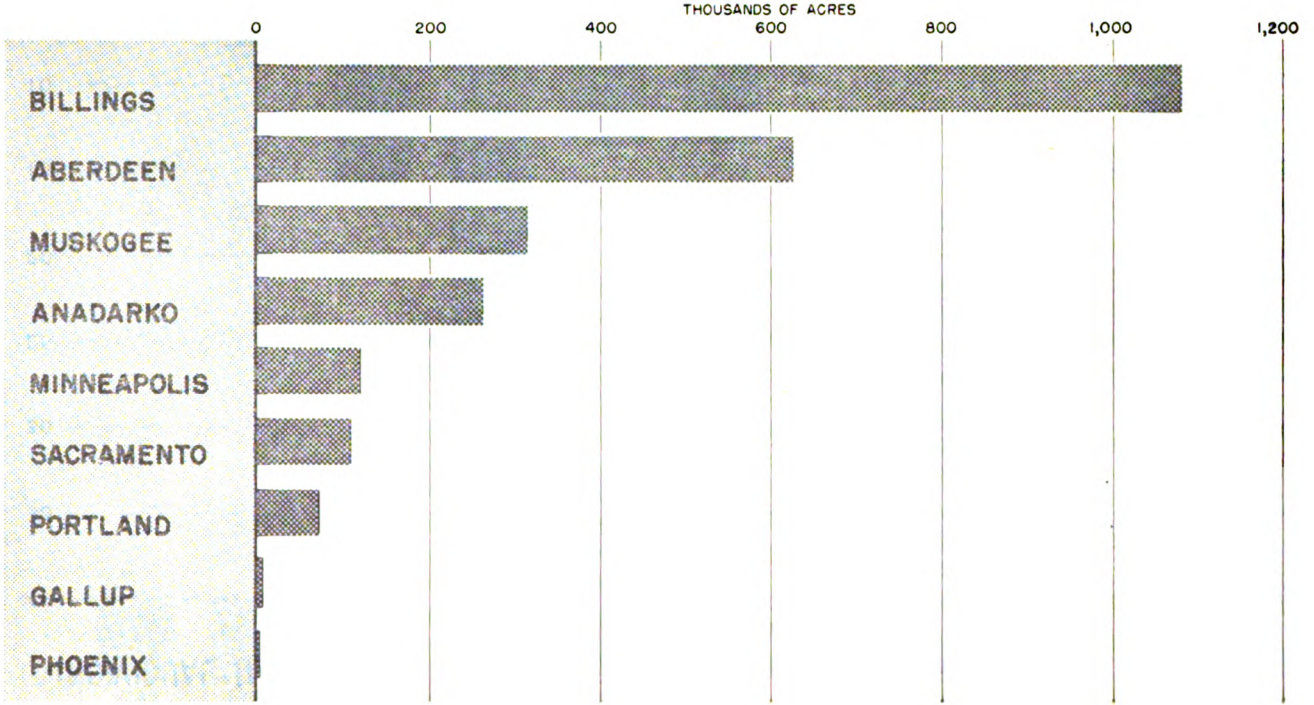
CHART II

TOTAL INDIVIDUAL INDIAN TRUST LANDS REMOVED FROM ALL TRUST STATUS
FOR THE TEN-YEAR PERIOD 1948-1957, BY AREA OFFICE



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ANALYSIS OF COMMITTEE DATA CONCERNING DESIGNATION AND SALE OF "KEY TRACTS" FROM INDIVIDUAL INDIAN TRUST LAND STATUS

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., October 23, 1958.

To: Hon. James E. Murray.
From: Indian Affairs.
Subject: Analysis of Committee data concerning designation and sale of key tracts from individual Indian trust land status.

The original draft of the committee questionnaire had been brought to the attention of Bureau officials to insure the use of proper terminology so that all returns would lend themselves to thorough analysis. The returns, however, indicate not only a difference of opinion between some tribes and the Bureau concerning the definition of "key tract" but also among various officials of the Bureau.

It might be best at this point to direct our attention to the subject matter of a May 16, 1958, memorandum by Glenn L. Emmons, Commissioner of Indian Affairs, to all area directors. In this memo Commissioner Emmons redefined the current policy and it was explained as follows:

> **The basic principle underlying the redefined policy is simply this—if the Indian is competent to manage his own property and he asks for a fee title, then the Government has no moral or equitable right to deny his application. * * * In saying this, the Bureau is not ignoring its trust obligations for tribal lands or other Indian lands which might be adversely affected. In fact, the issuance of fee patents may be delayed in some cases while problems of this type are being constructively worked out. Nevertheless, the rights of the individual Indian are recognized as paramount and this is the Bureau's guiding principle.**

Further along in the memo the Commissioner mentioned "* * * widely held fears that the policy will permit sales of key tracts and thus have an adverse effect on tribal timber or grazing units or on other adjoining lands." In explanation of the Bureau's attitude on this, the memo states:

> As for the effect which the fee patenting may have on other Indian lands, the Bureau's policy and position are quite clear. While the Bureau recognizes the competent Indian's undeniable right to ask for and receive a fee patent, it also keeps in mind its continuing trust responsibilities to the tribal group and to other Indian landowners whose holdings may be affected. Consequently, if there is any real possibility that *the disposal of a particular allotment might adversely affect other Indian lands in trust* [italic ours] the Bureau will take the initiative in consulting with the Indians concerned and will give them every possible assistance in working out a satisfactory solution to the problem. In some cases this will involve purchase of the patented allotment by the tribal group, in other cases it will involve other various types of arrangements. The Bureau believes that all such problems can be fairly and equitably resolved in one way or another.

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This appears to be a rather general and broad definition of "key tract" and seems to have been interpreted in various ways by both tribal and Bureau officials. A summary analysis of the returns brought forth many variations in the application of this terminology that is best summed up in one of the returns as follows:

> Assuming the definition of a "key tract" to mean that property controlling the source of water in a grazing unit which is depended upon by the surrounding area, or tracts with known subsurface production in relation to mineral value. On the other hand, any tract disposed of could be termed a "key tract" for its agricultural or livestock value and the fact that it is being opened to public sale with the possibility of title leaving Indian ownership, if the tribe or its members are not the successful bidders.

The following excerpts from other returns here indicate the range of interpretations:

> The tribal council considers all land within the reservation as more or less "key lands" in view of the large acreage lost through the Garrison Reservoir taking by the United States Army.
>
> The * * * acreage was not recognized by Bureau officials as being key tracts insofar as total control of stock water is concerned. * * * The sale of these tracts has interfered with the best use of the tribal grazing land adjoining these tracts, which were excluded by fencing.
>
> Tracts classed as key by virtue of their proximity and influence on the use of and access to recreational areas, railroads, and highways, and stock watering facilities are recommended for purchase by the tribe.
>
> Two tracts of fee land have been purchased in connection with the moving of homes * * * from a location that floods frequently due to melting snows, to a location where the flooding problem is eliminated.
>
> All purchases and exchanges on the reservation * * * are considered key tracts necessary to consolidate tribal holdings or control water for livestock.
>
> There are several definitions of the term "key tract."
>
> It must be borne in mind that personalities and policy of succeeding council members differ with respect to criteria for key tracts * * *
>
> The tribe considers all trust lands key to their tribal land purchase program.

As indicated by these excerpts there is not a generally accepted definition of the term "key tract." This was one of the major problems encountered in the attempt to analyze the returns.

The second problem was that many answers to the questions were not specific, leaving the researcher to interpret such states as:

> Since 1953 not many trust purchases have been classed as key * * *
>
> The records of * * * since July 1, 1953, show no question raised, either by the tribal board members or individual Indian landowners, regarding sale and disposal of so-called "key tracts" of Indian lands * * * Within the past year * * * not more than two tracts of the total sales could be considered as key tracts * * *. Based on this estimate and the absence of complaints, it is doubtful if very many key tracts have been sold since 1953.

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Questionnaires were sent to 156 tribes, and returns came in from only 11, ruling out any analysis of tribal opinion.

Although the problems enumerated have completely precluded adequate analysis of the "key tracts" problem as seen by tribal and Bureau officials, it has produced a much clearer picture of the problem and methods of ascertaining accurate data from which a more meaningful analysis can be made.

Limitations imposed by the problems enumerated have restricted any analysis to a compilation of answers by Bureau officials to the committee questionnaire. We have appended pertinent tables for Aberdeen, Billings, Portland, and Sacramento area offices since they were the only areas reporting any specific actions.

If we can be of any further assistance in this matter, please feel free to call.

STEPHEN A. LANGONE.

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COMPILATION OF RETURNS TO PT. II OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS QUESTIONNAIRE DIRECTED TO CERTAIN INDIAN AGENCIES

TABLE I.—*Aberdeen area office*

Questions	Agencies				
	Cheyenne River	Fort Berthold	Pierre	Pine Ridge	Rosebud
(1) How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?	Not applicable	No attempt to designate	None	149 tracts, 32,519 acres	Not applicable.
(2) How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?	None	None	do	None	Do.
(3) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?	118,668 acres	do	Not applicable	110 tracts, 23,279 acres	Do.
(4) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?	None	do	None	39 tracts, 9,240 acres	Do.
(5) If there were sales of key tracts to non-Indians discuss the effect that such sales have had on the use of Indian lands remaining in Indian ownership.	do	do	Not applicable	Handicap Indians, reduced values, hurt business.	Do.
(6) Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by the tribes.	Exchanges made with county since 1942.	Not applicable	do	None	Do.

Questions	Agencies			
	Sisseton	Standing Rock	Turtle Mountain	Winnebago
(1) How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?	Not applicable	1 tract, 160 acres	None	None.
(2) How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?	do	None	do	Do.
(3) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?	do	do	do	Do.
(4) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?	do	1 tract, 160 acres	do	Do.
(5) If there were sales of key tracts to non-Indians discuss the effect that such sales have had on the use of Indian lands remaining in Indian ownership.	do	None	do	Do.
(6) Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by the tribes.	do	do	do	Do.

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TABLE II.—*Billings area office*

Questions	Agencies						
	Blackfeet	Crow	Flathead	Fort Belknap	Fort Peck	Northern Cheyenne	Wind River
(1) How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?	Not applicable.	Not applicable.	Not applicable.	21 tracts 15,625 acres.	None	71 tracts, 7,805.65 acres.	6 tracts, 900 acres.
(2) How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?	do	do	do	None	do	None	Do.
(3) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?	do	do	do	21 tracts 15,625 acres.	do	71 tracts, 7,805.65 acres.	None.
(4) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?	do	do	do	None	do	1 tract, 160 acres	6 tracts, 900 acres.
(5) If there were sales of key tracts to non-Indians discuss the effect that such sales have had on the use of Indian lands remaining in Indian ownership.	do	do	do	do	do	None	Interfered with best use of tribal land.
(6) Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by the tribes.	do	do	do	Tribe and individuals have limited funds.	do	do	None.

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COMPILATION OF RETURNS TO PT. II OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS QUESTIONNAIRE DIRECTED TO CERTAIN INDIAN AGENCIES—Continued

TABLE III.—*Portland area office*

Questions	Agencies						
	Colville	Fort Hall	Northern Idaho	Umatilla	Warm Springs	Western Washington	Yakima
(1) How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?	None	None	None	None	None	None	122 tracts, 7,400 acres.
(2) How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?	do	do	do	do	do	do	None.
(3) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?	2 tracts, 313 acres.	do	192 acres	do	do	do	86 tracts, 5,000 acres.
(4) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?	None	do	Unknown	do	do	do	36 tracts, 2,400 acres.
(5) If there were sales of key tracts to non-Indians discuss the effect that such sales have had on the use of Indian lands remaining in Indian ownership.	do	do	None	do	Not applicable	Not applicable	None.
(6) Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by the tribes.	do	do	do	do	do	do	Do.

TABLE IV.—*Sacramento area office*

Questions	Agencies		
	California	Hoopa	Riverside
(1) How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?	None	1 tract, 4 acres	None.
(2) How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?	do	None	Do.
(3) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?	do	1 tract, 4 acres	Do.
(4) How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?	do	None	Do.
(5) If there were sales of key tracts to non-Indians discuss the effect that such sales have had on the use of Indian lands remaining in Indian ownership.	do	Good	Not applicable.
(6) Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by the tribes.	do	None	Do.

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DATA ON PRIVATE LAWS GRANTING FEE PATENTS TO INDIANS[1]

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., July 3, 1958.

Hon. RICHARD L. NEUBERGER,
Chairman, Indian Affairs Subcommittee of Senate Interior and Insular Affairs Committee, United States Senate, Washington, D. C.
(Attention: Mr. James Gamble.)

DEAR SENATOR NEUBERGER: The attached lists represent what we have been able to gather from the face of the statutes, in response to your request for data on private laws granting fee patents to Indians.

You will notice that in a number of instances the land covered by the grant is described by township, section, etc., but without indicating specific acreage involved.

We have been in touch with the Indian Affairs Office at the Interior Department on this point, and have tentatively been given to understand that if they were furnished the data such as we have gathered they could supply the figures on acreage. In view of the urgency which you have expressed, we are sending our findings forthwith, with this explanation, which you will perhaps want to follow up with Mrs. Vassil, code 183, extension 2940.

There are 86 private laws listed, in 20 of which no specific acreage is mentioned. The 66 which do give a specific figure total 36,354.01 acres.

Sincerely yours,

ERNEST S. GRIFFITH, *Director.*

[1] COMMITTEE NOTE: Attached report was sent by the Library of Congress to the Department of the Interior for the necessary additional data.

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SUMMARY OF THE PRIVATE LAWS GIVING FEE PATENTS TO INDIANS ENACTED DURING THE 80TH, 81ST, 82D, AND 83D CONGRESSES

(Compiled by W. C. Gilbert and Roland A. Ouellette, American Law Division)

80TH CONG., 1ST SESS.

Name of allottee	Private Law No.	Page to 61 Stat. (pt. 2)	Date enacted	Number of acres	Location of land
Broken Leg, Daniel	125	1014	Aug. 4, 1947	160.00	Rosebud Indian Reservation, S. Dak.
Doyle, Glayis May	50	985	July 9, 1947	960.00	Big Horn County, Mont., Crow Reservation.
Doyle, Lawrence Stanely	48	984	do	955.26	Do.
Doyle, Raymond Wesley	46	984	do	983.21	Do.
Doyle, Spencer Burgess	49	985	do	1,040.00	Do.
Doyle, Thurlow Grey	47	984	do	1,036.76	Do.
Harris, Kathleen Doyle	54	986	July 11, 1947	1,018.20	Do.
Howe, Erle E	84	998	July 24, 1947	360.00	Crow Indian Reservation, Mont.
Little Light, Becker	86	998	do	40.15	Lands in Montana as described in act; Crow Reservation.
White, Alice Scott	85	998	do	480.00	Do.

80TH CONG., 2D SESS.

Name of allottee	Private Law No.	Page to 62 Stat. (pt. 2)	Date enacted	Number of acres	Location of land
Arens, Florence A. W	382	1387	June 19, 1948	557.37	Crow Indian Reservation, Mont.
Black Dog, James	190	1315	Mar. 3, 1948	160.00	Lands in Montana as described in act; Fort Peck Reservation.
Clincher, Calvin W	187	1314	Feb. 28, 1948	160.00	Washabaugh County, S. Dak.; Pine Ridge, Reservation.
Compton, John F. (John Crazy Bull)	351	1374	June 12, 1948	160.00	Lands in South Dakota as described in act; Rosebud Reservation.
Doyle, James Perry	223	1328	Mar. 25, 1948	640.00	Big Horn County, Mont.; Crow Reservation.
Doyle, Robert E	222	1327	do	640.00	Do.
Eagleman, Tom	191	1315	Mar. 3, 1948	157.10	Lands in South Dakota as described in act; Crow Creek Reservation.
Ghost Bear, Charles, Sr	185	1313	Feb. 28, 1948	160.00	Lands in South Dakota as described in act; Pine Ridge Reservation.
Growing Four Times	264	1342	May 3, 1948	80.00	Lands in Montana as described in act; Fort Peck Reservation.
Kills The Enemy, Charles	186	1314	Feb. 28, 1948	160.00	Lands in South Dakota as described in act; Rosebud Reservation.
Leaf, Mrs. Mary E	221	1327	Mar. 25, 1948	320.00	Corson County, S. Dak.; Standing Rock Reservation.
Love, James P	352	1374	June 12, 1948	72.50	Holmes County, Miss.; nonreservation Indian land.
Milliken, Claude E	265	1342	May 3, 1948	640.00	Crow Indian Reservation, Mont.
Pretty On Top, Mabel Townsend.	219	1326	Mar. 25, 1948	40.00	Lands in Montana as described in act; Crow Reservation.
Scott, Clarence M	220	1327	do	440.00	Crow Indian Reservation, Mont.
Williams, Jonah	182	1313	Feb. 27, 1948	120.00	Lands in South Dakota as described in act; Sisseton Reservation.

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81ST CONG., 1ST SESS.

Name of allottee	Private Law No.	Page to 63 Stat. (pt. 2)	Date enacted	Number of acres	Location of land
Anderson, Phena M	49	1093	May 14, 1949	80.00	Blackfeet Indian Reservation, Mont.
Bassett, Irene Scott	102	1115	June 14, 1949	640.00	Crow Indian Reservation, Mont.
Blackhair, Sidney	273	1180	Sept. 8, 1949	40.00	Do.
Burns, Jeannette Pearl	281	1183	Oct. 1, 1949	299.80	Do.
Burton, James Madison	100	1114	June 14, 1949	960.00	Do.
Dillon, Susie Larvie	268	1178	Sept. 7, 1949	160.00	Pine Ridge Indian Reservation, S. Dak.
Fritzler, Lenora Farwell	270	1178	do	1,000.00	Crow Indian Reservation, Mont.
George, Ethel M. Pearson	105	1115	June 14, 1949	480.00	Do.
Glenn, Leo Farwell	241	1167	Aug. 24, 1949	880.00	Lands in Montana as described in act: Crow Reservation.
Grayeagle, John	243	1168	do	480.00	Lands in South Dakota as described in act; Standing Rock Reservation.
Hand, L. J	186	1147	Aug. 3, 1949	79.87	Holmes County, Miss., possibly nonreservation Indian lands.
Harris, Kathleen Doyle	107	1116	June 14, 1949	873.52	Lands in Montana as described in act; Crow Reservation.
Heckenlively, Howard C	44	1092	May 14, 1949	320.00	Crow Indian Reservation, Mont.
Howe, Francis	45	1092	do	680.00	Do.
Louk, Leah L. Pearson	106	1116	June 14, 1949	460.00	Crow Indian Reservation, Mont.
Loukes, Mrs. Pearl Scott	109	1116	do	620.00	Lands in Montana as described in act; Crow Reservation.
Pearson, Lavantia	103	1115	do	320.00	Crow Indian Reservation, Mont.
Pickett, Thomas A	68	1100	May 24, 1949	638.53	Lands in Montana as described in act; Crow Reservation.
Schroeder, Leslie Paul	50	1093	May 14, 1949	640.00	Crow Indian Reservation, Mont.
Scott, Clarence M	101	1114	June 14, 1949	440.52	Lands in Montana as described in act; Crow Reservation.
Skoog, June Scott	108	1116	do	640.00	Do.
Swift Horse, George	269	1178	Sept. 7, 1949	160.00	Cheyenne River Indian Reservation, S. Dak.
Two Spears From Bird, Lulu.	280	1183	Oct. 1, 1949	157.06	Do.

81ST CONG., 2D SESS.

Name of allottee	Private Law No.	Page to 64 Stat. (pt. 2)	Date enacted	Number of acres	Location of land
Anderson, Wilbur and others.	1002	A240	Sept. 26, 1950	639.61	Blackfeet Indian Reservation, Mont.
Bigman, Edgar S	839	A180	Aug. 21, 1950	1,040.00	Crow Indian Reservation, Mont.
Edwards, Francis Lee	838	A179	do	960.00	Do.
Glenn, Emma Phelps	454	A42	May 5, 1950	860.00	Do.
Goering, Josephine Stevens	828	A176	Aug. 17, 1950	600.00	Do.
Heckenlively, Guy L	827	A175	do	696.08	Do.
High Horse, Paul and Anna.	452	A41	May 5, 1950	160.00	Rosebud Indian Reservation, S. Dak.
Kibby, Charlotte Geisdorff	829	A176	Aug. 17, 1950	776.08	Crow Indian Reservation, Mont.
Moran, Howard H	687	A125	Aug. 3, 1950	165.00	Rosebud Indian Reservation, S. Dak.
Pease, Anson Harold	620	A102	June 29, 1950	649.55	Lands in Montana as described in act; Crow Reservation.
Phelps, B. M. (Bird)	453	A42	May 5, 1950	1,000.00	Crow Indian Reservation, Mont.
Phelps, Charles M	455	A43	do	924.65	Do.
Ross, Rebecca Collins	830	A176	Aug. 17, 1950	440.00	Do.
Scott, Wilbur J	625	A104	June 29, 1950	317.86	Lands in Montana as described in act; Crow Reservation.
Watt, James Wilbur	825	A175	Aug. 17, 1950	542.00	Crow Indian Reservation, Mont.
Watt, Mary E. White	826	A175	do	560.00	Do.
Watt, William	824	A174	do	945.00	Do.

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82D CONG., 1ST SESS.

Name of allottee	Private Law No.	Page to 65 Stat.	Date enacted	Number of acres	Location of land
Brown, Richard James	108	A42	June 28, 1951	80.00	Blackfeet Indian Reservation, Mont.
Craig, Laura A	367	A136	Oct. 26, 1951	18.08	Do.
Glenn, Percival H	111	A43	June 28, 1951	996.24	Crow Indian Reservation, Mont.
Groh, Lucille Ellen Sanders	230	A87	Aug. 29, 1951	720.00	Lands in Montana as described in act; Crow Reservation.
Ollinger, Ursula Rutherford	371	A137	Oct. 27, 1951	1,016.21	Crow Indian Reservation, Mont.
Pickett, Joseph	411	A150	Oct. 31, 1951	720.00	Do.
Sanders, Julia Jackson	232	A89	Aug. 29, 1951	640.00	Lands in Montana as described in act; Crow Reservation.
Spearson, Mary Rutherford	372	A138	Oct. 27, 1951	1,041.92	Crow Indian Reservation, Mont.
Whitebear, Lulu M	114	A44	June 28, 1951	640.00	Do.
Wolfe, Estella and others	137	A53	July 5, 1951	1,800.00	Do.

82D CONG., 2D SESS.

Name of allottee	Private Law No.	Page to 66 Stat.	Date enacted	Number of acres	Location of land
Cummins, John B	855	A158	July 12, 1952	797.21	Crow Indian Reservation, Mont.
Delaney, Viola	872	A163	July 14, 1952	87.58	Blackfeet Indian Reservation, Mont.
Gann, Charles A	1010	A207	July 16, 1952	(1)	Land in California as described in act; homestead entry—no record as being Indian lands.
Gerard, Fred, Jr., and others	873	A164	July 14, 1952	160.00	Blackfeet Indian Reservation, Mont.
Howe, Erle E	854	A158	July 12, 1952	360.00	Crow Indian Reservation, Mont.
Pease, Walter Anson	870	A163	July 14, 1952	983.72	Lands in Montana as described in act; Crow Reservation.
Yarlott, Franklin	871	A163	-----do-----	480.00	Crow Indian Reservation, Mont.
Yarlott, Reba, and others	874	A164	-----do-----	2,511.40	Do.

[1] Not specified.

83D CONG., 1ST SESS.

Name of allottee	Private Law No.	Page to 67 Stat.	Date enacted	Number of acres	Location of land
				None	

83D CONG., 2D SESS.

Name of allottee	Private Law No.	Page to 68 Stat. (pt. 2)	Date enacted	Number of acres	Location of land
Hungry, Leona	871	A232	Aug. 28, 1954	160.00	Rosebud Indian Reservation, S. Dak.
McNeel, John, No. 1	527	A117	July 14, 1954	245.00	Fort Belknap Indian Reservation, Mont.
Othermedicine, Lucy Y	469	A95	June 28, 1954	169.04	Crow Indian Reservation, Mont.

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INDIAN BUREAU DEFINITIONS OF TYPES OF TRANSACTIONS INVOLVED IN THE DISPOSAL OF INDIVIDUAL INDIAN LANDS FROM TRUST STATUS

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., July 18, 1958.

Hon. GLENN L. EMMONS,
Commissioner, Bureau of Indian Affairs,
Department of the Interior, Washington, D. C.
(Attention Branch of Realty.)

DEAR COMMISSIONER EMMONS: We have been requested by a Senate committee to analyze certain materials having to do with Indian land transactions. This assignment has created a problem insofar as the definition of Indian Bureau terminology in land transactions is concerned.

Would you please supply us with a legal or other definition of certain terms and expressions used in such type of actions, said definitions to include the legal authority for each type.

The terms and expressions referred to are as follows:

(1) Sales to fee status.
(2) Patents-in-fee (fee patents).
(3) Takings for public purposes.
(4) Removal of restrictions.
(5) To fee status by inheritance or devise.
(6) Exchange to fee status.
(7) Certificates of competency.
(8) To fee status by partition.
(9) Canceled duplicate allotments.
(10) To fee status by gift.
(11) To fee status by probate.
(12) To fee status by guardianship sale.

Since we have a deadline to meet on this request, we would greatly appreciate your sending this data at your earliest possible convenience.

Sincerely yours,

ERNEST S. GRIFFITH, *Director.*

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DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C., August 13, 1958.

Mr. ERNEST S. GRIFFITH,
Director, Legislative Reference Service,
The Library of Congress, Washington, D. C.

DEAR MR. GRIFFITH: We have your letter of July 18, in which you request definitions, and the legal authority therefor, of certain types of Indian land transactions. There follows by item number an explanation of the terms used.

1. *Sales to fee status.*—Individually owned trust or restricted Indian land may be sold to Indians or non-Indians and a fee patent issued therefor. The authority for the sale of Indian land is contained in various acts passed by Congress. The principal statutory authorities are cited at the beginning of title 25, Code of Federal Regulations, part 121 under the heading "Authority." [See also 25 C. F. R. 121.9–10.)

2. *Patents-in-fee.*—The word "patent" means the title deed by which a government, either State or Federal, conveys its lands. "In fee" means that the patent is conveying the "largest possible estate which a man can have, being an absolute estate." Definitions were taken from Bouvier's Law Dictionary. The term "patent-in-fee," as used in this report, describes the title document issued by the Federal Government to terminate the trust created by the trust patent issued to the allottee and operates to vest the fee simple title in said allottee or his heirs or devisees. (See 25 C. F. R. 121.2.) Of course, patents in fee as well as deeds are used in conveyances to the purchasers of lands in the sales described in item 1.

3. *Takings for public purposes.*—As the phrase implies, this is a taking of Indian land for public use, either by purchase with the consent of the owner, or if that cannot be obtained, then by condemnation proceedings. Some of the purposes for which land may be taken are for rights-of-way for public roads and railroads, for construction of dams and reservoirs, for parks, and for various other uses by other branches of the Government, both State and Federal, that are in the interests of the general public. Authority for the sale of Indian land is stated in item 1 above. The act of February 5, 1948 (62 Stat. 17; 25 U. S. C. 323–8), provides general authority for granting rights-of-way over Indian lands. Allotted Indian lands may be condemned for any public purpose under the laws of the State or Territory where located, in the same manner as land owned in fee is condemned, and the money awarded as damages is paid to the allottee (act of March 3, 1901, sec. 3; 31 Stat. 1084, 25 U. S. C. 357). Although the subject may not be entirely free from doubt, it is our view that in the absence of statutory authorization tribal Indian lands may not be condemned.

4. *Removal of restrictions.*—In some instances, where land has been purchased by an Indian with trust or restricted funds, title to the land is held under a deed to the individual Indian which contains a restriction against alienation or encumbrance without the consent of the Secretary of the Interior. Where the land is held under such a deed, an order removing restrictions is issued. These restrictions are imposed by the Secretary of the Interior under his general supervisory authority over the expenditure of trust or restricted funds and the

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restrictive clause is the sole authority for the removal of such restrictions. (See 25 C. F. R. 121.49 for authority.)

5. *To fee status by inheritance or devise; and 11, to fee status by probate.*—The act of June 25, 1910 (36 Stat. 856), and the act of February 14, 1913 (37 Stat. 678), provide for the determination of heirs by the Secretary and the disposition and sale of allotments of deceased Indians. It has been held that where a non-Indian or an alien Indian inherits or is devised trust or restricted lands, such person takes unrestricted fee title by operation of law. (See *Levindale Lead Company* v. *Coleman*, 241 U. S. 432 (1916), and *Bailess* v. *Paukune*, 344 U. S. 171 (1952).)

6. *Exchanges to fee status.*—With the approval of the Secretary, exchanges of individually owned Indian land may be made in accordance with title 25, Code of Federal Regulations, section 121.9, and if the exchange is with a non-Indian or Indian desiring fee title, the Indian land exchanged is taken in a fee status.

7. *Certificates of competency.*—Under the act of June 25, 1910 (36 Stat. 855), Indians may file applications for certificates of competency for lands held under restricted fee patents. If the Secretary finds the applicant capable of managing his own affairs and transacting his own business, he removes the restrictions on the land by the issuance of a certificate of competency. Certificates of competency are issued in accordance with title 25, Code of Federal Regulations, sections 121.3–121.7.

8. *To fee status by partition.*—In accordance with the act of May 18, 1916 (39 Stat. 127), if the Secretary finds that any inherited trust allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their share, and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart for them.

9. *Canceled duplicate allotments.*—The acts of January 26, 1895 (28 Stat. 641), and April 23, 1904 (33 Stat. 297), provide that in all cases where it appears that a double allotment of land was wrongfully or erroneously made by the Secretary to any Indian by an assumed name or otherwise, or where a mistake was made in the description of the land inserted in the patent, the Secretary is authorized and directed, during the time that the United States may hold the title to the land in trust for any such Indian, to rectify and correct such mistakes and cancel any patent which may have been erroneously or wrongfully issued. If possession of the original patent cannot be obtained, such cancellation is effective if made upon the records of the General Land Office (now Bureau of Land Management). The land in the canceled allotment reverts to its former status; that is, if it was originally tribal land, it again becomes tribal land, or if it had been public domain, it reverts to the public domain.

10. *To fee status by gift.*—Title 25, Code of Federal Regulations, section 121.24, permits an Indian owner of trust or restricted land, with the approval of the Secretary, to convey the land to a member of his or her immediate family for less than the appraised value. Such a gift of land may be made for "$1, love and affection," on the part of the recipient of the gift. In this instance the land may be taken in fee if desired. For purposes of reporting, we consider this

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type of transaction as a sale to fee status. See authorities at beginning of title 25, Code of Federal Regulations, part 121.

11. See item 5 above.

12. *To fee status by guardianship sale.*—There are no true guardianship sales in the usual sense of that term conducted by the Bureau of Indian Affairs. In certain instances where the consent of all of the owners to the sale of land is required and minors or non compos mentis Indians are involved, the appointment of a legal guardian to grant such consent is required. The sale, however, is conducted by the Bureau under its supervised sales procedure as described in title 25, Code of Federal Regulations, sections 121.9–121.31. The only places where guardianship sales are conducted by the courts are at Osage and Five Civilized Tribes in Oklahoma, under authority of statutes of special application to those jurisdictions.

We trust this will give you the desired information.

Sincerely yours,

(SGD) E. V. Utz,
Assistant Commissioner.

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ANALYSIS OF VOLUME OF TRANSACTIONS INVOLVING DISPOSAL OF INDIVIDUAL INDIAN TRUST LANDS TO FEE STATUS

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., July 18, 1958.

To: Hon. James E. Murray.
From: Indian Affairs.
Subject: Volume of transactions involving disposal of individual Indian trust lands.

Tables enclosed herein are designed to show volumes of transactions involved in the disposal of individual Indian lands to fee status, 1948–57. They were prepared in response to a telephone call from Mr. Victor O. Reinemer on June 9, 1958. Precise definitions of the various types of transactions have been requested of the Indian Bureau to assist in the interpretation of these data. The returns from Five Civilized Tribes were late and had to be supplied in an appendix since they were not available at the time statistical calculations were made.

Table I [1] shows area totals, by years, of individual Indian land transactions. It will be seen that in volume of transactions over the 10 years in question Muskogee is in the lead, followed by Aberdeen, Billings, and Anadarko in the order named. Intermediate are Minneapolis, Sacramento, and Portland in the order named. Gallup and Phoenix show very few transactions.

The sense of table I then is that in searching for the background of individual Indian land transactions one would commence with areas having the highest totals. Within these areas would be found the individual agencies with the highest volumes of transactions.

Tables II through X show the totals of individual Indian land transactions, by agencies, for the period, 1948–57. Table II (Aberdeen) shows that the highest volume of transactions were at Fort Berthold followed by Pine Ridge, Rosebud, Cheyenne River, and Standing Rock in the order named. Table III (Anadarko) shows the highest volume of transactions at Kiowa, followed by Osage, Cheyenne-Arapaho, and Pawnee in the order named. Table IV (Billings) shows the highest volume of transactions at Crow, followed closely by Fort Peck, and then Blackfeet and Flathead in the order named. Table V (Gallup) does not indicate any notable volume of individual land disposal transactions. Table VI (Minneapolis) shows the greater number of transactions in Minnesota agency followed fairly closely by the other jurisdiction, Great Lakes. Table VII (Muskogee) shows a vast preponderance in volume of transactions at Five

[1] Source of tables I–XII: Returns to questionnaire of April 17, 1958, addressed to certain Indian Bureau agencies by the Senate Committee on Interior and Insular Affairs.

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Civilized Tribes agency. Table VIII (Phoenix) shows no sizable volume of transactions in disposal to trust status of individual Indian land. Table IX (Portland) shows the largest volume of transactions in northern Idaho, followed by Colville, and western Washington in the order named. Table X (Sacramento) shows a vast preponderance of transactions in California agency.

The next table XI lists the agencies without regard to their area affiliations, in the order of their volume of transactions from greatest to least. Five Civilized Tribes should precede Fort Berthold, having a total of 4,447 transactions. After Fort Berthold in order of volume greatest to least of the first dozen are Crow, Fort Peck, Minnesota, California, Blackfeet, Pine Ridge, Kiowa, Great Lakes, and Rosebud.

The last table, table XII, gives totals by types of transactions, with the agencies arranged in terms of gross volumes. The design of this table is to explain the nature of the transactions involved in the disposal to fee status of individual Indian lands. Here again Five Civilized Tribes should head the list. At Fort Berthold it can be seen that takings for public purposes overshadow the list. At Crow, Fort Peck, and Blackfeet patents in fee overshadow sales to fee status, and may be, in considerable part, the results of private laws.

WILLIAM H. GILBERT.

TABLE I.—*Bureau of Indian Affairs, area totals, individual Indian land disposal transactions*

Area	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Aberdeen	167	428	158	1,459	141	176	569	240	348	347	4,033	403.0
Anadarko	195	149	121	122	111	143	207	179	331	468	2,026	203.0
Billings	86	176	140	179	248	640	956	721	269	490	3,905	390.5
Gallup	------	------	12	7	14	4	1	------	1	1	40	4.0
Minneapolis	------	------	------	37	3	173	249	422	486	421	1,791	179.0
Muskogee	------	------	------	------	------	------	------	------	------	------	------	------
Phoenix	4	5	1	1	------	4	3	2	1	4	25	2.5
Portland	34	41	40	82	95	90	84	162	171	288	1,087	109.0
Sacramento	44	74	148	338	109	132	67	89	118	52	1,171	117.0
Total	530	873	620	2,225	721	1,362	2,136	1,815	1,725	2,071	14,088	1,401.0

TABLE II.—*Bureau of Indian Affairs, Aberdeen area transactions, individual Indian land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Cheyenne River	13	20	5	1	10	10	278	7	41	11	396	40.0
Fort Berthold	3	------	------	1,352	------	4	12	21	2	2	1,396	140.0
Pierre	7	9	19	10	17	17	15	11	16	59	183	18.0
Pine Ridge	54	73	20	25	56	88	163	115	136	83	813	81.0
Rosebud	53	143	74	37	25	17	56	66	117	139	727	73.0
Sisseton	------	1	3	5	9	15	22	3	3	12	73	7.0
Standing Rock	28	175	33	10	16	16	7	8	10	30	273	27.0
Turtle Mountain consolidated	------	------	------	------	------	1	------	------	1	1	3	.3
Winnebago	9	7	4	19	8	8	16	16	22	10	119	12.0
Total	167	428	158	1,459	141	176	569	250	348	347	4,043	404.0

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TABLE III.—*Bureau of Indian Affairs, Anadarko area transactions, individual Indian land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Cheyenne and Arapaho	74	10	9	11	6	9	40	53	91	78	381	38
Kiowa	35	66	53	51	51	66	97	77	128	175	799	80
Pawnee	26	18	12	12	9	9	13	13	43	131	286	29
Potawatomi	10	4	2	5	1	8	2	7	15	30	84	8
Shawnee	2	5	17	12	4	4	2	10	14	14	84	8
Osage [1]	48	46	28	31	40	47	53	19	40	40	392	39
Total	195	149	121	122	111	143	207	179	331	468	2,103	210

[1] Includes possibly tribal, as well as individual disposals.

TABLE IV.—*Bureau of Indian Affairs, Billings area transactions, individual Indian land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Blackfeet	4	42	22	21	45	214	282	89	50	150	919	92.0
Crow	31	60	86	103	140	187	283	266	68	71	1,295	129.5
Flathead	5	2	------	11	20	31	36	28	25	39	197	20.0
Fort Belknap consolidated	------	1	1	------	6	34	38	6	12	19	117	12.0
Fort Peck	44	70	29	40	36	161	291	313	106	180	1,270	127.0
Northern Cheyenne	------	------	------	------	------	------	5	6	3	17	31	3.0
Wind River	2	1	2	4	1	13	21	13	5	14	76	8.0
Total	86	176	140	179	248	640	956	721	269	490	3,905	390.5

TABLE V.—*Bureau of Indian Affairs, Gallup area transactions, individual Indian land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Consolidated Ute	------	------	------	------	------	------	------	------	1	------	1	------
Jicarilla	------	------	------	------	------	------	------	------	------	------	0	------
Mescalero	------	------	------	------	------	------	------	------	------	------	0	------
Navajo	------	------	------	2	14	4	1	------	1	------	22	2
United Pueblo	------	------	12	5	------	------	------	------	------	1	18	2
Zuni	------	------	------	------	------	------	------	------	------	------	0	------
Total	------	------	12	7	14	4	1	------	2	1	41	4

TABLE VI.—*Bureau of Indian Affairs, Minneapolis transactions, individual Indian land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Great Lakes	------	------	------	37	3	142	200	92	154	165	793	79
Minnesota	------	------	------	------	------	31	49	330	332	256	998	100
Total	------	------	------	37	3	173	249	422	486	421	1,791	179

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TABLE VII.—*Bureau of Indian Affairs, Muskogee area transactions of land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Choctaw Agency											0	
Five Civilized Tribes Agency	198	149	202	615	469	754	611	545	426	336	4,305	430.5
Quapaw area field office	12	7	9	8	8	17	21	18	15	25	140	14.0
Seminole Agency										2	2	.2
Total	210	156	211	623	477	771	632	563	441	363	4,447	445.0

TABLE VIII.—*Bureau of Indian Affairs, Phoenix area transactions, individual Indian land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Colorado River											0	
Fort Apache											0	
Hopi											0	
Nevada		1		1		4	2	2			10	1.0
Papago											0	
Pima											0	
San Carlos											0	
Uintah and Ouray	4	4	1				1		1	4	15	1.5
Total	4	5	1	1		4	3	2	1	4	25	2.5

TABLE IX.—*Bureau of Indian Affairs, Portland area transactions, individual Indian land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
Colville	3	3	17	32	3	11	11	60	54	57	251	25
Fort Hall		1	2	5	11	2	4	5	3	9	42	4
Northern Idaho	3	10	12	28	55	61	41	50	35	16	311	31
Umatilla	22	14		3	1	1	7	9	13	51	121	12
Warm Springs	1	1	1		1	1	2	2	6	4	19	2
Western Washington				7	9	10	5	18	40	117	206	21
Yakima [1]	5	12	8	7	15	4	14	18	20	34	137	14
Total	34	41	40	82	95	90	84	162	171	288	1,087	104

[1] Includes possibly tribal as well as individual disposals.

TABLE X.—*Bureau of Indian Affairs, Sacramento area transactions, individual Indian land disposal*

Jurisdiction	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total	Average
California Agency	43	67	132	304	102	117	49	74	76	25	989	99
Hoopa area field office		3	9	23	1	10	2	10	20	23	101	10
Riverside area field office	1	4	7	11	6	15	16	5	22	4	91	9
Total	44	74	148	338	109	132	67	89	118	52	1,181	118

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TABLE XI.—*List of Indian Bureau agencies in terms of volume of transactions whereby individual Indian land passed out of trust status, 1948–57*

1. Fort Berthold	1,396	27. Riverside	91
2. Crow	1,295	28. Potawatomi	84
3. Fort Peck	1,270	29. Shawnee	84
4. Minnesota	998	30. Wind River	76
5. California	989	31. Sisseton	73
6. Blackfeet	919	32. Fort Hall	42
7. Pine Ridge	813	33. Northern Cheyenne	31
8. Kiowa	799	34. Navajo	22
9. Great Lakes	793	35. Warm Springs	19
10. Rosebud	727	36. United Pueblo	18
11. Cheyenne River	396	37. Uintah and Ouray	15
12. Osage	392	38. Turtle Mountain Consolidated	8
13. Cheyenne and Arapaho	381	39. Seminole	2
14. Northern Idaho	311	40. Consolidated Ute	1
15. Pawnee	286	41. Pima	0
16. Standing Rock	273	42. Jicarilla	0
17. Colville	251	43. Choctaw	0
18. Western Washington	206	44. Colorado River	0
19. Flathead	197	45. San Carlos	0
20. Pierre	183	46. Papago	0
21. Quapaw	140	47. Hopi	0
22. Yakima	137	48. Fort Apache	0
23. Umatilla	121	49. Zuni	0
24. Winnebago	119	50. Mescalero	0
25. Fort Belknap Consolidated	117		
26. Hoopa	101		

TABLE XII.—*Volume of transactions, 1948–57, by type involved in the disposal of individual Indian lands from trust status, arranged by agency in order of greatest to least gross volume* [1]

1. Fort Berthold:	
Total	1,396
Annual average	140
Largest volume (in 1951)	1,352
Patents in fee	24
To fee status by inheritance or devise	4
Sales to fee status	18
Takings for public purposes (Garrison Dam on Missouri River)	1,350
2. Crow:	
Total	1,295
Annual average	129.5
Largest volume (in 1954)	283
Patents in fee	796
Sales to fee status	490
Removal of restrictions	2
Exchanges to fee status	7
3. Fort Peck:	
Total	1,270
Annual average	127
Largest volume (in 1955)	313
Patents in fee	717
Sales to fee status	542
Removal of restrictions	5
To fee status by inheritance or devise	1
To fee status by partition	2

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TABLE XII.—*Volume of transactions, 1948–57, by the type involved in the disposal of individual Indian lands from trust status, arranged by agency in order of greatest to least gross volume*—Continued

4. Minnesota:	
Total	998
Annual average	100
Largest volume (in 1956)	332
Patents in fee	2
Certificates of competency	2
To fee status by inheritance or devise	42
Canceled duplicate allotments	3
Sales to fee status	949
5. California Agency:	
Total	989
Annual average	99
Largest volume (in 1951)	304
Fee patents	76
Sales to fee status	69
Public domain fee patents	170
Public domain sales to fee status	667
Public domain orders removing restrictions	7
6. Blackfeet:	
Total	919
Annual average	92
Largest volume (in 1954)	282
Patents in fee	614
Certificates of competency	135
Removal of restrictions	5
To fee status by inheritance or devise	6
To fee status by partition	1
Exchanges to fee status	10
Sales to fee status	118
7. Pine Ridge:	
Total	813
Annual average	81
Largest volume (in 1954)	163
Patents in fee	200
Gift	43
Sales to fee status	552
Partitionment	8
Exchanges to fee status	8
Takings for public purposes	2
8. Kiowa:	
Total	799
Annual average	80
Largest volume (in 1957)	175
Patents in fee	131
Removal of restrictions	17
To fee status by inheritance or devise	5
To fee status by partition	1
Exchanges to fee status	3
Sales to fee status	587
Takings for public purposes	55
9. Great Lakes:	
Total	793
Annual average	79
Largest volume (in 1954)	200
Patents in fee	3
Certificates of competency	14
Removal of restrictions	15
To fee status by inheritance or devise	7
Sales to fee status	754

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TABLE XII.—*Volume of transactions, 1948–57, by the type involved in the disposal of individual Indian lands from trust status, arranged by agency in order of greatest to least gross volume*—Continued

10. Rosebud:	
Total	727
Annual average	73
Largest volume (in 1939)	143
Patents in fee	383
Exchanges in fee status	200
Sales to fee status	133
Removal of restrictions	5
To fee status by inheritance or devise	1
Takings for public purposes	5
11. Cheyenne River:	
Total	396
Annual average	40
Largest volume (in 1954)	278
Patents in fee	57
Removal of restrictions	1
Exchanges to fee status	13
Sales to fee status	43
Takings for public purposes	278
12. Osage:	
Total	392
Annual average	39
Largest volume (in 1948)	48
Supervised sales	180
Certificates of competency	86
Partitions	58
Probates	32
Guardianship sales	5
Removal of restrictions	13
Exchange deeds	6
Gift deeds	2
Condemnations	8
13. Cheyenne and Arapaho:	
Total	381
Annual average	38
Largest volume (in 1956)	91
Patents in fee	30
Removal of restrictions	8
Sales to fee status	381
Takings for public purposes	52
14. Northern Idaho:	
Total	311
Annual average	31
Largest volume (in 1953)	61
Patents in fee	59
Removal of restrictions	2
To fee status by inheritance or devise	1
Exchange to fee status	1
Sales to fee status	234
Takings for public purposes	14
15. Pawnee:	
Total	286
Annual average	29
Largest volume (in 1957)	131
Patents in fee	44
Removal of restrictions	10
To fee status by partition	1
Partition	2
Sales to fee status	320

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TABLE XII.—*Volume of transactions, 1948–57, by the type involved in the disposal of individual Indian lands from trust status, arranged by agency in order of greatest to least gross volume*—Continued

16. Standing Rock:	
Total	273
Annual average	27
Largest number (in 1949)	175
Patents in fee	222
To fee status by partition	6
Exchange to fee status	37
Sales to fee status	318
Taking for public purposes	47
17. Colville:	
Total	251
Annual average	25
Largest volume (in 1955)	60
Patents in fee	88
Removal of restrictions	1
To fee status by inheritance or devise	3
To fee status by partition	3
Patent issued to nonrestricted interest	4
Sales to fee status	99
To fee status by exchange	1
To fee status by gift	1
Taking for public purposes	50
18. Western Washington:	
Total	206
Annual average	21
Largest volume (in 1957)	117
Sales to fee status	53
Removal of restrictions	5
Taking for public purposes	8
Patents in fee	105
To fee status by inheritance or devise	7
Certificate of competency	1
School site deeded to county	1
19. Flathead:	
Total	197
Annual average	20
Largest volume (in 1957)	39
Patents in fee	74
Certificates of competency	23
Removal of restrictions	3
To fee status by inheritance or devise	1
Exchange to fee status	7
Sales to fee status	88
20. Pierre:	
Total	183
Annual average	18
Largest volume (in 1957)	59
Patents in fee	64
Removal of restrictions	2
To fee status by inheritance or devise	16
Exchange to fee status	19
Sales to fee status	82
21. Quapaw:	
Total	140
Annual average	14
Largest volume (in 1957)	25
Patents in fee	61
Removal of restrictions	39
To fee status by inheritance or devise	6
Exchange to fee status	1
Sales to fee status	2
Takings for public purposes	12

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TABLE XII.—*Volume of transactions, 1948–57, by the type involved in the disposal of individual Indian lands from trust status, arranged by agency in order of greatest to least gross volume*—Continued

22. Yakima:	
Total	137
Annual average	14
Largest volume (in 1957)	34
Fee patents or unrestricted deed	135
Cancellation of allotment	3
Removal of restrictions	3
23. Umatilla:	
Total	121
Annual average	12
Largest volume (in 1957)	51
Patents in fee	72
Removal of restrictions	2
To fee status by inheritance or devise	3
Exchange to fee status	1
Sales to fee status	12
Taking for public purpose	31
24. Winnebago:	
Total	119
Annual average	12
Largest number (in 1956)	22
Patents in fee	18
Sales to fee status	88
Certificates of competency	4
Taking for public purpose	9
25. Fort Belknap Consolidated:	
Total	117
Annual average	12
Largest volume (in 1954)	38
Patents in fee	59
Removal of restrictions	1
To fee status by inheritance or devise	1
Exchange to fee status	4
Sales to fee status	52
26. Hoopa:	
Total	101
Annual average	10
Largest volume (in 1951 and in 1956)	23
Patents in fee	80
Sales to fee status	20
Taking for public purpose	1
27. Riverside:	
Total	91
Annual average	9
Largest volume (in 1956)	22
Patents in fee	58
Removal of restrictions	2
Sale to fee status	31
28. Potawatomi:	
Total	84
Annual average	8
Largest volume (in 1957)	30
Patent in fee	24
Removal of restrictions	9
Sales to fee status	50
To fee status by inheritance	1
29. Shawnee:	
Total	84
Annual average	8
Largest volume (in 1950)	17
Patents in fee	43
Removal of restrictions	13
To fee status by inheritance or devise	7
Sales to fee status	63

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TABLE XII.—*Volume of transactions, 1948–57, by the type involved in the disposal of individual Indian lands from trust status, arranged by agency in order of greatest to least gross volume*—Continued

30. Wind River:	
Total	76
Annual average	8
Largest volume (in 1954)	21
Patent in fee	23
Exchange to fee status	9
Sales to fee status	41
Taking for public purposes	2
31. Sisseton:	
Total	73
Annual average	7
Largest number (in 1954)	22
Patent in fee	24
Removal of restrictions	7
Sales to fee status	42
32. Fort Hall:	
Total	42
Annual average	4
Largest volume (in 1952)	11
Certificates of competency	14
Exchange to fee status	1
Sales to fee status	23
33. Northern Cheyenne:	
Total	31
Annual average	3
Largest volume (in 1955)	6
Patents in fee	26
34. Navajo:	
Total	22
Annual average	2
Largest volume (in 1952)	14
Patent in fee	1
Removal from trust status	1
To fee status by partition	2
Sales to fee status or non-Indians	18
35. Warm Springs:	
Total	19
Annual average	2
Largest volume (in 1956)	6
Sales to fee status	18
36. United Pueblos:	
Total	18
Annual average	2
Largest volume (in 1950)	12
Patent in fee	17
Sales to fee status	1
37. Uintah and Ouray:	
Total	15
Annual average	1.5
Largest volume (in 1949)	5
Patents in fee	10
To fee status by inheritance or devise	1
Escheat to tribe	3
Exchange to fee status	1
38. Nevada:	
Total	10
Annual average	1
Largest volume (in 1953)	4
Patents in fee	8
Exchanges to fee status	1

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TABLE XII.—*Volume of transactions, 1948–57, by type involved in the disposal of individual Indian lands from trust status, arranged by agency in order of greatest to least gross volume*—Continued

39. Turtle Mountain Consolidated A:	
Total number	3
Annual average	3
Largest number	----
Patents in fee	2
Removal of restrictions	1
To North Dakota for TB sanatorium	1
40. Seminole:	
Total	2
Annual average	2
Takings for public purposes	2
41. Consolidated Ute:	
Total	1
Certificate of competency	1
42. Pima, total	0
43. Jicarilla, total	0
44. Choctaw, total	0
45. Colorado River, total	0
46. San Carlos, total	0
47. Papago, total	0
48. Hopi, total	0
49. Fort Apache, total	0
50. Zuni, total	0
51. Mescalero, total	0
Appendix, Five Civilized Tribes:	
Total	4,447
Annual average	445
Largest volume (in 1953)	771
Removal of restrictions	419
Sales to fee status	2,878
Heirship	419
Unallotted tribal land sales	56

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REAL ESTATE ACTIVITIES OF THE INDIAN TRIBES

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., October 31, 1958.

To: Hon. James E. Murray.
From: Indian Affairs.
Subject: Real-estate activities of the Indian tribes.

In response to a request from Mr. Victor O. Reinemer of your office on October 8, 1958, I am herewith submitting this memorandum and accompanying chart which will help to summarize the returns on tribal real-estate activities from the committee questionnaire of April 17, 1958, on Indian land transactions.

Land acquisition programs of Indian tribes appear to be mainly confined to Aberdeen, Billings, and Portland areas. The real-estate activities of the various tribes vary considerably from minor interest to a comprehensive real-estate program and staff.

In the Aberdeen area the following agencies indicated tribal real-estate activities: Cheyenne River, Fort Berthold, Crow Creek, Lower Brule, Pine Ridge, Rosebud, Standing Rock, Turtle Mountain, and Fort Totten.

Cheyenne River.—The land and forestry committee of the tribal council, composed of members of the council, reviews all land sale applications to determine if purchase by the tribe is feasible. Tribal council resolutions dealing with a proposed program drawn up by the tribe relating to land acquisitions and disposal were submitted.

Fort Berthold.—The tribal council has a land committee consisting of five members which considers all tribal land matters and makes recommendations to the council. The Doane Agricultural Service has been retained by the tribe to make an industrial and economic survey of the reservation.

Crow Creek.—A plan of operations of the land purchase and adjustment enterprise of the Crow Creek Tribe was approved April 7, 1950. A copy of this plan was submitted to the Senate committee and the Pierre Agency. It included provision for the purchase by the tribe of key tracts of individually owned trust land, fee lands, and heirship tracts. The tribe has purchased land and continues to purchase land under this enterprise.

Lower Brule.—This reservation has a plan of operation of a land service enterprise which was approved April 7, 1950, and a copy was submitted by the Pierre Agency to the Senate committee.

Pine Ridge.—This tribe has legal counsel which advises on land matters. The executive committee of the tribal council is composed of four members who have been delegated authority to approve all land transactions. Resolutions are prepared on these transactions. There is a land committee in the tribal council composed of six members and

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a chairman, which committee advises the tribe on long range real-estate activities.

A tribal land enterprise was set up during 1947 to coordinate the tribal land program of land purchasing, exchanging, leasing, and grazing permit issuance with the agency. The plan of operation of the Oglala Sioux Tribe Leasing Service Enterprise, June 18, 1947, was also submitted.

The tribe has been active in land consolidation and in assisting individual members in liquidating delinquent credit loans by purchasing their lands.

Rosebud.—The tribal land committee is made up of five members who review all cases involving the acquisition, disposal, or changes in the status of tribally owned lands. This committee makes recommendations to the tribal council. The tribal land enterprise, organized in 1943, is a subsidiary organization under the tribal council but with its own board of directors. A copy of the bylaws of the tribal enterprise was submitted to the Senate committee.

Standing Rock.—A tribal land enterprise was approved September 16, 1947, with the stated purpose of consolidating and improving the tenure of the land base. Purchase of key tracts of individually owned lands or restricted lands and alienated lands were included in parts of its program. The enterprise is managed by a committee of six members of the tribal council and these are chosen by the council.

Turtle Mountain.—The advisory committee of the Turtle Mountain Tribe acts in the capacity of a real-estate committee with authority to approve real-estate activities. This committee, however, may delegate its authority to the chairman and secretary in a resolution.

Fort Totten.—A tribal land enterprise was approved December 2, 1947. In the Billings area the Blackfeet, Fort Belknap, and Northern Cheyenne agencies indicated some degree of real-estate activity by the tribes.

Blackfeet.—A land committee of the tribal council reviews land transactions and recommends final council action. There is a tribal land enterprise.

Fort Belknap.—A standing committee of four from the tribal council reviews offers to sell land to the tribe and makes its recommendations to the council as a whole.

Northern Cheyenne.—The real-estate committee of the tribal council has authority for determining key tracts in purchasing land under the present land program.

In the Gallup area only the Navajo tribe indicated any marked real-estate activities.

Navajo.—The advisory committee, resources committee, and the land use and survey office all furnish advice and assistance to the tribal council on real-estate activities. The land use and survey office of the tribe makes investigations and recommendations to tribal authorities regarding land acquisition and disposal.

In the Portland area tribal interest in real-estate activities was indicated at Colville, Spokane, Fort Hall, Nez Perce, and Yakima.

Colville.—The land and forestry committee of the tribal council handles matters relating to land acquisition and disposal.

Spokane.—The tribal council acts on land acquisition and disposal.

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Fort Hall.—The land committee of the tribal business council recommends acquisitions.

Nez Perce.—The tribe has a committee relating to land sales.

Yakima.—An extensive program for land acquisition was presented in regard to the tribal land program, with special emphasis on key tracts.

In the Sacramento area Hoopa and Palm Springs indicated activity in land programing as related to acquisitions and disposal.

Hoopa.—The tribal land and real-estate committee advises with and makes recommendations to the tribal council.

Palm Springs.—The tribal council is authority on real-estate matters.

In the Minneapolis area the Minnesota Agency indicated some activity relating to tribal acquisition of certain lands, expressing this in the form of tribal council resolutions.

A summary of the results of the questionnaire as shown in the chart of tribal land activities follows.

(1) Tribal real-estate employees: There were 19 tribes having such employees and the total was 45 employees. The average per tribe was 1.4 such employees. Nine of these tribes were in the Aberdeen area, four in Gallup, two in Billings, two in Portland, and one each in Minneapolis and Phoenix.

(2) Agency real-estate employees paid for by tribes: There were 10 tribes reported as paying in whole or in part the salaries of 42 such employees. The average was 4.2 agency employees per tribe. Billings had 4 of the tribes, Gallup and Portland 2 each, and Phoenix and Minneapolis 1 each.

(3) Seven tribes were reported to have real-estate advisers or consultants regularly employed. Phoenix and Portland areas had 2 tribes each; Billings, Gallup, and Sacramento 1 each.

(4) There were 10 tribes reported to have real-estate committees with authority to approve tribal real-estate activities. Aberdeen, Billings, and Gallup areas had 3 tribes each, and Portland 1.

(5) There were 21 tribes reported to have real-estate committees which advised with the tribal council. Billings had 6 tribes, Aberdeen, Portland 5 each, Gallup 4, and Sacramento 1.

(6) There were 11 tribes reported as employing private consultants on land matters. Billings had 3 tribes, Aberdeen, Gallup, and Phoenix 2 each, and Anadarko and Portland 1 each.

(7) Tribal land enterprises were reported for 20 tribes. Aberdeen had 9 tribes, Billings 7, Portland 3, and Gallup 1.

(8) Three tribes were instructed to turn over real-estate activities to the Indian Bureau. Two of these were in Portland and one in Phoenix.

(9) The number of tribes for whom tribal council resolutions were submitted was 19. Six tribes were in Aberdeen area, five in Portland, four in Billings, two in Minneapolis, one each in Anadarko and Gallup.

(10) The number of tribes for whom land programs were submitted was 10. Three tribes each were from Aberdeen, Billings, and Portland, one from Gallup.

WILLIAM H. GILBERT.

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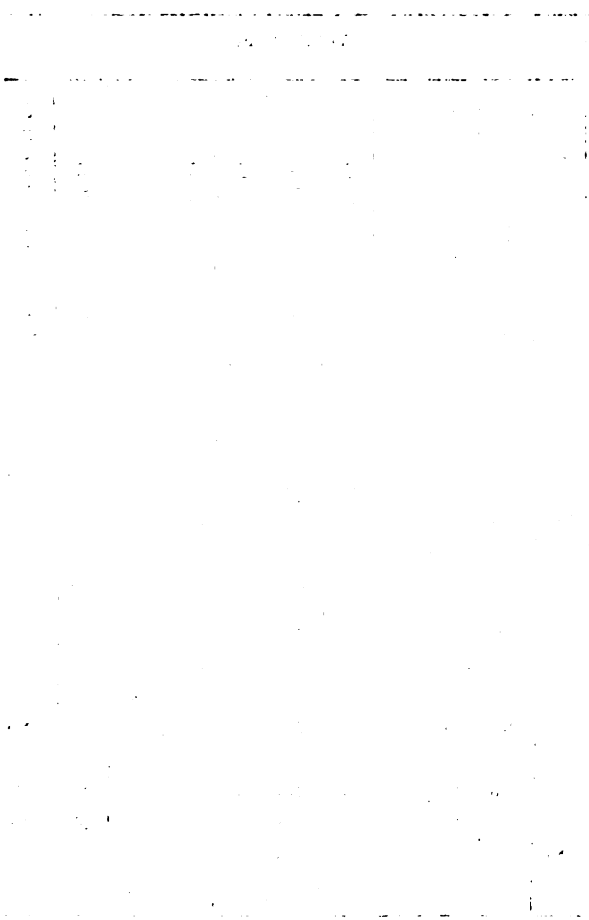

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GOVERNMENTAL ACTION ON INDIVIDUAL INDIAN TRUST LANDS AND THE HEIRSHIP PROBLEM

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., October 31, 1958.

To: Hon. James E. Murray.
From: Indian Affairs.
Subject: (1) Action by Congress, the Indian Bureau, and the tribal councils relative to disposal of individual Indian lands from trust status and (2) the heirship problem.

The accompanying tabular chart was devised to summarize the answers to the questionnaire sent to 65 agencies (composed of 91 units) relative to the above subjects.

(1) Reports from 32 field jurisdictional units of the Indian Bureau out of the 91 canvassed indicated that some legislation—either general or special—affected the disposal of individual Indian trust land and related acquisition of tribal lands. The Indian Reorganization Act of 1934 was cited by some of the respondents and various special laws both private and public. Such laws were reported from 50 percent of the Billings area; over 75 percent of the Gallup area; 33 percent of the Minneapolis area; 75 percent of the Muskogee area; 11 percent of the Phoenix area; and 20 percent of the Portland area.

Three current studies of the cause and effects of individual Indian land disposal at the local agency level were reported. In the Aberdeen area 1 agency reported a study and 4 made comments regarding the individual land disposal situation. In the Anadarko area 1 agency reported a study being made and 3 had comments. In the Portland area 1 study was reported and 3 agencies had comment. A total of 11 agencies made comment on the causes and effects of the disposal of individual Indian land from trust status.

Thirteen of the local jurisdictions reported tribal resolutions on individual Indian land disposal from trust status. There were 26 local jurisdictions reporting on the attitudes of tribal councils concerning this type of land disposal. Most of the reports of tribal council resolutions and attitudes were from Aberdeen and Billings areas.

(2) In answer to the question as to what extent, if any, heirship or multiple-ownership problem has affected tribal acquisition and individual disposal of land, the existence of such interests was reported from all of the area offices of the Indian Bureau. Undivided interests owned by the tribe were reported for 7 out of 14 Aberdeen area units; undivided interests of non-Indian and alien Indians in all 14 units, and the undivided interests of minor or incompetent Indians in 10 out of the 14.

In the Anadarko area 1 out of 9 units reported a tribal undivided interest and 4 reported non-Indian or alien Indian undivided interest.

For the Billings area 4 out of 8 units reported a tribal undivided

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interest; all 8 reported non-Indian and alien Indian undivided interest and 4 again reported undivided interests of minors and incompetent Indians.

In the Gallup area 1 unit reported a tribal undivided interest out of 8 reporting units, and 1 also reported an undivided interest of non-Indian or alien Indians.

In the Minneapolis area 1 unit of 3 reported a tribal undivided interest, 2 reported non-Indian or alien undivided interest and 1 reported minor or incompetent Indian undivided interest.

For the Muskogee area 1 unit out of 4 showed a tribal undivided interest and 2 units showed non-Indian and alien Indian undivided interest.

In the Phoenix area 1 unit of 18 reporting showed a tribal undivided interest, 1 unit a non-Indian and alien Indian undivided interest, and 1 unit showed a minor or incompetent Indian undivided interest.

For the Portland area 1 unit of 27 reporting showed a tribal undivided interest; 5 showed a non-Indian and alien Indian undivided interest and 3 showed minor or incompetent Indian undivided interest.

For the Sacramento area one unit reported a minor or incompetent Indian undivided interest.

In sum, the distribution of the undivided interests in heirship lands encompasses all of the area offices but is most marked in Aberdeen, Billings, and Minneapolis area offices.

In the matter of the ability of heirs to reach satisfactory agreements relative to the use or disposal of heirship lands the practically universal complaint was as to the difficulty of contacting the heirs and getting them together. It was frequently stated that this was the primary reason for lack of agreement rather than the recalcitrance of any individual members.

Regarding the use of the authority of the Secretary of the Interior to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs, the following may be said: Wide use of this authority seems to have been mainly restricted to the Aberdeen and Anadarko areas and prior to 1955. At Rosebud it was stated that the Solicitor has held that the Secretary has no such authority. Six of the fourteen Aberdeen units reported some use of this authority, 4 of the 9 Anadarko units, and 3 units out of the 8 at Billings. Also some use of this authority was reported for Sacramento (1 out of 3), Phoenix (2 out of 18 units), and Portland (1 out of 27 units).

WILLIAM H. GILBERT.

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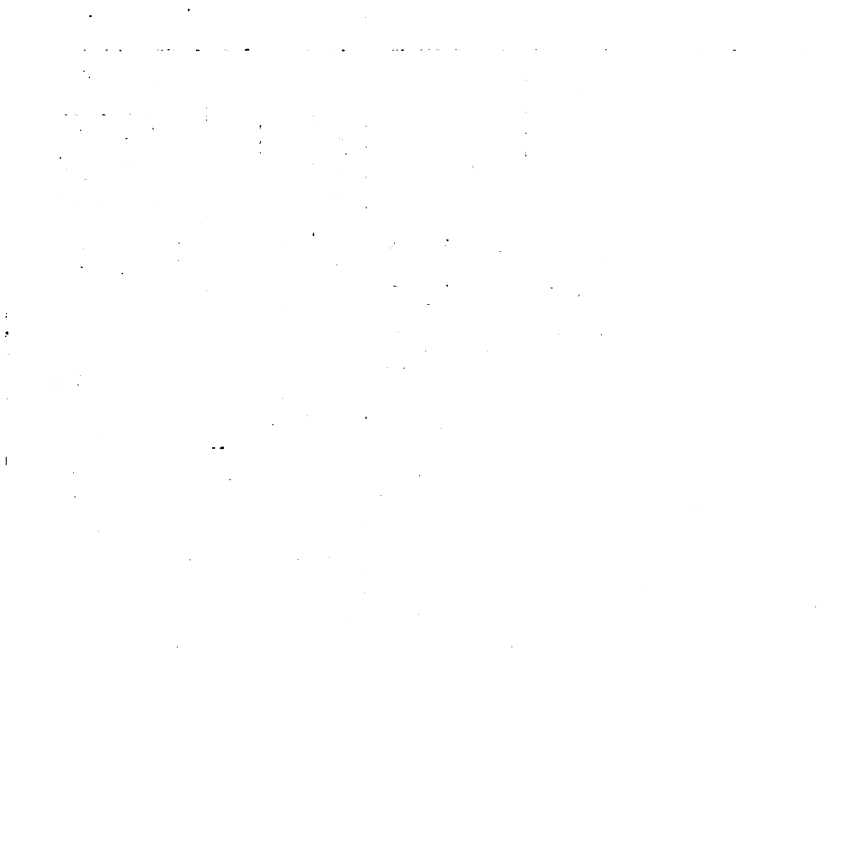

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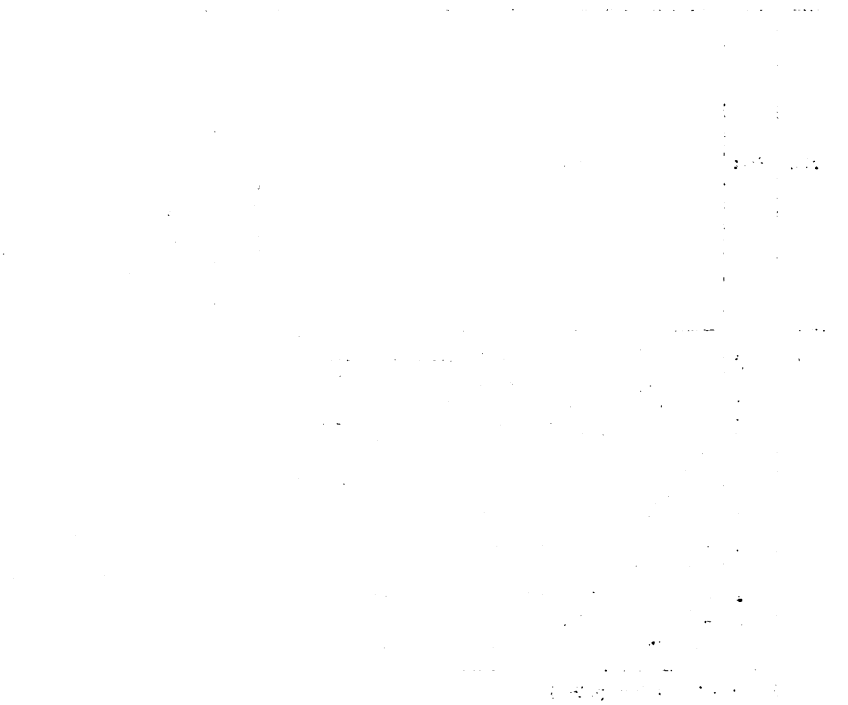

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FEDERAL LANDS UNDER THE JURISDICTION OF THE BUREAU OF INDIAN AFFAIRS ACQUIRED SINCE 1930

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C.

To: Hon. James E. Murray.
From: Indian Affairs.
Subject: Federal lands under the jurisdiction of the Bureau of Indian Affairs acquired since 1930.

As requested we have prepared 10 tables concerning Federal lands under the jurisdiction of the Bureau of Indian Affairs acquired since 1930. The tabular material indicates (1) tracts; (2) total acreage; and (3) acreage being used by Indians.

The tables are based on returns to the Senate Committee on Interior and Insular Affairs questionnaire dated April 17, 1958, and specifically the following question from the covering letter:

The committee would also appreciate an enumeration of all Federal lands on each reservation which have been acquired from private owners since 1930, the extent of acreage involved and number of tracts, the authorities, dates of acquisition, and purposes involved in the purchase of this land and the amount if any, of current Indian tribal or individual use of this land through leasing or otherwise, and the conditions of such leasing or use.

We feel certain the attached tables will supply the statistics requested.

STEPHEN A. LANGONE.

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Federal Lands Acquired Since 1930[1]

Table I.—*By area office*

Area office	Tracts	Total acreage	Used by Indians
Aberdeen	313	117,490.32	66,016.26
Anadarko	None	None	None
Billings	42	99,537.00	90,038.00
Gallup	278	243,259.07	175,293.36
Minneapolis	No answer	No answer	No answer
Muskogee	No answer	No answer	No answer
Phoenix	2	61,241.83	53,440.00
Portland	45	8,462.95	4,853.18
Sacramento	No answer	No answer	No answer
Total	680	529,991.17	389,640.80

[1] These statistics include only those Federal purchases still in the name of the Federal Government.

Table II.—*Aberdeen area office*

Agency	Tracts	Total acreage	Used by Indians
Cheyenne River	17	5,110.00	4,950.00
Fort Berthold	No answer	No answer	No answer
Pierre	No answer	35,933.00	11,102.00
Pine Ridge	206	53,847.26	46,352.61
Rosebud	No answer	No answer	No answer
Sisseton	No answer	No answer	No answer
Standing Rock	36	10,964.65	3,611.65
Turtle Mountain	54	11,635.41	No answer
Winnebago	No answer	No answer	No answer
Total	313	117,490.32	66,016.26

Table III.—*Anadarko area office*

Agency	Tracts	Total acreage	Used by Indians
Cheyenne-Arapahoe	No answer	No answer	No answer
Kiowa	No answer	No answer	No answer
Osage	No answer	No answer	No answer
Pawnee	No answer	No answer	No answer
Potawatomi	No answer	No answer	No answer
Shawnee	None	None	None

Table IV.—*Billings area office*

Agency	Tracts	Total acreage	Used by Indians
Blackfeet	42	13,072.00	[1] 4,700.00
Crow	No answer	No answer	No answer
Flathead	No answer	No answer	No answer
Fort Belknap	No answer	No answer	No answer
Fort Peck	No answer	85,338.00	85,338.00
Northern Cheyenne	No answer	No answer	No answer
Wind River	No answer	1,127.00	No answer
Total	42	99,537.00	90,038.00

[1] Approximately.

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TABLE V.—*Gallup area office*

Agency	Tracts	Total acreage	Used by Indians
Consolidated Ute	79	67,965.71	No answer
Jicarilla	No answer	2,588.68	2,588.68
Mescalero	None	None	None
Navajo	70	70,287.00	70,287.00
United Pueblo	125	101,779.00	101,779.00
Zuni	4	638.68	638.68
Total	278	243,259.07	175,293.36

TABLE VI.—*Minneapolis area office*

Agency	Tracts	Total acreage	Used by Indians
Great Lakes	No answer	No answer	No answer
Minnesota	No answer	No answer	No answer

TABLE VII.—*Muskogee area office*

Agency	Tracts	Total acreage	Used by Indians
Choctaw	No answer	No answer	No answer
Five Civilized Tribes	No answer	No answer	No answer
Quapaw	No answer	No answer	No answer
Seminole	No answer	No answer	No answer

TABLE VIII.—*Phoenix area office*

Agency	Tracts	Total acreage	Used by Indians
Colorado River	No answer	No answer	No answer
Fort Apache	No answer	No answer	No answer
Hopi	No answer	No answer	No answer
Nevada	No answer	7,801.83	No answer
Papago	2	53,440.00	53,440.00
Pima	No answer	No answer	No answer
San Carlos	None	None	None
Uintah and Ouray	No answer	No answer	No answer
Total	2	61,241.83	53,440.00

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TABLE IX.—*Portland area office*

Agency	Tracts	Total acreage	Used by Indians
Coleville	No answer	No answer	No answer
Fort Hall	45	4,893.18	4,853.18
Northern Idaho	No answer	3,552.00	No answer
Umatilla	No answer	No answer	No answer
Warm Springs	No answer	No answer	No answer
Western Washington	No answer	17.56	No answer
Yakima	No answer	21.00	No answer
Total	45	8,483.74	4,853.18

TABLE X.—*Sacramento area office*

Agency	Tracts	Total acreage	Used by Indians
California	No answer	No answer	No answer
Hoopa	No answer	No answer	No answer
Riverside	None	None	None

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COMPARATIVE STATISTICS OF INDIAN TRUST LANDS, 1947–57

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., July 14, 1958.

To: Hon. James E. Murray, chairman, Senate Committee on Interior and Insular Affairs.

From: Indian Affairs.

Subject: Comparative statistics of Indian trust lands, 1947–57.

As requested in your letter of June 24, 1958, the returns were analyzed with the objective of answering three specific questions:

(1) Has the total acreage of tribal fee, tribal trust, and individual trust lands increased or decreased during the 10-year period under study (July 1, 1947, to December 31, 1957)?

(2) Where has the decrease in individual or allotted land holdings been most notable?

(3) Where has the increase in tribal land holdings been most notable?

In analyzing the returns several problems were encountered, possibly due to misinterpretation of the questions. Several returns included individual lands in that part of the question asking for tribal acreage held in trust. All returns were checked for this and when necessary adjusted accordingly. An example of other problems encountered is represented in the return from San Carlos. The San Carlos return states that "No land was in tribal ownership on July 1, 1947" and that "No land was in tribal ownership on December 31, 1957." Knowing that San Carlos had more than 1 million acres of tribal land, this researcher called the Bureau of Indian Affairs to double-check the return, and found that the San Carlos Tribe owned 1,622,484 acres of land as of 1957. Although the Bureau could not supply statistics for 1947, a perusal of the return brought forth the following statement: "There have been no transactions disposing of tribal or individually owned lands since July 1, 1947." Assuming that this statement was correct, we therefore entered the same acreage for July 1, 1947, as we had been given for December 1957.

Although it was originally intended to consider only tribal and individual trust lands, an examination of the returns indicated there would be some difficulty in segregating tribal fee statistics, therefore the tribal fee lands were included in the study.

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INDIAN LANDS (QUESTION 1)

As of July 1, 1947,[1] there were 54,584,713.764 acres of tribal fee, tribal trust, and individual trust lands owned by American Indians. The returns indicate that as of December 31, 1957, there were 52,490,803.796 acres of tribal fee, tribal trust, and individual trust lands owned by the American Indians. These figures show a decrease of land in these categories of 2,093,909.968 acres over the 10-year period studied (July 1, 1947, to December 31, 1957).

INDIVIDUAL TRUST LANDS (QUESTION 2)

On July 1, 1947, there were 15,898,640.844 acres of individual trust lands owned by American Indians, according to the returns. Statistics for December 31, 1957, indicate that at that time there were 12,591,423.466 acres of individual trust lands owned by the American Indians. These figures show a decrease of land in this category of 3,307,217.378 over the 10-year period studied (July 1, 1947, to December 31, 1957). The following list indicates, in the order of greatest reductions, each agency and its relative position.

Agency	*Acreage decrease*	*Agency*	*Acreage decrease*
1. Five Civilized Tribes	438,163.000	23. Yakima	15,082.000
2. Crow	360,837.000	24. Uintah and Ouray	13,846.620
3. Rosebud	350,547.000	25. Fort Hall	13,609.000
4. Fort Peck	291,748.570	26. Wind River	12,253.870
5. Blackfeet	252,768.000	27. Shawnee	11,728.710
6. Pine Ridge	240,837.000	28. Northern Cheyenne	11,429.630
7. Fort Berthold	153,275.000	29. Umatilla	8,676.540
8. Standing Rock	142,595.000	30. Consolidated Ute	8,523.710
9. Flathead	124,452.270	31. Nevada	8,163.600
10. Cheyenne River	114,461.620	32. Quapaw	6,278.000
11. California	111,423.240	33. Sisseton	5,583.270
12. Osage	107,549.380	34. Potawatomie	4,886.220
13. Kiowa	85,611.000	35. Navajo	3,639.000
14. Fort Belknap	73,204.770	36. United Pueblo	3,121.000
15. Minnesota Chippewa	71,979.000	37. Western Washington	2,800.000
16. Pierre	69,357.590	38. Riverside	2,542.000
17. Jicarilla	66,399.530	39. Colorado River	2,190.010
18. Great Lakes	54,914.000	40. Winnebago	1,480.000
19. Cheyenne-Arapahoe	34,576.763	41. Hoopa	832.010
20. Colville	31,071.350	42. Choctaw	75.000
21. Warm Springs	27,985.000	43. Pima	21.940
22. Northern Idaho	18,642.000		

No individual ownership of land:
- Fort Apache
- Hopi
- Mescalero
- Seminole

No change:
- San Carlos
- Papago
- Zuni

Increase:

Turtle Mountain	821.340
Pawnee	51,121.495

[1] In a few isolated cases statistics were not available for 1947. We have footnoted each such case.

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TRIBAL FEE AND TRUST LANDS (QUESTION 3)

The returns indicate that on July 1, 1947, there were 38,686,072.920 acres of tribal trust and tribal fee lands. On December 31, 1957, there were 39,899,380.330 acres of land in the same category, indicating an increase of 1,213,307.410 acres. The following list, in the order of greatest increases, gives the relative position of each agency, based on these figures.

Agency	*Increase*	*Agency*	*Increase*
1. United Pueblo	412,021.000	16. Northern Cheyenne	7,748.650
2. Rosebud	246,008.000	17. Nevada	6,882.700
3. Navajo	166,932.000	18. Colville	6,498.940
4. Flathead	113,858.760	19. Great Lakes	4,744.000
5. Pine Ridge	76,803.000	20. Colorado River	3,552.390
6. Jicarilla	74,479.910	21. Minnesota Chippewa	2,519.000
7. Zuni	59,766.030	22. Turtle Mountain	1,248.090
8. Fort Belknap	59,416.540	23. Sisseton	480.000
9. Blackfeet	43,108.000	24. Northern Idaho	416.870
10. Standing Rock	42,048.420	25. Hoopa	162.530
11. Pierre	24,100.090	26. Pawnee	160.500
12. Warm Springs	23,480.000	27. Quapaw	100.000
13. Consolidated Ute	21,049.340	28. Umatilla	92.070
14. Fort Peck	16,259.000	29. Pima	21.940
15. Fort Hall	10,174.000	30. Choctaw	20.000

Decreased tribal landholdings (in the order of the greatest decreases):

1. Wind River	180,607.000	7. Fort Berthold	1,145.760
2. Winnebago	7,094.300	8. Cheyenne River	1,078.380
3. California	6,708.760	9. Riverside	357.000
4. Yakima	5,482.000	10. Mescalero	324.180
5. Five Civilized Tribes	4,512.000	11. Seminole	51.760
6. Uintah and Ouray	3,451.220	12. Western Washington	2.000

No change in tribal landholdings:

Cheyenne-Arapahoe
Crow
Fort Apache
Hopi
Kiowa
Osage
Papago
Potawatomie
San Carlos
Shawnee

The enclosed tables are (1) a composite of area office statistics; (2) a final summary giving grand total statistics; and (3–11) statistical summaries by area office listing each agency separately.

STEPHEN A. LANGONE.

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Indian land by area office

Area office	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Aberdeen	1,461,365.490	1,842,734.650	381,369.160		5,182,370.940	4,105,055.800		1,077,315.140
Anadarko	14,718.650	14,879.150	160.500		1,195,844.808	1,002,614.230		193,230.578
Billings	3,219,197.000	3,308,980.950	59,783.950		5,177,825.930	4,051,131.820		1,126,694.110
Gallup	17,287,707.140	18,021,631.240	733,924.100		790,174.350	708,491.110		81,683.240
Minneapolis	163,835.000	171,098.000	7,263.000		319,286.000	192,393.000		126,893.000
Muskogee	143,069.680	138,625.920		4,443.760	1,396,749.000	952,233.000		444,516.000
Phoenix	12,390,469.200	12,397,444.010	6,975.810		325,346.950	301,124.780		24,222.170
Portland	3,594,500.940	3,629,678.820	35,177.880		1,353,929.981	1,236,064.091		117,865.890
Sacramento	381,210.820	374,307.590		6,903.230	157,112.885	42,315.635		114,797.250
Total	38,686,072.920	39,899,380.330	1,224,654.400	11,346.990	15,898,640.844	12,591,423.466		3,307,217.378

	Acres
Tribal land increase	1,213,307.410
Individual land decrease	3,307,217.378
Overall land decrease	2,093,909.968

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GRAND TOTALS BY AREA OFFICE—ALL INDIAN LAND

Area office	1947	1957	Increase	Decrease
Aberdeen	6,643,736.430	5,947,790.450		695,945.980
Anadarko	1,210,563.458	1,017,493.380		193,070.078
Billings	8,427,022.930	7,360,112.770		1,066,910.160
Gallup	18,077,881.490	18,730,122.350	652,240.860	
Minneapolis	483,121.000	363,491.000		119,630.000
Muskogee	1,539,818.680	1,090,858.920		448,959.760
Phoenix	12,715,815.150	12,698,568.790		17,246.360
Portland	4,948,430.921	4,865,742.911		82,688.010
Sacramento	538,323.705	416,623.225		121,700.480
Total	54,584,713.764	52,490,803.796	652,240.860	2,746,151.588
				Acres
Overall decrease				2,093,909.968

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ABERDEEN AREA OFFICE

Agency	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Fort Berthold	28,549.000	27,403.240		1,145.760	550,089.000	396,814.000		153,275.000
Pine Ridge	250,987.000	327,790.000	76,803.000		1,548,319.000	1,307,482.000		240,837.000
Cheyenne River	786,721.380	785,643.000		1,078.380	826,255.620	711,794.000		114,461.620
Pierre	26,252.590	50,352.680	24,100.090		259,482.680	190,125.090		69,357.590
Rosebud	90,071.000	336,079.000	246,008.000		979,172.000	628,625.000		350,547.000
Sisseton	210.010	690.010	480.000		117,053.480	111,470.210		5,583.270
Standing Rock	171,595.000	213,643.420	42,048.420		865,070.000	722,475.000		142,595.000
Turtle Mountain	34,188.870	35,436.960	1,248.090		35,249.160	36,070.500	821.340	
Winnebago	72,790.640	65,696.340		7,094.300	1,680.000	200.000		1,480.000
Total	1,461,365.490	1,842,734.650	390,687.600	9,318.440	5,182,370.940	4,105,055.800	821.340	1,078,136.480

	Acres
Tribal land increase	381,369.160
Individual land decrease	1,077,315.140
Overall decrease	695,945.980

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ANADARKO AREA OFFICE

Agency	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Cheyenne-Arapahoe	5,873.000	5,873.000			171,485.353	136,908.590		34,576.763
Kiowa	3,247.000	3,247.000			477,008.000	391,397.000		85,611.000
Osage	642.800	642.800			400,173.690	292,624.310		107,549.380
Pawnee	2,355.110	2,515.610	160.500		45,341.955	96,463.450	51,121.495	
Potawatomie	1,774.490	1,774.490			34,136.490	29,250.270		4,886.220
Shawnee	826.250	826.250			67,699.320	55,970.610		11,728.710
Total	14,718.650	14,879.150	160.500		1,195,844.808	1,002,614.230	51,121.495	244,352.073

	Acres
Tribal land increase	160.500
Individual land decrease	193,230.578
Overall decrease	193,070.078

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BILLINGS AREA OFFICE

Agency	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Blackfeet	94,395.000	137,503.000	43,108.000		1,144,078.000	891,310.000		252,768.000
Crow	272,225.000	272,225.000			1,755,702.000	1,394,865.000		360,837.000
Flathead	414,835.000	528,693.760	113,858.760		226,998.000	102,545.730		124,452.270
Fort Belknap	170,735.000	230,151.540	59,416.540		601,758.930	528,554.160		73,204.770
Fort Peck	153,646.000	169,905.000	16,259.000		1,066,619.000	774,870.430		291,748.570
Northern Cheyenne	209,600.000	217,348.650	7,748.650		234,065.000	222,635.370		11,429.630
Wind River	1,933,761.000	1,753,154.000		180,607.000	148,605.000	136,351.350		12,253.870
Total	3,249,197.000	3,308,980.950	240,390.950	180,607.000	5,177,825.930	4,051,131.820		1,126,694.110

	Acres
Tribal land increase	59,783.950
Individual land decrease	1,126,694.110
Overall decrease	1,066,910.160

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GALLUP AREA OFFICE

Agency	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Consolidated Ute	280, 337. 760	301, 387. 100	21, 049. 340		13, 814. 710	5, 291. 000		8, 523. 710
Jicarilla	668, 011. 430	742, 491. 340	74. 479. 910		71, 921. 790	5, 522. 260		66, 399. 530
Mescarelo	460, 401. 180	460, 077. 000		324. 180				
Navaho	14, 476, 789. 000	14, 643, 721. 000	166, 932. 000		665, 259. 000	661, 620. 000		3, 639. 000
United Pueblo	1, 064, 339. 000	1, 476, 360. 000	412, 021. 000		37, 246. 000	34, 125. 000		3, 121. 000
Zuni	337, 828. 770	397, 594. 800	59, 766. 030		1, 932. 850	1, 932. 850		
Total	17, 287, 707. 140	18, 021, 631. 240	734, 248. 280	324. 180	790, 174. 350	708, 491. 110		81, 683. 240

	Acres
Tribal land increase	733, 924. 100
Individual land decrease	81, 683. 240
Overall increase	652, 240. 860

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MINNEAPOLIS AREA OFFICE

Agency	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Great Lakes	63,769.000	68,513.000	4,744.000		166,899.000	111,985.000		54,914.000
Minnesota Chippewa	100,066.000	102,585.000	2,519.000		152,387.000	80,408.000		71,979.000
Total	163,835.000	171,098.000	7,263.000		319,286.000	192,393.000		126,893.000

	Acres
Tribal land increase	7,263.000
Individual land decrease	126,893.000
Overall decrease	119,630.000

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MUSKOGEE AREA OFFICE

Agency	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Choctaw	15,678.620	15,698.620	20.000		75.000			75.000
Five Civilized Tribes	46,765.000	42,253.000		4,512.000	1,366,797.000	928,634.000		438,163.000
Quapaw	1,693.000	1,793.000	100.000		29,877.000	23,599.000		6,278.000
Seminole [1]	78,933.060	78,881.300		51.760				
Total	143,069.680	138,625.920	120.000	4,563.760	1,396,749.000	952,233.000		444,516.000

[1] Answers to questionnaire were not clear.

	Acres
Tribal land decrease	4,443.760
Individual land decrease	444,516.000
Overall land decrease	448,959.760

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PHOENIX AREA OFFICE

Agency	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Colorado River	1, 318, 835. 590	1, 322. 357. 980	3, 522. 390		17, 663. 130	15, 473. 120		2, 190. 010
Fort Apache	1, 656, 698. 000	1, 656, 698. 000						
Hopi	[3] 2, 472, 166. 000	2, 472, 166. 000						
Nevada	1, 252, 973. 100	1, 259, 855. 800	6, 882. 700		88, 573. 280	80, 409. 680		8, 163. 600
Papago	2, 811. 459. 000	2. 811. 459. 000			41, 508. 000	41, 508. 000		
Pima	272, 841. 680	272, 863. 620	21. 940		97, 586. 710	97, 564. 770		21. 940
San Carlos	[4] 1, 622. 484. 000	1, 622. 484. 000			960. 000	960. 000		
Uintah and Ouray	[5] 983, 010. 830	979, 559. 610		3, 451. 220	79, 055. 830	65, 209. 210		13, 846. 620
Totals	12, 390, 468. 200	12, 397, 444. 010	10, 427. 030	3, 451. 220	325, 346. 950	301, 124. 780		24, 222. 170

[3] Includes Hopi Executive order land in dispute (2,472,166.000 acres).
[4] The adequacy of these statistics are discussed in the introduction to this report.
[5] For 1954.

	Acres
Tribal land increase	6, 975. 810
Individual land decrease	24, 222. 170
Overall land decrease	17, 246. 360

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PORTLAND AREA OFFICE

	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Colville	996,650.010	1,003,148.950	6,498.940		273,049.491	241,978.141		31,071.350
Fort Hall	192,692.000	202,866.000	10,174.000		294,151.000	280,542.000		13,609.000
Northern Idaho	46,219.000	46,635.870	416.870		148,088.000	129,446.000		18,642.000
Umatilla	15,183.930	15,276.000	92.070		92,203.490	83,526.950		8,676.540
Western Washington	129,552.000	29,550.000		2.000	45,349.000	42,549.000		2,800.000
Warm Springs	436,601.000	460,081.000	23,480.000		144,336.000	116,351.000		27,985.000
Yakima	1,877,603.000	1,872,121.000		5,482.000	356,753.000	341,671.000		15,082.000
Total	3,594,500.940	3,629,678.820	40,661.880	5,484.000	1,353,929.981	1,236,064.091		117,865.890

	Acres
Tribal land increase	35,177.880
Individual land decrease	117,865.890
Overall land decrease	82,688.010

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SACRAMENTO AREA OFFICE

Agency	Tribal land acreage				Individual land acreage			
	1947	1957	Increase	Decrease	1947	1957	Increase	Decrease
Hoopa	84, 448. 000	84, 610. 530	162. 530		2, 905. 285	2, 073. 275		832. 010
Riverside	200, 497. 000	200, 140. 000		357. 000	14, 486. 000	11, 944. 000		2, 542. 000
California	96, 265. 820	89, 557. 060		6, 708. 760	139, 721. 600	28, 298. 360		111, 423. 240
Total	381, 210. 820	374, 307. 590	162. 530	7, 065. 760	157, 112. 885	42, 315. 635		114, 797. 250

	Acres
Tribal land decrease	6, 903. 230
Individual land decrease	114, 797. 250
Overall decrease	107, 894. 020

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AREA OFFICES AND THEIR SUBDIVISIONS[1]

I. Aberdeen area office:
   1. Cheyenne River Agency and Reservation.
   2. Fort Berthold Agency and Reservation.
   3. Pierre Agency:
      a. Crow Creek Reservation.
      b. Lower Brule Reservation.
   4. Pine Ridge Agency and Reservation.
   5. Rosebud Agency and Reservation.
   6. Sisseton Agency and Sisseton-Wahpeton Reservation.
   7. Standing Rock Agency and Reservation.
   8. Turtle Mountain Consolidated Agency:
      a. Turtle Mountain Reservation.
      b. Fort Totten Reservation.
   9. Winnebago Indian Agency:
      a. Omaha Reservation.
      b. Ponca Reservation.
      c. Santee Reservation.
      d. Winnebago Reservation.

II. Anadarko area office:
   1. Cheyenne-Arapaho area field office.
   2. Kiowa area field office.
   3. Osage Agency and Reservation.
   4. Pawnee area field office.
   5. Potawatomi area field office:
      a. Kickapoo Tribe (Kansas).
      b. Sac and Fox Tribe (Kansas and Nebraska).
      c. Potawatomi Tribe (Kansas).
      d. Iowa Tribe (Kansas and Nebraska).
   6. Shawnee area field office.

III. Billings area office:
   1. Blackfeet Agency and Reservation.
   2. Crow Agency and Reservation.
   3. Flathead Agency and Reservation.
   4. Fort Belknap Consolidated Agency:
      a. Fort Belknap Reservation.
      b. Rocky Boy Reservation.
      c. Turtle Mountain allotments on the public domain.
   5. Fort Peck Agency and Reservation.
   6. Northern Cheyenne Agency and Reservation.
   7. Wind River Agency and Reservation.

IV. Gallup area office:
   1. Consolidated Ute Agency:
      a. Southern Ute Tribe.
      b. Ute Mountain Tribe.

[1] See folded map.

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IV. Gallup area office—Continued
- 2. Jicarilla Agency and Reservation.
- 3. Mescalero Agency and Reservation.
- 4. Navajo Agency and Reservation.
- 5. United Pueblos Agency.
- 6. Zuni Agency:
  - a. Zuni Reservation.
  - b. Ramah Reservation.

V. Minneapolis area office:
- 1. Great Lakes Agency:
- 2. Minnesota Agency:
  - a. Minnesota Chippewa and Sioux.
  - b. Red Lake Reservation.

VI. Muskogee area office:
- 1. Choctaw Agency (Mississippi).
- 2. Five Civilized Tribes Agency.
- 3. Quapaw area field office.
- 4. Seminole Agency (Florida).

VII. Phoenix area office:
- 1. Colorado River Agency:
  - a. Camp Verde Reservation.
  - b. Chemehuevi Reservation.
  - c. Cocopah Reservation.
  - d. Colorado River Reservation.
  - e. Fort Mohave Reservation.
  - f. Fort Yuma Reservation.
  - g. Havasupai Reservation.
  - h. Hualapai Reservation.
  - i. Yavapai Reservation.
- 2. Fort Apache Agency and Reservation.
- 3. Hopi Agency and Reservation.
- 4. Nevada Agency.
- 5. Papago Agency.
- 6. Pima Agency:
  - a. Gila River Pima-Maricopa Indian Reservation.
  - b. Salt River Pima-Maricopa Indian Reservation.
  - c. Fort McDowell Mohave Apache Reservation.
- 7. San Carlos Agency and Reservation.
- 8. Uintah and Ouray Agency and Reservation.

VIII. Portland area office:
- 1. Colville agency:
  - a. Colville Reservation.
  - b. Spokane Reservation.
- 2. Fort Hall Agency and Reservation.
- 3. Northern Idaho Agency.
- 4. Umatilla Agency and Reservation.
- 5. Warm Springs Agency:
  - a. Warm Springs Reservation.
  - b. Burns-Paiute Colony.
- 6. Western Washington Agency:
  - a. Chehalis Reservation.
  - b. Hoh Reservation.
  - c. Lower Elwha.

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VIII. Portland area office—Continued
6. Western Washington Agency—Continued
d. Lummi Reservation.
e. Makah Reservation.
f. Muckleshoot Reservation.
g. Misqually Reservation.
h. Ozette Reservation.
i. Port Gamble.
j. Port Madison.
k. Public domain.
l. Puyallup Reservation.
m. Quileute Reservation.
n. Quinault Reservation.
o. Shoalwater Reservation.
p. Skokomish Reservation.
q. Squaxin Island.
r. Swinomish Reservation.
s. Tulalip Reservation.
7. Yakima Agency and Reservation.
IX. Sacramento area office.
1. California Agency.
2. Hoopa Area Field Office.
3. Riverside Area Field Officee.

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APPENDIX

TEXT OF REPORTS OF INDIAN AGENCIES AND TRIBAL COUNCILS

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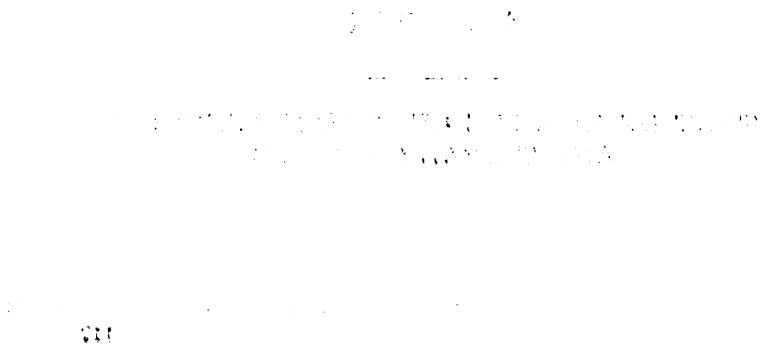

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I. ABERDEEN AREA OFFICE

1. CHEYENNE RIVER AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Cheyenne Agency, S. Dak., June 5, 1958.

Hon. JAMES E. MURRAY,
Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Reference is made to your letter of April 17, 1958, submitting questionnaire on the disposition and acquisition of Indian lands in the last 10 years.

Attached is the completed questionnaire and accessory material for the Cheyenne River Reservation in South Dakota.

If additional information is necessary, please feel free to call upon us.

Sincerely yours,

NORALF NESSET, *Superintendent.*

CHEYENNE RIVER

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST TEN YEARS

PART I

The data contained in the answers have been taken from the actual records of the Cheyenne River Agency. The only estimation made is No. 14 (*a*) the percentage of estates with five heirs or more having been liquidated. Due to the extensive land exchange program which was conducted at this agency, the records have been set up so reports could readily be made.

As to tribal and individual owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?

There were 786,721.38.

How many acres in trust?

There were 786,721.38.

How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

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There were 826,255.62.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

1947	3	1951	1	1955	7
1948	9	1952	10	1956	36
1949	17	1953	9	1957	11
1950	4	1954	0	1958	19

4. How many acres were disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

1947	645.70	1951	160.00	1955	1,624.55
1948	1,605.78	1952	2,071.68	1956	6,689.83
1949	3,649.50	1953	1,362.24	1957	1,898.42
1950	643.39	1954	0	1958	2,948.15

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

1947: Fee patent	3	1954	0
1948: Fee patent	9	1955: Fee patent	7
1949: Fee patent	16	1956:	
Order removing restrictions	1	Fee patent	5
1950: Fee patent	3	Supervised sale	31
Deed without restrictions	1	1957:	
1951: Fee patent	1	Fee patent	10
1952:		Supervised sale	1
Fee patent	5	1958:	
Supervised sale	5	Fee patent	3
1953:		Supervised sale	16
Fee patent	4		
Supervised sale	5		

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

1947: Fee patent	645.70	1953: Fee patent	640.00
1948: Fee patent	1,605.78	1954	0
1949:		1955: Fee patent	1,624.55
Fee patent	3,489.50	1956:	
Order removing restrictions	160.00	Fee patent	642.93
1950:		Supervised sales	6,046.90
Fee patent	483.39	1957:	
Deed without restrictions	160.00	Fee patent	1,740.00
1951: Fee patent	160.00	Supervised sales	158.42
1952:		1958:	
Fee patent	784.21	Fee patent	478.49
Supervised sales	1,287.47	Supervised sales	2,469.66

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

1948	26	1953	1
1949	53	1954	0
1950	7	1955	0
1951	0	1956	7
1952	0	1957	0

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8. How many acres were so acquired during each calendar year since July 1, 1947?

1948	7,484.75	1952	0	1956	1,682.00
1949	18,397.32	1953	160.00	1957	0
1950	2,303.62	1954	0		
1951	0	1955	0		

9. Give numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

1948:	
Exchanges with allotted lands	4
Exchange with tribal lands	22
1949:	
Exchanges with allotted lands	3
Exchanges with tribal lands	50
1950:	
Exchanges with allotted lands	2
Exchanges with tribal lands	5
1951	0
1952	0
1953: Exchanges with allotted lands	1
1954	0
1955	0
1956:	
Exchanges with allotted lands	3
Exchanges with tribal lands	4
1957	0

10. Give acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

1948:	
Exchanges with allotted lands	640.00
Exchanges with tribal lands	6,844.75
1949:	
Exchanges with allotted lands	1,200.00
Exchanges with tribal lands	17,197.32
1950:	
Exchanges with allotted lands	430.00
Exchanges with tribal lands	1,873.62
1951	0
1952	0
1953: Exchanges with allotted land	160.00
1954	0
1955	0
1956:	
Exchanges with allotted lands	482.00
Exchanges with tribal lands	1,200.00
1957	0

No record is kept of individual Indian purchase of lands in unrestricted status as it is entirely a matter for the individual to transact on his own.

11. How many acres were there in tribal ownership on December 31, 1957.

Seven hundred and eighty-five thousand, six hundred and forty-three.

How many acres held by the United States in trust?

Seven hundred and eighty-five thousand, six hundred and forty-three.

How many acres which the tribe had acquired in fee?

None.

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12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

Seven hundred and eleven thousand, seven hundred and ninety-four.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, and so forth).

The Cheyenne River Sioux Tribe accepted the act of June 18, 1934 (48 Stat. 984), Indian Reorganization Act, and all land acquisition and disposal are governed by it. In addition to the aforementioned act, the Cheyenne River Sioux Tribe and members thereof acquired and dispose of land under the provisions of the act of September 3, 1954 (68 Stat. 1191), which authorized the taking of land for the Oahe Reservoir on the Missouri River. This act enables the tribe to purchase land to replace the acreage lost in the Oahe taking and use funds received under the act for the purchase of land. Deeds covering the purchase of lands under this act are approved by the superintendent at this agency. Purchase of lands by individual Indians or exchanges of lands with the tribe under the act are also approved by the superintendent. About 1949 there were a few private acts directing issuance of patents in fee but none have been enacted in the last 8 years.

What study is being made of the cause and effect of sales?

No special study has been made of the cause and effect of sales. The tribe using Oahe funds for the purchase of land has created a great surge of applications for sale. So far this has not created any difficulties. When the tribe exhausts its land-purchase fund and if applications for sale continue to be filed at the present rate, difficulties may arise then.

Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

In connection with the purchase of lands, the tribal council passed Resolutions 58–56 on July 29, 1956, and 23–58 on March 3, 1958, setting up its land-purchase funds. Copies of these resolutions are included in the accessory materials. A policy was established to govern the purchasing of lands, copy of which is also included. Every effort is being made by the tribal council to purchase lands which have been offered for sale that fall within its consolidation area and are within the range units of Indian operators to enable these individuals to have control of the lands that are essential to their needs.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

(*b*) Undivided interest owned by non-Indians and alien Indians.

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(*c*) Undivided interest owned by minors on reservation which are under the Indian Reorganization Act.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

Prior to April 10, 1942, when the Cheyenne River Sioux Tribal Council set up its land code and the exchange assignment program, the heirship problem was as great on the Cheyenne River Reservation as on other reservations. With the establishment of the exchange assignment program, which was designed to consolidate land holdings for the use of Indian owners, much of the highly fractionated ownership of land was eliminated. Since 1945, the Cheyenne River Sioux Tribe has spent approximately $678,862 of its funds, local and Oahe, and $35,327 of gratuity funds for the purchase of lands with particular emphasis on complicated estates and alien Indian interests. Members of the tribe were encouraged to exchange their fractional inherited interests to the tribe in return for a solid block of land under single ownership either for their own use or in an area that would bring them lease income. The accomplishments under this program have been remarkable. It is believed that if a careful appraisal of the results were made of this program, the benefits and advantages to the Cheyenne River Sioux Tribe and its individual members will be outstanding. The program is no longer popular among the people of the Cheyenne River Reservation and has more or less been discontinued since 1951. The exchanges now being made are for lieu trust patents. This was brought about by the brief interest brought by oil and gas leasing which brought about the passage of the act of July 14, 1954 (68 Stat. 487) which converts all exchange assignments to the status of trust patents. Many units of grazing land were blocked out to accommodate the many members of the tribe who were eager and anxious to engage in the business of stock raising. It is estimated that 85 percent of all estates having over 5 heirs or more have been liquidated. A check in 1945 revealed that approximately 1,527 Indians from other reservations owned fractional inherited interests in 1,692 allotments. Today 246 Indians from other reservations have fractional inherited interests in 155 allotments. The tribe acquired undivided interests in 115 estates as the results of the exchange assignment program but of this number 64 have been purchased giving the tribe full ownership and leaving a balance of 51 estates still with the tribe owning an undivided interest. It is planned to either purchase this remaining number to give the tribe full ownership or partition with the other owners to eliminate the divided ownership. Where a minor owns an interest in an allotment and the other owners request

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a sale, a guardian is appointed through the tribal court, and the legal guardian consents to the sale in the event of a supervised sale or executes a deed in his behalf if the sale is to the tribe. If the other owners are not interested in selling the land and it would not be to the best interests of the minor to sell his land, he is encouraged to retain his land in trust until he reaches his majority and then he may dispose of the land as he wishes. It is very seldom that heirs have difficulty reaching agreement as to use or disposal of lands. From 1947 to 1953 extensive use was made of the secretarial authority to sell heirship lands. Most of the purchases made with gratuity funds were under this authority. This type of conveyance is no longer used.

PART II—CHEYENNE RIVER

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

Every tract of land for which an application for sale is filed is referred to the land and forestry committee of the tribal council to determine if it will fit into the tribal-land program and if the termination of the trust status will seriously affect the protection and use of Indian lands remaining in trust status. Upon determination by the land and forestry committee that a tract would fit into the tribal-land program, the tribal council offers to pay the appraised price for the land, and in just about every case the individual has agreed to a sale to the tribe. If the tract for which application for sale has been filed is determined not to be of essential interest to the tribe, the land is advertised for sale to the general public.

2. How much acreage and how many tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

One hundred eighteen thousand six hundred and sixty-eight acres and five hundred and eighty tracts.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or fee status by the tribes.

Since 1942 a great number of exchanges have been made by the tribe and members with Dewey and Ziebach Counties, Rural Credit Board

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of South Dakota, and non-Indians to acquire key tracts of fee lands in trust status. The number of tracts and the acreage so acquired are reflected in the answers to questions 9 and 10. The Indian-owned lands in these exchanges were isolated tracts of tribal and allotted lands that were located outside of the consolidation area of the reservation. It has always been the policy of the tribal council to exchange for lands which will be made available for use by Indian operators.

PART III—CHEYENNE RIVER

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

Tribal lease clerk, salary $2,450. Writes leases on farm, farm-pasture, and hay leases; collects fees for tribal-land enterprise; keeps record of fees paid from leases and submits report to tribal council on income from tribal lands to be used in connection with preparation of tribal budget, and such other duties as are assigned in realty office.

Tribal grazing clerk, salary $2,450. Assists in preparation of grazing permits, collects fees for tribal-land enterprise, maintains record of fees paid from grazing permits and makes report to tribal council on income from tribal lands to be used in connection with preparation of tribal budget, and such other duties as are assigned in land operations office.

2. Give the position of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities? Explain fully.

No.

4. Does the tribal organization have a real estate committee with authority to approve tribal real estate activities? Explain fully.

The land and forestry committee of the tribal council, composed of three members of the tribal council, makes range unit allocations of tribal land to Indian operators. Their approval goes to the tribal council for recording in the minutes and unless the council takes exception to their approval of units, their action stands. They settle disputes regarding range units and if they cannot reach an agreement, it is taken to the tribal council for final action.

5. Does the tribal organization have a real estate committee which advises the tribal council with regard to tribal real estate activities? Explain fully.

Yes. The land and forestry committee of the tribal council, composed of three members of the council, advises and recommends to the council regarding real estate activities. This committee reviews all

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land sale applications to determine if purchase by the tribe is feasible; reviews all land exchanges involving tribal lands to determine the advantages for such exchanges; determines and recommends to the council the tribal lands to be advertised for sale of grazing privileges to non-Indian permittees; recommends rates to be charged for tribal lands on grazing permits, farm, farm-pasture and hay leases; makes field inspections to determine the adequacy and suitability of range units, and all other real estate activities in regard to tribal lands.

6. To what extent has the tribe employed private consultants to study particular phases of its real estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

None.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

On September 18, 1947, the tribal land enterprise was approved to be conducted by the Cheyenne River Sioux Tribe. The purpose of the enterprise is to assume the clerical and ministerial details involved in the leasing, permitting, exchange, partition and other adjustments involved in the handling of individual and tribal trust or restricted lands under the jurisdiction of the Cheyenne River Reservation. Two clerks are employed at present to assist in preparation of leases and permits. One clerk is employed in the tribal office for handling of correspondence and doing routine office work for the tribal chairman.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? No.

Please comment on the differences in effectiveness of Bureau and tribal operations.

Both the Bureau and tribal council have been working for the best interests of the Indian client. Occasionally there is a difference of opinion that rises between the tribe and the Bureau due to differences of tribal or Bureau policy. Eventually this is resolved. There is a joint advisory committee, composed of tribal council members, tribal office personnel, and Bureau personnel, that tries to iron out such differences.

Federal lands acquired since 1930

Tracts	17
Acreage	5,110
Authority: Submarginal land: LI-SD-13. 75611-A-36.	
Amount	$18,080

(Executive Order No. 7868, April 15, 1938, transferred administrative jurisdiction over lands purchased by FSA for Indian use from the Department of Agriculture to Department of the Interior.)

All of the lands, with the exception of 160 acres, is being utilized by Indian permittees.

There are 3 tribal officers and 34 tribal employees on the Cheyenne River Reservation and 4 of these officers and employees are concerned with land transactions.

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The Cheyenne River Sioux Tribe has worked toward the goal of Indian use of Indian-owned land. The land-consolidation program which it has been promoting for 27 years is based on that principle. In 1947, under the repayment-cattle program, there were 350 operators having an average herd of 30 head of cattle grazing on range units averaging 1,250 acres of land. The total acreage of land used by Indian operators was 438,539 acres of Indian-owned land. In 1957 290 operators were using 934,519 acres of land. Of these 140 are on the rehabilitation program, which began operating on funds made available by the act of September 3, 1954, whose herds average 100 head of cattle using range units of approximately 4,000 acres of land; 102 are on the repayment-cattle program whose range units average 1,250 acres with an average of 30 head of cattle, and 50 operators who were former repayment cattle operators but are no longer on the program and are more or less independent and whose range units average about 4,900 acres. There are attached graphs and tables showing the use of Indian-owned lands by Indians from 1947 to 1957.

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CHEYENNE RIVER, SOUTH DAKOTA

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	9	645.70	16	3,489.50	3	483.30	1	160	5	784.21	4	640	----	----	7	1,740	5	642.93	10	1,740
Certificates of competency	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Removal of restrictions	----	----	1	160.00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
To fee status by inheritance or devise (only where entire interest has so passed)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
To fee status by partition	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Other (explain)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status	136	43,962.48	105	27,035.00	44	10,035.00	7	1,272	10	1,602.00	9	2,705	----	----	----	----	----	----	5	970
Exchanges to other Indians in trust or restricted status	6	1,110.00	13	2,600.00	22	6,400.00	17	4,332	2	509.00	4	400	4	560	----	----	----	----	3	480
Sales to tribes	63	10,786.00	88	28,792.00	13	3,856.00	22	4,900	27	5,485.00	38	8,894	30	5,954	25	4,307	----	----	197	34,087
Sales to other Indians in trust or restricted status	2	320.00	9	1,440.00	10	1,597.00	8	1,280	----	----	----	----	4	586	----	----	11	1,779.00	37	4,605
Other (explain)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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DISPOSALS TO FEE STATUS

Exchanges to fee status	4	640.00	3	2,176.00	2	480.00					1	160					3	466		
Sales to fee status									5	1,267.00	5	722					33	6,529	1	158
Takings for public purposes													278	45,976						
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status	136	40,400.00	105	26,505.00	44	10,300.00	7	1,200	10	1,600.00	9	2,700							5	970
Exchanges from individual trust or restricted land	6	1,110.00	13	2,600.00	22	6,400.00	17	4,332	2	509.00	4	400							13	480
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	2	320.00	9	1,440.00	10	1,597.00	8	1,280.00					4	586			11	1,780	37	4,605
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	4	640.00	3	1,200.00	2	480.00					1	160					2	482		
Purchases of fee lands																				
Other (explain)																				

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CHEYENNE RIVER TRIBAL COUNCIL RESOLUTIONS

RESOLUTION 23–58

Whereas the Cheyenne River Sioux Tribe has on deposit in the United States Treasury approximately $3 million which is payment for severance damages to the reservation caused by the taking of several thousand acres of Indian-owned land under Public Law 776, 83d Congress, section II thereof; and

Whereas there is on file in the realty office of the Cheyenne River Agency several hundred applications for the sale of land by individual Indians to the tribe; and

Whereas if the tribe or members thereof do not purchase such land for which applications for sale or patent in fee have been filed which should be retained for Indian use, these lands will go out of Indian ownership by means of advertised sales or patents in fee being issued and in many cases the termination of trust status will seriously affect the protection and use of Indian lands remaining in trust status; and

Whereas the Cheyenne River Sioux Tribal Council's former request for $500,000 to purchase land (Resolution No. 58–56 approved July 2, 1956), to replace the land lost by the Oahe taking has been exhausted by the purchase of approsimately 58,000 acres of land and will have to purchase an additional 50,000 acres to replace the land lost by the Oahe taking; and

Whereas the greater part of the request for sales of land by the individual are in heirship status, where the tribe holds an interest or are key tracts which should be purchased to restore economic units for use by Indian cattle operators; and

Whereas these individual allottees, where the tribe holds an interest in such land cannot sell this land for reason that section 2 tribal lands, article VIII—Land under the constitution and bylaws of the Cheyenne River Sioux Tribe approved December 27, 1935, by the Secretary of the Interior, prohibits the sale of tribal lands or interest in land; and

Whereas it will be advantageous to the Cheyenne River Sioux Tribe to purchase such of these lands which will protect the land consolidation program that the tribe has built up for the past 24 years and by such purchase will prevent further checkerboarding of the reservation and will keep these lands in Indian ownership to be used by members of the tribe in connection with the existing repayment cattle program and the current rehabilitation program; and

Whereas the Commissioner of Indian Affairs has disapproved of a recent request for a per capita payment and stated that the tribe should use these funds in a plan spending program: Now, therefore, be it

Resolved, by the Cheyenne River Sioux Tribal Council this 3d day of March 1958, That the sum of $500,000 be set aside from the payment received by the tribe for severance damages caused by the loss of tribal land within the taking area to be used for the purchase of land to replace the acreage lost by the tribe through the Oahe Reservoir taking and the purchase of land to be made with these funds to be those tracts of land which will best serve the needs of the Cheyenne River Sioux Tribe; and be it further

Resolved, That the Cheyenne River Sioux Tribal Council request for $250,000 immediately, these funds to be used for the purchase of land and the remaining $250,000 to remain on deposit in the United States Treasury until such time as it is needed for further purchase of land.

CERTIFICATION

I, Alice Bowker, the duly elected, qualified, and acting secretary of the Cheyenne River Sioux Tribal Council, do hereby certify that the above resolution was duly adopted by the Cheyenne River Sioux Tribal Council which is composed of 15 members of whom 11 members, constituting a quorum, were present at a regular session duly noticed, called, convened, and held at Cheyenne Agency, S. Dak., on March 3, 4, 5, 1958, by a vote of 7 for, 3 against, 1 not voting, and 4 absent, and that the said resolution has not been rescinded or amended in any way.

ALICE BOWKER,
Secretary, Cheyenne River Sioux Tribe.

[SEAL]

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RESOLUTION 58–56

Whereas the Cheyenne River Sioux Tribe has on deposit in the United States Treasury approximately $900,000 which is payment for tribal lands within the Oahe Reservoir taking area under Public Law 776, section II; and

Whereas there are on file in the realty office of the Cheyenne River Agency applications for sale or patent in fee on approximately 30,000 acres of land on the Cheyenne River Reservation; and

Whereas if the tribe or members thereof do not purchase such of the land for which applications for sale or patent in fee have been filed which should be retained for Indian use, these lands will go out of Indian ownership by means of advertised sales or patents in fee being issued and in many cases the termination of trust status will seriously affect the protection and use of Indian lands remaining in trust status; and

Whereas it will be advantageous to the Cheyenne River Sioux Tribe to purchase such of these lands which will protect the land consolidation program that the tribe has built up for the past 24 years and by such purchases will prevent further checkerboarding of the reservation and will keep these lands in Indian ownership to be used by members of the tribe in connection the existing repayment cattle program and the current rehabilitation program: Now, therefore, be it

Resolved by the Cheyenne River Sioux Tribal Council, That the sum of $500,000 be set aside from the payment received for the loss of tribal land within the taking area to be used for the purchase of land to replace the acreage lost by the tribe through the Oahe Reservoir taking area and the purchase of land to be made with these funds to be those tracts of land which will best serve the needs of the Cheyenne River Sioux Tribe; and be it further

Resolved, That the Cheyenne River Sioux Tribal Council request for $250,000 of these funds immediately to be used for the purchase of land and the remaining $250,000 to remain on deposit in the United States Treasury until such time as is needed for further purchase of land.

Approval recommended: Land and forestry committee.

This resolution passed by a vote of 8 for, 5 against, 2 absent, and 0 not voting.

ALICE BOWKER,
Secretary, Tribal Council.

PROPOSED PROGRAM DRAWN UP IN ACCORDANCE WITH RESOLUTION 77–56, SPETEMBER 6, 1956

The following program was presented by the chairman which was drawn up in accordance with Resolution No. 77–56, September 6, 1956 for council's confirmation. Alex Chasing Hawk made a motion to accept the program drawn up by the chairman without any discussion seconded by Isaac Long and approved by a vote of 14 for, 0 against and 1 absent.

Tribal land program for purchase of lands by the tribe from funds provided by Public Law 776, 83d Congress, in accordance with Resolution No. 58–56:

A. Reasons for purchase of lands:
   1. To facilitate the establishment of Indian grazing units for rehabilitation and relocation purposes.
   2. To acquire key tracts of land, either trust or fee land.
   3. To restore the tribal land base through purchase of lands to replace tribal lands lost in the Oahe taking.

B. Location of lands to be purchased:
   1. In general, purchases will be limited to lands located within the boundaries of the established consolidation area. Any lands purchased outside that area will be used for trading stock to acquire key tracts within the area.
   2. Lands so situated as to permit clients of the rehabilitation program to take advantage of reduced tribal rates in acquisition of grazing units.

C. Types of land to be purchased:
   1. Strategically located tracts that will assist members of the tribe who have lost their homes in the Oahe taking to establish new homes and grazing units pursuant to section XI of Public Law 776.

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2. Scattered tracts and fractionated interests owned by (*a*) members of the tribe residing off the reservation and who have no intention of returning, (*b*) nonmembers who have acquired interests in lands on Cheyenne River Reservation through inheritance, and (*c*) resident members who have interests in several tracts of land that are of no particular benefit to them.
3. Allotments owned by (*a*) nonresident members who do not intend to return to the reservation, (*b*) resident members who wish to leave the reservation permanently, and (*c*) older members who wish to realize something from their lands while living.
4. Key tracts of fee patent lands that may be offered for sale, either by members of tribe or non-Indians.

Description of consolidation area here referred to:

Beginning at a point on the north boundary of the reservation at the northeast corner of section 6, T. 17 N., R. 30 E., running 3 miles south; thence west 8½ miles, south 2 miles; thence west 9½ miles, south 1 mile, west 1 mile, south 2 miles; thence west 11 miles, south 3 miles, west 3 miles, south 1 mile; thence west 8 miles, south 3 miles, west 3 miles, south 1 mile; thence west 14 miles, north 4 miles; thence west 10 miles, north 6 miles, west 6 miles, south 6 miles, then west 7 miles to the west boundary of the reservation; thence south 9 miles along the reservation line; thence east 5 miles, south 4 miles; thence east 11 miles, north 3 miles, east 1 mile; thence east 8 miles, south 3 miles, east 2 miles, south 3½ miles, east 2½ miles, north ½ mile, east 1½ miles, north 3 miles; thence east 12 miles, south 6 miles, west 1 mile, south 3 miles, west 6 miles, south 5 miles, east 6 miles; thence south 6 miles, west 6 miles, south 4 miles; thence west 12 miles, north 4 miles; thence west 12 miles, north 4 miles, west 8 miles, south 2 miles; thence west 4 miles to the west boundary of the reservation; thence south along the reservation line to the south boundary. Area bounded on the south and east by the Cheyenne and Missouri Rivers, respectively.

I, Alice Bowker, the duly qualified acting and elected Secretary of the Cheyenne River Sioux Tribal Council hereby certify that the foregoing is an excerpt of the minutes of the regular session of the Cheyenne River Sioux Tribal Council on October 2, 3, 4, 5, 1956, and appears on pages 8 and 9.

[SEAL]

ALICE BOWKER,
Secretary, Cheyenne River Sioux Tribal Council.

CHEYENNE RIVER LAND DATA

Disposal of lands in unrestricted status

	Acres		Acres		Acres
1947	645.70	1951	160.00	1955	1,624.55
1948	1,605.78	1952	2,071.68	1956	6,689.83
1949	3,649.50	1953	1,362.24	1957	1,898.42
1950	643.00	1954	None	1958	2,948.15

Tribal purchase of land

1947 — 9,525 acres (6,979 acres with local funds; 2,545 acres with gratuity funds).
1948 — 10,786 acres (9,989 acres with local funds; 796 acres with gratuity funds).
1949 — 28,792 acres (12,345 acres with local funds; 16,346 acres with gratuity funds).
1950 — 3,856 acres (2,893 acres with local funds; 963 acres with gratuity funds).
1951 — 4,900 acres (2,800 acres with local funds; 640 acres with gratuity funds).
1952 — 5,485 acres (all with local funds).
1953 — 8,894 acres (7,934 acres with local funds; 960 acres with gratuity funds).
1954 — 5,954 acres (all with local funds).
1955 — 4,307 acres (all with local funds).
1956 — None.
1957 — 34,089 acres with Oahe funds.

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Acreage of tribal land permitted, 1948–57, and income during same period

Year	Indian use			Non-Indian use	
	Acres free use	Acres paid	Income	Acres	Income
1948	212,894	37,262	$3,069.24	382,384	$60,522.72
1949	230,474	41,767	3,281.33	389,998	62,146.27
1950	223,081	39,377	2,899.88	389,759	61,710.62
1951	178,166	61,954	6,673.36	436,651	94,306.00
1952	188,193	70,720	7,378.66	446,448	95,853.14
1953	176,852	72,843	7,445.43	444,670	97,513.95
1954	147,381	92,192	17,331.46	480,339	137,939.79
1955	148,603	107,525	18,766.35	481,235	134,318.23
1956	151,413	186,505	24,578.89	403,185	122,788.95
1957 [1]	19,694	470,658	42,138.75	167,758	55,983.12

[1] Although the acreage of Indian use has increased, the income for the same year has not increased in proportion due to the fact that reduced rates on tribal land have been granted to Indian operators.

Use of Indian-owned land

1957 1,318,733 acres, total acreage permitted.
1947 1,044,645 acres, total acreage permitted.
1957 934,519 acres permitted to Indian operators.
1947 438,539 acres permitted to Indian operators.
1957 384,214 acres permitted to non-Indian operators.
1947 506,106 acres permitted to non-Indian operators.
1957 486,401 acres tribal land permitted to Indian operators.
1947 212,867 acres tribal land permitted to Indian operators.
1957 444,167 acres allotted land permitted to Indian operators.
1947 222,237 acres allotted land permitted to Indian operators.

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2. FORT BERTHOLD AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
New Town, N. Dak., June 13, 1958.

Hon. JAMES E. MURRAY,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: The following report for the Fort Berthold Indian Reservation is submitted in response to your request and questionnaire of April 17, 1958:

PART I—DISPOSITIONS AND ACQUISITIONS IN THE LAST 10 YEARS

1. Number of acres in tribal ownership on July 1, 1947, was 28,549. All of this was in trust ownership. We have no record of the tribe ever having acquired fee or taxable land, except for one lot which they now own in the city of New Town.

2. On July 1, 1947, there were 550,089 acres of restricted or trust allotted land in individual ownership.

3. See table.

4. See table.

5. See table.

6. See table.

The instruction concerning 7 to 10 referred to land not previously under Indian ownership. We assume that this refers to land which has been acquired from nontrust status or fee status. Several of the tracts which have been acquired were originally allotments for which patents in fee had been issued. Also, there have been some purchases of fee lands which were a part of the lands which were disposed of when a portion of the reservation was opened for settlement in 1910.

7. See table.

8. The replies to this question have been made on a fiscal-year basis the same as those reported under question 7.

9. See table.

10. See table.

11. On June 30, 1957, there were 26,087 acres reported in tribal ownership. All of this acreage was in trust. The only nontrust or taxable land which the Three Affiliated Tribes acquired is the one lot in New Town which was mentioned above. This lot is described as lot 17 in block 28, and was purchased on March 1, 1954, at a cost of $350. A review of the land transactions for the first 6 months of the fiscal year 1958 shows that as of December 31, 1957, the Three Affiliated Tribes owned 27,403.240 acres of trust land.

12. On June 30, 1957, there were reported 399,898 acres of trust or restricted allotted land in individual Indian ownership. A review of the land transactions between June 30 and December 31, 1957, indi-

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cate that there were 396,814 acres of trust or restricted allotted land on December 31, 1957.

13. The one act of Congress which had a tremendous effect on the land situation of the Fort Berthold Indian Reservation was the taking of over 100,000 acres for the Garrison Reservoir. This act completely disrupted and revolutionized the Indians' way of life. Most of the Indian families lived along the bottom lands of the river where wood, water, shelter, wild game, and wild fruit were plentiful. All of these people were forced to leave their former home places and move to the higher grounds and to the more remote areas which were left as residual segments when the waters of the new lake rose and divided the reservation into five completely separated segments. Entirely new road and school systems had to be planned and established. Although many of the families which were moved have taken hold and are making a go of it in their new locations, there are many others who still have not become fully adjusted to the new situation and have not learned how to make adequate or good use of their resources.

The tribal council has continually objected to the granting of patents in fee or the selling of land through supervised sales. It has contended that the land base of the reservation was so drastically cut by the establishment of the Garrison Reservoir that until after such time has elapsed as will be needed to make a more thorough study of the land situation and of the needs of the individuals for purchases and for consolidations through purchase or the exchange of lands or inherited interests, no alienations from Indian ownership should be permitted.

The tribal council engaged the Doane Agricultural Service, Inc., to make an agricultural and industrial survey of the reservation and surrounding area for the purpose of developing immediate and long-range programs for the economic improvement of the Fort Berthold Indian people. The council has likewise promoted a community development campaign throughout the reservation.

A tribal delegation voiced its opposition to the sale or further alienation of Indian trust lands when it was in the Indian Office in May 1957.

14. The multiple ownership due to fractional inherited interests has, at Fort Berthold, seriously hampered the acquisition and disposal of Indian lands.

(*a*) Undivided interests owned by the tribe are not a problem at Fort Berthold since the tribe does not own any such interests.

(*b*) The number of undivided interests by non-Indians and alien Indians on the Fort Berthold Reservation is believed to be less than the average on other reservations. Only in rare instances are these interests of such size or located in places where partitionment and patent in fee would not hamper or interfere with the consolidation plans of the tribe or individual Indians. Three non-Indians who own fractional inherited interests have indicated a desire to convey their fractional shares to their children who are members of the Three Affiliated Tribes and who also own fractional interests in the same estates.

(*c*) Many undivided interests are owned by minors on the reservation. Up to 2 years ago some use was made of the Secretary's authority to convey the interests of minors and incompetent. This authority

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has not been used for approximately 2 years. Likewise, some use has also been made of tribal court appointed guardians in land transactions. The use of such guardians was stopped for a time but has since been resumed.

(*d*) We have experienced considerable difficulty in cases where there were many heirs who could not reach an agreement as to the division or disposal of lands. We have had many instances where there were many heirs who could not reach an agreement as to the division or disposal of lands. We have had many instances where only 1 or 2 individuals have refused to go along with 4 or 5 or 6 other members of the same family in affecting the division or sale of inherited lands.

(*e*) The use of the Secretary's authority to sell heirship lands held by minor or incompetent heirs has been briefly discussed above. Although the tribe had several transactions under negotiation it has not for the last 2 years been permitted to make such purchases.

PART II. KEY TRACTS—FORT BERTHOLD

1. Little attempt has been made on the part of the tribe or individual Indian or the agency to designate any tracts as key tracts.

2. None.

3. Although several tracts have been purchased by the tribe, and by individual Indians, none of the tracts have been specifically designated as key tracts. They were considered as very desirable tracts for acquisition by either the tribe or the individual. In 1955, 1 tract of 74 acres was sold to a non-Indian and the tribal council persuaded this man to withdraw his bid and permit the tribe to buy the land at the same price which the non-Indian offered for it. This person was given a 5-year lease on the land by the tribe. In March 1958, the tribe was an unsuccessful bidder on a tract of 320 acres in the west part of the reservation which they had hoped to buy because the land is located in a grazing area where nearly all of the surrounding lands are owned by Indians.

4. None. The tribal council considers all land within the reservation as more or less key land in view of the large acreage lost through the Garrison Reservoir taking by the United States Army.

5. There have not been enough of this type of sales to have much effect on the lands remaining in Indian ownership.

6. None of the tracts which have been acquired by the tribe or by individual Indians from a fee to a trust status can in the strictest sense be called key tracts. They have been very desirable tracts in areas of Indian ownership where they can be used to the advantage with other Indian lands in the areas.

PART III. EXTENT OF TRIBAL ASSUMPTION OF RESPONSIBILITY FOR REAL ESTATE ACTIVITIES—FORT BERTHOLD

1. There are two tribal real estate employees engaged in real estate work. (1) Alfreda Good Iron, tribal clerk, salary $4,186 per annum. Mrs. Good Iron is tribal land leasing enterprise employee and her work is to receive applications for leases, prepare leases at the request of the negotiating parties or to advertise leases when so required by regulations and to maintain the lease files and records concerning all

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agricultural and farm-pasture leases, hay permits, and tribal lot permits. She also receipts for all fees for services which are paid to the tribal land leasing enterprise. (2) Mrs. Edith Whitman, tribal clerk, salary $3,415 per annum. Mrs. Whitman has been hired for work in the grazing and the realty divisions. During the winter she assisted in checking the range-unit schedules and mapping the various range units. Currently, she is employed at indexing the reservation allotment records. The tribal council has a land committee consisting of five members which considers all tribal land matters and makes recommendations to the council.

2. None. See No. 6.

3. None. See No. 6.

4. See No. 1.

5. The tribal council has the one committee referred to under No. 1.

6. The tribal council has a locally hired attorney who advises the men on many phases of the tribes' activities including land matters. About a year ago the tribal council engaged the Doane Agricultural Service, Inc., to make an industrial and economic study of the reservation. There has been no Bureau opposition to this.

7. The tribe has a land-service enterprise which was established in 1947 in order to take over a part of the services which had been performed by the Department in connection with the leasing of Indian trust lands. In accordance with this plan, the fees which are charged for this service, both the lessee's and lessor's, are deposited to the credit of the land-service enterprise funds and used to pay the cost of the operation of the enterprise. This operation has been quite successful and has been a means of continuing service to Indians and non-Indians which the Bureau for a time was unable to furnish because of insufficient funds.

8. So far as this agency is aware, neither the tribe nor the area office have ever been instructed to turn real-estate operations over to the Bureau.

I trust that the information submitted herewith will be of assistance to the committee in its work. Please call on this agency for any additional information that may be required.

Sincerely yours,

OWEN D. MORKEN, *Superintendent.*

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FORT BERTHOLD, NORTH DAKOTA

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents in fee	1	3	----	----	----	----	----	----	----	----	1	17	----	----	18	3,590	2	400	2	240
Certificates of competency	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Removal of restrictions	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
To fee status by inheritance or devise (only where entire interest has so passed)	2	344	----	----	----	----	----	----	----	----	----	----	----	----	2	390	----	----	----	----
To fee status by partition	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Other (explain)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status	----	----	----	----	----	----	----	----	----	----	----	----	----	----	2	382	2	315	4	1,280
Exchanges to other Indians in trust or restricted status	2	315	----	----	----	----	6	952	8	1,257	11	1,509	11	6,824	----	----	2	390	----	----
Sales to tribes	----	----	----	----	----	----	----	----	----	----	37	4,946	42	5,961	28	6,097	2	84	23	4,133
Sales to other Indians in trust or restricted status	19	2,287	12	800	5	335	74	10,901	195	28,109	74	8,936	82	11,019	21	3,260	21	2,916	8	968
Other (explain)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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DISPOSALS TO FEE STATUS

Exchanges to fee status																												
Sales to fee status																												
Takings for public purposes [1]																												
Other (explain) [2]							2	330			3	42	12	193	1	320												
							1,350	124,403																				
								22,017																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status	1	80							3	800							3	318	2	280	4	1,235						
Exchanges from individual trust or restricted land	2	315					6	952	8	1,257	11	1,509	10	6,824					2	390								
Purchases from tribes	0		0		0		0		0		0		0		0				0		0							
Purchases of trust or restricted land from other Indians	19	2,287	12	800	5	335	74	10,901	195	28,109	74	8,936	82	11,019	21	3,260	21	2,916	8	968								
Other (explain)																												

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																					1	320						
Purchases of fee lands	4	640	1	3					1	80			3	557														
Other (explain) [3]																												

[1] Allotted for Garrison Reservoir.
[2] Tribal for Garrison Reservoir.

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3. PIERRE AGENCY

A. Crow Creek Reservaton

Department of the Interior,
Bureau of Indian Affairs,
Pierre, S. Dak., June 10, 1958.

Hon. James E. Murray,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

Dear Senator Murray: In accordance with your request of April 17, 1958, we are enclosing the completed report covering the Crow Creek Reservation.

The acreages shown in the table sent to us by your office have been rounded in order not to carry a fractional acreage. There are no estimates in the report as to acreages or numbers of transactions. The report is very general with reference to the portion covering key tracts (pt. II). The files do not show the basis for the past tribal purchases and there are no allegations that certain tracts are key tracts. The files do not contain information on the history and effectiveness of the tribal land enterprise; therefore, our report is not too lengthy on this subject.

The tribal officials of the Crow Creek Tribal Council have requested my realty staff to assume full responsibility for this report and there will be no report made by the tribe.

It is impossible for my staff to furnish the authorities dates of acquisition of Federal or Government-owned lands in the time allotted. We are furnishing the following information on Federal or Government owned land (acreages rounded):

Submarginal land, total acreage	20,136
Acreage in range units permitted to Indians	4,580
Acreage in range units permitted to non-Indians	14,284
Acreage leased to Indians	400
Acreage leased to non-Indians	872
Government-owned lands, total acreage	1,800
Acreage leased to non-Indians	1,760

40 acres used for school purposes, Fort Thompson School.

We are very happy to have worked on this report for you and trust that you will find it helpful.

Sincerely yours,

C. H. Beitzel, *Superintendent.*

CROW CREEK

Questionnaire on the Disposition and Acquisition of Indian Lands in the Last 10 Years

PART I

As to tribal and individually owned trust or restricted land:

1. There were 1,467.67 acres in tribal ownership on July 1, 1947. The Crow Creek Tribe had acquired no land in a fee status.

2. There were 151,210.43 acres in trust or restricted status in allotted or individual Indian ownership on July 1, 1947.

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3. See the following table:

Fiscal year	Number of transactions	Acres removed	Fiscal year	Number of transactions	Acres removed
1948	5	577	1954	14	1,826
1949	6	720	1955	12	[1] 10,256
1950	16	2,157	1956	12	1,440
1951	8	873	1957	50	6,172
1952	13	1,997			
1953	13	1,620	Total	144	27,061

[1] Includes 9,417 acres taken for the Fort Randall Reservoir.

4. The acreage disposed of or removed from Bureau jurisdiction during each fiscal year is shown as a part of the answer to question No. 3.

5. The numbers of transactions for each year shown in answer to No. 3, broken down by the type of transaction is shown on the table which follows the questionnaire as follows: Lines 1, 2, 3, 4, 5, 6, 12, 13, 14, and 15.

6. The acreage for each year shown in answer to No. 4, broken down by the type of transaction is shown on the table which follows the questionnaire as follows: Lines 1, 2, 3, 4, 5, 6, 12, 13, 14, and 15.

7. The number of transactions consummated during each fiscal year since July 1, 1947, whereby tribal or individual Indian lands were acquired is as follows:

Fiscal years	Number of transactions	Acres acquired	Fiscal years	Number of transactions	Acres acquired
1948	1	80	1953	0	0
1949	1	120	1954	0	0
1950	7	838	1955	0	0
1951	1	80	1956	1	120
1952	0	0	1957	1	80

8. The acreage acquired during each fiscal year is shown as a part of the answer to question No. 7.

9. The numbers of transactions for each year shown in answer to question No. 7, broken down by the type of transaction, can be found on lines 21 and 22 or the table which follows the questionnaire.

10. The acreages for each year shown in answer to No. 8, broken down by the type of transaction, can be found on lines 21 and 22 of the table which follows the questionnaire.

11. The acreage in tribal ownership in a trust status as of December 31, 1957, was 9,986.81. The Crow Creek Sioux Tribe acquired no land in fee status.

12. There were 111,267.24 acres in trust or restricted status in allotted or individual Indian ownership on December 31, 1957.

13. Prior to the calendar year of 1955 a few Indian landowners secured legislation that gave them fee patents or unrestricted title to their lands. It is our opinion that these special acts had no effect on the acquisition and disposal of Indian lands. No study is being made of the cause and effect of sales. The Crow Creek Tribal Council has not passed or considered any resolution on this subject.

14. (*a*) The Crow Creek Sioux Tribe held an undivided interest in 23 allotments as of February 1, 1957. The individuals holding interests in these allotments are limited to sell only to the tribe at the appraised value. Furthermore, these individuals can sell their land if

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the tribe has the funds. The Crow Creek Tribal Council has, however, obligated the funds they received from the lands taken for the Fort Randall Reservoir for the purchase of the outstanding interests in sales of undivided interests to the tribe in allotments in which the tribe does not now hold an interest are not encouraged at this time.

(*b*) The problem of the disposal of lands wherein an undivided interest is owned by non-Indians and alien Indians is not too great. The interest owned by Indians can be sold by bids and a fee patent issued to the purchaser. The purchaser can then negotiate with the non-Indians or alien Indians to acquire their interest. A problem can develop in determining the estate of a non-Indian or alien Indian who has been deceased for a number of years or in a case where the interest is very small. The acquisition of land by the tribe or an individual Indian in which an undivided interest is owned by non-Indians and alien Indians can become a problem if we are unable to locate the non-Indians holding an interest. In some cases it is necessary to secure an abstract of title from the county records and the cost of such abstract is not justified in view of the interest involved.

(*c*) The acquisition by the tribe or an individual Indian of lands owned by minors or a minor holding an interest can be a problem on the Crow Creek Reservation, although it is not under the Reorganization Act. It is necessary to have a guardian appointed by the State courts in order that a deed can be executed. The appointing of a guardian by the State court poses a problem where the minors' interest is small and the costs of the proceeding cannot be paid from the minors' share. The disposal to fee status presents no problem when the land is sold through competitive bidding on a non-Indian reorganization reservation.

(*d*) There has not been too much difficulty in reaching a use agreement among the heirs of lands in heirship status. In the disposal of lands, some heirs holding very small undivided interests have not consented to the sale of lands, thereby preventing the sale of lands by heirs holding majority interests.

(*e*) To a certain degree, some use has been made of the Secretary's authority to sell heirship land by the use of an order transferring inherited interests. The order was executed by the Secretary or his authorized representative and conveyed heirship land to the tribe or another Indian if minor or incompetent heirs were involved. It was necessary to secure the signed applications or consents from many of the heirs, however, during the year of 1956 conveyances by this kind of order were prohibited. The tribe purchased land by this order and since the market was limited only to Indian purchasers or the tribe, individual Indian sellers may not have received the full return for their lands.

PART II—CROW CREEK

1. None.
2. None.
3. A number of tracts have been purchased by the Crow Creek Sioux Tribe upon recommendation of Bureau personnel. These tracts were recommended for purchase by the tribe for the reason that they were located in an area of predominantly Indian and tribal-owned land or essential to the operations of an Indian unit. The tribe has not alleged any tracts to be key tracts.
4. None.
5. Not applicable.
6. Not applicable.

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PART III—CROW CREEK

In connection with this portion of the report, it might be well to add that the tribal clerks' salaries are paid from the fees collected from land transactions and lessor and lessee fees. In land transactions the seller pays a fee based on the total sale price, i. e., from $100.01 to $250, fee $2.50; $251 to $500, fee $5; and for each additional $500 or any part of $500, fee $2. The purchaser pays a fee on the purchase price as follows: $1,000 or less, fee $1.50; $1,000 to $2,000, fee $2; $2,000 or more, $2.50. In addition to the purchaser fees an additional sum of $20 is paid by the purchaser. In connection with leases the following fees are charged based on a total rental. Lessee fees as follows: Rental $1 to $100, fee $1; $101 to $250, fee $2.50; $251 to $500, fee $5. Lessor fees are collected as follows: Rental $25 or less, fee 25 cents; $25 to $50, fee 50 cents; $50.01 to $100, fee $1; $101 to $250, fee $2.50; $251 to $500, fee $5. In order that the Crow Creek Tribe can use these fees it is necessary that a clerk be hired by them to assist in the branch of realty, otherwise, the fees must be deposited in the United States Treasury.

1. The Crow Creek Sioux Tribe has hired one clerk typist to assist in the branch of realty. The annual salary paid to him out of the fees account is $3,175 per annum. This clerk assists in the branch of realty by doing straight copy work or handling correspondence, however, approximately only 30 percent of his time is devoted to realty work and the remainder is used to assist the tribal council with minutes and other work. The tribe also employs another clerk who is paid from the fees account at $3,175 and this clerk devotes all his time to tribal business, none of which is directly connected with tribal real estate.

2. No Bureau employees are paid in part or full by the tribe.

3. The tribe has no regularly employed real-estate adviser or consultant.

4. The entire tribal council acts on all real-estate activities concerning the tribe.

5. The tribe has relied on Bureau personnel for advice regarding their real-estate activities.

6. The tribe has not employed private consultants to study phases of its real-estate activities and they have not expressed any desire to do so. The Bureau has not disapproved such employment.

7. The Plan of Operation of the Land Purchase and Adjustment Enterprise of the Crow Creek Tribe was approved April 7, 1950. The purpose of the enterprise was to consolidate and improve the tenure of the land base on the reservation for the use and benefit of the members of the tribe. The plan provided that the tribe would purchase key tracts of individually owned trust lands, fee lands, and heirship lands. The enterprise was to assume the clerical and ministerial details of leasing, permitting, exchanges, partitions, and other transactions involving the individual and tribal trust lands. The tribe has purchased land and is still purchasing land under this enterprise. The tribe did not assume the clerical and administrative responsibilities in connection with land leasng and land transactions. It is indicated that the land purchases by the tribe were handled by Bureau personnel and all tribal land transactions are handled by Bureau personnel at the present time.

8. To our knowledge neither the tribe nor the area office has been instructed to turn real-estate operations over to the Bureau.

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CROW CREEK RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
1. Patents-in-fee	2	317	4	480	4	477	2	320	5	639	8	980	7	880	5	270	3	480	10	1,168
2. Certificates of competency																				
3. Removal of restrictions									1	319									1	160
4. To fee status by inheritance or devise (only where entire interest so passed)	1	160															6	640	8	981
5. To fee status by partition																				
6. Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
7. Exchanges to tribal status					1	80														
8. Exchanges to other Indians in trust or restricted status			1	160	11	1,519	7	1,242			1	80	2	320			1	120		
9. Sales to tribes	3	400	12	1,060	17	2,036	1	160	5	795	6	960	16	2,400			7	880	1	80
10. Sales to other Indians in trust or restricted status	9	1,221	33	4,571	36	5,272	19	2,419	9	980	4	559	3	390	1	40	4	294	8	513
11. Other (explain): Gifts and exchanges			6	720	12	1,681	7	1,242			2	240	4	540						

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DISPOSALS TO FEE STATUS

12. Exchanges to fee status	1	80	1	160	9	1,205	1	80									1	120	1	80
13. Sales to fee status	1	20	1	80	3	475	5	473	7	1,039	5	640	7	946	6	532	2	200	30	3,783
14. Takings for public purposes																9,417				
15. Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

16. Exchanges from tribal status					2	160														
17. Exchanges from individual trust or restricted land																				
18. Purchases from tribes																				
19. Purchases of trust or restricted land from other Indians	3	400	12	1,060	17	2,036	1	160	5	795	6	960	16	2,400			7	880	1	80
20. Other (explain): Gifts and purchases between Indians	9	1,221	38	5,131	39	5,514	19	2,419	9	980	5	719	5	610	1	40	4	294	8	513

ACQUISITIONS FROM FEE STATUS

21. Exchanges from fee status	1	80	1	120	7	838	1	80									1	120	1½	280
22. Purchases of fee lands																				
23. Other (explain)																				

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B. Lower Brule Reservation

Department of the Interior,
Bureau of Indian Affairs,
Pierre, S. Dak., June 10, 1958.

Hon. James E. Murray,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

Dear Senator Murray: In accordance with your request of April 17, 1958, we are enclosing the completed report covering the Lower Brule Reservation.

The acreage shown in the table sent to us by your office have been rounded. There are no estimates in the report as to acreage or numbers of transactions. The narrative report is very general with reference to that portion covering key tracts (part II). The files do not show the basis for the past tribal purchases and there are no allegations that certain tracts are key tracts. There is no information in the files on the history and effectiveness of the tribal land enterprises, therefore, our report is general and does not go into great length.

There will be no report made by officials of the Lower Brule Tribal Council.

It is impossible for my staff to furnish the authorities, dates of acquisition of Federal or Government-owned lands in the time allotted. We are furnishing the following information on the use of Federal-owned land (acreages rounded):

Submarginal land, total acreage	13,997
Acreage in range units permitted to Indians	6,122
Acreage in range units permitted to non-Indians	7,095
Acreage leased to non-Indians	780

We are very happy to have worked on this report for you and trust that you will find the information helpful.

Sincerely yours,

C. H. Beitzel, *Superintendent.*

LOWER BRULE

Questionnaire on the Disposition and Acquisition of Indian Lands in the Last 10 Years

PART I

As to tribal and individually owned trust or restricted land:

1. There were 24,784.92 acres in tribal ownership on July 1, 1947. There were 24,784.92 in trust land. The Lower Brule Sioux Tribe had acquired no land in a fee status.

2. There were 108,272.25 acres in trust or restricted status in allotted or individual Indian ownership on July 1, 1947.

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3. See the following table:

Fiscal year	Number of transactions	Acres removed	Fiscal year	Number of transactions	Acres removed
1948	2	331	1954	1	164
1949	3	480	1955	3	[1] 8,477
1950	3	374	1956	4	639
1951	2	200	1957	8	1,725
1952	4	648			
1953	4	811	Total	34	13,849

[1] 7,997 acres in T. A.

4. The acreage disposed of or removed from Bureau jurisdiction during each fiscal year is shown as a part of the answer to question 3.

5. The numbers of transactions for each year shown in answer to No. 3, broken down by the type of transaction, is shown on the table which follows the questionnaire as follows: lines 1, 2, 3, 4, 5, 6, 12, 13, 14, and 15.

6. The acreage for each shown in answer to No. 4, broken down by the type of transaction, is shown on the table which follows the questionnaire as follows: lines 1, 2, 3, 4, 5, 6, 12, 13, 14, and 15.

7. The number of transactions consummated during each fiscal year since July 1, 1957, whereby tribal or individual Indian lands acquired is as follows:

Fiscal years	Number of transactions	Acres acquired	Fiscal years	Number of transactions	Acres acquired
1948	0	0	1953	0	0
1949	1	160	1954	0	0
1950	12	2,070	1955	0	0
1951	0	0	1956	0	0
1952	1	320	1957	0	0

8. The acreage acquired during each fiscal year is shown as a part of the answer to question No. 7.

9. The numbers of transactions for each year shown in answer to question No. 7, broken down by the type of transaction, can be found on lines 21 and 22 of the table which follows the questionnaire.

10. The acreage for each year shown in answer to No. 8, broken down by the type of transaction, can be found on lines 21 and 22 of the table which follows the questionnaire.

11. The acreage in tribal ownership in a trust status as of December 31, 1957, was 40,365.87. United States held all land in trust. The Lower Brule Sioux Tribe acquired no land in fee status.

12. There were 78,857.85 acres in trust or restricted status in allotted or individual Indian ownership on December 31, 1957.

13. Prior to the year 1955 a small number of landowners secured legislation that gave them fee patents or unrestricted title to their lands. It is our opinion that these special acts had no great effect on the acquisition and disposal of Indian lands. No study is being made of the course and effect of sales. The Lower Brule Tribal Council has not passed or considered any resolution on the subject of land sales or a study.

14. (*a*) The Lower Brule Tribe held an undivided interest in 32 tracts of land. In some of these allotments there are over 65 heirs who own the land with the tribe. The tribe owns less than a half

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interest in these allotments and in one case owns less than a one-tenth interest. The individuals holding interests in these tracts are limited to sell only to the tribe at the appraised value. The interests are purchased only if the tribe is agreeable to purchasing or if funds are available. The Lower Brule Tribal Council has not obligated funds for the purchase of these interests as the Crow Creek Tribe has done. (Refer to report covering Crow Creek Reservation.)

We understand that this portion refers only to lands in which the tribe holds an undivided interest; however, the so-called exchange assignments which are still in existence on the Lower Brule Reservation should be mentioned at this point. An individual conveyed his inherited interests to the tribe and received an exchange assignment to a parcel of tribal land. He received certain rights to the land during his lifetime and the land could be passed on to a successor, who is a member of the tribe, upon his death. It has come to our attention that several problems have been encountered by the Lower Brule Tribe upon the death of holders of exchange assignments. In addition to this the holders of such assignments can sell the assignment only to the tribe or another tribal member. In some cases the holders of such assignments no longer have need for the land, since they have moved away from the reservation, and would like to sell; however, the tribe either cannot buy the assignment or will not, since the land does not fit in the land-consolidation program. The individuals could use the money to purchase homes or take vocational training away from the reservation.

The Cheyenne River and Standing Rock Sioux Tribes, who also made exchange assignments, have secured legislation to vest full title in the holders of exchange assignments. The Bureau does not permit new exchange assignments to be made; instead, land exchanges are approved vesting full title in the individual. The tribe is not encouraged to acquire undivided interests in lands in which they do not now have an interest.

(*b*) The disposal of allotments in which an undivided interest is owned by non-Indians and alien Indians does not present too great a problem. The interest owned by Indians can be sold by bids and a patent in fee issued to the purchaser and the purchaser can negotiate direct with the nontrust owners for their interest.

The acquisition of land by an individual in which an undivided interest is owned by a non-Indian can become a problem if the holder of the nontrust interest is deceased.

The cases mentioned under part (*a*) of this question are allotments in which the tribe, individual Indians, and non-Indians hold an undivided interest. The task of the tribe acquiring these outstanding interests in these allotments appears practically insurmountable at the present time for the reason that the original allottee died in 1900 or prior thereto and some of the heirs, although being Indian, have not been enrolled with the Lower Brule Tribe or with another tribe

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and have not been in contact with the agency. Many of these original heirs are now deceased and, insofar as this office is aware, the estates have not been determined and the probable heirs are unknown. The addresses of many of these heirs are unknown.

(*c*) The purchase by the tribe or an individual Indian of lands owned by minors presents a problem if the interest is small and the cost of the guardianship proceeding cannot be paid from the minors' share. The tribe has agreed to pay the costs of the proceedings on some of their purchase if the minors' interest is small. Under the constitution of the Lower Brule Tribal Council and tribal court code, the tribal court can appoint guardians for minors if the proper ordinance is adopted. The appointing of guardians for minors by the tribal court would be beneficial since the cost of the proceeding through the tribal court would not be expensive; however, the tribal council has not taken definite action on this matter although members of the Bureau staff have explained and assisted them with the procedures to follow. The disposal to fee status presents the same problem as heretofore discussed.

(*d*) There has not been too much difficulty in reaching a use agreement among heirs of land in heirship status. In the disposal of lands, some heirs holding very small undivided interests have not consented to the sale of lands, thereby preventing the sale of lands by heirs holding majority interests.

(*e*) To a certain degree, some use has been made of the Secretary's authority to sell heirship land by the use of an order transferring inherited interests. The order was executed by the Secretary or his authorized representative and conveyed heirship land to the tribe or another Indian if minor or incompetent heirs were involved. It was necessary to secure the signed applications or consents from many of the heirs; however, during the year of 1956 conveyances by this kind of order were prohibited. The tribe purchased land by this order and since the market was limited only to Indian purchasers or the tribe, individual Indian sellers may not have received the full return for their lands.

PART II—LOWER BRULE

1. None.
2. None.
3. A number of tracts have been purchased by the Lower Brule Tribe upon recommendation of Bureau personnel. These tracts were recommended for purchase by the tribe for the reason that they were located in an area of predominantly Indian- and tribal-owned land or essential to the operation of an Indian unit. In some cases the Bureau has recommended that the tribe consider the purchase of lands upon which an application for patent-in-fee or supervised sale has been filed; however, the recommendation has been ignored, and isolated tracts of land were purchased in lieu which were not considered essential. All applications received are presented to the tribal council

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for purchase if they are in an area of predominantly owned tribal and allotted land. The tribe has not alleged any tracts to be key tracts.

4. None.
5. Not applicable.
6. Not applicable.

PART III—LOWER BRULE

In connection with this portion of the report, it might be well to add that the tribal clerks' salaries are paid from the fees collected from land transactions and lessor and lessee fees. In land transactions the seller pays a fee based on the total sale price, i. e., from $100.01 to $250, fee $2.50; $251 to $500, fee $5 and for each additional $500 or any part of $500, fee $1. The purchaser pays a fee on the purchase price as follows: $1,000 or less, fee $1.50; $1,000 to $2,000, fee $2; $2,000 or more, $2.50. In addition to the purchaser fees an additional sum of $20 is paid by the purchaser. In connection with leases the following fees are charged based on a total rental. Lessee fees as follows: Rental $1 to $100, fee $1; $101 to $250, fee $2.50; $251 to $500, fee $5. Lessor fees are collected as follows: Rental $25 or less, fee 25 cents; $25 to $50, fee 50 cents; $50.01 to $100, fee $1; $101 to $250, fee $2.50; $251 to $500, fee $5. In order that the Lower Brule Tribe can use these fees it is necessary that a clerk be hired by them to assist in the branch of realty, otherwise, the fees must be deposited in the United States Treasury.

1. The Lower Brule Sioux Tribe has hired 1 clerk-typist to assist in the branch of realty at an annual salary of $3,175 paid from the fees account. This clerk devotes approximately 30 percent of his time to realty work by doing copy work and assisting in correspondence and the balance is devoted to tribal business. The tribe also employs another clerk who is paid from the fees account at $3,175 and this clerk devotes all his time to tribal business, none of which is directly connected with real estate.
2. No Bureau employees are paid in part or in full by the tribe.
3. The tribe has no regularly employed real estate adviser or consultant.
4. The entire tribal council acts on all real-estate activities concerning tribal land activities.
5. The tribe relies on Bureau personnel in most cases for advice regarding their real-estate activities.
6. The tribe has not employed private consultants to study phases of its real-estate activities and they have not expressed a desire to do so. The Bureau has not disapproved such employment.
7. The plan of operations land-service enterprise of Lower Brule Sioux Tribe was approved February 10, 1948. The purpose of the enterprise was to assume the clerical and ministerial details involved in the leasing, permitting, exchanges, and other transactions involved in the handling of tribal and individual land.

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This tribe is organized under the Indian Reorganization Act. Prior to 1955 the tribe hired personnel to assume much of the clerical responsibilities, however, these tribal employees received direct supervision from Bureau personnel. At one time the tribe handled the leasing of some of their own lands, however, this practice has been discontinued for reasons unknown and has requested that the Bureau assume the leasing of their land. The tribe at one time had a bonded treasurer and their funds were in private banks, this has also been discontinued and their funds are handled by the Bureau at the tribe's request. The tribe continues to purchase land under the enterprise. All tribal land transactions are handled by Bureau personnel at the present time.

8. To our knowledge neither the tribe nor the area office has been instructed to turn real-estate operations over to the Bureau.

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LOWER BRULE, SOUTH DAKOTA

Individually owned land

[No. T.=Number of transactions, Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
1. Patent-in-fee	2	331	2	320	1	158	1	40	----	----	1	171	----	----	1	160	3	479	3	440
2. Certificates of competency	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
3. Removal of restrictions	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
4. To fee status by inheritance or devise (only where entire interest so passed)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	1	160
5. To fee status by partition	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
6. Other (explain)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

DISPOSALS TO TRUST OR RESTRICTED STATUS

7. Exchanges to tribal status	----	----	----	----	----	----	----	----	----	----	1	160	9	1,197	----	----	----	----	----	----
8. Exchanges to other Indians in trust or restricted status	----	----	1	160	1	160	1	160	2	324	2	160	11	807	5	500	----	----	2	212
9. Sales to tribes	1	160	28	5,531	13	2,735	9	1,343	17	2,949	6	1,305	12	2,295	6	842	3	490	8	1,226
10. Sales to other Indians in trust or restricted status	----	----	4	640	3	661	13	1,950	3	274	----	----	----	----	----	----	----	----	----	----
11. Other (explain) gifts and sales between Indians and by devise	3	480	3	200	2	320	4	580	10	1,937	4	636	2	180	1	160	----	----	2	212

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DISPOSALS TO FEE STATUS

12. Exchanges to fee status			1	160	2	316			2	328										
13. Sales to fee status							1	160	2	320	3	640	1	164	2	320	1	160	5	1,285
14. Takings for public purposes																7,997				
15. Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

16. Exchanges from tribal status											2	160	11	807	5	500				
17. Exchanger from individual trust or restricted land					2	316					1	160	9	1,197						
18. Purchases from tribes																				
19. Purchases of trust or restricted land from other Indians	1	160	28	5,531	13	2,735	9	1,343	17	2,949	6	1,305	12	2,295	6	842	3	490	8	1,233
20. Other (explain) gifts and purchases between Indians	3	480	6	680	5	981	16	2,370	11	1,888	4	636	2	180						

ACQUISITIONS FROM FEE STATUS

21. Exchanges from fee status			1	160	2	320														
22. Purchases of fee lands					10	1,750														
23. Other (explain) to the tribe by devise																				

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4. PINE RIDGE AGENCY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Pine Ridge, S. Dak., June 6, 1958.

Hon. JAMES E. MURRAY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MURRAY: Reference is made to your letter dated April 17, 1958, relative to the questionnaire and associated information requested for use by the Committee on Interior and Insular Affairs.

We are herewith submitting answers to the questionnaire as it relates to the Pine Ridge Reservation which are included in the following:

Part I. Volume of transactions involving Indian lands and relative information and including tribal resolutions numbers 458, 471, and 57–28A.

Part II. Information concerning key tracts.

Part III. Extent to which the Oglala Sioux Tribe has assumed responsibility in real estate activities.

Exhibit 1. Table showing acquisitions and disposals of Indian trust lands on the Pine Ridge Reservation for the 10-year period 1948 through 1957.

Exhibit 2. Table enumerating Federal lands on the Pine Ridge Reservation since 1930 showing number of tracts, authorities, dates of acquisition, purpose of acquisition, and current use.

Exhibit 3. History of tribal land employment during the last 10 years.

Exhibit 4. The effects of old-age assistance on the Indians' desire to sell their lands.

With reference to exhibit 1 concerning acquisition and disposal of Indian trust lands for the 10-year period 1948 through 1957, we believe the following additional table should be presented for the current year:

Summary of trust land acreage within the Pine Ridge Reservation becoming nonrestricted or taxable during the period May 1, 1957, to

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April 30, 1958, as reported to the Department of Revenue, State of South Dakota.

County	Number of tracts	Acres
By direct patent in fee:		
Shannon	12	2,000.00
Bennett	16	2,562.67
Washabaugh	8	1,377.88
By supervised sales:		
Shannon	38	5,430.86
Bennett	28	6,808.97
Washabaugh	35	6,144.10
Total alienated	137	24,324.48

With best wishes, I am,
Sincerely yours,

L. P. TOWLE, *Superintendent.*

PINE RIDGE

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the trible had acquired in fee?

	Acres
Tribal ownership	250,987
In trust	250,987
Acquired in fee by tribe	None

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

Trust or restricted land in individual Indian ownership as of July 1, 1947: 1,548,319 acres.

3, 4, 5, 6, 7, 8, 9, 10. Refer to exhibit 1 of this report for answers from item 3 through item 10.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

	Acres
Tribal ownership	[1] 327,790
In trust	[1] 327,790
Acquired in fee by tribe	None

[1] This acreage is approximate. Action is being taken to recompile all tribal holdings including undivided ownership interests.

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12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

Trust or restricted land in individual Indian ownership on December 31, 1957: 1,307,482 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolution on this subject? Please elaborate and include any resolutions approved.

There have not been any special acts for the Pine Ridge Reservation as of the date of this report which would affect the acquisition and disposal of Indian lands.

We have initiated a study concerning the cause and effect of sales which has not been completed. Initial significant findings which are not as yet conclusive indicate that much of the individual allotted interests are in the hands of the older generations. These older people are more interested in making use of the land sale proceeds while they are alive rather than to have the benefits pass on to their heirs. We further find that in a large number of instances funds derived from land sales have been and are being utilized for consumer goods such as for food, clothes, and secondhand automobiles. Only a small proportion of land-sale funds are being used for permanent betterment such as building new homes, purchasing more suitable lands, or in the establishment of an enterprise which might result in a livelihood or a better living standard.

The tribal council has passed several resolutions on this subject. Three resolutions which appear to have a direct bearing on tribal policy and plans are as follows, which are attached:

No. 458, resolution to adopt the land-purchase program, adopted April 16, 1947.

No. 471, plan of operations of the Oglala Sioux Tribe leasing service enterprise, adopted June 20, 1947.

No. 57–28A, resolution of the Oglala Sioux Tribal Council to declare a moratorium in the sale of trust Indian land upon the Pine Ridge Indian Reservation to nonmembers, adopted April 14, 1957.

The Oglala Sioux Tribal Council, as an organized body, has in the past 10 years adopted an official policy opposing land sales. However, individual members of the tribal council have been among the first to file applications and to press action for the sale of their individual allotments and interests.

Action of the council has enabled the tribe to acquire trust allotments to the limit of funds available and to effect land exchanges whereby the individual members of the tribe could obtain tracts which they could profitably utilize. In turn the tribe has been able to accomplish a consolidation of its land interests although there is still much to be done to effect further consolidation of its holdings.

The council is aware that approximately one-half of Bennett County comprising the southern portion has been alienated. Alienation has progressed since 1918 to such an extent in this particular county that an estimated two-thirds of the land has been removed from trust status.

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The council is also cognizant that an estimated one-fourth of Washabaugh County, the northeastern portion of the reservation, is now under nontrust ownership. This would approximate one-half of the entire acreage within Washabaugh County is composed of timber reserves and badlands, which are in tribal ownership and not salable.

Approximately nine-tenths of the lands in Shannon County, the stronghold of trust interests, is still not alienated. Practically all the alienated land lies in the extreme southeastern portion of the county from Wounded Knee east to the Shannon-Bennett County line. An estimated one-half of this vicinity is still in trust but it must be realized that, even though the alienated acreage is small, this southeastern portion is considered the most valuable from a land standpoint. It is composed of farmland, subirrigated meadowlands, and excellent grazing land.

14. Discuss to what extent, if any, the heirship, or multiple ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe;

(*b*) Undivided interest owned by non-Indians and alien Indians;

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands;

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

(*a*) The Oglala Sioux Tribe owns an undivided interest in 85 individual allotments on the Pine Ridge Reservation ranging from one-twelfth to three-fourths interests. Tribal plans provide for the purchase or exchange, when practicable, of the remaining interests. The lack of available funds and the fact that many of the heirs to these interests are scattered throughout the Nation has made it difficult to complete this program. Only two of these cases were completed in 1957 due to this.

(*b*) An estimated 40 non-Indians hold interests in around 100 Indian allotments. These cases result in some difficulty as far as administering trust lands is concerned, since the non-Indian interests are alienated and cannot be administered by the Bureau. Only the trust interests can be sold under Bureau supervision.

Approximately 1,200 alien Indians own undivided interests on the reservation in possibly 2,000 allotments. The majority are members of the Rosebud Sioux. The remaining alien Indians with such interests are scattered over the Dakotas and the Midwest reservations. As far as can be ascertained most of these Indians desire to dispose of their interests and use the proceeds of the land sales ostensibly to establish themselves on their own reservations or wherever they might be residing.

(*c*) The interests of minor children are quite extensive. There are an estimated 800 minors owning land interests on the reservation, most of which are small undivided interests ranging from one-sixteenth down to one one-hundredth. Under this condition it is difficult to

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effect land transactions since legal guardians must be appointed by a recognized court. In many instances minor interests are so fractionated that the prospective guardians do not consider that petitioning the court is worth the time and trouble involved.

(*d*) The heirs on many trust allotments on this reservation live off the reservation being scattered throughout the Nation. Many are separated and live in opposite ends of the country. In cases where there are numerous heirs the Bureau has found that corresponding or otherwise contacting them is costly and time-consuming. In these circumstances disagreements among heirs are frequent.

(*e*) The use of this authority has been discontinued at Pine Ridge. Legally appointed guardians for minor children and the incompetent heirs has been the basic requirement for the past 2 to 3 years. Use of the form, Order Transferring Inherited Interests, has never been widely used on the Pine Ridge Reservation although there have been a few instances in which title has been conveyed in this manner.

The tribe has always had the opportunity to negotiate for the sale of the land before it is ever listed for advertisement. If these negotiations should fail, the tribe can ask the landowner to grant Indian preference which would permit the tribe or any member thereof to meet the high bid. If the owner is unwilling to grant Indian preference the tribe has had the same right as any other bidder.

RESOLUTION No. 458

To adopt the land purchase program:

Whereas numerous applications have reached the Indian Office as well as the Oglala Sioux Tribal Council from time to time throughout the year until today we have on file approximately 700 applications for fee patents.

Whereas Indian land on the Pine Ridge Reservation is constantly going into the fractionation process making a large share of allotted lands worthless for utilization by any one heir or any one individual. Thus, a program of this nature should be instituted as an emergency measure: Therefore, be it

Resolved by the Oglala Sioux Tribal Council, That we adopt the land purchase program as recommended with the understanding that the language in the proposed policy shall be subject to review and approval of the Indian Office and further that those changes and amendments necessary to keep the program functioning shall be subject to the approval of the Oglala Sioux Tribal Council; further

Resolved, That the Oglala Sioux Tribal Council is hereby empowered to appoint at least four members of the tribe to represent the proposal and they shall be authorized to hold meetings from time to time in the various communities where the opposition is the greatest in order that this program may be better understood by all the members of the Oglala Sioux Tribe.

Adopted by the Oglala Sioux Tribal Council in a regular session this the 16th day of April 1947, pursuant to article IV, and subsections (f) and (g) of the constitution and bylaws adopted by the Oglala Sioux Tribe on December 14, 1935, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Public Law 147, 74th Cong.), adopted by a vote of 16 for and 5 against by members of the tribal council.

JAMES ROAN EAGLE,
President, Oglala Sioux Tribal Council.

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RESOLUTION No. 57-28A

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE, AN UNINCORPORATED INDIAN TRIBE

To negotiate with the Secretary of Interior, Commissioner of Indian Affairs, through the Oglala Sioux tribal attorney. Mr. Richard Schifter, to declare a moratorium in the sale of trust Indian land upon the Pine Ridge Indian Reservation to nonmembers.

Whereas the Pine Ridge Indian Reservation is rapidly diminishing as a result of sales of trust-allotted tracts of land to such an extent as to warrant serious consideration by all who reside upon the said reservation; and

Whereas legislative bills are being introduced in Congress which favor both rehabilitation programs for the American Indians and immediate termination of Federal control over Indian land and the Indian people; and

Whereas sales of Indian land will not solve the problems of the Indian people nor the problems brought about by Federal administration of the Indians' problems and affairs; and

Whereas the Bureau of Indian Affairs have curtailed the use of Federal funds which may be used for the purpose of revolving credit loans to the members of the Oglala Sioux Tribe to purchase land: Now be it

Resolved by the Oglala Sioux Tribal Council in regular session assembled April 4, 1957, by virtue of authority vested in it by article IV, section I, subsection (a) of the constitution of the Oglala Sioux Tribe, approved January 15, 1936, Hereby request and appeal to the Secretary of the Interior, the Commissioner of Indian Affairs, through Mr. Richard Schifter, Oglala Sioux tribal attorney, to declare a moratorium in the alienation of trust lands to nonmembers upon the Pine Ridge Indian Reservation for a sufficient period of time within which to give the tribe opportunity to plan a program of full utilization of the land through purchase and a rehabilitation program.

This will be in line with the Commissioner's plan of community-development organization, with an ultimate goal of self-sufficiency.

CERTIFICATION

I, the undersigned, as secretary of the Oglala Sioux Tribal Council, hereby certify that the said tribal council is composed of 29 voting members, of whom 27 members constituting a quorum were present at a meeting duly called and held April 4, 1957; that the foregoing resolution was there adopted by an affirmative vote of 23 for, 3 against, and 1 not voting; that said resolution is in full force and effect unless amended or rescinded by the said council.

CHARLES LITTLE HAWK,
Secretary, Tribal Council.

PLAN OF OPERATION OF THE OGLALA SIOUX TRIBE LEASING SERVICE ENTERPRISE (REFERENCE RES. No. 471), JUNE 18, 1947

1. The name of this enterprise shall be the Oglala Sioux Land Service Enterprise.

2. The purpose of this enterprise is to provide for the employment by the tribe of three or more clerks to perform the clerical and ministerial work in connection with the leasing, permitting, and other transactions pertaining to tribal, allotted, and other lands under the jurisdiction of the Pine Ridge Agency.

3. Initially, there shall be used in this enterprise approximately $2,000 of Oglala Sioux rehabilitation sewing project funds. Such funds shall be reimbursed at such time as the enterprise can be financed from fee collections as provided by Resolution No. 471.

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4. Under this enterprise there shall be appointed by the Superintendent of the Pine Ridge Agency, with the approval of the executive committee of the tribal council, competent and qualified employees. Only persons who can or have qualified in an appropriate civil service examination, or Indian Service examination, shall be considered for employment. Employment of personnel shall be by written contract approved by the Superintendent and the executive committee of the council.

5. The clerks appointed to handle the work of this enterprise shall be paid a minimum of $1,954 per annum and not exceeding $2,619.72 per annum. The rate shall be specified in the contract of employment.

6. The title of the positions to be established shall be "Lease clerk" and the duties shall be to take care of the clerical and ministerial work in connection with the leasing and permitting of allotted, tribal and other lands within the boundaries of the Pine Ridge Reservation. The duties will be described in greater detail in the contract of employment.

7. It is agreed that the enterprise shall be conducted in accordance with the applicable regulations for the revolving credit fund as approved by the Secretary of the Interior December 18, 1945, and the instructions of the Commissioner dated June 3, 1946, as contained in part 512A of the Indian Service Manual. The provisions of section 512A6.10 of the Indian Service Manual shall be applicable to this plan of operation. Records shall be maintained and reports submitted as may be required by the Commissioner of Indian Affairs or his authorized representative.

Adopted by the executive committee of the Oglala Sioux Tribe by unanimous vote for and none against, this 20th day of June 1947, in accordance with article I, section V, of the constitution and bylaws of the Oglala Sioux Tribe.

SAMUEL STANDS,
Vice President, Tribal Council.

PART II—PINE RIDGE

The purpose of this part of the questionnaire is to determine to what extent key tracts have gone into non-Indian ownership, the extent to which key tracts have been conveyed to other Indians or to the tribe, and the extent to which key tracts which were in fee status have been acquired by individual Indians or tribes. Since July 1, 1953, approximate date of the initiation of the present policy of not subordinating the interests of the individual Indian owner of land to the interests of the tribe or other individual Indians.

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

Tracts, estimated	149
Acres, estimated	32,519

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

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3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

Tracts sold to the tribe, estimated	34
Acres estimated	7,840
Tracts sold to individual Indian owners, estimated	76
Acres, estimated	15,439

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

Tracts	39
Acres	9,240

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

The above figures show sales of key tracts to non-Indians. One effect of these sales has been to handicap Indian cattle operators to such an extent that these operators have either had to liquidate their holdings or go to the expense of moving their entire ranches to other areas. Another effect has been to reduce values of surrounding or adjacent lands by lessening competition where key tracts control use of adjacent lands.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

PART III—PINE RIDGE

1. Give the position of each tribal real estate employee, his annual salary, and the nature of his work.

Tribal appraiser, $3,840: The tribal appraiser makes appraisals involving land transactions which include sales, exchanges between members of the tribe, supervised sales, and fee patents.

Lease clerk, $3,175: The lease clerk performs clerical work in connection with the issuing of leases, etc.

Tribal clerk, $2,960: The tribal clerk answers inquiries in connection with all matters pertaining to leases, permits, etc., and in addition performs clerical duties pertaining to real estate transactions.

Vital statistics clerk, $2,960: The vital statistics clerk handles and files all birth certificates, death certificates, and keeps current the tribal enrollment records.

Range permit clerk, $3,415: The range permit clerk performs clerical work in connection with the range units which include the payment of grazing fees.

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During 1957 there were a total of 28 tribal employees working in all tribal functions and in conjunction with agency branches totaling an equivalent of 15.67 man-years. This does not include the tribal council which convenes quarterly, but does include the executive committee of the council.

2. Give the position of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

At the present time there are no agency real estate employees whose salaries are paid in part or in full by the tribe.

3. Does the tribe have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities? Explain fully.

No. The tribe does not have a regularly employed real estate adviser. They do have a legal counsel who advises on land matters.

4. Does the tribal organization have a real estate committee with authority to approve tribal real estate activities? Explain fully.

The executive committee of the tribal council is composed of four members who have been delegated authority to approve all land transactions. Resolutions are prepared on these transactions.

5. Does the tribal organizations have a real estate committee which advises the tribal council with regard to tribal real estate activities? Explain fully.

Yes, there is a tribal council committee composed of six members and a chairman who advises the tribe on long-range real estate activities and policies.

6. To what extent has the tribe employed private consultants to study particular phases of its real estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

The tribe has not employed private consultants.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

The Oglala Sioux Tribal land enterprise was organized in 1947 under the Reorganization Act of 1934. The Oglala Sioux tribal land enterprise plan of operation was approved in 1947 and has been quite active in the exchange and purchase of land. The plan of operations was revised in 1957 to reflect changes in policy and procedure and to be in accord with activities which were within the current regulations. The Oglala Sioux tribal land enterprise was very effective in taking an active part in processing the purchases of particular projects such as the Oglala irrigation and the Bear Creek projects. In the past it has processed the purchase of land which would assist in the liquidation of delinquent credit loan debts of individual members, and it has been instrumental in tribal land consolidation activities. There is

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much to be done in the last mentioned activity. In summary, over the 10-year period the Oglala Sioux tribal land enterprise has been quite effective in producing results as shown above and should function effectively in tribal real estate activities in the future.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

The tribe or area office has not been instructed to turn real estate operations over to the Bureau. The Bureau and tribal land operations have been interrelated and have effectively functioned together. At the present time the supervision of real estate operations is strictly under Government personnel. As far as can be determined, there has been no conflict in respect to this method of operations. We believe that both the Bureau and the tribe have worked together quite effectively in the past, and we do not foresee any conflict in the future.

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EXHIBIT 1—PINE RIDGE, SOUTH DAKOTA

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	42	7,175	55	9,131	14	2,160	11	1,987	10	1,600	7	1,120	16	2,991	3	400	22	3,495	20	4,000
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain):																				
Gift	8	683	12	1,626	4	360	2	320	2	320	4	495			5	676	6	676		
Partitionment			4	960			2	320									2	320		

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status			4	516	2	320	[1] 1	160	7	1,141	15	2,739	38	7,375	1	160	2	480	1	160
Exchanges to other Indians in trust or restricted status	1	160	2	320	3	402			2	480	2	299	1	160			1	120		
Sales to tribes	111	22,871	65	11,684	143	23,649	22	3,688	26	5,225	25	4,135	1	75	1	160	17	2,757	10	2,560
Sales to other Indians in trust or restricted status	60	13,183	109	19,154	89	15,740	46	8,107	46	8,047	20	3,755	15	2,209	5	370	12	2,141	19	4,158
Other:																				
By gift	8	683	12	1,626	4	360	2	320	2	320	4	495			5	676	6	676		
By partitionment			4	960			2	320	2	320							2	320		

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DISPOSALS TO FEE STATUS

Exchanges to fee status	2	320			2	320					4	1,294								
Sales to fee status	2	320					10	2,473	44	7,602	73	14,137	147	27,207	107	21,457	106	20,978	63	11,614
Takings for public purposes			2	267																
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status			4	520	2	400			7	1,089	15	3,539	38	7,085	1	160	2	480	1	150
Exchanges from individual trust or restricted status	1	160	2	307	3	402			2	494	2	320	1	40			1	160		
Purchases from tribes																				
Purchases of trust or restricted land from other Indians [2]	60	13,183	109	19,154	89	15,740	46	8,107	46	8,047	20	3,755	15	2,209	5	370	12	2,141	19	4,156
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	2	320			2	320	[3] 1	160			4	1,280								
Purchases of fee lands																				
Other (explain)																				

[1] Exchange from fee status.

[2] This line is a duplication of a prior item entitled, "Sales to Other Indians in Trust or Restricted Status," since acquisition should be equal to disposal. Acreage therefore should not be duplicated.

[3] Exchanged to tribe.

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EXHIBIT 2—PINE RIDGE

Report of Federal lands on the Pine Ridge Reservation from 1930

Tract reference No.	Acreage	Date of acquisition and authority or reference	Purpose of acquisition	Use
106-L-8	361.24	Dec. 5, 1941. Act of June 18, 1940. No. 640	Administration	Administrative and school (site of White Clay Reservoir).
106-L-30	40.00	Mar. 29, 1933. Ref. I. O., vol. 64, pp. 246-247	Day school	Wakpamni Lake School, Shannon County; under use agreement as long as needed for school purposes.
106-L-31	160.00	June 13, 1944. Ref. I. O., No. 66817-42	School pasture	An isolated tract; at present not under lease. Not used for school purposes.
106-L-32	1,040.00	June 13, 1944. Ref. I. O., No. 66817-42	do	Not under grazing permit at present time pending congressional and administrative action.
106-L-33	246.39	June 13, 1944. Ref. I. O., No. 66817-42	do	65.92 acres within OCS pasture; balance not under grazing permit at present time pending congressional and administrative action.
106-L-34	200.00	June 13, 1944. Ref. I. O., No. 66817-42	do	120 acres within OCS pasture; balance not under grazing permit at present time pending congressional and administrative action.
106-L-35	36.32	Dec. 26, 1946. Ref. District No. 2, vol. 3, p. 46	do	Not under grazing permit at present time pending congressional and administrative action.
106-L-36	602.57	Oct. 31, 1942. Ref. I. O., No. 66817-42	do	Oglala Community School pasture (United States Boarding School).
106-L-37	683.81	Oct. 31, 1942. Ref. I. O., No. 66817-42	do	Not under grazing permit at present time pending congressional and administrative action.
106-L-38	960.00	May 18, 1943. Ref. I. O., No. 66817-42	do	Not under grazing permit at present time pending congressional and administrative action.
106-L-39	266.79	May 18, 1943. Ref. I. O., No. 66817-42	do	Do.
106-L-40	800.00	May 18, 1943. Ref. I. O., No. 66817-42	School pasture and farm	40 acres OCS school pasture. Balance not under grazing permit pending congressional and administrative action.
106-L-41	153.62	Aug. 5, 1948. Ref. I. O., Deed, vol. 103, p. 267	School pasture	Not under grazing permit at present time pending congressional and administrative action.
106-L-42	113.18	June 3, 1949. Ref. I. O., vol. 110, p. 77	do	Oglala Community School (U. S. Boarding School).
106-L-44	3.58	Mar. 10, 1942. Ref. IMPL funds, No. 49259-51	School garden	OCS garden (U. S. Boarding School).
106-L-45	480.00	Jan. 22, 1940. Ref. I. O., Land Div., Acq. No. 27760-38.	School pasture and farm	OCS farm land and administrative site (U. S. Boarding School).
106-L-46	320.00	Feb. 1, 1945. Ref. I. O., No. 157-85, Apr. 21, 1945.	School pasture	OCS farm and pasture lands (U. S. Boarding School).
106-L-47	80.00	Mar. 17, 1942. Ref. I. O., Land Div., Acq. No. 222790-40.	Day school	Day School No. 4.
106-L-48	40.00	Dec. 22, 1933. Ref. I. O., Deed Book, vol. 66, p. 69.	do	Slim Buttes Day School.
106-L-49	45.00	Apr. 27, 1933. Ref. I. O., vol. 65, pp. 201-202	do	At present not under lease. Not used for school purposes.
106-L-50	10.00	Nov. 9, 1939. Ref. Act of May 10, 1939, Public 68-76.	do	Porcupine Day School garden.
106-L-51	45.00	Oct. 30, 1930. Ref. L. S. 32312-32 and L.S. 7742-33	do	Residence of Porcupine Day School employee who cares for land on behalf of school.
106-L-52	3.75	Aug. 5, 1932. Purchase from Chester Wooden (deceased). No other record at Pine Ridge Agency.	do	Manderson Day School garden in connection with canning kitchen.
106-L-53	40.00	Apr. 4, 1934. Ref. I. O., vol. 66, pp. 26 and 28	do	Day School No. 6.

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106-L-54	40.00	July 7, 1933. Ref. I. O., vol. 64, p. 248	do	Day School No. 11, abandoned, now leased to Jack Lewis, non-Indian, for ranch headquarters.
106-L-55	40.00	Apr. 4, 1934. Ref. I. O., vol. 66, p. 27	do	Day School No. 26, abandoned. Now permitted in grazing unit to Hobart Bissonette, an Indian.
106-L-56	43.00	July 8, 1932. Ref. L. S. 30225-32	do	Day School No. 22, abandoned, Now farmed by Richard Bettelyoun, Indian, on crop share with Wanblee Day School.
106-L-57	20.00	July 2, 1942. Ref. Land Acq. No. 60681-41	Administrative for fire tower	Fire tower abandoned. Under grazing permit to Alfred Goode, a non-Indian.
106-L-59	40.00	May 13, 1930. Ref. I. O., vol. 58, p. 221	Day school	Now under grazing permit to Frank D. Wilson, Indian.
106-L-60	640.40	Feb. 8, 1938. No reference at Pine Ridge Agency	do	Red Shirt Table Day School, plant and garden.
106-L-62	40.00	May 5, 1934. Ref. L. S. 52108-33	Administrative for fire tower	Fire tower abandoned. Now under grazing permit to Elmer Shepardson, non-Indian.

NOTES

1. In addition to the U. S. Government administrative and school land purchases, 159 tracts comprising 39,766.72 acres known as submarginal lands, were purchased by U. S. Farm Security Administration 1935 through 1937. These tracts have been leased to the Oglala Sioux Tribe and are administered by the Bureau of Indian Affairs. The tracts lie within grazing units except in certain isolated cases which are under grazing lease.

2. Also during the same period 16 tracts of submarginal land amounting to 6,485.89 acres were purchased by the same agency which now are situated within the aerial gunnery range. Although under the Department of Defense, the tracts are included within grazing units administered by the Bureau of Indian Affairs.

3. An estimated 900 Indian allotments and approximately 200 non-Indian tracts comprising 193,548.51 and 47,775.28 acres, respectively, were purchased in 1942 by the U. S. Government for the aerial gunnery range; administration of this is the same as set forth under item 2.

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EXHIBIT 3—PINE RIDGE

HISTORY OF TRIBAL LAND EMPLOYMENT DURING THE LAST 10 YEARS

The Oglala Sioux Tribe set up a tribal land enterprise during 1947 to coordinate the tribal land program of land purchasing, exchanging, leasing, and grazing permit issuance with the Bureau.

In 1948 seven clerical positions were set up to assist in these functions under the supervision of Bureau personnel. One land appraiser also was appointed to evaluate all land conveyances.

During the peak years of tribal land purchase and exchange activity additional clerical assistance became necessary during 1949 and 1950. The influx of work necessitated the services of four additional clerks. This additional clerical assistance was employed up to 1955.

The workload at that time leveled off to a considerable extent so that from 1955 and 1956 clerks were permanently established to take care of land activities under Bureau supervision. During those years seven clerical positions were set up serving as follows:

Leasing 1, grazing 3, census and probate 1, and land sales 3, including the appraiser, which position has been continuously filled up to the date of this report.

The tribe in 1957 further reduced its personnel connected with land activities to 4 clerks and 1 appraiser. These are shown in detail in part III, item 1 of this report.

Under the tribal system as set up and with the supervisory cooperation of the Bureau, the program at the present time is operating with efficiency. An increased activity in the tribal program, however, would, in all probability, necessitate setting up additional tribal positions.

EXHIBIT 4—PINE RIDGE

THE EFFECTS OF OLD-AGE ASSISTANCE LIENS ON THE INDIANS' DESIRE TO SELL TRUST LANDS

No discussion of the alienation of Indian-owned trust lands would be complete without mention of the stimulating effects of old-age assistance liens on the Indians' desire to sell trust lands.

Congress had for many years recognized a special obligation to care for aged and infirm Indians prior to the passage of the Social Security Act approved August 4, 1935, which, under title 42, chapter 7, subchapter I–301, authorizing financial assistance to States which wished to set up programs for assisting the aged. These grants were first in the form of rations and later in the form of financial assistance. Regular appropriations for carrying on a Bureau of Indian Affairs general assistance program included aid to aged and infirm Indians. This aid was an outright grant with no strings attached. When old-age assistance became available under social security, help to aged Indians was no longer included in the Bureau's program.

The Social Security Act permitted States to include in their programs a provision for the recovery from the estates of deceased beneficiaries of any amounts which had been paid for old-age assistance. The practical effect of the Social Security Act was that, whereas the Indian had formerly received old-age assistance in the form of a grant, he thenceforth received such aid subject to a lien against any income accruing to his estate.

The Indians regard this change as a violation of their treaty rights in that it attempted to put them on exactly the same footing as the non-Indian, thereby repudiating an obligation which Congress had recognized for many years. Actually, the non-Indian finds it much easier to avoid this reimbursable provision in the law than the Indian whose land is held in trust. The Indians feel that they had prepaid the Government for assistance to their aged and infirm members by the relinquishment of millions of acres of their best land for homesteading by non-Indians. They point to the wording of their trust patents, "will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or encumbrance whatsoever."

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The Government's reply has been that each beneficiary under the old-age assistance program, by making voluntary application for assistance, did thereby accept all of the obligations and conditions imposed by law. This argument ignores one important consideration, i. e., that the Indians' former source of aid for the aged had been cut off thereby forcing old Indians to choose between doing without any assistance whatever and accepting conditions which they believed to be in direct violation of two treaty promises, (1) to care for their old people, and (2) to prevent the encumbrance of their trust lands. In other words, they maintain that their acceptance of the reimbursable clause had been obtained by duress. The Solicitor advises that the Bureau must honor these old-age assistance liens until Congress passes amendatory legislation acceptable to the President which would grant relief to the holders of interests in trust lands.

We mention this argument because the effect of these old-age assistance liens has been to make many Indians want to sell land which they might otherwise have been willing to pass on to their heirs. Allowed old-age assistance claims against an estate means that the family of the deceased must suddenly adjust itself to getting along with no rental income until such time as the old-age assisance claim has been paid in full, in some cases as long as 20 years. Their only alternative is to sell part of the landholdings of the estate so that the claims can be paid earlier. Many of our old people clamor to sell land in order to pay off the old-age assistance liens and thus avoid this hardship for their survivors.

It is our considered judgment that these old-age assistance liens constitute the primary cause of the Indians' desire to sell land. The effect of the liens is to accelerate dissipation of the Indian estates. Legislation will be needed to remedy the situation.

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5. ROSEBUD AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Rosebud, S. Dak., June 12, 1958.

JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR MR. MURRAY: In compliance with your request of April 17, 1958, we submit herewith duplicate copies of the report covering the Rosebud Indian Reservation, Rosebud, S. Dak.

We cannot at this time enumerate all the Federal lands upon the reservation which have been purchased since 1930. We are working upon the compilation of such records but do not have them sufficiently complete to be of any value.

Throughout the years the tribal employees have played a large part in the operation of the agency, but, as of June 30, 1955, their participation in the work under a tribal payroll plan was curtailed. The tribal land enterprise has maintained a full staff since that date, and one tribal employee has been in the credit branch for several years. The following statement gives the picture in tabular form:

Salaries by the year	Total number employees hired part or full time	Average number employees full time	Total salary	Average annual salary
Jan. 1, 1948, to Dec. 31, 1948	21	16.2	$21,521.85	$1,325
Jan. 1, 1949, to Dec. 31, 1949	31	18.7	27,200.69	1,450
Jan. 1, 1950, to Dec. 31, 1950	25	14.0	22,960.47	1,640
Jan. 1, 1951, to Dec. 31, 1951	24	20.5	35,266.60	1,720
Jan. 1, 1952, to Dec. 31, 1952	22	18.5	38,989.67	2,100
Jan. 1, 1953, to Dec. 31, 1953	36	20.5	47,723.36	2,320
Jan. 1, 1954, to Dec. 31, 1954	34	22.0	52,679.36	2,395
Jan. 1, 1955, to Dec. 31, 1955	24	13.5	36,840.48	2,728
Jan. 1, 1956, to Dec. 31, 1956	8	6.0	17,549.19	2,924
Jan. 1, 1957, to Dec. 31, 1957	8	6.0	18,779.39	3,130
Total			319,511.06	

We hope the enclosed will assist your committee in its current efforts. If we can be of further assistance please feel free to call upon us.

Sincerely yours,

M. PEDERSON,
(For Graham Holmes, Superintendent.)

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ROSEBUD AGENCY

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947? How many acres which the tribe had acquired in fee? How many acres in trust?

The records of 1947 were kept by calendar year instead of fiscal year. On January 1, 1947, there were 90,071 acres of land in tribal ownership. All was in trust and none in fee.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

January 1, 1947, 979,172 acres.

3 to 10 inclusive. See attached chart, exhibit A.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

July 1, 1957, 336,079 acres. (Includes 65,756 acres of executive assignments.) All was in trust. None in fee.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

June 30, 1957, 628,625 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

There have been no special acts that we know of affecting the Rosebud Reservation in the acquisition and disposal of lands, except that we estimate that approximately 10 patents have been issued over the last 10 years by private acts of Congress. We do not know for sure how many private acts have been passed because our records are not kept so that they can be easily found.

No special study has been made of the effect of sales, however, the principal difficulty noticed so far is in the management of range units. Where a few tracts are sold in a range unit, it is extremely difficult, if not impossible, to maintain proper range management and the allocation of land for Indian use. This is due to the fact that large unbroken tracts are necessary for an economic ranch unit, and an individual buying checkerboard tracts across the reservation exercises considerable control. It is apparent that as Indian land is sold Indians will congregate on tracts of tribal land. This has not developed to the point where the exact effect can be determined. It has some good points in that they move close to schools, good source of water, etc., which is beneficial.

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The Rosebud Sioux Tribal Council has passed many resolutions in the past 10 years concerning the acquisition and disposal of land. We cite the following, some of which are still in the waiting status. (See exhibit B.)

No. 5722, April 9, 1957: Authorized a request to Hon. E. Y. Berry, Second District Congressman, to introduce a bill in Congress to authorize the Government to give the tribe title to 9,120 acres of land that had been purchased with Indian moneys, proceeds of labor funds. (No such bill has passed.)

No. 5755, September 20, 1957: Authorized president and secretary of tribal council to execute a renewal permit on 28,730 acres of submarginal lad. (The permit was approved on November 21, 1957.)

No. 5756, September 20, 1957: Relating to the restoration of administrative lands to the tribe. (An active issue, but incomplete.)

No. 5802, January 29, 1958: Delegated authority to the president of the tribal council to negotiate with the Government for the purchase of 28,730 acres of submarginal land and 9,000 acres of other Government-owned land. (An active issue, but incomplete.)

No. 5805, March 5, 1958: To revoke any authority given any subordinate organization to approve the exchange of tribal-owned land for non-Indian deeded land, and to petition the Department of Interior to reject all such pending applications. (Provisions are being accomplished, but are incomplete.)

14. Discuss to what extent, if any, the heirship, or multiple ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

The tribe has obtained fractional interests in approximately 800 allotments on the reservation. Such negotiations have been made by the tribal land enterprise, a subordinate tribal organization charged with the responsibility of managing the tribal land programs. The tribal interest places certain restrictions upon the heirs owning the remaining interest; such as, a patent in fee cannot be issued, the land cannot be put up for sale to the public by sealed bids, and, if the tribe holds the majority interests, they might negotiate the lease or permit.

(*b*) Undivided interest owned by non-Indian and alien Indians.

About 125 non-Indian heirs hold fractional interests in Indian land on which patents in fee have not been issued. We estimate that we have effected issuance of patents to about 25 non-Indian heirs to fractional interests. When a tract of land wherein a non-Indian holds an interest is put up for advertised sale, the non-Indian share cannot be included in the advertisement. The buyer must deal with him directly and outside the Agency. We estimate about 2,050 alien Indians hold fractional interests in Rosebud allotments, 900 of which are from Pine Ridge Reservation adjoining the Rosebud on the west. Such ownership causes a little more difficulty in the acquisition and disposal of lands than if the heirs were enrolled on this reservation, but the respective agencies usually know their whereabouts.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

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We estimate that 6 percent of the Rosebud allotments are held in sole interest, the balance being in heirship status. Furthermore, we estimate that 5 percent of all allotments involve heirs who are minors. Under the act of May 14, 1948 (62 Stat. 236), as interpreted by the Solicitor, the Rosebud, and other reservations under the Reorganization Act, must have legal guardians appointed for minors and the mentally incompetent, either through the appropriate State court or tribal court.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

Extreme difficulty is encountered in leasing multiple ownership lands. The Bureau seems to have no real statutory authority to lease lands, and in many, many cases, the 40 or 50 Indian owners are not able, for obvious reasons, to negotiate a lease. This causes no end of trouble and argument among the various heirs and prospective lessees, particularly where 2 or 3 try to lease to different people. An attempt is made to handle this matter in the regulations with some success, however, as most people who have taken an interest in this matter know, there are still many complaints.

It is practically impossible to sell land where 15 or more heirs are involved, due to the fact that we must have an application for sale signed by all the heirs and we must have an acceptance of sale signed by all of the heirs after the land is sold. In most cases where there are several heirs, there is always at least one unprobated estate involved so that the acceptance or consent of all the heirs is impossible to obtain. This, in effect, causes the single ownership land to be sold and the useless multiple ownership land to be retained, that is, useless to the people who own it.

As for powers of attorney, the Commissioner, Bureau of Indian Affairs, has set out the following rule:

> No power of attorney shall be accepted from anyone within the continental limits of the United States, and whose address is known or obtainable, for use in transfers of title to interests in land.

One difficulty encountered in leasing multiple heirship land is the decision among the heirs as to who will live on the land and enjoy the improvements. This problem must be settled by negotiation. The Superintendent signs about 75 percent of all leases for some of the heirs because they cannot be reached within due time. The Superintendent signs about 1 percent of all leases for heirs who hold a minority interest because they cannot reach agreement.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

"None" is the answer to both questions. The Solicitor has held that no such authority exists. The tribe is unable to purchase more land because of a shortage of funds. They have passed resolutions on two occasions in an effort to borrow $100,000 from the Government for land purchase. No further action was taken on the resolutions.

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PART II—ROSEBUD

As pertains to key tracts.

Insofar as we know, there has been no claim or dispute concerning "key tracts" on the Rosebud Reservation. Neither the tribe, nor individual Indian, has alleged that the key tract was being disposed of. We therefore have no specific answer to paragraphs 1 through 6, inclusive, of this part.

It has never been really considered that there is a key tract on this reservation. In most areas here, water is reasonably easy to develop so that live water or running streams are not particularly important, except possibly to affect the cost of operation of a unit. To maintain a cattle operation here, a fairly large acreage of land is necessary. Water must be had, spaced properly over this area, so that very often live water is not practical and wells must be used. Due to the fact that approximately seven head to the quarter section is the carrying capacity, water must be spaced so that the cattle will not have to travel too far from grass to water. Water alone does not make a unit; it requires both water and grass.

Not having had any dispute or trouble concerning the key tract problem, we have found nothing further to report.

PART III—ROSEBUD

The purpose of this part of the questionnaire is to ascertain to what extent the tribes have assumed responsibility for real-estate activities.

1. Give the position of each tribal real estate employee, his annual salary, and the nature of his work.

Chairman, board of directors, Tribal Land Enterprise, annual salary $3,670: He is elected to the 7-member board of directors by the shareholders for a 3-year term. The board members then elect him as chairman. He presides over all official meetings of the board and shareholders and is the full-time head of the technical staff of office workers, interviews the public, and acts for the board in certain capacities as authorized.

Fiscal clerk, annual salary $3,500: He does the accounting work as it concerns records, budget, receipts, and expenditures, and the certificates of interest.

Clerk-stenographer (secretary), annual salary $3,260: She takes dictation, types, distributes letters, maintains files on cases, types cases, reports, and other routine material.

Clerk, annual salary $3,260: He does general typing, searches records, assembles data for the chairman, and other general work as directed.

Tribal land appraiser, daily rate, $10: He searches agency and county records for data, inspects the land, checks comparable sales in the area, and prepares a formal appraisal report of all tribally owned land involved in a conveyance.

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Board of directors: The chairman is on annual salary as stated above. The president and treasurer of the tribal council are automatically members by reason of their offices, and with no additional wage. Presently, the tribal council secretary is on the board at no additional wage. The remaining 3 members are on a per diem rate of $10 when they meet. The board has regular monthly meetings, with about an equal number of special meetings per year.

The total annual salaries for the 4 regular employees is $13,690. The amount paid the appraiser is almost equal to a regular employee.

2. Give the position of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None. All agency realty personnel are on civil service. The Tribal Land Enterprise staff (No. 1 above) are under the general supervision of the agency realty branch chief by reason of the Superintendent's responsibility in supervising and coordinating all land transactions.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No. (See Nos. 5 and 7 below.)

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No. (See No. 5 below.)

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

Yes. The tribal land committee is made up of five members who review all cases involving the acquisition, disposal, or other change in status of the tribal-owned land. They make recommendations to the tribal council. They do not perform the technical operations involved.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

None. The situation has not been approached by the tribe or the Bureau locally.

7. Does the tribe have, or has it had, a Tribal Land Enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

Under No. 1 above we have listed the staff members of the Tribal Land Enterprise. The Tribal Land Enterprise is a subsidiary organization under the tribal council, but with its own board of directors. It was organized in 1943 under authority of sections 4, 16, and 17 of the act of June 18, 1934 (48 Stat. 984), as well as authority of the Rosebud Sioux tribal constitution and charter.

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The purposes and objectives of the Tribal Land Enterprise. We submit herewith as exhibit C a copy of the bylaws, and direct your attention to it for a statement of the purposes and objectives of the organization.

The Tribal Land Enterprise program is based upon certificates of interest which are issued in lieu of cash payment for land purchased by the tribe.

The certificates of interest program is explained in the bylaws.

The Tribal Land Enterprise has been effective in its purpose and intent, but there is a variance of opinions as to whether it has reached the peak of effectiveness. There is some bitterness toward the more aggressive Indians because of their being able to acquire large holdings under Tribal Land Enterprise. The tribe, through Tribal Land Enterprise has acquired 270,323 acres (see No. 11, pt. I above) of land, most of which was in heirship status. However, the increase in multiple heirship titles to land far exceeds the ability of Tribal Land Enterprise to purchase, or possibly the wisdom of such purchases if they were possible. After buying such heirship land, the tribe then assigns it to individual Indians for certificates of interest, which certificates may be used to buy other land. A weakness of this phase of the program is the limited funds which are available to the tribe for the purchase of land.

An error that crept into the management of Tribal Land Enterprise early in its history was the purchase of some very small fractional interests in inherited land without obtaining sole title thereto. (See pt. I, No. 14 (*a*) above.) The tribe holds an undivided fractional interest in about 800 tracts of land by reason of such practice, or about 62,340 acres.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal oeprations.

There have been no recent instruction relating to a division of real estate operations between the Bureau and the tribe. However, we have made the following division of duties locally.

(*a*) Bureau of Indian Affairs, Acquisition and Disposal Section, will handle the following types of cases:

(1) Patent in fee titles to the grantee.

(2) Land sales: This includes all advertised sales, all negotiated sales between Indians, or between Indians and non-Indians as such sales concern allotted land. (This section will not handle certificates of interest in any phase of their use, and will not be concerned with the sale, purchase, or management of land passing to or from the tribe, except that the tribe has the privilege of submitting sealed bids at an advertised sale.)

(3) Exchange of land, except those cases involving tribal land.

(4) Partitionments.

(5) Removal of restrictions.

(6) Certificates of competency.

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(*b*) The Tribal Land Enterprise staff will be responsible for handling the technical details in connection with the management and conveyance of tribal lands, as follows:

(1) Land sale to the tribe or other Indian for certificates of interest. Negotiated sales of fractional interests to the tribe for cash or certificates of interest.

(2) Assignments of tribal land with land committee and tribal council assistance as required.

(3) Exchanges involving tribal land.

The chief difference in effectiveness of Bureau and tribal operations is in the ability of the personnel. Bureau employees are more experienced and their training is enhanced by a closer contact with the work of a well-organized program based upon written regulations. The tribal employees are local Indians whose experience and ability are affected by a more frequent turnover, and by the lack of written regulations covering every phase of the technical field.

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EXHIBIT A—ROSEBUD

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	----	----------	91	13,916.53	23	3,197.79	11	1,639.73	13	1,830.09	7	920.00	23	3,311.18	22	3,375.90	67	10,049.46	126	17,949.41
Certificates of competency	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Removal of restrictions	----	----------	----	----------	----	----------	1	160.00	----	----------	----	----------	----	----------	1	160.00	1	73.62	2	212.32
To fee status by inheritance or devise (only where entire interest has so passed)	----	----------	----	----------	----	----------	----	----------	1	160.00	----	----------	----	----------	----	----------	----	----------	----	----------
To fee status by partition	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Other (explain)	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status	29	4,063.04	29	4,187.88	13	1,454.72	4	800.00	3	480.00	3	483.64	2	191.19	----	----------	1	106.44	----	----------
Exchanges to other Indians in trust or restricted status	1	160.00	13	1,634.03	32	2,233.43	11	1,182.30	3	377.20	----	----------	2	213.33	2	604.95	2	97.96	----	----------
Sales to tribes	10	1,818.64	26	4,015.89	77	11,909.64	69	10,492.55	10	1,446.54	2	240.00	8	1,240.00	2	240.00	5	1,231.13	1	160.00
Sales to other Indians in trust or restricted status	45	5,059.64	142	19,724.29	69	7,274.23	39	3,449.50	10	1,279.03	3	357.57	15	2,447.29	5	591.94	----	----------	4	493.99
Other (explain) conveyances to tribe for certificates of interest in Rosebud Sioux tribal land enterprise	493	22,126.63	465	22,956.86	533	33,072.90	359	19,825.07	92	6,854.88	58	4,081.63	46	5,382.38	5	185.59	----	----------	1	53.33
Sales to U. S. Government for "use of boarding school"	24	3,998.40	5	963.78	4	478.80	2	640.00	6	1,175.48	----	----------	----	----------	----	----------	----	----------	----	----------

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DISPOSALS TO FEE STATUS

Exchanges to fee status	53	8,717.78	52	9,144.45	50	9,081.05	25	8,490.34	2	480.00	1	159.16	5	848.40	3	480.00	4	494.25	5	1,120.00
Sales to fee status					1	160.00			4	613.77	9	1,440.00	28	4,035.17	40	7,331.13	45	6,235.56	6	68.40
Takings for public purposes									5	580.60										
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status													1	7.11			1	106.64		
Exchanges from individual trust or restricted land	1	160.00	16	1,864.62	32	2,233.41	6	538.56	2	217.20	4	443.64	2	213.33			2	98.36		
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	35	4,282.95	142	19,724.29	70	7,465.94	40	3,453.24	10	1,279.03	2	277.57	15	2,447.29	5	591.94			3	336.08
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	2	115.09	3	512.59	1	160.80							6	496.01	3	397.84				
Purchases of fee lands			2	266.66	1	26.66														
Other (explaen) exchanges from fee status (exihange between Indian and non-Indian with actual title vested in USA in trust for Rosebud Sioux Tribe—with subsequent assignment to individual who made the trade	44	6,848.39	48	6,899.16	41	7,090.80	18	6,294.48	1	40.28	1	160.00	2	240.00			5	854.25	5	960.00
Purchase of fee land by tribe			7	215.12																

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EXHIBIT B—ROSEBUD

RESOLUTION 5802

Whereas there are 28,730.17 acres of submarginal land on the Rosebud Indian Reservation; and

Whereas about 9,000 acres of land was bought with Federal funds as part of a plan to move the Rosebud Indian Boarding School, the new school was never constructed, the land purchased from tribal members, the surrounding land is tribal, with the exception of an allotment or 2 and about 80 acres which is probably submarginal land owned by the United States, it would tie in very nicely with other range land owned by the tribe; and

Whereas the Rosebud Sioux Tribe has for several years a land program which is known as tribal land enterprise through which it manages and operates tribal lands; and

Whereas approximately one-half of the total acreage of the submarginal lands under assignment to tribal members of the Rosebud Sioux Tribe; and

Whereas the Rosebud Sioux Tribe also has in operation a soil conservation program which is known as Rosebud soil conservation tribal enterprise has spent thousands of dollars reseeding submarginal land back to grass and improved the topography of the submarginal lands: Therefore be it

Resolved by the Rosebud Sioux Tribal Council in regular session assembled this 29th day of January 1958, at Rosebud, S. Dak., That the Rosebud Sioux Tribal Council does and hereby delegates all necessary authorities to the president of the Rosebud Sioux Tribal Council to bring about transfer of titles to the Rosebud Sioux Tribe in fee of all Government-owned lands on the Rosebud Indian Reservation, S. Dak.; be it

Resolved, That the president of the Rosebud Sioux Tribal Council be and hereby is further authorized to negotiate with the Department of the Interior and appear before the Congress of the United States on behalf of the Rosebud Sioux Tribe and carry out the provisions of Resolution 5802 above.

CERTIFICATION

This is to certify that foregoing above Resolution 5802 was duly adopted in accordance with the provision of subsection (a) of article IV of the constitution and bylaws of the Rosebud Sioux Tribe by a vote of 15 for and none opposed in regular session held, convened, quorum present January 29, 1958, of the Rosebud Sioux Tribal Council, done at Rosebud, S. Dak.

Certify:

ROBERT BURNETTE,
President, Rosebud Sioux Tribal Council.

Attest:

ANTOINE ROUBIDEAUX,
Secretary, Rosebud Sioux Tribal Council.

RESOLUTION 5805

Whereas there is now pending before the Department of the Interior a number of proposed exchanges with non-Indians of tribal land; and

Whereas the proposed exchanges may not be consummated without the consent of the tribe; and

Whereas the Rosebud Sioux Tribe has never consented to such exchanges and, under article IV of the constitution of the Rosebud Sioux Tribe, the tribal council has the power "to approve or veto any sale (or) disposition tribal land which may be authorized or executed by the Secretary of the Interior"; and

Whereas the proposed exchanges have been pending for long periods of time, some of them for 8 or 9 years; and

Whereas the Department seems to be searching for consent on the part of the Rosebud Sioux Tribe to the proposed exchanges, even though there is no resolution of the tribal council authorizing such exchanges; and

Whereas the tribe does not desire that the proposed exchanges be consummated, even if consent should be found: Now, therefore, be it

Resolved, That the tribe has never consented to any of the proposed exchanges with non-Indians of tribal land for nontribal land but that, even if such consent were given by the tribe, or any of its subordinate organizations or committees,

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such consent is hereby revoked and the proposed exchanges are hereby disapproved, rejected, and vetoed, and the Department of the Interior is requested forthwith to reject all pending proposed exchanges and to return the tribe's files to the tribe.

The foregoing resolution above was duly adopted by a vote of 16 for and none opposed, by the members present, upon a motion duly made by Antoine Roubideaux, the motion was duly seconded by Robert Moran.

Certify:

ROBERT BURNETTE,
President, Rosebud Sioux Tribal Council.

Attest:

ANTOINE ROUBIDEAUX,
Secretary, Rosebud Sioux Tribal Council.

RESOLUTION 5722

Whereas there are approximately 10,515,545 acres of Government land within the boundaries of the Rosebud Reservation; and

Whereas 9,120,535 acres were purchased with IMPL funds which were derived from a cattle enterprise which originated on tribal administrative reserve: Therefore be it

Resolved by the Rosebud Sioux Tribal Council, That the president is hereby duly authorized to request the Honorable E. Y. Berry, Congressional Representative, 2d District, South Dakota, to introduce a bill which would give title of this land to the Rosebud Sioux Tribe as he is doing for the Oglalla Sioux Tribe.

Certification: This is to certify that the foregoing resolution above was duly adopted by the Rosebud Sioux Tribal Council in regular session, April 8, 1957, by a vote of 17 for and none against.

IMPL means "Income from proceeds of Indian labor."

ROBERT BURNETTE,
Chairman, Rosebud Sioux Tribal Council.

Attest:

ANTOINE ROUBIDEAUX,
Secretary, Rosebud Sioux Tribal Council.

RESOLUTION 5755

Whereas the revocable permit on submarginal lands is expiring; and

Whereas the council has been offered a new 3-year revocable permit in consideration of rental payment in the sum of $6,945 per year: Now, therefore, be it

Resolved, That the president and secretary of the Rosebud Sioux Tribal Council are hereby authorized and directed to execute a new revocable permit on the submarginal lands on the reservation in the approximate acreage of 28,730.12 acres, for an annual rental of $6,945 per year, all in accordance with letter dated June 1, 1957, to the superintendent, Rosebud Agency, signed by the area director.

CERTIFICATION

This is to certify that Resolution 5755 above was duly passed by a vote of 18 for and none opposed in special meeting held, convened, quorum present, September 20, 1957, of the Rosebud Sioux Tribal Council.

ROBERT BURNETTE,
President, Rosebud Sioux Tribal Council.

Attest:

ANTOINE ROUBIDEAUX,
Secretary, Rosebud Sioux Tribal Council.

RESOLUTION 5756

The following land transactions which the land committee have had under consideration and same are recommended for action, as follows:

"Whereas during the past 3 years, the Rosebud Sioux Tribal Council has passed resolutions requesting that all administrative reserve and tribal lands used for

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school purposes that are no longer needed for the specific educational and administrative purpose be returned officially to the Rosebud Sioux Tribe; and

"Whereas all of the resolutions passed by the tribal council have not received the proper attention from the Bureau of Indian Affairs: Now, therefore, be it

"*Resolved*, That the Rosebud Sioux Tribal Council hereby requests the Department of the Interior to restore all tribal lands formerly used for administrative, educational purposes to the Rosebud Sioux Tribe in title; and be it further

"*Resolved*, That the Rosebud Sioux Tribal Council requests immediate action on the part of the Department of the Interior on this request since it has been under consideration by the Department of the Interior for the past 3 years."

Mr. Whirlwind Soldier moved to approve the above Resolution 5756 of land committee which was seconded by Mr. Provincial. The resolution was approved by a vote of 18 for and none opposed.

ROBERT BURNETTE,
President, Rosebud Sioux Tribal Council.

Attest:

ANTOINE ROUBIDEAUX,
Secretary, Rosebud Sioux Tribal Council.

EXHIBIT C—ROSEBUD

BYLAWS—TRIBAL LAND ENTERPRISE, ROSEBUD INDIAN RESERVATION, ADOPTED BY THE ROSEBUD SIOUX TRIBAL COUNCIL APRIL 6, 1943

Revised October 6, 1943, approved by the Office of the Secretary of the Interior December 15, 1943; revised February 19, 1954, approved by the Office of the Commissioner of Indian Affairs July 8, 1955

ORGANIZATION

(1) The Rosebud Sioux Tribe having been incorporated hereby authorizes a subordinate organization under the tribal council to be known as the Tribal Land Enterprise, henceforth known in these bylaws and official documents pertaining to the tribal lands as TLE, through which this plan will function.

AUTHORITY

(2) Sections 4, 16, 17 of the act of June 18, 1934 (48 Stat. 984) as well as the Rosebud constitution and charter provide authority for the establishment of this subsidiary organization.

Article IV, section 1 (n) of the Rosebud constitution provides that the tribal council has the authority "To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the tribe." Section 5 (b) of the Rosebud charter provides that subject to certain limitations, the tribe has the following corporate powers: "To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description * * *." Section 5 (c) provides that the tribe may "* * * issue interest in corporate property in exchange for restricted Indian land, the forms of such interest to be approved by the Commissioner of Indian Affairs or his duly authorized representative (approved January 28, 1947).

PURPOSE AND OBJECTIVES

(3) To effect a plan to remedy the situation of increasing infractionation of ownership interests in allotted lands resulting from probate procedure.

(4) To provide a plan to consolidate individual ownership interests in restricted land in furtherance of economic enterprises.

(5) To develop a land management plan for the economic interests of members of the Rosebud Sioux Tribe who participate in this plan.

(6) To provide for the preservation and safeguarding of the values in individual ownership equities in land.

(7) To provide a simplified process by which an individual may exchange his land holdings for areas adapted to his ambitions for economic enterprise through the flexible use of certificates of interest in the Tribal Land Enterprise.

(8) To utilize lands under the control of the tribe for the development of economic enterprises within the various communities of Indians on the reservation.

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(9) To provide for an adequate system of keeping records and of accounting in connection with the operation and management of this plan.

(10) To provide for a long-term land-buying program which would benefit members of the tribe.

MEMBERSHIP

(11) TLE shall be operated by the Rosebud Sioux Tribe as a subordinate tribal enterprise; provided that only members of the Rosebud Sioux Tribe shall be considered a member by virtue of the tribal lands placed under the operation and management of the enterprise; and provided further that individual members of the Rosebud Sioux Tribe shall be members of the TLE by virtue of having conveyed land or interests in land to the United States in trust for the Rosebud Sioux Tribe, and having received in exchange certificates of interest in TLE, or come into ownership of such certificates as provided in sections 27 and 30 thereof.

BOARD OF DIRECTORS

(12) There shall be a board of directors composed of seven members of the Rosebud Sioux Tribe, as follows: The president of the tribal council, the treasurer of the tribal council, and five members of the tribe who shall be bonded for $1,500 for their term of office and who shall pay for their own bond. A vacancy in the post of any 1 of these 5 last-mentioned members of the board of directors shall be filled by election by holders of certificates of interest in TLE at regular or special meetings of holders of certificates of interest to serve a term of 3 years or until his successor shall have been elected. Provided, however, that such vacancy may be filled by temporary appointment by the board of directors and such temporary appointee shall be a member of the tribe and shall serve until a regular or special meeting of the holders of certificates of interest in the tribal land enterprise (amendment approved by sec. 1, pt. 34). The superintendent shall be an advisory member of the board of directors without the right to vote.

Officers of board of directors

(13) The board of directors, from its own membership, shall elect a chairman, a vice chairman, and a secretary, all of whom shall be members of the Rosebud Sioux Tribe, and who shall serve until their term on the board expires, unless otherwise removed from office for due cause.

Meetings

(14) The board of directors shall meet regularly once each month at the Rosebud Indian Agency at a time agreed upon by the board of directors and shall be subject to calls for special meetings by the chairman or the superintendent on 3 days' notice. The chairman shall preside at meetings of the board of directors, or, in his absence, the vice chairman shall preside. The secretary shall keep a record of proceedings of the board of directors and through such records keep the tribal council informed of the board's proceedings.

Voting

(15) All members of the board of directors enumerated shall have equal voice in matters coming before them for decision. Five members present at any meeting of the board of directors shall constitute a quorum to do business. A majority vote of those present shall rule on all questions.

Compensation of the board of directors

(16) Members of the board of directors who are not otherwise receiving a salary from the Government or the tribe may be paid a per-day rate as fixed by the holders of certificates of interest at their annual meeting for each day they devote to TLE matters. The per diem of the board of directors shall be determined by holders of certificates of interest at annual meetings provided for in section 42 of these by laws. This per diem is authorized from funds to the credit of TLE. Claim for per diem shall be certified by the chairman of the board of directors.

Powers of the board of directors

(17) The board of directors is hereby empowered to act, subject to the approval of the superintendent, for TLE in behalf of the tribe and holders of certificates of interest in TLE on all policies, stipulations and land transactions as enumerated in these bylaws or as may hereafter be authorized in accordance with section 45 hereof. Any action not approved by the superintendent may

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be submitted by the board of directors to the Commissioner of Indian Affairs or his duly authorized representative, for review and decision. The board of directors shall establish in written form criteria, which will be used as a guide in securing information to determine eligibility and priority for assignment of TLE lands. Information so gathered shall be made in writing and shall be treated as confidential and shall be made a part of the permanent record of the case.

CERTIFICATION OF DOCUMENTS

(18) The chairman of the board of directors is hereby designated as the certifying officer to sign all official documents of TLE. In case the chairman is unable for any reason, the vice chairman is authorized to act in his stead.

LANDS

Management of tribal lands

(19) TLE is authorized to enter into an agreement or agreements with the Rosebud Tribal Council to manage such tribal lands as the tribal administrative reserve, and such other tracts of land as are, on the date of approval of these bylaws, being used for community purposes or projects shall not be included in this plan; and provided further that in the approval of these bylaws, the tribe authorizes an agreement with TLE to manage and operate, subject to the approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary, January 28, 1947), all lands now in tribal ownership, or which may come into tribal ownership from any source, exclusive of tribal timber reserve, administrative reserve, tracts of land being used for community projects, community parks, community buildings, Indian dancehalls, churches, cemeteries; such agreements or agreement shall be revocable by the tribal council upon approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary, January 28, 1947), upon 6 months' notice to TLE of intention of such revocation. Revocation of such agreements shall be subject to any existing assignments, lease, or permit on the land involved. When such revocation becomes effective, the certificates of interest of the tribe in TLE shall be reduced in the amount of interests representing the land involved.

Homes assignments

(20) Any agreement for management of tribal lands shall not abrogate the provisions of sections (5) and (6) of article 8 of the Rosebud constitution and bylaws pertaining to home assignment, and when TLE may be affected by withdrawals of land for home assignments, proper adjustment of its records and accounts shall be made to provide for same.

Conveyances of restricted land and interests in restricted land

(21) Any owner of restricted land or interests in restricted land on the Rosebud Sioux Reservation may convey, in the presence of two witnesses of his choice, with the consent of the Commissioner of Indian Affairs, or his duly authorized representative (approved January 28, 1947), such land or interest in land to the United States of America in trust for the Rosebud Sioux Tribe; said conveyance being conditional upon the issuance of certificates of interest in TLE, based upon the current-market value of such land or interest in land; provided that nothing in this section or in these bylaws shall be construed to affect or change the ownership status of lands of persons in the Armed Forces without their full consent.

Conveyances of unrestricted land

(22) Any member of the Rosebud Sioux Tribe, who owns unrestricted land may convey such land, with the consent and approval of the Commissioner of Indian Affairs, or his duly authorized representative (approved January 28, 1947), to the United States of America in trust for the Rosebud Sioux Tribe; provided such conveyance is cleared of all encumbrances thereon by the payment thereof. TLE is authorized to liquidate such encumbrances and to issue to the conveyor certificates of such interests as shall represent the difference between the appraised value of the lands so conveyed and the amount of encumbrances liquidated by TLE.

Assignment of land for community use

(23) TLE is authorized to set aside areas of land under its control and make assignments of such areas to recognized communities for the specific use of such

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communities in the development of economic enterprises or other community use. However, such assignments must be compensated for by the deposit of certificates of interest in TLE or by outright rental, or a combination of both.

Use of surplus lands

(24) Lands not otherwise assigned or leased for use to members of the tribe, either as associations or individual members, may be leased to non-Indians, for terms not to exceed 5 years, provided such leases are made subject to cancellation at the end of any lease year should such land be assigned. The same regulations which govern the leasing of other trust lands shall be applicable to these lands.

Appraisals

(25) Lands to be accepted by TLE shall be appraised and certificates of interest in TLE shall be issued to the respective owners thereof, on a current market basis. The board of directors of TLE and the Commissioner of Indian Affairs, or his duly authorized representative, shall each desiguate an appraiser to determine the value of each tract, or allotment, or land contemplated for acceptance under this plan. The appraiser designated by TLE is to protect the interest of the Rosebud Sioux Tribe, and the appraiser designated by the Commissioner of Indian Affairs, or his duly authorized representative, is to protect the interests of the individual Indians who may transfer their lands in exchange for certificates of interest or assignments. Land capabilities along with the other factors shall be the basis of making appraisals.

Assignment of land

(26) TLE may assign land under its control to members of the tribe. An individual or cooperative association receiving such assignments of tribal land will be required to surrender to the tribe certificates of interest in TLE equal to the current market value of such lands assigned. Such canceled certificates shall remain on deposit with TLE during the period such lands remain in the possession of such individual or cooperative association. Certificates of interest so surrendered for assignments shall not be eligible to share in any net earnings, nor shall such surrendered certificates of interest be voted in the conduct of the business of TLE. Any improvements placed upon such land under assignment by the assignee shall remain the property of the assignee. Likewise, any improvements belonging to the land assigned shall be inventoried to the assignee, but such improvements shall remain a part of the land (amendment approved by Secretary of Interior, January 28, 1947), (Land-Ten. and Acq. 17937–42–310, sec. 1, pt. 34). Certificates so surrendered shall be canceled. New in-lieu certificates will be issued in the event assignment is forfeited or relinquished back to the tribe.

CERTIFICATES OF INTEREST

Issuance of certificates of interest

(27) TLE is authorized to issue certificates of interest in the Tribal Land Enterprise, class A and class B in accordance with the following provisions:

(*a*) There shall be issued to the Rosebud Sioux Tribe, class A certificates of interest in TLE for the appraised value of land, the management and operation of which is assigned by the tribe to TLE.

(*b*) For lands or interests in land conveyed by individual members of the tribe to the United States of America in trust by the Rosebud Sioux Tribe, there shall be issued class A certificates of interest in TLE to said individual for the appraised value of such land or interest in land.

(*c*) In the conveyance of land under the provisions of these bylaws, TLE may accept interests in land of Indian nonmembers of the Rosebud Sioux Tribe for which class B certificates of interest in TLE may be issued for the appraised valuation thereof.

(*d*) In the transfer of class A certificates of interest to nonmembers of the Rosebud Sioux Tribe through probate, such certificates shall be converted to class B certificates of interest.

(*e*) In the transfer of class B certificates of interest to members of the Rosebud Sioux Tribe through probate, or purchase, such interests shall be converted to class A certificates of interest.

(*f*) Class B certificates of interest shall be entitled to participate in net earnings on the same basis as class A certificates of interest, but shall not entitle the holder thereof to membership in TLE nor the right to vote such interests.

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(*g*) Class B certificates of interest shall be subject to liquidation or redemption through purchase by TLE at the discretion or upon demand of the board of directors of the TLE.

Value of interests

(28) Certificates of interest in TLE are to be issued in units, whose unit value will be determined by the current Bureau of Agriculture Economics real estate market price for South Dakota, such index to be determined at or as near as possible to January 1 of each year. The certificate of interest value, as a result of the determination of such an index, thus placed on certificates of interest will remain without change until the following year when a new index will be determined. The base value (1943 period) per certificate of interest will be $1 per interest.

(29) "The Tribal Land Enterprise is authorized to purchase land from any available funds to its credit and that title to lands thus purchased shall be taken in the name of the United States of America in trust for the Rosebud Sioux Tribe." Certificates of interest will not be issued to the tribe when purchases are made from TLE earnings.

Probate of interests

(30) If in probate, interests in TLE are fractionated the Rosebud Sioux Tribe is authorized to purchase such interests. TLE is authorized to act for the tribe in such transactions.

Transferability of certificates

(31) Except as provided in sections 27 and 30 hereof, certificates of interest in the Tribal Land Enterprise shall be transferable only to the tribe or its members, subject to approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary January 28, 1947). Any and all such transfers of certificates of interest must be accomplished in the TLE office. Also, unless certificates of interest are on file in the TLE office they will not be eligible to be voted or to receive dividend payments whenever such payments are made to holders of certificates.

Distribution of net earnings

(32) Distribution of net earnings shall be made semiannually as of April 1 and October 1 of each year from net earnings of TLE for the year ending October 1 to holders of certificates of interest in TLE as of record and eligibility on April 1 or October 1 of that year. The distribution of net earnings as of April 1 shall not exceed 2 percent of certificates of interest value and the distribution of net earnings as of October 1 shall be the balance from net earnings from TLE for the year ending October 1, remaining after adequate reserves have been established by the board of directors for (*a*) depreciation, (*b*) reserve for contingencies, (*c*) normal cash operating reserves, (*d*) purchase of lands during the ensuing 12 months, (*e*) purchase of TLE certificates during the ensuing 12 months, (*f*) payment of indebtedness. No earnings will be paid on certificates which are not on deposit for record and safekeeping in the TLE office.

During the first 10 years of operation of TLE, distribution of net earnings to be made on interests owned by the tribe shall be credited to the account of TLE and shall be subject to the order of the board of directors for use in the purchase of fractional equities in land, purchase of interests in TLE, purchase of lands and miscellaneous expenditures in connection with conducting the business of TLE, and during this 10-year period such net earnings be subject to liquidating the tribal land from the United States. At any time from the date these bylaws are approved by the Commissioner of Indian Affairs or his duly authorized representative (approved January 28, 1947), the tribal council is authorized to initiate amendments to these bylaws making provisions for future equities of the tribe in lands herein authorized for assignment to TLE for management and operation.

Purchase of interests

(33) The Rosebud Sioux Tribe is authorized to purchase certificates of interest in TLE (upon the approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary January 28, 1947). TLE is authorized to act for the tribe in such transactions. Also, certificates of interest may be purchased with TLE funds. However, all purchases of certificates of interest for the tribe or TLE must be made on the basis of current market value as indicated in section 28 of these bylaws. Certificates of interest purchased with TLE funds, must be offered for resale at current market value, to any eligible

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member of the tribe who desires to secure certificates for application on assignment of TLE land.

USE OF CERTIFICATES AS COLLATERAL AND SECURITY

Rental tribal lands

(34) TLE may accept assignment of anticipated distribution of net earnings of certificates of interest in TLE as security for rental of land within its control, or TLE may accept certificates of interest in TLE in payment of such rental.

Rental other lands

(35) Members of the tribe who rent land owned by other members of the tribe may assign anticipated net earnings on certificates of interest in TLE as security for such rentals, and by this process meet the requirements for bond.

Security on loans

(36) Members of the tribe who hold loans from the tribal credit revolving fund may assign anticipated net earnings on certificates of interest in TLE which may be accepted either as partial or total security on such loan at the discretion of the tribal corporation credit committee.

Grazing fees

(37) Where grazing permits are granted to members of the tribe on lands controlled by TLE, certificates of interest in TLE may be accepted in payment of grazing fees.

Accounting

(38) Funds collected for TLE shall be deposited in an individual Indian money account at the Rosebud Indian Agency or such other depository acceptable to the Commissioner of Indian Affairs and the tribal council. TLE shall keep an appropriate record of all land transactions even though this may duplicate any record thereof maintained by the Department of the Interior.

Forms

(39) The board of directors shall cause appropriate forms to be prepared for use in the execution of the various transactions involved in the operation of TLE.

AUDIT

(40) The tribal council shall cause an annual audit to be made on the accounts and records of TLE. Such audit shall be made previous to the annual meeting of the holders of class A certificates of interest in the Tribal Land Enterprise. A report of such audit shall be made and filed at such meeting.

Liquidation

(41) In the event it becomes necessary to abandon and to liquidate TLE, holders of class A certificates of interest in TLE shall be entitled to an assignment from lands held by the United States of America in trust for the Rosebud Sioux Tribe equal to the certificates based upon the appraised valuation of said land at the time the same was assigned to TLE for management and operation in such proportion as may be determined by the holders of certificates of interest at a meeting called for that purpose; such proportionate determinations to be subject to approval of the tribal council and of the Commissioner of Indian Affairs or his duly authorized representatives (approved by Secretary January 28, 1947). Class B certificates of interest shall be entitled to liquidation through leasehold agreements on tribal lands or on a cash basis from funds to the credit of TLE and or from rental returns from tribal land, subject to the same proportions as determined for class A certificates.

Annual meeting

(42) A meeting of the holders of certificates of interest in TLE shall be convened annually on a date set by TLE and notices of said annual meeting shall be mailed to all holders of certificates of interest in TLE on record 30 days prior to said annual meeting.

Notices of said meeting shall be posted at the Rosebud Indian Agency and at all community centers 30 days prior to said meeting. At said annual meeting TLE shall render a detailed report of the status of Tribal Land Enterprise and of business transacted during last fiscal year ended, including a financial statement for TLE. Special meetings of holders of certificates of interest in TLE may be

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called by TLE, and upon a petition signed by holders of certificates of interest in TLE representing 25 percent of outstanding certificates of interest of record, TLE shall be required to call a special meeting of holders of certificates of interest. Thirty days' notice of special meeting shall state specifically the business to be considered. Any changes in policy or management of land and amendments to bylaws are eligible for consideration at the annual meeting, and at special meeting if specified in notice for special meetings. Proposed amendments to bylaws will be submitted to the tribal council for action and approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary January 28, 1947). Voting at all meetings of holders of certificates of interest in TLE shall be on a basis of certificates of interest represented and such interests voted must be voted in person by the owners of said interests as of record; provided further that guardians may vote the interests of minors or mentally incompetent whose interests they represent. Voting of tribal certificates of interest will be on a basis of prorating, for voting purposes, among members of the tribal council present at the meeting. Prorating of such votes will be done on an equal basis to each councilman present. Each councilman shall vote his prorated number as individually desired. Voting of interests by proxy shall not be permitted. A majority vote of the certificates of interest voted on any question shall rule. The chairman of the board of directors shall preside at meetings of holders of certificates of interest, or in case the chairman is absent, the vice chairman.

Maximum limitations

(43) To assure that the greatest possible number of Rosebud Sioux Tribal members can take advantage of the TLE program and to limit assignment of lands to those who are primarily interested in acquiring economic units of their own, assignments will be made only to individuals who have less than 3 sections (1,920 acres) of grazing land, or 3 quarter sections (480 acres) of farm lands, or a combination thereof. Calculation of acreages considered shall include allotments; inherited acreages; Executive assignments; TLE assignments; revocable assignments, and any and all other trust land held on the Rosebud Reservation. This clause shall not prohibit exchanges of land for the purposes of consolidation or more suitable location.

Land use stipulation

(44) Because of potential obligations the tribe has with regard to taking back assignments at same value for which said assignments were originally issued, the following land-use clause shall be made a part of all future assignment contracts, except in those cases where assignments are in exchange for trust allotments.

"The assignee agrees to use this land in accord with established tribal and Federal land-use regulations which are applicable to range and farmlands on the Rosebud Sioux Reservation. Failure on the part of the assignee to follow such approved land-use practices on this assignment will constitute a violation of this assignment contract and shall render such assignment subject to cancellation by the Rosebud Sioux Tribal Council. Cancellation shall require final approval of the Secretary of the Interior or his duly authorized representative."

Should such assignments be cancelled, the assignee would be issued certificates equal, in number, to certificates of interest which were surrendered by him at the time the assignment was orginally made.

Amendments to these bylaws

(45) Except as provided in section 32 hereof, amendments to these bylaws shall originate in meetings of the holders of certificates of interest in the Tribal Land Enterprise or the tribal council. Proposed amendments made by holders of certificates of interest are to be submitted to the tribal council for action, and if adopted by the tribal council, submitted to the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary, January 28, 1947), for his approval or disapproval. Amendments to these bylaws shall not become effective until approved by the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary, January

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28, 1947). In case the tribal council fails to endorse amendments thus proposed, the holders of interests may submit such amendments directly to the Commissioner of Indian Affairs or his duly authorized representaitve (approved by Secretary, January 28, 1947), for his approval or disapproval upon a two-thirds vote of the interests present and voting on said question. Amendments thus adopted and approved shall be in full force and effect.

CERTIFICATION

We hereby certify the foregoing bylaws for the Tribal Land Enterprise were adopted by the Rosebud Sioux Tribal Council at its regular session April 5–7, 1943, by a vote of 13 for and 8 against: amended at its regular session October 4–6, 1943, by resolution No. 682, adopted as of that date; pursuant to authority vested in the tribal council by article IV, section 1 (n), of the constitution and bylaws of the Rosebud Sioux Tribe, and sections 5 (b) and 5 (c) of the charter for the Rosebud Sioux Tribe; and corrected by resolution No. 696 adopted by the tribal council at regular session January 19–21, 1944, in accordance with recommendations contained in letter of approval from the Secretary of the Interior dated December 14, 1943. Further revisions, included herein, adopted by the Rosebud Sioux Tribal Council, at special session, February 19, 1954.

DAN HOLLOW HORN BEAR,
President, Rosebud Sioux Tribal Council, Chairman, Tribal Executive Committee.

ANTOINE ROUBIDEAUX,
Secretary, Rosebud Sioux Tribal Council, Secretary, Tribal Executive Committee.

Approved:

C. R. WHITLOCK,
Superintendent.
OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

Date: December 15, 1943.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C., July 8, 1955.

Mr. ROBERT BURNETTE,
President, Rosebud Sioux Tribal Council,
Rosebud, S. Dak.

(Through area director, Aberdeen.)

DEAR MR. BURNETTE: Receipt is acknowledged of your letter of June 21 in which you request an interpretation of the section in the bylaws of the Rosebud Sioux Tribal Land Enterprise concerning the voting of the tribal certificates of interest at the annual meeting of the holders of certificates.

Under the revision of these bylaws of February 19, 1954, and approved August 12, 1954, section (42) annual meeting states in part as follows:

"* * * Voting of tribal certificates of interest will be on the basis of prorating, for voting purposes, among members of the *tribal council* (italic added) present at the meeting. Prorating of such votes will be done on an equal basis to each councilman present. Each councilman shall vote his prorated number as he individually desires. Voting of interests by proxy shall not be permitted." * * *

The language quoted above is clear and concise. There is no authority for the board of directors of the Tribal Land Enterprise to vote the tribal certificates of interest. The voting of these certificates is specifically reserved to those members of the tribal council present at the meeting.

Sincerely yours,

W. BARTON GREENWOOD,
Acting Commissioner.

Copy: Superintendent, Rosebud Agency.

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DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C., August 11, 1955.

Mr. ROBERT BURNETTE,
President, Rosebud Sioux Tribal Council,
Rosebud, S. Dak.

(Through area director, Aberdeen.)

DEAR MR. BURNETTE: By letter of July 8, 1955, you were informed of our interpretation of section (42) of the 1954 revision of the bylaws of the Rosebud Sioux Tribal Land Enterprise. On August 12, 1954, we approved these revised bylaws subject to the adoption of some suggested additions and amendments. These additions and amendments were never formally adopted.

You are hereby advised that our letter of July 8, 1955, is to be interpreted as an unconditional approval, as of that date, of the February 19, 1954, revision of the bylaws of the Rosebud Sioux Tribal Land Enterprise.

Sincerely yours,

W. BARTON GREENWOOD,
Acting Commissioner.

Copies: Area director, Aberdeen; Superintendent, Rosebud Agency; Mr. George Kills In Sight, chairman, board of directors, Rosebud Sioux Tribal Land Enterprise (through: Area director, Aberdeen), with copy of letter of July 8, 1955.

Transmitted August 15, 1955.

GLENN R. LANDBLOOM,
Assistant Area Director.

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6. SISSETON AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Sisseton, S. Dak., June 13, 1958.

HON. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: In response to your request of April 17, 1958, enclosed herewith, in duplicate, are answers to your questionnaire on the disposition and acquisition of Indian lands in the last 10 years on the Sisseton-Wahpeton Reservation, together with the tabular forms used in compiling this information.

Sincerely yours,

W. P. HUGHES, *Superintendent.*

SISSETON

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. Acres in trust, 210.01. None acquired in fee.
2. Acres in individual Indian ownership on July 1, 1947, 117,053.48.
3. See the following:

Fiscal year:	*Number of transactions*
1948	0
1949	1
1950	3
1951	5
1952	9
1953	15
1954	22
1955	3
1956	3
1957	12
Total	73

4. See the following:

Fiscal year:	*Acres*
1948	0
1949	120.00
1950	179.05
1951	421.50
1952	678.10
1953	1,194.95
1954	1,724.79
1955	212.24
1956	339.15
1957	713.49
Total	5,583.27

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5. Patents-in-fee:

Fiscal year:	Number of transactions	Fiscal year—Continued	Number of transactions
1948	0	1954	2
1949	1	1955	0
1950	2	1956	2
1951	3	1957	0
1952	4		
1953	10	Total	24

Removal of restrictions:

Fiscal year:	Number of transactions	Fiscal year—Continued	Number of transactions
1948	0	1954	1
1949	0	1955	0
1950	1	1956	0
1951	1	1957	0
1952	3		
1953	1	Total	7

Sales to fee status:

Fiscal year:	Number of transactions	Fiscal year—Continued	Number of transactions
1948	0	1954	19
1949	0	1955	3
1950	0	1956	1
1951	1	1957	12
1952	2		
1953	4	Total	42

6. Patents-in-fee:

Fiscal year:	Number of acres	Fiscal year—Continued	Number of acres
1948	0	1954	65.15
1949	120.00	1955	0
1950	139.05	1956	219.15
1951	301.50	1957	0
1952	320.00		
1953	674.95	Total	1,839.80

Removal of restrictions:

Fiscal year:	Number of acres	Fiscal year—Continued	Number of acres
1948	0	1954	80.00
1949	0	1955	0
1950	40.00	1956	0
1951	80.00	1957	0
1952	158.10		
1953	40.00	Total	398.10

Sales to fee status:

Fiscal year:	Number of acres	Fiscal year—Continued	Number of acres
1948	0	1954	1,579.64
1949	0	1955	212.24
1950	0	1956	120.00
1951	40.00	1957	713.49
1952	200.00		
1953	480.00	Total	3,345.37

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7. None.
8. None.
9. None.
10. None.
11. There were 690.01 acres in trust. None acquired in fee.
12. There were 111,470.21 acres in individual Indian ownership on December 31, 1957.
13. The acquisition and disposal of Indian lands on the Sisseton-Wahpeton Reservation has not been affected by any special acts of Congress. There is no Tribal Land Enterprise at this jurisdiction, but the tribal council recommends that no Indian land be disposed of to non-Indians. No resolutions on this subject have been passed.
14. No lands have been acquired on the Sisseton-Wahpeton Reservation. The Sisseton-Wahpeton Sioux Tribe does not own any undivided interests. The undivided interests owned by non-Indians and alien Indians do not present a problem unless several such heirs become involved in an allotment. In cases where only 2 or 3 such heirs are involved and the allotment is advertised for sale excluding such interests, the bidders seem to be willing to purchase the Indian owners' shares and negotiate direct for the shares of the non-Indians and alien Indians. The Sisseton-Wahpeton Reservation is not under the Indian Reorganization Act. There is no difficulty in reaching agreement among heirs as to disposal of lands, but there is difficulty in securing signed consents from all heirs because where there are 75 or more heirs, the problem of contacting all of them is practically impossible. No great use has been made of the Secretary's authority to sell heirship lands involving minor or incompetent heirs.

PART II—SISSETON

1–6. The remaining Indian land on this reservation is scattered in small tracts over seven counties in North and South Dakota, and in view of the fact that there is no Tribal Land Enterprise on this reservation, there are considered to be no key tracts.

PART III—SISSETON

1–8. The Sisseton-Wahpeton Sioux Tribe has never had a Tribal Land Enterprise and does not employ any personnel.

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SISSETON

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee			1	120	2	139.05	3	301.50	4	320	10	674.95	2	65.15			2	219.15		
Certificates of competency																				
Removal of restrictions					1	40	1	80	3	158.10	1	40	1	80						
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status							2	77.78	2	80										
Sales to tribes																				
Sales to other Indians in trust or restricted status			1	40							1	10					1	20		
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status							1	40	2	200	4	480	19	1,579.64	3	212.24	1	120	12	713.49
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land							2	77.78	2	80										
Purchases from tribes																				
Purchases of trust or restricted land from other Indians			1	40							1	10								
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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7. STANDING ROCK AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Fort Yates, N. Dak., June 10, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, United States Senate.

MY DEAR SENATOR MURRAY: In compliance with your letter of April 17, this office respectfully submits the attached report for your consideration.

With reference to part (1) of your questionnaire, questions 1 and 2, kindly note that the acreage information furnished is indicated as estimated. The figures reported were arrived at by taking into account the acquisitions and disposals from July 1, 1947, to July 1, 1957, and the acreage balances reflected on our records as of the date last mentioned.

If this office can be of further assistance to you, please feel free to contact us at any time.

Sincerely yours,

HAROLD W. SCHUNK, *Superintendent.*

FEDERAL LANDS ACQUIRED FROM PRIVATE OWNERS SINCE 1930

See last sentence of paragraph 2 Senator Murray's letter of April 17, 1958.

The records of this office only reflect information in regard to the acquisition of 10,964.65 acres by the Federal Government, classed as submarginal land. The land was acquired under authority of title II of the National Recovery Act of June 16, 1933 (48 Stat. 200), and the Emergency Relief Appropriation Act of April 8, 1934 (49 Stat. 115), and section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), at a cost of $46,527.82. Information in regard to the dates and purpose of acquisition are not statistics of record in this office; however, it is our understanding that the acquisition was to take lands unsuited for production out of cultivation and restore it to a native grass. It is our further understanding that the lands, situated within Indian reservations, were to be transferred to tribal ownership.

The above-mentioned lands are administered by the Bureau of Indian Affairs and permitted under a revocable permit to the Standing Rock Sioux Tribe for an annual consideration of $1,470. The current permit commenced in force as of April 1, 1958 to end on October 31, 1959 which includes 15 separate parcels in Sioux County, N. Dak. and 21 separate parcels in Corson County, S. Dak., involving a total of 10,964.65 acres of land. The tribe has assigned their use right to the

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entire acreage of which 3,611.65 acres are permitted within Indian range units and the remaining 7,353 acres are permitted within non-Indian range units for an annual consideration of $3 and $7.50 per animal unit carrying capacity year long, respectively.

PART I—STANDING ROCK

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

The records of this office indicate that 171,595 (estimated) acres were in tribal ownership in a trust status on the date mentioned. The tribe owns no land in unrestricted fee.

2. How many acres of trust or restricted land were there in individual Indian ownership on July 1, 1947?

The records of this office indicate that 865,070 (estimated) acres were held in a trust or restricted status in individual Indian ownership on the date mentioned.

Information in response to questions Nos. 3, 4, 5, and 6 is set forth in table No. 1 attached hereto. The questions mentioned are quoted as follows, for your reference convenience:

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

Information in response to questions Nos. 7, 8, 9, and 10, is set forth in table No. 2 attached hereto. The questions mentioned are set forth as follows, for your reference convenience:

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

8. How many acres were so acquired during each calendar year since July 1, 1947?

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

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10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

11. How many acres were there in tribal ownership on December 31, 1947? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

The records of this office indicate that 213,643.42 acres of land were held in tribal ownership in a trust status on the date mentioned. The Standing Rock Sioux Tribe owns no land in unrestricted fee.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

The records of this office indicate that 722,475 acres of land were owned in individual Indian ownership on the date mentioned.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolution on this subject? Please elaborate and include any resolutions approved.

An examination of the record fails to reveal any information in regard to special act of Congress enacted solely to effect the acquisition and disposal of land on the Standing Rock Reservation or legislation accomplished to initiate a termination of trust responsibility at this jurisdiction. However, several private acts have been enacted into law affecting the issuance of patents in fee to individual Indians. These private acts have involved a very limited acreage.

The alienation of trust and restricted Indian lands by sale and issuance of patents in fee has been discussed by the Standing Rock Sioux Tribal Business Council on numerous occasions. It is being realized that the continued alienation of lands would adversely affect the possibility of establishing new Indian operators in farming and/or ranching pursuits or to provide additional lands when needed for the operators now established. The Standing Rock Sioux Tribal Business Council, cognizant of the diminishing trust status land base, while assembled in session on March 6, 1957, adopted Resolution No. 8–57, two copies of which are transmitted herewith for your information.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

An undivided interest owned by the tribe tends to depress the selling price of land for the reason that their exists no provision whereby the tribally owned interest may be offered for sale along with the individual interest or interests. Consequently the purchaser is able to acquire title to only the individually owned interest or interests.

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(*b*) Undivided interest owned by non-Indians and alien Indians. This situation presents a problem in the acquisition of lands in a restricted status for several reasons; that records maintained on unrestricted fee ownership are not readily accessible for examination and evaluation, title documents must be prepared by agencies other than the Bureau of Indian Affairs, separate deeds must be prepared to convey the unrestricted interest. It may also be necessary that the examiner of inheritance take appropriate action to establish the presumed status of an alien Indian. In the disposal of trust or restricted Indian land, the involvement of a non-Indian or alien Indian interest tends to depress the selling price of the land. It is necessary that the prospective purchaser be properly informed in regard to any unrestricted interest owned in Indian land. It may also be necessary that appropriate action be taken by the examiner of inheritance to factually establish the status of a presumed alien interest.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

In order that a minor's interest in trust or restricted Indian land be disposed of, it is necessary that guardianship proceedings be had in the proper State court having jurisdiction over the area in which the land is located. Many times the minor's interest may be small and the sale proceeds accordingly nominal which situation creates a problem in prevailing on the other heir or heirs to assume the cost of guardianship proceedings in order that a transaction may be concluded.

(*d*) Difficulty of reaching agreement among all heirs as to the use or disposal of lands.

No particular difficulty has been experienced in getting the heirs to reach agreement as to the sale or use of land, except that one or other of the heirs is occupying the land as a homesite. The problem is in contacting the heirs to determine their wishes in regard to a proposal.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

An examination of the record reveals that the Secretary's authority has not been utilized within the last 3 years of the reporting period. It is believed that it has been used very rarely in the preceding years, if at all. This is quite likely due to the fact that considerably more applications have been filed for the sale of land to the tribe by persons qualified to consent to the sale of land than the tribe has financial means to purchase. The matter of the Secretary's authority to sell heirship lands has been brought to the attention of the tribal council.

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PART II. KEY TRACTS—STANDING ROCK

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

During the last 3 years of the reporting period one alleged key tract comprising 160 acres was sold. To the best of our knowledge there were no other such disposals in the 7 preceding years.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

The tribe and individual Indians have purchased or exchanged 82,126 acres of trust or restricted Indian land during the reporting period, which were considered important to their operations without a determination necessarily being made as to whether or not the land was a key tract. We know of no disposal of an alleged key tract to a non-Indian other than set forth at item No. 1 above.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

To our best knowledge, none. However, we desire to invite your attention to the information set forth at item No. 1. In this instance a patent in fee was issued to the heir of 1 tract of restricted Indian land comprising 160 acres, which was alleged as a key tract by the Indian operator in whose unit the land was permitted. The land was subsequently sold to a non-Indian. Before the superintendent approved the application for a patent in fee, an attempt was made to arrange a negotiated sale of the land to the Indian operator. However, the Indian owner, who was found to be unquestionably competent, refused to negotiate a sale of the land in trust and insisted that a patent in fee be issued in order that she be able to negotiate the sale of the land to the highest bidder in unrestricted fee. The use and conservation of the adjacent Indian land was not contingent on the retention in restricted fee of the tract disposed to an unrestricted status. The Indian operator has not been adversely affected by loss of the 160-acre tract to the extent that he has had to curtail his operations.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

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Information available indicates that there is a greater acreage of trust or restricted Indian land under Bureau approved use today than at any time during the 10-year reporting period.

6. Discuss the extent to which key tracts which were fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

The tribe has acquired a total of 7,856.12 acres of land from unrestricted fee status during the 10-year reporting period. A total of 928.92 acres were purchased outright from unrestricted fee owners, as key tracts. The remaining 6,927.20 acres were acquired from unrestricted fee owners by virtue of exchange of land. These acquisitions appear to have been accomplished to effect a consolidation of tribal land holdings without regard to the land necessarily being key tracts.

PART III—STANDING ROCK

The purpose of this part of the questionnaire is to ascertain to what extent the tribes have assumed responsibility for real-estate activities.

1. Give the position of each tribal real-estate employee, his annual salary and the nature of his work.

In order that the information desired in this instance and in response to paragraph (3) of Senator Murray's letter of April 17, 1958, this office has prepared a listing (identified as table No. 3) of all tribal positions supervised by Bureau personnel and positions located with and supervised by tribal administration, along with a schedule (identified as table No. 4) which reflects information in regard to the number of positions situated within the branch of realty of this agency and salaries paid for the period of years from 1947 through 1957. Information, in the form of position descriptions (identified as table No. 5), in regard to the nature of the work performed by the tribal positions now established within the branch of reality is presented for your consideration.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

All Bureau real-estate employees at this agency are paid from appropriated funds.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real estate activities? Explain fully.

The tribe does not employ anyone in the capacity mentioned. The personnel of the branch of realty of this agency rendered the services, which normally would be performed by a real estate adviser or consultant.

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4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No, see information furnished in response to question No. 7 below.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

Yes, see information furnished in response to question No. 7 below.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities. Explain fully. If the Bureau has disapproved such employment, explain why. The Standing Rock Sioux Tribe on May 17, 1957, entered into a contract with Mr. W. D. Davis, 1016 Baltimore, Kansas City 5, Mo., for appraiser services. The contract, approved by the Bureau, called for an appraisal of approximately 55,000 acres of trust and restricted status Indian land embraced in a large number of separate tracts on the Standing Rock Reservation in North Dakota and South Dakota, which will be required by the United States in connection with the Oahe Dam project on the Missouri River.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

The Standing Rock Sioux Tribal land enterprise was approved on September 16, 1947. The purpose of this enterprise is to consolidate and improve the tenure of the reservation land base in order to eliminate obstacles to proper land use, which have grown out of the alienation of Indian lands and the breaking up of individual holdings through inheritance, for the immediate and future use and benefit of members of the Standing Rock Sioux Tribe.

These adjustments involve the purchase by the tribe of key tracts of individually owned trust or restricted lands and alienated lands, with particular emphasis on the heirship lands and the small tracts of irrigated lands which cannot be made use of by the owners by reason of the many heirs, the absence of the owners from the reservation or for other causes, and adjustments by partition, exchanges, and other land adjustments. This enterprise shall be managed by a committee of six members hereinafter referred to as the land enterprise committee of the Standing Rock Sioux Tribal Council, chosen by such council. It shall be the duty of the committee to recommend approval or rejection of all transactions involving the acquisition of lands by the tribe whether by purchase, lease, permit, gift, exchange, or otherwise, and to recommend for or against any proposed land adjustments involving tribal lands. All actions of the committee shall be by a majority vote of the members present. Four members of such committee shall constitute a quorum. The effectiveness of the enter-

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prise can best be judged by taking into consideration that at the time the plan of operation was approved there were 171,595 [1] acres of land owned by the tribe; whereas at the close of fiscal year 1957 the tribe owned a total of 213,152.78 acres of land. The effectiveness of the enterprise in carrying out their stated purpose has been hampered by the lack of funds.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

Real-estate operations have at all times been a Bureau responsibility at this agency. Consequently, it is not possible to make a comparison of the difference in effectiveness of Bureau and tribal operations in this regard.

[1] Estimated.

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STANDING ROCK

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	14	2,556.02	102	19,340.50	24	4,313.15	8	1,406.60	14	3,356.36	12	1,854.51	5	800.00	7	1,122.57	8	1,125.60	28	4,212.47
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition			1	80.00					1	160.00	1	160.00	1	160.00			1	158.00	1	160.00
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status	5	800.00	3	640.00									1	160.00						
Exchanges to other Indians in trust or restricted status	8	1,433.52	10	1,520.00	1	320.00					2	480.00	1	160.00					1	160.00
Sales to tribes	30	5,588.31	19	4,324.80	27	6,670.35	33	6,228.47	7	1,608.15	31	5,643.93	31	6,968.29	3	959.00	2	320.00	6	1,368.77
Sales to other Indians in trust or restricted status	50	9,798.14	47	8,895.75	30	6,335.95	14	2,544.73	18	4,491.89	4	625.10	4	1,104.58	1	160.00	4	720.00	3	350.00
Other (explain)																				
DISPOSALS TO FEE STATUS																				
Exchanges to fee status	12	2,567.65	9	1,900.03	7	1,270.46	1	160.00	1	652.45	3	474.99	1	337.60	1	160.74	1	715.80	1	160.00
Sales to fee status	8	1,518.24	14	1,937.27	1	160.00	6	1,122.91	24	4,621.79	38	6,909.66	47	9,410.20	44	8,478.31	55	12,062.68	37	6,643.77
Takings for public purposes																			47	2,912.62
Other (explain)																				

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status	5	828.30	3	440.00									1	160.00						
Exchanges from individual trust or restricted land	8	1,433.50	10	1,520.00	1	320.00					2	480.00	1	160.00					1	160.00
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	50	9,798.14	47	8,895.75	30	6,335.95	14	2,544.73	18	4,491.89	4	625.10	4	1,104.58	1	160.00	4	720.00	3	350.00
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	12	4,126.29	9	1,179.04	7	1,184.85	1	160.00	1	593.36	3	320.00	1	160.00	1	320.00	1	160.00	1	160.00
Purchases of fee lands	2	802.96	3	472.61	2	320.00	1	320.00												
Other (explain)																				

Tribally owned land

[No. T. = Number of transactions. Ac. = Acreage]

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status			5	1,670.05	2	1,440.00			1	360.00	2	768.56	2	513.45	1	1,039.87	1	160.00	3	1,126.91
Exchanges from fee status			5	1,230.70	2	1,440.00			1	371.88	2	795.72	2	578.52	1	1,062.28	1	156.99	3	1,291.11
Purchase from fee status	1	143.27	1	785.65																

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TABLE 1.—*Dispositions*

[This tabulation prepared in response to questions Nos. 3 through 6, pt. I of questionnaire]

[No. T. = Number of transactions. Ac. = Acreage]

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
tents-in-fee, certificates of competency, removal of restrictions	14	2, 556. 02	104	19, 500. 50	24	4, 313. 15	8	1, 406. 60	16	3, 676. 36	14	2, 174. 57	7	1, 120. 00	7	1, 122. 57	10	1, 441. 60	30	4, 532. 47
Supervised sales	8	1, 518. 24	14	1, 937. 27	1	160. 00	6	1, 122. 93	24	4, 621. 79	38	6, 909. 66	47	9, 410. 20	44	8, 478. 31	55	12, 062. 68	37	6, 643. 77
Exchanges to fee status	12	2, 567. 12	14	3, 570. 08	9	2, 710. 46	1	160. 00	2	1, 012. 45	5	1, 243. 55	3	851. 05	2	1, 200. 61	2	875. 80	4	1, 286. 91
Total	34	6, 641. 38	131	25, 007. 85	34	7, 183. 61	15	2, 689. 53	42	9, 310. 60	57	10, 327. 72	57	11, 381. 25	53	10, 801. 49	67	14, 380. 08	71	12, 463. 15

TABLE 2.—*Acquisitions*

[This tabulation prepared in response to questions Nos. 7 through 10, pt. I of questionnaire]

[No. T. = Number of transactions. Ac. = Acreage]

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from fee status	12	4, 126. 29	14	2, 409. 74	9	2, 624. 85	1	160. 00	2	965. 24	5	1, 115. 72	3	738. 52	2	1, 382. 28	2	316. 99	4	1, 451. 11
Purchases from fee status	3	946. 23	4	1, 258. 26	2	320. 00	1	320. 00												
Total	15	5, 072. 52	18	3, 668. 00	11	2, 944. 85	2	480. 00	2	965. 24	5	1, 115. 72	3	738. 52	2	1, 382. 28	2	316. 99	4	1, 451. 11

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TABLE 3.—*Tribal employees*

Branch of administration:
Tribal IIM Clerk (clerk-typist).
Tribal janitor.

Branch of realty:
Tribal land clerk (clerk-typist).
Tribal lease clerk (clerk-typist).

Branch of land operations:
Tribal grazing clerk (clerk-typist).
Equipment operator, tribal soil conservation enterprise.

Branch of credit: Tribal credit clerk (clerk-typist).

Branch of Law and order:
Tribal chief of police.
District tribal police (4 each).
Tribal cook (jail).
Associate tribal judge (2 each).
Tribal clerk of court (clerk-typist).

Tribal administration:
Tribal finance officer.
Tribal clerk (clerk-typist).
Tribal ration clerk.

TABLE 4.—*Tribal employees*

[List of positions in branch of realty paid from tribal funds]

Branch of realty	1947	1948	1949	1950	1951	1952
Tribal land clerk	$517.00	$1,933.74	$2,215.34	$1,966.11	$2,445.65	$2,916.83
Tribal lease clerk	994.85	1,916.79	1,971.82	2,194.36	2,088.02	2,669.83
Tribal clerk-stenographer	----------	1,307.76	----------	908.10	----------	----------
Total	1,511.85	5,158.29	4,187.16	5,068.57	4,533.67	5,586.66

Branch of realty	1953	1954	1955	1956	1957	Total
Tribal land clerk	$3,269.90	$3,091.76	$2,619.97	$1,699.09	$554.38	$23,229.77
Tribal lease clerk	873.51	2,001.16	2,890.28	2,107.87	1,622.36	21,330.85
Tribal clerk-stenographer	2,527.31	----------	1,205.88	----------	----------	5,949.05
Total	6,670.72	5,092.92	6,716.13	3,806.96	2,176.74	50,509.67

TABLE 5.—*Tribal employees*

Tribal land clerk (clerk-typist)

This position is located in the Acquisition and Disposal Section of the Branch of Realty of the Standing Rock Agency. The Acquisition and Disposal Section exercises direct supervision over land acquisition and disposal programs including development and recommendation of policies and procedures for application by the agency office in activities pertaining to sales, exchanges, partitions, and the issuance of patents-in-fee, etc., and acquisitions of Bureau sites for school and other purposes, in coordination with other elements of the agency, in addition to the tribe and individual Indians.

The incumbent receives applications for patents-in-fee, supervised sales (advertised), exchanges, gift conveyances, and partitionment of land.

The incumbent prepares file folders and index cards for all types of land transactions, upon receipts of the individual application and maintains filing of same to facilitate the orderly handling and expeditious answering of inquiries to the general public. Information on index cards include the initial date and name of the applicant and the various steps to final completion, which are kept current to reflect a current status of a particular transaction, requiring constant and minute attention to changes as they occur.

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The incumbent prepares a transaction worksheet on each application for the purpose of ascertaining the correct allotment number with relation to the land described and ownership, routes and transaction worksheet to the Reports and Control Section of the Branch of Realty for verification. Prepares notices to the chairman of the tribal business council for applications files for various types of land transactions in order that the council may negotiate for the purchase of the land, if it so desires.

The incumbent, by form memorandum, makes inquiry of the welfare department of this agency as to the welfare status of the allottee or heirs of land being sold in order that such welfare supervision as may be necessary in the expenditure of land sale funds may be accomplished.

The incumbent by form letter notifies all heirs of restricted Indian lands of each application filed for various types of land transactions affecting their interests, in the event they have not participated in the execution of the application. This action is taken in order that the wishes of all heirs may be learned in regard to the land transaction action proposed.

The incumbent performs stenographic duties consisting of transcribing from a dictaphone transcribing machine, correspondence, with responsibility for correctness, punctuation, and spelling, in connection with acquisitions and dispositions, partitions, and exchanges of trust lands.

The incumbent is under the immediate supervision of the assistant real property officer, grade GS–9, with incidental supervision received from clerk-stenographer, grade GS–3, and agency real property officer, grade GS–11. Completed work is reviewed for accuracy and adequacy in accordance with instructions.

This position was established during the year 1947. The present annual salary has been set at $2,418. However, effective as of March 1, 1958, the annual salary will be raised to $2,690, comparable to a GS–1 grade.

Tribal lease clerk (clerk-typist)

This position is located in the Tenure and Management Section of the Branch of Realty, Standing Rock Agency. The Tenure and Management Section exercises direct supervision over surface and subsurface leasing and management programs including recommendation of policies and procedures of application by the agency in activities pertaining to the conservation and development of mineral resources on Indian lands; the issuance of licenses, permits, rights-of-way, leases, and assignments of real estate under jurisdiction of the agency and coordination with other elements of the agency.

The incumbent of this position receives applications for farm and/or farm-pasture leases. Prepares lease documents, which entails the examination of landownership records to determine the allottee or heirs of any given tract of land, computes the rental by taking into consideration the minimum acceptable rental rate for grazing and cropland and the negotiated rental as set forth in the application and determines the lease fee to be charged for preparing the lease document. Further, sets forth in the lease document any special conditions with regard to the payment of rental to the allottee or heirs or into the agency office, and determines the amount of performance bond required for any particular lease. In determining the amount of bond required it is necessary that the annual rental payable under the lease, the number of acres of grazing land and/or cropland be taken into consideration, also any improvements which may comprise a part of the lease consideration or special conservation practices in order that the lease be properly bonded.

The incumbent prepares official receipts in taking up fees and rental collected into the agency office and journal vouchers in transferring rental and fees out of special deposit for proper crediting to IIM accounts or the refund of cash bond deposits.

The incumbent prepares form letters in transmitting proposed leases to the lessee for execution and by form letter notifies all lessees of the expiration date of any lease in force, which action is generally taken not less than 60 days prior to the expiration date of any particular lease, which has not been renewed.

The incumbent performs stenographic duties consisting of transcribing from a dictaphone transcribing machine, correspondence, with responsibility for correctness, punctuation, and spelling in connection with matters pertaining to the functions of the tenure and management section of the branch of realty.

The incumbent is under the immediate supervision of the assistant real property officer, grade GS–7, with incidental supervision received from the clerk-typist (lease clerk) grade GS–3, and the agency real property officer,

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grade GS–11. Completed work is reviewed for accuracy and adequacy in accordance with instructions.

This position was established during the year 1947. The present annual salary has been set at $2,418. However, effective as of March 1, 1958, the annual salary will be raised to $2,960, comparable to a GS–2 grade. The incumbent will enter on duty at an entrance salary of $2,690 per annum and as experience is gained and ability proven, will then be advanced to $2,960 per annum.

Resolution No. 8–57

Resolution of the Standing Rock Sioux Tribe for North Dakota and South Dakota favoring Senate Concurrent Resolution 3

Whereas the Bureau of Indian Affairs regularly and consistently points to House Concurrent Resolution 108, 83d Congress as a policy directive from Congress justifying the current policy of urging, encouraging, and facilitating the sale of restricted allotments by individual Indians, competent and incompetent, so that in the last 4 years, 1,600,000 acres of such land have been removed from Indian ownership; and

Whereas the Bureau of Indian Affairs in reliance on House Concurrent Resolution 108, 83d Congress, at the same time that it encourages sale of the individual Indians, only capital asset and the reduction of landholdings, urges relocation of Indians on the ground that there is insufficient land available for them on the reservation; and

Whereas on the Standing Rock Sioux Reservation added personnel have been sent to this agency to accelerate the processing of sales of Indian allotments so that in January 1957 144 separate tracts of land embracing about 29,370.99 acres were offered for sale at one time in a county where from 40 to 50 transfers are normal for a full year; and

Whereas despite the fact that the land may have oil and gas value the Indians are permitted, whether competent or incompetent, to convey their oil and gas without any additional value for oil or gas being included in the appraisement by the Bureau of Indian Affairs: Now, therefore, be it

Resolved, That Senate Concurrent Resolution 3 be adopted as the policy of Congress to supersede House Concurrent Resolution 108, 83d Congress.

Certification

We hereby certify that at a meeting of the Standing Rock Sioux Tribal Council held at Fort Yates, N. Dak., on March 6, 1957, at which a quorum was present, the above resolution was adopted by a vote of 14 for and 0 against.

Louise Painte,
Secretary, Standing Rock Sioux Tribal Council.

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8. TURTLE MOUNTAIN CONSOLIDATED AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Belcourt, N. Dak., June 6, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: Receipt is acknowledged of your letter of April 17, 1958, with enclosures, in which you ask for certain historical and statistical data concerning Indian and Federal lands under the jurisdiction of this agency. Due to limited staffing it is impossible to give your inquiry the attention it justifies, in view of its importance in considering effective legislation by Congress in connection with Indian lands.

The United States Government first made an agreement with the Turtle Mountain Band of Chippewa Indians through the McCumber Commission under date of October 2, 1892. This agreement was modified and amended by the act of April 21, 1904 (33 Stat. 198–194).

The Turtle Mountain Band of Chippewa Indians received a reservation of only two townships of land. Regularly enrolled members of this band were authorized, under the act cited above, to have their allotment rights satisfied with land on the public domain. On September 30, 1907 (36 L. D. 105), it was held by the Department that the act of April 21, 1904, did not limit the time within which members of this band might make selections, and that there was no authority to fix a date after which children born into the band would not be entitled to land. This ruling remained in effect for about 9 years, during which time many children born subsequent to the year 1904 had made selections that were completed by the issuance of trust patents. However, on January 15, 1916 (44 L. D. 524), in the case of *Voight* v. *Bruce*, the Department recalled and vacated the 1907 ruling and held that to entitle a member of the band to an allotment selection under the 1904 act, it must affirmatively appear that the applicant was in being October 8, 1904, the date the 1904 act was ratified and accepted by the Indians. As many of the applicants for allotments under this law were born subsequent to October 8, 1904, it became necessary to reject their applications, and thereafter the lands included in such selections again became available for disposition by the Government under the public land laws.

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There does not seem to be on file here any compilation of the total number of acres selected and allotted to the members of this tribe. We do find for the year 1927 the following:

Lands under the Turtle Mountain Agency

	Trust	Patent-in-fee
On reservation	20,600	25,480
In Rolette County	8,000	5,600
Outside Rolette County	356,085	194,060
Total	384,685	225,140
Grand total	609,825	

The public domain lands were scattered over a wide area, and it was difficult to supervise them efficiently with only one field clerk at the Turtle Mountain Agency. The agency Superintendent, about 1931, conceived the idea that supervision of these lands should be transferred to the nearest Indian agency. As a consequence, in 1932, the transfer was consummated, and public domain allotments were transferred to the jurisdiction of the Fort Totten, Fort Berthold, Fort Peck, Fort Belknap, Rocky Boy, Cheyenne River, and Tongue River Agencies. When income is received for the leasing of these lands, it is tranferred to this agency, deposited to the accounts of the individuals concerned, and disbursed in accordance with regulations. If the land is sold the procedure is the same. Allottees possessing the necessary qualifications may receive a patent in fee, which terminates supervision by the Government.

Because of the acute shortage of land here, Congress made funds available under the act of May 24, 1940 (545 Stat. 219), for the purchase of tribal lands, title being taken in the name of the United States of America in trust for the Indians of the Turtle Mountain Reservation. Under this program we purchased lands as follows:

	Tracts	Acres
From private owners, fee status	227	33,707.89
From Indians, allotted trust status	19	1,729.09
Total tribal purchases	246	35,436.96

Purchases began in 1941, and continued in 1942, 1943, and 1944, with a few purchases made later.

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Other lands purchased with Federal funds for various purposes, and held in the name of the United States of America (but not for the tribe) include the following:

Turtle Mountain

Purpose of the purchase, date and act, if known	Tracts	Acres
Boy Scout land, 1937. For Boy Scout, Girl Scout, picnic, recreational, etc., use. W½NW¼, lots 1 and 4, sec. 7 162-70	1	138.70
Fire observation tower land, 1940. For use during fire-hazard season, to observe fires when they start. SE¼SW¼, lots 8 and 9, sec. 3-162-71. Purchased under the act of Congress approved May 10, 1939 (Public Law 68, 76th Cong., 1st sess.)	1	133.40
Purchased from Marie Jollie, for location for school, garage, shop, etc., for Turtle Mountain Consolidated Day School, 1929, NW¼NW¼SW¼ sec. 21, T. 162 N., R. 70 W	1	10.00
Purchased from Marie Jollie, addition to above, and to remove knoll obstructing a clear vision of through highway used by the school buses, 1941	1	.60
Purchased from Wahnakwot, for location of employees quarters, garages, garden plots, etc., 1936, part NW¼ sec. 21, T. 162 N, R. 70 W	1	15.00
Purchased from Wahnakwot, for additional school-land holdings, for garden, agricultural instruction, and other school and agency purposes, 1942, part NW¼ sec. 21, T. 162 N., R. 70 W	1	98.70
Purchased from Abraham Houle estate, for location of Houle Day School, 1938, part SE¼ sec. 3, T. 162 N., R. 70 W	1	22.50
Purchased from Ekweas, for location Dunseith School, in 1912, part NE¼ sec. 24, T. 162 N., R. 73 W	1	10.00
Purchased from Ekweas estate, for additional land for Dunseith Day School, in 1937, part NE¼ sec. 24, T. 162 N., R. 73 W	1	30.00
Purchased from Andre Grant, for additional land for use in connection with Roussin Day School, 1942, part SE¼, sec. 29, T. 162 N., R. 71 W	1	20.00
Purchased from David Jollie, for addition to Belcourt Consolidated School, for playgrounds, football field, baseball diamond, race track, etc., in 1953, triangular tract of ground lying contiguous to other school lands, and bordering State Highway No. 5, part of SW¼ sec. 21, T. 162 N., R. 70 W	1	5.95
Purchased from Great Walker Estate, for location Great Walker Day School, in 1938, part NW¼ sec. 8, T. 162 N., R. 71 W	1	22.50
Other lands under exclusive control of the Government include the following:		
Relinquished by Wahnakwot, for school purposes, in 1913, SW¼SW¼NW¼ sec. 21, T. 162 N., R. 70 W	1	10.00
Relinquished by Eustache Roussin, for location of Roussin Day School, about 1907, part of SW¼ sec. 29, T. 162 N., R. 71 W	1	3.90625
Relinquished by James Decoteau, for location of Roussin Day School, about 1907, part SE¼ sec. 29, T. 162 N., R. 71 W	1	3.90625
Relinquished by Alex Gourneau, for Gourneau School (Day School No. 4, now demolished), in 1913, NW¼SW¼NW¼ sec. 25, T. 162 N., R. 71 W	1	10.00
Agency reserve, probably from time of establishment of this reservation, 1904, for agency purposes, NE¼SE¼, E½SE¼NE¼, E½W½SE¼NE¼ and E½NE¼NE¼ sec. 20, T. 162 N., R. 70 W	1	90.00
Reverted mission school land, used by a mission for several years, but reverted after their mission buildings burned—date unknown—lot 6 and W½W½SE¼-NE¼ sec. 20, T. 162 N., R. 70 W	1	45.60
Total land under exclusive jurisdiction of United States of America	18	670.76

Much of the tribal land is under lease or permit to members of the tribe. Of the total tribal land, 33,556.96 acres are now under use for farming, grazing or haying purposes. The chairman of the advisory committee has advised that in some of the cases, it is difficult to make collection of the rentals when due. Since the character of the lands in and near this reservation consists mainly of rolling knolls and hills, much of it covered with brush and timber, it is not good agricultural land, and is adapted mostly for pasture and grazing purposes rather than for grain farming. Most of the lessees have some livestock, and endeavor to raise some feed grain crops when they have land under cultivation, as well as cutting hay for roughage.

Only a small part of the reservation owned by individuals as allotments is suitable for agricultural use. Some of the more level tracts located in the southeastern part of the reservation are under farm lease, for which a fair amount of rental is received. Only a few of the tracts of land are now used for agricultural purposes by the owners or the heirs.

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Beginning in 1955, we executed 131 oil and gas leases on lands in the west township of the reservation. Total value derived from these leases up to September 1, 1957, was $62,450. A well was drilled in the fall of 1957, which brought in salt water, and was abandoned. Over 60 of the leases have now been canceled.

We are now in the process of advertising for oil and gas bids on 19 units of tribal land comprising 2,758.30 acres and 920 acres of individually owned trust land. The lands being advertised are located contiguous to the southwest corner of the reservation.

PART I—TURTLE MOUNTAIN

We will now proceed with part 1 of your questionnaire, with replies to your numbered questions as follows:

1. We regret that we cannot be very accurate in quoting figures, but we have determined as closely as possible the number of acres in tribal ownership on July 1, 1947, to be 34,188.87. All of this land is in the name of the United States of America in trust for the Indians of the Turtle Mountain Reservation, so is all in trust status. The tribe has no land in fee status.

2. The number of acres in trust or restricted individual ownership as of July 1, 1947, was 35,249.16. This covers lands under our immediate jurisdiction, some on the reservation, some adjacent to it in Rolette County, and only 2 tracts of 160 acres each being located in McHenry County. We are not making any report of the public domain allotments under the jurisdiction of other Indian agencies; such public domain lands will be contained in their reports to you.

3. We have disposed of only 3 tracts of land in individual ownership in the past 10 years. Under the act providing for the purchase of tribal lands, there was no provision for disposal of such lands; therefore, there are none. The compilation covering this type of disposal of lands in the blocks on the forms provided will set out the category of each.

4. A total of the 3 tracts is 391.60 acres. See compilation on form for breakdown for each fiscal year.

5. This is shown in the compilation.

6. Same as reply to No. 5.

7. A total of 5 tracts were acquired since July 1, 1947.

8. The total number of acres comprising the 5 tracts was 522.85.

9. The breakdown for number of transactions will be found in the proper block in the blanks provided for making the report.

10. Ditto for the number of acres.

11. Number of acres of land in tribal ownership for December 31, 1957, is 35,436.96. This is all in trust status. None in fee status.

12. Number of acres of land in trust or restricted individual ownership on December 31, 1957, was 36,070.50.

13. The act of May 24, 1940 (545 Stat. 219), provided for the purchase of the tribal lands we have under our jurisdiction, see page 2, paragraph 2, for a discussion of this act and purchases made as a result of its passage. There are no other special acts for either the purchase or the disposition of Turtle Mountain Chippewa lands. No special study of land under our jurisdiction. The tribal organization has not passed any resolutions on this subject, it assumes no jurisdiction over lands under individual ownership. At the present time, no

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sales will be approved. The central office has under consideration the matter of proper management of mineral rights belonging to Indian trust lands. A decision is expected in the near future, and no doubt we will be authorized to offer lands for sale as soon as the decision is reached.

14. Heirship and multiple ownership of trust and restricted lands is a distinct disadvantage to the proper handling of such land. Some tracts are idle for the simple reason that no lessee is able to undertake to secure the signatures of a majority of the shareholders so that a lease may be approved. The situation is more acute in case of a sale of such land, as it is necessary to have the signatures of all the shareholders for a transfer of title except to the tribe. The tribe is without funds to use in making land purchases.

(*a*) The tribe does not own any undivided interest in individual allotments.

(*b*) We do have numerous cases where there is an undivided interest owned by non-Indians or alien Indians. The remedy is to establish that such owners are non-Indians or alien Indians, forward such evidence to the examiner of inheritance, who can then make a stipulation to this effect, and revise the probate findings to reflect such status for the individual. We can then proceed to request a patent in fee for the share owned by the non-Indian or alien Indian heir. Prospective lessees or purchasers can then deal direct with such owners of shares in a fee status.

(*c*) This reservation is not under the Indian Reorganization Act, so this does not apply.

(*d*) The difficulty of reaching an agreement among a large number of heirs is preventing the use or disposal of much of our heirship lands. We have found disagreement among a relatively small number of the heirs even in the making of agricultural and oil and gas leases. We have cases in which the fractionated ownership is of such infinitesimal value that the owner will not bother to sign a lease. In too many cases, the deceased parents of present heirs are indebted to the State welfare board for such large claims for old age assistance that they would not obtain any income from a lease on the land anyhow, the claims will absorb any income for many years to come.

(*e*) As we understand this provision, it refers only to lands being purchased by the tribe. Since this tribe does not have funds to be used for the purchase of land, this provision cannot be used to advantage here.

PART II—TURTLE MOUNTAIN

Part II has little application on the Turtle Mountain Chippewa or Devils Lake Sioux Reservations for the reason that the tribal organization does not have control or supervision under their constitutions of the land holdings of individual Indian allotments or estates. Neither tribal organization has funds at the present time that might be used for the purchase of lands in the name of the tribe.

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Answers to your numbered inquiries are as follows:

1. None sold.
2. None.
3. None.
4. None.
5. None.
6. None.

PART III—TURTLE MOUNTAIN

The tribal organization of the Turtle Mountain Band of Chippewa Indians provides for an advisory committee of 8 members. Four are elected each year, for a 2-year term. The advisory committee elects from its membership a chairman, vice chairman and a secretary. The chairman and secretary can be authorized to handle certain business matters by a suitable resolution, such as signing oil and gas leases, and so forth. They handle the agricultural leases and other matters in connection with the tribal lands. Leases on tribal lands to members of the tribe require a vote of the majority of the advisory committee. Replies to your inquiries to part III are as follows:

1. Chairman of the advisory committee is Mr. Patrick Gourneau. His annual salary is $1,040. He acts as chairman for all advisory committee meetings, and supervises the tribal business transactions, such as the following:

(*a*) Agricultural leases on tribal lands.
(*b*) Issuing tribal fishing permits.
(*c*) Sawing and sale of lumber from the tribal lands.
(*d*) Cutting and sale of posts from the tribal lands.
(*e*) Making of tribal loans and collecting principal and interest on same.
(*f*) Supervises tribal elections.
(*g*) Represents the tribe at conventions and other public meetings in the interest of the tribe.
(*h*) Handles all correspondence in connection with transmitting tribal business matters.
(*i*) Conducts interviews with callers to the tribal office in connection with their business transactions.
(*j*) Makes the proper arrangements for the receiving and issuing of surplus commodities from the USDA for needy members of the Turtle Mountain Band of Chippewa Indians.

The other employee working with real estate for the Turtle Mountain Band of Chippewa Indians is the tribal clerk. The present incumbent is Mrs. Theresa M. Davis. Her annual salary is $2,860. A list of her duties include the following:

(*a*) Record the minutes of all meetings of the advisory committee and supply copies to the superintendent, the area office, and the central office, and the credit supervisor.
(*b*) keep all accounts of moneys handled by the tribal advisory committee, such as:

1. Cattle loans.
2. Cash loans.
3. Sales of lumber, posts, etc.

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4. Sales of fishing permits.
5. Leasing of tribal apartments, amusement hall, etc.
6. Transactions of Turtle Mountain Sales Association.

(*c*) Acts as secretary-treasurer of the advisory committee and for the tribal chairman.

(*d*) Conducts interviews with callers in the absence of the tribal chairman and keeps records of such interviews.

(*e*) Keeps a record of surplus commodities distributed through the tribal advisory committee and renders monthly reports of same.

2. We have no agency real-estate employees who are paid in full or in part by tribal funds.

3. None; does not apply.

4. The advisory committee of the Turtle Mountain Tribe acts in the capacity of a real-estate committee with authority to approve real-estate activities, and may delegate this authority to the chairman and secretary by a resolution consisting of a majority of its members.

5. None; does not apply.

6. None; does not apply.

7. The reply to No. 4 will also apply to No. 7. The advisory committee has been carrying on this work since the passage of the act of May 24, 1940 (545 Stat. 219). This has not proved to be the most effective manner to carry on the work of the Tribal Land Enterprise. Our Tribal Land Enterprise program can be improved by more effective screening of applicants for loans and leases. Collections and delinquencies should be followed up more effectively.

8. No instructions have been issued to turn real-estate operations over to the Bureau. The Bureau has never handled tribal real-estate affairs, so it is not possible to comment on any differences.

Maps submitted for the Turtle Mountain Reservation consist of the following: [1]

1. Printed map of the entire area, scale 10 miles per inch.
2. A mimeographed map of the immediate area, scale one-fourth inch per mile.
3. A verifax processed copy of a map of the agency grounds, scale 8 inches per mile. This map indicated the agency reserve, reverted mission lands, relinquishment, and purchased tracts.
4. A series of township plats showing location of lands under our jurisdiction. Allotted lands are colored red, tribal lands yellow.

The replies to the questions in reference to the Devils Lake Sioux Reservation were prepared at the Fort Totten Subagency. We have given all information available at that office. Fort Totten did not have a sufficient number of transactions to require reports on the tabulated forms.

The Devils Lake Sioux Reservation was established by an agreement entered into on February 19, 1867. This treaty was ratified with amendments on April 15, 1867, and proclaimed on May 2, 1867.

Tribal lands on the Devils Lake Sioux Reservation consist of 120 acres. Eighty acres are reverted land which belonged to a mission

[1] The maps and plats submitted in items 1 to 4 for Turtle Mountain Reservation are unsuitable for reproduction in this document and are on file with the committee for reference purposes.

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and is located just north of the present agency grounds. Forty acres of other land are located on the reservation.

The East Side Day School occupies 40 acres of land described as SE¼SE¼, sec. 13, T. 152N., R. 65W., 5th principal meridian. This land was purchased from the heirs of allotment No. 245 DLS. Deed to United States of America approved May 22, 1944.

The West Side Day School occupies a site of 37.50 acres of land. The W½SW¼NW¼NW¼ and S½W½NW¼NW¼, sec. 13, T. 152N, R. 66W., containing 7.50 acres, was purchased from John Guy Adams, a Devils Lake Sioux Indian. The deed to the United States of America was approved May 22, 1934. Later the E½NW¼NW¼ and E½W½NW¼NW¼, sec. 13, T. 152N., R. 66W., containing 30.00 acres, was purchased from John Guy Adams. Deed to the United States of America was approved December 5, 1941.

Submarginal lands consisting of 1,424.45 acres are now under the jurisdiction of the Fort Totten Subagency office. This land was purchased under the Submarginal land purchase program. The deed to the United States of America from the Palmer Estate was approved on August 28, 1937. Under Executive Order No. 7868, issued April 15, 1938, this land was transferred from the Department of Agriculture to the Department of the Interior for the use of the Devils Lake Sioux Indians. It is handled by the tribal land enterprise under a permit from the Department of the Interior. They in turn subpermit it to the users.

Maps being submitted for the Devils Lake Sioux Reservation consist of the following: [2]

1. Printed map of the entire area, scale 10 miles per inch.
2. Mimeographed map of the Reservation, scale one-fourth inch per mile.
3. Verifax processed copy of Fort Totten Indian Reservation, shaded part showing allotted lands.

No other maps available.

We regret that this report is not as detailed or as comprehensive as we would like to submit. It differs from our usual type of report, hence it is not possible to make use of other reports to any great extent. It is our sincere hope that it will at least indicate to you in a small way the activities about which you inquire. The statistics reveal that our people are not enthusiastic about termination, and have made no rush to obtain patents in fee or otherwise remove from a trust status their reservation lands. Part of this may be accounted for because of the oil and gas leasing activities here, and the consequent hope that oil might possibly be discovered. This also holds true in regard to public domain allotment in western North Dakota and through Montana. Lastly, about 70 percent of the individual allotments are occupied by the allottee or heirs, hence, homesite factor eliminates sale requests.

If there is additional material you find you need, do not hesitate to call on us with furthter inquiries. We will endeavor to supply you with the information you desire.

Sincerely yours,

WILLIAM MAXWELL,
Acting Superintendent.

[2] The maps submitted in items 1 to 3 for Devils Lake Sioux Reservation are unsuitable for reproduction in this document and are on file with the committee for reference purposes.

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FORT TOTTEN

Answers to Questionnaire on the Disposition and Acquisition of Indian Lands in the Last 10 Years

PART I

1 through 10: Information not available at Fort Totten.

11: 120 acres in tribal ownership as of December 31, 1957. All tribal lands are in trust status, no tribal land is in fee status.

12: 52,462 acres in individual Indian ownership (trust status) at Fort Totten as of December 31, 1957.

13: Information not available at Fort Totten.

14: (*a*) The Devils Lake Sioux Tribe owns no undivided interest in allotments.

(*b*) The undivided interest of non-Indians and alien Indians in most cases makes it almost an impossibility to consolidate landholdings or even to sell, on the open market, through supervised sales, on lands that have multiple heirs.

(*c*) Information not available at Fort Totten.

(*d*) The majority of the allotments on the Devils Lake Sioux Reservation have five or more heirs. The use of the land has not become a major problem, except in isolated cases since most of the land is leased to non-Indians for farming or grazing. Agreement among heirs as to disposition is a major problem. The fact that only 7 or 8 tracts of land were sold in the past 2 years attests to this fact. More land would have been sold had all heirs consented to selling

(*e*) Information not available at Fort Totten.

PART II—FORT TOTTEN

1. "Key tracts" as the term applies on larger reservations, with grazing units are almost nonexistent on the Devils Lake Sioux Reservation. This reservation has become checkerboarded with deeded land and this prohibits the use of grazing units. The reservation area is also checkerboarded with farming and grazing plots usually 40 to 80 acres in size. Generally speaking key tract would be key tract only to the non-Indian and not to the individual Indian or to the tribe.
2. None.
3. None.
4. None.
5. None.
6. None.

PART III—FORT TOTTEN

1. Tribal lease clerk, salary $3,415 per annum. The incumbent in this position does clerical work in connection with the making of lease contracts on Indian allotments and lands permitted to the tribe.
2. None.
3, 4, and 5. No.
6. None.

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7. The Devils Lake Sioux Tribe established a tribal land enterprise which was approved on December 2, 1947. This enterprise was established to provide clerical service which was not furnished by the Bureau of Indian Affairs at that time, due to the curtailment of funds and personnel at Fort Totten during 1947. The plan of operation for the land service enterprise provided that 1,424.45 acres of so-called submarginal lands be permitted to the Devils Lake Sioux Tribe; in addition to this all lease fees would be put to the Devils Lake Sioux Tribe. The leasing function has been in very capable hands, however, due to the fact that the incumbent is a tribal employee he is occasionally burdened with extra clerical work by the tribe. The income to the land service enterprise from lease fees brings in an average of about $2,500 per year. This pays only about two-thirds of the tribal lease clerk's salary. It becomes necessary for the tribe to supplement the other one-third from other tribal funds.

The income from the submarginal lands averages about $3,000 per year. (The income from submarginal lands permitted to the tribe. $4,042.70 in 1956. Income from lease fees $2,660.28 in 1956.)

The leasing function could probably be handled better if the incumbent were a Federal employee. Under these circumstances he would be able to devote all of his time to land work.

8. It was recommended at one time that the leasing function at Fort Totten be taken over by the Bureau of Indian Affairs, a Federal lease clerk position be established, however, this has not materialized.

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FORT TOTTEN

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee											1	131.60					1	100.00		
Certificates of competency																				
Removal of restrictions																			1	160.00
To fee status by inheritance or device (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status													1 1	40.00 33.54						
Sales to tribes	4	346.66	11	742.43	1	160.00														
Sales to other Indians in trust or restricted status	1	80.00	8	550.20							4	328.36					3	125.00		
Other (explain): Sale to U. S. A											1	5.95								

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DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status																				
Takings for public purposes																				
Other (explain)—To North Dakota TB Sanitarium																			1	80.00

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land													1 1	40.00 33.54			1	120.00		
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	1	80.00	8	550.20							4	328.30					3	125.00		
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																				
Purchases of fee lands	2	364.95	1	77.90	1	80.00					1	160.00								
Other (explain)																				

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9. WINNEBAGO INDIAN AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Winnebago, Nebr.

Hon. JAMES E. MURRAY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MURRAY: In compliance with your letter of April 17, 1958, I enclose herewith, in duplicate, information requested in your questionnaire, together with an abstract of ownership for the M. Earth allotment No. LW–46, consisting of 40 acres. Reports are submitted for each of the four reservations under this jurisdiction, viz: Omaha, Ponca, Santee, and Winnebago.

Sincerely yours,

MERLE JOHNSON,
Acting Superintendent.

WINNEBAGO AGENCY

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. Fiscal year 1948:

Tribe	Trust	Tribal
Winnebago	29,450.77	3,462
Ponca	2,776.63	691
Omaha	22,779.84	6,779
Santee	3,253.40	3,598

2. Individual ownership, 1948:

Tribe	Number	Acres
Winnebago	16	960
Ponca	0	0
Omaha	11	660
Santee	1	60

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3 through 10. See tables.

11. Tribal and trust ownership, fiscal year 1957:

Tribe	Trust	Tribal
Winnebago	25,443.36	3,448.00
Ponca	2,315.75	691.00
Omaha	21,233.88	6,694.00
Santee	2,563.00	3,307.35

12. Individual ownership, 1957:

Tribe	Number	Acres
Winnebago	4	160
Ponca	0	0
Omaha	1	40
Santee	0	0

13. The Reorganization Act of June 18, 1934, retarded sales of Indian lands for the purpose of retaining these lands in Indian ownership. However, this has created quite a problem in that the title status in many tracts has become very involved in complicated and fractionated ownership and we are experiencing now great difficulty in processing land sales since heirs are scattered over many States and many of them move about so it is difficult to get in touch with them.

The Omaha and Winnebago Tribal Councils' joint resolution of November 15, 1954, made for the purpose of securing funds to purchase some of these complicated heirship tracts, appears to me to be one probable solution to disposition of much of the fractioned ownership situation, and worthy of consideration, also in that such lands then will be available to members of the tribes for farming purposes, which is not the case now, since Indians prefer leasing their lands to white lessees.

14. (*a*) On the four reservations here, there are no undivided interests owned by the tribes.

(*b*) Almost every allotment on the four reservations is in heirship status, having from 2 to 140 heirs. Some of these interests are owned by non-Indians and by Indians who are no longer restricted. In the case of white ownership, we have several tracts where the white heirs are deceased and we have no probate of their interests on Indian lands because their shares are so minor the probable heirs feel they are not worth the expense of probate. All non-Indian shares are unrestricted and if land is sold that is always against the title. The land is taxable, also, when it passes to an unrestricted status. A person buying land wants clear title to the land and problems above mentioned are taken into consideration when bidding.

(*c*) The problem of minors owning undivided interests on reservations under the Reorganization Act has become a special problem. For lands being sold wherein minors share, it is necessary that a legal

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guardian be appointed in the courts of the State to sell the minors' interests. This is quite expensive considering in some cases the shares of minors are so small that their shares of sale proceeds is not enough to pay these costs.

(*d*) There is much difficulty among heirs in reaching an agreement as to the disposal of lands—where there are so many heirs and so widely scattered, it is a real problem to locate all heirs. Also, it seems that on heirship land there hardly is a time that we are not waiting for the probate of some estate. In some cases certain adult heirs do not wish to sell their interests regardless of how small, and under present ruling we must have all adults consent to sale. Enclosed find example of heirs on a tract of land that leases for $100 per year. This is one of several that are in the same heirship status, and happens to be a Leaming allotment which is not taxable.

(*e*) No use has been made of the Secretary's authority to sell heirship lands when the owners have died and left minors or incompetent heirs. We get all adult heirs' consent to sale and where minors or incompetents have shares, we secure legal guardians through court.

PART II—WINNEBAGO AGENCY

1. No key tracts.

2 through 6. None.

PART III—WINNEBAGO AGENCY

1 through 7. None.

8. Have not been instructed to turn real estate operations over to the Bureau.

M. Earth—Allotment No. LW–26 (SE¼SW¼ sec. 27–26–9)

	Fractional ownership	Amount
Annie Spirit Whiteagle	840/403200	$0.21
Susie Heman Decora	1540/403200	.38
Shirley Decora	1540/604800	.25
Lee Decora	1540/604800	.25
Anna Lee Decora	1540/604800	.25
Maggie Harden	3600/403200	.89
Wilbur Harden	1080/403200	.27
Helen Harden	1080/403200	.27
Thomas Harden	1080/403200	.27
Elwood Harden	1080/403200	.27
William Everett Harden	1080/403200	.27
Benjamin Israel Johnson	60480/403200	15.00
Clara Earth Harden	17280/403200	4.29
Annie Earth Thomas	17280/403200	4.29
Harriet Earth Tebo estate	17280/403200	4.29
Thomas Earth	3456/403200	.86
Oscar Earth	3456/403200	.86
Alice Earth	3456/403200	.86
Alvina Ruth Twin	3456/403200	.86
Belle Snake Rice	8640/403200	2.14
George Snake	8640/403200	2.14
Lyman Lowry	2880/403200	.71
Horace Rave	2880/403200	.71
Robert Mallory	315/403200	.08
Anna Bess Mallory LaRose	315/403200	.08
Louis F. Mallory	315/403200	.08
Lavinia Decora	945/403200	.23
Russell Decora	945/403200	.23
Conrad Larue Decora	945/403200	.23
Alvina Rave	2880/403200	.71
Edna Rave	2880/403200	.71
John Rave	2880/403200	.71
Sybil Chamberlain	2880/403200	.71
John Houghton	22725/403200	5.64

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M. Earth—Allotment No. LW–26 (SE¼SW¼ sec. 27–26–9)—Continued

	Fractional ownership	Amount
Joseph Whitewood	11340/403200	$2.81
Nathan L. Bird	8085/403200	2.15
Minnie Greywolf	10080/403200	2.50
Nellie Greywolf	10080/403200	2.50
Mary Greywolf	10080/403200	2.50
Charles Whitebeaver	10500/403200	2.60
Julia Whitebeaver	8676/403200	2.15
Martha Henry Honsley	180/403200	.04
Kate Henry Wolf	180/403200	.04
Eugene Blackhawk	8640/403200	2.14
Ruby Buchanan Pelky	2160/403200	.54
Catherine Buchanan St. Cyr	2160/403200	.54
William Buchanan	2160/403200	.54
Sam Bizbear	51030/1612800	3.16
Dan Wolf	206955/1612800	12.83
Walter Henry	135/1612800	----------
Mark Henry Est	195/1612800	----------
Elias Henry	195/1612800	----------
Joe (Sydney) Henry	195/1612800	----------
Theodore Greyhair	45/806400	----------
Ruth Mary Greyhair	45/806400	----------
Charles R. Kelsey	27/10240	.26
Benjamin Kelsey	27/10240	.26
Mary Kelsey Kellar	27/10240	.26
Annie Kelsey Armell	27/10240	.26
Archie (Arthur) Kelsey	27/10240	.26
Geraldine Kelsey	27/51200	.05
Wanda Kelsey	27/51200	.05
Stanley Alvin Kelsey	27/51200	.05
Vera Rose Kelsey	27/51200	.05
Donna Marie Kelsey	27/51200	.05
Porter Twin	45/806400	----------
Margaret Twin Bigfire	45/806400	----------
Alice Twin (Kesick)	45/806400	----------
Jasper Twin	45/806400	----------
Solomon Twin	45/806400	----------
Ruth Twin (Smith)	45/806400	----------
Raymond (John) Twin	45/806400	----------
Mabel Walker Earth	1920/403200	.47
Edith Earth Brown	768/403200	.19
William Timothy Bear	7944/403200	1.97
Martha Ione Logan	384/403200	.10
Helena Abraham Sittingbull	2520/403200	.63
Corena Abraham Stacy	2520/403200	.63
Angelo Lamere	2520/403200	.63
Lottie May Bear	7560/403200	1.87
Vincent Lee Bear	7560/403200	1.87
George Lamere Est	304/403200	.08
Charles Harrison Lamere	304/403200	.08
Lester F. Decorah	304/403200	.08
Daniel Lincoln	304/403200	.08
Marlene Smith	76/403200	.02
Adam Brown, Jr.	76/403200	.02
Edwin Allen Brown	76/403200	.02
Ross Edward Dale	76/403200	.02
Leona Chamberlain Armell	45/806400	----------
Arthur Armell, Jr.	27/806400	----------
Wanda Armell	27/806400	----------
Norman Armell	27/806400	----------
Louetta S. Armell	27/806400	----------
Roger M. Armell	27/806400	----------
Esther Williams	45/1612800	----------
Vernon Louis Littlebear Sampson	45/1612800	.01
Ethel May Beaver	45/806400	----------
Charles V. Bear	7560/403200	1.87
Rose M. Whitebear Est	76/403200	.02
Marland Dean Whitebear	228/403200	.05
Theodore Yellow Cloud	15120/11289600	.13
Vera Ann Johnson	6480/11289600	.08
Alvira Stella Johnson	6480/11289600	.08
Phillip Johnson	6480/11289600	.08
Philomene Cecelia Johnson	6480/11289600	.08
Alves Michel Yellow Cloud	6480/11289600	.08
Henry Moore Yellow Cloud	6480/11289600	.08
Theodora Rosa Yellow Cloud	6480/11289600	.08
Total	----------	100.00

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Resolution of the Tribal Councils of the Omaha and Winnebago Tribes of Nebraska

Whereas the future of the Omaha and Winnebago Tribes will depend upon the fate of their remaining land; and

Whereas the land base of our tribes is totally inadequate and a definite need still exists for a plan to solve the heirship problem and retain the land in Indian hands. Our experience in recent years has shown that where tracts of Indian land are sold they generally pass into non-Indian hands. Indians have by and large neither the cash nor the credit resources with which to make it possible for them to compete with non-Indians in land purchases. Loss of the heirship tracts will mean the loss of a resource which could help our people achieve a higher standard of living. It will also mean that those heirs who have homes on heirship tracts will lose these homes. That funds be made available for clearing fertile bottom land to provide homes and means of livelihood: Therefore be it

Resolved by the Joint Tribal Councils of the Omaha and Winnebago Tribes of Nebraska, That a Federal revolving loan fund on which the tribes will be able to draw be established; be it further

Resolved, That the councils urge enactment of legislation which will allow tribes to buy from and sell to individual members trust allotments in heirship status and provide means whereby tribes may borrow money from the United States to stabilize land holdings and eliminate the heirship problem. We believe that the clear ownership of land with its accompanying responsibility will restore the individual to such an extent that our Indian people feel that they will have status among men.

We cannot adequately express our feelings that all lands now held by our tribes should remain in Indian hands.

Adopted at Winnebago, Nebr., this 15th day of November 1954.

Gustavus White,
Chairman, Omaha Tribal Council.
Frank Beaver,
Chairman, Winnebago Tribal Council.

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OMAHA INDIAN RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	1	20	1	75.96	2	80														
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes											1	40								
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status							4	120			3	200	8	372.89	4	200	7	357.12	2	120
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

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OMAHA INDIAN RESERVATION—Continued

Individually owned land—Continued

[No. T.=Number of transactions. Ac.=Acreage]

ACQUISITIONS FROM FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from fee status																				
Purchases of fee lands															1	15.89				

PONCA INDIAN RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																				
Sales to fee status											1	40			1	95.63	1	325.25		
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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SANTEE INDIAN RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes					1	80														
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS

Exchanges to fee status							2	259.59	1	80			2	200.00	2	20.00			1	80
Sales to fee status															2	49.81	7	289.65		
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status			1	80																
Purchases of fee lands	2	120	1	75																

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WINNEBAGO INDIAN RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	3	188.66	6	319.05	1	40.00			2	40.00	1	40.00							1	40.00
Certificates of competency	3	120.00			1	40.00														
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status	2	136.90					13	1,027.27	5	271.58	3	202.65	6	352.44	7	448.47	7	443.56	6	296.83
Takings for public purposes																				
Other (explain)																				

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	1	1	1	80.00	2	32.00	1	40.00			1	40.00	1	39.18	1	40.00				
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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II. ANADARKO AREA OFFICE

1. CHEYENNE-ARAPAHO AREA FIELD OFFICE

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Concho, Okla., June 12, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: In compliance with your request dated April 17, 1958, find enclosed completed tabular forms with statistical information involving the disposition and acquisition of Indian land during the period from July 1, 1947, to December 31, 1957, as shown by the records of this office.

The information requested in part I of the questionnaire attached to letter of April 17, 1958, is as follows:

PART I—CHEYENNE-ARAPAHO

1. There were 5,873 acres held in trust for the Cheyenne-Arapaho tribes in July 1, 1947. According to the records of this office, the Cheyenne-Arapaho tribes do not own any real property in fee simple.

2. As of July 1, 1947, 171,485.353 acres were in a trust or restricted status for the benefit of individual Indian owners.

3. No tribal land has been disposed of during the 10-year period since July 1, 1947. The number of transactions by fiscal years by which individually owned lands were disposed of is as follows:

1948	74	1954	40
1949	10	1955	53
1950	9	1956	91
1951	11	1957	78
1952	6	1958 to Dec. 31, 1957	6
1953	9		

4. The number of acres of individually owned Indian land that was disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947, is as follows:

1948	8, 640. 60	1955	4, 495. 30
1949	720	1956	7, 787. 565
1950	561. 7	1957	6, 934. 66
1951	1, 082. 22	1958 to Dec. 31, 1957	384
1952	440. 53		
1953	681. 49	Total	34, 576. 763
1954	2, 848. 698		

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5. The number and type of transactions for each year shown in answer No. 3 above is as follows:

Year	Individual sales	Removal of restrictions	Fee patents	Year	Individual sales	Removal of restrictions	Fee patents
1948	70	0	4	1954	37	1	2
1949	4	1	5	1955	49	0	4
1950	4	1	4	1956	87	3	1
1951	7	1	3	1957	73	0	5
1952	5	0	1	1958 to Dec. 31, 1957	6	0	0
1953	7	1	1				

6. The acreage and type of transaction by which individually owned trust or restricted property was disposed of as shown in answer No. 4 is as follows:

Year	Removal of restrictions	Fee patent	Individually owned	Year	Removal of restrictions	Fee patent	Individually owned
1948	0	360	8,640.60	1954	80	120	2,848.698
1959	80	360	720	1955	0	318	4,495.30
1950	40	250.2	561.7	1956	200	40	7,787.565
1951	80	162.50	1,082.22	1957	0	380	6,934.66
1952	0	80	440.53	1958 to Dec. 31, 1957	0	0	384
1953	40	81.49	681.49				

7. There have been no acquisitions of trust or restricted Indian lands for either the tribe or individuals since July 1, 1947, except purchase of town lots in a restricted status as homes for Indians, and the questionnaire does not appear concerned with such purchases.

8. No acres of land were acquired since July 1, 1947.

9. There were no transactions to be shown.

10. There were no acreages acquired.

11. As of December 31, 1957, there were 5,873 acres owned in trust by the United States for the benefit of the Cheyenne-Arapaho Tribes. The Cheyenne-Arapaho Tribes have not acquired any real property in fee simple.

12. As of December 31, 1957, 136,908.59 acres of individually owned Indian land in a trust or restricted status was under the supervision of the Cheyenne-Arapaho area field office.

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13. The only special acts of Congress which have affected the acquisition or disposal of Indian lands under the supervision of the Cheyenne-Arapaho area field office are to wit:

Act of April 13, 1938 (52 Stat. 213) which conveyed to the tribes in trust certain lands in what was known as Seger Reserve.

Act of January 29, 1942 (56 Stat. 21) which conveyed in trust to the Cheyenne-Arapaho Tribes certain lands in the Hammon and Cantonment Reserves.

Public Law No. 715, approved August 10, 1946, which conveyed to the tribes an additional 537 acres remaining of the former Seger Reserve.

The above-cited acts conveyed to the tribes the acreage shown as held in trust as of December 31, 1957, and is the only tribal-owned real property.

No official study is being made of the cause and effect of land sales at this time by the area field office or the Cheyenne-Arapaho governing body. The tribal governing body has not passed any resolutions as to the study of the cause and effect of the land sales and has not informed the area field office of any such resolutions that are being considered on the subject.

14. (*a*) The Cheyenne-Arapaho Tribes have not in the past nor at the present owned any undivided interest in individually allotted lands or other land.

(*b*) There are approximately 50 tracts of individually allotted or restricted property in which non-Indians own an interest. This has cause difficulty in disposing of the trust or restricted interest in the property for the fair-market value as prospective bidders have hesitated in offering the full value because of anticipated difficulty in gaining the control of the unrestricted interest from the non-Indian owners, often necessitating legal action to partition the property. Approximately 70 tracts have heirs who are Indians alien to this reservation. In most cases it has been difficult to keep up with their whereabouts and obtaining copies of probates where they have died, so as to keep our ownership of these tracts current.

(*c*) The Indian Reorganization Act is not applicable to the Cheyenne-Arapaho Tribes of Oklahoma.

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(*d*) In the past there has been considerable difficulty as to the reaching of agreement as to the use of individually allotted land by the heirs; however, under current regulations permitting approval of the leasing of the land on signatures of owners of the majority interest, this difficulty has been minimized. There has been and continues to be considerable difficulty in getting agreements as to the disposal of individually allotted lands in an heirship status. This is particularly true where an heir owns an interest in land and is a welfare client required to dispose of certain property in order to become eligible for State assistance.

(*e*) The authority of the Secretary to sell heirship lands when owners have died intestate and have left minor or incompetent heirs has not been invoked in recent years as it has been the policy to require the consents to a sale of all the adult competent heirs. The tribes have not been encouraged to purchase lands in heirship status as they have not had sufficient funds available for that purpose and have not indicated any interest in purchasing any lands.

PART II—CHEYENNE-ARAPAHO

This portion of the questionnaire does not appear applicable to the Cheyenne-Arapaho Reservation in Oklahoma as very little, if any, of the individually allotted lands on this reservation are dependent upon the use of other tracts of individually owned land for full utilization of the property, and the disposal of an adjacent tract in a majority of cases did not adversely affect the future use of the remaining trust property except in a rare instance of an inside 40-acre tract being isolated by the disposal of adjacent 40's which might present an access problem, necessitating legal action to obtain right-of-way across fee land.

PART III—CHEYENNE-ARAPAHO

1. There is no tribal real-estate employee of the Cheyenne-Arapaho Tribes.
2. There are no employees of the Cheyenne-Arapaho area field office whose salaries in part or in full are paid by the Cheyenne-Arapaho Tribes.
3. The tribes do not have a regularly employed real-estate adviser or consultant.
4. The governing body of the Cheyenne-Arapaho Tribes has a committee with the authority to negotiate and approve farming and grazing leases on tribal real estate.
5. The tribal organization does not have a real-estate committee which advises the tribal council about the tribal real-estate activities.
6. The Cheyenne-Arapaho governing body did employ a consultant to survey and make recommendations as to the use of certain tribal lands adjoining Canton Lake, which was built by the United States Engineers for cabin sites and other recreational activities.

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7. The Cheyenne-Arapaho Tribes do not have a tribal land enterprise or similar organization.

8. Neither the Cheyenne-Arapaho Tribes nor the Anadarko area office has been instructed to turn real-estate operations over to the Bureau. Approximately 50 percent of tribal-owned land is leased by the governing body to members of the tribes on assignment. The other 50 percent was advertised at request of the tribes to the public and leased on Bureau-approved leases which required bond. The collection of and care of land has been considerably more effective on those tracts so leased by the Bureau. The tribes have been reluctant to enforce payment of rentals and care of land on tracts leased to their members on assignments.

It is hoped that the above information will be of benefit to the committee; however, if further information is desired, we will be pleased to furnish it if available.

Respectfully submitted.

EDWARD EDZARDS,
Area Field Representative.

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CHEYENNE-ARAPAHO

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	4	360.0	5	360	4	250	3	163	1	80	1	81	2	120	4	318	1	40	5	380
Certificates of competency																				
Removal of restrictions			1	80	1	40	1	80			1	40	1	80			3	200		
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status [1]																				
Sales to tribes																				
Sales to other Indians in trust or restricted status [1]																				
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status	74	8,641.0	10	720	9	562	11	1,082	6	441	9	681	40	2,849	53	4495	91	7,788	78	6,935
Sales to fee status	48	6,583.6	1	2											3	215				
Takings for public purposes [2]																				
Other (explain)																				

[1] Above replies are based on the assumption that the information desired is number of tracts in each category individually owned in fee, which were either exchanged or sold to other Indians in a trust or restricted status and does not include exchanges or sales between Indians of property already in trust or restricted status.

[2] These are shown also in sales to fee status.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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2. KIOWA AREA FIELD OFFICE

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Anadarko, Okla., June 12, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: With reference to your letter of April 17, 1958, there is attached a report in duplicate pertaining to dispositions and acquisitions of trust and restricted land beginning with the fiscal year of 1948 and ending with the fiscal year of 1957.

If we can be of further service to you please advise.

Sincerely yours,

ROBERT L. MESHEW,
Area Field Representative.

PART I—KIOWA

1. See the following:

Acres in tribal ownership July 1, 1947:	
Kiowa-Comanche-Apache	3,087
Wichita-Caddo	160
Fort Sill Apache	0
Total (all in trust)	3,247
Acres acquired by the tribes in fee	0

2. See the following:

Acres of trust or restricted land in individual ownership July 1, 1947:	
Kiowa-Comanche-Apache	377,304
Wichita-Caddo	94,381
Fort Sill Apache	5,323
Total	477,008
Acres of Government-owned land July 1, 1947	5,488
Grand total	485,743

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

Tribal: None.

Individually owned: See attached chart.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

Tribal: None.

Individually owned: See attached chart.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

Tribal: None.

Individually owned: See attached chart.

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6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

Tribal: None.

Individually owned: See attached chart.

7. How many transactions, by which tribal or individual Indian lands were acquired, where consummated during each fiscal year since July 1, 1947?

Tribal: None.

Individually owned: See attached chart.

8. How many acres were so acquired during each calendar year since July 1, 1947?

Tribal: None.

Individually owned: 1,295.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

Tribal: None.

Individually owned: See attached chart.

10. Give the acreages for each year which will be shown in answer to No. 8 above broken down by the type of transaction.

	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Purchased	0	0	160	251	160	0	204	0	0	0	8
Gift deed	0	0	0	0	0	320	0	0	0	53	0
Exchanges	0	0	0	0	0	0	0	19	120	0	0
Total	0	0	160	251	160	320	204	19	120	53	8

11. See the following:

Number of acres in tribal ownership on Dec. 31, 1957:	
Kiowa-Comanche-Apache	**3,087**
Wichita-Caddo	**160**
Fort Sill Apache	**0**
Total	**3,247**
Number of acres held by the United States in trust	**3,247**
Number of acres acquired by the tribe in fee	**0**

12. Number of acres of trust or restricted land in individual Indian ownership on December 31, 1957?

Kiowa-Comanche-Apache	**304,486**
Wichita-Caddo	**82,308**
Fort Sill Apache	**4,603**
Total	**391,397**

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

There have been no special acts of Congress with respect to acquisition and disposal of Indian lands within the jurisdiction of the Kiowa area field office.

From close personal contacts and careful reviews of applications, it is known that most persons desiring land sales wish to better their living conditions. Budgets for the expenditure of proceeds from

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land sales are prepared for welfare clients, aged and incompetent persons and minors. Disbursement of their funds is supervised in accordance with the terms of the budgets. Homes have been purchased or repaired and improved from the proceeds of land sales. In other instances, proceeds from land sales have been used at a very rapid rate with persons selling the land deriving little or no lasting benefits for themselves and their families. The State department of public welfare requires all recipients of assistance through their program to apply for the sale of all surplus land holdings in excess of 40 acres which may be retained, provided it is used as a homesite. In some cases, provisions have been made for the care of aged persons through the sale of their land when relatives are unwilling or unable to assume any responsibility.

Tribal councils have not passed any resolutions concerning land sales or other land transactions.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) There are no undivided interests owned by tribes.

(*b*) Several undivided land interests held in a trust or restricted status with the remaining undivided interests owned by non-Indians have been sold through advertised sales. In other cases, undivided interests have been advertised with no bids being received. Success in selling these interests apparently is governed by whether the bidder knows he will be able to negotiate for the purchase of the nontrust or nonrestricted interest. In no case has the non-Indian owner submitted a bid for the purchase of the interest held in a restricted or trust status. This does not present a serious problem as there are not a great many non-Indians holding interests in land.

(*c*) The six tribes under the jurisdiction of the Kiowa area field office are not under the Indian Reorganization Act.

(*d*) Difficulty has been encountered among heirs as to the use or disposal of lands which are in a fractionated status. In most instances, it is necessary to advertise for sealed bids in order to keep the land under farming and grazing lease. After the land has been advertised for lease and an adequate bid received, every effort is made to get the consent of as many of the heirs as possible, and the area field representative signs in behalf of the remaining heirs. No land is sold or partitioned without the consent of all adult owners and the consent of the guardians of owners who are minors.

(*e*) Consent of all adult owners and the guardians of minors or incompetent persons is required before land is sold. Proceeds from the sale of land conveyed by minors or persons who are incompetent are budgeted and disbursed under careful supervision.

The tribes have expressed no interest in purchasing trust or restricted land under the jurisdiction of the Kiowa area field office.

PART II—KIOWA

The purpose of this part of the questionnaire is to determine to what extent key tracts have gone into non-Indian ownership, the extent to which key tracts have been conveyed to other Indians or to the tribe, and the extent to which key tracts which were in fee status have been acquired by individual Indians or tribes. Since July 1, 1953, approximate date of the initiation of the present policy of not

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subordinating the interests of the individual Indian owner of land to the interests of the tribe or other individual Indians.

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

Not applicable.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

Not applicable.

PART III—KIOWA

The purpose of this part of the questionnaire is to ascertain to what extent the tribes have assumed responsibility for real estate activities.

1. Give the position of each tribal real estate employee, his annual salary, and the nature of his work.

No tribal real estate employees.

2. Give the position of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

No agency real estate employees paid for from tribal funds.

3. Does the tribe have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities? Explain fully.

No.

4. Does the tribal organization have a real estate committee with authority to approve tribal real estate activities? Explain fully.

No.

5. Does the tribal organization have a real estate committee which advises the tribal council with regard to tribal real estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

None.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

All real estate operations handled by the Bureau.

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KIOWA

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	18	1,863	28	2,495	24	2,042	25	2,200	6	660	4	400	7	511	6	270	7	560	6	415
Certificates of competency																				
Removal of restrictions	4	143	2	160	1	80	2	165	1	40	2	200	1	80	2	60	2	100		
To fee status by inheritance or devise (only where entire interest has so passed)									3	400									2	320
To fee status by partition			1	40																
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status	5	236	10	737	13	1,153	2	240	1	80	11	603	8	560	18	992	8	590	2	160
Sales to tribes																				
Sales to other Indians in trust or restricted status	23	1,300	38	2,745	39	2,879	39	2,613	42	1,700	24	1,107	26	754	32	1,257	15	597	25	742
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status			1	40									1	19	1	160				
Sales to fee status	13	1,310	34	3,098	28	2,382	23	2,345	41	3,017	59	5,768	88	7,649	68	6,226	115	12,153	118	15,674
Takings for public purposes							1	22			1	160					4	48	49	6,556
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land	5	236	10	737	13	1,153	2	240	1	80	11	603	8	560	18	992	8	590	2	160
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	23	1,300	38	2,745	39	2,879	39	2,613	42	1,700	24	1,107	26	754	32	1,257	15	597	25	742
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status													1	19	1	120				
Purchases of fee lands and gift deeds					2	240	2	331			7	524					1	53	1	8
Other (explain)	2	2	1	1			2	2	1	1	3	3	4	4	8	8	5	5	9	9

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3. OSAGE AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Pawhuska, Okla., June 5, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: In reply to your letter of April 17, 1958, we are enclosing the original and one copy of a report we have compiled in response to the questionnaire enclosed with your letter of April 17.

We trust this will be found satisfactory.

Sincerely yours,

R. G. FISTER, *Superintendent.*

OSAGE

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS, BEGINNING JULY 1, 1947

PART 1

1. See the following:

	Acres
Land in tribal ownership July 1, 1947	642.80
Tribal land in trust July 1, 1947	None
Tribal restricted land as of July 1, 1947	642.80
Acres of land acquired by tribe in fee	None

2. Trust or restricted land in individual ownership July 1, 1947: 400,173.69 acres.

3. Number of transactions by which individual owned lands were disposed of during each fiscal year since July 1, 1947:

Fiscal year:	*Number of transactions*	Fiscal year—Con.	*Number of transactions*
1948	48	1953	47
1949	46	1954	53
1950	28	1955	19
1951	31	1956	40
1952	40	1957	40

4. Number of acres disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947:

Fiscal year:	*Number of acres*	Fiscal year—Con.	*Number of acres*
1948	9,187.14	1953	11,796.73
1949	15,519.00	1954	13,686.24
1950	9,263.00	1955	4,815.99
1951	9,391.90	1956	11,305.62
1952	13,186.11	1957	8,430.05

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5. Transactions as to type for each fiscal year since July 1, 1947:

Osage

Fiscal year	Number	Type
1948	26	Supervised sales.
	14	Certificates of competency.
	8	Partitions.
1949	22	Supervised sales.
	14	Certificates of competency.
	10	Partitions.
1950	16	Supervised sales.
	6	Certificates of competency.
	5	Partitions.
	1	Probate.
1951	14	Supervised sales.
	2	Certificates of competency.
	1	Guardianship sale.
	4	Partitions.
	2	Probates.
	2	Removal of restrictions.
	2	Gift deeds.
	2	Exchange deeds.
	2	Condemnations.
1952	19	Supervised sales.
	10	Certificates of competency.
	4	Partitions.
	6	Probates.
	1	Removal of restrictions.
1953	13	Supervised sales.
	7	Partitions.
	11	Probates.
	7	Certificates of competency.
	5	Removal of restrictions.
	4	Exchange deeds.
1954	22	Supervised sales.
	14	Certificates of competency.
	4	Guardianship sales.
	4	Partitions.
	5	Probates.
	2	Removal of restrictions.
	2	Exchange deeds.
1955	12	Supervised sales.
	3	Certificates of competency.
	2	Partitions.
	2	Probates.
1956	21	Supervised sales.
	4	Certificates of competency.
	10	Partitions.
	3	Probates.
	2	Removal of restrictions.
1957	15	Supervised sales.
	12	Certificates of competency.
	2	Probates.
	4	Partitions.
	1	Removal of restrictions.
	6	Condemnations.

6. Transactions as to type and number of acres disposed of for each fiscal year since July 1, 1947:

Osage

Fiscal year	Acres	Type
1948	2,673.50	Supervised sales.
	3,668.64	Certificates of competency.
	2,845.00	Partitions.
1949	3,320.00	Supervised sales.
	10,959.00	Certificates of competency.
	1,240.00	Partitions.
1950	3,646.00	Supervised sales.
	1,505.00	Certificates of competency.
	3,933.00	Partitions.
	179.00	Probates.
1951	2,669.15	Supervised sales.
	4,557.00	Certificates of competency.
	80.00	Guardianship sale.
	160.00	Partitions.
	241.17	Probates.
	160.00	Removal of restrictions.
	320.00	Gift deeds.
	688.00	Exchange deeds.
	516.58	Condemnations.
1952	2,294.42	Supervised sales.
	4,418.90	Certificates of competency.
	360.00	Partitions.
	5,952.79	Probates.
	160.00	Removal of restrictions.
1953	1,483.00	Supervised sales.
	1,915.76	Certificates of competency.
	1,555.67	Partitions.
	6,193.30	Probates.
	505.00	Removal of restrictions.
	144.00	Exchange deeds.
1954	2,600.23	Supervised sales.
	4,334.03	Certificates of competency.
	2,858.00	Partitions.
	2,270.98	Probates.
	480.00	Guardianship sales.
	947.00	Exchange deeds.
	196.00	Removal of restrictions.
1955	1,523.67	Supervised sales.
	855.82	Certificates of competency.
	1,453.67	Partitions.
	982.83	Probates.
1956	3,081.45	Supervised sales.
	3,786.72	Certificates of competency.
	2,948.45	Partitions.
	1,069.00	Probates.
	180.00	Removal of restrictions.
	240.00	This 240 was found to be unrestricted.
1957	2,017.21	Supervised sales.
	2,922.20	Certificates of competency.
	1,180.27	Probates.
	1,586.93	Partitions.
	160.00	Removal of restrictions.
	563.44	Condemnations.

There were 2,394.01 acres acquired by purchase, partitions and gift deeds during the period July 1, 1947, through June 30, 1957, and placed under Bureau jurisdiction. This land having been removed from Bureau jurisdiction prior to July 1, 1947.

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7. Number of transactions by which individual Indian lands were acquired each fiscal year since July 1, 1947, not previously under Indian ownership:

Fiscal year:	Number of transactions	Fiscal year—Con.	Number of transactions
1948	None.	1953	2.
1949	None.	1954	None.
1950	None.	1955	None.
1951	None.	1956	None.
1952	1.	1957	1.

8. Number of acres acquired during each calendar year since July 1, 1947, not previously under Indian ownership:

Calendar year:	Number of acres	Calendar year—Con.	Number of acres
1948 through 1951	None.	1954 through 1956	None.
1952	40.	1957	20.
1953	120.		

9. Transactions shown in No. 7 as to type:

Calendar year:	Type	Calendar year—Con.	Type
1952	Purchased.	1957	Exchange of deeds.
1953	Do.		

10. Transactions as to type and number of acres as shown in No. 8:

Calendar year	Acres	Type	Calendar year	Acres	Type
1952	40	Purchased.	1953	40	Purchased.
1953	80	Do.	1957	20	Exchange of deeds.

11. See the following:

	Acres
Tribal owned land as of Dec. 31, 1957	642.80
Acres held by the United States in trust	None
Tribal restricted land as of Dec. 31, 1957	642.80
Acres acquired by tribe in trust	None

12. There were 292,624.31 acres of restricted land owned by individual Indians as of December 31, 1957.

13. The act of February 5, 1948 (Public Law 408, 80th Cong., ch. 46, 2d sess.) required the issuance of a certificate of competency to members of the Osage Tribe of less than one-half of Indian blood.

It is believed that questions Nos. 11 through 14 and part 11 of the questionnaire can best be presented in narrative form because of the special laws applicable to the Osage Indians exclusively.

Under the act of June 21, 1906 (34 Stat. 325) provisions were made for closing the rolls of the Osage Tribe, dividing the lands in severalty among the member on the closed roll (2,229) and for the retention of the oil, gas, and other minerals for the benefit of the members on the final roll. These 2,229 members each received 1 share in the minerals or one two thousand two hundred and twenty-ninth, which has come to be known as a headright share.

Certain reservations were made before division of the lands for cemetery, school, townsites, etc. The Osage Tribe reserved three 160-acre tracts for Osage dwelling purposes, known as the Grayhorse, Hominy, and Pawhusak Indian Villages, and the Osage Agency reserve, all totaling 642.80 acres. No part of these reserves has since been disposed of.

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The 1906, and subsequent acts authorized the issuance of certificates of competency and removal of restrictions against Osage Indians. The act of February 5, 1948 (62 Stat. 18) made mandatory the issuance of certificates of competency to each member of the Osage Tribe of less than one-half Indian blood theretofore or thereafter attaining the age of 21 years. The effect of the issuance of a certificate of competency is the removal of all restrictions against all money, property, and funds of the individuals theretofore or thereafter accruing to the credits of such individuals.

The Osage Reservation contains 1,465,350.51 acres of land. As of May 29, 1958, a total of 1,174,058.45 acres had been alienated leaving a total of 291,292.06 in a restricted status owned by individuals.

Individual restricted Osage lands are alienated through the following methods:

1. Approved applications for certificates of competency.
2. Mandatory certificates of competency.
3. Approved applications for removal of restrictions.
4. Probate and inheritance.
5. Petitions for partitions.
6. Sales under supervision.

The large part of the 1,174,058.45 acres alienated has been through the process of issuance of certificates of competency. The next largest percent alienated has been through probate inheritance and partitions. Supervised sales and removal of restrictions have accounted for but a small part of the total acres alienated.

A large percent of the restricted lands of deceased Osage Indians have been inherited by or devised to Osage Indians of less than one-half degree Indian blood, Indians of other tribes, and non-Indians, all of whom take the lands or interests therein unrestricted. These persons, who acquire undivided unrestricted interests in lands which Osage Indians acquire undivided restricted interests, usually petition for partition of the lands immediately after the closing of estates. Lands of deceased Osage Indians may be partitioned or sold, unless the heirs agree to partition, upon proper order of any court of competent jurisdiction in accordance with the laws of Oklahoma, with the approval of the Secretary of the Interior. In many partition cases the lands involved are not susceptible to feasible divisions of the lands among all of the heirs, with the result that many of the heirs elect to take cash in lieu of small pieces of land. Such lands are then sold at public auction at sheriff's sales pursuant to State laws.

Because of this procedure, the remaining heirship lands in a restricted status are not as a rule in what may be termed complicated heirship status. The heirs are less numerous. The Osage Indians received their lands by restricted deeds. Therefore, fee patents or trust patents are not involved in transactions relating to Osage lands. In any sales under supervision, all of the heirs or owners need to sign the deeds of conveyance before it can be approved.

All of the restricted lands of the Osage Indians are subject to ad valorem taxes, with the exception of original or exchanged homesteads.

Sales under supervision seldom, if ever, involve minor Osage Indians. The appointments of guardians in the State courts and other related costs would not be justified in most instances, particularly in

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view of the partition procedures available and the requirement for deposit of funds derived from the sales of lands in partition. In cases involving heirship lands in which there are undivided restricted and unrestricted interests, and the owners of the unrestricted interests have access to partition proceedings in the State courts, the interests of minors are protected in several ways. These proceedings also keep the heirship complications at a minimum, which, of course, results in less costs in management as to leasing, etc., and fewer controversies among heirs.

The proceeds from all sales of restricted lands in partition proceedings are required by law to be deposited as trust funds in the United States Treasury to the credit of the respective owners. These funds draw 5 percent interest. A large portion of the restricted Osage lands do not yield annual returns equivalent to 5 percent of the value of the lands. In the case of brush or timbered (Black Jack) lands in particular, the net returns after taxes are more nearly in the neighborhood of 2 percent and 3 percent of the values of the lands. Any improvements on the noneconomic units are generally disadvantageous economically to the owners who also pay insurance premiums on such improvements. Therefore, particularly in the case of minors who may not draw out their trust funds during their minority, the sale of small undivided interests are generally in their best interests. To be considered in conjunction with the foregoing is the fact that parents may under law receive all of the rentals, less ad valorem taxes, from their minor children's lands regardless of the need for such income. Whenever the undivided interests of minors are sufficiently large in any partition case to warrant selection of a reasonable tract of land, the election provides for the taking of land instead of cash.

The Osage Tribe pays for costs of operation of the Osage Agency and in addition is assessed annually the sum of $19,000 for costs above the administrative level of the agency.

The branch of realty of the Osage Agency consists of the following personnel:

Chief of branch.
Clerk-stenographer.
Tax section:
    One tax accountant.
    One tax accounting clerk.
Leasing and appraisals:
    Two appraisers.
    One insurance clerk.
    One lease clerk.

Enclosed is a copy of the functional statement of the branch of realty. It is believed this functional statement will be found unique in comparison to the realty operations in general throughout the Bureau.

A copy of a resolution adopted by the Osage Tribal Council on May 28, 1958, with respect to acquiring individual restricted lands is also enclosed. This resolution, together with the foregoing narrative explains in part the lack of interest on the part of the tribe in a land-acquisition or consolidation program. The only source of income to the Osage Tribe is that derived from oil, gas, and other

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minerals. This income belongs to the headright owners, and such owners are as follows (December 31, 1957):

Owners	Number of persons	Shares represented
1. Osages who do not have certificates of competency, and minors	631	645.20984
2. Osages who have received certificates of competency	1,287	1,153.18156
3. Indians of other tribes	222	116.74411
4. Non-Indians	459	231.78046
5. Undistributed estates		82.08403
Total headright shares		2,229

From this table it will be noted that the income from only 645 headright shares is subject to supervision in part. It is mandatory that up to $1,000 from each quarterly payment be paid to the owners. Many have only fractions of a headright which do not yield $1,000; therefore, it may be said that there are no restrictions attached to the income of many of the 631 persons who have not received certificates of competency. There were 2,229 individuals included on the rolls which were closed by the 1906 act. No one has been admitted to enrollment since that time. The total census of persons of Osage Indian blood is now about 6,500. About 4,500 derive no income from Osage sources. Most of these and the certificated Osages reside elsewhere in 38 different States. It would seem rather difficult, therefore, to develop any interest on the part of 75 percent of the shareholders, who receive all of their funds free from any restrictions, and who pay approximately 75 percent of the costs of operation but receive services equivalent to 50 percent of the costs, or obtain agreement from them for the use of their income for the purchase of land which the majority of their children would never expect to enjoy.

R. G. FISTER, *Superintendent.*

RESOLUTION NO. 19-476 OF THE OSAGE TRIBAL COUNCIL

Whereas:

1. The Osage Tribal Council has studied departmental news release of May 15, 1958, and a statement by Commissioner Glenn L. Emmons on policy governing sales of individually owned Indian lands, as well as Area Director Pitner's memorandum of May 19, 1958, on the same subject; and

2. The Osage Tribe owns no tribal lands, other than three townsites and the Osage Agency reserve; and

3. No tribal land acquisition or adjustment program has ever been undertaken by the Osage Tribe and none is contemplated as far as known to the council; and

4. The Osage Tribe as such has no tribal or other funds available for the purchase of land; and

5. The use of any income from minerals for a land-purchase or acquisition program would, in the opinion of the tribal council, require the consent of the shareholders; and

6. The council is not aware of any interest in the use of income from minerals for land buying, or in borrowing money for such purpose at this time; and

7. The larger percentage of Osage individual restricted lands is alienated through process of special laws applicable to the Osage Tribe, such as the mandatory certificate of competency law, probates, and partitions in the State courts.

Be it therefore, resolved that:

1. The Osage Tribal Council had no immediate interest in acquiring any individual restricted lands which may be offered for sale under supervision of

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the Bureau of Indian Affairs, nor any future interest, unless at some future time the Osage Tribe shall authorize a land-acquisition program, or express its interest in the establishment of such a program.

2. The council is in agreement with the policy expressed that requests of single Indian owners to sell restricted lands be carefully examined and justified in the light of the long-range interest of the owner without, however, violating the property rights and interests of the individual owner.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Osage Tribal Council at a duly called meeting at Pawhuska, Okla., at which a quorum was present, and that same was approved by a vote of 5 in favor, and none opposed, this 29th day of May 1958.

PAUL PETTI, *Principal Chief.*

FUNCTIONAL STATEMENT, BRANCH OF REALTY—OSAGE

Performs services for Osage Indians of one-half or more Indian blood who do not have certificates of competency similar to those ordinarily rendered by trust companies in handling of privately owned real estate. Responsible for the program of leasing of restricted Indian lands for agriculture, grazing, and business purposes, including appraisals for rentals, collections of fees and rentals, proper distribution thereof, compliance with provisions of leases. Also responsible for the program of insurance for fire, windstorm, and extended coverage of all buildings located on restricted properties, appraisals thereof, payment of premiums and adjustments in the event of loss. Tax services include responsibility for the preparation and filing of declarations of estimated Federal income taxes, and the preparation and filing of both Federal and State income tax returns for restricted Osage Indians, including the filing of Oklahoma State homestead exemptions, and the payment of taxes due under Federal and State returns. Tax services also include responsibility for the ad valorem tax program under which all restricted lands are taxable, except homesteads, for the proper tax evaluations, and for the payment of such taxes from restricted funds accumulated for that purpose each year. Also responsible for the complex and varied appraisal program of the Osage Agency which includes approximately 25 categories of appraisals in connection with the leasing of restricted lands for agriculture, grazing, business, oil, gas, and other purposes, and in partitions, exchanges, sales, purchases and other adjustments of such restricted lands, including rights-of-way for various purposes. Also responsible for the review and processing of land sales and exchanges for restricted Osage Indians. Investigates requests for purchase of real estate and makes recommendation to the agency superintendent. Counsels with restricted Osage Indians on matters pertaining to their real estate holdings. Statistics for the branch of realty for the fiscal year 1957 are as follows:

Total restricted acreage on which rental was collected	234,925.47
Total number of farming, grazing, and business leases in force	1,185
Total rental collected on leases	$314,182.80
Total trespass rental collected	$8,017.52
New leases filed during fiscal year	432
Filing fees collected for the Osage Tribe	$2,276.00
Total estimate acreage to be appraised during the fiscal year 1958 in connection with land sales, exchanges, partitions, estates, purchases, rights-of-way, camp sites, tax evaluations, removal of restrictions, and damages in connection with oil operations	50,000
Rights-of-way processed and approved	33
Total number of insurance policies in force for various individuals	977
Total amount of risk covered by policies	$6,420,623.98
Total amount of premiums paid on renewals and endorsements	$86,048.90
Total number of insurance losses during fiscal year	189
Total amount collected from losses	$26,093.79
Total number of IBR's prepared and processed for payment of premiums on the installment plan	38
Total real estate taxes paid for 554 individuals	$91,685.61

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Total real estate taxes paid during fiscal year for 21 non-Osage Indians, whites, restricted Osage Indians who have no income through office, and Osage Indians who have certificates of competency (fractional owners)	$666.58
Income tax information sheets prepared for individual restricted Osage Indians	839
Real estate tax obligations prepared for posting against individual Indian accounts	544
Income tax obligations prepared for posting against individual Indian accounts	538
Information returns mailed to individuals showing the taxable amount of income received	259
Individual Federal income tax returns filed	457
Total income tax paid on individual Federal income tax returns	$811,335.78
Total number of declaration of estimated income tax filed for individual Indians	450
Total Oklahoma State individual income tax returns filed	425
Total income tax paid on Oklahoma State individual income tax returns	$78,130.57
Total Kansas State individual income tax returns filed	9
Total amount of income tax paid on Kansas State individual income tax returns	$413.99
Total number of forms prepared for Director of Internal Revenue showing net taxable income paid to individual Indians	2,726
Total number of forms prepared for Oklahoma Tax Commission showing net taxable income paid to individual Indians	2,721
Oklahoma State homestead exemptions filed	119
Total amount of personal tax paid during fiscal year	$240.32
Total number of Indians for whom personal taxes were paid	9
Total acreage lost through sale, partition, and probate proceedings, certificates of competency, removal of restrictions and condemnation	8,430.05
Total town properties lost through sale, partition, probate proceedings, certificates of competency, and removal of restrictions	9
Total acreage purchased	283.33
Total town properties purchased	3

APPRAISAL-LEASE SECTION

Responsible to the chief, branch of realty, for carrying out the appraisal and leasing programs of the Osage Agency. Evaluates tracts of improved and unimproved lands and urban properties for the purpose of rental, sale, acquisitions, partition, exchanges, rights-of-way, damages, insurance, insurance losses, oil-drilling and oil-tank sites, tax evaluations, removal of restrictions and also determines royalties and damages in connection with sand, gravel, stone, and other mineral leases except oil and gas. Also responsible for the program of insurance for fire, windstorm, and extended coverage of all buildings located on restricted properties, appraisals thereof, payment of premiums and adjustments in the event of loss. Reviews all surface leases for conformity to the leasing regulations covering restricted Osage Indian lands. The collection of rentals, proper accountability and distribution thereof, and compliance with terms of leases are necessary factors and require continuous attention. Applications for all types of rights-of-way are processed by this section. For the 1957 fiscal year statistics of the appraisal-lease section see functional statement of branch of realty.

TAX SECTION

Responsible to the chief, branch of realty, for carrying out the tax service program of the Osage Agency which includes the preparation and filing of declarations of estimated Federal income taxes, and the preparation and filing of both Federal and State income-tax returns for restricted Osage Indians and payment of taxes due on these income-tax returns. Tax services also include the responsibility of seeing that the tax evaluations are proper, and that funds are accumulated each year for the payment of ad valorem taxes on all taxable restricted real estate owned by restricted Osage Indians. Homestead exemptions are filed for all restricted Osage Indians who live on their own land and the land is not otherwise tax exempt by some act of Congress. For 1957 fiscal year statistics of the tax section see functional statement of branch of realty.

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4. PAWNEE AREA FIELD OFFICE

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Pawnee, Okla., June 5, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
Washington, D. C.

DEAR MR. MURRAY: Enclosed are our replies to the questionnaire, together with a completed tabular form, in duplicate, as requested in your form letter of April 17, 1958.

We appreciate your concern for the Indian people and hope that you will continue your interest in their rights and welfare, and if we can be of any further assistance, please advise.

Sincerely yours,

JOHN L. JOHNSON,
Area Field Representative.

PAWNEE

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

An extra column has been provided on the questionnaire table for fiscal year 1958 and the number of transactions completed and approved has been inserted together with the total acreage for each type of transaction and an estimate of 16 land-sale transactions involving 1,251.24 acres will be completed within the fiscal year 1958 under "Disposals to fee status." And, an estimate of 4 exchanges from individual trust or restricted land, involving 320 acres will be completed within the fiscal year 1958 under acquisitions from trust or restricted status. An estimate of a purchase of fee land involving 40 acres will be completed within the fiscal year 1958 under "Acquisitions from fee status."

In reporting realty transactions we used the Annual Reports for Minerals for fiscal years 1948 through 1957 which indicates the total acreage under mineral lease and unleased acreage and also the various types of land transactions recorded in land-sale record book for years 1956–57, and the tract books for the five tribes under this jurisdiction, namely: Kaw, Otoe, Ponca, Pawnee, and the Tonkawa Indians, and are furnishing as complete information as is available.

As to tribal and individually owned trust or restricted land:

1. There were 2,355.11 acres in tribal ownership on July 1, 1947, held in trust. There were none acquired in fee.

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2. There were 45,341,955 acres of trust or restricted land held in individual Indian ownership of July 1, 1947.

Items 3 through 10, inclusive, are shown on the questionnaire table.

11. There were 2,515.61 acres in tribal ownership on December 31, 1957. The difference of 160.50 acres resulted from the Solicitor's opinion on June 26, 1956, holding the 160 (160.50)-acre tract to be property of the Tonkawa Tribe of Indians rather than property of the Federal Government. M–36353 IO–9365. This total acreage is held by the United States in trust. There were none acquired in fee.

12. There were 96,463.45 acres of trust or restricted land in individual Indian ownership on December 31, 1957.

13. Fee patents and order removing restrictions have been issued in accordance with the act of Congress May 8, 1906 (34 Stat. 182; 25 U. S. C. 349), and act of Congress May 14, 1948 (62 Stat. 236; 25 U. S. C. 483). Participation of lands under act of Congress June 25, 1910 (36 Stat. 855–856), and act of Congress May 18, 1916 (39 Stat. 123, 127; 25 U. S. C. 378). Applications for fee patents and order removing restrictions under act of Congress June 18, 1934 (48 Stat. 984), and act of Congress June 26, 1936 (49 Stat. 1967). Sale of land under act of Congress June 25, 1910 (36 Stat. 855).

As the Congress did not enact legislation to extend further the period of restrictions on the Kaw homestead allotments it expired on December 31, 1947. Most of the Kaw surplus lands became unrestricted in 1913 by expiration of restrictions except the lands allotted to minor members who had not reached the age of majority and that restrictions on only a few of the allotments were extended by the act of March 4, 1923, and expired on March 4, 1948. There are only 7 allotments comprising approximately 859 acres acquired by members of the Kaw Tribe by deeds containing restrictions against alienation carried at this office as restricted land and since the title question to these tracts is pending in the Solicitor's Office in Washington, we do not know whether we are expected to exercise any jurisdiction and supervision over the lands.

About 50 percent of the Indians who sold lands under supervised sale have benefited by improving their homes and economic welfare while about that many have squandered their money on automobiles, purchased homes without supervision, mortgaged and disposed of them, and have nothing to show for the amount they have received from the sales. The Ponca Tribal Council has gone on record of not being in favor of a wholesale sale of lands for the reason most of the sales cover individual lands of the Ponca Tribe of Indians and nearly all of them have been bringing good prices at the sales. In November 1956, prior to the December meeting in Dallas, Tex., with the Commissioner, the reducing of land sales was one of the problems the representatives of the tribal council were to discuss with the Commissioner. No resolutions have gone on record and approved.

14. (*a*) Multiple ownership has affected the acquisition and disposal of Indian lands with particular reference to undivided interest owned by the tribe, particularly those owning small undivided interests and have moved away from the reservation and do not intend to return and especially those who have obtained employment elsewhere and are independent. They have no particular reason other

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than they just want to keep their small inherited interests. Several of our lands are in complicated heirship status and we are trying to get the Indians to dispose of these, if possible, and we have encountered some difficulty. In several instances where several of the adult heirs applied for sale and the balance gave their consent and there were incompetents involved, authority had to be obtained from the central office to advertise and approve the sale (congressional act of June 25, 1910 (36 Stat. 855), as amended, 26 U. S. C. 372). The said congressional act gives the Secretary of the Interior authority to dispose of trust lands in heirship status without the consent of all of the owners.

(*b*) We have had some difficulty affecting the acquisition and disposal of Indian lands where an undivided interest was owned by non-Indians. Particularly one tract, a Pawnee allotment, wherein an undivided one-fifteenth interest is owned by a non-Indian, who is now deceased, and now owned by the decedent's heirs and their heirs and cannot be located due to diverse addresses and when advertised for sale covering an undivided fourteen-fifteenths interest, it does not attract bidders after they have communicated with this office and find who the owners are of the undivided one-fifteenth interest. We have not been able to sell or partition on account of the diverse addresses of the owners of both of the interests. We sold a tract of land in Kay County belonging to a deceased Tonkawa Indian wherein a non-Indian owned an undivided one-ninth interest and the purchaser has not yet been able to purchase this remaining one-ninth interest. The purchaser owns an undivided eight-ninths interest and the non-Indian owns an undivided one-ninth interest. In some instances, the non-Indians owning undivided interests have disposed of their interests to other non-Indians.

(*c*) Not applicable. The five tribes under this jurisdiction are not subject to the benefits of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 461–479).

(*d*) We have encountered some difficulty of reaching agreement among all heirs as to use or disposal of lands on complicated heirship cases. To lease for farming and grazing purposes, it is sometimes necessary to advertise for 30 days to the highest bidder by sealed bids and after obtaining at least 50 percent of the signatures of the adult heirs to a lease, the officer in charge executes the lease on behalf of the balance of the heirs under his authority. If the heirs will not agree to partition or disposition of land by advertised sale, the case is dropped until some agreement is reached.

(*e*) If there are other heirs involved in heirship lands when the owners have died intestate and have left minor or incompetent heirs and the adult competent heirs desire to dispose of the land through supervised sale, and submit their application, it is advertised for sale and when sold, the sale is approved pursuant to authority delegated by Secretarial Order No. 2508 of January 11, 1949 (14 F. R. 258–260),

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and Order No. 551 of the Commissioner, Bureau of Indian Affairs, dated March 29, 1951 (16 F. R. 2939), and fee patent is issued by the Bureau of Land Management to the purchaser. However, we do have some heirship lands where the owners died intestate and left minor heirs and they are being held in trust or restricted status. After the minors have reached majority, they make use of the land by leasing or apply for sale and use the proceeds for living expenses and to improve their homes. None of the tribes are financially able to purchase such lands, either as a tribe or individual.

PART II—PAWNEE

Not applicable as we have no key tracts under this jurisdiction.

PART III—PAWNEE

The tribes have not assumed responsibility for real estate activities.

1 through 8. We have no tribal real estate employee; the tribe does not have a regularly employed real estate advisor or consultant to advise the council with regard to tribal real estate activities; the tribal organization does not have a real estate committee with authority to approve tribal real estate activities; the tribal organization does not have a real estate committee which advises the tribal council with regard to tribal real estate activities; they have not employed private consultants to study particular phases of its real estate activities; they have no tribal land enterprise or similar organization.

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PAWNEE

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957		Fiscal 1958	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	11	644.50					7	350	1	120.00	3	134.07	1	40.00	3	318.20	11	1,224.50	5	430.00	2	139.99
Certificates of competency																						
Removal of restrictions	3	199.43	1	160.00	1	40.00							1	30.00	2	110.00			1	89.13	1	120.00
To fee status by inheritance or devise (only where entire interest has so passed)																						
To fee status by partition																			1	80.00		
Other (explain): Partition	5	260	5	380.00	4	140.00													2	240.00		

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																	[1] 1	160.00				
Exchanges to other Indians in trust or restricted status																						
Sales to tribes [1]																						
Sales to other Indians in trust or restricted status [1]	6	339.58	13	940.33	12	653.00	5	190	1	80.00			4	240.00	2	240.00						
Other (explain)																						

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DISPOSALS TO FEE STATUS

Exchange to fee status																						
Sales to fee status	7	281.71	8	406.07	7	411.16	5	190	8	606.70	6	365.00	11	653.88	8	571.17	32	1,973.49	122	8,274.03	106	7,190.61
Estimate for 1958																					16	1,251.24
Takings for public purposes																						
Other (explain)																						

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																						
Exchanges from individual trust or restricted land	3	240.09	4	280.00	3	174.09			7	300.00					3	80.00	1	0.9375	14	894.88	10	460.53
1958 estimate																					4	320.00
Purchases from tribes																						
Purchases of trust or restricted land from other Indians																						
Other (explain)																						

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status							1	40									[2] 2					
Purchases of fee lands					1	40.00																
1958 estimate																					1	40.00
Other (explain)																						

[1] On June 26, 1956, the Solicitor rendered opinion holding this 160-acre tract to be property of the Tonkawa Tribe of Indians rather than property of the Federal Government (M-36353 IO-9365).

[2] Sales to other Indians other than an heir to allotments but to Indians under this jurisdiction.

[3] Town properties.

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PAWNEE—Continued

Individually owned land—Continued

[No. T.=Number of transactions. Ac.=Acreage]

TRIBAL LANDS

Tribe	Fiscal 1948	Fiscal 1949	Fiscal 1950	Fiscal 1951	Fiscal 1952	Fiscal 1953	Fiscal 1954	Fiscal 1955	Fiscal 1956	Fiscal 1957	Fiscal 1958
Ponca	935.11	935.11	935.11	935.11	935.11	935.11	935.11	935.11	935.11	935.11	935.11
Otoe	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00
Tonkawa [1]									160.50	160.50	160.50
Kaw	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00

FEDERAL GOVERNMENT LANDS

Ponca Reservation	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Tonkawa Reservation	160.50	160.50	160.50	160.50	160.50	160.50	160.50	160.50	(1)	(1)	(1)
Kaw Reservation [2]	10.00	10.00	110.00	10.00	10.00	10.00	10.00	10.00	3.25	3.25	3.25
Pawnee Reservation [3]	814.46	814.46	814.46	814.46	814.46	814.46	726.03	726.03	726.03	726.03	726.03

[1] On June 26, 1956, the Solicitor rendered opinion holding this 160-acre tract to be property of the Tonkawa Tribe of Indians rather than property of the Federal Government (M-36353 IO-9365).

[2] USA issued quitclaim deed covering 6.75 acres to W. J. Liles and Viola B. Liles, purchasers, Nov. 2, 1956, covering all surface rights, reserving all mineral rights together with right to ingress and egress to Kaw Tribe of Indians, Federal Property and Administrative Services Act of 1949 (63 Stat. 377). 2.30 acres surface rights of this reserve land is receiving consideration for sale by the GSA. The balance of the surface rights containing 95/100 acre, together with all mineral rights underlying the entire 10 acres, is proposed to be transferred outright to the Kaw Tribe of Indians pursuant to special legislation that is now receiving consideration.

[3] 88.43 acres was quitclaimed to city of Pawnee, Pawnee, Okla., on Oct. 5, 1954, Public Law 692, 83d Cong. (68 Stat. 913), Secretary of the Interior, acting for USA. 20 acres was quitclaimed to city of Pawnee, May 31, 1957, by Commissioner of Indian Affairs pursuant to act of June 4, 1953 (67 Stat. 41; 25 U. S. C. 293a) and pursuant to authority delegated by the Secretary of the Interior in order No. 2508, amendment No. 8 (19 F. R. 4585); July 24, 1954.

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5. POTAWATOMI AREA FIELD OFFICE

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Horton, Kans., June 2, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: This has reference to your letter of April 17, 1958, requesting information regarding trust land transactions for a 10-year period from July 1, 1947, to June 30, 1957.

The Potawatomi jurisdiction is comprised of four small reservations. These are the Potawatomi Reservation in Jackson County, Kans.; the Kickapoo Reservation in Brown County, Kans.; and the Iowa and the Sac and Fox Reservations in Brown County, Kans., and Richardson County, Nebr. In accordance with your request there are forwarded in duplicate, separate reports covering each reservation.

The statistical data is considered to be accurate as reflected by a detailed examination of the land records on file in this office.

Sincerely yours,

BUFORD MORRISON,
Area Field Representative.

A. KICKAPOO TRIBE (KANSAS)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

(*a*) Nine hundred and eighty acres.
(*b*) Nine hundred and eighty acres.
(*c*) None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

There were 5,099.88 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

1948	1	1953	1
1949	2	1954	1
1950	0	1955	2
1951	3	1956	2
1952	0	1957	6

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4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

1948	40	1953	40
1949	40	1954	80
1950	0	1955	120
1951	60	1956	120
1952	0	1957	340

5. Give the numbers of transactions for each year which will be shown in answer to No. 3, above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	1	2	0	0	0	0	0	1	0	0
Removal of restrictions	0	0	0	3	0	0	0	0	0	0
Sales to fee status	0	0	0	0	0	1	1	1	2	6

6. Give the acreages for each year which will be shown in answer to No. 4, above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	40	40	0	0	0	0	0	40	0	0
Removal of restrictions	0	0	0	60	0	0	0	0	0	0
Sales to fee status	0	0	0	0	0	40	80	80	120	340

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7, above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8, above, broken down by the type of transaction.

None.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

(*a*) Nine hundred and eighty acres.

(*b*) Nine hundred and eighty acres.

(*c*) None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 4,219.88 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

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(*a*) There have been no special acts of Congress involving members of the Kickapoo Tribe with respect to acquisition or disposal of trust or restricted land.

(*b*) No specific study as such has been conducted of the cause and effect on sales; however, the situation is constantly under appraisal by agency officials; and definite conclusions have been noted as to cause and effect.

(*c*) The tribal council has not passed or considered any resolution on the land disposition subject.

(*d*) The tribal council has not taken a stand against the sales of individually owned trust or restricted land.

14. Discuss to what extent, if any, the heirship, or multiple-ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

14. (*a*) Undivided interest owned by the tribe.

No undivided interests owned by the tribe.

(*b*) Undivided interest owned by non-Indians and alien Indians.

The unrestricted nature of undivided interests in land owned by non-Indians and aliens seriously affects the land-disposition program because prospective purchasers do not care to purchase undivided interests through Bureau supervised sales without some assurance that they can acquire the unrestricted interests which the Bureau cannot guarantee. Prospective purchasers are fearful that a lawsuit may arise if undivided interests are purchased and they become joint owners of a tract of land in unrestricted status with others.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Ownership by minors of undivided interests on the Kickapoo Reservation has created no problems as to dispositions of land because of the Secretary's authority to sell such land in justifiable cases. Neither are any problems created as to acquisition of land because the tribe does not have a land-acquisition program.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

The highly fractionated status of land on the Kickapoo Reservation precludes full opportunity for proper usage and management because of the diversity of opinion of the owners on proper usage and management. In cases of disposals, it is extremely difficult for all of the owners of fractionated interests to agree upon a sale or other division even though the land involved contributes only in an infinitesimal measure to their economic status.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

(1) Limited use has been made of the Secretary's authority to sell heirship lands involving minors and incompetents.

(2) The tribe has no land-acquisition program at the present time and only a limited amount of funds, but there has been shown a desire to acquire more land for tribal use. The tribe has been advised to study thoroughly the matter of acquiring more land and to try to develop a more workable land-use program than is now in effect; after which more consideration could be given to the acquisition of additional land, providing sufficient funds were available.

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PART II—KICKAPOO (KANSAS)

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

Not applicable

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

Not applicable.

PART III—KICKAPOO (KANSAS)

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

No tribal real-estate employees.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

No agency real-estate employees paid for from tribal funds.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

No need indicated by tribe for employment of real-estate consultants.

7. Does the tribe have, or has it had a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

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The tribe acquired approximately 960 acres of land under the Indian Reorganization Act during the early 1940's through the rehabilitation program. This land was broken down into several different tracts and assigned to various landless Kickapoo Indians. The assignment agreement contained stipulations outlining the assignees' responsibilities and obligations, but in very few cases have the assignees faithfully fulfilled their assignment agreements. The tribal governing body takes little action in enforcing the agreements because it does not wish to deprive fellow tribesmen of a home.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

(*a*) No.

(*b*) In the past when the Bureau was empowered by the tribal council to supervise and administer the tribal leasing program on the unassigned lands, all such lands were promptly placed under the best lease possible that would return the most to the tribe. The tribe now insists on handling its own leasing, and as a result some of the lands go unleased; others are leased but return no revenue to the tribe; still others return only a fraction of what might ordinarily be expected. The present policy of the tribe is to lease only to Indians of the Kickapoo Tribe.

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KICKAPOO TRIBE (KANSAS)

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	1	40	2	40											1	40				
Certificates of competency																				
Removal of restrictions							3	60												
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status					3	80	3	80	3	240										
Sales to tribes																				
Sales to other Indians in trust or restricted status																				
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status											1	40	1	80	1	80	2	120	6	340
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land					3	80	3	80	3	240										
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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B. SAC AND FOX TRIBE (KANSAS AND NEBRASKA)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS, HORTON, KANS.

PART I

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

(*a*) None.
(*b*) None.
(*c*) None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

There were 845.32 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

1948	1	1953	2
1949	0	1954	0
1950	1	1955	1
1951	2	1956	3
1952	0	1957	1

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

1948	30.68	1953	120.00
1949	0	1954	0
1950	40.00	1955	25.10
1951	70.00	1956	184.53
1952	0	1957	40.00

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	1	0	1	2	0	1	0	1	0	0
Removal of restrictions	0	0	0	0	0	1	0	0	0	0
Sales to fee status	0	0	0	0	0	0	0	0	3	1

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	30.68	0	40	70	0	80	0	25.10	0	0
Removal of restrictions	0	0	0	0	0	40	0	0	0	0
Sales to fee status	0	0	0	0	0	0	0	0	184.53	40

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

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8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 292.83 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

(*a*) There have been no special acts of Congress involving members of the Sac and Fox Tribe with respect to acquisition and disposal of trust or restricted land.

(b) No specific study as such has been conducted of the cause and effect of sales; however, the situation is constantly under appraisal by agency officials; and definite conclusions have been noted as to cause and effect.

(*c*) None that have been brought to the attention of the agency office.

(*d*) The tribal council has not taken a stand against the sale of individually owned trust or restricted land.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

No undivided interests are owned by the Sac and Fox Tribe.

(*b*) Undivided interest owned by non-Indians and alien Indians.

No interests are owned by non-Indians or aliens, therefore, no problems are evident.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

There are no minors of the Sac and Fox Tribe owning interests in individual trust or restricted land.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

No problem here because of the lack of an heirship problem.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

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(1) None. The use of this authority has been unnecessary in land transactions involving members of the Sac and Fox Tribe.

(2) The tribe has no funds with which to purchase land. All tribal members have left the reservation except one family, and there does not appear to be any need or desire by the tribe for additional land acquisitions.

PART II—SAC AND FOX (KANSAS AND NEBRASKA)

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

Not applicable.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

Not applicable.

PART III—SAC AND FOX (KANSAS AND NEBRASKA)

1. Give the position of each tribal real estate employee, his annual salary, and the nature of his work.

No tribal real estate employees.

2. Give the position of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

No agency real estate employees paid from tribal funds.

3. Does the tribe have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities? Explain fully.

No.

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4. Does the tribal organization have a real estate committee with authority to approve tribal real estate activities? Explain fully.

No.

5. Does the tribal organization have a real estate committee which advises the tribal council with regard to tribal real estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

No need indicated by the tribe for employment of real estate consultants.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

No.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

(*a*) No.

(*b*) There is no basis for comparison as the Sac and Fox Tribe is not possessed of any tribal land.

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SAC AND FOX TRIBE (KANSAS AND NEBRASKA)

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	1	80.68			1	40	2	70			1	80			1	25.10				
Certificates of competency																				
Removal of restrictions											1	40								
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Sales to fee status																	3	184.53	1	40

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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C. POTAWATOMI TRIBE (KANSAS)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

(*a*) 80 acres.
(*b*) 80 acres.
(*c*) None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

There were 27,223.58 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

1948	5	1953	5
1949	2	1954	1
1950	1	1955	3
1951	0	1956	10
1952	1	1957	22

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

1948	270	1953	260.07
1949	200	1954	20
1950	40	1955	138
1951	0	1956	671.79
1952	80	1957	1,097.70

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	1	2	1	0	0	4	0	2	1	0
Removal of restrictions	4	0	0	0	0	0	0	0	0	0
Fee status by inheritance	0	0	0	0	1	0	0	0	0	0
Sales to fee status	0	0	0	0	0	1	1	1	9	22

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6. Give the acreages for each year which will be shown in answer to No. 4, above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	80	200	40	0	0	280.07	0	58	60	0
Removal of restrictions	190	0	0	0	0	0	0	0	0	0
Fee status by inheritance	0	0	0	0	80	0	0	0	0	0
Sales to fee status	0	0	0	0	0	80	20	80	611.79	1,097.70

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7, above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8, above, broken down by the type of transaction.

None.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

(*a*) Eighty acres.

(*b*) Eighty acres.

(*c*) None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 24,067.60 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

(*a*) There have been no special acts of Congress involving members of the Potawatomi Tribe with respect to acquisition and disposal of trust or restricted land.

(*b*) No specific study as such has been made of the cause and effect of sales; however, the situation is constantly under appraisal by agency officials; and definite conclusions have been noted as to cause and effect.

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(*c*) The tribal council has not passed or considered any resolution on the land disposition subject.

(*d*) The tribal council has not taken a stand against the sale of individually owned trust or restricted land.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

No undivided interests owned by the Potawatomi Tribe. No problems.

(*b*) Undivided interest owned by non-Indians and alien Indians.

The unrestricted nature of undivided interests in land owned by non-Indians and aliens seriously affects the land disposition program because prospective purchasers do not care to purchase undivided interests through Bureau supervised sales without some assurance that they can acquire the unrestricted interests which the Bureau cannot guarantee. Prospective purchasers are fearful that a lawsuit may arise if undivided interests are purchased and they become joint owners of a tract of land in unrestricted status with others.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Ownership by minors of undivided interests on the Potawatomi Reservation has created no problems as to dispositions of land because of the Secretary's authority to sell such land in justifiable cases. Neither are any problems created as to acquisition of land because the tribe does not have a land-acquisition program.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

The highly fractionated status of land on the Potawatomi Reservation precludes full opportunity for proper usage and management because of the diversity of opinion of the owners on proper usage and management. In cases of disposals, it is extremely difficult for all of the owners of fractionated interests to agree upon a sale or other division even though the land involved contributes only in an infinitesimal measure to their economic status.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

(1) Limited use has been made of the Secretary's authority to sell heirship lands involving minors and incompetents.

(2) The tribe has no land acquisition program and only limited funds and has evidenced no desire for initiating a tribal land program.

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PART II—POTAWATOMI (KANSAS)

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be kept tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

Not applicable.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

Not applicable.

PART III—POTAWATOMI (KANSAS)

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

No tribal real-estate employees.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, the nature of his work.

No agency real-estate employees paid from tribal funds.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

No.

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6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

No need indicated by the tribe for employment of real-estate consultants.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

No.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

(*a*) No.

(*b*) There is no basis for comparison of the effectiveness between Bureau and tribal operation as the tribe is not involved in a land program of its own.

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POTAWATOMI TRIBE (KANSAS)

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	1	80	2	200	1	40					4	280.07			2	58	1	60		
Certificates of competency																				
Removal of restrictions	4	190																		
To fee status by inheritance or devise (only where entire interest has so passed)									1	80										
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status			4	256.50	1	10			3	116.62	2	80			3	77.50	2	80	6	240
Sales to tribes																				
Sales to other Indians in trust or restricted status			1	20							2	79							2	86
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																			
Sales to fee status											1	80	1	20	1	80	9	611.79	22	1,097.70
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																			
Exchanges from individual trust or restricted land			4	256.50	1	10			3	116.62	2	80			3	77.50	2	80.00	6	240.00
Purchases from tribes																				
Purchases of trust or restricted land from other Indians			1	20							2	79							2	86.00
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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D. IOWA TRIBE (KANSAS AND NEBRASKA)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE PAST 10 YEARS

PART I

1. How many acres were in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

(*a*) 714.49 acres.
(*b*) 714.49 acres.
(*c*) None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

There were 967.71 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

1948	3	1953	0
1949	0	1954	0
1950	0	1955	1
1951	0	1956	0
1952	0	1957	1

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

1948	239.75	1953	0.00
1949	0.00	1954	0.00
1950	0.00	1955	40.00
1951	0.00	1956	0.00
1952	0.00	1957	10.00

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	3	0	0	0	0	0	0	0	0	0
Removal of restrictions	0	0	0	0	0	0	0	1	0	0
Sales to fee status	0	0	0	0	0	0	0	0	0	1

6. Give the acreages for each year which will be shown in answer to No. 4, above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	239.75	0	0	0	0	0	0	0	0	0
Removal of restrictions	0	0	0	0	0	0	0	40	0	0
Sales to fee status	0	0	0	0	0	0	0	0	0	10

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

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8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8, above, broken down by the type of transaction.

None.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee:

(*a*) 714.49 acres.

(*b*) 714.49 acres.

(*c*) None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 669.96 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

(*a*) There have been no special acts of Congress involving members of the Iowa Tribe with respect to acquisition or disposal of trust or restricted land.

(*b*) No specific study as such has been conducted of the cause and effect of sales; however, the situation is constantly under appraisal by agency officials; and definite conclusions have been noted as to cause and effect.

(*c*) The tribal council has not passed or considered any resolution on the land disposition subject.

(*d*) The tribal council has not taken a stand against the sales of individually owned trust or restricted land.

14. Discuss to what extent, if any, the heirship or multiple ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

No undivided interests owned by the tribe.

(*b*) Undivided interest owned by non-Indians and alien Indians.

The unrestricted nature of undivided interests in land owned by non-Indians and aliens seriously affects the land disposition program because prospective purchasers do not care to purchase undivided interests through Bureau supervised sales without some assurance that they can acquire the unrestricted interests which the Bureau cannot guarantee. Prospective purchasers are fearful that a lawsuit may arise if undivided interests are purchased and they become joint owners of a tract of land in unrestricted status with others.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Ownership by minors of undivided interests on the Iowa Reservation has created no problems as to dispositions of land because of the

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Secretary's authority to sell such land in justifiable cases. Neither are any problems created as to acquisition of land because the tribe does not have a land-acquisition program.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

The highly fractionated status of land on the Iowa Reservation precludes full opportunity for proper usage and management because of the diversity of opinion of the owners on proper usage and management. In cases of disposals, it is extremely difficult for all of the owners of fractionated interests to agree upon a sale or other division even though the land involved contributes only in an infinitesimal measure to their economic status.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died interstate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

(1) Limited use has been made of the Secretary's authority to sell heirship lands involving minors and incompetents.

(2) The Iowa Tribe has indicated no desire for acquisition of additional lands. Also, it has no funds for the purchase of additional lands.

PART II—KANSAS AND NEBRASKA

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

Not applicable.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

Not applicable.

PART III—IOWA (KANSAS AND NEBRASKA)

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

No tribal real-estate employees.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

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No agency real-estate employees paid from tribal funds.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

No need indicated by tribe for employment of real estate consultants.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

The tribe acquired 714.49 acres of land under the Indian Reorganization Act during the early 1940's through the rehabilitation program. This land was broken down into several different tracts and assigned to various landless Iowa Indians. The assignment agreement contained stipulations outlining the assignees' responsibilities and obligations, but in very few cases have the assignees faithfully fulfilled their assignment agreements. The tribal governing body takes little action in enforcing the agreements because it does not wish to deprive fellow tribesmen of a home and because most of the tribal business committee members are themselves an assignee of Iowa tribal land.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

(*a*) No.

(*b*) No basis for comparison.

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Iowa Tribe (Kansas and Nebraska)

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	3	239.75																		
Certificates of competency																				
Removal of restrictions															1	40				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status	1	40	1	40																
Sales to tribes																				
Sales to other Indians in trust or restricted status																				
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status																			1	10
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land	1	40	1	40																
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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6. SHAWNEE AREA FIELD OFFICE

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Shawnee, Okla., June 10, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: In compliance with your request of April 17, 1958, we are submitting, in duplicate, our report covering land transactions at this jurisdiction for the period from July 1, 1947, to December 31, 1957.

The jurisdiction of the Shawnee area field office, located in central Oklahoma, consists of approximately 56,000 acres, owned by approximately 10,000 members of 5 tribes: Absentee Shawnee, Citizen Potawatomi, Iowa, Mexican Kickapoo and Sac and Fox.

Estimates of acreages have been made, on exchanges and sales between Indians, when undivided interests in land have been conveyed. All other figures are taken directly from the records of this office and represent the actual figures involved, rather than estimates.

No Federal lands have been acquired since 1930. The Federal land under this jurisdiction was set aside, for agency and school purposes, at the time the allotments were made. There is under advisement at the present time the possibility of transferring approximately 60 acres of our Federal land to the Department of Health, Education, and Welfare. The Shawnee Indian Sanatorium (tuberculosis) is located on this tract. We will still have under our supervision a total of 253.09 acres of Federal land. This land is advertised by this office for surface lease under the provisions of title 25 of the Code of Federal Regulations. There is no mineral lease on the land. None of our tribes have expressed any desire to lease the land, nor has any individual Indian expressed any desire to lease the land.

There are no tribal employees at this jurisdiction.

Sales between Indians are made within their own tribes. No lands have been conveyed between the tribes at this jurisdiction. No lands have been conveyed between our tribes and the tribes of other jurisdictions. For reporting purposes we have placed all sales between Indians under the heading of "Sales to Other Indians in Trust or Restricted Status."

This office fully appreciates your effort to provide the most effective legislation possible and if we can be of any further service, you may be assured that we will give you whatever cooperation we can.

Sincerely yours,

ROBERT D. GROVER,
Area Field Representative.

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PART I—SHAWNEE

1. How many acres were there in tribal ownership on July 1, 1947?
There were 826.25 acres.
How many acres in trust?
There were 826.25 acres.
How many acres which the tribe had acquired in fee?
None.

2. How many acres of trust or restricted land were there in individual Indian ownership on July 1, 1947?
There were 67,699.32 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?
A total of 216 transactions for 10-year period. (See table attached.)

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?
A total of 11,212.70 acres during 10-year period. (See table.)

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.
See table.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.
See table.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?
See table.

8. How many acres were so acquired during each calendar year since July 1, 1947?
See table.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.
See table.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.
See table.

11. How many acres were there in tribal ownership on December 31, 1957?
There were 826.25 acres.
How many acres held by the United States in trust?
There were 826.25 acres.
How many acres which the tribe had acquired in fee? None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?
There were 55,970.61 acres.

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13. The acts of June 21, 1906 (34 Stat. 363), and June 17, 1933 (47 Stat. 819), private act of Congress No. 722, 74th Congress, dated June 29, 1936 (49 Stat. 2368) (S. 4152), and the Solicitor's opinion of December 18, 1953 (M–36186), and of September 13, 1956 (Ref. D–55–1153.9), together with several decisions of the United States Supreme Court, have all had some effect upon the disposal of lands in which Mexican Kickapoo Indians have interests. Many allotments were sold between 1906 and 1933 (from the time the restrictions were removed until they were reimposed). Now, under the Solicitor's opinion, above referred to, hearings are being held to determine the citizenship of a large number of Indians who are residents of Mexico. When the hearings become final, and it is determined that these Indians are citizens of Mexico, their undivided interests will fall into an unrestricted status. In instances, entire allotments will fall into an unrestricted status.

Only recent use has been made of the act of June 25, 1910 (36 Stat. 855), as amended February 14, 1913 (37 Stat. 678), and it does not provide a solution to the problem confronting those persons owning land in multiple ownership when all are competent adults, with one owner having a very small share and refusing to sign a consent to sell (since it is a requirement that all competent adults must sign the application or consent to sell).

The Oklahoma Welfare Act of June 26, 1936 (49 Stat. 1967), has been used to a limited degree. Few of the Indians have sufficient money to buy land, although many of them would like to take advantage of the act. This act has been used, in partitioning a tract of land among the owners, to bring the land back into a true trust status, when the land is owned partly in a restricted status and partly in a true trust status, by means of exchange deeds among the Indian owners.

A study of the cause and effect of sales at this jurisdiction discloses that, since a thorough and conscientious examination of the applicant's reasons for selling and establishment of the fact that the sale will be to the best advantage of the seller, there is a definite improvement in the living standard of the seller. Most lands are sold because they are isolated, unproductive, or the owner is employed elsewhere. In most instances the proceeds of the sale are used to buy less isolated homes, more productive land, or a house in town near the place where the owner is employed. Other owners must sell in order to qualify for assistance from the Department of Public Welfare. This, of course, assures them some improvement in their living standards and provides them with security of income. The tribes have undertaken no study of this matter and have expressed no special interest at this time.

14. (*a*) The only land owned by the tribes at this jurisdiction is their tribal land; they do not own undivided interests in any other property.

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(*b*) Land held by non-Indians and alien Indians has presented problems in leasing. It would be much better for all concerned if there could be some valid means of effecting partition, without lengthy court action. This can be done by a petition to partition when all parties agree, but when one party disagrees, all owners are subject to his will. When a non-Indian owns a rather large share of an allotment, he may simply take possession of it, and it is difficult indeed, if not impossible, to get him to pay any rental to the Indian owners for their share. Furthermore, the non-Indian owner may lease the land to another non-Indian, which adds another complication.

(*c*) The Indian Reorganization Act is not applicable to this jurisdiction.

(*d*) There is a great deal of difficulty among the Indians in reaching agreement as to use or disposal of lands. One adult owner, having a minor interest in the property and resentment against the majority owners, can do one of several things: (1) He can move onto the allotment and use it and refuse either to make a lease with the other owners or pay them for the use of the land (under the present regulations this Office cannot advertise a tract of land for surface lease if it is in use by one of the owners nor can we force that owner to pay the others; there is no use to discuss moral issues with him); (2) if the owners want to sell, he can wait until all the owners except himself have signed the application or consents to sell, then hold out on them until they pay him what he is demanding for his signature; (3) if he wants to continue to use the land free gratis as he now can, he can simply refuse to agree to the sale at all, thus depriving the other owners from realizing anything from the land either from leasing or from selling; (4) he can control the leasing of the property by refusing to sign a lease for anyone except his man, forcing the majority of the heirs to accept his choice of lessee (and he usually has some sort of deal worked out with the lessee in advance, whereby certain advantages will revert to him); (5) he may simply decline to sign the application to sell for supposedly sentimental reasons, claiming that he cannot bring himself to dispose of his birthright (this is particularly true when he has only an insignificant share in a highly fractionated tract).

Another problem is the fact that so many of the Indians move often and they simply do not take the trouble to keep this Office informed as to their whereabouts. If any of the owners should decide to prepare an application to sell, it might easily take them 2 years to locate the owners, then prevail upon them to sign, only to be met with refusal at the very last, or, more likely, never be able to find, and secure all the signatures from, the competent adults necessary to complete the application.

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As with the non-Indians and alien Indians, some valid means of effecting partition, without lengthy court action, should be established. As the matter now stands, the person holding the minor interest is given undue advantage while those holding by far the majority of the interest have no recourse at all. Unlike non-Indians, they are prevented from disposing of their individual interests, unless one of the owners will arrange for enough money to buy up the shares of the others, which is improbable, since experience has proved such action to be a bad investment. There are many cases where a few of the owners won't sell and continue to cause trouble, as set out under (*d*) above. As a result, nothing is done. Resentment grows among the owners. There is bickering, refusal to cooperate, retaliation, or else a complete loss of interest, even to the extent of (1) neglecting to answer the inquiries of other owners, (2) neglecting to sign the leases or applications and return them, or (3) moving and preventing the others from locating them.

(*e*) Very little use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs, because it is still necessary to secure the signatures of all the competent adults, which is practically impossible on highly fractionated tracts. As an example, the common denominator on the allotment of John Taylor is 45,360,000. There are 121 Indian owners and 3 non-Indian owners. There is production on the land. Most of the owners receive only a few cents per year. The owners have tried, on 3 separate occasions in the past 10 years, to sell the land. Under the present policy of requiring signed consents to sell from all of the competent adult owners, it is impossible to sell this property because 3 owners having a total of one-fifteenth interest among them, have objected to the sale. If their signatures could have been secured, this particular allotment could have been sold under the act of June 25, 1910, because there are more than 20 minors, 2 unprobated estates, and at least 1 incompentent. It is most unusual to find an allotment, in such large ownership, still in a true trust status and capable of the issuance of a patent in fee. Had this allotment fallen into a restricted status, as is ordinarily true in such instances, it would be necessary for the owners to go into court and have guardians appointed for the incompetents and minors. Most Indians simply do not have the money for attorneys' fees and court costs, therefore, the multiple-ownership problem grows and the owners become discouraged.

PART II—SHAWNEE

1. No tracts have been sold which were alleged to have been key tracts.
2. Neither the tribe nor the individual owner has alleged that any tract sold was a key tract.
3. The tribe has not alleged that any tract sold was a key tract.
4. No key tracts sold out of restrictions.
5. No key tracts sold out of restrictions. We do not have consolidated units for farming, grazing, or timber operations.
6. No tracts purchased can be described as a key tract.

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PART III—SHAWNEE

1. No tribal real-estate employees at this jurisdiction.
2. No part of any salary of any employee at this jurisdiction is paid from tribal funds.
3. No tribes employ a real-estate adviser or consultant.
4. No tribe has a real-estate committee. The business committee usually functions in what minor activity exists.
5. Same as above.
6. No private consultants have been employed.
7. No tribal land enterprise or similar organization.
8. Neither the tribe nor the area office has been instructed to turn real-estate operations over to the Bureau, insofar as this office is aware.

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SHAWNEE

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	1	80.00	1	85.95	5	278.44	7	448.70	1	40.00	3	90.00	1	40.00	4	180.00	10	493.15	11	857.30
Certificates of competency																				
Removal of restrictions			3	120.68	2	180.00	2	80.00	1	40.00			1	40.00			2	71.10	2	74.65
To fee status by inheritance or devise (only where entire interest has so passed)			1	55.00			1	160.67			1	40.00			4	285.00				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status	5	170.00			24	1,073.71	5	177.86	3	30.13	1	27.00	3	35.75	21	880.27	3	194.40	4	178.64
Sales to tribes																				
Sales to other Indians in trust or restricted status	1	20.00			10	114.00	2	35.67	2	3.00					2	16.24	2	55.54	1	19.19
Other (explain)																				

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status			3	246.80	4	291.64	8	414.33	5	377.91	1	160.00	2	155.00	5	213.80	11	784.65	24	1,766.53
Takings for public purposes																				
Other (explain)																				

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	1	20.00			10	114.00	2	35.67	2	3.00					2	16.24	2	85.54	1	19.19
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																				
Purchases of fee lands	1	240.00	1	240.00	1	280.00			1	.20										
Other (explain)																				

NUMBER OF ACRES INDIVIDUALLY OWNED LAND AT END OF EACH FISCAL YEAR

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Total number of acres in trust or restricted status on 1st day of fiscal year	67,699.32	67,669.32	67,400.89	65,543.10	64,225.87	63,735.03	63,418.03	63,147.28	61,571.97	59,943.13
Conveyed out of restrictions during fiscal year	−270.00	−508.43	−1,937.79	−1,317.23	−491.04	−317.00	−270.75	−1,575.31	−1,628.84	−2,896.31
Brought into restrictions during fiscal year	+240.00	+240.00	+80.00		+.20					
Total number of acres in trust or restricted status at end of fiscal year	67,669.32	67,400.89	65,543.10	64,225.87	63,735.03	63,418.03	63,147.28	61,571.97	59,943.13	57,046.82

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III. BILLINGS AREA OFFICE

1. BLACKFEET AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Browning, Mont., June 12, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: Complying with your April 17, 1958, letter, we are submitting the information pertaining to the Blackfeet Indian Reservation as requested for use by the Committee on Interior and Insular Affairs in reviewing and formulating legislation for Indian lands. The tabular form has been completed and the other questions answered by tabulation or narrative reports.

The 10 years covers a period when the Blackfeet Agency records were not maintained in a readily reportable form. The Billings area office volunteered the tabular form statistical information in an effort to obtain for your use an accurate report. Without their assistance, we would have had to resort to several estimates.

The requested information on tribal patent-in-fee lands is not available in this office nor the Billings area office. These land records are maintained by the Blackfeet Tribe and will be reflected in the Blackfeet Tribe's reply to the questionnaire.

The information is submitted in the order the questions were presented in the questionnaire. The following is a guide to the information:

Attachment No. 1: Statistical tabulation on the forms provided. Answers to questions 3 through 10 pertaining to the number and nature of transactions, and the acreages, part I.

Attachment No. 2: 1948 through 1957 fiscal year acreage summary tabulation. Answers to questions 1 and 2, part I.

Attachment No. 3: Blackfeet Reservation acreage status, December 31, 1957, plus tabulation of period July 1, 1957, through December 31, 1957. Answers questions 11 and 12, part I.

Attachment No. 4: Narrative report on acts of Congress affecting the acquisition and disposal of Blackfeet Indian lands. Answer to question No. 13, part I.

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Attachment No. 5: Narrative discussion on the heirship or multiple ownership problem, part I.

Attachment No. 6: Part II of the questionnaire relating to key tracts, narrative report.

Attachment No. 7: Part III of the questionnaire pertaining to tribal employment.

We have attempted to answer the questions posed. However, if further information is required, we will submit as soon as possible.

Sincerely yours,

R. E. MILES,
Acting Superintendent.

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ATTACHMENT No. 1—BLACKFEET

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	3	680	40	10,029	20	5,939	20	3,967	40	12,000	183	43,371	188	37,677	36	30,673	23	5,099	61	18,719
Certificates of competency									1	320			55	4,111	30	2,279	24	1,621	55	4,628
Removal of restrictions									2	320			1	320			1	360	1	80
To fee status by inheritance or devise (only where entire interest has so passed)					1	320	1	320	1	320	2	600	1	480						
To fee status by partition															1	261				
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status			2	356			4	603	1	320	7	1,492	14	3,055	1	40	1	400	5	541
Exchanges to other Indians in trust or restricted status			10	1,515	2	639	15	2,727	5	561	7	1,393	2	499			1	20	14	2,342
Sales to tribes	51	10,194	71	6,671	51	5,572	26	3,940	8	1,301	25	3,846	2	726	1	40	14	2,714	68	8,104
Sales to other Indians in trust or restricted status	58	6,918	61	8,062	40	9,557	51	6,223	28	4,700	43	4,561	7	994	7	826	2	390	7	887
Other (explain)																				

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ATTACHMENT No. 1—BLACKFEET—Continued

Individually owned land—Continued

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS TO FEE STATUS

Exchanges to fee status			1	320	1	320							6	1,600	1	325	1	405		
Sales to fee status	1	40	1	320					1	240	29	7,449	31	5,580	21	7,027	1	236	33	5,863
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status			2	356			4	603	1	320	7	1,492	14	3,055			1	400	4	822
Exchanges from individual trust or restricted land			10	1,515	2	639	15	2,727	5	561	7	1,393	2	499			1	20		2,061
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	109	17,112	132	14,733	91	15,129	77	10,163	36	6,001	68	8,407	9	1,720	9	1,096	16	3,104		8,991
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status			2	320	1	320											1	230		
Purchases of fee lands	8	2,134	4	881							2	354								
Other (explain)															1	[1] 320				

[1] Fee patent cancellation.

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ATTACHMENT NO. 2—BLACKFEET

Acreage summary, fiscal years 1948–57

	Tribal acres	Allotted acres	Total Indian trust lands, acres	Government owned acres	Total acres
June 30, 1957	137,503	891,310	1,028,813	14,019	1,042,832
Disposals to fee status:					
Fiscal year 1957		29,290			
Fiscal year 1956		7,721			
Fiscal year 1955		40,565			
Fiscal year 1954		49,768			
Fiscal year 1953		51,420			
Fiscal year 1952		13,200			
Fiscal year 1951		4,287			
Fiscal year 1950		6,579			
Fiscal year 1949		10,669			
Fiscal year 1948		720			
Total		214,219			
Acquisitions from fee status:					
Fiscal year 1956		230			
Fiscal year 1955		320			
Fiscal year 1953		354			
Fiscal year 1950		320			
Fiscal year 1949		1,201			
Fiscal year 1948		2,134			
Total		4,559			
Sales to tribe:					
Fiscal year 1957	8,104	8,104			
Fiscal year 1956	2,714	2,714			
Fiscal year 1955	40	40			
Fiscal year 1954	726	726			
Fiscal year 1953	3,846	3,846			
Fiscal year 1952	1,301	1,301			
Fiscal year 1951	3,940	3,940			
Fiscal year 1950	5,572	5,572			
Fiscal year 1949	6,671	6,671			
Fiscal year 1948	10,194	10,194			
Total	43,108	43,108			
July 1, 1947	94,395	1,144,078	1,238,473	14,019	1,252,492
Total original reservation					1,525,712

NOTE.—No records available on the acreage acquired by the Blackfeet Tribe in fee status.

Government-owned land summary (includes administrative sites and reclamation reserves)

Authority for acquisition	Acres	Acquisition cost	Number tracts	Date acquired
Submarginal lands National Industrial Recovery Act of June 16, 1933 (48 Stat. 200).	9,037	$31,075	25	Feb. 10, 1936 to May 4, 1937.
Reclamation reserves, Bureau of Reclamation	947	(1)	4	Feb. 15, 1913.
Administrative sites, Bureau of Indian Affairs	4,035	(1)	17	Do.
Total	14,019	31,075	46	

[1] Reserve.

NOTE.—Indian use approximates 53 percent of submarginal acreage. All use under grazing permit except 1 40-acre tract under pasture lease.

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ATTACHMENT No. 3—BLACKFEET

Actions during period July 1, 1957, to Dec. 31, 1957

	Tribal acres	Allotted acres
Disposals to fee status		15, 247
Acquisitions from fee status		400
Sales to tribe	570	570

	Tribal acres	Allotted acres	Total Indian trust lands (acres)	Government-owned acres	Total acres
Dec. 31, 1957	138, 073	875, 893	1, 013, 966	14, 019	1, 027, 985
Original Blackfeet Indian Reservation acreage					1, 525, 712

ATTACHMENT No. 4—BLACKFEET

NARRATIVE REPORT QUESTION 13, PART I OF THE QUESTIONNAIRE

The following acts of Congress were or are in effect and have affected the acquisition and disposition of Blackfeet Indian lands.

(1) Act of March 1, 1907 (34 Stat. 1015, 1035): An act making appropriations for the current and contingent expenses of the Indian Department. This is the act whereby the Secretary was instructed to make allotments to eligible members of the Blackfeet Tribe. The acreage was set at 320 acres to each qualified Blackfoot. No restrictions against alienation were written in the act and disposal was possible under other authorities. General usage locally refers to the lands under this act as the original allotments and minerals are owned by the original allottee or his heirs.

(2) Act of June 30, 1919 (41 Stat. 3): An act making appropriations for the 1920 fiscal year expenses and other purposes of the Bureau of Indian Affairs.

The act of June 30, 1919, repealed portions of the March 1, 1907 act as related to the disposal of surplus unallotted lands within the Blackfeet Indian Reservation. Allotments were made for a 6-month period to eligible members of all unallotted lands not previously allotted, or reserved. By this act all eligible members previously allotted 320 acres were allotted an additional 80 acres designated as their homestead allotment. Further, those that had not made a selection were allotted 320 acres plus an 80-acre homestead.

The act provided a reservation of all minerals to the Blackfeet Tribe on all previously unallotted tribal land and that the land designated as a homestead should remain inalienable and nontaxable, until Congress shall otherwise direct.

(3) Act of June 2, 1924 (43 Stat. 252): An act to provide for the disposal of homestead allotments of deceased Blackfeet allottees.

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The act of June 2, 1924, allowed the heirs of the deceased original allottee to dispose of the homestead allotment. The Congress recognized, at that early date, the possible multiple heirship and ownership problems that would occur. Disposition would be authorized by existing laws relating to Indian allotments through partition, sale, and issuance of patents-in-fee.

This act did not provide for disposition by the original allottee.

(4) Act of June 18, 1934 (48 Stat. 984): The Wheeler-Howard Act or Indian Reorganization Act to conserve and develop Indian lands and resources and extend to Indians the right to form businesses and other organizations.

The Blackfeet Indian elected to accept the Indian Reorganization Act November 13, 1935, and prepared a constitution and bylaws which were approved by the Interior Department December 13, 1935. Under the provisions of this act no sale, devise, gift, exchange, or other transfer of Indian lands could be made except to the Blackfeet Tribe or members of the Blackfeet Tribe. Title to lands acquired by this act would be taken by the United States in trust for the tribe or individual Indian.

The constitution and bylaws adopted by the Blackfeet Tribe provided authority for the tribe to purchase land, article VII, section 12. Purchase authority was restricted to the following categories:

(*a*) Land within or adjacent to the Blackfeet Reservation which is not in Indian ownership.

(*b*) Restricted land, which is in heirship status at the time of adoption and approval of their constitution.

(*c*) Land owned by tribal members who are over the age of 60 years or is physically incapacitated and who is without dependents may be transferred to the tribe in exchange for a pension.

(*d*) The tribe may purchase the land of any member who desires to leave the reservation permanently.

By the provisions of their constitution the Blackfeet Tribe is limited as to the lands they can purchase. Effective land acquisition and consolidation programs are almost impossible under these restrictive provisions. The Blackfeet, April 30, 1958, constitutional amendment election proposed to remove the restrictive provisions; however, the required vote was not received to qualify the election.

Another provision in the tribe's constitution relates to granting exchange assignments to members of the tribe in return for a conveyance of the member's own allotment or other land interests to the tribe. In this instance the tribe received a deed and title to the member's land; however, the member in turn received only an assignment or use right to the exchange lands. The act of May 28, 1956 (70 Stat. 187), provided a remedy for this as set out below.

(5) Act of May 14, 1948 (62 Stat. 236): An act to authorize the sale of individual lands acquired under the act of June 18, 1934, and under the act of June 26, 1936 (49 Stat. 1967). The act removed the restrictions against disposition imposed by the Wheeler-Howard Act of June 18, 1934. Individuals were again allowed by the Congress to make application for and have approved by the Secretary of the

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Interior, the issuances of patents in fee, removal of restrictions, and conveyances of their lands or interests in lands. Under the May 14, 1948, act the individual tribal members could again dispose of or change to a fee status their own individual holdings except for the homestead 80-acre allotment when the original allottee was living.

(6) Act of June 4, 1953 (67 Stat. 42): An act to amend the act of June 30, 1919 (41 Stat. 61).

This act amended the June 30, 1919, act by substituting in section 10 of the said act the following:

> ***Provided***, That of the lands so allotted eighty acres of each allotment shall be designated as a homestead allotment by the allottee, and shall be evidenced by a trust patent, which shall be subject to sale, partition, issuance of patent in fee, or other disposition in accordance with the laws relating to the other allotments on the Blackfeet Reservation.

Section 2 of this act repealed the act of June 2, 1927 (43 Stat. 252), which allowed only the heirs of an original allottee to dispose of a designated homestead.

(7) Act of May 28, 1956 (70 Stat. 187): An act relating to the issuance of certain patents in fee to lands within the Blackfeet Indian Reservation.

Provision is made to those tribal members holding exchange assignments to apply for either a fee patent or trust patent covering the exchange assignment lands. Title is thereby clearly vested in the individual in return for his having conveyed land to the tribe. The land could then be administered as other trust or restricted lands and applicable laws pertaining to Indians. The patent-in-fee land would be disposable at the discretion of the patentee.

The above acts now make it possible for individual Indians on the Blackfeet Reservation to apply for and complete the disposition of all or part of their land holdings subject to regulations and acts affecting disposition. From June 30, 1919, to June 4, 1953, some form of restriction was applicable to all or part of their lands. Now they have an opportunity to sell or retain their property, to sell to the Blackfeet Tribe or members thereof, or alienate by issuance of a patent in fee or through the mediums of a supervised sale.

Present constitutional restrictions found in the Blackfeet Tribe's constitution and bylaws prevents the tribe from acquiring all of the lands offered for sale. Further, the tribe is not financially able to acquire these lands.

By letter dated June 30, 1955, the Commissioner of Indian Affairs granted authority to the Blackfeet Tribe to acquire allotted lands when the individual or individuals wanted to convey their lands to liquidate debts to the Blackfeet Tribe. The conveyance would be at the appraised value and the Blackfeet Tribe could apply the individuals' debt as full or partial payment, depending on the land value and amount of the debt. This grants additional acquisition authority to the Blackfeet Tribe; however, funds are again the limiting factor.

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ATTACHMENT NO. 5—BLACKFEET

NARRATIVE REPORT FOR QUESTION 14, PART I OF THE QUESTIONNAIRE, HEIRSHIP OR MULTIPLE OWNERSHIP PROBLEMS

The allotted lands on the Blackfeet Indian Reservation are confronted with similar heirship and multiple-ownership problems found on nearly all Indian reservations subject to allotting. Fractionation following the death of the original Indian owner or his heirs has affected approximately 60 percent of the allotted lands. Multiple ownership is becoming more prevalent due to the reservation proximity to and the tribe's affiliation with Canada and Canadian nationals. Also, the Blackfeet people are integrating with non-Indians. Individual alien or non-Indian inherited interests exceed 200 and are exemplified by the attached allotment and estate record copy of one Blackfeet estate. This is a more complicated case but does indicate the trend of allotments.

The allotment or estate record example covers the allotment of Heading Off, Blackfeet allottee No. 2478, deceased. The acreage remaining in a trust or restricted status includes only the homestead 80 without minerals. The surface is limited to grazing use. Annual rental would be $24 for the entire acreage, however, since the Bureau does not administer the interests of alien or non-Indians, only the trust interests can be processed by the Blackfeet Agency. Individual leases must be executed for the alien or non-Indian interests which would be prohibitive costwise for a prospective lessee.

Many minor's interests are a part of this estate. As provided in the Indian Reorganization Act and other provisions, these minors' interests could not be disposed of unless a court-appointed guardian would act in their behalf. Since the minors inherit through probation of other estates subsequent to the Heading Off probate, the minors' interests are the smaller. Letters of guardianship would cost more than the combined value of each minor's share. If for no other reason, it is doubtful if this land could be disposed of due to the minors being present. Likewise, this applies to unprobated estates.

Multiple ownership is very noticeable in the Heading Off estate. The largest individual-interest owner is a Canadian national. Several white or non-Indians also share with the alien and Indian owners. No one individual or family group owns sufficient interest to use the land for themselves without permission of the other heirs. Lease income is so small to each individual that the money derived could not affect their standard of living. Some interests take more than 1 year to realize a few cents.

This estate has fractionated to the extent that continued trust ownership of the trust interests actually depresses their leasing or disposal values. Every year one or more of the heirs dies and the heirship and multiple ownership problem becomes greater. Obtaining clear title to all of the interests would involve costs greater than the surface land value.

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The Heading Off allotment or estate record card is a good example of estates now so complicated that use or ownership benefits are almost intangible. Several similar estates exist and each year these become worse and more approach the same status.

A growing problem on these estates and on lesser estates are the valid claims allowed. Each estate interest, however small, would have a use income which is applied on retiring allowed claims.

Due to these claims, many present heirs do not realize any income for several years. The heirs are reluctant to execute leases or conveyances because there will not be any income to them. This is one of the reasons older Indians want to dispose of portions of their lands and use the proceeds in their old-age subsistence rather than leave an encumbered estate. The actual number of encumbered estates is not known, however they are increasing more rapidly than older claims are retired.

The Blackfeet Tribe has not acquired interests in estates where the owner dies intestate without heirs and the lands would escheat to the tribe. The Blackfeet Agency maintains individual records on the Blackfeet people and one or more heirs at law are of record.—The Blackfeet Tribe has purchased a few undivided heirship interests; however their efforts have been toward purchasing all interests in any one tract. They have been encouraged to purchase the more complicated tracts and have done so in many instances. The tribe has and does acquire lands under the Secretary's authority to sell heirship land; however the limiting factor has been the availability of purchase funds and requirements of the Indian Reorganization Act.

The heirship and multiple ownership problems are affecting the acquisition and disposition of Blackfeet Indian lands. The problems are not as acute as at other jurisdictions, however at the present rate of normal deaths, it will be acute in a few years.

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UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

ALLOTMENT OR ESTATE RECORD

Allotment No. 2478 — Blackfeet (Reservation) — Glacier (County)

Identification No. Headingoff (Allotment) (Name) (Other) F (Sex)

Account No. 1816 (Date of Birth)

Dates: 2-8-87 (Allotment Act); 6-30-19; 7-24-17 (Allotment approved); 4-3-22; 2-28-18 (Trust patent); 10-26-22; 9-10-10 (Death); 101241-17 & 26368-21 (Probate No.); 5-3-21 (Decision)

DESCRIPTION SUBDIVISION	SEC.	T(N)	R(W)	M(M)	ACRES	DISPOSITION*	DATE	L.O. FILE NO.
					400.00			
Minerals owned by allottee					320.00	Trust Patent #620217	2-28-18	72344-07
SW	14	35	12		160.00			
W SE	14	35	12		80.00	Fee Pat. #846325 to the heirs of Headingoff	2-1-22	103[illegible]-21
N N NW	23	35	12		40.00			
NW NE	23	35	12		40.00			

* Removal of restrictions, certificate of competency, issuance of fee patents, sale by approved deed, relinquishment, etc., and all pertinent information showing disposition made of lands.

[illegible]						[illegible]				
Minerals reserved to Tribe					80.00	Trust Patent #885229			10-26-22	25[illegible]-21
S S S NE SW	29	37	12		5.00					
E SW SW	29	37	12		20.00					
SE SW	29	37	12		40.00					
SW SW SE	29	37	12		10.00					
S NW SW SE	29	37	12		5.00					

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CONTINUATION SHEET No. 1

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Allotment No. 2478 Name of allottee Headingoff (Allotment) (Name) (Other) Probate No. 101241-17 & 26368-21

Account No.	Identification No.	Allotment No.	Name of Heir	Relation to Deceased	Share	Verified by Examiner
(1)			Consolidation of Inherited Interests:			
(2)	Canadian		Po-kah-kah		1222[illegible]400/133358400	
H-237		749	Lavina Hall Chattin		5556600/	
(3) S-13		1580	William Samples		1389150/	
S-253		1581	Florence Samples		1389150/	
(4) S-37		1582	Julia Samples		1389150/	
H-192		639	Jessie Hamby		1[illegible]200/	
(5) L-187		638	Theophile LaBreche #1		[illegible]200/	
S-252		3303	Clara Hensberger Schmidt		3810240/	
(6) L-99		1157	Charles LaBreche		226380/	
M-391		1159	Jessie LaBreche Mills		473340/	
(7) L-188		1160	George LaBreche		226380/	
L-157		3036	Pressley LaBreche		226380/	
(8) B-468		1866	Carl Billedeaux		793800/	
B-116		1867	Genevieve Billedeaux Tracy		793800/	
(9) B-201		1869	Edward Billedeaux		793800/	
B-403		1870	Francis Billedeaux		793800/	
(10) B-178		2286	Charles Billedeaux		612360/	
B-486		2289	Mabel Billedeaux Nordtome		612360/	
(11) B-443		2291	Mertle Billedeaux Hardy (Lee)		612360/	
B-488		2292	Mamie Billedeaux Weaver		612360/	
(12) V-15		3394	Alvin C. Vaile		61740/	
V-40	U-4662		Earl C. Vaile		61740/	
(13) V-41	U-4663		Kenneth Vaile		61740/	
V-42	U-4664		Robert Vaile		61740/	
(14) V-43	U-4665		Dewan or John A. Vaile		61740/	
V-44	U-4666		Belva Vaile		61740/	
(15) V-56	U-5507		Dale Joseph Vaile		61740/	
S-299		1808½	Sara Spencer Samples		1892200/	plus dower
(16) S-342		1806	Melba Samples (Franks)		1234800/	
S-211		1808	Roma Samples(Barcus)		1234800/	
(17) S-361		1807	Elma Samples(Higgins)		1234800/	
H-287		2976	Howard Hetzer		694575/	
(18) H-314	U-4551		Virginia Hetzer		694575/	
S-339		2075	Vivien Kemp		4445280/	
(19) S-360		2073	Earl Stuart		4445280/	
A-10		2083	John Armstrong		1173060/	
(20) A-14		2084	Stuart Armstrong		1173060/	

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CONTINUATION SHEET No. 2

Allotment No. 2478 Name of allottee Headingoff (Allotment) (Name) (Other) Probate No. 101241-17 & 26368-21

Account No.	Identification No.	Allotment No.	Name of Heir	Relation to Deceased	Share	Verified by Examiner
(1)			Consolidation of Inherited Interests: (Continued)			
(2) A-11		2086	Melba Armstrong		1173060/133358400	
T-48½		2082	Clarence Tucker		[illegible]/	
(3) D-47		1540	Henry Devereaux Sr.		493920/	
D-51		1544	Violet M. Devereaux		290178/	
(4) D-52		2856	Charles Devereaux		290178/	
D-49		1542	Iva Devereaux		290178/	
(5) S-439	U-3903		Stanley Sinnett		197568/	
M-349		3106	Floyd Martain		255150/	
(6) S-190		3360	Ruby Swingley		370440/	
S-193		3363	Merle Swingley		370440/	
(7) S-191		3361	Lois Swingley		370440/	
S-192		3362	Beverly Swingley Loring		370440/	
(8) S-546	U-3965		Laura Swingley		370440/	
H-271		2278	Mary Smith Hunsberger		1764000/	plus dower
(9) H-273		2279	William Hunsberger		511560/	
H-270		2280	Thomas Hunsberger		511560/	
(10) [illegible]		[illegible]	[illegible]		[illegible]/	
H-272		2283	Theodora Hunsberger Harrington		511560/	
(11) H-173		2991	Evelyn Hunsberger Armstrong		511560/	
F-55		2899	Katherine Flint		96726/	plus dower
(12) D-264	U-4950		Peter Devereaux		96726/	
W-482	U-4987		Aaron Walter		96726/	
(13) P-165		662	Emily Pendergrass Magee		308700/	
P-122		663	George Pendergrass		308700/	
(14) P-105		664	Phillip Pendergrass		308700/	
P-172		665	Beatrice Pendergrass Nusbaum		308700/	
(15) P-118		666	James Martin Pendergrass		308700/	
P-81		3224	Charles Pendergrass		308700/	
(16) P-181		3238	Selma Peterson Harwood		396900/	
P-38		1802	Sylvia Mae Peterson Harwin		396900/	
(17) W-125a		2077	Robert Stuart Walter		1173060/	
W-43-3/4		2078	Lincoln Walter		1173060/	
(18) W-125c		2080	James Walter		1173060/	
A-45		746	Marion Arnoux		4445280/	
(19) A-191	U-4027		Bertha Arnoux		1111320/	
A-192	U-4028		Alvin Arnoux		1111320/	
(20) A-193	U-4029		Burton Arnoux		1111320/	

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CONTINUATION SHEET No. 3

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS 101241-17 &

Allotment No. 2478 Name of allottee Heedingoff (Account) (Name) (Office) Probate No. 26368-21

Account No.	Identification No.	Allotment No.	Name of Heir	Relation to Deceased	Share	Verified by Examiner
(1)			Consolidation of Inherited Interests: (Continued)			
(2) A-194	U-4030		Donald Arnoux		1111320/133358400	
B-639	U-4118		Dorothy Lynn Billedeaux		90720/	
(3) B-640	U-4119		Nancy Lee Billedeaux		90720/	
B-641	U-4120		Reginald King Billedeaux		90720/	
(4) B-642	U-4121		Rose Marie Billedeaux		90720/	
D-126		1968	Andrew Dunbar		329280/	
(5) D-115		2614	David Dunbar		329280/	
D-232		1972	James Dunbar		329280/	
(6) D-128		1975	Samuel H. Dunbar		329280/	
D-124		1974	Florence Dunbar Henderson		329280/	
(7) C-299		1971	Esther Cleland Bennett		329280/	
A-44		1967	Jane Dunbar Anderson		329280/	
(8) D-237		1976	LaVerne Mary Dunbar Powley		329280/	
D-43		1973	Hazel Dunbar Davis		329280/	
(9) P-263	U-5058		Norman Walter Peterson		396900/	
H-306		1166	David Higgins		308700/	
(10) H-144		1168	Patrick Higgins		308700/	
H-88		1165	John E. Higgins		308700/	
(11) H-114		1167	Kathleen Higgins		308700/	
P-215	U-3763		Bailey K. Peterson		396900/	
(12) P-60		[illegible]37	Charles L. Peterson		396900/	
P-216	U-3764		George C. Peterson		396900/	
(13) H-166		2980	Grant Hilton		11760/	
H-533	U-6479		Jenesse Marie Hilton		16660/	
(14) H-534	U-6713		Geraldine Ann Hilton		16660/	
H-535	U-6944		James Cornelius Hilton		16660/	
(15) A-60		744	Gertrude Arnoux Jackson		889056/	
A-136		745½	Vivian May Arnoux Gray		889056/	
(16) A-101		2679	Melba Arnoux Peterson		889056/	
A-78		2681	John Francis Arnoux		889056/	
(17) A-79		2682	Henry Lincoln Arnoux		889056/	
H-384	U-4556		Bernadine Higgins Wright		68600/	
(18) H-385	U-4557		Audrey Higgins Larson		68600/	
	U-6363		Robert Ray Higgins		68600/	
(19) B-311		2724	Donald Benedict Billedeaux		90720/	
B-396		2231	Joseph Brown		1481760/	
(20) B-376		2754	Lee Leonard Brown		423360/	

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CONTINUATION SHEET No. 4

Allotment No. 2478 Name of allottee Headingoff (Allotment) (Name) (Other) Probate No. 101241-17 & [illegible]

Account No.	Identification No.	Allotment No.	Name of Heir	Relation to Deceased	Share	Verified by Examiner
(1)			Consolidation of Inherited Interests: (Continued)			
(2) B-375		2753	Earl Frances Brown		423360/133358400	
B-397		2234	Joseph Aloysius Brown		423360/	
(3) B-374		2237	Alma (Odelia)Brown McCartney		423360/	
B-377		2755	Olive Lorraine Brown Blevins		423360/	
(4) B-724	U-4184		Frances Kay Brown Connolly		60480/	
B-725	U-4185		Lawrence Bernard Brown		60480/	
(5) B-726	U-4878		Wesley Brown, Jr.		60480/	
B-972	U-4879		Haven (Josephine)Brown		60480/	
(6) B-931	U-5807		Darrell Edward Brown		60480/	
B-973	U-6044		Karen Mildred Brown		60480/	
(7) B-974	U-7060		Vera Virginia Brown		60480/	
B-720	U-4873		Ardis(Ann)Elizabeth Brown		141120/	
(8) B-721	U-4874		Theo Marie Brown		141120/	
B-938	U-5883		Carl Leonard Brown		141120/	
(9) B-183½		2387	John W. Billedeaux		64800/	
B-316		2718	Anna Elizabeth Kipling		64800/	
(10) B-317		2719	Lincoln D. Billedeaux		64800/	
B-643	U-4122		June Celina Paisley		64800/	
(11) B-644	U-4123		Dwight A. Billedeaux		64800/	
B-645	U-4124		Wilma Goss		64800/	
(12) B-646	U-4125		Clara Marie Smith		64800/	
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	
(13) [illegible]	[illegible]	[illegible]	[illegible]		[illegible]	
[illegible]		[illegible]	[illegible]		[illegible]	
(14) [illegible]		[illegible]	[illegible]		[illegible]	
[illegible]		[illegible]	[illegible]		[illegible]	
(15) [illegible]		[illegible]	[illegible]		[illegible]	
[illegible]		[illegible]	[illegible]		[illegible]	
(16) [illegible]		[illegible]	[illegible]		[illegible]	
[illegible]		[illegible]	[illegible]		[illegible]	
(17) [illegible]		[illegible]	[illegible]		[illegible]	
[illegible]		[illegible]	[illegible]		[illegible]	
(18)				TOTAL TRUST SHARES:	[illegible]/133358400	
(19)			NON-TRUST SHARES SHOWN ON PAGE 7, OF CONSOLIDATION			
(20)			Space not to be used			

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CONTINUATION SHEET No. 5

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS 101241-17 &

Allotment No. 2478 Name of allottee Headingoff (Surname) (Name) (Other) Probate No. 26368-21

Account No.	Identification No.	Allotment No.	Name of Heir	Relation to Deceased	Share	Verified by Examiner
(1)			Consolidation of Inherited Interests: (Continued)			
(2) M-247		3092	Merle Magee		463050/133358400	
M-323		3093	Bernadine Magee		463050/	
(3) M-446	U-3560		Florence Magee Stroud		463050/	
S-363	U-3897		Constance Sheble Weaver		463050/	
(4) H-553	Unal-Unenrolled		Isaac Hunsberger, Jr.		952560/	
H-554	Unal-Unenrolled		Roy A. Hunsberger		952560/	
(5) H-555	Unal-Unenrolled		Gladys H. Wilkinson		952560/	
H-556	Unal-Unenrolled		Martin S. Hunsberger		952560/	
(6) L-125		1599	Melvina LaBreche Harwood		463050/	
L-124		1600	Medore LaBreche, Jr.		463050/	
(7) L-203		1600½	Theophile LaBreche #2		463050/	
W-430	U-4719		Kenneth Midore Wheeler		463050/	
(8) D-96		2851	Emma Delaney Peterson Richards		198450/	plus dower
	U-6397		Priscilla Mae Peterson		198450/	
(9)	U-5522		Coleen Fay Walter Fontaine		205800/	
	Unal-Unenrolled		Virginia Walter		205800/	
(10)	Unal-Unenrolled		Clifford Ralph Walter		205800/	
W-477	U-4765		Laural Ann (Bazil) Wood Morrison		154350/	
(11) W-478	U-5564		William Patrick Wood		154350/	
L-414	U-5159		Marjorie Ellen LaBreche		113190/	
(12) L-415	U-5160		Clarence Delbert LaBreche		113190/	
(13)						
(14)						
(15)						
(16)						
(17)						
(18)						
(19)						
(20)						

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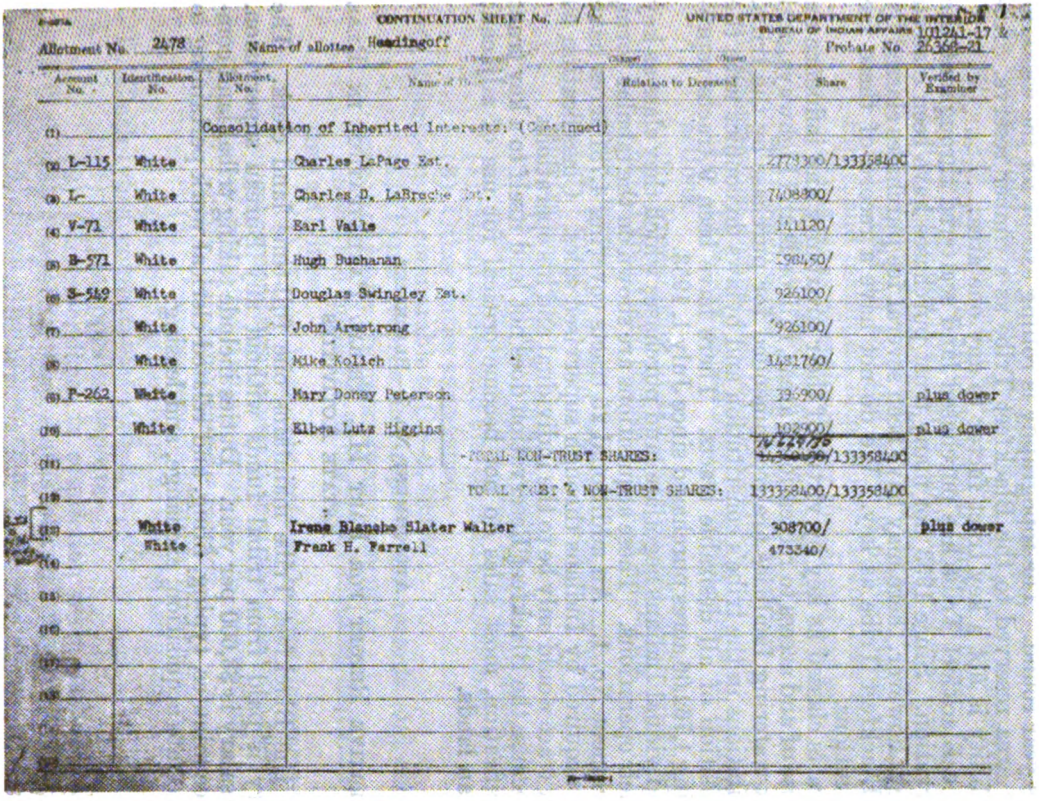

CONTINUATION SHEET No. 1A

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS 101241-17 &
Probate No. 26368-21

Allotment No. 2478 Name of allottee Headingoff

Account No.	Identification No.	Allotment No.	Name of Owner	Relation to Deceased	Share	Verified by Examiner
(1)			Consolidation of Inherited Interests: (Continued)			
(2) L-115	White		Charles LaPage Est.		2773300/133358400	
(3) L-	White		Charles D. LaBreche Est.		7408800/	
(4) V-71	White		Earl Vaile		141120/	
(5) B-571	White		Hugh Buchanan		198450/	
(6) S-549	White		Douglas Swingley Est.		926100/	
(7)	White		John Armstrong		926100/	
(8)	White		Mike Kolich		1481760/	
(9) P-262	White		Mary Doney Peterson		396900/	plus dower
(10)	White		Elbea Lutz Higgins		102900/	plus dower
(11)			TOTAL NON-TRUST SHARES:		~~[illegible]~~ 1022796/133358400	
(12)			TOTAL TRUST & NON-TRUST SHARES:		133358400/133358400	
(13)	White		Irene Blanche Slater Walter		308700/	plus dower
(14)	White		Frank H. Farrell		473340/	
(15)						
(16)						
(17)						
(18)						
(19)						
(20)						

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ATTACHMENT No. 6—BLACKFEET

REPORT FOR PART II ON KEY TRACTS ACQUIRED BY THE BLACKFEET TRIBE OR DISPOSED OF TO NON-INDIANS

The Blackfeet Reservation does not contain many tracts that would be classified as key tracts influencing large acreages of Indian lands. Most range units are well watered by running streams, lakes, and potholes year round. The topography is rolling except for the westernmost area reserved to the Blackfeet Tribe as a timber reserve. Accessibility is not a key tract factor to any one area.

The Blackfeet Tribe has purchased land scattered throughout the reservation. Since 1953 not many trust purchases have been classed as key; however, there may have been several fee purchases classed by the Blackfeet Tribe as key. We do not have a record of these fee acquisitions.

Tracts classed as key by virtue of their proximity and influence on the use of and access to recreational areas, railroads and highways, and stock-watering facilities are recommended for purchase by the tribe. Limitations in the tribe's constitution and bylaws do conflict with the acquisition of all desirable tracts. There have been 9 tracts representing 1,762.06 acres purchased since July 1, 1953.

Individual Indians negotiate land purchases which they class as key to their operations. These acquisitions are shown on the tabular form, attachment No. 1. An additional 25 tracts covering 4,781 acres have been acquired by Indians through supervised sales. Classification as a key tract would only be to the individual and his operations.

Because the Blackfeet Reservation does not lend itself to a key tract classification, most sales do not become critical for use of adjacent Indian lands.

ATTACHMENT No. 7—BLACKFEET

NARRATIVE REPORT FOR PART III, TRIBAL PARTICIPATION IN REAL ESTATE ACTIVITIES

1. The Blackfeet Tribe maintains one full-time land clerk. The salary is paid from tribal funds without any Bureau supervision. The salary is $3,600 per year. Duties include taking tribal land committee minutes, typing, filing, and related clerical work pertaining to real estate acquisition, exchange, and leasing.

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2. The Blackfeet Agency branch of realty employs 4 full- and 1 part-time tribal employees. Funds are derived from fees collected from services and the Tribal Land Enterprise is entirely self-supporting. Income from tribal land fees is less than the income received from allotted lands. One additional clerk-typist is assigned to land operations to assist with range management activity.

The following positions are employed by the Blackfeet Agency Tribal Land Enterprise:

A. Clerk-typist, comparable to GS–3—3, $3,430:
(1) Does research work on both surface and mineral titles.
(2) Sets up oil and gas lease advertising units.
(3) Develops land status reports for oil and gas leases.
(4) Types correspondence and records as required.
(5) Posts oil and gas leases to plats, maps, and record cards, and maintains income records for these leases.
(6) Acts as receptionist for the oil and gas section.
(7) Does photocopy work as required.
(8) Such other duties as may be assigned.

B. Clerk-typist, comparable to GS–2, $3,045:
(1) Types correspondence in connection with land transactions.
(2) Preparation of land transaction information sheets.
(3) Typing land transactions and preparing various documents needed.
(4) Preparing land status reports in connection with land transactions.
(5) Types requests for appraisals.
(6) Acts as receptionist in land transaction matters.
(7) Maintains record files on land transactions.
(8) Other duties as assigned.

C. Clerk-typist, comparable to GS–2, $2,960:
(1) Types records and reports for records and control, branch of realty (temporary assignment).
Assists the employee in charge of farming and farm-pasture activities:
(1) Types lease contracts and other documents and correspondence necessary in connection with the leasing of restricted Indian lands on the reservation.
(2) Maintains lease file records.
(3) Prepares reports required for this activity.
(4) Such other duties as may be assigned.

D. Clerk-typist, comparable to GS–2, $2,960:
(1) Types appraisal reports.
(2) Correspondence in connection with land appraisals.
(3) Preparing land status plats as required.
(4) Such other duties as may be assigned.

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E. Clerk typist, comparable to GS–3, $3,175:
(1) Performs clerical duties in the Land Operations Branch necessary in connection with the preparation of grazing permits.
(2) Maintains grazing permit files.
(3) Prepares grazing management reports as required.
(4) Performs such other duties as may be assigned.

F. (Temporary) Clerk-typist, comparable to GS–3, $3,175:
Assisting in farm and farm-pasture activities temporarily:
(1) Types leases, contracts, and other documents and correspondence necessary in connection with leasing of restricted Indian lands on the reservation.
(2) Maintains lease file records.
Assists regular personnel in the Acquisition and Disposal Section:
(1) Types correspondence in connection with land transactions.
(2) Typing land transaction and preparing various documents required.
(3) Preparing land status reports in connection with land transactions.
(4) Such other duties as may be assigned.

3. The Blackfeet Tribe employs Cedar B. Aronow, attorney at law, Shelby, Mont., as their tribal attorney. He is available for local counseling, abstract examinations, and opinions, court presentations, and general real-estate advice. Mr. Aronow has assisted the tribe in all their fee purchases, leasing, and other related activities.

4 and 5. The Blackfeet Tribal Council does not maintain a committee with full authority to transact real-estate transactions. They do maintain a council land committee that reviews each case and recommends for final council action. The committee acts on applications for land exchanges with the tribe, land sales, leasing stipulations and rentals, awarding leases, and appraising. Their actions are then presented to the Blackfeet Tribal Business Council for final acceptance or rejection.

6. The tribe has employed consultants on a few occasions for particular phases. A geologist was hired for a 4-month period to study oil and gas activities. An engineer was retained to survey for claims presented to the Indian claims commission. The tribe employs an appraiser, a member of the Blackfeet Tribal Council to appraise fee lands the tribe is purchasing or exchanging. As far as is known the appraiser has no formal training in real-estate appraising.

The Bureau has not interfered in any way with the employment practices of the tribe.

7. There has been in operation since 1948, the Blackfeet Tribal Land Enterprise. This organization is financed (payroll, equipment, and supplies) through fees collected from grazing and hay permits, allotted oil and gas leases, farm and farm-pasture leases, and conveyance fees on land sales. The land enterprise is under the supervision of the Blackfeet Tribal Council and superintendent of the Blackfeet Agency, and the land enterprise account is maintained by the finance department. Realty land enterprise personnel are placed in each sec-

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tion of the branch of realty and are under the direct supervision of the realty officer.

Since all land transactions accomplished deal with Indian trust lands, full review and approval are subject to authorized Bureau personnel.

The effectiveness of the land enterprise has been evidenced by the large volume of land transactions, that is, fee-patent issuance, supervised land sales, negotiated land sales, land exchanges, partitions of land, oil, and gas lease sales, and farm and farm-pasture leases, processed since its incorporation.

Since 1956, three former land enterprise employees have been changed to classified civil-service positions in their respective jobs, with the view of the Department in mind, that sometime in the future all employees in the land enterprise shall be classified employees. The tribal employees shown in question 2 are the employees that have not been converted.

In the past 2 years income has declined for operating the land enterprise. The number of employees each year fluctuates and trained personnel are not assured of continued employment and several have resigned to accept more permanent positions. Further, tribal employees are subject to local pressures that would not be as prevalent if the Tribal Land Enterprise program was terminated in favor of a gratuity appropriation.

8. The tribe and the area office have not been instructed to turn real-estate operations over to the Bureau.

The tribe, independent of this office, process their own land operations as far as fee purchases and exchanges are concerned. All Indian trust lands, whether allotted or tribal, are the responsibility of the Bureau as long as they remain in a restricted status.

Once land is fee patented or otherwise removed from restrictions, the Bureau no longer has, nor assumes any responsibility or supervision over the lands.

The Bureau employs a competent and trained appraiser to appraise lands affected in any type of land transaction; complete title work is done to insure a good and merchantable title to purchasers, and other recipients of lands resulting from land exchanges and partitions; all applications for fee patents and land sales are reviewed by a committee for competency and whether or not it is advisable for the landowner to dispose of his or her trust lands.

Funds from land sales are budgeted with the grantor detailing for what use the proceeds will be expended.

Inasmuch as tribal operations are limited to their purchases and exchanges of fee lands this office cannot comment on the effectiveness of their program. We have noted influences that a political body, such as the Blackfeet Tribal Council, is subject to. In very few instances have the sales or conveyances been consummated without some show of favoritism. The Blackfeet Tribal Council must associate with all members and derives its support from constituents, which does not lend to developing a fair and unbiased land-acquisition program.

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2. CROW AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Crow Agency, Mont., June 19, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY. Transmitted herewith find tabulations of land transactions and answers to your narrative questionnaire as requested in your letter of April 17, 1958. I am pleased with the opportunity of cooperating with your committee in supplying pertinent information.

We regret that our report was not transmitted within the required time. However, we felt that the original report did not contain the full information desired, and therefore, the report was revised and due to the revision our report has been delayed.

The tabular form has been completed and the questions answered by a combination of tabulation and narrative report. The tabulation and narrative reports are given on the attached form entitled "Answers to Questionnaire on the Disposition and Acquisition of Lands Located on the Crow Indian Reservation."

Sincerely yours,

CLYDE W. HOBBS, *Superintendent.*

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF LANDS LOCATED ON THE CROW INDIAN RESERVATION

PART I

The records have been revised recently and are proving to be satisfactory in meeting our daily work demands. Records maintained are allotment file, allotment or estate record card, index and heirship card, land transaction plat, office lease, competent lease, and oil and gas lease plats, rights-of-way file index and file and so forth. The records listed have been adequate to meet the requirements of our work. The method of reporting is now being revised and will expedite report preparation and increase accuracy.

The detailed tabulations of land transactions by fiscal years are provided for the answers to questions 1 and 2, 3 through 10, and 11 and 12, part I. The tabulations are submitted in the order of the questions and the following is given as a guide:

Attachment No. 1: Answers to questions 1 and 2 containing acreage summary tabulation for fiscal years 1948 through 1957.

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Attachment No. 2: Answers to questions 3 through 10 containing statistical tabulation on land transactions for fiscal years 1948 through 1957, pertaining to number and nature of transactions, and the acreages.

Attachment No. 3: Answers to questions 11 and 12 containing acreage summary tabulation from July 1, 1957, through December 31, 1957.

ATTACHMENT No. 1—CROW

Acreage summary, fiscal years 1948–57

	Tribal acres	Allotted acres	Total Indian trust lands acres	Government owned acres	Total acres
June 30, 1957	272,225	1,394,865	1,667,090	1,702	1,668,792
Disposals to fee status:					
Fiscal year 1957		22,717			
Fiscal year 1956		22,356			
Fiscal year 1955		103,893			
Fiscal year 1954		82,138			
Fiscal year 1953		39,426			
Fiscal year 1952		30,628			
Fiscal year 1951		22,140			
Fiscal year 1950		18,475			
Fiscal year 1949		11,992			
Fiscal year 1948		9,267			
Total		363,032			
Acquisitions from fee status:					
Fiscal year 1957		80			
Fiscal year 1955		45			
Fiscal year 1954		40			
Fiscal year 1952		520			
Fiscal year 1951		320			
Fiscal year 1949		1,180			
Fiscal year 1948		10			
Total		2,195			
Sales to tribe		None			
July 1, 1947	272,225	1,755,702	2,027,927	1,702	2,029,629
Total original reservation					2,282,764

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ATTACHMENT No. 2—CROW

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee [1]	18	7,116	27	6,502	46	12,617	66	15,348	117	24,488	115	25,803	189	58,743	117	43,033	41	16,920	69	22,237
Certificates of competency																				
Removal of restrictions													2	159						
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status	6	2,078	42	5,026	49	14,693	97	16,388	24	5,870	37	5,506	6	1,067			2	243	8	1,333
Sales to tribes																				
Sales to other Indians in trust or restricted status	31	5,716	103	19,469	118	18,663	105	16,404	94	14,506	27	2,153	38	6,929	21	2,426	12	1,381	5	566
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status	2	240	----	----------	----	----------	----	----------	1	640	----	----------	1	40	1	40	----	----------	2	480
Sales to fee status	11	1,911	33	5,490	40	5,858	37	6,792	22	5,500	72	13,623	100	23,196	148	59,920	27	5,436	----	----------
Takings for public purposes	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Other (explain)	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Exchanges from individual trust or restricted land	6	2,078	42	5,026	49	14,693	97	16,388	24	5,870	37	5,506	6	1,067	----	----------	2	243	8	1,333
Purchases from tribes	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Purchases of trust or restricted land from other Indians	31	5,716	103	19,469	118	18,663	105	16,404	94	14,506	27	2,153	38	6,929	21	2,426	12	1,381	5	566
Other (explain)	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	2	5	----	----------	----	----------	----	----------	1	520	----	----------	1	40	1	45	----	----------	1	80
Purchases of fee lands	1	5	4	1,180	----	----------	2	320	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Other (explain)	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------

[1] 54 tracts containing 30,895 acres were fee patented during fiscal years 1948 through 1951 as a result of special legislation.

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ATTACHMENT No. 3—CROW

Acreage summary, July 1, 1957, to Dec. 31, 1957

	Tribal acres	Allotted acres	Total Indian trust lands, acres	Government-owned acres	Total acres
Dec. 31, 1957	272,225	1,386,501	1,658,726	1,702	1,660,428
Disposals to fee status, July 1, 1957, to Dec. 31, 1957		8,364			
Acquisitions from fee status		None			
Sales to tribe		None			
July 1, 1957	272,225	1,394,865	1,667,090	1,702	1,668,792

13. Section 2 of the Crow Act of June 4, 1920 (41 Stat. 751–753), has affected the sales and limiting the purchasers of land to persons within the acreage limitation as cited. Considerable work has been encountered in checking of all bidders to insure compliance of the act. The tribal council had taken a positive stand and requested the repeal of the section 2, under resolution No. 77; dated April 14, 1956. Later the council rescinded the resolution No. 77, and passed resolution No. 132, dated June 8, 1957, retaining section 2. A congressional hearing was held on the act and Congress now has pending legislation regarding the act.

Section 2, with its limitation has affected the sales by reason of limiting the purchasers to the nonviolators or persons within the acreage limitation. The question of receiving the full market value of the lands sold arises with the purchasers limited. Although the purchase prices on the land have been adequate and sometimes well above the appraisal. The question remains, would the land be sold at higher prices if the purchasers were not limited. The resolutions referred to are submitted.

14. (*a*) The Crow Tribe owns no undivided interest in lands.

(*b*) Undivided interests owned by non-Indians has been a problem. By operation of law the non-Indian heir holds an unrestricted title to the land as of the date of inheritance. The regulations and laws concerning the issuance of title to the land by the use of form such as removal of restrictions, certificate of competency, etc., would not apply to a non-Indian and would be of no effect. The regulations and laws specifically pertain to Indians and so do not apply to non-Indians. Therefore the issuing of title to the lands has been a problem and varied systems being used are not entirely satisfactory.

(*c*) This reservation is not under the Reorganization Act.

(*d*) Difficulty encountered has been mostly the leasing of multiple heirship lands. The problem of securing the signatures of all the heirs has been very difficult and time consuming and are becoming more so and at times impossible; as a result prospective lessees have been very reluctant in leasing land with multiple heirship. Therefore, several tracts of land are now unleased and heirs will not realize any rental from the lands until an acceptable bid has been received as a result of advertisement. The nonresident heirs of a multiple heirship land have been the major problem. The lack of correct addresses and the failure to notify this office of a change in address have been the main factor in this problem. Leases forwarded have been lost or returned without signature and quite frequently the letter containing

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the lease has been returned and the whereabouts of the person is unknown or they have left no forwarding address. We will continue to have this problem until we have legislation permitting the execution of a lease with the consent of heirs owning 51 percent interest.

(*e*) Secretary's authority has been used wherever it can be applied. The Crow Tribe is permitted to purchase land as well as any individual Indian permitted to purchase land.

PART II—CROW

The Crow Tribal Council has not indicated that they consider any tracts being sold as being key tracts. The tribe has never classified their lands or allotted lands into key tracts nor designated lands that should be held in trust. The individual owners have cooperated with this office and endeavor to select lands that are not key tracts and, therefore, applications involve lands that have been isolated or located in areas where the Indian landowners interests would not be affected. Also the owners have made an effort to keep the key tracts and have refrained from applying for sale of the land. Applications are screened carefully by this office and with the cooperation of the individual owners the sale of lands considered to be key tracts is generally avoided.

We acquired land in trust from fee status on several occasions; as a result the individual was able to consolidate his or her holdings or establish a home base adjoining the original allotment.

PART III—CROW

The Crow Tribe has not employed any real-estate employees nor have they carried on real-estate activities. The land-purchase program was organized under Public Law No. 870, approved July 1, 1948, which provided for the sale to the Crow Tribe, of interests in estates of deceased Crow Indian allottees. The development of the program was delayed pending establishing procedures for purchase and resale to other Indians. A satisfactory sales contract agreement to be used in the resale of the land needed to be developed and other forms necessary to carry out the program. The tribe due to the pressing demands of other items of business has not passed the necessary resolutions to initiate the program. In October 1957, all the necessary details were developed essential to the land-purchase program and are now ready to be presented to the council for final action. The central office solicitor is reviewing the necessary forms.

The Crow Tribal Leasing Service Enterprise was organized and approved by the Commissioner of Indian Affairs on August 26, 1947. June 8, 1951, the Crow Tribal Council approved a modification of the enterprise, and the name was changed to "Crow Tribe Land Enterprise." The purpose of the original enterprise was limited in its program to clerical details involved in leasing of lands. The modified enterprise was set up to take over clerical and ministerial details involved in the leasing, permitting, and land-adjustment transactions of tribal and individual trust or restricted lands under the jurisdiction of the Crow Indian Agency. The present enterprise includes all instruments issued for the development of natural resources and

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for the collection of fees. The enterprise was given the responsibility for the performance of clerical and ministerial work of a land-purchase program for the Crow Tribe and any sales to members of the Crow Tribe. The Tribal Enterprise employees carried the full load of work required in the branch of realty with the exception of the department head during the time when the enterprise was first organized and have continued to carry the full workload until 1956. At that time civil-service positions were established and the key positions or section heads were placed under civil service. Clerical positions have been maintained under the enterprise and in consideration of the limited gratuity funds it is necessary to continue limited operation of the enterprise to supplement the funds and needed personnel.

RESOLUTION No. 77

A resolution of the Crow Tribe repealing certain provisions of section 2 of the act of June 4, 1920 (41 Stat. 751), as amended by the act of June 8, 1940 (54 Stat. 252), and with certain exceptions

Be it resolved, That the Senate and House of Representatives of the United States Congress be requested to enact a law providing as follows:

"The first paragraph of section 2 of the Act of June 4, 1920 (41 Stat. 751), as amended by the Act of June 8, 1940 (54 Stat. 252), is hereby repealed. All conveyances heretofore made in violation of the acreage limitations contained in such paragraph are hereby validated, ratified, and confirmed insofar as such acreage limitations are concerned, but the right to challenge such conveyances for any other cause recognized by law shall not be affected by this Act."

Be it further resolved, That the tribal attorney and tribal delegates be, and they hereby are, authorized to proceed to have bills introduced into both Houses of the Congress of the United States, and to otherwise promote the passage of such acts in order that the same may be enacted into law, and, if it becomes necessary, to appear before the committees of Congress for hearings thereon.

Passed, adopted, and approved by the Crow Indian Tribal Council this 14th day of April 1956 by majority votes for adoption.

RESOLUTION No. 132

To authorize the chairman and secretary of the Crow Tribal Council to enter into a contract with an attorney or attorneys to associate with the tribal attorney to oppose any legislation or litigation relating to the repeal of section 2 of the act of June 4, 1920, and for other purposes

Whereas that it is the sense of this meeting that many land titles held or claimed by non-Indians on the Crow Reservation are known to have been acquired in violation of section 2 of the Allotment Act of 1920; and

Whereas that great concentrations of landownership by non-Indians were forbidden by the 1920 act because Congress recognized such to be detrimental to the interest of the Crow Tribe as a whole; that the Crow Tribe here goes on record as declaring that it is concerned as a tribe to consistently oppose any legislation or litigation designed to deprive allottees or heirs of allottees of their right to recover possession of land illegally lost to large white landowners; and

Whereas that therefore the Crow Tribe will give every assistance in its power to such allottees and heirs in their effort to recover such lands; and

Whereas there has been introduced in the House of Representatives a bill entitled "H. R. 2381" and a bill in the Senate entitled "S. 332"; both bills were introduced to validate the illegal titles acquired in the face of the prohibition of section 2 of the act of 1920; and

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Whereas, in view of the importance and interests of the members of the Crow Tribe, we approve the employment of a special attorney or attorneys to represent the Crow Tribe before the Congress and committees thereof and other governmental bureaus and agencies having responsibilities in connection with this proposed legislation: Now, therefore, be it

Resolved, That the chairman and secretary of the Crow Tribal Council are authorized to enter into a contract with an attorney or firm of attorneys to associate with the tribal attorney for such representation, upon such conditions as they determine to be in the best interest of the Crow Tribe, provided that the amount for compensation and expenses under any such contract shall not exceed $5,000; be it further

Resolved, That in the event such proposed legislation is defeated the chairman and secretary are further authorized to enter into a contract with such attorney or other attorneys to associate with the tribal attorney in representing the Crow Tribe in court proceedings to restore such lands to the rightful legal owners, upon such conditions as they determine to be in the best interests of the Crow Tribe, provided that the amount for compensation and expenses under any such contract shall not exceed $10,000 per contract year.

Passed, approved, and adopted this 8th day of June 1957 by the Crow Tribal Council at a duly assembled meeting of said council by 169 votes for the adoption of this resolution and 100 votes against the adoption of this resolution.

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3. FLATHEAD AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Dixon, Mont., June 6, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: The comprehensive 10-year record of all transactions involving the disposition and the acquisition of Indian land requested by your letter of April 17, 1958, with enclosures, so that current proposals in the Congress concerning Indian lands may be effectively considered, is submitted.

PART I—FLATHEAD

1. The Flathead Indian Reservation was established by the Hellgate Treaty of July 16, 1955 (12 Stat. 975). There were 1,240,000 acres reserved by this treaty. By Presidential proclamation of May 22, 1909 (3 Kapp. 655), the reservation was opened to homesteading and a large acreage of the reservation was alienated. On July 1, 1947, the Confederated Salish and Kootenai Tribes had 414,835 acres in trust ownership. The tribes had no fee lands in their ownership on July 1, 1947.

2. Individual members of the tribes were allotted land in severalty in accordance with the act of February 8, 1887 (24 Stat. 388), as amended by the act of May 8, 1906 (36 Stat. 182), and the act of February 25, 1920 (41 Stat. 452), as amended by the act of June 16, 1950 (64 Stat. 229). On July 1, 1947, individual Indians owned 226,998 acres of trust or restricted land.

3. The number of transactions, by years, by which trust lands were transferred to fee status are:

Fiscal year:	*Transactions*	Fiscal year—Continued	*Transactions*
1951	9	1955	14
1952	10	1956	16
1953	14	1957	13
1954	26		

4. The number of acres lost from trust status to fee status as a result of the various transactions in item 3, above, are:

Fiscal year:	*Acres*	Fiscal year—Continued	*Acres*
1951	851	1955	2,202
1952	1,545	1956	2,646
1953	2,362	1957	1,913
1954	2,282		

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5. The number of transactions shown in item 3 above which allowed the transfer of land from a trust status to a fee status by type of transaction are:

Fiscal year	Patents-in-fee	Certificates of competency	Removal of restrictions	Fee status by inheritance	Partionment
1951	7	2	0	0	0
1952	7	1	1	1	0
1953	7	7	0	0	0
1954	16	8	2	0	0
1955	12	2	0	0	0
1956	15	1	0	0	0
1957	10	2	0	0	1

6. The acreage, by year, on which trust status was removed by breakdown of the type of transactions are:

Fiscal year	Patents-in-fee	Certificates of competency	Removal of restrictions	Sales	Exchanges
1948	0	0	0	160	200
1949	0	0	0	120	0
1950	0	0	0	0	0
1951	627	80	0	0	144
1952	715	40	20	750	0
1953	579	282	0	1,341	160
1954	1,144	320	159	659	0
1955	922	120	0	1,160	0
1956	2,081	40	0	525	0
1957	989	80	0	831	0

7. The number of consummated transactions on lands not previously in Indian ownership, by years, are:

Fiscal year:	*Transactions*	Fiscal year—Continued	*Transactions*
1948	10	1951	7
1949	7	1953	4
1950	5		

8. The acreage of previously non-Indian owned lands that were acquired in a trust status:

Fiscal year:	*Acres*	Fiscal year—Continued	*Acres*
1948	1,674	1951	827
1949	841	1953	1,511
1950	149		

9. The types of transactions by which previously non-Indian owned lands were acquired in a trust status are:

	Exchanges	Purchases
Fiscal year:		
1948	3	7
1949	3	4
1950	4	1
1951	3	4
1953	0	4

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10. The acreage acquired as a result of the transactions mentioned in item 9 are:

	Exchanges	Purchases
Fiscal year:		
1948	310	1,364
1949	161	680
1950	139	10
1951	350	477
1953	1,511	0

11. The tribes owned no fee lands on December 31, 1957; however, they owned 528,693.76 acres in a trust status.

12. There were 102,545.73 acres of trust or restricted land in individual Indian ownership on December 31, 1957.

13. The act of March 3, 1933 (47 Stat. 1753) provided for the addition of 11 persons to the final roll of the Indians of the Flathead Reservation. Ten of the 11 were to receive allotment of lands on the Flathead form available unallotted lands. The act of June 18, 1934 (48 Stat. 984), has affected the acquisition, disposal, and leasing of lands. The effect of this bill will be discussed in more detail in answering item 14 of this section.

There has been no study made of the cause and effect of sales of lands; however, the Tribal Council of the Confederated Salish and Kootenai Tribes has through resolution expended large sums of tribal funds to acquire a very sizable acreage of individual Indian and non-Indian lands in Indian communal use areas. In addition, to the expenditure of funds the tribes negotiated exchanges to consolidate their holdings in range land use areas. The acreage, acquisition consideration, present use, and terms and tenure of use of some of these tracts are:

Polson Sheep Co.; approved November 29, 1945: 13,466.34 acres; $59,699.10; used by two Indian stock associations on a 3-year permit for a rental of $1,291.20 per year.

Owen exchange; approved July 22, 1944: 200 acres; $1 and use of other lands; used by Indian lessee on a 3-year basis at $24 per year rental.

McTucker land purchase; council Resolution No. 728, dated July 19, 1950; approved October 13, 1950: 320 acres; $1240; permitted to an Indian stock association for 3 years at an annual rental of $38.

Cantrel land exchange; approved July 28, 1950: 40 acres; for lands of equal value; permitted to an Indian stock association for 3 years at an annual rental of $2.

Pringle land purchase; approved December 29, 1947: 1,180 acres; $6,785; permitted to an Indian stock association for 3 years at an annual rental of $112.80.

Carey land purchase; approved April 15, 1949: 160 acres; $1; leased to a non-Indian married to a tribal member for 5 years at the annual rental of $50.

Morin exchange; approved March 21, 1951: 160 acres; and 70.71 acres; exchanged 200 acres of tribal land of equal value; a 3-year permit to an Indian stock association at an annual rental of $16.

Kickinghorse land purchase (Interior appropriation, act of July 12, 1943, Public Law 133, 78th Cong.): 80 and 100.55 acres; acquired

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for $1,400 and $1,270 respectively; the tracts are permitted to an Indian stock association for 3 years at $14 annual rental.

State land purchase; Council Resolutions Nos. X–678 and 754 dated March 1, 1949, and February 23, 1951; transaction approved July 24, 1952:

Acres, 640; $6,080; 3-year permit to Indian stock association at annual rental of $62.40.

Acres, 640; $8,320; 3-year permit to a non-Indian at an annual rental of $268.80.

Acres, 160; $3,200; 3-year permit to a non-Indian at an annual rental of $56.

Acres, 400; $4,400; 3-year permit to a non-Indian at an annual rental of $49.

Wildhorse Island exchange: approved May 10, 1946 (Private Law 279, 81st Cong., ch. 590; 1st sess. H. R. 1976). 1,903.29 acres; exchanged 605.09 acres of tribal land; 3-year permit to an Indian stock association at an annual rental of $238.

Bruns Ranch exchange; approved September 19, 1938, Resolution No. 54, dated September 3, 1937: 1,953.05 acres; exchanged 5 million feet of tribal timber; there is a tribal standard assignment for life to a tribal member on 734 acres at an annual rental of $98.96 and a 3-year permit at an annual rental of $60 to the same tribal member on the balance (1,219.05 acres).

In line with your letter of April 17, I wish to call your attention to the difference in acreage of lands listed above, acquired during the period covered by this report, and the acreage figures shown in item 10. The acreages were obtained from the record of approved transactions and the tracts listed are those case files on record at this office.

The following lands were purchased under authority of the act of August 9, 1937 (50 Stat. 573). The transactions were approved from December 1, 1937, through August 15, 1940.

Acres, 80; $4,550; standard assignment for life to a tribal member at an annual rental of $92.

Acres, 70; $1,400; reserved for an Indian village.

Acres, 160; $400; 4-year lease to a non-Indian at an annual rental of $24.

Acres, 647.58; $6,799.59; 3-year lease on 35 acres to a tribal member at $100 annual rental: the balance of 612.58 acres permitted to an Indian stock association for 3 years with rental of $40 annually.

Acres, 50; $1,000; leased to an Indian for 5 years at an annual rental of $100.

Acres, 180; $9,915; leases to an Indian for 4 years at annual rental of $100.

Acres, 14.767; $2,026.02; reserved for Indian village.

Acres, 275; $3,330; 55 acres assigned to a tribal member for life at rental rate of $15.20 per annum: the remaining 220 acres permitted to an Indian stock association for 3 years at rental of $16 per year.

Acres, 220; $8,000 and 60 acres $740; assigned to a tribal member for life at $132 per year rental.

Acres, 1.582; $94.92; reserved for Indian village.

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Acres, 360; $7,600; standard assignment for life to a tribal member at $132 annual rental.

Acres, 600; $3,080; 60 acres leased to a tribal member for 1 year at $125 rental: the balance is leased to another tribal member for 10 years at $250 per year.

Acres, 22.14; $1,500; standard assignment for life to a member of the tribe at $30 annual rental.

Acres, 35; $140; leased to a non-Indian for 5 years at an annual rental of $10.50.

In addition to these acquisitions by the tribes, their last purchase program which permitted the purchase of timbered-grazing lands on the periphery of the reservation terminated in January 1957. This program was authorized by Tribal Resolution No. 807, a copy of which is attached, and enabled the tribes to acquire 82,753.24 acres from their members at a cost of $932,512.18.

The tribes are again embarking on a similar program which was authorized by Tribal Resolution No. 973. The plan of operation for this program and the authorizing resolution is attached.

The tribes have by secretarial restoration orders, listed below, had numerous townsite lots and villa site lots restored to their ownership. The lots were lands upon which no entry was made as the result of homesteading on the reservation.

Restoration order, dated February 13, 1936.

Restoration order, dated April 21, 1936.

Restoration order, dated December 11, 1937.

Amendment to restoration order of December 11, 1937, dated December 12, 1941.

Amendment to restoration order of December 11, 1937, dated March 3, 1942.

Restoration order of August 29, 1956.

There is at present Tribal Resolution No. 972, a copy of which is enclosed, in the Commissioner of Indian Affairs office, for the consideration of the Secretary of the Interior, for restoration to the tribes, additional townsite lots and agency reserve lands which are no longer required for the purpose for which they were reserved.

14. (*a*) There has been no difficulty arise in acquiring lands in which the tribal organization has a vested interest in common with individuals. The disposal of such tracts may in delineating the vested rights of owners in common, if the tribes are one of the owners, cause some problem. The most noticeable, at this time, is the division of timber should a timbered allotment granted under the act of February 25, 1920 (41 Stat. 452) as amended by the act of June 16, 1950 (64 Stat. 229).

(*b*) Any lands offered for sale in which there is a non-Indian or alien Indian interest may bring smaller returns to the Indian owner. This may be due to the prospective purchaser's reluctance to submit an adequate bid since he may not be able to acquire the unrestricted interest as well as the problem of peaceful relations with the other owners in common. The other side of the picture may be the difficulty encountered in managing such property in the event the unrestricted owners in common decide to dispose of their interest.

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(*c*) On reservations which have accepted the Indian Reorganization Act, such as this reservation, minors encounter considerable difficulty in disposing of their lands. Conversely, it is equally as difficult for the tribes or its members to acquire such lands. The appointment of legal guardians for minors and incompetent individuals through State court is prohibitive in most instances. The attorney fees would exceed the returns that most of the owners would receive from the sale, that is, providing the land sold. This situation may become very acute in the presently formulated tribal land-purchase program. The tribal organization has become aware of this problem and has requested their attorney to prepare an ordinance to grant the tribal court authority to appoint legal guardians for the purpose of disposing of minor's and incompetent's property.

(*d*) The multiple-ownership problem on the Flathead Reservation is one of great concern since approximately 50 percent of the enrollees and landowners reside off of the reservation. In addition to their nonresidency, a large proportion of the absentee landowners are second and third generation Flathead Indians who have never visited their reservation nor do they know the location of their lands. As a result, the transaction of realty functions at this jurisdiction requires the talents of all personnel to keep the owners informed, to answer inquiries, and to obtain the owners' opinions on matter pertaining to their land.

The leasing and permitting of multiple-ownership lands has developed into a complex problem of astronomical proportions in administering and managing the lands of absentee owners. Lessees and permittees are discouraged from using the land when there are large numbers of owners. This not only affects the income of the owners but often increases the encumbrance against the land from operation and maintenance assessments of lands in the Flathead irrigation project if permitted to lie idle. The disagreement among the heirs over the terms of a lease, over the lessee, and over the various types of transactions necessary to carry out the requests of any of the heirs is often difficult to resolve as a result of their number or absence from the reservation.

(*e*) The Secretary's authority to sell heirship lands of minors or incompetents to individual Indians has had very limited use. The most extensive use of this authority was made during the period of the last tribal purchase program.

PART II—FLATHEAD

It is the opinion of Bureau officials at this jurisdiction that no key tracts have been sold to individual Indians or non-Indians. There is a tract of former Indian land, alienated by inheritance to a non-Indian, which the tribes are in the process of purchasing. Title to this tract will be taken in fee since it is felt by the tribal council that this tract is essential so that proper use of adjacent tribal lands may be secured and that the tract should be acquired before the owner sells to a neighboring non-Indian land owner.

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There are 10 tribal employees. The services of two employees are used in performing land transactions.

The lease clerk has a grade and salary comparable to a GS–7, $4,660 per annum. The incumbent is responsible for those realty functions pertaining to leasing and permitting of individual Indian and tribal lands and the checking of right-of-way applications, maps, and the preparation of schedules of damages as result of right of way.

The clerk-stenographer has a grade comparable to a GS–5, $3,940 per annum. The incumbent serves as secretary to the realty officer and supplements this duty by performing clerical work in the Acquisition and disposal section of the branch of realty.

The tribes do not have in their employ a real-estate adviser or consultant on tribal real-estate activities. The branch of realty at this agency provides the tribes with this service when requested to do so, as well as keeping the tribes informed on realty developments which may be of interest to them. The area office, branch of realty, also provides a similar service when requested by the tribal council. The tribal council has a subcommittee known as the natural-resources committee that recommends action and provides information to its parent organization on all natural-resources matters, including realty activities. This committee has no approval authority on tribal realty matters; however, their recommendations are seldom rejected by the council. The tribes have not employed private consultants to study any particular phase of its real-estate activities. This office has not discouraged the tribes from soliciting the services of or retaining such a person in a consultant or advisory position.

This office has felt the need and demand for the tribes employing a full-time business manager to expedite certain phases of tribal business, including realty transactions, so that the tribal council would have more time to concentrate on more weighty matters requiring their immediate and undivided attention. The employment of expert engineer-consultants to evaluate the hydroelectric power sites located on the Flathead River and to make studies on the rental received from Kerr Dam, a developed power site, by the tribes is the only type of outside consultant services they have secured.

The tribes have a Tribal Land Enterprise which was established in 1948. The enterprise was to provide realty services for the tribes and individual members thereof. The enterprise was to be self-supporting from fees collected from the processing of various land transactions. The fees charged were in proportion to the total consideration of each transaction. The tribes were unable to provide the services for which the enterprise was originally established. This inadequacy of service was in part due to the inability of the tribes to find adequately trained personnel to perform the work and the lack of fees to hire sufficient personnel. Consequently, the salaries for their employees are taken from their general fund rather than from the enterprise fund. For the period, July 1, 1951, to June 30, 1957, $11,183.38 was obtained from lease fees and $5,447.50 was collected from land sale fees. The tribes have not employed more than 1 employee in the enterprise, for any period of time, until 1955. Since this time, two persons have been employed.

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As a result of the understaffing in realty and the lack of sufficiently trained personnel, land cases backlogged, land records were neither set up nor maintained, and there was disregard for any form of administrative procedure in recording and handling requests for land transactions. As a result, the current, partially, Government staffed realty branch and the United States Government are occasionally placed in a somewhat embarrassing position. In order to continue the present enterprise form of operation, it would be necessary to increase the fees 150 percent to pay the salaries of the 2 employees. If such were to be done, the United States Government would be burdened with trespass action and other management difficulties, the expense of which would far exceed the cost of paying the salaries of the enterprise employees from gratuity funds.

The tribal council or the area office have not been instructed to turn real-estate operations over to the Bureau; however, for good administrative procedure, personnel relations, and general good will it would appear that single sponsorship rather than dual sponsorship of such a function as realty operations would be a better arrangement. There are definite policy, procedure, and regulations that have to be followed, for the protection of the landowner as well as the Government, in consummating any land transaction. In fulfilling the requirements of completing a transaction, the unbiased approach promotes good will from the public with which realty personnel has to deal. Government employees have definite behavior patterns they must follow as well as the obligations such personnel have to their work and to the Government. Consequently, their effectiveness by training and moral obligations to their employer enables the work to be carried out more expeditiously and economically. It is, however, commendable of the tribes to expend their funds and manpower in helping support the functions associated with the branch of realty when this service is a United States Government responsibility as trustee.

Sincerely yours,

CHARLES S. SPENCER, *Superintendent.*

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FLATHEAD

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee [1]							7	627	7	715	7	579	16	1,144	12	922	15	2,081	10	989
Certificates of competency							2	80	1	40	7	282	8	320	2	120	1	40	2	80
Removal of restrictions									1	20			2	159						
To fee status by inheritance or devise (only where entire interest has so passed)									1	20										
To fee status by partition																			1	13
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status [2]			12	277	2	96	7	365									2	3	18	2,998
Sales to tribes	51	6,979	69	9,698	50	6,120	55	6,954	9	763	67	13,986	279	39,502	120	15,684	110	11,332	27	2,841
Sales to other Indians in trust or restricted status	63	3,058	48	2,670	44	2,891	57	3,427	29	1,402	3	240			1	240	10	477	7	526
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status	4	200					2	144			1	160								
Sales to fee status	1	160	2	120					10	750	16	1,341	10	659	14	1,160	9	525	26	831
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land			12	277	2	95	7	365									2	3	18	2,998
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	114	10,037	117	12,368	94	8,941	112	10,381	38	2,165	70	14,226	279	39,502	121	15,924	126	11,809	34	3,361
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	3	310	3	161	4	139	3	350			4	1,511								
Purchases of fee lands	7	1,364	4	680	1	10	4	477												
Other (explain)																				

[1] From available records, no fee patents were issued from fiscal year 1948 through fiscal year 1950.
[2] Including partitions.

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RESOLUTION No. 807 OF THE GOVERNING BODY OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, AN INDIAN CHARTERED CORPORATION

Authorizing the purchase of the so-called 1920 allotments located within the established timber units on the Flathead Reservation

Whereas there are now some 517 of the 1920 allotments comprising about 76,000 acres scattered throughout the currently established timber units, all of which units are described in the approved forest management plan; and

Whereas it is highly desirable that these allotments, many of which are in multiple heirship status, be purchased by the Flathead Tribes to protect such lands from alienation, and to provide for the unified ownership of these lands for the sustained production and conservation of the timber and grazing resources of the Flathead Reservation; and

Whereas such purchase of the scattered allotted lands which are interspersed with tribal timberlands will provide for the effective management and operation of the established timber units in a perpetually productive manner for the benefit of all members of the Confederated Salish and Kootenai Tribes: Now, therefore, be it

Resolved, That the Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, in special session assembled, on January 8, 1955, at which nine members are present:

1. Authorizes the purchase for tribal ownership all of the 1920 allotments located within established timber units, providing the allottee owners are willing to sell.

2. The rates to be paid for such lands shall be in accordance with the minimum rates proposed in the appraisal paper entitled "Proposed Method of Appraising Cutover Allotments, Flathead Reservation"; prepared by regional forester, Thomas L. Carter, dated December 31,1952, except that higher rates may be applied in individual cases where unusual values may justify higher rates. A copy of such appraisal paper is attached and made a part hereof.

3. All mineral rights shall be included in such purchase.

4. No grantors fees shall be charged allottees in the negotiation of such purchases.

5. The area director is requested to disapprove all fee patents and/or supervised sales of allotments within the purchase areas covered by this program during the operation of such program, and should supervised sales be initiated following the close of the purchase program, it is requested that the tribe be allowed the privilege of meeting the high bids in such sales.

6. The purchase program shall proceed in an orderly and progressive manner; all allotments which are for sale shall be purchased in area No. 1 on the attached map first, the allotments in area 2 shall be purchased next, and so forth, by areas as progressively numbered on the map. Exceptions shall be made to this progression in cases where allottees who are indebted to the tribe, or who own key tracts, desire to sell their 1920 allotments.

7. The exchange of tribal lands outside timber areas for 1920 allotted lands within timber areas may be made in accordance with established procedure.

8. It is desirable to use local tribal funds reimbursed by Treasury funds as authorized by Resolution No. 802, dated September 24, 1952, which funds will be used for the purchase of the 1920 allotments. A voucher will be prepared by tribal officials describing the land purchased and the amount to be paid for each tract. Vouchers will be filed for a permanent record.

CERTIFICATE

The foregoing resolution was on January 8, 1953, duly adopted by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., by a vote of 9 for, 0 opposed and 0 not voting, pursuant to authority vested in it by section 5 (B) (E) of the corporate charter of the tribes, ratified by the tribes on April 23, 1936, issued by the Secretary of the Interior on April 21, 1936, pursuant to section 17 of the act of June 18, 1934 (48 Stat. 984).

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PROPOSED METHOD OF APPRAISING CUTOVER ALLOTMENTS, FLATHEAD RESERVATION

It is recommended that the timber values on the cutover aloltments which the tribe proposes to purchase be appraised on the basis of capitalization of a permanent periodic income. Since the property is being operated under a sustained-yield plan of management to yield a cut every 60 years, the nature of the problem is to determine the present worth of individual tracts (allotments), at a definite rate of interest, of a permanent series of income payments.

A generally accepted formula for computing the present net worth of timber stands in similar circumstances is stated as:

$$C = \frac{a}{(1.0p^{t} - 1)}$$

In this formula:

C=present capital value
a=periodic payment
^{t}=Interval between payments
p=interest rate

The amount of the periodic payment is the market value of the timber which can be harvested at the end of each 60-year period, and since it is difficult if not impossible to predict unit values that far into the future, common practice is to apply present unit values to the estimated future volume. If acceptable to all parties concerned it can be reasonably and conservatively assumed that on the average timbered allotment on the Flathead Reservation the annual net increment will be 100 feet board measure per acre. By obtaining the volume in this manner the net amount of which is 6,000 feet board measure we can multiply this volume by the current average contract price per thousand feet and obtain "a" in the formula.

"t" in the formula is 60 years, because the approved management plan for the Flathead Reservation provides for a 60-year cutting cycle.

The interest rate most comomnly used is 5 percent. This value, if acceptable, would be substituted for "p" in the formula.

The present average contract price per thousand feet for all species combined is about $20.

Substituting in the formula, then we have:

$$\$6.79 = \frac{120}{(1.05^{60} - 1)} = \text{Present per-acre value of the land for timber production on a managed sustained-yield plan of operation.}$$

In addition to the timber production value these lands have a value for grazing use. Since there is an average annual return of about 15 cents per acre, and the return or income from grazing being an annual payment, it is suggested that the average income from this source be capitalized at 5 percent[1] to obtain the value of the land for grazing purposes. Calculating the grazing value on this basis we obtain a per-acre value of 0.15/.05, or $3 per acre.

Taking the timber production value together with the grazing value, the total average value of these lands is indicated to be $6.79 plus $3, or $9.79 per acre.

Providing this average appraisal can be applied to all of the land to be purchased by the tribe the entire procedure will have been tremendously simplified.

The timber value should be applied to those areas within the allotments which are classified as commercial timberlands according to the timber type map which is available. The rate for grazing value should be applied to the entire acreage of each allotment, except in rare cases where there may be barren lands or lands inaccessible to livestock.

[1] The rate of 5 percent is generally accepted by appraisers for capitalization purposes. This is the rate used by Henry T. Murray, Missoula, in his appraisal of rangelands on the Wind River Reservation, Riverton withdrawal area.

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JUSTIFICATION

It is a well established and recognized axiom that land is worth only what it will produce. Mr. Mont H. Saunderson, of Bozeman, Mont., a well established appraiser of ranch properties, contends that a cow is worth her home. Stated in reverse it can, therefore, be submitted that the cow's home is worth the cow. Mr. Henry T. Murray, custom appraiser of Missoula, Mont., prepared an appraisal covering 58,000 acres of scattered Indian lands within the Riverton reclamation withdrawal area on the Wind River Reservation, dated May 1, 1952. His values for grazing land were obtained by capitalization of fair annual rental values at 5 percent. He also recommended a flat average rate per acre for the entire area, even though it was shown that small acreages in many of the individual tracts were irrigable or are now being irrigated and farmed.

In the instant case it can be stated that the Flathead timberlands are being operated under the provisions of a long-time sustained-yield management plan in accordance with Federal legislation. It can reasonably be expected that the major portion, if not all, of these lands will continue to be so operated, whether they are sold to the United States or whether they are at some future time to be managed by a tribal corporation. The purchase of timberland in these circumstances has a national as well as local conservation aspect, which is quite different from a complete and permanent liquidation of all timber assets on such lands at the time of purchase.

It is granted that there is some variation as to the volume of timber per acre and the range capacity of the Flathead allotments which are located within the established logging units; however, such variation is not great, and the proposed purchase program would operate much more rapidly if the average rates per acre were applied.

THOMAS L. CARTER, *Regional Forester.*

BILLINGS, MONT., *December 31, 1952.*

RESOLUTION NO. 972 OF THE GOVERNING BODY OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, AN INDIAN CHARTERED CORPORATION

A resolution requesting the restoration of certain townsite lots and agency reserve lands, and requesting that lands in the same category that are undisposed and "open" lands be offered for sale

Whereas the Confederated Salish and Kootenai Tribes of the Flathead Reservation, is an Indian chartered corporation under the act of June 18, 1934 (48 Stat. 984); and

Whereas certain portions of land situated within the exterior boundaries of the Flathead Indian Reservation were set aside in accordance with the act of April 23, 1904 (33 Stat. 302), as amended by the act of March 3, 1905 (33 Stat. 1048, 1080), Executive orders (3 Kapp. 680, 4 Kapp. 1026), as townsites and agency reserve lands; and

Whereas certain townsite lots have not been entered upon and that some agency reserve lands are not being used for the purposes for which they were reserved, it appears that the needs and best interests of the Confederated Salish and Kootenai Tribes can be better served if such tracts were returned to tribal ownership; Now, therefore, be it

Resolved by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, composed of 10 members of whom 10 were present, constituting a quorum, at a special meeting held March 28, 1958, That Resolution No. 955 is revoked; that the Secretary of the Interior restore all lands shown on the attached schedule I; that the Secretary of the Interior revoke his orders of September 19, 1934, and November 2, 1934, insofar as they pertain to the undisposed "open" lands described on the attached schedule II; and that said lands be offered for sale and the proceeds therefrom will be credited to the Confederated Salish and Kootenai Tribes' treasury account.

CERTIFICATE

The foregoing resolution was on March 28, 1958, duly adopted by a vote of 9 for, 0 opposed, and 1 not voting by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, pursuant to authority vested in it by section 5 (b) of its charter, and article VI, section 1 (a), (c),

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and (u) of its constitution approved by the Secretary of the Interior on October 28, 1935, and approved as amended by the tribes, adopted December 10, 1948, and approved by the Secretary of the Interior on December 22, 1948.

Attest:

WALTER W. McDONALD,
Chairman, Tribal Council.
ROBERT A. McCREA,
Secretary-Treasury, Tribal Council.

SCHEDULE I

LANDS FOR RESTORATION TO TRIBAL OWNERSHIP OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD INDIAN RESERVATION

Camas townsite:
Block 6, school reserve.
Block 10, lots 1 to 6, inclusive.
Block 22, public reserve.

Perma townsite: NE¼SW¼ sec. 31, T. 19 N., R. 23 W. (not platted).

Pablo townsite:
Block 25, lots 1 and 2.
Block 37, lots 1 and 2.

Yellow Bay townsite:
Block 5, lots 1 to 5, inclusive, 8 to 12, inclusive.
Block 4, lots 1 to 3, inclusive, 7 to 8, 11 to 12.
Block 12, lots 4 to 6, inclusive.
Block 14, reserve.

Charlo (Tabor) townsite:
Block 17, lots 1 to 3, inclusive.
Block 19, lots 1 to 9, inclusive.
Block 20, lots 1 to 9, inclusive.
Block 21, lots 1 to 4, inclusive.

Moiese townsite: S½NE¼ sec. 28, T. 19 N., R. 21 W., comprising 80 acres.

Agency reserve lands:

St. Ignatius: Beginning at the 1/16 corner, to sections 14 and 23, T. 18 N., R. 20 W., principal meridian, Montana, N. 0° 1′ W., 10 chs.; E. 5 chs.; N. 0° 1′ W. 20 chs.; E. 15 chs.; S. 0° 1′ E., 18 chs.; W. 7 chs.; S. 0° 1′ E., 12 chs.; W. 13 chs.; to point of beginning in E½SE¼ sec. 14, T. 18 N., R. 20 W., principal meridian, Montana, containing 41.60 acres, more or less, excepting from the effect of this restoration; however, that certain parcel of ground in 2 tracts containing 3.78 acres heretofore conveyed to G. H. Beckwith by patent under the act of June 27, 1918 (40 Stat. 616), described as follows:

Starting at the southeast corner of sec. 14, T. 18 N., R. 20 W., principal meridian, Montana; thence N. 0°1′ W., along the section line common to secs. 13 and 14, 793.7 feet, thence S. 30°46′ W., 463.1 feet; thence N. 0°1′ W., 48.8 feet to the point of beginning; thence N. 56°37′ W., 377.6 feet; thence S. 0°1′ E., 462.8 feet; thence N. 89°35′ E., 314.3 feet; thence N. 0°1′ W., 253 feet to the point of beginning, first tract containing 2.58 acres; starting at this point thence N. 0°1′ W., 72.2 feet, to the point of beginning of tract 2; thence N. 56°37′ W., 298 feet; thence N. 31°10′ W., 130 feet; thence N. 58°50′ E., 96 feet; thence 45°33′ E., 115 feet; thence S. 65°6′ E., 264.3 feet; thence S. 33°23′ W., 160 feet to the point of beginning, containing 1.20 acres; and 8.50 acre tract to be retained for the irrigation project use and described as follows: Starting at the southeast corner of sec. 14, thence N. 0°01′ W., along the section line common to secs. 13 and 14, 793.7 feet to the point of beginning; which is S. 0°01′ E., 33 feet, from the 1/128 corner; thence S. 89°46′ W., 463.1 feet; thence N. 0°1′ W., 121 feet; thence N. 33°23′ E., 160 feet, which is along the east boundary of the Beckwith property; thence N. 65°6′ W., 264.2 feet; thence N. 45°33′ W., 158.12 feet, which is along the north boundary of the Beckwith property; thence N. 59°00′ E., 832.15 feet; thence S. 0°01′ E., 894.8 feet, to the point of beginning; containing after making the exceptions above specified 29.32 acres, more or less.

Ronan: S½SE¼ sec. 36, T. 21 N., R. 20 W., principal meridian, Montana, and beginning at corner of secs. 1 and 2, T. 20 N., R. 20 W., thence E. along township line, 10 chs.; S. 0°1′ E., 6 chs.; W. 10 chs.; N. 0°1′ W., 6 chs.;

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to point of beginning in lot 4, sec. 1, T. 20 N., R. 20 W., principal meridian, Montana, except W½SW¼SW¼SE¼, W½E½SW¼SW¼SE¼, W½E½E½SW¼SW¼SE¼, W½E½E½E½SW¼SW¼SE¼, S½NW¼SW¼SE¼ and N½NW¼SW¼SE¼, E½E½E½SE¼SW¼SW¼SE¼, W½SW¼SE¼SW¼SE¼, W½E½SW¼SE¼SW¼SE¼, containing after the above exceptions, 64.4375 acres.

Camas Hot Springs: SE¼SE¼, sec. 33, T. 22 N., R. 24 W., principal meridian, Montana, containing 40 acres.

Pablo: N½NW¼, SW¼NW¼, sec. 12, and E½E½NE¼, sec. 11, T. 21 N., R. 20 W., principal meridian, Montana, except E½NE¼NE¼, sec. 11, and NW¼NW¼NW¼NW¼, sec. 12, containing, after the exceptions, 137.50 acres, more or less.

Dixon: SE½SW¼, sec. 9, lot 7, sec. 8, and lots 1, 2, N½SW¼NE¼, sec. 17, NW¼, NE¼SW¼, sec. 16, S½SE¼NE¼, NE¼SE¼NE¼, and E½NW¼SE¼NE¼, sec. 17, T. 18 N., R. 21 W., principal meridian, Montana, comprising 407.42 acres, more or less.

Bridge site: Lot 4, sec. 2, T. 16 N., R. 20 W., principal meridian, Montana, containing 39.61 acres.

Jocko: W½E½SW¼, NW¼SW¼, SW¼SW¼, sec. 16, T. 16 N., R. 20 W., principal meridian, Montana, excepting E½NW¼NE¼SW¼SW¼, W½W½NE¼NE¼SW¼SW¼, of said sec. 16 and 8.40 acres previously patented to the Catholic Church in said sec. 16, comprising, after the exception, 109.725 acres, more or less, reserving a 60-foot right-of-way for road across the SW¼SW¼ for public use, constructed and maintained by the Bureau of Indian Affairs.

SCHEDULE II

UNDISPOSED OPEN LANDS TO BE OFFERED FOR SALE (FLATHEAD)

Camas townsite:
- Block 19, lot 3.
- Block 20, lot 11.

Charlo (Tabor) townsite:
- Block 2, lot 1.
- Block 3, lot 1, park reserve (school needs land for 4–H program and school ground).
- Block 6, lots 1 to 3, inclusive 7 to 9, inclusive (withdrawn for park reserve).
- Block 11, park reserve (school building and playground).
- Block 18, park reserve (swamp).
- Block 28, lot 8.

Dayton townsite:
- Block 6, lots 1 to 12, inclusive (school building and playground).
- Block 9, public reserve.
- Block 22, public reserve.

Lonepine townsite:
- Block 6, park reserve.
- Block 8, lots 3 to 7, inclusive.
- Block 9, lots 1 to 5, inclusive.

Pablo townsite:
- Block 1, lots 1 and 2.
- Block 3, lot 1, park reserve.
- Block 4, lot 1, park reserve.
- Block 5, lot 1, park reserve.
- Block 6, lot 1.
- Block 7, lots 5 to 8, inclusive.
- Block 9, lots 1 and 8.
- Block 11, park reserve (used by public for school playground and ball park).
- Block 13, lot 1.
- Block 14, park reserve (to be used for playground).
- Block 16, lot 11.
- Block 18, lots 1, 2, 3, and 6.
- Block 19, lot 6.
- Block 28, lots 1, 2, and 10.
- Block 29, lots 8 to 10, inclusive.
- Block 30, lots 1 and 2.

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Ravalli townsite:
Block 1, not subdivided.
Block 2, N½ not subdivided.
Block 3, NE¼ not subdivided.
Block 12, not subdivided.
Block 14, S½ public reserve (used by the community for meetings in old school building).
Block 15, public reserve.
Block 17, area across Jocko River, public reserve.

RESOLUTION NO. 973 OF THE GOVERNING BODY OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, AN INDIAN CHARTERED CORPORATION AUTHORIZING THE INSTITUTION OF A TRIBAL LAND-ACQUISITION PROGRAM

Whereas all of the lands that were to be purchased under the tribes' timbered allotment purchase program were not acquired during the time the program was in effect; and,

Whereas there are grazing lands which are contiguous to the established purchase areas of the old program, are in established grazing areas, and are required for Indian communal use; and,

Whereas these lands, in addition to being required for Indian use, would also provide the tribes ingress and egress to other lands which they own, will provide sources of water for surrounding rangelands, and will help provide better management of these timbered grazing lands: Now, therefore, be it

Resolved by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, composed of 10 members, of whom 10 were present, constituting a quorum, at a meeting held April 5, 1958, That the attached plan of operation of such program be approved and that funds presently in our local account C–267 be used, and any other funds which may be necessary to complete the program be made available from the United States Treasury account, and that all tracts will be appraised under the appraisal methods established by the Bureau of Indian Affairs and prior to any negotiations with any of the owners and the tribal council approves the transaction.

CERTIFICATE

The foregoing resolution was duly adopted on April 5, 1958, by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, at a meeting at which a quorum was present, by a vote of 9 for, 0 opposed, and 1 not voting, pursuant to the authority vested in it by article VIII, section 11 (a), (b), and (e) of the tribes' constitution and bylaws approved by the Secretary of the Interior on October 28, 1935, and approved as amended by the tribes, adopted December 10, 1948, and approved by the Secretary of the Interior on December 22, 1948, and pursuant to the act of June 24, 1946 (960 Stat. 302); and section 5 (b) and (e) of the corporate charter of the tribes, ratified by the tribes on April 23, 1936, issued by the Secretary of the Interior on April 21, 1936, pursuant to section 17 of the act of June 18, 1934 (48 Stat. 984).

FLATHEAD TRIBAL LAND ACQUISITION PROGRAM, FLATHEAD INDIAN RESERVATION, MONT., APRIL 5, 1958

LOCATION AND GENERAL DESCRIPTION

The Flathead Indian Reservation is in the northwestern part of Montana, occupying portions of Lake, Sanders, Flathead, and Missoula Counties. It is bounded on the east by the divide of the Mission Range, on the south by Missoula County, on the west by the Cabinet and Lolo National Forests, and on the north by a line about three-fourths mile north of the sixth standard parallel. Nearly the entire reservation is adjacent to national forests.

The Indian enrollment of the reservation is 4,410, 50 percent of whom live on the reservation.

A very small percentage of the valleys and the agricultural land is in Indian ownership.

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The entire reservation is within the watershed of the Flathead River. The basin country, which includes all of the agricultural land, is comprised of three principal physiographic divisions; Mission, Jocko, and Camas Valleys. The Flathead irrigation project provides water for the Mission, Jocko, and Camas divisions. Mission Valley, the largest of the 3 divisions, lies adjacent to and west of the Mission Range.

The Jocko Valley division is in the southeastern part of the reservation and includes the area drained by the Jocko River which joins the Flathead River at Dixon.

The Camas Valley division is in the western half of the reservation and is drained by the Little Bitterroot River which joins the Flathead River at Sloan's Ferry.

TOPOGRAPHY

The Mission Range on the east rises 7,000 feet above the valley. They are made imposing by the unusual absence of intervening foothills. Some of its peaks exceed 12,000 feet in elevation. The upper portions of this range are covered with snow during much of the year and contain a number of glaciers.

The elevation of points between Dixon and Polson on the Northern Pacific Railway branch line are: Dixon, 2,550; Moiese, 2,592; D'Aste, 2,777; Charlo, 2,947; Ronan, 3,004; Pablo, 3,100; and Polson, 2,927 feet above sea level.

The topography of much of the lower basin country is gently rolling. There are, however, occasional stony ridges extending several miles in length. The larger ridges rise 300 to 400 feet above the general level, and roughly parallel the Flathead River.

LAND OWNERSHIP

The gross area of the reservation is 1,243,969 acres. It was opened to homestead entry in 1910. Since that time, approximately 610,935.04 acres have been alienated; of the remaining, 633,033.96 acres are owned by the tribe and individual tribal members.

Practically all tribal lands are in high and rough mountains that form the border of the reservation on all sides, except the northwest corner. However some tribal lands in the interior of the reservation are located on low, short mountains or ridges that rise above the general level of the surrounding country. Allotted lands are, for the most part, located on slopes and in the foothills and in the mountains.

With the exception of the highest and most rugged parts of the reservation, tribal and allotted, white-owned and State lands are intermixed.

PURCHASES

Since the opening of the reservation for homesteading and the sale and exchange of various restricted allotted tracts, the tribal council has instituted various purchase programs in order to consolidate their holdings. The first such program started is known as the Baker purchase program for which funds were made available by the act of August 9, 1937 (50 Stat. 370), to purchase lands for the tribes. From this appropriation, 2,681.069 acres were purchased in trust status. The cost of these acquisitions was $49,695.53. Through various additional programs and until 1953, the tribes had acquired 48,315.89 acres at a cost of $255,401.14. The tribes' most recent land acquisition program which started in 1953 and ended in 1957, permitted them to acquire an additional 82,753.24 acres at a cost of $923,512.18. The Confederated Salish and Kootenai Tribes over the period of years have acquired 133,750.199 acres at a cost of $1,228,608.85. Of the total expenditure, all of the money was derived from tribal funds, except the money used for the acquisition of lands under the Baker purchase program.

ALLOTMENT ACTS

The Allotment Act of February 8, 1887 (24 Stat. 388), as amended by the act of May 8, 1906 (36 Stat. 182), permitted 2,460 individual enrollees of this reservation to obtain 228,434.25 acres by allotments. These allotments are known as 1908 allotments. The allottee owns the timber and minerals on these allotments. On February 25, 1920 (41 Stat. 452), unallotted enrolled children of members of the tribe were allotted. Nine hundred and twenty individuals were involved and received 123,457.27 acres. Allotments made under this act were within the original limits of the reservation and included an area now classified

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and reserved as timberlands, cutover lands, burned or barren lands, and patents issued for allotments under this act contained a clause which reserved to the United States the right to cut and market for tribal benefit the merchantable timber on the land so allotted. This act was later amended by the act of June 16, 1950 (64 Stat. 229), which provided that the right reserved to the United States to cut and market timber for the benefit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be limited to the cutting of so much of the merchantable timber on such allotments as may be cut during the first cutting operations and when such cutting operations have been completed, the title to the residual timber on such allotments shall thereupon pass to the respective allottees or their heirs or devisees.

Many of the 1908 allotments are in a congested heirship status and most of the 1920 allotments which remain to be purchased are located on the slopes of the mountain ranges and are a part of the timbered grazing areas.

PURPOSE

The purpose of this tribal acquisition program is to purchase and exchange grazing and timbered lands on the Flathead Reservation which are needed by the tribe and its members to facilitate the operation of the family-sized ranch and farm units; to provide better management for range and timbered lands; to reduce the number of fractionated heirship lands; to provide the tribe with ingress and egress to their land; to provide sources of water for surrounding tribal rangelands; to help improve the economy of tribal members; and to provide an income to heirs, in those cases where the heirship status is congested, far in excess of any they would receive from the lands in the near future or during the heirs' lifetimes as a result of leasing or permitting the lands.

No lands purchased under this program will be resold to individual members until such time as Congress enacts enabling legislation.

LOCATION OF LAND BEING PURCHASED

The Confederated Salish and Kootenai Tribes are interested in acquiring the unpurchased timbered allotments in the established purchase area of the old 1920 allotment purchase program and to include grazing lands in established grazing areas which are now required for Indian use and are contiguous to the timbered areas. In some cases there are tracts required for Indian use and are located in grazing districts adjacent to their established grazing units. Most of these tracts are in a fee simple status. Estimated acreage to be acquired under this program amounts to approximately 30,000 acres. The cost of acquiring such an acreage is estimated to run around $700,000. Preference, but not necessarily priority, in this order will be given to purchases and exchanges in the following categories:

(1) To lands that control water and which adjoining rangelands are dependent upon for utilization;

(2) Tracts which are strategic to the use of contiguous lands or control ingress and egress to range areas;

(3) Lands in which the heirship status is congested;

(4) 1920 timbered allotments.

APPRAISALS

All appraisals prepared on lands to be acquired will be performed in accordance with 54 I. A. M. 10.

TITLE TO LANDS ACQUIRED

Title to all land will be taken in the name of the United States of America in trust for the Confederated Salish and Kootenai Tribes.

Abstract of titles and the execution of options will be required. Abstract of title will be furnished at the grantor's own expense.

No sales fees will be required on lands purchased, as long as the Tribal Land Enterprise Service is functioning.

Land acquisitions will be in accordance with 25 C. F. R. 241 and 54 I. A. M. 2.2.

GENERAL

The lands which come within the scope of this program will be appraised, submitted to the tribal council for acceptance or rejection by resolution prior to negotiating with the respective landowners.

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Recapitulation of allotted lands in new purchase program (Flathead)

Unit No.	Acres	Estimated value	Unit No.	Acres	Estimated value
1	669.04	$7,390	8	2,533.333	$26,233
2	2,675.16	27,948	9	3,444.40	34,444
3	1,068.85	11,226	10	5,132.69	56,200
4	3,647.995	38,472	11	3,182.80	32,228
5	1,978.32	22,529			
6	480.00	4,800	Total, 11 units	26,622.838	280,950
7	1,810.25	19,480			

Fee lands for exchange and purchase (Flathead)

Unit No.:	Acres	Unit No.—Continued	Acres
1	880	8	3,700
2	8,640	9	2,320
3	3,766	10	1,040
4	1,800	11	-----
5	1,787		
6	3,270	Total, 11 units	31,403
7	4,200		

Allotted land in new purchase program (Flathead)

[Timber status: (1) Uncut; (2) cutover; (3) partly cutover; unnumbered, open lands]

UNIT NO. 1

Allotment No.	Allottee	Present owner	Acres	Estimated value
(2) 2577	May Burland	Same	160.00	$1,600
(2) 2751	George Gierke	Same	79.04	790
(2) 3287	Maxime Stassoo, deceased	Peter Stassoo	60.00	600
(2) 3353	Chas. A. Wishart, deceased	Patricia Ann Wishart	80.00	800
2449	Annie Riley, deceased	Barnaby, Madeline Lefthand, Agnes Kinmicky Curley, Jerome Hewankorn, Baptiste Hewankorn, Joseph Hewankorn.	160.00	2,000
(2) 3327	Louis Martin Vallee, deceased.	Sam Brenes, Ursula Conway Arias, Francis Conway, Mary Rita B. Michel, Joseph Beauchamin, Lorena B. Eggemeyer, Blanche B. Mills, Nancy Meyers, Viola K. Kenkel, Cecil Lewis King, Eunice K. Mahto, Dorothy Jean Moore.	160.00	1,600

UNIT NO. 2

(2) 2972	Catherine Annie Marion	Same	160.00	$1,600
(2) 2512	Della Gertrude Bachman	Same	160.00	1,600
(2) 2510	Andrew J. Bachman	Same	160.00	1,600
(2) 3303	Josephine Therriault	Same	80.00	800
(2) 2569	John William Browne	Same	120.00	1,200
(1) 2692	Edmond L. Dupuis	Same	159.46	1,594
(1) 2689	Joseph A. Dupuis	Edwin Dupuis, Willie A. Dupuis, Richard Dupuis, Peter Dupuis, Olivine Clairmont, Vera Voorhies, Rudolph Vollin Menzie, Viola Vollin Crouch, Emma L. Menzie, Patricia A. Menzie.	160.00	1,600
(1) 2688	Vera Agnes Dupuis	Same	160.00	1,600
(2) 2701	Julian Dupuis	Same	160.00	1,600
3042	James S. Michel	F. J. Brown	120.00	1,500
(2) 1989	Christine Gingras	John Ledoux	121.38	1,214
(2) 1991	Philomene Gingras	do	120.34	1,200
(2) 1994	Martina Gingras	do	113.98	1,140
(2) 2015	Joseph Onickalseet	Moise Mathias, Michel Mathias, Susan Andrew Couturs.	40.00	400
(2) 1490	Alex Couture	Same	80.00	800
2008	Gustah Casimer	Lucy Eneas Auld, Modeste Eneas Youstah	80.00	800
(2) 2011	Sapien Julian	Charles Radel, Jr	160.00	1,600
(2) 2010	Antoine Julian	do	160.00	1,600
2013	William Julian	Same	80.00	1,000
2014	Anneas Julian	Same	80.00	1,000
2097	Lucy Kinmicky	Clarice Paul, Mathias Kinmicky, Anneas Kinmicky Julian.	80.00	1,000
2437	Mary Little	Catherine Little Jackson	120.00	1,500

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Allotted land in new purchase program (Flathead)—Continued

[Timber status: (1) Uncut; (2) cutover; (3) partly cutover; unnumbered, open lands]

UNIT NO. 3

Allotment No.	Allottee	Present owner	Acres	Estimated value
(1) 2845	Lee Gibson Lacourse	Same	171.28	$1,712
(1) 2018	Therese Youstah	Lucy Eneas Auld, Modeste Eneas Youstah	106.10	1,600
(1) 2555	Bernice M. Bisson	Same	150.64	1,506
(1) 3214	Violet M. Ray	Eugene Ray, Francis Ray	163.20	1,632
(1) 2765	Maxime J. Grenier	Same	157.63	1,576
(1) 2793	Fay G. Hastings	Same	160.00	1,600
(1) 2752	Christine Gilbeau	Owen Gaffney, Andrew Gilbeau, Thomas Hazelwood, Lucy Gilbeau Davis.	160.00	1,600

UNIT NO. 4

2438	Basil Oldjoe	Thomas R. McDonald	107.53	$1,344
2570	Pierre A. Buckskin	Caroline Buckskin	134.27	1,678
2571	Isabelle Buckskin	Thomas R. McDonald	167.68	2,096
2808	Eileen Houe	Same	147.37	1,842
(1) 2888	Henry Lozeau	Same	154.47	1,545
(2) 2129	Basaw Kahkah	Isabelle Buckskin, Mathias Buckskin, Caroline Buckskin, William Julian.	80.00	800
(1) 2579	Earl S. Burland	Harry Earl Burland	160.00	1,600
(2) 2779	Derwin F. Halverson	Same	160.00	1,600
(2) 2624	Catherine N. Clairmont	Same	160.00	1,600
(2) 2128	Collette Kahkah	Isabelle Buckskin, Mathias Buckskin, Caroline Buckskin, William Julian.	80.00	----------
(2) 2119	Andrew Buckskin	Isabelle Buckskin, Mathias Buckskin, Caroline Buckskin, Susan A. Finley.	160.00	1,600
2457	Mery Chagalthmakna	William Julian, Basil Lefthand, Theresa Lefthand, Samuel B. Lefthand, Seraphine Lefthand, Harriet Lefthand, Nicholas Lefthand, Victor Lefthand, Narcisse Lefthand, Basil Lefthand, Amelia Lefthand, Anastasia Lefthand.	160.00	2,000
(1) 2539	Hector E. Bell	Same	160.00	1,600
(1) 2698	Clara Iva Dupuis	Same	160.00	1,600
(1) 2658	Dorothy J. Davidson	Same	160.00	1,600
(2) 2596	Geraldine Bousquet	Same	160.00	1,600
(2) 3348	George Williams	Clarissa Brouncheau Payne	160.00	1,600
1321	Joseph Finley	Sahkale Lefthand, William Gingras, Anne Vallee, Agnes Vallee, Antoine Vallee, Agatha Vallee, Mary Agnes Vallee, Edward Matt, Vincent Matt, George Pablo, Julian Pablo, Mary V. Pablo, Angelic Granjo Vallee, Agnes Nomee Gingras, Mary Christine Gingras, Anna Gingras Irvin, Joseph Louis Gingras, William R. Gingras, Martha L. Gingras, Francis Eli Gingras, Maria Matilda Gingras, Joan Sophie Gingras, Theodora E. Gingras, David M. Gingras, Samuel Phillips, Cecilia Auld.	80.00	1,000
(2) 3134	Thelma I. Pablo	Same	160.00	1,600
(2) 3324	Mary Vallee	Same	160.00	1,600
(2) 1056	Antoine Vallee	Same	160.00	1,600
(2) 1055	Sophie F. Vallee	Angelic G. Vallee, Antoine Vallee, Anna V. Monaghan, William Gingras, Mary Agnes Vallee, Agatha V. Sorimpt, Agnes Vallee, Agnes Nomee Gingras, Mary Gingras Finley, Annie G. Irvine, Joseph Gingras, William R. Gingras, Martha Gingras, Frances Gingras, Maria Gingras, Joan Gingras, Theodora Gingras, David Gingras, Samuel Phillips, Cecilia Auld.	80.00	800
(2) 2051	Coomsah Morigeau	Basil Lefthand, Theresa L. Pellew, Samuel B. Lefthand, Seraphine Lefthand, Harriet Lefthand, Nicholas Lefthand, Victor Lefthand, Narcisse Lefthand, Basil Lefthand, Amelia Lefthand, Anastasia Lefthand.	120.00	1,200
(2) 2796	Audrey Irene Henderlite	Same	160.00	1,600
(2) 3052	Edna Margaret Miles	Maggie L. Miles	98.875	989
(2) 2595	Mildred M. Campbell	Lester Paro; Lester Paro, Jr.; Glenna Marie Paro; Karen Elsie Paro; Antoinette Lola Paro; James Ernest Paro; Penelope Ann Paro; Theodore F. Paro.	157.80	1,578

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Allotted land in new purchase program (Flathead)—Continued

[Timber status: (1) Uncut; (2) cutover; (3) partly cutover; unnumbered, open lands]

UNIT NO. 5

Allotment No.	Allottee	Present owner	Acres	Estimated value
(2) 1599	Eneas Pierre	Phillip James Pierre, Caroline Irene Pierre, Annie Catherine Pierre, Patrick Allen Pierre, Christine Pierre Oldhorn, Victor Pierre, Alexander Felix, Joseph Larry Dean Oldhorn.	80.00	$800
1601	Margaret Pierre	Patrick Pierre, Christine P. Oldhorn, Phillip James Pierre, Caroline Irene Pierre, Annie Catherine Pierre, Victor Pierre, Alexander Felix, Joseph Larry Oldhorn.	80.00	800
(2) 976	Annie Isaac	Joseph Andrew, Charles Andrew, Abel Andrew, Louie Andrew, Louise Andrew, Josephine Andrew.	80.00	800
(2) 1604	Eneas Pierre	Alexander Felix, Christine P. Oldhorn, Patrick Allen Pierre, Phillip James Pierre, Caroline Irene Pierre, Anna Catherine Pierre, Joseph Larry Oldhorn, Victor Pierre.	80.00	800
2334	Rosalie Geneive	George Matt	80.00	1,000
(2) 2177	Meline Moiese	Michel Smallsalmon, Annie Mary Pierre, Mary Inhoostay Michel, Adeline Nenemay Quintah, Adele Adams Vanderburg, Lucy Contesto Redcrow, Moiese Chouteh.	80.00	1,000
(2) 2226	Antoine Petche	Mary Louise Paul, Antoine Isadore	80.00	1,000
(2) 2227	Catherine Petche	Mary Louise Paul, Antoine Isadore	80.00	1,000
(2) 2224	Felicite Soomtah	Antoine Peuse	80.00	1,000
(2) 2192	Samuel Yostwee	Abel Stanislaw, John Stanislaw, Peter Paul Stanislaw.	80.00	800
(2) 2223	Nancy Deere	Antoine Peuse, Peter Pascal Hammer, Leo Paul Hammer, Isabelle Yatelmee Hammer, Eneas Inmee, Agnes Incashola, Lomah Woodcock.	80.00	1,000
(2) 2190	Sophie Hominsto	Susette Hominsto	80.00	800
(2) 2209	Alexander Keytoo	Mary Agate Keytoo Pierre	80.00	800
(2) 2213	Louie Skullnah	Margaret Skullnah	80.00	800
2217	do	do	80.00	1,000
(2) 2229	Therese Pluff	Mary Louise Pluff, Alexander Adams	119.15	1,191
(2) 2228	Alexander Pluff	do	40.00	400
1699	Annie Paul	Same	80.00	1,000
(1) 3378	Anna Martha Whalen	Same	143.38	1,792
1708	Timothy Clooloolee	Josephine Lamoose Finley, Baptiste Lamoose, Antoine Lamoose, Mary Agnes Valley Allen.	155.71	1,946
2271	Mary Littlestone	Mary Ann Parker Charle, Lucy Pokerjim Parker, Adelaide Parker Matt, Louise Parker Charlo, Gertrude C. Parker, Elizabeth A. Parker, Barbara Parker, Louie Parker.	160.08	2,060
2221	Mary Broken Pole, deceased	Bazil Andrew, Mary Pearce, Isabel Pearce, Peter Andrew, Peter Frank Gates, Arnold Adrian, Louis Adrain, Joe Blackbear Ignace, Mary (Molly James) Moses, Isabelle Abrahamson, Annie Andrew Blux, Isaac Andrew, Rose Gates Bazil Wilson, Joseph (Joe) Seymour, Isabel Mose Paul, Baptiste Meshell, Edward N. Cornoyer, Mathew (Joseph, Leonard (Raymond) Joseph, Bertha Joseph Howard, Evangeline Joseph Abraham, Lavina Joseph Seyler, Margaret Joseph Stensgar, Sam Samway Meshell.	80.00	800

UNIT NO. 6

(1)	George Revais Palin	Annie Palin, Eli Palin	160.00	$1,600
(1) 3248	Richard Bradley Sherwood	Annie F. Sanders, Archie B. Sanders	160.00	1,600
(1) 2574	Harriet Burgess	Same	160.00	1,600

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Allotted land in new purchase program (Flathead)—Continued

[Timber status: (1) Uncut; (2) cutover; (3) partly cutover; unnumbered, open lands]

UNIT NO. 7

Allotment No.	Allottee	Present owner	Acres	Estimated value
1556	Annie Charlo, deceased	Sam McDougall, Virginia McDougall, Florence Mc. Earling, Violet McDougall, Harold Joseph Badroad, Allen Joseph Gardipe, Cheryl Maria Badroad.	149.27	$1,866
(2) 1284	Cecille C. Vanderburg	Victor Pierre, Mary V. Mc. Supak, Florence Mc. Earling, Violet McDougall, Harold J. Badroad, Cheryl M. Badroad, Allen J. Gardipe.	160.00	1,800
2274	Pierre Magpie, deceased	do	164.28	2,054
2275	Sarah Magpie	do	157.54	1,969
(2)	Rosalie Charlo	Annie Alice L. Lozeau	160.02	1,600
(2)	Margaret Lozeau, deceased	Alex Lozeau, Thomas Lozeau, Theresa May L. Mahseelah, Luella Joan Courville, George E. Mitchell, Ina Lee Matt, Alice Marie Matt.	160.00	1,600
(2) 2890	Alice Lozeau, deceased	Louella Joan Courville, George E. Mitchell.	80.80	808
(2) 2892	Agnes Lozeau	Alex Lozeau, Thomas A. Lozeau, Theresa May L. Mahseelah, Louella Joan Courville, Ina Lee Matt, Alice Marie Matt.	139.62	1,396
(2) 2893	Mary L. Lozeau	Ina Lee Matt, Alice Marie Matt	160.00	1,600
(2) 3028	Albert Matt	Same	160.00	1,600
(2) 3201	Phillip Okerjim	Margaret R. Stevens, Sophie Pokerjim Barnaby, Joseph Louis Pokerjim, Joseph Pokerjim.	160.00	1,600
(2) 599	Emily Landigreen	Louise L. Hebnes, Rosalie L. Anderson, Baptiste Landigreen, Elizabeth O. Landigreen, Alice Ann L. Lozeau.	158.72	1,587

UNIT NO. 8

1723	Ann May Perrish	Therese Perrish Andrew, Tom Reuben, Joe Waters, Elsie Allen McKay, Rosalie L. Thomas, Cecilia B. Myrick, Annabelle B. Veal, Alvira B. Cawston.	160.00	$2,000
1523	Peirre Adams	Patrick Adams	120.00	1,500
1043	Sophie Plant	Same	80.00	1,000
(2) 1580	Pierre Baptiste	Jesse Couture, Felicite Pierre	160.00	1,600
(2) 1579	Felicite Pierre	Jesse Couture	120.00	1,200
(2) 1582	Louie Pierre	Charles Couture	80.00	800
(2) 1583	Michel Pierre	Jesse Couture Charles Couture	80.00 80.00	800 800
(2) 1576	Sah Pierre	Charles Couture	80.00	800
(2) 1577	Ann Pierre	do	80.00	800
(2) 1578	Peter Pierre	do	160.00	1,600
(2) 1581	Jerome Pierre	do	80.00	800
(2) 1641	Alexander Parker	Lucy Parker, Adelaide P. Matt, Louise P. Charlo, Louie Parker, Mary Ann P. Charlo, Gertrude C. Parker, Elizabeth W. Parker, Barbara Parker.	120.00	1,200
(2) 1643	Michel Parker	Joseph P. Hammer, Joseph Parker	80.00	800
(2) 1644	Thomas Parker	Lucy Contesto Rederow, Lucy Pokerjim Parker, Adelaide P. Matt, Louise P. Charlo, Louie Parker, Mary Ann P. Charlo, Gertrude C. Parker, Elizabeth A. Parker, Barbara Parker.	80.00	800
(2) 1645	Francis Parker	Lucy Pokerjim Parker, Adelaide P. Matt, Louise P. Charlo, Mary Ann Charlo, Louie Parker, Gertrude C. Parker, Elizabeth A. Parker, Barbara Parker.	80.00	800
(2) 1646	Isaac Parker	Lucy Contesto Rederow, Lucy Pokerjim Parker, Adelaide P. Matt, Louise P. Charlo, Louie Parker, May Ann P. Charlo, Gertrude C. Parker, Elizabeth A. Parker, Barbara Parker.	80.00	800

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Allotted land in new purchase program (Flathead)—Continued

[Timber status: (1) Uncut; (2) cutover; (3) partly cutover; unnumbered, open lands]

UNIT NO. 8—Continued

Allotment No.	Allottee	Present owner	Acres	Estimated value
(2) 240	Isadore Ninepipe	Andrew Ninepipe	80.00	$800
(2) 241	Louie Ninepipe	do	40.00	400
(2) 243	Ellen Ninepipe	do	120.00	1,200
(2) 1250	Mary Catherine Lumpry	Same	80.00	800
(2) 1270	Moses Vanderburg	Harriet Adams Whitworth	80.00	800
(2) 2959	Louise Magee	Same	160.00	1,600
(2) 1557	Cyrus Siwahsah	Pierre Pierre, Alex Vanderburg, Edward Vanderburg.	13.33	133
(2) 1558	Martine Siwahsah	do	20.00	200
(2) 1559	Louie Siwahsah	do	20.00	200
(2) 2856	Vivian Lamoose	Charles Couture	160.00	1,600
(2) 1612	Catherine Kaltomee	Madaline Tsooee, Adeline Squeque, Martin Finley, Benjamin Ascensio, Eneas Vanderburg, Leo Paul Hammer, Roger William Vanderburg, Leo Paul Hammer, Jr., Lloyd Mitchell Hammer, Floyd Dennis Hammer, Louie Adams, Susan Quequesah Antoine, Rose Antoine Plant, Josephine Antoine, Alice Antoine, Leonard Antoine, James Antoine, Marion Rita Antoine, Cecille Antoine, Francine L. Antoine, Penama P. L. Cocowee, Susette Cocowee Bigcrane, Anthony Louis Adams, Paul Charlo.	40.00	400

UNIT NO. 9

(2) 1398	Louie Ahocks	Alex Felix	20.00	$200
(2) 1255	Jerome Lumpry	Same	72.00	720
(2) 1256	Susan Lumpry	Jerome Lumpry, Peter Lumpry, Ellen Lumpry, Adelaide Lumpry, Victor Lumpry.	71.95	720
(2) 1279	Cecille Vanderburg	Same	80.00	800
(2) 1586	Mary Cooper Pierre	Abel Stanislaw, John Stanislaw, Peter Paul Stanislaw.	120.00	1,200
(2) 2606	Francis Cheauma	Helen Essert, Lawrence G. Cheauma	120.00	1,200
(2) 1462	Winfield N. Blodgett	Hester Blodgett, Mabel Blodgett	80.00	800
1595	Pelesaway Isaac	Ellen Bigsam, Mary Topsseh Combs	40.00	400
1460	Mabel M. Blodgett Ogden	Seme	40.00	400
(2) 1598	Pierre Pierre	Same	160.00	1,600
(2) 362	Frank Antoine	Susan Quequesah Antoine, Rose Antoine Plant, Josephine Antoine, Alice Antoine, Leonard Antoine, James F. Antoine, Marion Rita Antoine, Cecille Antoine, Francine Louise Antoine.	80.00	800
(2) 1618	Isabel Whitecoyte	Ruby Fleming Christopher	80.00	800
(2)	Agnes Antoine	Rose Antoine Plant, Josephine Antoine, Alice Antoine, Leonard Antoine, James F. Antoine, Marion Rita Antoine, Cecille Antoine, Francine L. Antoine, Catherine Antoine, Paul Charlo.	80.00	800
(2) 1505	Mary Michel	James Pichette, Paul Pichette, Baptiste Pichette, George Pichette, William Simmer, Patricia Wheeler Schmidt, Joseph Anthony Wheeler, Jr., Stanislaw Irvine, Susan Irvine Adams, Ignace Quequesah, Antoine Quequesah, Joseph Cook, Alice Cook.	40.00	400
(2) 1453	Mary M. Stevens	Pablo Espinoza, Mary Stateah	80.00	800
(3) 1342	Felicite Felix	Same	120.00	1,200
(2) 2787	Joseph Parker Hammer	Same	160.00	1,600
(2) 1673	Mary Ann Bigknife	Felicite Delaware Matt, Louie Adams	80.00	800
(2) 1672	Alexander Bigknife	do	80.00	800
(2) 1033	Felicite Delaware Matt	Same	80.00	800
(3) 2786	Mary Hammer	Eneas Inmee	160.00	1,600
(1) 2940	Roy D. McLeod	Evelyn Wood McLeod, Roy W. McLeod, James W. McLeod, Janet Ann McLeod.	160.00	1,600
(2) 3079	Evaline R. Morigeau	Same	158.80	1,588
(2) 3081	Azilda Ann Morigeau	Octave Morigeau, Collette L. Morigeau	160.00	1,600
(2) 3082	Anastasia M. Morigeau	Same	160.00	1,600
(2) 136	Narcisse Pichette	James Pichette, Paul Pichette, Baptiste Pichette, George Pichette, Rosalie Prudum Matt, William Simmer, Patricia Wheeler Schmidt, Joseph A. Wheeler, Jr.	160.00	1,600

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Allotted land in new purchase program (Flathead)—Continued

[Timber status: (1) Uncut; (2) cutover; (3) partly cutover; unnumbered, open lands]

UNIT NO. 9—Continued

Allotment No.	Allottee	Present owner	Acres	Estimated value
(2) 353	Isaac Compeyeh	William Floyd McDonald	160.72	$1,607
(2) 354	Mary Louise Compeyeh	Clara McDonald	160.93	1,609
(1) 3038	Louie Paul Matt	Daniel Lawrence, Clarence Raboin, Louise McFarland, Alva Rafferty.	80.00	800
(2) 139	Mary Pichette	James Pichette, Paul Pichette, Baptiste Pichette, George Pichette, William Simmer, Patricia Wheeler Schmidt, Joseph A. Wheeler, Jr.	80.00	800
(2) 2560	Louie Blood	Same	160.00	1,600
(3) 2663	Annie Decker	Same	160.00	1,600

UNIT NO. 10

(1) 2598	Florence Ellen Carlson	Same	160.00	$1,600
(3) 3026	Nancy Threse Matt	Same	160.00	1,600
(1) 3241	Louise M. Salsbury	Same	160.00	1,600
(2) 2476	Charles Andrew	Same	80.00	800
(2) 2877	Daniel Lemery	Same	80.00	800
209	Susan Louie Pierre	Mary Ernestine Sine, Eugene Sine	160.00	1,600
(2) 3356	Joseph Woodcock	Moses Chouteh, George Vanderburg	80.00	800
(2) 2879	Irene Lemery	Same	80.00	800
(2) 2880	Joseph Lemery	Same	80.00	800
(2) 2878	Lilly Lemery	Same	80.00	800
(2) 3375	Mary Butler	Same	80.00	800
(2) 2955	Inez M. McLeod	Same	80.00	800
(2) 3345	Perle White	Frank A. Nordeste, Dennis Allen Nordeste	80.00	800
(2) 2949	Warren McLeod	Same	80.00	800
(2) 2948	Eunice McLeod	Same	80.00	800
(2) 2612	Norbert K. Clairmont	Same	80.00	800
(2) 2933	Frederick A. McLeod	Bernice McLeod Senecal	160.00	1,600
(2) 878	Phillip Enease Pierre	Clarice Paul Pierre	80.00	800
(2) 882	Antoine Pierre	Clarice Paul Pierre, Stevens Matt, Mary Valerie Matt.	80.00	800
(2) 879	Madaline Pierre	do	80.00	800
(2) 1855	Antoine Chiefeagle	Agnes Chiefeagle Adams	80.00	800
1853	Philip Chemstoo	do	40.00	500
1854	Collette Chemstoo	do	80.00	1,000
(2) 991	Joseph Quequesah	Ignace Quequesah, Antoine Quequesah	80.00	1,000
(2) 992	Mary Quequesah	do	80.00	1,000
(2) 1035	Mary Woodcock	George Vanderburg	80.00	1,000
(2) 2592	Mary L. Calawahcan	Thomas Incashola, Jean Baptiste Incashola, Louis Incashola, Peter Incashola, Antoine Incashola.	90.00	900
(2) 622	Caroline Finley	Isabelle Buckskin, Caroline Buckskin, Sahkale Lefthand.	80.00	800
(2) 2451	Rosalie Finley	Joe Sherwood, Hattie Sherwood, Whitman Mathews.	40.00	400
(2) 995	Antoine Quequesah	Same	82.69	1,000
994	Ignace Quequesah	Same	80.00	1,000
(2) 993	Joseph Quequesah	Ignace Qnequesah	80.00	1,000
(2) 2301	Sophie Teeshe	Polassie Incashola, Francis Joscum, Antoine Joscum, Francois Bigcrane.	80.00	1,000
(2) 1811	Peter Eulopsen	Annie Eulopsen Sherwood	80.00	1,000
(2) 1810	Ellen Eulopsen	do	80.00	1,000
(2) 2199	Polassie Incashola	Same	80.00	1,000
(2) 2724	Virginia M. Finley	Henry Felsman, John J. Finley, George G. Finley, James O. Finley, Agnes Finley Bird, Lucy Finley Willis.	80.00	1,000
(2) 979	Abraham Mollman	Mary Stousee Bigjohn	80.00	1,000
(2) 800	Lawrence Michel	Sophie Youstah Michel, Jeanette Carpenter, Henrietta Broncheau, Louie Michel, Ellen Michel, Mary Christine Michel, John Michel, Mildred Michel, Margaret Michel, Eneas Michel.	800.00	1,000
(2) 2312	Pewlasap Sundown	Redsky Sundown Adams	80.00	1,000
(2) 3046	Louie Michel	Sophie Youstah Michel, Jeanette Carpenter, Henrietta Broncheau, Louie Michel, Ellen Michel, Mary Christine Michel, John Michel, Mildred Michel, Margaret Michel, Eneas Michel.	80.00	1,000
(2) 803	Susan Brooks	do	80.00	1,000
(2) 2323	Penamee Whischenee	Sophie Youstah Michel, Annie Andrew, Isaac Andrew, Louise Peters, Georgia Brooks, Ernest Brooks, Jr., Cecile Brooks, Lenette Brooks.	80.00	1,000

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Allotted land in new purchase program (Flathead)—Continued

[Timber status: (1) Uncut; (2) cutover; (3) partly cutover; unnumbered, open lands]

UNIT NO. 10—Continued

Allotment No.	Allottee	Present owner	Acres	Estimated value
(2) 3044	John Michel	Sophie Michel, Jeanette Carpenter, Henrietta Broncheau, Louie Michel, Ellen Michel, Mary Christine Michel, John Michel, Mildred Michel, Margaret Michel, Eneas Michel.	80.00	$800
(2) 2956	Mary Cecille Madsen	Same	80.00	1,000
(2) 3302	Baptiste Telpah	Same	80.00	1,000
(2) 2645	Joseph Mack Couture	Sidney Allard	80.00	1,000
(2) 366	Harriet Antoine	Mary Keytoo Pierre, Patrick Pierre, Phillips Pierre, Christine Oldhorn, Caroline Pierre, Ann Catherine Pierre, Benjamin Ascensio, Penama P. Cocowee, Susette C. Bigcrane, Anthony Louis Adam, Mary Inhoostay Michel, Jeanette Michel, Henrietta Michel, Louie Michel, Paul Chalro, Rose Antoine Plant, Josephine Antoine, Alice Antoine, Leonard Antoine, James Antoine, Marion Antoine, Cecile Antoine, Francine Antoine.	80.00	1,000
(2) 2926	Louise McDonald	Same	80.00	1,000
(2) 3204	Georgia Marie Proctor	Margaret McD. Trickey	80.00	1,000
(2) 1809	Thomas Eulopsen	{Joseph Walter Todd, Jr. {Mary Wanda Naomi Todd	40.00 40.00	800
(2) 687	Alexander Joseph	Adelaide Chalwain	80.00	800
(2) 3043	Agnes Michel	Sophie Michel, Jeanette Carpenter, Henrietta Broncheau, Louie Michel, Ellen Michel, Mary Christine Michel, John Michel, Mildred Michel, Margaret Michel, Eneas Michel.	80.00	800
(2) 3045	William Michel	Louise Adams Michel, Ellen Michel, Mary Christine Michel, Mildred Michel, Margaret Michel, John Michel, Eneas Michel.	120.00	1,200
(1) 2875	Benedict J. Lemery	Same	160.00	1,600
(2) 2735	Annie Ellen Fyant	Susan Squeque, Joseph F. Squeque, Marvin Louis Squeque.	140.00	1,400
(2) 2507	Earl Donald Bachman	Same	120.00	1,200
(2) 2913	Oliver G. McCrea	Same	20.00	200

UNIT NO. 11

(2) 2634	Julia Ruth Courville	Same	120.00	$1,200
(2) 2623	Phillip B. Clairmont	Same	80.00	800
(3) 2522	Wanda Barnaby	Same	158.35	1,584
(1) 3125	Lucille L. Pablo, deceased	Probate pending	160.00	1,600
(2) 2632	Alexander L. Courville	Elsie Bisson Courville, Leona Mae Courville, Delores June Courville, Marlene Ruth Courville, Frederick L. Courville, Henry Leroy Courville, Kenneth A. Courville, Constance J. Courville, Laura Joyce Courville, Clara Yvonne Courville, Alexander R. Courville, Donna Marie Courville.	120.00	1,200
(2) 3059	Frank Minesinger	Agnes Minesinger, James Minesinger, Charles Minesinger, Nellie Minesinger, Peter Minesinger, Elizabeth Minesinger Dupuis, Marion Breuninger, Emma M. Livingston.	160.00	1,600
(2) 2700	Mabel C. Dupuis	Same	80.00	800
(2) 2699	James P. Dupuis	Same	80.00	800
(3) 3054	Robert N. Miles	Joseph A. Miles	60.07	1,000
(1) 3305	June C. Tiffany	Same	100.00	1,000
(1) 3114	Amelia M. Normandin	Mary E. Normandin, Alfred Normandin	120.00	1,200
(1) 3221	Henry Raymond, Jr.	Same	120.00	1,200
2825	Emily L. Jorgensen	Same	104.23	1,042
(1) 2794	Marion C. Hastings	Maurice Hastings, Hattie R. Hastings	140.00	1,400
(1) 2563	Emerald Lucy Bonser	Same	160.00	1,600
(1) 2814	Phyllis M. Hull	Same	140.00	1,400
(1) 2813	Daniel Hull	Same	120.00	1,200
(1) 2815	Mildred Hull	Same	160.00	1,600
(1) 2198	Geraldine P. Ashley	Same	120.00	1,200
(1) 2690	Agnes Flora Dupuis	Same	160.00	1,600
(1) 3191	Carl Plant	Cecille Lamoose Plant, Francis Plant	160.00	1,600
(1) 3040	Dora May Meyers	Same	140.00	1,400
(1) 3041	Winnette C. Meyers	Same	160.00	1,600
(1) 3093	Kenneth D. Munter	Same	164.87	1,649
(1) 3085	Antoinette Mary Moss	Same	155.28	1,553

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4. FORT BELKNAP CONSOLIDATED AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Harlem, Mont., June 13, 1958.

Hon. JAMES E. MURRAY,
Washington, D. C.

MY DEAR MR. MURRAY: There are transmitted herewith in duplicate, the completed tabular forms and reply to questionnaire furnished this agency with your letter of April 17, 1958.

Both forms and reply apply to the Fort Belknap Reservation, the Rocky Boy's Reservation, and Turtle Mountain public domain allotments which are under the administrative jurisdiction of this consolidated agency.

Sincerely yours,

H. DUSHANE, *Superintendent.*

A. REPLY TO QUESTIONNAIRE AS TO FORT BELKNAP RESERVATION

PART I

1. As of July 1, 1957, there were 65,892 acres of land in tribal ownership. The total 65,892 acres were in trust status. The Fort Belknap Tribes owned no acreage in fee simple status in 1947 and as of this date own no real property in fee simple status.

2. A total of 533,181 acres of land were in individual ownership as of July 1, 1947.

3. No tribal or individually owned lands passed from trust title to fee simple title during the fiscal years 1948, 1949, 1950, 1951, 1952, and 1954. In 1953 there were 5 transactions; in 1955, 1 transaction; in 1956, 1 transaction; and, in 1957, 1 transaction in which lands moved from trust to fee simple status.

4. No tribal or individually owned trust acreage passed to fee simple title during the fiscal years 1948, 1949, 1950, 1951, 1952, and 1954; 1,127 acres were transferred from trust status in 1953, 245 acres in 1955, 180 acres in 1956, and 320 acres in 1957. A total of 1,872 acres has passed to fee simple title during the 10 years preceding fiscal year 1958.

5. There were no transactions from trust to fee simple status during the fiscal years 1948, 1949, 1950, 1951, 1952, and 1954. During the fiscal year 1953 there were 3 issuances of fee patents, 1 removal of restrictions against alienation and 1 transfer to fee status because of inheritance by or devise to a non-Indian. One fee patent was issued during the fiscal year 1955; 1 fee patent was issued during the fiscal year 1956; and 1 fee patent was issued during the fiscal year 1959.

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6. No acreage passed from trust to fee simple status during the fiscal years 1948, 1949, 1950, 1951, 1952, and 1954. There were 694 acres transferred to fee simple status through the issuance of fee patents, 32 acres by removal of restrictions, and 401 acres through inheritance by or devise to non-Indians during the fiscal year 1953; 245 acres were transferred to fee simple status in 1955 through issuance of fee patent; 180 acres were transferred to fee simple status in 1956 through issuance of fee patent and in the fiscal year 1957; 320 acres were likewise transferred through issuance of fee patents.

7. No transactions were consummated during the fiscal years 1948 through 1957 by which tribal or individual Indian lands were added through acquisition of lands not previously under Indian ownership.

8. No acreage was acquired during the fiscal years 1948 through 1957 for tribal or individual Indian ownership from lands not previously under Indian ownership.

9. No transactions were consummated during the fiscal years 1948 through 1957 by which tribal or individual Indian lands were added through acquisition of lands not previously under Indian ownership.

10. No acreage was acquired during the fiscal years 1948 through 1957 for tribal or individual Indian ownership from lands not previously under Indian ownership.

11. A total of 123,098.54 acres of land were held in tribal ownership as of December 31, 1957. All of this tribal acreage is held in trust status. The Fort Belknap Tribes have not acquired and do not hold any acreage in fee simple.

12. A total of 475,974.23 acres of trust lands were in individual Indian ownership as of December 31, 1957.

13. No special acts of Congress have affected the acquisition and disposal of Indian lands.

H. R. 7241, introduced by Representative Metcalf on May 6, 1957, and reported with an amendment on April 30, 1958, for the purpose of removing the restrictions as to alienation of allotted lands designated as homestead under the Fort Belknap Allotting Act of March 3, 1921 (41 Stat. 1355), will aid the Fort Belknap original allottees who desire to either sell or fee patent their lands. Lands designated as homestead are frequently so interspersed with the balance of the individual allotment that either sale or the fee patenting of the balance of the allotment is either impossible because of the acreage of salable tracts or impractical as to fee patent issuance when benefit to allottee is considered. Passage of the bill is most important to the individual Indian owner of lands on this reservation.

This reservation has been under the Indian Reorganization Act since December 13, 1935. Through the years, the allottees have been averse to the sale of their lands except to the tribe. The thought that sale only to the tribe, or an individual of the tribe, was possible has been fostered by the tribal council continually since that time. Until very recent years it appears evident that the administration at this agency gave full support to the idea. At the present time a large number of the landowners are considering the sale of land to the general public if the tribe does not wish or is unable to buy. We have an approximate 100 applications for the sale of land to the general public at this time.

The demand for sales and fee patents will rapidly increase, now that the general Indian public is aware that sale to the public may be had.

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In general, the lands are useless to them as only a few run livestock or farm and the rental income is mostly from grazing fees which average about 25 cents per acre and return from $80 to $130 per allotment of 360 to 520 acres. This grazing rental varies to a very limited extent so far as allotments on various parts of the reservation are concerned.

About a third of the Fort Belknap people who own interests in lands upon the reservation live away from the reservation. Of those who do live on the reservation an approximate 50 percent leave the reservation during the spring and summer months to work on construction, the railroads, and on ranches and farms in Montana.

Sales of restricted lands to the general public will be beneficial to people of Indian blood for several reasons. First, it will increase competition for Indian lands thereby raising rental values. Second, it places sufficient cash in the hands of a landowner so that he may possibly establish himself in a locality where work is available to him the year around and he will be able to properly care for and support his family. Third, many of the old people live in want and without medical care during their last years because of aversion to the use of governmental facilities provided. This situation would be relieved and is relieved to some extent through sales although it frequently happens that before funds can be provided through sales, the old person dies because of the sales regulations which must be met and the consequent loss of time between application for sales and consummation thereof. It is suggested that funds for immediate purchase of old peoples' holdings should be made available, if possible. Immediate purchase by Government followed by sale to the public might be the solution. Fourth, sales of land can play a large part in enabling Indian people, who have been relocated to other parts of the country, to weather periods of unemployment and other features of adjustment to a different environment. Fifth, a number of people now living on reservations and owning land interests which they do not use make no effort to earn a living. This group of people follow the natural human trend or desire to get something for nothing, i. e., the paltry sum derived from grazing rental and from welfare support. They are frustrated people who resent the fact of supervision of their lands and have a strongly developed inferiority complex because of the enforcement of such supervision. Inasmuch as the huge majority of these people are now Indians, only insofar as being of Indian blood is concerned, they should be allowed the sale of their lands on the basis that they will move toward supporting themselves when they realize that support in some form, no matter how small, is no longer forthcoming.

The Fort Belknap Indian Community Tribal Council is strongly in favor of the purchase of allotted lands and has purchased 56,687 acres of such lands in the last 10 years. Purchases were made as a result of corporate enterprise loan of $75,000 in 1947. Of this amount $60,000 is still owing the United States Government. The tribes are still purchasing occasional tracts from income from tribal lands but such purchase cannot begin to meet the demand for sale of individually owned Indian lands. It might be stated here that almost none of the tribes organized under the Indian Reorganization Act have returned a per capita profit derived through the efforts of the tribal corporations nor

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is there any likelihood that such will come to pass in the foreseeable future unless constitutions and bylaws and method of operation of corporate tribal bodies are radically changed to the extent that they can readily be liquidated for failure to produce financial returns.

14. (*a*) The Fort Belknap Tribes fortunately purchased not more than six undivided interests in multiple-ownership lands and at the present time have no intention of making such purchases now or in the future.

(*b*) On the Fort Belknap Reservation there are 12 undivided interests owned by non-Indians in trust lands which amount to 4,387 acres: there are 8 undivided interests owned by Canadian nationals (Indians) which amount to 4,795 acres; and there are 70 undivided interests amounting to 9,075 acres owned by American Indians from other reservations in the United States.

(*c*) On the Fort Belknap Reservation there are 237 undivided interests in allotments which are owned by minors registered on reservations which are under the Indian Reorganization Act. No determination can be made at this time as to whether these minors live on or off reservations. It is reasonable to assume that one-third or more do not live upon reservations. The holdings of these minors amount to 26,632 acres.

(*d*) There is much difficulty encountered in the leasing of lands in heirship status, particularly in the case of negotiated leases. Current regulations require that the signatures of all adult heirs be procured. Some adult heirs ignore requests for signatures because their share interests are too small to be of any value or interest to them; others refuse signature because the income from the estate or estates in which they inherit must be paid to the United States for settlement of indebtedness allowed by probate and they receive no income for years; still others refuse signature because they have entered into agreements of indebtedness with the tribe or the United States and all of their income from trust lands must be collected by the United States and applied on such indebtedness; still others have lived away from the reservation all of their lives or for such a long period that they have developed exaggerated ideas as to values and therefore are averse to agreeing with the other heirs by affixing their signatures to leases. In many cases individuals living away from the reservation completely ignore correspondence which deals with the leasing of lands in multiple ownership.

Under present regulations a period of a year or more elapses before all of the signatures of the adult owners of a tract of land can be procured and a lease validated.

This agency is now attempting to procure powers of attorney from all adult heirs involved in multiple ownerships, authorizing the superintendent at a jurisdiction to advertise the lands and execute leases thereon under terms and conditions determined by him and at rentals considered by him to be fair rentals based on land values. This method of handling will undoubtedly result in some increased rentals but will defeat the policy of the Indian Bureau insofar as encouraging the individual to assume responsibility for his holdings is concerned. However, it appears to be the only course open which will permit the limited staffs at most of the agencies in the field to discharge their duties toward the procurance of the best rents possible from Indian lands in trust by the United States Government.

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It is very evident in the field that, is long as lands are permitted to be held in trust status and multiple ownership and realty staffs are not increased tremendously over present staffing, a means must be found whereby lands in multiple ownership can be placed under lease without endeavoring to procure the agreement of any of the heirs. This is especially true in cases where the number of heirs is greater than six; where indebtedness allowed by probates exists; and in cases where one or more of the heirs are indebted to the tribes or the United States and collections must be made from the income of the individual.

(*d*) *Disposal of lands.*—An increasing amount of difficulty is being encountered in the disposal of lands in multiple ownership because of disagreement among the heirs and for other reasons.

Under present regulations, insofar as tribes organized under the Reorganization Act are concerned, all of the ownership of lands in multiple ownership must give its consent to and acceptance of sales values before a sale may be consummated. In cases where minors and certain other incompetents are concerned, guardians must be appointed and the expense of such borne by Indian people, who, all too frequently, do not have the funds necessary.

It is also true that the share interest of a minor very often will not return sufficient value to warrant the expense of guardianship appointment. Any one adult heir or guardian may block a sale at satisfactory values for a number of reasons such as a personal dislike for the proposed purchaser; because he does not have an immediate need for the proceeds from the sale; because a part or all of the sale proceeds may have to be applied on probate indebtedness; because his share interest or a part thereof must be applied upon his own indebtedness to the tribes of the United States Government or for the payment of other authorized debt; because of court judgments for the support of children, etc.; because he has an exaggerated idea of sales values; because he cannot be located; because he has been offered recompense by some disgruntled individual was was not given an advantageous opportunity to purchase and sometimes because of jealousy and hate for another among the heirs.

It often takes longer than a year to procure the consents to and acceptances of sale values when there are a number of heirs involved and several or all of them live away from the reservation.

(*e*) To our knowledge, the Secretary's arbitrary authority to sell heirship lands when the original allottee has died intestate as set forth in the following language quoted from trust patents—

> * * * but in the event said Indian dies before the expiration of said trust period, the Secretary of the Interior shall ascertain the legal heirs of said Indian and either issue to them in their names a patent in fee for said land, or cause said land to be sold for the benefit of said heirs as provided by law, * * *—

has never been put into effect as to allotted trust lands on this or on any other Indian reservation.

On many of the reservations the heirship situation has reached the point where the arbitrary authority of the Secretary to sell heirship lands should be used because there is no longer an income return to the individuals holding trust title. In a large number of cases the income of most or all of the share ownerships is collected as handling fees by the Indian Bureau and the overall cost of such handling far exceeds the total rental return. The Government of the United States also pays for the greater amount of effort and time required to keep

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the ownership records current, to prepare probate data and to advertise and place under lease.

A total of 1,189 individuals were allotted on the Fort Belknap Reservation. Of these 635 are dead. Approximately 120 allotments of deceased allottees have been sold but remain in trust status because the tribe has made three-quarters of the purchases and individual Indians have purchased the balance. At the present time there are 183 allotments, comprising 67,531 acres, in which only one heir is involved; 249 allotments comprising 89,698 acres in which from 2 to 5 heirs are involved; and 158 allotments, comprising 57,727 acres, in which 6 or more heirs are involved. In the case of the 158 allotments, each of which is owned by 6 or more individuals, we estimate that 53 of the allotments are owned by from 10 to 40 heirs. The annual income to each individual from the heirship tracts in this group is exceedingly low. In some cases it will range from $8 to $15 per year and in others, where the heirs are more numerous, from $2 to $3.75 per year. When the allotment consists of several separate tracts, the Bureau of Indian Affairs handling charge very often exceeds the income to an individual shareowner.

The consolidation of inherited interests in order to benefit individual heirs and to put these multiple owenrship lands into single ownership can seldom be effected because of law and regulations involved as well as failure among the heirs to come to an agreement.

It appears necessary that the Secretary's arbitrary authority, to issue fee patents covering allotted lands in heirship status or to sell the land and distribute the proceeds, must be put in effect and vigorously carried through if the present ownership of such lands are to receive any benefit therefrom during their lifetimes and Bureau of Indian Affairs personnel is to properly handle trusteeship without a tremendous increase in personnel. The heirship situation has reached a point where inheritances are valueless to a great degree insofar as income is concerned. The proper handling of the lands likewise entails a great amount of governmental time and expense which must be considered as lost or wasted inasmuch as there is scant if any return to the individual heir.

The Fort Belknap Tribes have always been permitted to buy allotted trust lands including heirship lands. The constitution and bylaws of the tribes provide for the purchase of lands in heirship status at the time of adoption and approval of the constitution December 13, 1935; they also provide for the purchase of lands of individuals over 60 years of age; for the purchase of lands in excess of 640 acres owned by an individual member and for the purchase of the lands of individual members who desire to leave the reservation permanently.

The tribe has likewise been encouraged by the Bureau to buy heirship land as one means pointed toward the solution of the heirship problem.

PART II—FORT BELKNAP

1. Twenty-one tracts, comprising 15,625 acres of trust lands, have been purchased by the Fort Belknap Tribes since July 1, 1953, which have been alleged to be key tracts by individual Indian owners, the tribes, or the Bureau of Indian Affairs.

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2. All of the 21 tracts comprising 15,625 acres, sold and listed as key tracts, were so considered by the tribes, individual Indian owners, and Indian Bureau personnel.

3. Twenty-one tracts, comprising 15,625 acres considered as key tracts by the tribes, were sold to the tribes or to individual Indian owners since July 1, 1953.

4. No tracts considered by the tribes to be key tracts have been sold to non-Indians since July 1, 1953.

5. No key tracts have been sold to non-Indians. Therefore no discussion as to effect on the Indian trust land can be furnished.

6. No so-called key tracts which were in fee simple status have been acquired in trust or restricted status by individual Indians or by the tribes since July 1, 1953. No discussion as to effect of such purchases can be made.

Comment on key tract purchases by individual Indian owners and by the tribes on the Fort Belknap Reservation is to the effect that an exceeding few of the people of Indian blood living on the reservation are in a financial position to make any purchases at all. Tribal moneys are limited to such an extent that very few purchases can be made. Any action on the part of the Bureau of Indian Affairs toward giving arbitrary preferences in purchase rights to individual Indians or to the tribes can only result in loss of interest by prospective purchases on the open market and definite monetary loss to individual Indian owners because of the lack of interest development.

The Fort Belknap Tribes are notified as to all individual requests for sales or for fee patents in order that they may endeavor to enter into negotiated purchases ahead of the general public if the tribes desire the land.

PART III—FORT BELKNAP

1. The Fort Belknap Indian Community of the Fort Belknap Reservation, Mont., is an Indian corporation organized under the Indian Reorganization Act.

It has a standing committee composed of 4 members chosen from among the duly elected membership of the governing body which consists of 12 members.

This committee reviews all proposed leasing of tribal land and offers to sell land to the tribe and make its recommendation to the council as a whole. The committee acts only in an advisory capacity to the council.

Under the constitution and bylaws, the members of this committee do not receive salaries. They receive $3 per day while in session as council and committeemen and $0.05 per mile from their homes to the place of meeting and return therefrom to their homes.

2. The Fort Belknap Tribal Council furnishes one clerk-typist to the Realty Branch whose salary is paid from tribal enterprise funds. This person does the tribal land enterprise bookkeeping, types leases on standard governmental forms covering both tribal and allotted lands, does general Realty Branch typing and such other standard governmental Realty Branch work as may be assigned by the Realty Branch head at this Agency. This employee is paid from local funds and is not a civil-service employee but is under the direction of the

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Superintendent of the Fort Belknap Consolidated Agency. The Fort Belknap Indian Community also pays the salary, $3,175 per annum, of 1 GS–3, Realty Branch, clerk-stenographer. This individual is a civil-service employee; the salary is included in the annual budget by the tribal council of tribal land enterprise funds. This individual takes and transcribes general Realty Branch dictation including correspondence; types reports and legal documents; receives and processes oil, gas, and mineral leases, receives and checks applications for fee patents and for the sales of lands; maintains files as to land sales, fee patent applications and leases and performs other related duties as assigned.

In addition to the two salaries hereinbefore mentioned, the Fort Belknap Indian Community annually sets up from tribal land enterprise funds which accrue through collection of lease and range permit fees charged by the enterprise, a portion of the salary of one clerk-stenographer, GS–3, assigned to land operations, this salary contribution is in the amount of $978 per year. This individual takes and transcribes dictation for all departments under land operations, types reports, and files land operation materials, acts as receptionist and as secretary to the land operations head.

The community also sets up annually from tribal land enterprise funds, the salary of a part-time clerk assigned to range. This individual does general typing for the range conservationist, and types range permits, schedules of collections and such other work as assigned. The annual salary contribution for this year is $1,200.

3. The Fort Belknap Indian community does not have a real-estate adviser either on a full- or part-time basis. The amount of tribal funds available or of tribal land enterprise funds available is insufficient to carry the salary of such an individual.

4. The community does have a real-estate committee of 4 individuals appointed from among the 12 council members. This committee does not have authority to approve real-estate activities. It acts in an advisory capacity to the council as a whole.

5. The Fort Belknap Tribal Council does have a real-estate committee which advises the council as to tribal real-estate activities. This committee's recommendations are based upon information furnished by the realty branch of the agency and upon individual and collective thinking and experience by the various members of the committee.

6. The tribes have never employed private consultants to study any of the phases of its real-estate activities. No reason can be given for the nonuse of consultants other than lack of funds, lack of experience in the use of consultants, and possibly to repugnance in the thought of accepting guidance from individuals outside of the tribes. The Bureau of Indian Affairs has not disapproved such employment at this agency and would not disapprove except as funds were not available for the service.

7. The Fort Belknap Tribes do have a tribal land enterprise. This tribal land enterprise was set up in temporary form in 1946 and the detailed plan of operation was approved by the Commissioner of Indian Affairs in 1947.

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As originally proposed the purpose of the land-service enterprise was—

> to assume the clerical work and services involved in leases, permits, exchanges, partitions, sales, purchases, assignments, and other adjustments in ownership or use of individual and tribal restricted lands * * * including advertising for sale of oil and gas and mineral leases and the preparation of oil, gas, and mineral leases.

This plan of operation was approved retroactively at the time of the 1947 approval.

The plan operation, as finally approved by the Commissioner of Indian Affairs, had set forth as the purpose of the enterprise the following:

> The primary purpose of this tribal land enterprise is to buy allotted lands, particularly complicated heirship tracts on the reservation and return such lands to tribal ownership. It will also be the purpose of this enterprise to secure the return to tribal ownership, either through purchase or legislation, of the 19,691 acres of State school lands within the reservation boundaries. These lands were granted to the State of Montana in accordance with the act of Congress of March 3, 1921 (41 Stat. 1355). Another purpose of the enterprise will be to secure a permit from the Secretary of the Interior authorizing the Fort Belknap Indian community tribal land enterprise to administer the 25,530 acres of so-called submarginal land on and adjacent to the reservation. It may also be neccessary in this connection for the tribal land enterprise to purchase additional lands adjacent to the reservation to block out the present submarginal and IRA land purchase holdings.

Both of these tribal land enterprise plans were set up and approved by the Bureau at a time when realty branch staffs were woefully inadequate insofar as the handling of realty records and current work of leasing, sales, fee patents, and vital statistics were concerned. Realty branch staffs shortly thereafter were drastically reduced to the extent that the Bureau of Indian Affairs, at some agencies, carried no realty personnel whatsoever and tried to operate at other places with one employee in civil-service status and such other help as it could beg and scrounge from the tribes. It was therefore necessary that tribal land enterprises be and were set up with the thought in mind that such enterprises, particularly on reservations organized under the reorganization under the Reorganization Act, would take over and handle all realty branch functions at the agency level subject to the supervision of the agency superintendents. The arrangement could not be considered as a successful solution and, in 1954, the first steps in this area were taken to beef up realty branch staffs sufficiently to handle the realty situation insofar as current work is concerned. At the present time, staffs are still composed of civil-service personnel paid from appropriated tribal funds and tribal personnel paid from local tribal funds, as is the case at Fort Belknap. Realty branches at the various agencies are still understaffed in general because of the workload engendered by the heirship situation and the fact that records are not set up to handle the present situation. A few agencies have been fortunate in that competent personnel was procured from other governmental agencies, without the reimbursement of funds, to set up some of the records so badly needed. Those Indian agencies not so fortunate must set up the records along with the current workload. These agencies will require years for the development of such records under the circumstances.

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The necessity for the realty branch to use, in its operation, tribal employees who are principally responsible to their employers (the tribes) rather than to the United States Government which has the trusteeship responsibility continues a situation very much to the detriment of governmental prestige. It likewise results in poor morale at the agency level and usually lowers the volume of work completed. It may also be stated that the time spent in orientation and instruction of such employees is lost through somewhat rapid tribal personnel turnover.

The realty branch at this agency is responsible for the supervision and all of the work of the tribal land enterprise except action by the tribal council in rejecting or accepting transactions.

At this reservation the setting up of the tribal land enterprise has resulted in the retention in trust status of a large acreage which probably would have passed into fee by this time.

8. The Fort Belknap Tribes under their constitution and bylaws and the tribal land enterprise have never had the complete control of real-estate operations both tribal and allotted on this reservation. All transactions have been supervised by a civil-service employee under the direction of the agency superintendent and all transactions have been by or through the Billings area office.

Tribal handling of realty operations is not successful because of the effect of tribal politics, family relationships, personal gain and influence, turnover in employees, and generally a lack of technical ability. Bureau handling properly discharges the trust responsibility as long as sufficient staff can be maintained at the agency level.

B. Reply to Questionnaire as to Rocky Boy's Reservation

PART I

1. The Rocky Boy's Reservation on July 1, 1947, consisted of 104,843 acres of trust lands in tribal ownership. The tribe held no acreage in fee-simple status at that time.

2. There was no acreage in individual Indian ownership as of July 1, 1947.

3. There were nine disposals of tribal trust property to fee status during the fiscal years 1948 through 1957. These are tabulated as follows:

Year:	*Number of transactions*
1949	1
1950	1
1952	5
1953	1
1954	1

4. There were 3,196.65 acres of tribal lands transferred from trust to fee-simple status during the fiscal years 1948 through 1957. These are tabulated as follows:

Year:	*Acreage*
1949	80.00
1950	320.00
1952	1.65
1953	320.00
1954	2,475.00

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5. The following types of transactions as to disposal of tribal lands took place during the fiscal years 1948 through 1957:

Year	Type	Number
1949	Exchange to fee-simple status	1
1950	do	1
1952	Sales to fee-simple status (town lots)	5
1953	Exchange to fee-simple status	1
1954	do	1

6. The following acreages of tribal lands were disposed of during the fiscal years 1948 through 1957:

Year	Type of transaction	Acreage
1949	Exchange to fee simple status	80.00
1950	do	320.00
1952	Sales to fee simple status (town lots)	1.65
1953	Exchange to fee simple status	320.00
1954	do	2,475.00

7. During the fiscal years 1948 through 1957 the tribe acquired lands not previously in Indian ownership through transactions listed as follows:

Year:	*Number of transactions*
1949	1
1952	1
1953	2
1954	1

8. The tribe acquired 5,407 acres not previously held by tribes or individual Indians during the fiscal years 1948 through 1957 through the following listed transactions:

Year:	*Acreage*
1949	480.00
1950	320.00
1953	800.00
1954	3,807.00

9. During the fiscal years 1948 through 1957 the tribe acquired lands not previously in Indian ownership through transactions as listed below:

Year	Type of transaction	Number
1949	Exchange from fee-simple status	1
1952	do	1
1953	do	1
1953	Purchase of fee lands	1
1954	Exchange from fee-simple status	1

10. There were 5,407 acres, not previously held by the tribe or individual Indians, acquired by the tribe during the fiscal years 1948 through 1957. These acreages are listed below and held in trust status:

Year:	*Acreage*
1949	480
1950	320
1953	800
1954	3,807

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11. A total of 107,053 acres were held in tribal ownership on the Rocky Boy's Reservation on December 31, 1957. All of the acreage is held in trust by the United States Government. The tribe has acquired no acreage in fee.

12. There is no trust or restricted acreage in individual Indian ownership on the Rocky Boy's Reservation. The reservation has never been allotted.

13. No discussion of special acts required. Do not affect the Rocky Boy's Reservation.

14. The Rocky Boy's Reservation is unallotted. There is no heirship problem as to lands.

PART II—ROCKY BOY

1. No tracts designated as key tracts of tribal lands on the Rocky Boy's Reservation have been sold. The reservation is not allotted.

2. None of the tracts sold or exchanged were considered by the tribe or Bureau of Indian Affairs to be key tracts.

3. Question does not apply to the Rocky Boy's Reservation.

4. No tracts alleged by the tribe to be key tracts were sold to non-Indians.

5. There were no key tracts sold to non-Indians.

6. All purchases and exchanges on the Rocky Boy's Reservation were acquired in trust status and are considered as key tracts necessary to consolidate tribal holdings or control water for livestock. No lands are held in fee simple.

PART III—ROCKY BOY

1. The Chippewa-Cree Tribe of the Rocky Boy's Reservation, Mont., is a tribal corporation organized under the Indian Reorganization Act. The business committee, which is the elected governing body of the corporation, consists of nine individuals. The tribe does not have a real-estate employee. The tribal treasurer makes recommendations to the full business committee as to proposed realty transaction and that body exercises all committing authority. No salary is paid for real-estate-employee services.

2. No real-estate-employee salaries are paid in part or in full from the Rocky Boy's tribal funds. No personnel is employed.

3. The Chippewa-Cree Tribe does not have a real-estate adviser, either on full-time or part-time basis. The tribe has a very limited amount of funds at any time and must rely on governmental advice and its own thinking and experience.

4. The tribe does not have a real-estate committee with authority to approve real-estate activities. This authority is exercised by the business committee as a whole. Proposed transactions are few and the tribe is reluctant to place authority in the hands of a committee.

5. The tribe does not have a real-estate committee which advises the business committee (council) with regard to tribal real-estate activities. Proposed transactions are few and the business committee depends upon information from the Government and its own thinking and experience in arriving at decisions.

6. The tribe has never employed private consultants to study phases of its real-estate activities. It does not have funds sufficient to pay such consultants. Tribal bodies ordinarily are averse to acceptance of advice of outsiders also. The Indian Bureau has not disapproved

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such employment and would not disapprove when funds are available for the payment of such services.

7. The tribe does not have a tribal land-enterprise organization.

8. There has been difficulty in the past in persuading the Rocky Boy's business committee to abide by the constitution and bylaws of tribe. The desire has been to operate entirely without supervision and Bureau approval. However, within the last 2 years this situation has been brought under control and no unapproved realty obligations are outstanding. The desire to operate without the confining restrictions of constitutions and bylaws and governmental supervision is always present and must be controlled until the tribal corporations and their officers are made fully responsible for their acts and governmental trusteeship completely terminated.

C. Reply to Questionnaire as to Turtle Mountain

(Public domain allotments attached to the Fort Belknap Consolidated Agency for supervision)

PART I

1. All Turtle Mountain lands under the supervision of this agency are scattered on the public domain in five counties and none were in tribal ownership as of July 1, 1947, or previous thereto.

2. There were 68,577.93 acres of trust or restricted lands in Turtle Mountain allottee individual ownership on July 1, 1947.

3. There were 100 transactions in Turtle Mountain lands resulting in passage of lands from trust to fee simple status during the fiscal years 1948 through 1957. These are listed as follows:

Year:	*Number of transactions*	Year—Continued	*Number of transactions*
1952	1	1955	5
1953	28	1956	11
1954	37	1957	18

4. There were 15,998 acres of Turtle Mountain public domain passed from trust to fee simple status during the fiscal years 1948 through 1957. This acreage is listed as follows:

Year:	*Acreage*	Year—Continued	*Acreage*
1952	160	1955	800
1953	4,478	1956	1,760
1954	5,920	1957	2,880

5. The number and type of transactions, by which Turtle Mountain public domain allotments passed to fee simple status are shown below:

Year	Type of transaction	Number of transactions
1952	Sales to fee status	1
1953	Patents-in-fee	9
1953	Sales to fee status	19
1954	Patents-in-fee	24
1954	Sales to fee status	13
1955	Patents-in-fee	2
1955	Sales to fee status	3
1956	Patents-in-fee	4
1956	Sales to fee status	7
1957	Patents-in-fee	14
1957	Sales to fee status	4

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6. The acreage on the 100 transactions in Turtle Mountain public domain resulting in passage of lands from trust to fee simple status is shown in tabulated form below:

Year	Type of transaction	Acreage
1952	Sales to fee status	160
1953	Patents-in-fee	1,439
1953	Sales to fee status	3,039
1954	Patents-in-fee	3,840
1954	Sales to fee status	2,080
1955	Patents-in-fee	320
1955	Sales to fee status	480
1956	Patents-in-fee	640
1956	Sales to fee status	1,120
1957	Patents-in-fee	2,240
1957	Sales to fee status	640

7. There were no transactions by which land not previously in Indian ownership was acquired by Turtle Mountain allottees and held in trust status.

8. Answer to question 7 above applies.

9. No transactions of this type took place.

10. No transactions of this type took place.

11. There was no Turtle Mountain tribal ownership in these lands.

12. A total of 52,579.93 acres of Turtle Mountain public domain allotments were in individual Indian ownership in trust status as of December 31, 1957.

13. It is not believed that there are any special acts of Congress affecting acquisition and disposal of Turtle Mountain public domain allotments which either interfere with or expedite transactions in these lands. Turtle Mountain lands are being sold upon application for sales and fee patents are issued upon application and determination that the applicant is competent.

14. The multiple ownership of Turtle Mountain lands is complicating the disposal of such lands to a great extent. There is no attempt at acquisition. The Turtle Mountain people owning interests in Turtle Mountain heirship lands are scattered far and wide and much time is required in order to close a transaction.

(*a*) The tribe owns no undivided interests in these lands.

(*b*) This agency does not have statistics but we estimate that three-fourths of the 370 tracts remaining under this jurisdiction are in heirship status. It is further estimated that we have 10 non-Indian undivided interests and 8 foreign national undivided interests. We estimate that there are 20 undivided interests held by people of Indian blood from other reservations.

(*c*) We can furnish no estimate as to undivided interests owned by minors on reservations which are under the Indian Reorganization Act.

(*d*) Considerable difficulty is encountered because of failure of Turtle Mountain heirs to agree in the matter of leasing heirship lands. This situation applies to a limited extent, also, when some of the heirs request supervised sales.

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(*e*) There appears never to have been an arbitrary exercise of the Secretary's authority to sell heirship lands when the allottee has died intestate. The Turtle Mountain Tribe is not interested in the purchase of lands. The question of encouraging or permitting the tribe to buy public domain allotments has never come up.

PART II—TURTLE MOUNTAIN (P. D. A.)

This part of the questionnaire does not apply to the Turtle Mountain public domain allotments under the supervision of the Fort Belknap Consolidated Agency.

PART III—TURTLE MOUNTAIN (P. D. A.)

The Turtle Mountain Chippewa Tribe has assumed no responsibility for real-estate activities at this agency.

It maintains no real-estate employees and pays no salaries or makes other contributions.

This part of the questionnaire does not apply to the Turtle Mountain public domain allotments under the supervision of the Fort Belknap Consolidated Agency.

Acreage summary, Fort Belknap Reservation, fiscal years 1948–57

	Tribal acres	Allotted acres	Total Indian trust lands acres	Government owned acres	Total acres
June 30, 1957	122,579	476,494	599,073	29,329	628,402
Disposals to fee status:					
Fiscal year 1957		320			
Fiscal year 1956		180			
Fiscal year 1955		245			
Fiscal year 1953		1,127			
Total		1,872			
Acquisition from fee status		None			
Sales to tribes:					
Fiscal year 1957	1,577	1,577			
Fiscal year 1956	1,677	1,677			
Fiscal year 1954	5,461	5,461			
Fiscal year 1953	717	717			
Fiscal year 1952	9,708	9,708			
Fiscal year 1951	6,883	6,883			
Fiscal year 1950	6,015	6,015			
Fiscal year 1949	9,912	9,912			
Fiscal year 1948	14,737	14,737			
Total	56,687	56,687			
July 1, 1947	65,892	535,053	600,945	29,329	630,274
Total original reservation					651,119

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Acreage summary, Rocky Boy's Reservation, fiscal years 1948–57

	Tribal acres	Allotted acres	Government-owned acres	Total acres
June 30, 1957	107,053			107,053
Disposals to fee status:				
Fiscal year 1954	2,475			
Fiscal year 1953	320			
Fiscal year 1952	2			
Fiscal year 1950	320			
Fiscal year 1949	80			
Total	3,197			
Acquisitions from fee status:				
Fiscal year 1954	3,807			
Fiscal year 1953	800			
Fiscal year 1950	320			
Fiscal year 1949	480			
Total	5,407			
July 1, 1947	104,843			104,843
Total original reservation				105,472

Acreage summary, Turtle Mountain allotments under Fort Belknap jurisdiction, fiscal year 1948–57

	Allotted acres	Total acres
Jan. 30, 1957	57,388	57,388
Disposals to fee status:		
Fiscal year 1957	2,880	
Fiscal year 1956	1,760	
Fiscal year 1955	800	
Fiscal year 1954	5,920	
Fiscal year 1953	4,478	
Fiscal year 1952	160	
Total	15,998	
July 1, 1947	73,386	73,386

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FORT BELKNAP RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee											3	604			1	245	1	180	1	320
Certificates of competency																				
Removal of restrictions											1	32								
To fee status by inheritance or devise (only where entire interest has so passed)											1	401								
To fee status by partition																				
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status			3	780			1	232												
Exchanges to other Indians in trust or restricted status							4	397	4	739	2	520			4	1,800				
Sales to tribes	45	14,737	30	9,912	18	6,015	19	6,883	29	9,708	2	717	14	5,461			5	1,677	4	1,577
Sales to other Indians in trust or restricted status	23	3,624	23	4,535	11	1,957	32	3,117	10	2,127	8	1,218	2	680	1	80	1	160	2	520
Other (explain)																				
DISPOSALS TO FEE STATUS—None																				
ACQUISITIONS FROM TRUST OR RESTRICTED STATUS																				
Exchanges from tribal status			3	780			1	232												
Exchanges from individual trust or restricted land							4	397	4	739	2	520			4	1,800				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	68	18,361	53	14,447	29	7,972	51	10,000	39	11,835	10	1,935	16	6,141	1	80	6	1,837	6	2,097
Other (explain)																				
ACQUISITIONS FROM FEE STATUS—None																				

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ROCKY BOY'S RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status	---	---	1	80	1	320	---	---	---	---	1	320	1	2,475	---	---	---	---	---	---
Sales to fee status	---	---	---	---	---	---	---	---	[1] 5	1.65	---	---	---	---	---	---	---	---	---	---
Takings for public purposes	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Other (explain)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[1] City lots.

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from fee status			1	480	1	320					1	320	1	3,807						
Purchases of fee lands											1	480								
Other (explain)																				

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TURTLE MOUNTAIN PUBLIC DOMAIN ALLOTMENTS UNDER JURISDICTION OF FORT BELKNAP CONSOLIDATED AGENCY

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee											9	1,439	24	3,840	2	320	4	640	14	2,240
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes																				
Sales to other Indians in trust or restricted status			1	160																
Other (explain)																				

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status									1	160	19	3,039	13	2,080	3	480	7	1,120	4	640
Takings for public purposes																				
Other (explain)																				

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																							
Exchanges from individual trust or restricted land																							
Purchases from tribes																							
Purchases of trust or restricted land from other Indians			1	160																			
Other (explain)																							

ACQUISITIONS FROM FEE STATUS—None

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5. FORT PECK AGENCY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, FIELD SERVICE,
Poplar, Mont., June 16, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SIR: In response to your letter of April 17, 1958, together with the questionnaire, we enclose tabulated information and narrative report regarding the disposition and acquisition of Indian lands for the last 10 years.

We believe you will find the report and tabulated figures complete for the purpose desired.

Sincerely yours,

DAVID P. WESTON, *Superintendent.*

INFORMATION REQUESTED IN REGARD TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS ON THE FORT PECK INDIAN RESERVATION IN THE LAST 10 YEARS

PART I

The following answers are submitted as to tribal and individually owned trust or restricted lands on the Fort Peck Indian Reservation:

1. On July 1, 1947, there were 153,646 acres of tribal lands held in trust by the Fort Peck tribes. In addition there are under revocable permit to the tribes 85,338 acres of Government-owned (submarginal) lands. The 10-year permit is effective January 1, 1949, and expires December 31, 1958. There was no acreage acquired in fee by the tribes.

2. On July 1, 1947, there were 1,066,619 acres of allotted or individually owned trust or restricted lands held by members of the Fort Peck tribes.

3. During the period from July 1, 1947, to and including fiscal year 1957, there were a total of 2,696 land-conveyance transactions (leases, permits, etc., not included) involving 421,480 acres. This figure includes 8,944 acres of public-domain allotments of the Turtle Mountain Reservation at Belcourt, N. Dak.

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4. Number of conveyance transactions and acres to fee status through advertised sales, patents-in-fee, and otherwise:

	Number of transactions	Acreage		Number of transactions	Acreage
1948	44	8,902	1953	137	34,293
1949	70	18,586	1954	266	69,518
1950	29	7,553	1955	309	59,507
1951	40	8,352	1956	104	13,941
1952	36	5,541	1957	178	34,057

5. For number of transactions for each year, broken down by the type of transaction, see tabulated sheets attached.

6. For acreages for each year, broken down by the type of transaction, see tabulated sheets attached.

Lands not previously under Indian ownership:

7. The tabulated record information show only 3 tracts containing total of 400 acres purchased in 1949.

8. See answer to No. 7.

9. See answer to No. 7.

10. See answer to No. 7 and tabulated sheets attached.

11. There were 169,905 acres in tribal ownership on December 31, 1957. There were 944,775.43 acres held by the United States in trust. There were no acres acquired in fee by the tribes.

12. There were 774,870.43 acres of trust or restricted land in individual Indian ownership on December 31, 1957.

13. The act of June 30, 1954 (68 Stat. 358), provided restoration to individual ownership certain oil and gas rights either in a restricted or unrestricted status. This has had some effect on the disposal of oil and gas mineral interests in which in some instances were valuable. Those rights which were restored in an unrestricted status have not always been disposed of to the betterment or benefit of the owner.

There appears to be no other acts of Congress that are of particular significance in the acquisition and disposal of Indian lands on the Fort Peck Reservation. No general study has been made to determine the cause and effect of tribal-land sales on this reservation. No doubt many instances of individual cases can be cited which worked to the definite benefit of the landowner. Other instances can be cited where proceeds of such sales has been used within a very short period of time without real benefit to the owner. Individual cases of land sales are now being closely scrutinized. Much closer supervision is now being exercised over funds derived from the sale of lands under Bureau supervision in order to insure maximum benefits to individual Indians who are disposing of their land holdings. A large portion of our applications for supervised sales are for the purpose of providing better homes or improving present homes in order to raise living standards. Many of these applications are coming from individuals who have been or are expecting to participate in the old-age assistance program or other State- or Federal-aid program.

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In the 6-year period from 1949 through 1954 fiscal years the Fort Peck tribes purchased 16,259 acres of allotted lands. In 1954 the land-purchase program of the Fort Peck tribes was stopped by the Bureau of Indian Affairs because no definite policy had been developed by the tribes for the purchase of additional lands. The lands being purchased, in many instances, were tracts scattered over the reservation without thought to the consolidation of tribal holdings. In some instances the lands were of rather poor quality and it would appear that the acquisition of similar lands would not be in the best interest of the Fort Peck tribes. The executive board has been periodically considering a land-purchase program, but has not yet completed any definite policy that could be considered by the Bureau and the Department. In 1956 a proposed general land policy statement was drafted for the purchase of additional lands. No final action has been taken on this proposed policy and we are currently at a standstill so far as tribal purchase of land is concerned. There appears to be a difference of opinion among the members of the tribes on this question. Certain individuals feel that the majority of tribal funds now in the general treasury should be used to purchase additional lands. Others contend that the majority of funds should be used to make a per capita payment to the members of the tribes. This office has no idea of how or when these differences may be resolved. In 1957 the tribal executive board passed Resolution No. 47–57–6, dated June 17, 1957, requesting that the tribes be allowed to purchase the 85,338 acres of Government-owned (submarginal) lands. Copy of the resolution is included.

14. The fractionated multiple ownership of Indian allotments definitely has adversely affected the acquisition and disposal of individual Indian lands. It has also created serious problems in the leasing and permitting of lands for agricultural, grazing, and other purposes. It is estimated 60 percent of the Fort Peck Reservation Indian allotments to be in heirship status. The problems incident to sales, acquisition, leasing, and so forth, of Indian lands will continue increasing each year unless suitable and appropriate legislation is enacted with an overall plan for solution.

(*a*) Ownership of undivided interests in land held by the Fort Peck tribes is negligible.

(*b*) The records show 46 non-Indians having various undivided land interests in 66 Fort Peck allotments containing 13,906 acres. In addition our records show 48 Canadian nationals holding various fractionated land interests in 60 Fort Peck allotments containing 11,779 acres. Determination of the Canadian nationality question requires much research of the records, both, in Canada and the agency files of the States for use as evidence in modification of probate findings.

(*c*) The tribes of the Fort Peck Reservation having tribal rights as stated elsewhere are not under the Indian Reorganization Act.

(*d*) Some difficulty is encountered in obtaining consents to sales of heirship lands, particularly, where the interest owned is very small. Generally, however, where the owners can be located their consents are readily given.

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There is more difficulty among the heirs or owners in reaching an agreement in the consummation of negotiated leases and permits. This is due to the various interests involved, rental rate, and the personal choice of individual lessee to whom the land is to be leased or permitted.

(*e*) Our records do not show that any use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs.

PART II—FORT PECK

The records of the Fort Peck Agency since July 1, 1953, show no question raised, either by the tribal board members, or individual Indian landowners, regarding sale and disposal of so-called key tracts of Indian lands. Consequently, the Bureau officials were not called upon to determine whether the sale of a particular tract was either a key tract or not a key tract. Nor has the tribes or individual Indians purchased any fee land regarded as key tracts converting title to trust or restricted status.

Within the past year—considered 1 of our big years for the sale of Indian lands—not more than 2 tracts of the total sales could be considered as key tracts. These tracts were located in grazing units and involved stock water. Based on this estimate and the absence of complaints, it is doubtful if very many key tracts have been sold since 1953. Since no questions were raised regarding sale of key tracts, there is no documented account in the agency files.

In view of the foregoing explanation the questions under part II may be answered as follows:

1. None.
2. None.
3. None.
4. None.
5. If there were sales of key tracts of Indian lands within established grazing units to non-Indian purchasers there would be little or no adverse effect on the use of lands remaining in Indian ownership. If any adverse effect develops it would appear when the present grazing permit expired and the Indian lands were readvertised for letting under a new permit. Even then it is doubtful if the effect would be of a serious nature for the cost of developing new stockwater reservoir and ponds is part of the agricultural stabilization and conservation program involving Federal-aid funds. Under such conditions a keener competition for range land conceivably could develop to the benefit of the Indian landowners. In this part of the State of Montana there is every indication of continued demand for Indian lands for grazing purposes and the improvement and development of the livestock industry.
6. None.

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PART III—FORT PECK

This part of the questionnaire is to ascertain to what extent the Fort Peck tribes have assumed responsibility for real-estate activities.

1. There are no tribal real-estate employees at the Fort Peck Agency.

2. The Fort Peck Agency have four agency real-estate employees, whose salary is paid by the tribe. Position, salary, and nature of work shown as follows:

Clerk-stenographer, GS–3, $3,175: This position is located in the Records and Control Section, Branch of Realty, Fort Peck Agency. The duties of this position concerns principally with the preparation of land status and ownership statements, inherited interest records and maintaining and keeping current generally, land records of Indian ownership changes, maps, plats, and preparation of periodic and special realty reports.

Clerk-typist, GS–2, $2,960: This position is located in the Records and Control Section, Branch of Realty, Fort Peck Agency, and concerns principally with the preparation and maintenance of Agency land records, and assists the supervisor with any matters pertaining to probate and changing of records.

Clerk-typist, GS–3, $3,175 (temporary position to June 30, 1958): This position is located in the Tenure and Management Section, Branch of Realty, Fort Peck Agency, under the immediate supervision of the Chief of Section. This position is established primarily to perform such necessary work and assist in various duties to effect a current status of the serious backlog in general leasing matters of the Agency involving allotted, tribal, and submarginal lands, including public domain allotments located in the States of Montana and North Dakota.

Clerk-typist, GS–2, $2,960 (temporary position to June 30, 1958): This position is located in Branch of Realty, Fort Peck Agency. Fifty percent of the duties and responsibilities of the position is work related to the Records and Control Section and 50 percent devoted to the Acquisition and Disposal Section, Branch of Realty, and under supervision of realty assistant, GS–9. With respect to Records and Control Section, assists in setting up new records, files, and maintenance of landownership changes due to sales, fee patents, etc.; clearing allotment files and installing new folders; generally keeping current landownership records of the Agency. With respect to Acquisition and Disposal Section, work relates to search of Agency records and files for information in the preparation of land appraisals, sales, issuance of fee patents, and includes the preparation of deeds of conveyance, acceptances, and other related papers for consummation of realty transactions involving allotted lands of the Fort Peck Agency

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and public domain allotments located in Montana and North Dakota.

3. The tribes do not have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities.

4. The tribes do not have a real estate committee with authority to approve tribal real estate activities.

5. The land and lots committee and the oil and gas committee are two committees among several appointed by the tribal executive board. In order to expedite the work of the board (tribal organization), these two committees only recommend to the board as a whole what action is deemed necessary and beneficial to the tribes.

6. No real estate consultant has been employed by the tribes. Nor has the Bureau disapproved such employment.

7. On March 3, 1949, there was duly approved Tribal Land Service Enterprise of the Fort Peck Reservation. This project is presently in force.

The purpose of this enterprise is to schedule and collect certain fees to pay for necessary cost of clerical and ministerial work in processing realty transactions and incidental expenses involving individually owned restricted and tribal lands, such as leases, permits, exchanges, partitions, sales, purchases, etc. Annual fees collected average $15,000.

Up until about July 1, 1956, the salaries of the Fort Peck realty staff, except three positions, were paid from tribal funds, including fees collected under the service enterprise. Later in 1956, the salaries of the entire realty personnel were authorized to be paid from gratuity or appropriated funds.

An evaluation of the success or effectiveness of such an enterprise cannot accurately be made for the reason that, while tribal funds were used, the tribal officials exercised no direct control or supervision over the work of the realty personnel. At the outset practically all realty positions at the agency were filled with qualified local Indian people. Much of the agency work is dependent on local help. Personnel turnover is tremendous. Due to the distance and isolation, lack of adequate Government housing, medical, hospital, and other facilities, it is difficult to recruit personnel beyond local areas.

8. The real estate operations on the Fort Peck Reservation are totally under Bureau control. All personnel hired from tribal funds are hired under civil-service regulations and must meet civil-service standards for employment.

In the past 2 years, there has been a great deal of confusion in the matter of leasing of tribal and submarginal lands. All leases and permits on tribal holdings are first submitted to the land and lots committee of the executive board. This committee makes recommendations to the executive board for action to be taken on each application for use of tribal lands. There has been much controversy

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among the different factions of the board in individual cases. Recently, these committees have been quite heated. Particularly in many instances where Indian applicants have been awarded leases or permits over non-Indian applicants, who in some instances have not used the lands for several years. The executive board is in the process of setting up a land use policy which may alleviate some of the past differences. On June 12, the executive board set up a third draft of a land-use policy; copies are attached. The internal strife which has characterized the tribal government of the Fort Peck tribes for several years would result in many inequities if the tribes were to totally operate the real estate program without Bureau supervision.

It is doubtful that the Fort Peck tribes will be able to successfully manage their own affairs until such time as they set up an effective system of government through proper constitution and bylaws and corporate charter. The Fort Peck tribes rejected the 1934 act. It is doubtful that any attempt to organize under the 1934 act would be successful. Specific legislation for the organization of the Fort Peck tribes might be desirable if any attempts are made to organize under law.

Acreage summary, Fort Peck Reservation, fiscal years 1948–57

	Tribal acres	Allotted acres	Total Indian trust lands acres	Government owned-acres	Total acres
July 1, 1947	153,646	1,066,619	1,220,265	[1] 85,338	1,305,603
Disposals to fee status:					
Fiscal year 1948		8,902			
Fiscal year 1949		18,586			
Fiscal year 1950		7,553			
Fiscal year 1951		8,352			
Fiscal year 1952		5,541			
Fiscal year 1953		34,293			
Fiscal year 1954		69,518			
Fiscal year 1955		59,507			
Fiscal year 1956		13,941			
Fiscal year 1957		34,057			
Total		260,250			
Acquisitions from fee status:					
Fiscal year 1949		80			
Fiscal year 1951		360			
Total		440			
Sales to tribe:					
Fiscal year 1949	320	320			
Fiscal year 1950	7,671	7,671			
Fiscal year 1951	4,305	4,305			
Fiscal year 1952	3,390	3,390			
Fiscal year 1953	253	253			
Fiscal year 1954	320	320			
Total	16,259	16,259			
June 30, 1957	169,905	790,550	960,455	85,338	1,045,793
Total original reservation					2,093,124

[1] 85,338 acres above designated Government owned are the submarginal lands purchased by the U. S. Government (See title II, National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), and Executive Order No. 8055; Emergency Relief Act of Apr. 8, 1935 (49 Stat. 115); sec. 55 of title I of the act of Aug. 24, 1935 (49 Stat. 759).) Above submarginal lands now under 10-year revocable permit to the Fort Peck tribes. The permit is dated Sept. 30, 1948, and expires Dec. 31, 1958.

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Acreage summary, Turtle Mountain allotments under Fort Peck jurisdiction, fiscal years 1948–57

	Alloted acres	Total acres
July 1, 1947	52, 933	52, 933
Disposals to fee status:		
Fiscal year 1953	3, 613	
Fiscal year 1954	4, 151	
Fiscal year 1955	640	
Fiscal year 1956	320	
Fiscal year 1957	220	
Total	8, 944	
June 30, 1957	43, 989	43, 989

The above allotments are public domain allotments located in both Montana and North Dakota.

The administration of the above lands is the responsibility of the Fort Peck Agency, Poplar, Mont.; however, the basic land title and probate records are maintained at the Turtle Mountain Consolidated Agency located at Belcourt, N. Dak.

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FORT PECK RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	20	4,261	45	12,145	8	2,076	6	1,554	21	3,198	117	29,539	184	53,374	153	35,599	27	7,062	88	20,675
Certificates of competency																				
Removal of restrictions													3	110			1	40	1	155
To fee status by inheritance or devise (only where entire interest has so passed)									1	27										
To fee status by partition											2	48								
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status	18	3,438	1	40							1	200					1	360		
Exchanges to other Indians in trust or restricted status	25	2,415	54	3,515	7	393	10	790	4	460	11	792	2	640			6	730		
Sales to tribes			1	320	39	7,671	18	4,305	17	3,390	3	253	1	320						
Sales to other Indians in trust or restricted status	72	8,310	133	14,171	110	7,429	90	5,878	31	3,255	28	1,488	12	2,138	[1] 2	40	2	80	12	[2] 3,082
Other (explain)																				
DISPOSALS TO FEE STATUS																				
Exchanges to fee status							1	80												
Sales to fee status	24	4,641	25	6,441	21	5,477	33	6,718	14	2,316	18	3,967	79	16,034	156	23,908	75	6,799	89	13,227
Takings for public purposes											1	[3] 739								
Other (explain)																	1	40		

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status	18	3,438	1	40							1	200					1	360		
Exchanges from individual trust or restricted land	25	2,415	54	3,515	7	393	10	790	4	460	11	792	2	640			6	730		
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	72	8,310	134	14,491	149	15,100	108	10,183	48	6,645	31	1,741	13	2,458	2	40	2	80	12	3,082
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status			1	40			1	80												
Purchases of fee lands			2	360																
Other (explain)																				

[1] Includes town lot.
[2] Includes deeds effecting compromise settlement of an estate.
[3] 739.36 acres condemned for Bureau of Reclamation.

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TURTLE MOUNTAIN PUBLIC DOMAIN ALLOTMENTS UNDER JURISDICTION OF FORT PECK AGENCY

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents in fee											23	3,613	19	3,189	3	480	1	160	2	220
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status													6	962	1	160	1	160		
Sales to fee status																				
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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Proposed General Land Policy of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Mont.

LAND PURCHASE, 1956

Purpose

The liquidation of individual Indian allotments has increased so rapidly within the last few years that thousands of acres of trust allotments have been alienated leaving a great number of Indians landless. Approximately 1,500 children, descendants of the Assiniboine and Sioux Tribes are landless because they have never been issued a trust allotment.

The Indian Reorganization Act of 1934, of which the Fort Peck tribes are excluded, restricts the issuance of any further allotments. Present land holdings of the Fort Peck tribes are insufficient to allot at a fair and equal basis to the original allotments granted since 1908. Based on this premise, it is the plan and scope that all purchases be made in the name of the Assiniboine and Sioux Tribes to be held collectively in trust by the United States Government in perpetuity. No tribal land exchanges will be permitted within range units in use by Indian operators.

Purchases will primarily be made for the purpose of consolidating Indian land holdings, with a future outlook of reserving a homesite for the landless Indians.

Purchases

Purchases will be based on preferential need in the following categories:

1. Legislation will be proposed to purchase submarginal land, approximately 85,337.77 acres, at the original appraised price paid by the Resettlement Administration.
2. Purchases will not be made north of township —— except in cases where valuable farmlands are located on the reservation.
3. Preference in land purchases should be given to allottees owning land within range units that are being operated by Indian operators.
4. Complicated inherited interests will be purchased at the recent appraised value. Interests of Canadian born and nonmembers of the tribes will be given priority to stop fractionated interests from being alienated.
5. Individual allotments will be purchased upon application at the recent appraised value, provided it is classed as an emergency and will consolidate present Indian land holdings.
6. Present alienated land (deeded or fee patented) will be purchased upon application at the recent appraised value, provided the land is so situated as to consolidate present Indian land holdings and provided the title can be restored in trust.
7. All land purchases are to be appraised by a committee of 3 members—1 member selected from the land committee, 1 qualified person from the land leasing department or soil and moisture division, and 1 member selected by the landowner.
8. Land purchases shall be final after recommendations made by the land committee are approved by the executive board.

Resolution No. 47-57-6

Whereas the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act in behalf of the tribes except to select delegates and to adopt members into the tribes; and

Whereas the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Mont., wish to recover ownership of the submarginal lands from the Federal Government, and wish to recompensate the Federal Government for what they have invested in said submarginal land: Now, therefore, be it

Resolved, That the Tribal Executive Board of the Fort Peck Reservation, Mont., adopt and approve this resolution requesting the Federal Government to consider the request of the Assiniboine and Sioux Tribes to recover ownership of the submarginal lands; and be it further

Resolved, That the Federal Government present to the Fort Peck Assiniboine and Sioux Tribes a reasonable price they will accept to convey ownership of said submarginal lands to said Assiniboine and Sioux Tribes.

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RESOLUTION No. 293–58–6

Whereas the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act in behalf of the tribes except to select delegates and to adopt members into the tribes; and

Whereas there is a need for a land-use policy for the operation and use of tribal townsite lots and tribal lands: Now, therefore, be it

Resolved, That the following tribal land-use policy be adopted and approved by the tribal executive board; to become effective retroactive to January 1, 1958, from the date of approval.

TRIBAL LAND-USE POLICY

I. Tribal townsite lots

(*a*) Complete resurvey of all townsite lots of the tribes.

(*b*) Any family head will be eligible to lease a tribal townsite lot.

1. Written justification must be provided when more than one lot is applied for.

(*c*) Rental rates will be $12 per year per lot for tribal members, and $24 per year per lot for nontribal members.

(*d*) Lot applications for business purposes will be considered.

(*e*) Lots not occupied within 6 months will be cause for cancellation.

(*f*) No lots will be subleased or assigned without consent of the tribal executive board.

II. Tribal lands

(*a*) All lease or permit applications, contracts, or renewals must be routed through the land and lots committee.

1. Leases, permits, or contracts will be granted for a 5-year term on tribal lands.

(*b*) Applicant must be bona fide farmer or rancher, and be able to show that he is or will be equipped to operate the land applied for.

1. Tribal members will be limited to the acreage they are equipped to farm.

2. The same will apply to nontribal members.

(*c*) All lessees and permittees must operate the land they lease. (Assignment or transfer, without prior written approval of the tribal executive board, will be cause for cancellation of leases, and seizure of crops.)

(*d*) A cash or surety bond is required on all leases, permits, or contracts on tribal lands; with the exception of item 3 under preferences.

(*e*) All leases, permits, and contracts to have land-use stipulations attached.

(*f*) All operators must seed allotted crops under price-support programs for tribal lands on tribal lands.

(*g*) All operators must crop half and summer fallow half of the cropland of each lease on tribal lands.

III. Farming and grazing rental rates

(*a*) Rental on dryland farm acreage to be not less than one-fourth crop share.

(*b*) All applicants to pay not less than 25 cents per acre for grazing and not less than $1 additional per acre on acreage cut for dryland hay.

(*c*) A minimum rate of $5 per acre for irrigable farmland and lessees to pay the water charges.

(*d*) A minimum rate of $2.50 per acre for irrigable native hay land and lessees to pay the water charges.

IV. Preferences

(*a*) Tribal members to be given preference over nontribal members.

1. Tribal member must make application for leases on or before April 15 of the year the lease expires on farming lands. Preference shall be given to the tribal member who has had the prior lease, and has lived up to all the requirements of his lease, permit, or contract. Said lessees shall be notified of this regulation prior to the expiration date of their leases, permits, or contracts.

2. Where more than one tribal member is interested in the same tract of land, preference shall be given to the applicant whose operations are nearest to the land applied for.

3. The bond shall be waived for a tribal member who still retains his allotment or other lands in trust status, as determined by the Superintendent, or his authorized representative.

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V. Penalties

(*a*) Trespass on tribal farmland without an approved lease will be considered as follows:

1. If seeded, the crop is to go to the party acquiring the approved lease.
2. The trespasser will have no claim for reimbursement of seed or any other work done in preparing the seedbed.

(*b*) Overseeding on leased tribal lands will not be allowed. Any operator who overseeds his allotted acreage on tribal lands shall pay all penalties involved, plus the crop-share rental, and shall have his lease, permit, or contract canceled by the Superintendent of the Fort Peck Agency.

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6. NORTHERN CHEYENNE AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Lame Deer, Mont., June 11, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: In response to your letter of April 17, 1958, enclosing questionnaire relative to land transactions on the Northern Cheyenne Reservation during the past 10 years, we offer the following information and enclose tabulations which have been compiled from our records as they exist at this time.

PART I

1. At present approximately 209,543 acres of land were in tribal ownership on July 1, 1947, and is all in trust status. Fifty-seven acres were acquired in fee.

2. At present 234,065 acres of trust or restricted lands were in individual ownership as of July 1, 1947.

3. There are 26 transactions by which tribal or individually owned lands were disposed of and consummated during each year since July 1, 1947, through fee patents.

4. Approximately 3,623.98 acres of land were disposed of by fee patents from Bureau jurisdiction since July 1, 1947.

5. The number of transactions for each year by issuance of fee patents were as follows:

1954	5
1955	1
1956	3
1957	17
Total	26

6. The acreages by years disposed of by fee patents in question No. 4 are as follows:

1954	602.39
1955	166.24
1956	490.00
1957	2,365.35

7. Seventy-one transactions were consummated during each year since July 1, 1947, by which tribal lands were acquired and 53 transactions were consummated by individuals either through exchange or purchased by negotiated sales.

8. Approximately 7,805.65 acres of restricted land were purchased by the tribe during each year since July 1, 1947, and approximately

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3,798.34 acres acquired by individuals, either by land exchange or negotiated sale.

9. The number of transactions by years on question No. 7 are as follows:

Tribal purchases

1948	27	1954	2
1949	4	1956	17
1950	3	1957	9
1952	2		
1953	7	Total	71

Individual Indian purchases or exchanges

1948	4	1956	2
1949	14	1957	3
1950	17		
1951	4	Total	53
1954	9		

10. Acreages acquired in each type of transaction shown under question No. 8 are as follows:

Tribal purchases

1948	2,154.98	1956	2,428.54
1949	172.50	1957	1,232.89
1950	120.00		
1952	334.38	Total	8,520.63
1954	340.00		

Negotiated sale

1950	1	1957	3
1951	1		
1956	2	Total	7

Land exchange

1948	4	1954	9
1949	14		
1950	16	Total	46
1951	3		

11. There were approximately 217,348.65 acres of land in tribal ownership on December 31, 1957.

12. There were approximately 222,635.37 acres of land in trust or restricted land in individual Indian ownership as of December 31, 1957.

13. Under the act of May 14, 1948 (62 Stat. 235.25 U. S. C. 483): Lands that have been alienated on the Northern Cheyenne Reservation since 1955 have been given an on-the-ground inspection and appraisal. Sale of so-called key tracts to the tribe or non-Indians has depreciated the value of surrounding allotments to some extent but has not interfered in use of lands for grazing purposes. The tribal council has objected to advertising sales and issuance of fee patents but have not justified their objections, nor given sufficient reasons for wishing to retain land in trust status. There has been little or no cooperation from the council in the planning of land disposal and acquisition.

14. The multiple-ownership problem within the Northern Cheyenne Reservation is becoming complex and complicated, although lands were allotted at late as 1926. In the future this problem will become acute because of the multiple-heirship problem. There is a definite need for suitable legislation to allow disposition of complicated heir-

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ship lands, and this need will rapidly become more acute as time goes on.

(*a*) At the present time the Northern Cheyenne Tribe has very few few undivided interests in heirship tracts. This effects the heirs in disposing of such land to any purchaser except the tribe in that no individual purchaser wishes to enter into a partnership with the tribe.

(*b*) Undivided interests owned by non-Indian or alien Indians handicaps disposal of the land in that it involves 2 separate transactions, 1 on the restricted portion and 1 transaction on the nonrestricted portion. The nonrestricted portion would involve transactions with the counties in which the land lies. However, this reservation has very few tracts in this category at the present time.

(*c*) Undivided interests owned by minors would be handled by the legal guardian and would therefore not cause any particular handicap in disposing or acquiring land.

(*d*) Difficulty is realized in reaching an agreement when disposing of or acquiring land where there are a multiple number of heirs. In many instances the shares of the heirs are so small that they have no interest in disposing of land. There is also difficulty in reaching heirs, particularly when they have moved from the reservation to other localities. It is strongly recommended that legislation be enacted to automatically dispose of land where this multiple-heirship problem exists.

(*e*) There is little difficulty in disposing of heirship lands of minors or incompetent Indians, because the legal guardians have the authority to act in their capacity.

PART II—NORTHERN CHEYENNE

1. Approximately 71 tracts of land were sold to the tribe by individual Indian owners which were alleged by the tribe and the Bureau to be key tracts.

2. There were no tracts of land alleged by the tribe or individual Indian owners to be key tracts but determined by the Bureau officials not to be key tracts.

3. Seventy-one key tracts, totaling 7,805.65 acres, were sold to the tribe.

4. One tract covering approximately 160 acres which was alleged by the tribe to be key tract was sold to a non-Indian.

5. There are various definitions of the term "key tract." This particular land has a spring within its boundaries and is located within a range unit. However, the land immediately surrounding the spring has not been included in the range unit in the past and was fenced in with a farm and grazing area by itself. Since this was not previously utilized as a source of water for the range unit, except what flowed downstream through the fence, there has been little or no adverse effects on the use of Indian land remaining in Indian ownership. The same source of livestock water is now available for trust-land use as was prior to sale of this land to a non-Indian. In fact, through the development of water within the tract of land purchased by the non-Indian there is a noted increase in the flow of water downstream on trust lands.

Using water alone as a basis for determining key-tract status, the topography of Northern Cheyenne Reservation is such that only a limited few allotments could control grazing. The water table of the

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reservation is such that well and spring development can furnish extensive sources of range water.

6. No key tracts have been acquired from fee status.

PART III—NORTHERN CHEYENNE

1. There are no tribal real-estate employees on annual salary at Northern Cheyenne Agency.

2. The tribe does not pay any portion of the realty employees' salaries.

3. The tribe does not have regularly employed real-estate adviser or consultant to advise the council with his regard to tribal real-estate activities. However, the tribal attorney does act in an advisory capacity on real-estate matters occasionally.

4. The tribal organization has a real-estate committee with authority to approve tribal real-estate activities, as far as determining key tracts in purchasing land under their present land program.

5. The tribal organization has a real-estate committee (the same committee as in answer to question No. 4) which advises the tribal council with regard to tribal real-estate activities.

6. The tribe has a contract attorney who advises them on real-estate activities when called upon. The Bureau has not disapproved such employment.

7. The Land Service Enterprise adopted by the Northern Cheyenne Tribe became effective July 1, 1949. The purpose was to assume the clerical and ministerial details involving the leasing, permitting, exchange, sales, and other adjustment involved in handling individual and tribal trust or restricted land on the Northern Cheyenne Reservation.

Funds were collected in the form of execution fees for leases, permits, and lessor fees. All funds were to be used for authorized expenses outlined for the purpose set up.

From July 1, 1949, to July 1, 1957, the Land Service Enterprise was handled by the Branch of Realty and the clerical help was expected to write grazing permits for the Branch of Land Operations.

July 1, 1957, all fees collected by the Branch of Realty went direct to the Treasurer of the United States. From this date on the only fees accredited to the Land Service Enterprise account came from fees on grazing land. The clerk became the range clerk under the plan of operations set up for the Land Service Enterprise and does not give any services to the Branch of Realty.

At the present time a modification is pending council action to change the enterprise from the Land Service Enterprise to Range Service Enterprise and justifying the use of the funds for range clerical and ministerial duties only. This modification will become effective July 1, 1958.

The Land Service Enterprise fulfilled necessary realty work prior to establishment of the Branch of Realty in 1956. It continues to serve a very necessary function in the processing of range unit permits.

8. The tribe or the area office has not been instructed to turn real-estate operations over to the Bureau.

I appreciate your interest in matters pertaining to the Northern Cheyenne Reservation and am sincerely hopeful that this is sufficient. Additional information will be furnished you upon request.

Sincerely yours,

DON Y. JENSEN, *Superintendent.*

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NORTHERN CHEYENNE RESERVATION, MONTANA

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee [1]															6	768.63	3	490.00	17	2,365.35
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status	4	187.00	13	605	17	1,466	4	320					9	1,086						
Sales to tribes	27	2,154.98	4	172	3	120			2	234.38	7	1,122.36	2	240			17	2,428.54	9	1,232.89
Sales to other Indians in trust or restricted status	8	589.00	10	786	25	2,120	26	2,218	13	1,480.00	8	823.00	9	661	3	360	2	110.00	4	198.00
Other (explain)																				

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DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																		
Exchanges from individual trust or restricted land	4	187.00	13	605	17	1,466	4	320			9	1,086						
Purchases from tribes																		
Purchases of trust or restricted land from other Indians	14	986.00	34	2,714	26	2,123	29	2,338	13	1,480.00	10	1,157.00	16	1,783	5	680	8	1,073	25	3,032.00
Other (explain)																		

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																		
Purchases of fee lands																	1	[2] 57.00
Other (explain)																		

[1] Of the Turtle Mountain public-domain allotments under jurisdiction of the Northern Cheyenne Agency, 2, containing 319.94 acres.
[2] Interest of non-Indian heir.

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7. WIND RIVER AGENCY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Fort Washakie, Wyo., June 18, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: Your letter of April 17, 1958, requesting statistical data relative to real estate transactions on the Wind River Reservation has been reviewed and the statistical data requested is transmitted herewith. The questionnaire on the disposition and acquisition of Indian lands in the last 10 years is considered as follows:

PART I

Items 1 through 10 are answered on the attached forms.

11. 1,753,154 acres were in tribal ownership on December 31, 1957. This acreage is held in trust by the United States. The Shoshone and Arapahoe Tribes do not presently hold any land in fee.

12. 136,351.13 acres of trust or restricted land were held by individual Indians as of December 31, 1957.

13. Tribal council resolutions Nos. 509, 510, and 515 are enclosed indicating the action taken by the Shoshone and Arapahoe Tribes of Indians.

You will note by the chart that land going out of the restricted status or being alienated on the Wind River Reservation has been very limited.

14. (*a*), (*b*), (*c*), (*d*), and (*e*), we do not feel that a problem of major importance exists at this time. If sales were being made on a major scale, then (*a*), (*b*), and (*d*) would prove burdensome.

PART II—WIND RIVER

1. Six tracts comprising 900 acres were sold in 1953 by individual Indian landowners and have been alienated, which were considered as key tracts by the Shoshone and Arapahoe Tribes.

2. The above acreage was not recognized by Bureau officials as being key tracts insofar as total control of stock water is concerned, and the sale was authorized in recognition of the desires of the majority of the individual owners.

3. The above tracts were sold to a non-Indian and title taken in fee.

4. Refer to item 3.

5. The above tracts included approximately 1½ miles of Bull Lake Creek, the main source of stock water readily accessible in the area. The sale of these tracts has interfered with the best use of the tribal grazing land adjoining these tracts, which were excluded by fencing.

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Livestock now on the adjacent rangelands are required to concentrate on the remaining open creek of approximately one-half mile, which is not as readily accessible as the area sold.

6. No acquisitions in this category were made during the past 10 years.

PART III—WIND RIVER

1. Positions, salary, and nature of work of tribal employees and employees paid from land and leasing enterprise funds:

Realty officer—$5,710 per annum, based on civil-service grade GS–9. Salary is paid jointly by the tribes from tribal funds advanced to local individual Indian money account.

The incumbent of this position is responsible for the direct supervision of the realty functions of the agency and is under the immediate supervision of the superintendent. The primary duties of the position, in addition to the direct management of all leasing, sales, transfers, etc., affecting tribal and restricted allotments, is the personal handling of all oil and gas and mineral leasing in all phases including preparation of notices of sale. As head of the realty section he deals directly with the business council on all matters pertaining to land transactions with the exception of contracts for tribal assignments covering base properties used by individual Indians in connection with their livestock grazing permits. Tribal assignments are supervised by Bureau employees in the branch of land operations, range management, in conjunction with the tribal range and assignment committee.

Assistant realty officer, $4,525 per annum, based on comparable Civil Service Commission grade GS–7. Salary of this position is also paid from tribal funds advanced to local account. The incumbent of this position is an assistant to the realty officer and is in charge of the acquisition and disposal, tenure and management phases of the realty section in transactions affecting individual allotments. Assumes charge of realty section during absence of realty officer.

Law clerk, $3,415 per annum, based on Civil Service Commission grade, GS–3. Salary is paid from local land and leasing enterprise funds. The incumbent of this position is responsible for maintaining basic land records, which are now being brought up to date, reporting land inventories of deceased Indians for probate, assisting in the preparation of wills, hearings, and all related duties in the proper recording of heirship determinations affecting the ownership of land. Position now vacant.

Clerk-stenographer, $3,175 per annum, based on Civil Service Commission grade GS–3, salary paid from local land and leasing enterprise funds. Duties of this position are as indicated by the title. Performs stenographic work, mainly for the realty office and other clerical duties in land work as assigned.

2. Refer to item 1 of this part.

3. The tribes do not have a regularly employed real-estate adviser or consultant with respect to real-estate activities. Real-estate matters not originating in the business council are referred to the business council by the realty officer with his recommendations or comments.

4. The only tribal committee dealing with real-estate matters is the range and assignment committee composed of business council members appointed by the chairman of the respective Shoshone and

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Arapahoe Business Councils. The primary responsibility of this committee has to do with range matters; however, they do assist in reviewing and evaluating real-estate transactions involving only tribal lands and only recommending actions to the joint business council.

6. Under a contractual arrangement, with approval by the Commissioner of Indian Affairs, the tribes employ Martin Toscan Bennett Associates, a firm of consulting engineers located in Washington, D. C. This firm is making a continuing study of the mineral leasing on the Wind River Reservation, past and present. At present they are consulted by the tribal council on all matters pertaining to mineral leasing, particularly with regard to pending sales for oil and gas leases.

7. The tribes have what is known as the Shoshone and Arapahoe Land and Leasing Enterprise. This enterprise was established in 1948 to assist in financing the real-estate work of this agency following a drastic reduction in appropriated funds for administrative positions. Since the time this plan was initiated and approved by the Commissioner's Office, all clerical work in the realty section has been paid from this account with the exception of the salary of the realty office position, which has been financed from tribal funds as explained under item 1 of this part, and during the past year only, the assistant realty officer's position has been paid from tribal funds. Fees charged on transactions performed in the realty and range management sections comprise the total income accruing to the credit of the enterprise account. The enterprise has provided funds for essential clerical assistance for realty work without cost to the Bureau or the tribes. Under the plan of operation, fixed fees are established and an annual budget based on anticipated income is prepared for tribal and Bureau consideration and approval. The enterprise also finances one clerical position to assist range management.

8. It is proposed to establish one position, that of realty officer, effective July 1, 1958, to be paid from appropriated funds. The business councils have been advised of this. The establishment of this position would of course obviate the tribal position of realty officer now paid from tribal funds. The incumbent of the tribal position is being considered for Federal appointment. It is further planned to establish additional positions if and when funds are available, in order that the Bureau may assume the full financial cost of real estate work for which it has trust responsibilities. The establishment of one position by the Bureau at this time would not eliminate the necessity for continuing presently the land and leasing enterprise or assistance from the tribes for the payment of salary for the realty assistant position or other positions required to fully staff the realty office.

Sincerely yours,

ARTHUR N. ARNSTON, *Superintendent.*

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Shoshone Business Council Resolution No. 509

Whereas under the terms of Public Law 74, all expenditures from Shoshone tribal funds require approval of the authorized representative of the tribe and of the Secretary of the Interior; and

Whereas on April 27, 1955, in a general council meeting at Fort Washakie, Wyo., the Shoshone Business Council was authorized to proceed with certain business: Now, therefore, be it

Resolved, That the Secretary of the Interior or his authorized representative be requested to approve the following item without time limitation: Land acquisition program, $150,000; be it further

Resolved, That the above funds be advanced to the regional disbursing officer, Minneapolis, Minn., as required; be it further

Resolved, That the chairman be authorized to sign this resolution on behalf of the Shoshone Business Council.

Arapahoe Business Council Resolution No. 510

Whereas under the terms of Public Law 74, all expenditures from Arapahoe tribal funds require approval of the authorized representative of the tribe and of the Secretary of the Interior; and

Whereas on May 12, 1955, in a general council meeting at Arapahoe, Wyo., the Arapahoe Business Council was authorized to proceed with certain business: Now, therefore, be it

Resolved, That the Secretary of the Interior or his authorized representative be requested to approved the following item without time limitation:

Land acquisition program, $150,000; be it further

Resolved, That the above funds be advanced to the regional disbursing officer, Minneapolis, Minn., as required; be it further

Resolved, That the chairman be authorized to sign this resolution on behalf of the Arapahoe Business Council.

Resolution No. 515

Whereas the Shoshone-Arapahoe Joint Business Council on June 16, 1955, considered a recommendation of the range and assignment committee that a draft of a proposed program to acquire allotted lands be presented to the tribal attorneys for their consideration and recommendations; and

Whereas the tribal attorneys have considered the proposed program and have discussed it with proper officials of the Bureau of Indian Affairs; and

Whereas the attorneys have presented a modified proposal which is believed to be acceptable to the Bureau of Indian Affairs, and

Whereas the joint business council believes that adoption of the proposed program is advisable for the general welfare of the tribes: Now, therefore, be it

Resolved, That the program as amended and submitted by the tribal attorneys is hereby adopted by the joint business council with the request that it be given prompt consideration and approval by the Secretary of the Interior or his properly authorized representative.

Adopted this 22d day of July 1955, by a vote of 10 for and 0 against.

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RANGELAND PURCHASE PROGRAM, WIND RIVER RESERVATION, WYO., JULY 22, 1955

Use of tribal funds has previously been authorized to acquire allotted lands essential to the protection and use of tribal lands. The Shoshone General Council authorized the use of $150,000 on April 27, 1955, and the Arapaho General Council authorized the use of $150,000 on May 12, 1955.

To achieve these objectives, so much of the authorized funds as are necsesary are made available for the following purposes, subject to approval of the Commissioner of Indian Affairs:

1. *Preferential right to bid.*—In each instance where an allottee requests that his allotment be sold, the Superintendent shall request the allottee to state in writing whether he consents to a preferential right for the tribes to meet the high bid. The superintendent shall promptly inform the range and assignment committee or joint business council of each application and where the allottee has not consented to a preferential right in the tribes to meet the high bid, the range and assignment committee, if the land is desired by the tribes, shall be free to persuade the allottee to request in writing such preferential right for the tribes. Where such consent is given, the advertisement shall contain a provision affording to the tribes the right to purchase such allotment at the highest price bid. The decision whether an allotment should be purchased by the tribes shall be made by the joint business council.

2. *Exchange of lands.*—Tribal and allotted lands of approximately equal value may, with the approval of the joint business council, be exchanged when, in the judgment of the joint business council and the Secretary of the Interior or his authorized representative, such exchanges are beneficial to the tribes and are fair to the allottees.

3. *Negotiated sales.*—In justifiable circumstances, allotments may be sold to the tribes by negotiated sale without advertising for bids. Such sales must be based on adequate valuations and must be approved by the Secretary of the Interior or his authorized representative.

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Acreage summary, Wind River Reservation, fiscal years 1948–57

	Tribal acres	Allotted acres	Total Indian trust lands acres	Government-owned acres	Total acres
June 30, 1957	1,753,154	136,351	1,899,505	1,127	1,890,632
Disposals to fee status:					
Fiscal year 1957		810			
Fiscal year 1956		273			
Fiscal year 1955		2,696			
Fiscal year 1954	[1] 161,528	1,623			
Fiscal year 1953	[1] 22,040	3,896			
Fiscal year 1952		142			
Fiscal year 1951		317			
Fiscal year 1950		1,762			
Fiscal year 1949		80			
Fiscal year 1948		1,606			
Total	183,568	13,205			
Acquisitions from fee status:					
Fiscal year 1957		20			
Fiscal year 1951		160			
Fiscal year 1950		1,332			
Fiscal year 1949		20			
Fiscal year 1948		2,380			
Total		3,912			
Sales to tribe:					
Fiscal year 1954	58	58			
Fiscal year 1951	2,550	2,550			
Fiscal year 1950	353	353			
Total	2,961	2,961			
July 1, 1947	1,933,761	148,605	2,082,366	1,127	2,083,493
Total original reservation					2,268,008

[1] Sold to Government for Boysen and Riverton reclamation projects.

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WIND RIVER

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee									1	142	6	570	6	335	2	175	5	273	3	160
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status			1	40	2	160	1	80												
Exchanges to other Indians in trust or restricted status	1	61	12	219			4	200			2	40			2	80			4	61
Sales to tribes					10	353	28	2,550					1	58						
Sales to other Indians in trust or restricted status	12	541	44	2,178	36	1,968	33	1,667	42	2,186	47	2,335	10	635	10	304			3	61
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status	2	1,606	1	80	2	1,762	4	317											1	20
Sales to fee status											6	776	14	1,288	11	2,821			10	630
Takings for public purposes											1	[2] 24,560	1	[3] 161,828						
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status			1	40			1	80												
Exchanges from individual trust or restricted land	1	61	12	219			4	200			2	40			2	80				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	12	541	44	2,178	48	2,481	61	4,217	42	2,186	47	2,335	11	693	10	304			7	122
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	4	715			3	1,332	1	160											1	20
Purchases of fee lands	3	1,665	1	20																
Other (explain)																				

[1] From available records, no fee patents were issued from fiscal year 1948 through fiscal year 1951.
[2] For Boysen reclamation project.
[3] For Riverton reclamation project.

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IV. GALLUP AREA OFFICE

1. CONSOLIDATED UTE AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Ignacio, Colo., May 27, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: This is in reference to your April 17, 1958, letter requesting certain historical and statistical data concerning land and land transactions of the consolidated Ute jurisdiction. We are submitting two separate reports since the Indian lands in this jurisdiction cover two groups of Ute Indians, namely the Southern Ute group and the Ute Mountain Ute group.

In your covering letter you asked for an enumeration of all Federal land on each reservation which had been acquired from private owners since 1930 and requested certain information concerning this particular type of land. Please be advised that within the Southern Ute jurisdiction 79 tracts have been acquired between the period of 1939 and 1953 involving a total of 67,965.71 acres, most of which was done prior to July 1, 1947. This land was purchased under the authority contained in the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) *supra.* Each tract was acquired for grazing and agricultural use in order to consolidate the Indian land pattern, thereby making it more usable by the Indian grazers. This land together with the surrounding and adjacent Indian land is being used at this time for grazing and farming purposes. Practically all of this land so acquired is still in Indian use; however, there are a few instances where improvement leases of short duration are in effect. These leases were made in order for the land to be improved for subsequent use by the Indian people.

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The following lands have been acquired from private owners for the Ute Mountain Tribe:

Number tracts	Acreage	Authority	Date acquired
1	280.00	Act of June 25, 1938 (52 Stat. 1130)	Mar. 25, 1940
2	800.00	do	Do.
2	720.00	Act of June 18, 1934 (48 Stat. 984), funds appropriated under the acts of June 18, 1940 (54 Stat. 406), and June 28, 1941 (Public Law 136, 77th Cong.)	Feb. 4, 1942
1	640.00	Act of June 25, 1938 (52 Stat. 1130)	Mar. 11, 1940
1	160.00	do	Dec. 20, 1939
1	320.00	do	Mar. 26, 1940
1	1,280.00	do	June 12, 1940
1	321.95	do	Oct. 31, 1939
1	80.00	Act of June 25, 1938 (52 Stat. 1130) and act of June 18, 1940 (Public 640, 76th Cong.)	Mar. 29, 1940
1	439.14	Act of June 25, 1938 (52 Stat. 1130)	Apr. 4, 1940
1	640.00	Act of June 25, 1938 (52 Stat. 1130) and act of June 18, 1940 (Public 640, 76th Cong.)	Aug. 15, 1940
1	320.00	Act of June 25, 1938 (52 Stat. 1130) and act of June 18, 1940 (54 Stat. 406)	Aug. 13, 1941
1	720.00	Act of June 18, 1934 (48 Stat. 984) act of June 18, 1940 (54 Stat. 406) funds from act of June 28, 1941 (Public 136, 77th Cong.)	Feb. 4, 1942
2	240.00	Act of June 18, 1934 (48 Stat. 984) funds from act of June 18, 1940 (Public 640, 76th Cong.)	Apr. 24, 1942
1	80.00	Act of June 18, 1934 (48 Stat. 984)	May 14, 1946
*1	7.75	do	Aug. 19, 1946
1	320.00	Act of June 18, 1934 (48 Stat. 984) and act of June 18, 1940 (54 Stat. 406)	July 28, 1944

All of the above acquisitions were made in order to consolidate the Indian land base to make it more usable for grazing purposes with the exception of one tract (*) which was acquired as a business site. The former areas are being used at this time for grazing and the later business site has a trading post located thereon from which the tribe receives rent.

At the southern Ute jurisdiction there are a total of 19 tribal employees of which 2 are concerned with land transactions. There are 46 tribal employees at the Ute Mountain jurisdiction of which 1 devotes full time and 1 person devotes one-half of the time to real-estate activities.

Prior to 1950 neither of the tribes participated to any great extent in acquisition and disposal activities. However, interest expressed since that time in oil and gas leases and resultant tribal income from such leases has caused the tribal councils to become actively aware of opportunities for bettering their social and economic welfare. These leases have also returned revenues in a sufficient amount to permit improving the Indian land with resultant increase in revenue. At the present time, the southern Ute Tribe has a total of 112 oil and gas leases involving 135,122.22 acres. The Ute Mountain Tribe has a total of 111 oil and gas leases involving 236,658.34 acres and also 10 leases involving 20,480 acres which are joint leases with the Ute Mountain and Navajo Tribes in an area of land dispute.

As requested in your letter we are herewith submitting an original and 1 copy of each of the 2 requested reports. If we can be of further service, please advise.

Sincerely yours,

JAMES F. CANAN, *Superintendent.*

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A. Southern Ute Tribe, Statistical Information

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?

There were 280,337.76.

How many acres in trust?

All.

How many acres which the tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

There were 13,814.71.

How many transactions and acres by which tribal or individually owned lands were disposed of were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acres
1949	6	1,827.13
1951	1	663.63
1952	1	160.00

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

See answer to question 3 above for acreage.

5. Give the number of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction. All eight transactions were exchanges.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

Acreage figures shown in answer to question 3 above. All transactions were exchanges.

7. How many transactions and acreage by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acreage	Fiscal year	Number of transactions	Acreage
1948	29	15,253.27	1951	9	1,974.08
1949	14	2,917.97	1952	12	1,200.00
1950	14	2,144.72	1953	1	160.06

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8. How many acres were so acquired during each calendar year since July 1, 1947?

See answer to question 7 above. The acreage is given on a fiscal-year basis as all records are maintained on this basis.

9. Give the numbers of transactions and acreages for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

Fiscal year	Number of transactions	Acreage	Type of transaction
1948	17	3,020.40	From individual Indians to tribe; title taken in trust.
	6	8,286.98	Purchase of fee lands by the tribe; title taken in trust.
	6	3,845.89	From fee status to tribal trust; acquired by exchange.
1949	10	1,157.97	From individual Indians to tribe; title taken in trust.
	4	1,760.00	Purchase of fee lands by the tribe; title taken in trust.
1950	14	2,144.72	From individual Indians to tribe; title taken in trust.
1951	5	680.00	Do.
	3	1,134.08	Purchase of fee lands by tribe; title taken in trust.
	1	160.00	From fee status to tribal trust; acquired by exchange.
1952	12	1,200.00	From individual Indians to tribe; title taken in trust.
1953	1	160.06	Do.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

See answer to question 9 above.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 301,387.10 acres.

How many acres held by the United States in trust?

All lands in trust.

How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 5,291 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands.

Acquisition of land made under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), supra.

What study is being made of the cause and effect of sales?

There has not been any study made for the purpose to determine the cause and effect of the sales of lands. Actually there have been no sales from tribal trust to fee except lands involved in exchanges.

Has the tribal council passed or considered any resolutions on this subject?

The tribal council has not passed or considered any resolutions of a general nature. However, each sale or exchange has received the approval of the tribal council and said approval was signified by the passage of a resolution covering each particular transaction.

Please elaborate and include any resolutions approved.

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Since there were no general resolutions covering the subject we are unable to include any in this report.

14. Discuss to what extent, if any, the heirship, or multiple ownership problem has affected the acquisition and disposal of Indian lands.

The heirship or multiple ownership problem at this jurisdiction has not as yet presented any great amount of difficulty with the exception of one case which is now pending wherein the tribe owns an undivided one-half interest in a tract of land and a non-Indian (adopted) heir of an enrolled member of the tribe owns the other one-half undivided interest. It has been possible heretofore to obtain the cooperation of all beneficiaries in any land transaction, with the one exception cited. There has not been any partitionment of individual Indian lands as of now. Most of the allotments in this jurisdiction were made in 1898. Therefore, the heirs of the original allottees consist in the most part of the direct descendants. There has not been any use made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs. The tribe as you will note from the foregoing has been actively engaged in acquiring allotted interests and this practice will likely continue.

PART II—SOUTHERN UTE

In answer to part II it is our opinion that there has not been any key tracts of land acquired or disposed of under the present land program. The tracts that have been acquired are what would be termed ordinary run-of-the-mill land of no particular value due to their location or otherwise. The land pattern at this jurisdiction does not consist of tribal areas within which there are alienated individual lands that would have an influence on the use made of tribal land surrounding such individual tracts.

PART III—SOUTHERN UTE

1. Give the position of each tribal real-estate employee, annual salary, and nature of work.

One realty clerk, $3,333 per annum: Does clerical and stenographic work.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary, amount of salary paid by tribe, and nature of work.

One real property assistant, $5,440 per annum, full amount paid by the Southern Ute Tribe from appropriated tribal funds (this is a civil-service position): Takes care of all realty transactions.

3. The tribe does not have a regularly employed real-estate adviser or consultant except that they do have a tribal general counsel who advises on the legal aspects of real-estate transactions. In addition, there is the real property assistant, cited in question 2, above, whose duty it is to advise in connection with his work.

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4. The tribal council considers all real-estate activities before any action is taken thereon. Each action of any import is covered by a tribal resolution signifying the action to be taken.

5. The tribal council does not have any committee which advises in regard to tribal real-estate activities. See question 4, above.

6. The tribe does not employ any private consultants to study any of the particular phases of its real-estate activities. The tribe with the assistance of the Indian Bureau has completed a rehabilitation plan which provides for investment of its money received from settlement of land claims as well as current revenue received from oil and gas leases.

7. The tribe does not at this time or has it had a Tribal Land Enterprise concerned with acquisition, disposals, and leasing of its Tribal or individual lands. It does, however, have a tribal committee that interests itself in tribal land use activities as well as assignments of tribal land to individual members of the tribe. This amounts to investigating and recommending to the council use permits which may be granted by the council to tribal members.

8. We do not understand fully what is meant by question 8. The tribe and the Bureau work very closely in all matters involving real estate. The trusteeship responsibility of the Government is recognized both by the tribe and the Bureau. Every operation involving the surface or subsurface is thoroughly discussed with and approved by the tribal council before any action is taken. The same would be true in any matter involving acquisition or disposal of land.

B. Ute Mountain Tribe, Statistical Information

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?

There were 552,997.81 acres.

How many acres in trust?

All.

How many acres which the tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

There were 10,411.90 acres.

3. How many transactions and acreage by which tribal or individually owned lands were disposed of * * *, were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acreage	Type of transaction
1948	1	160.00	Purchased from individual Indians and acquired by the tribe, title in trust.
1949	8	920.44	Do.
1950	4	520.00	Do.

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4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

See answer to question 3, above. None of the acres were removed from Bureau jurisdiction.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3, above, broken down by the type of transaction.

See answer to question 3, above.

6. Give the acreages for each year which will be shown in answer to No. 4, above, broken down by the type of transaction.

See answer to question 3, above.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acreage	Type of transaction
1955	4	7,855.00	Fee land purchased from private individuals by the tribe, title taken in fee.
1956	3	750.85	
1957	1	15,565.89	

8. How many acres were so acquired during each calendar year since July 1, 1947?

See answer to question 7 above. Acreage given on a fiscal-year basis.

9. Give the number of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

See answer to No. 7 above.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

See answer to No. 7 above.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 577,169.55 acres.

How many acres held by the United States in trust?

There were 552,997.81 acres.

How many acres which the tribe had acquired in fee?

There were 24,171.74 acres.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 9,460.56 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands.

Acquisition of lands were made under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), supra: The act of June 25, 1938 (52 Stat. 1130), cited as the "Second Deficiency Appropriation

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Act, fiscal year 1938," which provides $20,000 for the purchase of land and improvements thereon for the Ute Mountain Bands in Colorado for fiscal year 1939; and the act of August 12, 1953 (67 Stat. 540), which provides for purchase of fee lands which were not to be removed from the tax rolls.

What study is being made of the case and effect of sales?

No special study has been made of the cause and effect of sales. The tribe has sold no land and is more interested in purchasing.

Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

The tribal council has not passed any general resolutions covering the acquisition of land. Each transaction is approved by the tribal council in a form of resolutions for each individual case.

14. Discuss to what extent, if any, the heirship, or multiple-ownership problem has affected the acquisiton and disposal of Indian lands * * *.

The heirship and multiple ownership problem at this jurisdiction has not as yet presented any great amount of difficulty.

PART II—UTE MOUNTAIN

The answer to part II is similar to the answer we have shown for the same part covering the Southern Ute tribal lands, and we quote as follows:

In answer to part II it is our opinion that there has not been any key tracts of land acquired or disposed of under the present land program. The tracts that have been acquired are what would be termed ordinary run-of-the-mill land of no particular value due to their location or otherwise. The land pattern at this jurisdiction does not consist of tribal areas within which there are alienated individual lands that would have an influence on the use made of tribal land surrounding such individual tracts.

PART III—UTE MOUNTAIN

1. Give the position of each tribal real estate employee, annual salary, and nature of work.

One real property assistant, $4,440 per annum: Takes care of all real-estate transactions.

One clerk, $3,000 per annum: Devotes approximately one-half time to real-estate activities, doing clerical and stenographic work.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary, amount of salary paid by tribe, and nature of work.

There are no agency employees assigned to the Ute Mountain Reservation to take care of real-estate activities.

3. The tribe does not have a regularly employed real-estate adviser or consultant except that they do have a tribal general counsel who advises on the legal aspects of real-estate transactions. The real property assistant cited in question 1 above advises in connection with his work.

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4. The tribe has a subcommittee of the council that advises the council as to land proposed to be purchased. This committee only makes recommendations to the council.

5. See answer to question 4 above.

6. The tribe has not employed any private consultants to study any of the particular phases of its real-estate activities. The tribe, with the assistance of the Indian Bureau, has completed a rehabilitation plan which provides for investment of its money received from settlement of a land claim, as well as current revenue received from oil and gas leases.

7. There is no tribal-land enterprise on this reservation.

8. Question 8 is not fully understood. The tribe and the Bureau work very closely in all matters involving real estate. The trusteeship responsibility of the Government is recognized by the tribe and the Bureau. Every operation involving the surface or subsurface is thoroughly discussed with and approved by the tribal council before any action is taken. The same would be true in any matter involving acquisition or disposal of land.

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SOUTHERN UTE TRIBE

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																				
Certificates of competency																	1	80		
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—TRIBAL

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes	17	3,020.40	10	1,157.97	14	2,144.72	5	680.00	12	1,200.00	1	100.06								
Sales to other Indians in trust or restricted status																	2	200	1	80
Other (explain)																				

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DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—TRIBAL

Exchanges from tribal status	4	2,400.68			6	1,827.13			1	663.63	1	160.00								
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	7	1,080.30	6	3,845.89					1	160.00										
Purchases of fee lands	47	21,583.67	6	8,286.98	4	1,760.00			3	1,134.08										
Other (explain)																				

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UTE MOUNTAIN TRIBE

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes	1	160	8	920.44	4	520														
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS—None

ACQUISITION FROM TRUST OR RESTRICTED STATUS—None

TRIBAL ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																				
Purchases of fee lands															4	7,855	3	750.85	1	15,565.89
Other (explain)																				

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2. JICARILLA AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Dulce, N. Mex., June 9, 1958.

Hon. JAMES E. MURRAY,
Chairman, Interior and Insular Affairs Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: We have received your April 17, 1958, letter with attachments requesting certain factual data pertaining to the land of the Jicarilla Apache Tribe in New Mexico. We are enclosing herewith answers to questions set forth in attachments I, II, and III, together with the tabular reports submitted properly filled in.

In your transmittal letter you requested to be advised the extent of acreage acquired from private owners since 1930. In this connection we should like to report as follows:

Acreage	Number of tracts	Authority	Approximate date
154.80	1	Act of June 18, 1934 (48 Stat. 984), supra. Funds appropriated by the act of May 9, 1935 (49 Stat. 176).	July 1940.
1,081.68	[1] 4	Act of June 18, 1934 (48 Stat. 984), supra. Funds appropriated by the acts May 9, 1935 (49 Stat. 176), and June 22, 1936 (49 Stat. 1763).	June 1941.
162.00	[2] 1	Act of June 18, 1934 (48 Stat. 984), supra. Funds appropriated by the act of May 9, 1935 (49 Stat. 176, 183).	July 1938.
155.52	[2] 1	....do....	November 1939.
160.00	[2] 1	....do....	March 1937.
160.00	[2] 1	....do....	July 1937.
76.92	[2] 1	....do....	November 1938.
76.54	[2] 1	....do....	Do.
40.00	[2] 1	....do....	May 1938.
161.22	[2] 1	....do....	March 1942.
40.00	[2] 1	....do....	November 1937.
160.00	[2] 1	....do....	August 1942.
160.00	[2] 1	....do....	June 1938.

[1] Purpose: To acquire a site within which a domestic water supply could be developed. The land in question lies adjacent to and immediately outside of the exterior boundary of the reservation proper. It is currently being used for the purpose for which it was acquired.

[2] Agricultural tracts within the reservation and were purchased for that purpose. Current use: Now assigned to individual members of the tribe for agricultural purposes.

We should like to point out at this time that the Jicarilla Apache Tribe is making full and total use of all of its land and does not in the foreseeable future intend to lease or permit the use of the surface of its lands to other than members of the tribe. At this time there are approximately 189 oil and gas leases covering 442,531.97 acres in force and we contemplate issuing additional leases covering the subsurface within the next few months. A large percentage of the members of the tribe is dependent on the land base for earning a livelihood mainly from livestock operations, both sheep and cattle.

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The Jicarilla Apache Tribe employs a total of 67 persons. Of this number two are concerned with real-estate activities. Beginning in 1951 with the interest expressed in oil and gas leasing and this being followed with the issuance of such leases, the tribe for the first time had money with which to assist in employing people for various tribal activities. Prior to that time most of the income was from grazing of livestock and timber sales which did not return enough money for large-scale employment of tribal members.

As requested by you we are submitting an original and one copy of the material requested. If we can be of further service please advise.

Sincerely yours,

JOHN B. KELIAA, *Superintendent.*

JICARILLA

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

The following statements are made in reply to the questionnaire attached to United States Senate letter dated April 17, 1958, and the answers obtained from the Jicarilla Agency records which are fairly accurate.

PART I

1. Tribal land as of July 1, 1947: 668,011.43 acres.
   (*a*) In trust: Total acreage.
   (*b*) Acquired in fee: None.

2. Individual Indian ownership as of July 1, 1947: (*a*) 162 allotments or tracts, all in trust, 71,921.79 acres.

In the year 1946, the Jicarilla Apache Tribe instituted a land program, acquiring individual Indian trust allotted lands to revert to a tribal land trust status. At that time, there were 797 individual Indian trust allotments or tracts, totaling 352,461.16 acres. Under this program, the tribe by June 30, 1947, had acquired 634 tracts, totaling 280,214.67 acres by relinquishment from allottees and lawful heirs of deceased allottees, who are members of the tribe, and the tribe purchased 1 tract, totaling 324.70 acres, from heirs (of deceased allottee) who are nonmembers of the tribe. As of July 1, 1947, there remained 162 allotments or tracts, totaling 71,921.79 acres, in individual Indian ownership in trust status.

3. None of the tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), during each fiscal year since July 1, 1947.

4. None of the tribal or individually owned lands were disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947.

5. None.

6. None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. The Jicarilla Apache Tribe acquired 1 tract of privately owned non-Indian land which was in fee status, totaling 160 acres more or less, to be added to tribal lands in trust status. This purchase was

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made of land located within the exterior boundaries of the Jicarilla Indian Reservation. The deed of conveyance was approved by the Bureau of Indian Affairs on September 27, 1957.

8. See above.

9. See above.

10. See above.

11. Tribal ownership of land on December 31, 1957: 742,491.34 acres.

(*a*) Held by the United States in trust: 742,491.34 acres.

(*b*) Land in fee status: None.

12. Individual Indian ownership of land on December 31, 1957: (*a*) In trust status: 12 tracts, 5,522.26 acres.

The tribe under its land program between the period July 1, 1947, to December 31, 1957, acquired 138 allotments or tracts, totaling 61,078.52 acres, by relinquishment to the tribe from allottees and lawful heirs of deceased allottees, who are members of the Jicarilla Tribe, and the tribe acquired by purchase of 12 allotments or tracts, totaling 5,321.01 acres, from lawful heirs (of deceased allottees) who are nonmembers of the Jicarilla Tribe. As of January 1, 1958, there remained 12 allotments or tracts, totaling 5,522.26 acres, in individual Indian ownership in trust status. The tribe has, since January 1, 1958, acquired purchase of 11 tracts.

13. The tribal council is considering the acquisition in fee of certain lands outside the reservation proper. They are also considering the acquisition of a few scattered parcels within the exterior boundaries of the reservation in order to consolidate the land pattern and make administration more efficient. The latter parcels will be acquired in trust status. Tribal funds will be used with which to make the purchases in each category.

The tribal council has not passed any general resolution on this subject. Each acquisition will be treated separately and a resolution passed approving acquisition before any action is taken.

PART II—JICARILLA

In answer to part II, we should like to state that neither the tribe nor any individual members thereof have disposed of any trust land to fee status. The only fee land acquired by the tribe is cited above in question 7 of part I.

PART III—JICARILLA

The purpose of this part of the questionnaire is to ascertain to what extent the tribe has assumed responsibility for real-estate activities.

1. One real property assistant, GS–7, at $4,525 per annum, is paid in full from the tribal local treasury. This position was authorized by the tribe, effective July 1, 1957, to absorb the increasing workload in the branch of realty performing the work of land acquisition, mineral leasing including oil and gas, and right-of-way work in connection with the tremendous gas pipeline system in the gas development. In addition, intermittently there is considerable typing work and general office work performed by nonrealty tribal clerical employees.

2. One real property assistant, GS–9, at $6,250 per annum, is paid in full from tribal appropriated treasury funds. This position was authorized by the tribal council effective September 30, 1951, to perform the actual trust property realty work on the reservation, which had heretofore been performed by the agency's administrative staff.

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The leasing of tribal lands for mineral development including oil and gas began in the year 1947, and the workload had increased to a point that a position was necessary to carry out the activities of the realty branch, which involves land acquisition, mineral leasing, surface leasing, and the granting of gas pipeline rights-of-way in the rapid oil and gas lease development. This position is under the Civil Service Classification Act.

3. The Jicarilla Apache Tribe has a general counsel attorney under contract to advise the council with respect to legal questions concerning the tribal real-estate activities.

4. The Jicarilla Apache Tribal Council does not have a real-estate committee with authority to approve tribal real-estate activities, however, the tribal executive committee has been authorized by the council to act on matters with reference to subsurface leasing including oil and gas, and surface and business leases involving tribal lands. On matters of acquisition and disposal of land, it is presented to the tribal council.

5. The tribal executive committee also acts as a committee to advise the tribal council with regard to any tribal real-estate activities.

6. The tribal council has contracted with the Stanford Research Institute of Menlo Park, Calif., to make a social and economic research and study of the Jicarilla Reservation. Recommendations of the research are to be used by the tribe in its development program planning on the reservation.

7. The Jicarilla Apache Tribe does not now have a tribal land enterprise or similar organization. The tribal committee is now developing a land code which will govern the tribal land-use programs. This committee will deal for the most part with the assignment to individual members of the tribe, title to which is held by the tribe. Title to improvements placed on such assignments will remain with the assignee.

8. We do not understand fully what is meant by question 8. The tribe and the Bureau work very closely in all matters involving real estate. The trusteeship responsibility of the Government is recognized both by the tribe and the Bureau. Every operation involving the surface or subsurface is thoroughly discussed with and approved by the tribal council before any action is taken. The same would be true in any matter involving acquisition or disposal of land.

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JICARILLA

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes by other Indians (non-members)			2	965.31											1	514.21	4	1,443.37		
Sales to other Indians in trust or restricted status																				
Other (explain): Relinquishments to tribe by members of tribe	34	14,062.24					4	1,930.00	100	45,086.28										

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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3. MESCALERO AGENCY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Mescalero, N. Mex.

Hon. JAMES E. MURRAY,
Chairman, Interior and Insular Affairs Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: We have your letter with attachments of April 17, 1958, requesting certain information concerning the land and related activities of the Mescalero Apache Tribe of Indians in New Mexico.

The attachment setting forth tabular information does not apply in the subject case since there is no individually owned trust land in this Indian jurisdiction; therefore, we are unable to submit this particular part of the report. Set forth below we have attempted to answer the questions in the other attachments as follows:

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?
There were 460,077 acres.
How many acres in trust?
There were 460,077 acres.
How many acres which the tribe had acquired in fee?
There were 324.18 acres.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?
None.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?
None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?
None.

5. Give the number of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.
None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.
None.

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7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give the number of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 460,077.

How many acres held by the United States in trust?

There were 460,077.

How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.).

The Indian Reorganization Act of June 18, 1934 (48 Stat. 984) supra; and the act of March 27, 1939 (Public Law 10, 76th Cong.), affected lands of the Mescalero Apache Tribe. Under the first mentioned act, 58.53 acres were acquired from 2 private owners and under the latter act which was a special act relating only to the Mescalero Tribe, 265.65 acres were acquired from a private owner.

What study is being made of the cause and effect of sales?

There has not been any sale of tribal land.

Has the tribal council passed or considered any resolutions on this subject?

The tribe has not taken any action toward selling any of its lands.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands.

There are no heirship lands involved within the Mescalero Tribe or the members thereof.

PART II—MESCALERO

Part II of the questionnaire does not apply at Mescalero at all as there are no individually owned tracts in existence nor have there ever been. Title to the Mescalero land has always been in an undivided status in the tribe.

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PART III—MESCALERO

1. There are no tribal real-estate employees employed by the tribe at the Mescalero Agency.

2. There are no real-estate employees at the Mescalero Agency.

3. The superintendent and members of his staff as well as the Bureau of Indian Affairs area office real-estate staff are available for consultation and do advise the tribe on real estate matters whenever necessary.

4. The tribe has a committee whose primary function is to make land-use assignments for homesite purposes and small agricultural tracts. It also has a committee which advises the council in connection with its land claims which have been filed under the Indian Claims Act. These are subcommittees of the tribal business committee which is established by tribal constitution. The latter committee deals with all tribal matters.

5. See 4 above.

6. The tribe has tribal claims attorneys who are interested in pursuing the tribal interest in connection with the 1946 Claims Act but does not have any private consultants who deal strictly with real-estate activities. The Bureau has not been contacted in relation to any employment of private consultants to study particular phases of real-estate activities.

7. The tribe has not at any time had any tribal land enterprise or similar organization.

8. The superintendent and members of his staff, as well as the Bureau of Indian Affairs area office real-estate staff, are available for consultation and do advise the tribe on real-estate matters whenever necessary. As of the present time, the tribe has not expressed any interest in wanting to subdivide its landholdings so as to pass title to individual members. The entire tribal-land base is used on a communal basis, with the exception of the small individually assigned tracts which are used as home sites and for the production of agricultural products. Title to the entire land area is in the tribe in an undivided status, and the assignments spoken of here are merely use rights or permits which enable the individual family to enjoy individual use of particular tracts. In view of this, there is no comparison to be made between the effectiveness of Bureau and tribal operations. The matter of making assignments to individual members is handled entirely by the tribal council. The Bureau, as forestated, advises only when requested to do so.

In the second paragraph of your covering letter you request an enumeration of all Federal lands acquired from private owners since 1930. Please be advised that there have never been any Federal lands on the Mescalero Indian Reservation.

You also refer to total number of tribal employees on each reservation and the number out of this total who are concerned with land transactions. We should like to state that there are no tribal employees who are concerned with land transactions so far as acquisition and disposal activities are concerned. The tribe has a subcommittee that operates under the tribal business committee whose primary concern is to investigate and advise the council in matters of land assignments such as permits for individual tracts for homesites and farms.

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The council also concerns itself with land-use activities such as farming and grazing and related surface-use matters. Actually, this tribe is not interested in making any disposition of its land. In fact, so far as can be determined at this time, nothing of this nature is planned in the foreseeable future. Exclusive use is made by the Mescalero Apache Indian Tribe of all of its land and resources. There are no permits or leases granted to non-Indians for the use of any of the Mescalero land, except one mineral lease which is at present inactive. There are two timber contracts at present in force with non-Indian firms.

As instructed by you, we are submitting the foregoing in original and one copy. If we can be of further service in furnishing additional details, please advise.

Sincerely yours,

CLINTON O. TALLEY,
Superintendent.

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4. NAVAJO AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Window Rock, Ariz., May 14, 1958.

Hon. JAMES E. MURRAY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MURRAY: Pursuant to your letter of April 17, 1958, there is enclosed in duplicate the statistical report and the narrative questionnaire concerning Navajo land transactions for the period July 1, 1947, through the year 1957.

You will note that there have been few land sales or other disposals on Navajo lands. On the contrary, the Navajo Tribe is interested in the acquisition of additional lands for its members, principally, rangelands within a reasonable distance of the Navajo Reservation, since it is estimated that the present total Navajo land base can support amound 35,000 people and the current Navajo population is estimated at 90,000. Many of these people must, of course, relocate in other regions in order to make a living since the expansion of the reservation boundaries has long since been halted.

The so-called submarginal land purchases made by the Federal Government in the late 1930's and known as resettlement purchases involved 70,287 acres in the Gallup-Two Wells project outside the reservation boundary in McKinley County, N. Mex. Seventy tracts were so purchased from sundry landowners on different dates by the Farm Security Administration, Department of Agriculture. The purchased tracts were transferred by Executive Order No. 7975, dated September 16, 1938, from Agriculture to Interior and placed under jurisdiction of the Commissioner of Indian Affairs for the use of the Navajo Indians. The lands are used by the Navajos, principally for grazing of livestock, although a few small plots are dry farmed when moisture conditions are favorable. None of the tracts are leased to non-Indians.

Sincerely yours,

H. B. COLLIFLOWER,
Acting General Superintendent.

ANSWERS TO QUESTIONNAIRE FROM SENATOR MURRAY ON DISPOSITION AND ACQUISITION OF NAVAJO INDIAN LANDS FROM 1948 THROUGH 1957

PART I

1. On July 1, 1947, Navajo tribal lands held in trust by the United States totaled approximately 14,476,789 acres. The approximate acreage is given since the bulk of the Navajo Indian Reservation is un-

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surveyed. The tribe did not own any lands-in-fee as of July 1, 1947.

2. On July 1, 1947, Navajo individual trust allotments totaled 665,259 acres.

3. For the period July 1, 1947, through June 30, 1957, there were no tribal lands disposed of. On individual allotted lands there was 1 fee patent in fiscal 1956; 1 order removing restrictions in fiscal 1954; 2 fee patents by partition in fiscal 1951; sales to other Indians in trust, 2 in fiscal 1948, 1 in fiscal 1949, and 1 in fiscal 1951; sales to non-Indians in fee status, 14 in fiscal 1952 and 4 in fiscal 1953.

4. The fee patent issued in fiscal year 1956 for 160 acres was for a Catawba Indian and not listed under Navajo landholdings. Removal of restrictions on 40 acres in fiscal year 1954. Fee patents by partition on 160 acres in fiscal year 1951. Sales to other Indians in trust 319 acres in fiscal year 1948; 40 acres in fiscal year 1949, and 160 acres in fiscal year 1952. Sales to non-Indians in fee status 2,699 acres in fiscal year 1952, and 640 acres in fiscal year 1953. The foregoing amounted to a total reduction in Navajo trust allotments of 3,639 acres.

5. Breakdown of transactions already given under No. 3 above.

6. Acreage breakdown already given under No. 4 above.

7. No individual Indian lands acquired from fiscal 1947 through 1957. The Navajo Tribe made 1 fee purchase of lands in fiscal 1953 totaling 11,563 acres; 1 fee purchase in fiscal 1956 totaling 100 acres, and 1 fee purchase in fiscal 1957 totaling 99,017 acres. Also in fiscal 1957 the tribe made 2 purchases of lands held in trust, 1 purchase from the Pueblo of Pojaoaque totaling 29,726 acres, and the other from the Pueblo of San Lorenzo totaling 26,726 acres. All lands in the foregoing purchases are classified as nonirrigable grazing in character.

8, 9, and 10. Answered per No. 7 above.

11. Total acreage owned by the Navajo Tribe on December 31, 1957, amounted to 14,643,721 acres, of which 14,533,041 acres are held in trust by the United States and 110,680 acres owned in fee by the tribe.

12. There were 661,620 acres of trust-allotted land owned by individual Navajos on December 31, 1957.

13. From the foregoing it will be noted that the Navajo Tribe is not disposing of any of its lands. On the contrary, the tribe is interested in acquiring additional lands for its members due to the overpopulation of the reservation. The tribe has set aside $2 million of its tribal funds for land-acquisition purposes. A copy of Advisory Committee Resolution No. ACJ–8–55, dated January 11, 1955, concerning policy of the Navajo Tribe on acquisition of lands, is attached hereto. It will also be noted that there have been few disposals of individually owned trust-allotted lands. The few sales to non-Indians were in an isolated area and were not used or occupied by the Indians.

14. Heirship or multiple-ownership problem:

(*a*) No individual interests owned by the tribe.

(*b*) Undivided interests owned by non-Indians and alien Indians are not a problem up to the present time since there are very few cases of this nature in the Navajo country.

(*c*) The Navajos are not under the Indian Reorganization Act.

(*d*) Over half of the Navajo trust-allotted lands are in probate status at the present time, and within the next 10 years or so it is expected that more than 75 percent will be in probate status. Some probate cases now involve up to 100 heirs to a single allotment and the common denominator for some shares runs into the billionths. Conse-

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quently, as time goes on, it becomes more and more difficult and time-consuming to consummate leases or to dispose of allotted lands for any purpose.

(*e*) No use of the Secretary's power to sell heirship lands has been made on the Navajo. The tribe is becoming interested in purchasing some inherited allotments but has not actually purchased any to date, and has not shown any particular enthusiasm toward a large-scale-purchase program of allotted lands. In many cases the allotments are under oil and gas lease or other mineral lease or having lease possibilities and, so long as there is some lease revenue or a possibility thereof, the allottees and/or heirs of allottees are not interested in selling their land. If sales are made to the tribe or others, the Indians will reserve mineral rights, which is understandable. However, sales of this nature will merely tend to further complicate an already complicated land-title situation.

PART II—NAVAJO

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts? None.

2. How much acreage and how many tracts alleged by the tribe or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts? None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners? None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians? None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership? Since no such sales were made, no answer is required for this question.

6. No fee lands have been acquired in trust or restricted status by individual Indians. The three land purchases made by the tribe of fee lands remain in fee status. These are explained briefly as follows:

(*a*) The Brown and Best Ranch purchase involved 99,017 acres of fee lands located near the south boundary of the Navaho Reservation in Arizona, and is used by the tribe as a pasture for tribally owned rams numbering 1,250 head, and on a rental basis for 250 head of cattle owned by individual Navahos.

(*b*) The 11,562 acres purchased in fee from Glascock and Wilson involved checkerboarded sections of land north of Gallup, N. Mex., in an Indian allotted area and created a reasonably solid block of Indian owned and controlled grazing land in the particular area involved.

(*c*) The 100-acre tract of land purchased in fee from the United States Bureau of Land Management is located adjacent to the Santa Fe Railroad and United States Highway No. 66, approximately 8 miles east of Gallup, N. Mex., and is valuable chiefly for business purposes, and was purchased for that reason.

(*d*) Existing law will not authorize the tribe to acquire fee lands and to hold them in trust if the lands are located outside the exterior

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boundaries of the reservation. In other words, purchases of fee lands by the tribe not located within the reservation boundaries remain in a fee status.

PART III—NAVAJO

Assumption of responsibility for real estate activities by the Navajo Tribe.

1. The tribe is currently furnishing three Navajo employees for work in the Navajo Agency Branch of Realty and pays their salaries out of tribal funds as follows:

	Per annum
1 realty records supervisor	$4,200
1 realty records file clerk	3,200
1 clerk-stenographer, Minerals Section	3,200
Total	10,600

2. In addition to the above the tribe is paying the salaries of the following listed civil-service employees in the Branch of Realty:

1 realty assistant, Minerals Leasing Section	$5,575.00
1 realty assistant, Minerals Leasing Section	4,524.00
1 general clerk-typist	3,925.00
1 general clerk-typist	3,670.00
Total	17,694.00

The tribe has also expended some $35,000 in modernizing the realty files along the Remington Rand system including new steel fireproof filing cabinets and other equipment.

3. The tribe in its own personnel organization has a land use and survey office manned by six tribal employees including the supervisor of the office, 1 clerk-typist, 1 draftsman, 2 field investigators, and 1 title examiner. The duties of this office include investigations and recommendations to tribal authorities on land acquisition and/or disposal. Various types of leases, rights-of-way applications, land damage claims, trespass cases, boundary disputes, titles, etc. The tribe also has three persons on its payroll working on the tribes' land claim against the United States. The above land use and survey office performs a needed service for the tribe in various types of land investigations designed to protect the tribal interest, and which in many cases cannot be performed by the Bureau due to lack of personnel.

4. The above land use and survey office works closely with the resources committee and the advisory committee, both of whom are committees of the Navajo Tribal Council and are concerned with realty activities as well as other land resources of the tribe. The advisory committee of the tribal council has delegated authority to approve certain types of real estate activities although most major activities must be referred to the general tribal council for final approval.

5. The advisory committee, the resources committee, and the land use and survey office all furnish advice and assistance to the tribal council on tribal real-estate activities.

6. The tribe has a tribal mining department with a mining engineer in charge, 1 clerk-stenographer, 1 draftsman, and 1 mining engineer for field investigations. This organization advises the tribal council, the advisory committee, and the resources committee on all mineral

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activities on tribal lands other than oil and gas. Two geologists are also being hired by the tribal mining department to carry out a study of potential uranium and other minerals, other than oil and gas, in the Navajo Reservation.

On oil and gas matters the tribe has an oil and gas consultant, and a geologist who make recommendations to the tribe relative to oil and gas leasing and the acceptance and/or rejection of bids for such leases. The tribe has also hired an oil and gas liaison officer whose duties are to investigate land damages caused by oil and gas development and geophiyscal operations by oil companies in the reservation. This employee works in cooperation with the Indian Bureau and the United States Geological Survey on land damage investigations.

7. Tribal land enterprises:

(*a*) The Navajo Tribal farm training program at Shiprock, N. Mex., was conceived and developed to give Navajo individuals and families on-the-job training as well as classroom education in practical modern irrigation farming. The program includes 1,200 acres of irrigated farmland served with water from the Hogback irrigation project. Housing and classroom facilities, equipment, including modern farm tractors and machinery, are provided by the tribe. A very capable manager and an assistant, as well as two home demonstration assistants are employed by the tribe to carry out the program. The Bureau of Indian Affairs cooperates in providing an educational specialist for educational activities, and technicians of the Branch of Land Operations assist in technical farming phases of the program. Presently the program is geared to graduate 24 trained farmers per year. These farmers are being trained to utilize the farmlands now in developmental stages under the Hogback irrigation project and the proposed 1,100 farm tracts of the Navajo project presently in the planning stages.

(*b*) A private ranch property in Apache County, Ariz., located 15 miles south of the south boundary of the reservation and consisting of approximately 99,000 acres fee patent range land was purchased late in 1956 by the Navajo Tribe under their land-acquisition program. This property, known as the Bar N Ranch, is operated as a tribal enterprise by a manager with four employees under a specific management plan and budget to aid in improving the quality of Navajo sheep and wool and as a boarding area to graze cattle of individual Navajo stockmen from reservation areas short of forage. The owners pay monthly grazing and management fees. The tribe's several small bands of improved rams were moved from various locations on the reservation to the ranch property early in 1957. At present 1,250 high-quality rams are on the property. Each year during the breeding season these rams are rented to Navajo sheepmen to improve the quality of marketable wool and lambs. Experiences gained in the management of this property are believed to be highly important to Navajo people in the management of other similar properties to be acquired in the future as well as that of the reservation itself.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau?

The above question is somewhat ambiguous. However, the real-estate enterprises of the tribe reported under question 7 above are in their infancy and we are, of course, optimistic that they will be suc-

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cessful. There is no thought of turning such projects back to the Bureau for management. In fact, the tribe is desirous and is financially able to enter into other enterprises as the opportunity arises and is able to employ top grade managers and personnel for such operations as it may enter into in the future.

As the tribe gains experience in the management of its resources there is no reason to fear its gradual assumption of total management functions, provided, that management is protected from politics. Bureau personnel are interested in seeing that tribal projects have a sound basis and have a reasonable chance for success, and are available at all times for friendly advice and assistance when called upon by tribal officials.

H. B. COLLIFLOWER,
Acting General Superintendent.

RESOLUTION No. ACJ–8–55 OF THE ADVISORY COMMITTEE OF THE NAVAJO TRIBAL COUNCIL

POLICY OF THE NAVAJO TRIBE ON ACQUISITION OF LANDS

A. General principles

1. The tribe's major purposes in acquiring new lands shall be—
   (*a*) To consolidate Indian holdings in checkerboard areas wherever the best interests of the Navajos residing in the area and the welfare of the tribe are served thereby;
   (*b*) To provide grazing lands for members of the tribe who do not have grazing permits.
   (*c*) To provide additional or substitute lands for members of the tribe who reside in overcrowded areas of the reservation.
   (*d*) To relieve reservation land resources from excessive use.
   (*e*) To provide land necessary for approved tribal enterprises.
2. The tribe may acquire new lands by exchange, gift, or purchase.
3. The tribal resources committee is authorized and directed—
   (*a*) To formulate a land-acquisition program;
   (*b*) To develop a code of use for land acquired; and
   (*c*) Establish areas to be given priority of attention.
4. It is the policy of the tribe to manage agricultural and range lands in accordance with principles of sound and practical use, developing such lands to their maximum and preventing practices which damage or deteriorate them.
5. Except as the United States may otherwise determine, the tribe shall in acquiring unrestricted lands, assume responsibility for the payment of taxes lawfully imposed, and of all established fees for the use of federally or State owned lands.
6. Land acquisition includes agricultural and range lands and land for business or industrial purposes.
7. It is the intention of the tribe to expend up to $2 million for land acquisition, fiscal years 1954–59, from funds in the Treasury of the United States, derived from the sale of nonrenewable capital assets, principally oil and gas. (The amount $2 million is tentative for the time being and is subject to change at a later date.)
8. The tribal resources committee is authorized and directed to consider and investigate land-acquisition proposals and to report its

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findings and recommendations to the advisory committee. Proposals for land acquisition shall not be considered by the advisory committee unless the lands and the possible uses thereof conform to this land-acquisition policy. Following acquisition thereof, a specific plan shall be prepared showing in detail the proposed use and operation of said land, which plan shall conform to the land-use code and shall be strictly complied with. No deviation thereof shall be permitted without the consent of the advisory committee based on recommendation of the tribal resources committee.

9. Purchased lands shall be acquired within a total cost calculated to yield to the tribe sufficient income from such land to pay taxes, land-use fees, cost of administration, and to amortize the tribe's investment over a period not to exceed 50 years.

10. All acquisition of land shall be based on a comprehensive appraisal thereof, to be secured by the tribe and approved by the tribal council and authorized officials of the Bureau of Indian Affairs. No tribal moneys shall be expended for the purchase in excess of the appraisal value plus an amount equal to 10 percent in excess of such appraised value unless fully justified. Purchases must conform to the limitations established in item No. 9 above, as indicated by the approved appraisal report.

B. Procedure for acquisition of land

1. Sufficient indication to tribal representatives that a property owner would consider sale of his property to the tribe, an instrument granting tribal representatives access to the property for the purpose of conducting preliminary investigations of the property will be secured.

2. Preliminary investigation disclosing that the property is desirable when adjudged by the standards stated in tribal land acquisition program, an appraisal report will be secured. After review by the tribal advisory committee the appraisal report will be submitted to designated Bureau of Indian Affairs officials for approval.

3. After approval of the appraisal report by the Bureau of Indian Affairs, authorized tribal representatives may enter into negotiations with the property owner. Negotiation to be governed by the estimate in the approved appraisal report, and the principles of the Navajo tribal land purchase program.

4. If negotiations are carried on longer than 6 months, the appraisal report will be supplemented to bring value estimates in line with current market conditions.

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NAVAJO

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																	1	160		
Certificates of competency																				
Removal of restrictions													1	40						
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition							2	160												
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes																				
Sales to other Indians in trust or restricted status	2	319	1	40					1	160										
Other (explain)																				

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status to non-Indians									14	2,699	4	640								
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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5. UNITED PUEBLOS AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Albuquerque, N. Mex., May 16, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: We enclose in duplicate the answers to the questionnaire which accompanied your letter dated April 17, together with the following:

Tabulation which enumerates Federal lands which were acquired since 1930 and located within the jurisdiction of this agency.

Map showing the location of the lands under the jurisdiction of this agency.[1]

Tabular forms (four sheets) concerning individually owned land and tribal land.

It will be noted in the attached data that all former Federal purchased lands which have subsequently been placed in trust for various Indian Pueblos and Navajo groups are used exclusively by Indians for the grazing of livestock, and 90 percent of the Indians in this jurisdiction who raise livestock are subsistence operators raising sheep and cattle primarily for food.

Sincerely yours,

GUY C. WILLIAMS,
General Superintendent.

UNITED PUEBLOS

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

(Prepared at United Pueblos Agency, Bureau of Indian Affairs, Albuquerque, N. Mex., May 1958, concerning 18 Pueblos and 2 Navajo groups (Canoncito and Alamo))

PART I

1. On July 1, 1947, there were 1,064,339 acres in tribal ownership, all of which were in trust. The tribes had acquired no land in fee.

2. On July 1, 1947, there were 37,246 acres in individual Indian ownership (241 tracts).

[1] On file with the committee for reference purposes.

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3 and 4. There were a total of 41 transactions since July 1, 1947, by which tribal or individually owned lands were disposed of, involving 59,376 acres, as follows:

Fiscal year	Number of transactions	Acres	Fiscal year	Number of transactions	Acres
1948	3	2	1953	3	5
1949	1	1	1954	1	3
1950	17	2,179	1955	2	36
1951	7	804	1956	1	1
1952	1	38	1957	5	56,284

5 and 6. The numbers of transactions and acreages for each year, broken down by type of transaction, shown in answers to questions 3 and 4 above appear on the attached tabulations on pages 1, 2, and 4.

Land not previously under Indian ownership

7 and 8. Since July 1, 1947, there have been 25 transactions by which 468,601 acres of tribal land and no acres of individual Indian lands were acquired, as follows:

Fiscal year	Number of transactions	Acres	Fiscal year	Number of transactions	Acres
1948	4	31,669	1953	3	7
1949	1	4	1954	2	163
1950	6	[1]358,348	1955	2	34
1951	2	6	1956	1	1
1952	1	160	1957	3	78,209

[1] This includes 357,698 acres (Government-purchased land and public domain) which became Indian trust land pursuant to the act of August 13, 1949 (63 Stat. 604).

9 and 10. The number of transactions for each year and acreage for each year, shown in answer to questions 7 and 8 above, broken down by type of transaction, are as follows:

Fiscal year	Land acquired by Pueblo in exchange with non-Indian, pursuant Pueblo Lands Act of 1924 (43 Stat. 636)		Purchase of fee patent land		Government land placed in trust for specific Pueblos or Navajo groups	
	Transaction	Acreage	Number transactions	Acres	Transactions	Acres
1948	3	6		[1] 31,663		
1949	1	4				
1950	3	10	2	640	1	[2] 357,698
1951	2	6				
1952	1	160				
1953	3	7				
1954	1	3	1	160		
1955	2	34				
1956	1	1				
1957	2	641			1	77,568

[1] Interior Department Appropriation Act of fiscal year 1948 for Alamo Navajos.
Act of 1949, 63 Stat. 604.
Act of 1956, 70 Stat. 941.

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11. On December 31, 1957, there were 1,476,360 acres in tribal ownership, held by the United States in trust. The tribes have acquired no land in fee.

12. On December 31, 1957, there were 34,125 acres (221 tracts) of trust or restricted land in individual ownership.

13. Special acts of Congress which have affected the acquisition of lands for Pueblo Indians and the Navajo Indians under the jurisdiction of United Pueblos Agency are: funds provided in Interior Department Appropriation Act for fiscal year 1948 which permitted the acquisition of badly needed land for the Alamo Band of Navajo Tribe; act of August 13, 1949 (63 Stat. 604) which placed in trust for several Pueblos and the Canoncito Band of Navajo Tribe Federal lands acquired by purchase in the 1930's by the Resettlement Administration and other emergency relief programs (which lands were being used by Indians, most of whom are subsistence livestock operators) as well as some interspersed public domain; act of August 2, 1956 (70 Stat. 941), by which portions of the Ojo del Espiritu Santo grant in Sandoval County, N. Mex., which had been purchased previously by the Government, were placed in trust for the Pueblos of Jemez and Zia who had grazed livestock on the land for many years. Exchanges of land for equal value are made in the Pueblos, when requested by the officials, pursuant to authorization in section 17 of the Pueblo Lands Act (43 Stat. 636), but no outright sales of tribal land of the Pueblos are made. We do not know of any feelings among the Pueblo tribal officials that any sale of their tribal lands should be made.

14. The heirship or multiple-ownership problem has not affected the acquisition and disposal of Indian lands in this jurisdiction. Of the 221 tracts of trust or restricted land in individual ownership, 186 tracts belong to Alamo and Canoncito Navajos and consist of grazing land; none are irrigable; they are used in common with other lands for the grazing of livestock by all members of the group. A sale other than to members of the Indian group would be impractical, as each tract has a low carrying capacity for livestock; most tracts have no water, and in most cases the land is adjacent to other land used exclusively by the Navajos. There are 34 tracts owned by members of the Pueblo of Laguna, and the tribal council of that Pueblo is now considering the possibility of buying these tracts, which are suitable primarily for grazing livestock.

PART II—UNITED PUEBLOS

Transactions involving key tracts since July 1, 1953

1. No tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts, except lands used by the Ramah Navajos and owned by the Pueblos of Picuris and Pojoaque which were sold to the Navajo Tribe and continue to be used by the Ramah Navajos.

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2. No tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts.

3. The Navajo Tribe, in 1956, purchased from the Pueblo of Pojoaque 29,526.16 acres (46 tracts) and from the Pueblo of Picuris 26,726.28 (42 tracts) which had been used by the Ramah Navajos for many years.

4 and 5. No tracts alleged by the tribes to be key tracts were sold to non-Indians.

6. No key tracts which were in fee status have been acquired by individual Indians or the tribes.

PART III—UNITED PUEBLOS

Extent to which tribes have assumed responsibility for real-estate activities

1. There are no tribal real estate employees in this agency.

2. No agency real estate employees receive any part of their salaries from tribal funds.

3. The tribes under the jurisdiction of United Pueblos Agency (18 Pueblos, Alamo, and Canoncito Band of Navajo Tribe) do not have a regularly employed real estate adviser or consultant to advise the council with regard to real estate activities, except the Pueblo of Laguna which consults its general counsel.

4. None of the Pueblos or Navajo Bands have a real estate committee with authority to approve tribal real estate activities.

5. The Pueblo of Laguna has a real estate committee which advises the tribal council with regard to tribal real estate activities. It has no authority to make decisions which are binding on the Pueblo.

6. The tribes under this jurisdiction have not employed private consultants to study particular phases of their real estate activities. However, this agency would not discourage such employment.

7. The tribes do not have, nor have they had, any tribal land enterprises or similar organization.

8. In this jurisdiction all real estate operations have been handled by the Bureau. However, in every instance the tribal council concerned is consulted, and leases and exchanges are not made which do not have the approval of the tribal council.

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UNITED PUEBLOS

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee					12	1,840	4	641											1	160
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes					2	[1] 320														
Sales to other Indians in trust or restricted status																				
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status							1	160												
Takings for public purposes																				
Other (explain)																				

[1] Bell Rock Mesa.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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UNITED PUEBLOS

Tribally owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes																			[1] 2	55,614
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS

Exchanges to fee status	3	[2] 2	1	1	3	19	2	3	1	38	3	5	1	3	[2] 2	36	[2] 1	1	2	510
Sales to fee status																				
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain)					[2] 1	357,698													[2] 1	77,568

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ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	[2] 3	6	1	4	[2] 3	10	[2] 2	6	1	160	3	7	[2] 1	3	2	34	[2] 1	1	[2] 2	641
Purchases of fee lands	[4] 1	31,663	----	----------	[2] 2	640	----	----------	----	----------	----	----------	[4] 1	160	----	----------	----	----------	----	----------
Other (explain)	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------

[1] Sales by Pueblos of Picuris and Pojoque to Navajo Tribe for use of Ramah Navajos.
[2] Pursuant to act of Aug. 13, 1949 (63 Stat. 604), 295,203 acres of purchased land (federally owned) and 62,495 acres of public domain were placed in trust status for various Pueblos and Canoncito Band of Navajo Tribe.

NOTE.—Easements only are granted for rights-of-way on Pueblo tribal lands.

[3] A portion of the Ojo del Espiritu Santo Grant, administered by Department of Agriculture and some adjacent public domain was set aside in trust for Pueblos of Jemez and Zia by act of Aug. 2, 1956.
[4] Alamo.
[5] Alonzo.

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UNITED PUEBLOS

Acquisitions of Federal lands within Indian use areas, acquired from private owners since 1930

Pueblo or Navajo community using the land	Number of tracts	Acreage	Date of acquisition	Authorities	Purpose of acquisition	Use
Acoma	51	27,247	1936–39	Indian Reorganization Act (48 Stat. 984)		(1).
	107	48,881	do	(2)	(2)	(1).
Isleta	16	17,492	1935 and 1938	(2)	(2)	(1).
Jemez	1	5	1941	Purchased with rehabilitation funds, Emergency Relief Appropriation Act (53 Stat. 930).	Dam site	Dam.
	1	1,092	1936	Part of San Ysidro grant [3]	(3)	(1).
	1	35,483	1935	Part of Espiritu Santo grant. Title II National Industrial Recovery Act (48 Stat. 200). Indian trust land, pursuant act of Aug. 2, 1956 (70 Stat. 941).		
Laguna (Antonio Sedillo grant)	1	[4] 85,609	1938	Title III of Bankhead-Jones Farm Tenant Act (50 Stat. 522, 525); transferred to jurisdiction Department of Interior by Executive Order 8696. Became Indian trust land by act of Aug. 13, 1949 (63 Stat. 604).		(1).
	42	[4] 66,205	1935 through 1937	(2)	(2)	(1).
San Ildefonso (sacred area of Ramon Vigil grant).	1	5,913		(2)	(2)	No non-Indian use.
San Felipe Pueblo	6	169	Calendar years 1941, 1942.	Rehabilitation funds, Emergency Relief Appropriation Act of June 21, 1938 (52 Stat. 809), and act of June 30, 1939 (53 Stat. 927).	Within or adjacent to San Felipe Pueblo grant; principally small irrigated tracts used by subsistence farmers of San Felipe Pueblo, which pueblo has meager agricultural holdings.	
Zia Pueblo	31	[4] 71,318	1934 through 1937	(2)	(2)	(1).
	1	40,168	1935	Part of Espiritu Santo grant; see remarks under Jemez Pueblo.		
Canoncito Band of Navajo Tribe	80	87,425	1936–38	(2)	(2)	(1).
	7	1,435	1941, 1942, and 1947.	Rehabilitation trust funds, Emergency Relief Appropriation Acts of June 30, 1939 (53 Stat. 930), and for fiscal years 1940 and 1941.	To consolidate grazing land used by Navajo subsistence livestock operators.	

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Alamo Band of Navajo Tribe.....	59	31,663 1948.....	Interior Department Appropriation Act for fiscal year 1948.	To provide additional grazing land for Alamo Navajos, all of whom are subsistence livestock operators. All land used by Alamo Navajos.

[1] Used as community land by Indians for livestock grazing, along with other lands. None used by non-Indians. Approximately 90 percent of the Indians are subsistence livestock operators.

[2] Acquired pursuant sec. 202, title II, of National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), through Resettlement Administrator of Department of Agriculture. Acquired under classification set forth by Federal Emergency Relief Administration as demonstration Indian lands project. Land has subsequently become Indian trust by act of Aug. 13, 1949 (63 Stat. 604).

[3] To conserve natural resources and to rehabilitate people living on submarginal land.

[4] In addition there are 640 acres in Antonio Sedillo grant, 320 acres in Montano grant, and 428 acres in Borrego grant retained by Federal Government as administrative sites and not transferred to Indian trust land.

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6. ZUNI AGENCY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Zuni, N. Mex., June 5, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: Reference is made to your letter of April 17, 1958, requesting certain statistical data on land and land transactions at the Zuni jurisdiction. We are submitting two separate reports since the Indian lands in this jurisdiction cover two groups of Indians, namely, the Zuni Pueblo group and the Ramah Navajo group.

You requested an enumeration of all Federal lands on each reservation which have been acquired from private owners since 1930, acreage involved, number of tracts, and other pertinent information. The information covering the Zuni Reservation is as follows:

Number tracts	Acreage	Authority	Date acquired
1	160.00	Act of June 18, 1934 (48 Stat. 984)	April 1939.
1	160.00	do	Do.
1	160.00	do	Do.
1	158.68	do	Do.

Purpose of acquisition: Land to be used for grazing purposes by the tribal members.

Current use: Land is still being used for grazing purposes.

The following land was purchased in the name of the Ramah Navajo Tribe from private owners:

Number of tracts	Acreage	Authority	Approximate date acquired
1	321.05	Emergency Relief Appropriation Act of 1938 and 1939 (sec. 5)	October 1943.
1	640.00	do	July 1944.
1	1,280.00	do	Do.
1	640.00	do	September 1944.
1	640.95	do	October 1945.
1	480.00	do	September 1946.
1	160.00	do	November 1946.
1	640.00	do	September 1947.

Purpose of acquisition: To consolidate Ramah Navajo land holdings; to be used for grazing purposes.

Current use: Land is still being used for grazing purposes. The Zuni Tribe and also the Ramah Navajo community make use of all of their land for Indian use entirely.

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The Navajo Tribe purchased 56,252.44 acres of trust land from the pueblos of Pojoaque and Picuris in fiscal year 1957 for use of the Ramah Navajo community. Authorization for this purchase is set forth in the act of August 9, 1955 (69 Stat. 555), and the act of July 11, 1956 (70 Stat. 522). This was acquired for grazing purposes and is still being used for that purpose. This transaction is shown in the Navajo Agency report since this land was taken in trust in the name of the Navajo Tribe.

The Zuni Tribe has no compensated tribal employees. The Ramah Navajo group is a part of the Navajo Tribe and has representation in the general council, but due to its proximity to Zuni is administratively handled by the superintendent of the Zuni Agency. For information of Navajo tribal participation in real-estate activities and number of tribal employees, please refer to the report submitted by the Navajo Agency.

As requested in your letter, an original and one copy are submitted. If we can be of further service, please feel free to call on us.

Sincerely yours,

ELBERT J. FLOYD, *Superintendent.*

A. ZUNI

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?

There were 337,828.77 acres.

How many acres in trust?

All.

How many acres which the tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

There were 1,932.85 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of * * *, were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

None.

5. Give the number of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transactions.

None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Fiscal year: 1950.

Number transactions: 1.

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Acres: 59,766.03.

Type of transaction: Acquisition of former Resettlement Administration and public domain lands—title taken in trust for the tribe.

8. How many acres were so acquired during each calendar year since July 1, 1947? See answer to question 7 above. Acreage reported on a fiscal year basis.

9. Give the number of transactions for each year which will be shown in answer to No. 7 above broken down by the type of transaction. See answer to question 7 above.

10. Give the acreage for each year which will be shown in answer to No. 8 above, broken down by the type of transaction. See answer to question 7 above.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 397,594.80 acres.

How many acres held by the United States in trust?

All.

How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 1,932.85 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands * * *.

Acquisition of land by purchase was made under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), supra. By the act of June 20, 1935, certain lands were added which were withdrawn from the Cibola National Forest (49 Stat. 393, c. 282). The act of August 13, 1949 (63 Stat. 604), which provided for the acquisition of certain lands which had been temporarily withdrawn by the Department of the Interior from settlement, location, sale, entry, and other disposition. Title taken in trust for the tribe.

What study is being made of the cause and effect of sales? No sales of either tribal or individually owned land are being made.

Has the tribal council passed or considered any resolutions on this subject?

The Zuni Tribe would like very much to acquire additional land but is in no position financially to do so unless Federal gratuity funds are appropriated for this purpose or they realize revenue from some unexpected source. The tribe realizes that for many years to come the larger percentage of the tribe will wish to earn their living from the land. In this connection it should be recalled that this tribe was in their present location when the Spaniards arrived over 400 years ago and have followed livestock and agricultural pursuits ever since.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands * * *.

Up to the present time there has been no problem concerning heirship or multiple ownership of the land.

PART II—ZUNI

There has been no acquisition or disposal of any lands on the Zuni Reservation in recent years. The tribe and the individual Indians

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who have allotements are not interested in disposing of their lands, but if money were available the tribe would be interested in acquiring additional lands.

PART III—ZUNI

As stated before this tribe does not have money to acquire land and therefore seldom if ever takes any action on real estate activities. There are no employees paid by the tribe or the Federal Government to specifically take care of real estate matters. The superintendent and other members of his staff, members of the area office realty staff and members of other agencies are available to assist when needed. The tribe and Bureau work closely on all matters relating to the few leases and rights-of-way granted.

ZUNI LANDS

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

B. RAMAH

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?

There were 4,162 acres in the name of the Ramah Navajo community; 8,958.88 acres in the name of the Navajo Tribe. This latter figure is included in the Navajo Agency report and should not be considered again in overall totals.

2. How many acres of trust or restricted land were there in individual Indian ownership on July 1, 1947?

There were 47,632.78 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of, were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

None.

5. Give the number of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

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7. How many transactions, acres, type, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acres	Type
1948	1	640	Purchase of fee land; title taken in trust for the Ramah Navaho community.
1957	[1] 1	26,726.28	Purchase of trust land from the pueblo of Picuris; title taken in trust for the Navaho Tribe.
1957	[1] 1	29,526.16	Purchase of trust land from the pueblo of Pojoaque; title taken in trust for the Navaho Tribe.

[1] These transactions are included in the Navaho Agency report and therefore should not be duplicated.

8. How many acres were so acquired during each calendar year since July 1, 1947?

See answer to No. 7 above. Figures reported on a fiscal year basis.

9. Give the number of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

See answer to No. 7 above.

10. Give the acreage for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

See answer to No. 7 above.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 4,807.05 acres in the name of the Ramah Navajo community; 65,211.32 acres in the name of the Navajo Tribe. The latter figure is included in the Navajo Agency report.

How many acres held by the United States in trust?

All.

How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 47,632.78 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands * * *.

The Emergency Relief Appropriation Act of 1938 and 1939 provided for the acquisition of land for the rehabilitation of needy Indians. A total of 4,807.05 acres were acquired under this act.

See the Navajo Agency report for the special acts for the acquisition of land for the use of the Ramah Navajo community.

What study is being made of the cause and effect of sales?

No special study is being made. No sales have been or are being considered.

Has the tribal council passed or considered any resolutions on this subject?

See Navajo Agency report.

14. Discuss to what extent, if any, the heirship or multiple-ownership problem has affected the acquisition and disposal of Indian lands * * *.

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Up to the present time there has been no problem in regard to heirship or multiple ownership.

PART II—RAMAH

This part does not apply to the Ramah Navajo community as there have been no dispositions made.

PART III—RAMAH

See the Navajo Agency report for employees paid by the tribe and other information concerning real-estate activities.

RAMAH NAVAJO LANDS

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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V. MINNEAPOLIS AREA OFFICE

1. GREAT LAKES AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Ashland, Wis., May 22, 1958.

Hon. JAMES E. MURRAY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MURRAY: We have your letter of April 17 requesting data as to Indian lands under the supervision of the Great Lakes Agency. The report has been compiled as requested and is enclosed. In addition to the material requested we have added information as to the taxable lands purchased for various groups in the States of Michigan and Wisconsin.

We might say that there are 15 reservations or groups of Indians in the States of Wisconsin, Michigan, and Iowa that are under the jurisdiction of this agency, and this report covers all groups.

It is hoped that this is the information desired, and if we can be of any additional help on this matter please advise and we will try to supply any additional information requested.

Sincerely yours,

E. J. RILEY, *Superintendent.*

DATA ON QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS FOR THE RESERVATIONS UNDER THE SUPERVISION OF THE GREAT LAKES AGENCY, WIS.

PART I

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

Answer. There were 60,293 acres held in tribal ownership on July 1, 1947, by the various tribes of Indians located in Wisconsin and Michigan under the jurisdiction of the Great Lakes Agency. All of this land is held in a trust status and there is no record of tribes having acquired or holding any land in fee status. In addition, the Sac and Fox Tribe of Indians in Iowa hold 3,476 acres of tribal land. A portion of this land is subject to certain State taxes which totals approximately $800 per year, and which is paid by the tribe from income received from leasing.

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2. How many acres of trust or restricted land were there in individual Indian ownership on July 1, 1947?

Answer. There were 166,899 acres of trust or restricted land in individual Indian ownership on July 1, 1947.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

Answer. Statistics are supplied on the prepared form.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

Answer. Statistics are supplied on the prepared form.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

Answer. Statistics are supplied on the prepared form.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

Answer. Statistics are supplied on the prepared form.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Answer. In section 2 of the prepared form there are shown figures which give the number of allotments and acreage of trust or restricted allotted lands which were purchased in the name of the United States of America in trust for the particular tribe involved. In addition to the figures shown in section 2, there were 2 purchases made of fee-title land totaling 69 acres in the name of the United States of America in trust for the Band River Band of Lake Superior Chippewa Indians in fiscal year 1953.

8. How many acres were so acquired during each calendar year since July 1, 1947?

Answer. Acreage shown on the prepared form.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

Answer. Figures supplied on the prepared form.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

Answer. Figures supplied on the prepared form.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

Answer. On December 31, 1957, there were 65,037 acres held in tribal ownership on the various reservations of Wisconsin and Michigan (excepting Menominee Reservation of Wisconsin), and the title to which is held by the United States in trust for the particular tribe involved. In addition, there were 3,476 acres held by the Sac and Fox Tribe in Iowa as stated in question No. 1.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

Answer. There were 111,985 acres held in either trust or restricted status by individual Indian ownership on December 31, 1957.

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13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

Answer. Except for the public domain, Wisconsin Winnebago, and Oneida Reservation allotments, the allotments of the various reservations in Wisconsin and Michigan are restricted fee-patent lands, and as such title is held by the individual with the stipulation that same cannot be alienated or encumbered without the approval of the Secretary of the Interior. With such a title to the land, those allotments which come into multiple ownership, reach the point where it is impossible to properly supervise the lands or to dispose of the lands by sale because of the inability to get deeds of conveyance signed by every heir. Most of the allotments are forest-type lands which are difficult to properly manage as 40- and 80-acre units on a sustained-yield basis. The Lac du Flambeau and Lac Courte Oreilles Tribes are the only groups in this area that have funds to purchase Indian allotments, and they have been quite concerned over their inability to purchase individual Indian allotments because of the multiple-ownership problem, and as a result have passed resolutions requesting that legislation be enacted whereby the Secretary of the Interior could convey title to the lands to either the tribe or to an individual as purchaser. This problem was presented by the tribes to their Congressman; however, no information is available to indicate that any action has been taken on their request. Resolutions as passed are attached.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

Answer. This problem does not materially affect land transactions in this area.

(*b*) Undivided interest owned by non-Indians and alien Indians.

Answer. The problem of inheritance by non-Indians does cause some difficulty in the area, and particularly is troublesome to the individual inheriting such interest and to the counties involved because no instrument is issued by the Department to show that the individual has inherited these lands and that they are unrestricted and taxable. In the case of trust allotments, a fee patent is issued to such individual, whereas with restricted fee allotments no instrument is issued to show the individual owns the land or to make the county records up to date.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Answer. This problem is causing a great deal of inconvenience in the sale of Indian allotments because, as a general rule, the minors hold a small interest and in many cases the value is such that court costs for the appointment of a guardian and completion of a sale will be greater than the value of the land interest held.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

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Answer. There is frequently the difficulty of all heirs reaching an agreement as to disposition of the land; however, the problem which confronts the work in this area is the fact that a large percentage of the Indians have moved to cities to secure employment and we have great difficulty contacting them and often it is impossible to locate an individual who has evidently left the reservation with no thought of ever returning.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

Answer. This authority cannot be used by tribes under the Indian Reorganization Act and therefore the Secretary's authority is of no value on the reservations under this jurisdiction.

PART II—GREAT LAKES

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

Answer. None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

Answer. None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

Answer. None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

Answer. None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

Answer. No such sales.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

Answer. Two tracts of fee land have been purchased in connection with the moving of homes at the village of Odanah, Wis., on the Bad River Reservation, from a location that floods frequently due to melting snows, to a location where the flooding problem would be eliminated.

PART III—GREAT LAKES

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

Answer. There are no tribal real-estate employees.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

Answer. None.

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3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities?

Answer. No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities?

Answer. No.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activties?

Answer. No—the councils as a whole act on real-estate matters.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities.

Answer. None.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization?

Answer. No.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau?

Answer. No.

Additional Information on Indian Land Status in Michigan and Wisconsin as Requested by United States Senate Committee on Interior and Insular Affairs—Great Lakes

During the period from 1930 to 1947 there was a land-purchase program carried on in this area under the Indian Reorganization Act which involved the acquisition of taxable lands as follows:

Red Cliff Reservation, Wis.

Purchases of taxable land for the Red Cliff Tribe totaled 5,086 acres, which is largely forest-type land that had formerly been Indian allotments which had been alienated. The land is now used for forest purposes and some income is derived from sale of pulpwood.

Oneida Reservation, Wis.

There were 2,209 acres of taxable land purchased for the Oneida Tribe, and a large portion of this acreage is assigned to individual Indians and used for homesites and garden purposes.

Bad River Reservation, Wis.

Purchases of taxable land totaled 797 acres and at present time some of the land is assigned to individual Indians for use as homesites; the remainder is forest land and only good for forest production.

Stockbridge community, Wisconsin

There were 2,249 acres of taxable land purchased for this group of Indians. A portion of the land is assigned to individuals for homesites and the balance is forest land.

Mole Lake community, Wisconsin

There were 1,680 acres of taxable land purchased for this group of Indians. Most of the land is assigned to individuals for homes and their own use.

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St. Croix Chippewa, Wis.

There were 1,328 acres of taxable land purchased in three different locations for scattered groups in the area, and the lands are used for homesite purposes.

Isabella Reservation, Mich.

Purchases included 450 acres at Mount Pleasant, Mich., and all but 40 acres are assigned and used as homesites by individual Indians. Forty acres are forest type and used to secure firewood. Fifty-six acres were purchased in Arenac County and most of this is under lease for farming purposes.

Bay Mills community, Michigan

A total of 1,056 acres of taxable land was purchased for this group of Indians which is largely forest type and only good for forest development. Two Indian families have constructed homes on the land.

L'Anse Reservation, Mich.

There were 1,357 acres of taxable land purchased on L'Anse Reservation, and now used for forest purposes.

It might be stated that nearly all the purchases were lands suitable only for forest reproduction except those on the Isabella Reservation in Michigan. Homes were constructed on the three locations purchased for the St. Croix groups; however, employment opportunities in these areas is limited.

A RESOLUTION

Whereas the Lac du Flambeau Tribal Council have a land-purchase program in operation at this time which involves the use of tribal funds; and

Whereas this program is for the purpose of consolidating land in one type of ownership and at the same time eliminate the heirship problem to some extent on the reservation; and

Whereas the original allottees were issued restricted-fee patents to the land, and in this type of ownerssship title passed to the allottee subject to restrictions against alienation or encumbrance without the consent of the Secretary of the Interior; and

Whereas in order to sell this type of allotment to a non-Indian or to the tribe, it is necessary under present law that a deed of conveyance be executed by each heir, and this is impossible in most of the allotments which are now in a multiple and complicated ownership: Now, therefore, be it

Resolved by this council in regular session assembled, That in order to properly carry out the program of the tribal council and also to aid in solving the heirship problem on other allotments in the reservation, we respectfully request that legislation be enacted which will authorize the Secretary of the Interior or his authorized representative to transfer title to a tribe or purchaser of a restricted fee patented allotment in the same manner as he is now able to do with trust allotments under the act of June 25, 1910 (36 Stat. 855, 856); be it further

Resolved, That a certified copy of this resolution be sent to our Congressmen Hon. Alvin E. O'Konski, Washington, D. C.

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A BILL To authorize and direct the Secretary of the Interior to convey title to certain inherited undivided interests in restricted fee allotments, trust, and purchased restricted lands located on the Lac du Flambeau Indian Reservation in Wisconsin, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey title to undivided interests in restricted fee allotments, trust, and purchased-restricted lands located on the Lac du Flambeau Indian Reservation, Wisconsin.

If the Secretary of the Interior decides the heir or heirs competent to manage their own affairs, he may issue to each heir or heirs unrestricted title to their land. If he shall decide one or more of the heirs to be incompetent, he may in his discretion convey to such incompetents' interests: *Provided*—

(a) That the heirs owning majority interests have consented to a sale; said majority interests to include interests of the incompetents;

(b) That the land is not sold for less than the fair market value;

(c) That proceeds of sale of inherited lands shall be paid to such heirs as may be competent and in trust subject to use and expenditure during the trust period for such heirs as may be incompetent, as their respective interests shall appear: *Provided further*, That prior to conveyance with respect to any restricted fee or purchased-restricted lands which are owned by more than one individual Indian, the Secretary may—

(d) Upon request of any owners of undivided interests, partition the land and issue to each owner a patent or deed for his individual share;

(e) Upon request of any owner of partitioned land where the Secretary determines to be in need of such assistance, sell such land and pay proceeds of sale to owners.

RESOLUTION 25

Whereas the Lac Courte Oreilles Band of Chippewa Indians are interested in the land-sale program, and to further the benefits of this program; and

Whereas this program is for the purpose of consolidating land in one type of ownership and at the same time eliminate the heirship problem to some extent on the reservation; and

Whereas the original allottees were issued restricted fee patents to the land and in this type of ownership title passed to the allottee subject to restrictions against alienation or encumbrance without the consent of the Secretary of the Interior; and

Whereas in order to sell this type of allotment to a non-Indian or to the tribe, it is necessary under present law that a deed of conveyance be executed by each heir and this is impossible in most of the allotments which are now in complicated ownership: Now, therefore, be it

Resolved by this council in regular session assembled, That in order to properly carry out the program of the tribal council and also to aid in solving the heirship problem on other allotments in the reservation, we respectfully request that legislation be enacted which will authorize the Secretary of the Interior or his authorized representative to transfer title to purchaser of a restricted fee patent allotment in the same manner as he is now able to do with trust allotments under the act of June 25, 1910 (36 Stat. 855, 856); and be it further

Resolved, That a certified copy of this resolution be sent to our Congressman Hon. Alvin E. O'Konski, Washington, D. C.

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A BILL To authorize and direct the Secretary of the Interior to convey title to certain inherited undivided interests in restricted fee allotments, trust, and purchased-restricted lands located on the Lac Courte Oreilles Indian Reservation in Wisconsin, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey title to undivided interests in restricted fee allotment, trust, and purchased-restricted lands located on the Lac Courte Oreilles Reservation, Wisconsin. If the Secretary of the Interior decides the heir or heirs competent to manage their own affairs, he may issue to such heir or heirs unrestricted title to their land; if he shall decide one or more heirs to be incompetent, he may in his discret, convey title to such incompetents interest: *Provided*—

(a) That the heirs owning a majority interest have consented to a sale; said majority interest to include interest of incompetents;

(b) That the land is not sold for less than the fair market price;

(c) That the proceeds of sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heirs as may be incompetent, as their respective interests shall appear: *Provided further*, That prior to conveyance with respect to any restricted fee or purchased restricted lands which are owned by more than one individual Indian, the Secretary may—

(d) Upon request of any owners of undivided interest, partition the land and issue to each owner a patent or deed for his individual share;

(e) Upon request of any owner of partitioned land where the Secretary determines to be in need of such assistance, sell such land and pay the proceeds of sale to owners.

RESOLUTION

Whereas we, the members of the Bad River Tribal Council, duly authorized, under article VIII, section 1, of the constitution and bylaws of the Bad River Band of Chippewa Indians, to regulate and consolidate the multiple and complicated unrestricted heirship lands on the Bad River Reservation; and

Whereas to alleviate the problems presently encountered in conveying undivided interests in restricted fee patented lands, to execute a deed of conveyance of the restricted allotments, consisting of the cutting of the matured timber thereon, and the sales of land as provided under act of June 25, 1910 (36 Stat. 855, 856); and

Whereas to partition the incompetent heirs of said lands, and to issue each owner a deed for his or her individual share, and hold in trust under the discretion of the Secretary of the Interior, and upon request of any owners of undivided interest, partition the land and issue to each owner a patent or deed: Therefore, be it

Resolved, That the Secretary of the Interior be authorized to convey title to certain inherited undivided interests in restricted fee allotments, and the Bad River Tribal Council be empowered to condemn these multiple complicated heirship lands for tribal purposes as provided under section 1 of the constitution and bylaws of the band, and such lands be purchased by the Bad River Tribal funds; and be it further

Resolved, That a certified copy of this resolution be submitted to our honorable Congressman Alvin E. O'Konski, House of Representatives, Washington, D. C., for submission in this session of Congress of the United States.

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A BILL To authorize and direct the Secretary of the Interior to convey title to certain inherited undivided interests in restricted fee allotments, trust, and purchased restricted lands located on the Bad River Indian Reservation in Wisconsin, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey title to undivided interests in the restricted fee allotments, trusts, and purchased restricted lands located on the Bad River Indian Reservation, Wisconsin. If the Secretary of the Interior decides the heir or heirs competent to manage their own affairs, he may issue to such heir or heirs unrestricted title to their land; if he shall decide one or more of the heirs to be incompetent, he may in his discretion, convey title to such incompetents interests: *Provided*—

(a) That the heirs owning a majority interests have consented to a sale; said majority interests to include interest of incompetents;

(b) That the land is not sold for less than the fair market value;

(c) That the proceeds of sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heirs as may be incompetent, as their respective interests shall appear: *Provided further*, That prior to conveyance with respect to any restricted fee or purchased restricted lands which are owned by more than one individual Indian, the Secretary of the Interior may—

(d) Upon request of any owners of undivided interests, partition the land and issue to each owner a patent or deed for his individual share;

(e) Upon request of any owner of partitioned land where the Secretary of the Interior determines to be in need of such assistance, sell such land and pay the proceeds of sale to owners.

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GREAT LAKES

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																	2	87	1	20
Certificates of competency													8	389			5	158	1	30
Removal of restrictions													6	344	3	99	5	193	1	40
To fee status by inheritance or devise (only where entire interest has so passed)																	2	160	5	400
To fee status by partition																				
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status																	1	2		
Exchanges to other Indians in trust or restricted status																				
Sales to tribes	14	960	6	352	24	1,360	29	1,893											3	200
Sales to other Indians in trust or restricted status															2	100			1	7
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status							37	1,988	3	167	142	7,883	186	12,298	89	6,400	140	9,325	157	10,258
Sales to fee status																				
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																			
Exchanges from individual trust or restricted land																			
Purchases from tribes																			
Purchases of trust or restricted land from other Indians											1	40							
Other (explain)																			

ACQUISITIONS FROM FEE STATUS—None

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2. MINNESOTA AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Bemidji, Minn., May 6, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

MY DEAR SENATOR MURRAY: We have your letter of April 17, 1958, requesting information as to Indian lands, and the questionnaire on the disposition and acquisition of Indian lands in the last 10 years.

There is submitted herewith the information requested, as follows:

1. Data on questionnaire on the disposition and acquisition of Indian Lands in the Last Ten Years for the Six Reservations Organized as the Minnesota Chippewa Tribe.

2. Form, as submitted by your office, completed as to transactions in the past 10 years, on the 6 reservations and public-domain allotments in Minnesota.

3. Copies of 7 resolutions prepared by the executive committee of the Minnesota Chippewa Tribe, pertaining to lands on the 6 Chippewa reservations.

4. Data on questionnaire on the disposition and acquisition of Indian lands in the last 10 years for the Red Lake Indian Reservation in Minnesota.

5. Statement of additional data on Indian land status in Minnesota.

It is hoped that the information supplied will be sufficient in your study of the Indian land situation on the various reservations. If additional information is desired, please advise and we will make every effort to supply you with same.

Sincerely yours,

W. W. PALMER, *Superintendent.*

A. MINNESOTA CHIPPEWA AND SIOUX

DATA ON QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS FOR THE 6 RESERVATIONS ORGANIZED AS THE MINNESOTA CHIPPEWA TRIBE

PART I

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

Answer. The Chippewa reservations and Sioux communities had a total of 100,066 acres in tribal ownership on July 1, 1947, all of which was held in trust status.

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2. How many acres of trust or restricted land were there in individual Indian ownership on July 1, 1947?

Answer. There were 152,387 acres of trust or restricted land in individual Indian ownership on July 1, 1947.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

Answer. Statistics are supplied on the prepared form.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

Answer. Statistics are supplied on the prepared form.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3, above, broken down by the type of transaction.

Answer. Statistics are supplied on the prepared form.

6. Give the acreages for each year which will be shown in answer to No. 4, above, broken down by the type of transaction.

Answer. Statistics are supplied on the prepared form.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Answer. In section 2 of the prepared form there is shown figures which give the number of allotments and acreages of trust allotted lands which were purchased in the name of the United States of America, in trust for the Minnesota Chippewa Tribe. It will be noted that the number of allotments involved is high, compared to the acreage. This is due to the issuance of 282 allotments of 5, 7½, or 10 acres to the nonremoval Mille Lacs Indians, of which all but 26 allotments were conveyed by the allottees or heirs to the tribe for a nominal sum, in order to eliminate and curtail the complicated heirship status that was developing.

8. How many acres were so acquired during each calendar year since July 1, 1947?

Answer. Acreage is shown on the form.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7, above, broken down by the type of transaction.

Answer. Figures supplied on the form.

10. Give the acreages for each year which will be shown in answer to No. 8, above, broken down by the type of transaction.

Answer. Figures supplied on the form.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

Answer. There were 102,585 acres of tribal-owned land on the Chippewa Reservations (except Red Lake Reservation) and Sioux communities of Minnesota, and all held in trust.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

Answer. There were 80,408 acres of individual Indian trust allotted or restricted lands.

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13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

Answer. The Chippewa Indians of the allotted reservations in Minnesota are all under the Indian Reorganization Act of June 18, 1934, which provided that Indian allotments could not be sold. The act of May 14, 1948, provided for the sale of Indian allotments; however, such sale must have the consent of every heir or legal guardian for a minor or incompetent heir, and under such procedure it is impossible to dispose of complicated heirship allotments, either through sale to the public or the tribe, for the reason that whereabouts of heirs is unknown, interests are so small and of such low value that heirs will not take time to sign the required papers, and in case of minors or incompetents, the cost of appointing a legal guardian is $50, and often their interest is valued at less than a dollar.

The executive committee of the Minnesota Chippewa Tribe has been very active in efforts to have Congress appropriate funds for the purchase of heirship allotments within the boundaries of the Chippewa National Forest by the United States Forest Service, and this has been very helpful in disposing of heirship allotments in isolated areas and not being used or occupied by the heirs. At the present time, there are 60 sales which cannot be completed because of the requirements to have 100 percent consent, or consent of legal guardian where interest is of a low value, making the appointment of a guardian impractical. The executive committee of the Minnesota Chippewa Tribe has made repeated attempts to get legislation introduced and passed by Congress which would alleviate the rigid requirements demanded in the sale of Indian land to the public, or purchase by the tribe. They have passed several resolutions, copies attached, on this question and have made strenuous efforts to get action on H. R. 7877, introduced by Congressman Fred Marshall.

14. To discuss further information given under No. 13.

(*a*) There are a few cases where undivided interest of trust allotments have gone into tribal ownership and sale to the tribe cannot be made because of lack of tribal funds and the additional fact that the heirship situation is too complicated.

(*b*) This problem is becoming very great in the Minnesota area. A study made of one reservation shows over 40 percent of the allotments are either in whole or in part held by non-Indians, or alien Indians. It has taken 2 years to complete the issuance of such fee patents on another reservation, which involved over 30 percent of the allotments in whole or in part. The value of remaining trust interests in allotments which have become partially unrestricted, is seriously affected by such ownership, and the management of such lands is impossible.

(*c*) As mentioned previously, the cost of guardianship often far exceeds the value of the minor.

(*d*) There is frequently one heir, often with a very minor interest, who will refuse to cooperate and prevents a transaction under present regulations. In addition, when an heir dies and his estate is probated,

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very frequently there are claims made against the estate, and which are approved by the examiner of inheritance in accordance with law. Often these claims will be equal to the entire estate, and in attempting to sell allotments in which the deceased had a share, the heirs will refuse to sign because they will not receive any benefits of such sale. It appears authority should be such as to provide for sale of such interests on lands to settle the debts without the consent of the heirs.

(*e*) This authority is not applicable with tribes under the Indian Reorganization act.

PART II—MINNESOTA CHIPPEWA AND SIOUX

Under the questions asked in part II, there has not been completed in recent years the sale of key tracts to either non-Indians or the tribe. The purchase of a number of key tracts by the tribe has been planned and started in the past year, however, progress has been slow because of the heirship problems and difficulties. The desired purchases are tracts on lakes which produce wild rice, and control of which is desired and badly needed by the tribe; however, the rigid requirements will have to be eliminated before purchases can be completed.

PART III—MINNESOTA CHIPPEWA AND SIOUX

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

Answer. The Minnesota Chippewa Tribe has 3 individuals employed in the management of all phases of tribal government, as follows: Manager, $3,900 per annum; secretary (part time), $1,200 per annum; stenographer, $2,700 per annum.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

Answer. None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain.

Answer. No. They are assisted by Bureau personnel.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain.

Answer. The tribal manager has authority to negotiate leases and approve same up to $500. Leases in excess of $500 are approved by resolution of the executive committee.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain.

Answer. No.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain. If the Bureau has disapproved such employment, explain why.

Answer. None.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

Answer. No.

30451—58——31

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8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

Answer. No.

MINNESOTA CHIPPEWA RESOLUTION No. 39

Whereas the Federal Government has appropriated moneys for the acquisition of lands for the various tribes;

Whereas the heirs of Leech Lake Allotment No. 1, described as lot 1, and the SWSW section 29, 146–31 Beltrami County, have requested this parcel be sold;

Whereas the Minnesota Chippewa Tribe desires to acquire this allotment to retain homesites for six Indian families living thereon, and to retain a cemetery still in use;

Whereas the 38 living heirs (involving 17 probates) do not object to a negotiated sale;

Whereas the heirs of the following FDL allotments have also requested sale of their allotments:

	Acres
FDL 62 lot 5, sec. 30, 49–18	21.75
FDL 63 lot 6, sec. 30, 49–18	39.00
FDL 75 lots 8 and 9, sec. 30; lot 5, sec. 29; lots 2, 6, and 7, sec. 31, all in 49–18	160.05
FDL 75 lot 2, sec. 29, 49–18	29.60
FDL 88A lot 4, sec. 29, 49–18	23.50
FDL 138 lots 4 and 5, sec. 31, 49–18	54.70

Whereas the sales of these allotments to private interest would jeopardize the sole rites of the Indians to harvest the wild rice crop on Perch Lake, FDL Reservation which has exceeded $40,000 annually.

Whereas the purchase of the above-mentioned tracts by the Minnesota Chippewa Tribe would simplify management of allotments now in multiple ownership: Now, therefore, be it

Resolved, That the Commissioner of Indian Affairs make $10,000 available for the acquisition of these lands.

MINNESOTA CHIPPEWA RESOLUTION No. 15

Whereas the committee created by this council with delegated responsibility to program for local social and economic improvement have submitted a report showing the trust allotments on the reservation to have an important part to contribute in the mangement of band and tribal lands on the reservation; and

Whereas due to Canadian ownership in a number of cases we understand that the Indian Bureau is obligated to issue patents-in-fee and certain heirs have requested that their lands be sold; meaning that if action to retain these lands in Indian ownership is not promptly taken they will likely soon pass to various non-Indian owners; and

Whereas to receive the potential inherent in these allotments they should be converted into tribal or band ownership: Now, therefore, be it

Resolved, That immediate steps be taken to arrange funds for acquiring all of the trust allotments on the Grand Portage Reservation; and be it further

Resolved, That the committee's report on the importance of the allotments be accepted.

MINNESOTA CHIPPEWA RESOLUTION No. 16

Whereas the Grand Portage Band and the Minnesota Chippewa Tribe have gone on record as strongly favoring the purchase of the allotments on the Grand Portage Reservation; and

Whereas such allotted land has forest or timber value almost totally as now known, and said land fits into the band and tribal land holdings; and

Whereas the act of June 18, 1934 (Public, No. 383, 73d Cong.) provides that the Secretary of the Interior may acquire land for the general benefit of Indians an dthat funds may be requested or provided therefore: Now, therefore, be it

Resolved, That the Secretary of the Interior purchase the allotments from individual Indians on the Grand Portage Reservation for and in the name of the United States of America in trust for the Minnesota Chippewa Tribe.

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MINNESOTA CHIPPEWA RESOLUTION No. 37

Whereas the need for Federal funds still remains for the disposition of allotments requested for sale on the Leech Lake Reservation;

Whereas lakeshore properties with a value of approximately $300,000 remain unsold;

Whereas new requests by heirs for sale of their inherited interests are being received: Be it hereby

Resolved, That the tribal manager write to the Congressmen in the State of Minnesota requesting $250,000 for the purchase of these lands by the United States Forest Service; be it further

Resolved, That unless specifically authorized otherwise by the allottees consenting to the sale that the mineral rights in said lands be reserved in the allottees.

MINNESOTA CHIPPEWA RESOLUTION No. 6

Whereas the Grand Portage Indian Reservation is a part of the wilderness and roadless areas created by the Secretary of the Interior (25 C. F. R. 281.2) and such action restricts the use and occupancy of the individual Indian allotments remaining in trust status; and

Whereas the records show that either aliens or non-Indians hold interests in whole or in part on a large percent of the allotments and in accordance with regulations these interests are unrestricted, and patents-in-fee should be issued for said interests which would make the interests of Indians of questionable value: Now, therefore, be it

Resolved, That the Indian Bureau make available sufficient funds to purchase all the allotments in whole or in part that are held by Indians on the Grand Portage Reservation, title to be taken in the name of the United States of America in trust for the Minnesota Chippewa Tribe, from funds allotted by Congress under the Indian Reorganization Act so that the Indian owners may realize a fair value from their holdings and at the same time solve the complicated heirship problem that has, and is continuing to develop on this reservation.

MINNESOTA CHIPPEWA RESOLUTION No. 21

Whereas the Minnesota Agency is conducting land sales at the request of owners;

Whereas the regulations by requiring 100-percent request for sale and 100-percent consent makes sales impossible on certain allotments because of—

1. Minors without legal guardians—funds in their share would not pay for the appointment of guardians.
2. Incompetents without legal guardians.
3. Indifference of recipients because of very small cash shares.

Therefore be it resolved, That a request be made to change the regulations thus:

That sales listing be made by request of majority shares.

That sale can be processed by consent of majority shares.

MINNESOTA CHIPPEWA RESOLUTION No. 22

Whereas the United States Forest Service has purchased many allotments that have been requested for sale by Indians, with funds appropriated to them for such acquisition; and

Whereas there still are continuing requests for sale by the Indians both inside and outside the boundaries of the Chippewa National Forest on the Leech Lake Reservation, and such allotments have been advertised for sale but without successful bids: Now, therefore, be it

Resolved, That the Congress of the United States be requested to appropriate funds to the United States Forest Service for the acquisition of allotted lands as follows:

For purchase of allotments inside the Chippewa National Forest boundaries on the Leech Lake Reservation	$50,000
For the purchase of allotments outside the Chippewa National Forest boundaries on the Leech Lake Reservation	10,000

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MINNESOTA CHIPPEWA, SIOUX, AND RED LAKE

AS TO ALLOTTED INDIAN RESERVATIONS IN MINNESOTA AND ALLOTMENTS ON THE PUBLIC DOMAIN IN MINNESOTA

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																			2	122
Certificates of competency																	1	80	1	80
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)															4	320	2	160	36	4,644
To fee status by partition																				
Other (explain): Canceled duplicate allotments															1	160	1	160	1	68
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes									2	160	225	1,827	23	144						
Sales to other Indians in trust or restricted status									1	32										
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status											31	2,282	49	2,730	325	19,723	328	23,218	216	15,967
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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B. RED LAKE

Data on Questionnaire on the Disposition and Acquisition of Indian Lands in the Last 10 Years for the Red Lake Indian Reservation in Minnesota

PART I

1. How many acres were there in tribal ownership on July 1, 1947?

Answer. There were 573,238 acres.

How many acres in trust?

Answer. All of this land is held in trust by the United States for the Red Lake Band of Chippewa Indians.

How many acres which the tribe had acquired in fee?

Answer. None of the land is in fee status.

2. How many acres of trust or restricted land were there in individual Indian ownership on July 1, 1947?

Answer. Four allotments totaling 240 acres in trust, held in individual ownership on July 1, 1947.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

Answer. There were three sales of public domain allotments under the jurisdiction of this reservation during the 1955 fiscal year.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

Answer. A total of 140 acres was involved in the 3 sales mentioned under No. 3.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

Answer. The transactions were all advertised, supervised sales.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

Answer. There were 3 supervised sales, totaling 140 acres.

7 through 10. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947? How many acres were so acquired during each calendar year since July 1, 1947? Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

Answer. There was no acquisition of land on the Red Lake Reservation for the period involved.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

Answer. There were 573,238 acres.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

Answer. There were 102 acres.

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13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

Answer. The Red Lake Reservation is not an allotted reservation, and therefore the land status has remained constant for the period involved. There were four allotments on the public domain issued to individual Indians and carried on the records of the Red Lake Reservation. At the request of heirs, three of these allotments were appraised and sold under the supervision of the Indian Bureau in the fiscal year 1955. The fourth allotment is still held by the original owner who resides on same.

14. Discuss to what extent, if any, the heirship or multiple-ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem: (*a*) undivided interest owned by the tribe; (*b*) undivided interest owned by non-Indians and alien Indians; (*c*) undivided interest owned by minors on reservations which are under the Indian Reorganization Act, (*d*) difficulty of reaching agreement among all heirs as to use or disposal of lands; (*e*) what use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

Answer. This question is not applicable to Red Lake Reservation.

PART II—RED LAKE

This part is not applicable to Red Lake Reservation.

PART III—RED LAKE

The purpose of this part of the questionnaire is to ascertain to what extent the tribes have assumed responsibility for real-estate activities.

Answer. The real-estate activities on the Red Lake Indian Reservation are limited to a very few leases which are negotiated by the tribal council and approved by the reservation superintendent. In addition, there are issued by the tribal council assignments for homesites and other purposes, to individual members of the reservation. The Red Lake Reservation is largely a forested area and the management of these products are under the direction and supervision of the Indian Bureau.

Additional Data on Indian Land Status in Minnesota as Requested by United States Senate Committee on Interior and Insular Affairs

During the period of 1930 to 1947 there was a land-purchase program conducted for the various groups of Indians as organized under the Indian Reorganization Act of 1934, and the purchases on the 6 reservations of the groups organized as the Minnesota Chippewa Tribe were Grand Portage, 21,613 acres; Nett Lake, 5,350 acres;

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Fond du Lac, 2,690 acres; nonremoval Mille Lacs, 368 acres; and White Earth, 14,892 acres. Most of this acreage was land that had previously been part of the reservation areas and had become alienated. The purchases did include some allotments held in a trust status at time of purchase. Outside of homesites on the various reservations on this purchased land, very little use is being made of same by individual Indians, except for the use of areas on lakes which produce wild rice, the harvest of which is a source of revenue for a short season of the year.

The purchases on the White Earth Reservation included a ranch headquarters which, at the time of purchase, was to be used as a vocational school for Indians; however, the school never materialized and the tribe now has the ranch property under lease.

There are 4 scattered Sioux communities in Minnesota, and there was purchased for these groups 2,240 acres of land under the Indian Reorganization Act, which gives them a total of 3,281 acres, which includes purchases made for this group in the 1890's. These lands, for the most part, are assigned to individual Indians, and most of them live on their assignments.

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VI. MUSKOGEE AREA OFFICE

1. CHOCTAW AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Philadelphia, Miss., June 12, 1958.

Hon. JAMES E. MURRAY,
Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: In response to your request for information concerning land matters at this agency dated April 17, 1958, we are submitting herewith the attached report. You will note that a great part of the questionnaire does not apply to this agency's operation.

I trust that the enclosed information is what you desire.

Yours truly,

PAUL VANCE, *Superintendent.*

CHOCTAW OF MISSISSIPPI

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?

None.

How many acres in trust?

There were 15,678.62 acres.

How many acres which the tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

There were 75 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

Do not know of any.

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4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

None.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

None.

6. Give the acreage for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership:

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. How many acres were there in tribal ownership on December 31, 1957?

None.

How many acres held by the United States in trust?

There were 15,698.62 acres.

How many acres which the tribe had acquired in fee?

None.

How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.).

Since there have been no allotments at this agency, it has not been affected by legislation regulating the sale of Indian lands.

What study is being made of the cause and effect of sales?

None.

Has the tribal council passed or considered any resolutions on this subject?

No.

Please elaborate and include any resolutions approved.

None.

14. Discuss to what extent, if any, the heirship or multiple-ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

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(*a*) Undivided interest owned by the tribe.

None.

(*b*) Undivided interest owned by non-Indians and alien Indians.

None.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

None.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

None.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs?

None.

(*f*) To what extent has the tribe been encouraged or permitted to buy such lands?

None.

PART II—CHOCTAW OF MISSISSIPPI

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

Not applicable at this agency.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

Not applicable at this agency.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None sold.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

PART III—CHOCTAW OF MISSISSIPPI

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

This tribe employs no personnel for handling real-estate activities.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

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This agency employs no personnel for handling real-estate activities.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities?

No.

Explain fully.

No answer required.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities?

No.

Explain fully.

No answer required.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities?

No.

Explain fully.

No answer required.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities?

The Mississippi Choctaw Indians have not employed private consultants to study particular phases of its real-estate activities.

Explain fully.

No answer required.

If the Bureau has disapproved such employment, explain why.

No answer required, as Bureau has not disapproved such employment.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization?

No.

If so, discuss the history and effectiveness of such organization.

No answer required.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau?

No.

Please comment on the differences in effectiveness of Bureau and tribal operations.

No comments.

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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Enumeration of tribal land held in trust for the Mississippi Band of Choctaw Indians acquired from private owners since 1930

Tract No.	Purchased from—	Community	Acres	Authority	Date acquired	Purchase price	Purpose of purchase	Purpose and amount of use through leasing or otherwise by tribe or otherwise
4	W. M. Porter	Pearl River	80	Sec. 5, Indian Reorganization Act, June 18, 1934 (48 Stat. 984).	Check dated Mar. 23, 1937	$1,650.00	Benefit of certain Choctaw Indians residing in Mississippi.	Leased in part for residential and farming purposes. A large percent is held in common by the tribe and is producing forest products.
5	Dick Tubby	do	120	do	Mar. 16, 1937	800.00	do	Do.
6	W. D. Cole	do	80	do	Sometime after Jan. 11, 1937	500.00	do	Do.
7	W. B. Jolly	do	42	do	Check dated September 1937.	700.00	do	Do.
8	W. B. McNeil	do	79	do	Check dated Mar. 3, 1937	1,343.00	do	Do.
12	A. W. McNeil, et al	do	70	do	Check receipted June 11, 1957.	1,200.00	do	Do.
13	N. G. McNeil	do	62	do	do	1,500.00	do	Do.
15	Asa Gray	do	80	do	Check dated Aug. 4, 1957	700.00	do	Do.
16	Mrs. Alice Tubby	do	60	do	do	900.00	do	Do.
19	T. L. Goldman	do	149	do	Check dated Mar. 3, 1937	1,800.00	do	Do.
22	Reynolds Lumber Co.[1]	do	60	do	Receipt dated Nov. 4, 1957	360.00	do	Do.
26	D. W. Ingram	do	140	do	Check dated Mar. 16, 1937	1,400.00	do	Do.
28	R. R. Barrett	do	40	do	Receipt to IO Apr. 27, 1937	1,050.00	do	Do.
29	Henderson Molpus Co.	do	138	do	Check dated May 15, 1937	1,000.00	do	Do.

See footnotes at end of table, p. 475.

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Enumeration of tribal land held in trust for the Mississippi Band of Choctaw Indians acquired from private owners since 1930—Continued

Tract No.	Purchased from—	Community	Acres	Authority	Date acquired	Purchase price	Purpose of purchase	Purpose and amount of use through leasing or otherwise by tribe or otherwise
29A	S. F. Dennis	Pearl River	140	do. Sec. 5, Indian Reorganization Act, June 18, 1934 (48 Stat. 984).	Check dated Mar. 3, 1937	$2,000.00	do	Leased in part for residential and farming purposes. A large percent is held in common by the tribe and is producing forest products.
29B	W. M. Hays	do	80	do	Check dated Aug. 11, 1938	800.00	do	Do.
59	Reynold Lumber Co	do	5,515	do	Check dated June 5, 1940	8,972.50	do	Do.
100A	Marshall Cannon	do	(40)	do	Approved Sept. 12, 1942, by Department of Interior.		Exchanged for reimbursable land in Tucker community; better location and land.	Do.
	Total in Pearl River community, Neshoba County, Miss.		6,935					
41	G. M. Langford	Conehatta	40	Sec. 5, Indian Reorganization Act, June 18, 1934 (48 Stat. 984).	Receipt dated Oct. 26, 1937	180.00	Benefit of certain Choctaw Indians residing in Mississippi.	Do.
43	F. W. Halladay	do	216	do	Check dated Feb. 6, 1939	1,600.00	do	Do.
45	N. R. McDill	do	200	do	Receipt dated Nov. 4, 1937	1,500.00	do	Do.
48, 49, 57, 58, 59.	Geo. M. Langford	do	718	do	Receipt dated Sept. 2, 1938	6,182.00	do	Do.
50	Floyd Loper	do	40	do	Receipt to IO Dec. 30, 1937	300.00	do	Do.
51	C. Pace	do	80	do	Receipt dated Nov. 4, 1937	700.00	do	Do.
52	A. O. Blackburn	do	80	do	Receipt dated June 14, 1938	1,000.00	do	Do.
53	W. M. Horton [2]	do	39	do	Receipt dated Feb. 16, 1938	489.85	do	Do.
55	J. B. Brunson	do	120	Choctaw land acquisition, 1936 project.	Check dated Jan. 27, 1941	900.00	do	Do.
56	Nathan Longmire	do	80	Sec. 5, Indian Reorganization Act, June 18, 1934 (48 Stat. 984).	Receipt dated June 14, 1938	400.00	do	Do.

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57	S. T. Roebuck, receiver, Citizens Bank of Newton.	do	409	do	Receipt dated Nov. 28, 1938	1,650.00	do	Do.
112	G. W. Morrow	do	122.38	do	Checks dated— Oct. 22, 1948	1,460.58	do	Do.
					Dec. 14, 1948	4,222.79		
113	Jesse H. Ezelle	do	354	do	Check dated Jan. 31, 1949	7,500.00	do	Do.
114	J. B. Ingram	do	84.5	do	Check dated Mar. 8, 1949	3,000.00	do	Do.
IR&R 1	W. A. Massey et ux	do	20	Emergency Relief Appropriation Act of June 26, 1940 (Public 88, 76th Cong.); sec. 4 (a), I. O. L., Oct. 18, 1946 (54 Stat. 611, 617).	Aug. 6, 1947	125.00	Choctaw Indian rehabilitation project, rural rehabilitation of needy Indians.	Do.
	Total in Conehatta community, Newton County, Miss.		2,602.88					
32, 32A	Reynolds Lumber Co.	Bogue Chitto	360	Sec. 5, Industrial Recovery Act, June 18, 1934 (48 Stat. 984).	Receipt dated Nov. 4, 1937	1,800.00	For use and benefit of Mississippi Choctaw Indians.	Do.
30	W. H. Marshall	do	160	do	do	1,120.00	do	Do.
33	W. I. Luke	do	80	do	Check dated Aug. 4, 1937	560.00	do	Do.
34	T. M. Fulton	do	80	do	Check dated Mar. 3, 1937	1,000.00	do	Do.
103	P. L. Tolbert	do	40	do	Receipt dated June 14, 1943	800.00	do	Do.
104	Eddie J. Nance	do	40	do	do	800.00	do	Do.
107	R. L. Marshall	do	83	do	Receipt dated Mar. 13, 1943	1,660.00	do	Do.
108	A. L. Marshall	do	140	do	Check dated Feb. 17, 1944	3,500.00	do	Do.
109	Ed Gray	do	50	do	Check dated Sept. 29, 1944	800.00	do	Do.
110	M. E. Bates	do	56	do	Check and receipt in payment sent out July 13, 1943.	900.00	do	Do.
111	J. W. Hall	do	240	do	Receipt dated June 1947	3,400.00	do	Do.
	Total in Bogue Chitto community, Neshoba County, Miss.		1,329					

See footnotes at end of table, p. 475.

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Enumeration of tribal land held in trust for the Mississippi Band of Choctaw Indians acquired from private owners since 1930—Continued

Tract No.	Purchased from—	Community	Acres	Authority	Date acquired	Purchase price	Purpose of purchase	Purpose and amount of use through leasing or otherwise by tribe or otherwise
60	Henry Shields	Red Water	202	Sec. 5, Indian Reorganization Act, June 18, 1934 (48 Stat. 984).	Check dated Mar. 23, 1937	$3,550.00	For use and benefit of Mississippi Choctaw Indians.	Leased in part for residential and farming purposes. A large percent is held in common by the tribe and is producing forest products.
61	Willie Billie	do	25	do	Check dated Sept. 16, 1937	400.00	do	Do.
63	Leake County Bank	do	106	do	Receipt dated Nov. 4, 1937	1,800.00	do	Do.
64	A. N. Tucker	do	66	do	Receipt dated Dec. 7, 1936	1,000.00	do	Do.
68	W. G. Chamblee	do	20	do	Check dated Jan. 12, 1937	250.00	do	Do.
69	Mrs. E. E. Hogue	do	20	do	Check dated Jan. 6, 1937	500.00	do	Do.
IR&R 2	Minnie Charles and Lum Billy.	do	90	Act of June 26, 1940 (54 Stat. 611, 617).	IOL July 29, 1941, States to be paid from present year rehabilitation funds.	300.00	Rural rehabilitation of needy Indians.	Do.
	Total in Red Water community, Leake County, Miss.		529					
82	G. E. Whittington	Standing Pine	40	Sec. 5, Internal Revenue Act, June 18, 1934 (48 Stat. 984).	Check dated Jan. 6, 1937	1,100.00	For use and benefit of Mississippi Choctaw Indians.	Do.
84, 84A	J. Luther Freeny	do	78	do	Receipt dated Mar. 9, 1937	2,000.00	do	Do.
100	C. M. Crain	do	67	do	Check dated Apr. 12, 1943	1,650.00	do	Do.
102	D. C. Ware	do	57	do	Receipt dated Mar. 22, 1943	1,625.00	do	Do.
	Total in Standing Pine community, Leake County, Miss.		242					
91, 92, 93A–93Q.	Catholic Church	Tucker	787	Sec. 5, Internal Revenue Act, June 18, 1934 (48 Stat. 984).	Receipt dated Dec. 10, 1937	10,000.00	For use and benefit of Mississippi Choctaw Indians.	Do.
94	H. W. Cannon	do	98	do	Receipt dated Dec. 11, 1937	200.00	do	Do.
95	A. DeWeese Lumber Co.	do	40	do	Receipt dated May 2, 1938	2,700.00	do	Do.

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120	A. B. Hardy	Tucker	10	Sec. 5, Indian Reorganization Act, June 18, 1934 (48 Stat. 984).	May 27, 1952	2,700.00	do	Do.
	Total in Tucker community, Neshoba County, Miss.		935					
	Total acreage in Mississippi.		12,572.88					

[1] Purchased with tracts 32 and 32A in Bogue Chitto community; total acreage, 420 acres purchased for $2,160.
[2] Description of land purchased for 40 acres for $50 less 1 acre, at $10.15, to be used for church purposes.

Source: Interior—Indian Muskogee area office, Choctaw Indian Agency, Philadelphia, Miss.

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MISSISSIPPI CHOCTAW

Information Concerning the Current Indian Tribal Use of Land Held in Trust for the Mississippi Band of Choctaw Indians Through Leasing or Otherwise, and the Conditions of Such Leasing or Use

On January 1, 1954, approximately 7,000 acres of the land held in trust for the Mississippi Band of Choctaw Indians which could be used for farming, pasture, and residential purposes was set up as tribal units for rental purposes. These units were leased on a yearly basis (Tribal Resolution Cho–1–52, dated March 16, 1952).

The following statistics are given concerning the availability and occupancy of these units for the calendar years 1954 through May 1958:

Tribal units available 1954	209
Leases executed	208
Tribal units available 1955	208
Leases executed	198
Tribal units available 1956	210
Leases executed	178
Tribal units available 1957	212
Leases executed	163
Tribal units available 1958	231
Leases executed	136

The agriculture committee of the tribal council determines each year the amount to be charged for house and garden sites, tillable land and pastureland. New leases cannot be executed until prior year's rent has been paid. If the occupant is delinquent in his rent, he is sent a monthly notice. If he is delinquent after the year for which the lease is executed, he is sent a 10-day notice to pay or vacate the premises. If no action is taken by lessee on 10-day notice, he is sent a 30-day notice to vacate the premises. Failure to vacate the premises results in referring the claim to the United States attorney for proper action. To date 14 cases have been turned over to the United States attorney but no positive action has been taken by the Justice Department.

There are 12,262 acres of timberlands. The tribe has a memorandum of understanding dated April 27, 1954, for a 5-year period with the Department of Agriculture (unnumbered resolution dated December 23, 1952) to mark and select trees for sale to the highest bidder. The Agriculture Department is paid for this service by the tribe yearly. At the present time there have been 5 sales of timber as follows:

Sale No. 1, April 29, 1955: Approximately 973 acres of mixed hardwood and southern pine for $46,000.

Sale No. 2, January 10, 1956: Approximately 284 acres of pulpwood for $4,350.

Sale No. 3, October 26, 1956: Approximately 382 acres of mixed hardwood and southern pine for $28,520.

Sale No. 4, October 21, 1957: Approximately 343 acres of mixed hardwood, southern pine and pulpwood for $22,314.

Sale No. 5, October 21, 1957: Approximately 400 acres of pulpwood for $6,055.

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The tribe employs intermittent labor under the supervision of the Forest Service to go into the forest to carry out a timber-stand-improvement program. This work is usually performed in the late fall and early spring and the number employed as day labor ranges from 1 to 13.

At the present time there are 3 oil and gas leases in effect, which are for a 10-year period, on 320 acres of land in Jones County, Miss.

The tribe employs only one full-time employee, a clerk-stenographer, who is employed by contract on a yearly basis. Up to July 1, 1957, the tribe did not employ any full-time employees. The duties of this employee are not concerned with land transactions.

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2. FIVE CIVILIZED TRIBES AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Muskogee, Okla., July 7, 1958.

Hon. JAMES E. MURRAY,
Committee on Interior and Insular Affairs,
Washington, D. C.

MY DEAR MR. MURRAY: Pursuant to your recent request, received June 25, 1958, we are enclosing in duplicate a report on the "Disposition and Acquisition of Indian Land in the Last 10 Years" for the Five Civilized Tribes of Oklahoma.

Sincerely yours,

PAUL L. FICKINGER,
Area Director.

DISPOSITION AND ACQUISITION OF LANDS IN THE LAST 10 YEARS FOR THE FIVE CIVILIZED TRIBES, JULY 3, 1958

PART I

1. Acres in tribal ownership July 1, 1947, 10,353; acres in trust July 1, 1947, 36,412; acres acquired in fee by tribes, 0.
2. Acres of trust or restricted land in individual ownership July 1, 1947, 1,366,797.
3. The number of transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of owners by issuance of patents in fee, certificates of competency consummated during each fiscal year since July 1, 1947. (See table attached.)
4. The number of acres disposed of or removed from Bureau supervision during each fiscal year since July 1, 1947. (See table attached.)
5. Give the number of transactions each year in answer to No. 3 above, broken down by type of transaction. (See table attached.)
6. Give the acreages for each year which will be shown in answer to No. 4. (See table attached.)
7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947? (See table attached.)
8. How many acres were so acquired during each calendar year since July 1, 1947? (See table attached.)
9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction. (See table attached.)

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10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction. (All purchases of fee lands on attached table.)

11. Number of acres in tribal ownership December 31, 1957, 6,894; acres held by the United States in trust, 35,359; acres acquired in fee by the tribe, 0.

12. Acres of trust or restricted land in individual Indian ownership December 31, 1957, 928,634.

13. Prior to allotment, the Five Civilized Tribes owned and occupied an area of 19½ million acres in what is now eastern Oklahoma. Fifteen million seven hundred and ninety-four thousand acres of this land were allotted to 101,508 members of the Five Tribes including intermarried whites, adopted citizens, and freedmen. Most of the allotments were made in the period 1902 to 1910. The lands were not held "United States in trust for individuals" as were the lands allotted under the General Allotment Act; instead, deeds or patents, executed by the chief of the particular tribe were delivered to the individual allottee. Restrictions against alienation were provided for in such deeds, by reference to the specific act of Congress under which the land was allotted.

Before the task of allotment was completed, various laws were passed providing for the removal of restrictions under certain conditions. The act of July 1, 1902 (32 Stat. 641), entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," provides in section 16—

> All lands allotted to members of said tribes, except such land as set aside to each for a homestead as herein provided, shall be alienable after issue of patent as follows: one-fourth in acreage in 1 year, one-fourth in acreage in 3 years and the balance in 5 years; in each case from date of patent.

Here is an act, primarily concerned with the allotment of lands of the Choctaw and Chickasaw Nations, also, providing for the alienation of certain parts of allotments with no action by or notice to the Secretary of the Interior. The legality of a conveyance during the period fom the passage of this act until the act of May 27, 1908, except for fullbloods, who were restricted after passage of the act of April 26, 1906, which restricted alienation of fullbloods, can be determined only by comparing date of the patent and the date of any instrument purporting to convey and the provisions of the above-cited act. Under this act certain allotments usually considered restricted, could have been legally conveyed with no record of such conveyance with the Bureau of Indian Affairs.

Section 19 of the act of April 26, 1906 (34 Stat. 137), provides—

> that no fullblood Indian of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes shall have power to alienate, sell, dispose of, or encumber in any manner any of the lands allotted to him for a period of 25 years from and after the passage and approval of this act, unless such restrictions shall, prior to the expiration of said period, be removed by act of Congress.

Section 22 of the same act provides "that the adult heirs of any deceased Indian of either of the Five Civilized Tribes * * * may sell and convey the lands inherited from such decedent. All conveyances made under this provision by heirs who are fullblood Indians are to be subject to the approval of the Secretary of the Interior." By

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the provisions of the above act, lands inherited by Indians of less than fullblood were unrestricted.

"An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes and for other purposes," was the title of an act passed May 27, 1908 (35 Stat. 312), which set up a general scheme for alienation of lands of members of the Five Civilized Tribes. Section 1 of this act removes the restrictions against alienation from all lands except those lands allotted as homesteads to allottees of halfblood or more, and less than three-fourths, and both homestead and surplus of lands allotted to individuals enrolled as three-fourths or more Indian blood.

The restricted lands were to remain restricted until April 26, 1931, unless removed by the Secretary of the Interior. (These restrictions were extended for an additional period of 25 years by the act of May 10, 1928.) Here in one broad act, restrictions were automatically removed from all but 37,000 of the more than 100,000 original allottees. Section 9 of this act provides—

That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any fullblood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee.

Here for the first time, conveyance by heirs of certain degree of blood require approval of the courts and not the Secretary of the Interior. The pattern of disposal of inherited property established by this act has been followed except for some minor provisions in all subsequent legislation pertaining to the Five Civilized Tribes. One of those exceptions is contained in section 9 of the act of May 27, 1908, which states that the homesteads, of members of the Five Civilized Tribes of one-half or more Indian blood who die leaving issue surviving, born since March 4, 1906, shall remain inalienable unless restrictions are removed therefrom by the Secretary of the Interior.

The act of June 14, 1918, provided another method by which land inherited by fullbloods could be conveyed or transferred by action of certain courts in Oklahoma. Section 2 of the act reads in part as follows:

That the lands of fullblood members of any of the Five Civilized Tribes are hereby made subject to the law of the State of Oklahoma, providing for the partition of real estate.

All restricted land of members of the Five Civilized Tribes was tax exempt until the passage of the act of May 24, 1928 (45 Stat. 733), section 4 of which provides—

That on and after April 26, 1931, the allotted, inherited, and devised restricted lands of each Indian of the Five Civilized Tribes in excess of one hundred and sixty acres shall be subject to taxation by the State of Oklahoma. * * *

The Statutes of Limitation of the State of Oklahoma had been made applicable to restricted lands of members of the Five Civilized Tribes by section 2, of the act of April 12, 1926 (44 Stat. 239). The machinations of the above two acts provides another method whereby restricted lands may be sold without the approval of the Secretary of the Interior.

The first proviso in section 1 of the act of January 27, 1933 (47 Stat. 77), has been interpreted to mean, that, to be restricted, the "entire interest in any tract of restricted and tax-exempt land" ac-

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quired by inheritance, devise, gift, or purchase with restricted funds, must be acquired by Indians of one-half or more Indian blood. If the entire interest is not acquired by such halfbloods or more than halfbloods, the land is unrestricted. This proviso was effective until passage of the act of August 4, 1947.

The act of August 4, 1947 (61 Stat. 732), provides that all restrictions upon lands of members of the Five Civilized Tribes are removed upon death provided that any conveyance of any interest in such restricted land by an heir or devisee of one-half or more Indian blood requires approval of the county court of the county in which the land is situated.

The act of August 11, 1955, extended the restrictions for the lives of the Inidan who own such lands subject to restriction on the date of that act. This act also states that "any Indian of the Five Civilized Tribes" may apply to the Secretary of the Interior for a removal of restrictions. If the Secretary disapproves or fails to approve or disapprove an application within a 90-day period, the Indian may apply to the county court in the county in which he or she resides for an order removing restrictions. (The regulations for activating this act have not been finally approved.)

For the past decade, the agency has been operating under the provision of the act of August 4, 1947, pertaining to inherited lands. Any conveyance in restricted inherited land by an Indian of more than one-half blood, requires approval of the county court of the county in which the land is situated. Any interest inherited by a non-Indian or an Indian of less than one-half blood is entirely unrestricted and can be conveyed as any nonrestricted land. The holders of any interest in such a tract of land may partition the lands in the proper courts. None of the parties involved in such a partition suit are required to furnish this office with a copy of the final decree in such suit.

Removal of restrictions by this office have been accomplished under the acts of May 27, 1908, and May 10, 1928. The act of August 11, 1955, which extended restrictions for the life of the present owner is also expected to provide the basis for any removal of restrictions in the future.

This brief discussion of the various acts of Congress pertaining to removal of restrictions of lands owned by members of the Five Civilized Tribes is given to provide general background information relative to the peculiar status of restrictions at this agency. Many persons who have provided invaluable service to the Bureau of Indian Affairs for many years do not adequately understand the various laws affecting the Five Civilized Tribes. The acts referred to above are considered to be most pertinent but contain many provisions or conditions which may affect a particular case and can only be fully understood by a thorough study of all the laws relating to the Five Civilized Tribes.

13. (*b*) What study is being made of the cause and effect of sales?

The conditions affecting each tract of land offered for sale are carefully considered before offering and again at the time of accepting or rejecting bids received.

(*c*) Has the tribal council passed or considered any resolution on this subject?

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For all intents and purposes, the Five Civilized Tribes were dissolved by the act of April 26, 1906 (34 Stat. 137), are presently unorganized, and have no tribal councils as such. There is an intertribal council composed of representatives of the Five Tribes which has no legal authority but serves as an advisory organization.

14. As outlined in No. 13 above, the heirship problem in the Five Civilized Tribes is different from other Indian tribes in the United States. Since the inception of the act of August 4, 1947, any interest in restricted lands inherited by persons of less than one-half Indian blood are unrestricted. Interest in such land acquired by Indians of one-half or more Indian blood can be conveyed only with the approval of the county court of the county in which the land is situated. Surface leases on such lands must be approved by the area director, while oil and gas leases are approved by the county court.

To what extent does the heirship or multiple ownership problem affect the acquisition or disposal of Indian lands with particular reference to:

(*a*) Undivided interest owned by tribes: The Five Civilized Tribes own no undivided interests in lands, except for a few tracts purchased pursuant to the act of June 26, 1936 (49 Stat. 1967) the title to which is held by the United States in trust for such tribe.

(*b*) Undivided interests owned by non-Indians: Non-Indian or Indians of less than one-half blood, own undivided interests in many of the tracts of land included in the 318,000 acres classed as heirship lands. Since the heirs of members of the Five Civilized Tribes are determined by the courts, this office cannot determine the restricted status of such lands until the heirs are determined and this office so advised. It is a common practice for an heir of more than one-half Indian blood to sell his interest or a part of his interest with the approval of the county court. The purchasers of such interest may then file partition proceedings in the proper district court, which may and often does, result in the entire interest passing from Indian ownership.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act: The Five Civilized Tribes of Oklahoma are not organized under the Indian Reorganization Act.

(*d*) Surface lease of heirship land requires the approval of this office and some difficulty is experienced in reaching agreement between the heirs.

(*e*) In the Five Civilized Tribes, heirship lands owned by minors or incompetents are handled by guardians appointed by the courts. The Five Civilized Tribes are not presently purchasing land.

PART II—FIVE CIVILIZED TRIBES

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

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None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians. or in trust or fee status by tribes.

None.

PART III—FIVE CIVILIZED TRIBES

1. Give the position of each tribal real estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities? Explain fully.

No.

4. Does the tribal organization have a real estate committee with authority to approve tribal real estate activities? Explain fully.

No.

5. Does the tribal organization have a real estate committee which advises the tribal council with regard to tribal real estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real estate activities. If the Bureau has disapproved such employment, explain why.

No.

7. Does the tribe have, or has it had a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

None.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

There has been no tribal operation of real estate matters for 50 years except for the small amount of unallotted land remaining. Such unallotted land remaining has not been sold in many cases because of the lack of clear title to such lands by the tribes. The act of April 26, 1906, was entitled "An Act To Provide for the Final Disposition of the Affairs of the Five Civilized Tribes in the Indian Territory and for Other Purposes," and had as its intent the disposal of property of the Five Civilized Tribes. The various acts passed since that time have had the same purpose or intent and have resulted in what amounts to a termination program for the Five Civilized Tribes.

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FIVE CIVILIZED TRIBES

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																				
Certificates of competency																				
Removal of restrictions	110	7,642	32	2,036	55	3,501	79	5,808	139	11,406	182	11,839	127	9,684	94	8,372	84	6,079	45	2,676
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain) unallotted tribal land sales															26	1,468	30	1,788		
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes																				
Sales to other Indians in trust or restricted status[1]	3	320	4	280	1	80	3	361	5	290	5	390	6	140	3	165	3	95	7	455
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status	88	5,095	102	6,759	147	10,100	371	25,017	330	24,481	531	36,025	444	30,872	382	28,938	267	17,529	216	14,847
Takings for public purposes			[2]15	772																
Other (explain) heirship [4]							165	[3]17,521			41	4,010	40	4,323	43	5,240	45	4,728	85	9,845

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	3	320	4	280	1	80	3	361	5	290	5	390	6	140	3	165	3	95	7	455
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																				
Purchases of fee lands	25	1,135	52	2,298	49	1,099	62	1,208	50	2,802	124	3,200	64	967	38	308	26	228		
Other (explain)																				

[1] These figures are included in "Removal of restrictions" above, and in "Purchase of trust or restricted land from other Indians" on next sheet.

[2] United States in trust for Cherokee Tribe. Taken for construction of Fort Gibson Reservoir. Considerable acreages of individually owned land were taken prior to this time for Fort Gibson Reservoir, Tenkiller Ferry Reservoir, and. somewhat earlier, Denison Dam and Camp Gruber Military Reservation. Additional land will be needed in the near future for reservoirs in this area presently authorized for construction.

[3] Figures not available for 1952. Land acreage figures for the Five Civilized Tribes Agency were adjusted in 1952 when it was discovered that land sold to the United States for the construction of various projects mentioned above had not been deducted from restricted land records, and inherited land sold through the county courts in 20 counties in the southern part of the Five Civilized Tribes had not been deducted from restricted status because records of such sales were not furnished this office. Total adjustment amounted to approximately 137,000 acres.

[4] See answer to No. 14.

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3. QUAPAW AREA FIELD OFFICE

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Miami, Okla., June 6, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: We wish to acknowledge receipt of your letter dated April 17, 1958, with the enclosure of questionnaire on disposition and acquisition of Indian lands under this jurisdiction.

We are returning your questionnaire on individually owned Indian land with the attachment of a questionnaire on the disposition and acquisition of individual Indian lands in the past 10 years.

The information that we are furnishing you is on six tribes of Indians in northeastern Oklahoma combined; namely, Quapaws, Senecas, Eastern Shawnees, Ottawas, Modocs, and Wyandottes. We trust that this is the information desired by you and assure you that we are happy to cooperate with you in this matter.

Sincerely yours,

E. E. LAMB,
Supervisory, Field Representative.

QUAPAW

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LAND IN THE LAST 10 YEARS

PART 1

As to tribal and individually owned trust or restricted land:

1. There were 1,693 acres of land under tribal ownership in 1947, all of which was in trust for the tribes. During the 10-year period, 100 acres more land was acquired by the tribes.
2. There were 29,877 acres of trust or restricted land in individual ownership as of July 1, 1947.
3. See chart.
4. See chart.
5. See chart.
6. See chart.
7. See chart.
8. See chart.
9. See chart.
10. See chart.
11. One thousand seven hundred and ninety-three acres were in tribal ownership on December 31, 1957. All of the tribal land is held in trust for the tribes.

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12. There were 23,599 acres of trust or restricted land under individual Indian ownership on December 31, 1957.

13. Termination acts for the Wyandotte, Peoria, and Ottawa Tribes were passed by the 84th Congress in 1956. These termination acts were as follows: Public Law 887, approved August 1, 1956, for the Wyandotte Tribe; Public Law 921, approved August 2, 1956, for the Peoria Tribe; and Public Law 943, approved August 3, 1956, for the Ottawa Tribe.

So far, very little has been done by the members of these tribes to take advantage of the terms of the acts to obtain a patent in fee or request the land to be sold. The restrictions on the land belonging to the members of the Peoria Tribe were not renewed in 1915, so there are no tribal or individual trust land owned by the members of this tribe. The Ottawas have disposed of most of their land, so the Wyandotte Tribe has the most land to come under the termination act.

The tribal councils have not passed any resolutions pertaining to the disposition of trust or restricted land.

14. Very few of the original allottees are living at this time, so the heirship or multiple-ownership problem is very much a problem at this jurisdiction. It is very difficult to obtain the signatures of the adult owners, when some of them want to sell or to make a long-term lease. Most of the time, it takes months to get a 5-year departmental agricultural lease completed, as it is necessary that the lease be mailed all over the United States to get signatures, and in most cases the owners are slow about signing the papers and returning them to the office so the signatures of others can be obtained.

(*a*) The tribes do not have any undivided ownership problems.

(*b*) There are many undivided interests owned by non-Indians, but in most cases, the non-Indians go along with the restricted interests and their share of income is usually paid direct to them by the lessee. These undivided interests of non-Indians often pose a problem when it comes to the sale of restricted property. Most people do not like to buy fractional interests, but when they do, they discount the value of the land, to compensate for the cost of having to acquire the land in fractional interests.

(*c*) Undivided interests owned by minors on reservations which are under the Indian Reorganization Act are very few and they are not much of a problem in this area.

(*d*) As a rule, most of the heirs to a tract of restricted land are agreeable, but we do have a few heirs who are not willing to cooperate.

(*e*) We have not had any proposed sale of this category, but we do have several instances, where adult heirs are attempting to sell land but are unable to do so, on account of being unable to locate one or more of the heirs who, in most cases, only own a small fractional interest in the estate. This is particularly disturbing when a welfare case is involved.

None of the tribes in this area have funds to make purchases of this kind.

PART II—QUAPAW

Since Indian-owned land is checkerboarded with non-Indian land, there are not any particular tracts of land that could be classified as key tracts.

PART III—QUAPAW

None of the tribes in this area have enough funds to pay an employee, nor do they have funds to purchase additional land.

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QUAPAW

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	6	260	5	260	8	339	5	264	7	440	13	616	9	344	4	200	2	200	2	120
Certificates of competency																				
Removal of restrictions	4	228					1	70	1	170	1	40	6	115	6	228	3	280	17	303
To fee status by inheritance or devise (only where entire interest has so passed)															2	60			4	344
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status							5	38			2	65	2	43	1	210			4	7
Sales to tribes					1	40			1	60										
Sales to other Indians in trust or restricted status	3	240	3	165	1	40	10	579	2	60	6	110	12	374	11	226	6	161	4	21
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status															1	30				
Sales to fee status	2	60	2	177	1	40	2	102			3	120	6	291	3	280			2	95
Takings for public purposes															2	2	10	230		
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land							5	38			2	65	2	43	1	210			4	7
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	3	240	3	165	1	40	10	579	2	60	6	110	12	374	11	266	6	161	4	21
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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4. SEMINOLE AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Dania, Fla., June 10, 1958.

Hon. JAMES E. MURRAY,
Chairman, Interior and Insular Affairs Committee,
The United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: In reply to your letter of April 17, 1958, a review of the land records maintained by this agency has been completed and the following report submitted.

There are three reservations under the jurisdiction of the Seminole Agency: Big Cypress, Brighton, and Dania Reservations. All of the lands are held in trust for the Seminole Indians by the United States.

The establishment of the Big Cypress Reservation began with the purchase of 1,280 acres of land from funds appropriated by the act of August 15, 1894 (28 Stat. 303), subsequent land purchases were made from appropriation for several years thereafter until 1899 and totaled 23,061.72 acres.

No additional lands were added to this reservation until 1936, when 10,880 acres were purchased under the Indian reorganization land-purchase program. Since then exchanges were made between the State of Florida and Government-owned scattered lands in Collier and Hendry Counties.

A purchase of 7,200 acres completed in September 1943 by the United States Indian Service brought the total land area for the Big Cypress Reservation to 42,663.03 acres, which was the total acreage as of July 1, 1947.

Brighton Reservation: The establishment of the Brighton Reservation began with the purchase of 27,086.10 acres of submarginal land in Florida under the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent acts, to be held by the United States in trust for the Seminole Indians.

In 1938 these lands were transferred by Executive Order No. 7868 from the Secretary of Agriculture to the Secretary of the Interior for the use of the Seminole Indians. Additional lands totaling 8,708.93 acres were purchased under authority of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), which total amounted to 35,795.03 acres as of July 1, 1947.

Dania Reservation: Under authority of Executive Order No. 1379 dated June 28, 1911, certain tracts of land were set aside as a reservation for the Seminole Indians in southern Florida (for acquisition, see Nash report, S. Doc. 314, 71st Cong., 3d sess.). This acquisition

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involved a total of 360 acres. In addition isolated tracts of Government-owned lands were exchanged with the State of Florida under authority contained in Federal Act, June 14, 1935 (49 Stat. L. 339), and the act of May 31, 1935, passed by the State of Florida. Consummation of this exchange was effected in the calendar year 1943 with the Dania Reservation consisting of approximately 475 acres.

There has been no acquisition of lands since July 1, 1947, but since July 1, 1947, there have been two disposals, as indicated on the attached questionnaire.

We trust this information will assist you in your studies.

Respectfully yours,

VIRGIL N. HARRINGTON, *Superintendent.*

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SEMINOLE OF FLORIDA

Individually owned land

[No. T=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																				
Sales to fee status																				
Takings for public purposes																			2	[1] 51.73
Other (explain)																				

[1] 2.36 acres sold to Central and Southern Flood Control District; 49.37 acres sold to Florida State Turnpike Authority.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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VII. PHOENIX AREA OFFICE

1. COLORADO RIVER AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Parker, Ariz., June 2, 1958.

Hon. JAMES E. MURRAY,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: Receipt is acknowledged of your request for data pertaining to the disposition and acquisition of Indian lands on reservations under the jurisdiction of this agency, dated April 17, 1958.

Enclosed are reports covering the following reservations:

1. Camp Verde
2. Chemehuevi
3. Cocopah
4. Colorado River
5. Fort Mohave
6. Fort Yuma
7. Havasupai
8. Hualapai

In addition to the attached reports covering lands in tribal and individual ownership your letter of April 17, requested information on Federal lands on each reservation which have been acquired from private owners since 1930.

No Federal lands have been acquired on any of the reservations under the jurisdiction of this agency since 1930.

As to the total number of tribal employees on each reservation concerned with lands transactions, I believe answers to questions 3 and 8 on page 5 of the questionnaire cover the activities of the various tribes. None of the tribes on the reservations covered by the attached reports have carried on an active land program.

Sincerely yours,

JOHN C. DIBBERN, *Superintendent.*

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A. CAMP VERDE RESERVATION (YAVAPAI-APACHE TRIBE)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 498 acres.

(*b*) How many acres in trust?

There were 498 acres.

(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

None.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

None.

6. Give the acreage for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 498 acres.

(*b*) How many acres held by the United States in trust?

There were 498 acres.

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(*c*) How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.).

None.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

None.

14. Discuss to what extent, if any, the heirship, or multiple-ownership problem has affected the acquisition and disposition of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

Not applicable.

(*b*) Undivided interest owned by non-Indian and alien Indians.

Not applicable.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Not applicable.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

Not applicable.

PART II—CAMP VERDE

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

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PART III—CAMP VERDE

1. Give the position of each tribal real estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real estate activities? Explain fully.

No.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

No.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

No.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

No.

B. CHEMEHUEVI RESERVATION (CHEMEHUEVI TRIBE)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 28,223.87 acres.

(*b*) How many acres in trust?

There were 28,223.87 acres.

(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

None.

3. How many transactions by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of

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competency, etc.) were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3, above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4, above, broken down by the type of transaction.

None.

(Questions 7 to 10 refer only to land not previously under Indian ownership.)

7. How many transactions by which tribal or individual Indian lands were acquired were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give numbers of transactions for each year which will be shown in answer to No. 7, above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8, above, broken down by the type of transaction.

None.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 28,223.87 acres.

(*b*) How many acres held by the United States in trust?

There were 28,223.87 acres.

(*c*) How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.).

None.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolution on this subject? Please elaborate and include any resolutions approved.

The Chemehuevi Indians are not living on their own reservation but have relocated on the Colorado River Reservation. The Chemehuevi Tribe are unorganized and do not have a recognized governing body.

14. Discuss to what extent, if any, the heirship or multiple-ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

Not applicable since all lands in tribal ownership.

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(*b*) Undivided interest owned by non-Indian and alien Indians.
See (*a*) above.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.
See (*a*) above.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.
See (*a*) above.

PART II—CHEMEHUEVI

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?
None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?
None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?
None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?
None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.
None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.
None.

PART III—CHEMEHUEVI

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.
None.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.
None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.
The Chemehuevi Tribe is unorganized and do not have a recognized governing body.

4. Does the tribal organization have real-estate committee with authority to approve tribal real-estate activities? Explain fully.
See answer to No. 3, above.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.
See answer to No. 3, above.

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6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

See answer to No. 3, above.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

See answer to No. 3, above.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

See answer to No. 3, above.

C. COCOPAH RESERVATION (COCOPAH TRIBE)

Questionnaire on the Disposition and Acquisition of Indian Lands in the Last 10 Years

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 527.85 acres.

(*b*) How many acres in trust?

There were 527.85 acres.

(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

None.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

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9. Give numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 527.85 acres.

(*b*) How many acres held by the United States in trust?

There were 527.85 acres.

(*c*) How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.).

None.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

No. The Cocopah Tribe are unorganized and do not have a recognized governing body.

14. Discuss to what extent, if any, the heirship, or multiple-ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facts of the problem:

(*a*) Undivided interest owned by the tribe.

Not applicable.

(*b*) Undivided interest owned by non-Indian and alien Indians.

Not applicable.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Not applicable.

(d) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

Not applicable.

PART II—COCOPAH

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

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5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

PART III—COCOPAH

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No. The Cocopah Tribe are unorganized and do not have a recognized governing body.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

See answer to question 3, above.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

See answer to question 3, above.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

See answer to question 3, above.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

See answer to question 3, above.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

See answer to question 3, above.

D. COLORADO RIVER RESERVATION (MOHAVE TRIBE)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 255,936.87 acres.

(*b*) How many acres in trust?

There were 255,936.87 acres.

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(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

There were 8,313.13 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

The following individually owned (allotted) lands were deeded to the tribe in exchange for land assignments:

	Fiscal year							
	1948	1949	1950	1951	1952	1953	1954	1955
Acres	65.88	81.86	276.18	348.62	1,061.2	313.84	32.43	10.0
Number of transactions by deed	10	16	47	57	154	104	15	1

At the time the land-assignment program was put into effect on the Colorado River Reservation, individually owned (allotted) lands were deeded to the tribe in exchange for land assignments. This decreased individually owned (allotted) lands by 2,190.01 acres and increased tribal lands by a like number of acres. The total number of acres held in trust remained constant.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

See answer to No. 3 above.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 258,115.13 acres.

(*b*) How many acres held by the United States in trust?

There were 258,115.13 acres.

(*c*) How many acres which the tribe had acquired in fee?

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None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 6,123.12 acres.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.)

None.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolutions on this?

The attitude of the tribal council is opposed to the sale of any Indian lands, whether tribally held or individually held.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

Heirship or multiple ownership problem has had no effect because there has been no active acquisition and disposal program affecting these lands.

(*b*) Undivided interest owned by non-Indian and alien Indians.

See (*a*) above.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

See (*a*) above.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

See (*a*) above.

PART II—COLORADO RIVER

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

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PART III—COLORADO RIVER

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

Due to the title dispute over Colorado River Reservation lands beneficial ownership of said lands has not been determined; therefore, the Colorado River Indian Tribes is without authority to administer reservation lands. The title dispute is expected to be resolved by a decision of the Indian Claims Commission or by legislation and until such time tribal lands will be administered by the BIA.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

Answer to No. 3 applies.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

Answer to No. 3 applies.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities. Explain fully.

Answer to No. 3 applies.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

Answer to No. 3 applies.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

Due to the title dispute over reservation lands now pending as pointed out in question No. 3, above, the tribe is without authority to administer reservation lands. This controversy has existed since 1955 and until settled through the Claims Commission or by legislation the reservation lands will be administered by the Bureau of Indian Affairs under the direction of the Secretary of the Interior.

Before the title dispute over reservation lands arose, the tribal council administered the leasing of tribal lands. The responsibility remained with the Bureau of Indian Affairs. It has been our observation that the tribe did not have an adequate, properly trained staff to satisfactorily conduct their leasing operations. It would be my recommendation in the future that the tribe not be authorized to handle their own leasing unless they employed a competent staff and the Bureau of Indian Affairs is relieved of the responsibilities for the tribe's actions.

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E. FORT MOHAVE RESERVATION (MOHAVE TRIBE)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 38,366 acres.

(*b*) How many acres in trust?

There were 38,366 acres.

(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

None.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Fiscal year 1948, 1; fiscal year 1949, 1; total, 2.

8. How many acres were so acquired during each calendar year since July 1, 1947?

Fiscal year 1948, 16.2 acres; fiscal year 1949, 0.46 acres; total, 16.66.

9. Give numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

Two acquisitions.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

There were 16.2 acres acquired, fiscal year 1948; 0.46 acres acquired fiscal year 1949.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 38,382.66 acres.

(*b*) How many acres held by the United States in trust?

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There were 38,382.66 acres.

(*c*) How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.).

None.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

The Fort Mohave Tribe have only recently been organized, a constitution and bylaws having been approved by the Under Secretary of the Interior on May 6, 1957. Due to the short time they have been organized this matter has not come up for consideration by this tribal council.

14. Discuss to what extent, if any, the heirship, or multiple-ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

None.

(*b*) Undivided interest owned by non-Indian and alien Indians.

None.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

None.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

None.

PART II—FORT MOHAVE

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

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6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

PART III—FORT MOHAVE

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No. See answer to 13 (c).

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

None.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

None.

8. Has the tribe or the area office been instructed to turn real-estate operations over the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

The Fort Mohave Tribe has so recently been organized (May 6, 1957) that no request has been made to turn real-estate operations over to the tribe. Their budget is not sufficient to support such operations at the present time and tribal lands are undeveloped.

F. FORT YUMA RESERVATION (QUECHAN TRIBE)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 475 acres.

(*b*) How many acres in trust?

There were 475 acres.

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(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

There were 8,700 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3, above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4, above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give numbers of transactions for each year which will be shown in answer to No. 7, above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8, above, broken down by the type of transaction.

None.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 475 acres.

(*b*) How many acres held by the United States in trust?

There were 475 acres.

(*c*) How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 8,700 acres.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.).

None.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

None.

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14. Discuss to what extent, if any, the heirship, or multiple-ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

No Indian lands have been sold in the past and no active acquisition and disposal program is being carried on at the present time.

(*b*) Undivided interest owned by non-Indian and alien Indians.

See 14 (*a*), above.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

See 14 (*a*), above.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

None.

PART II—FORT YUMA

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

PART III—FORT YUMA

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No.

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5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

None.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

None.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

The tribe has not requested the right to handle their own real-estate operations.

G. HAVASUPAI RESERVATION (HAVASUPAI TRIBE)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 3,058 acres.

(b) How many acres in trust?

There were 3,058 acres.

(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

None.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

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7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 3,058 acres.

(*b*) How many acres held by the United States in trust?

There were 3,058 acres.

(*c*) How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.).

None.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

None.

14. Discuss to what extent, if any, the heirship, or multiple-ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

Not applicable.

(*b*) Undivided interest owned by non-Indian and alien Indians.

Not applicable.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Not applicable.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands

Not applicable.

PART II—HAVASUPAI

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

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None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

PART III—HAVASUPAI

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

No.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

No.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

No.

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H. HUALAPAI RESERVATION (HUALAPAI TRIBE)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 991,680 acres.

(*b*) How many acres in trust?

There were 991,680 acres.

(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

There were 650 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 991,680 acres.

(*b*) How many acres held by the United States in trust?

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There were 991,680 acres.

(*c*) How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 650 acres.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.).

None.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

None.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

None owned.

(*b*) Undivided interest owned by non-Indian and alien Indians.

None as far as our present records disclose.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

None as far as our records disclose presently.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

No difficulty.

PART II—HUALAPAI

1. How much acreage and how many tracts have been sold that the tribe individual Indian owners, or the Bureau, have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

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6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

PART III—HUALAPAI

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work. See question No. 7.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

See answer to question No. 7.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

See answer to question No. 7.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

See answer to question No. 7.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

See answer to question No. 7.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

The Hualapai Tribe under their amended constitution and bylaws, approved by the Assistant Secretary of the Interior on August 23, 1955, have authority to grant or lease any portion of the reservation, or grant the right to the use of lands or other assets, or to grant or relinquish water or mineral rights, or other natural or fiscal assets, or any other assets whatsoever of the Hualapai Reservation, provided that all other sales or exchanges of tribal lands shall be reserved to the sanction of the tribe. This tribe employs an attorney who advises them on land matters.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

The Hualapai Tribe have been operating under authority of their amended constitution only since August 1955. So far the effectiveness of the tribal operations has been satisfactory; however, we do not feel it has been in operation a sufficient length of time to make a full valuation of the effectiveness of tribal operation.

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I. YAVAPAI RESERVATION (YAVAPAI TRIBE)

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

There were 70 acres.

(*b*) How many acres in trust?

There were 70 acres.

(*c*) How many acres which tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership as of July 1, 1947?

Seventy acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents in fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1957?

None.

5. Give numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

There was one.

8. How many acres were so acquired during each calendar year since July 1, 1947?

There were 1,327.47 acres.

9. Give numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

One acquisition, fiscal year 1956 by act of May 18, 1956 (70 Stat. 157).

10. Give the acres for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

There were 1,327.47 acres acquired fiscal year 1956.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

There were 1,397.47 acres.

(*b*) How many acres held by the United States in trust?

There were 1,397.47 acres.

(*c*) How many acres which the tribe had acquired in fee?

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None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.).

The act of May 18, 1956 (70 Stat. 157), transferred 1,327.47 acres, more or less, a part of the Fort Whipple Military Reservation, from the Veterans' Administration to the Secretary of the Interior, for the Yavapai Indians.

(*b*) What study is being made of the cause and effect of sales?

None.

(*c*) Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

None.

14. Discuss to what extent, if any, the heirship or multiple-ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

Not applicable.

(*b*) Undivided interest owned by non-Indian and alien Indians.

Not applicable.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Not applicable.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

Not applicable.

PART II.—YAVAPAI

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

None.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None.

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PART III—YAVAPAI

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities? Explain fully.

No.

4. Does the tribal organization have a real estate committee with authority to approve tribal real estate activities? Explain fully.

No.

5. Does the tribal organization have a real estate committee which advises the tribal council with regard to tribal real estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

No.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

No.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the difference in effectiveness of Bureau and tribal operations.

No.

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COLORADO RIVER RESERVATION (MOHAVE TRIBE)

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status	10	65.88	16	81.86	47	276.18	57	348.62	154	1,061.20	104	313.84	15	32.43	1	10				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes																				
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS—None

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COLORADO RIVER RESERVATION (MOHAVE TRIBE)—Continued

Individually owned land—Continued

[No. T.=Number of transactions. Ac.=Acreage]

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from tribal status																				
Exchanges from individual trust or restricted land	10	65.88	16	81.86	47	276.18	57	348.62	154	1,061.20	104	313.84	15	32.43	1	10.0				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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FORT MOHAVE RESERVATION (MOHAVE TRIBE)

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from fee status																				
Purchases of fee lands	1	16.2	1	0.46																
Other (explain)																				

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YAVAPAI RESERVATION (YAVAPAI TRIBE)

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from tribal status																				
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain)																	1	[1] 1,327.47		

[1] Transferred from the Veterans' Administration by act of May 18, 1956 (70 Stat. 157).

ACQUISITIONS FROM FEE STATUS—None

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CAMP VERDI RESERVATION (YAVAPAI-APACHE TRIBE), CHEMEHUEVI RESERVATION (CHEMEHUEVI TRIBE), COCOPAH RESERVATION (COCOPAH TRIBE), FORT YUMA RESERVATION (QUECHAN TRIBE), HAVASUPAI RESERVATION (HAVASUPAI TRIBE), HUALAPAI RESERVATION (HUALAPAI TRIBE)

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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2. FORT APACHE AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Whiteriver, Ariz., May 5, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: I attach a reply to your questionnaire on the disposition and acquisition of Indian lands within the last 10 years. I trust that the attached information is adequate.

Sincerely yours,

ALBERT M. HAWLEY,
Superintendent.

FORT APACHE

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. Acres in tribal ownership on July 1, 1947: 1,656,698. Acres in trust: 1,656,698. Acres which the tribe acquired in fee: None.
2. Acres of trust or restricted land in individual Indian ownership July 1, 1947: None.
3. Transactions by which tribal or individually owned lands were disposed of since July 1, 1947: None.
4. Acres disposed of or removed from Bureau jurisdiction since July 1, 1947: None.
5. See above.
6. See above.
7. Transactions by which tribal or individual Indian lands were acquired since July 1, 1947: None.
8. Acres acquired (land not previously under Indian ownership) since July 1, 1947: None.
9. See above.
10. See above.
11. Acres in tribal ownership on December 31, 1957: 1,656,698. Acres held by the United States in trust: 1,656,698. Acres which the tribe had acquired in fee: None.
12. Acres of trust or restricted land in individual ownership on December 31, 1957: None.
13. There have been no special acts of Congress affecting acquisition and disposition of Indian lands on the Fort Apache Indian Reservation.

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14. The entire Fort Apache Indian Reservation is owned by the tribe and is held in trust by the United States.

PART II—FORT APACHE

1. There has been no sale of key tracts or other acreage to either Indians or non-Indians within the Fort Apache Indian Reservation.
2. See above.
3. See above.
4. See above.
5. See above.
6. See above.

PART III—FORT APACHE

1. The White Mountain Apache Tribe has no tribal real-estate employees at present.
2. The Bureau has no real-estate position at present at the Fort Apache Agency.
3. The tribe does not regularly employ a real-estate supervisor or consultant.
4. The tribal council does not have a real-estate committee.
5. The tribal council does not have a supervisory real-estate committee.
6. The tribal council retains a tribal attorney who acts as consultant to study such real estate activities such as mining leases.
7. The White Mountain Apache Tribe has no tribal land enterprise or a similar organization.
8. There has been little real-estate activity on the Fort Apache Indian Reservation other than some small mining leases and no special instructions have been received regarding real estate operations.

I have no basis to comment on the differences and effectiveness of Bureau and tribal operations as our real-estate activities have been rather limited.

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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3. HOPI AGENCY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Keams Canyon, Ariz., May 27, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: This is in reply to your letter dated April 17, 1958, wherein you request information on historical and statistical data concerning all local Indian land transactions in recent years.

Replies to the questionnaire as applies to the Hopi Reservation, Ariz., follow in the same chronological order.

PART I

1. Tribal ownership: Grazing district No. 6, 631,194 acres. Hopi Executive Order of 1882,[1] 2,472,166 acres (includes district No. 6). Acres in trust: Same as above. Acres in fee: None.

2 through 10. Negative.

11. Same as item 1.

12. None.

13. There are no special acts of Congress which have affected the acquisition and disposal of Indian lands, as applies to the Hopi Indians, and the cause and effect of sales is not applicable since none have been made. The Hopi Tribal Council has not passed or considered any resolutions on this subject, with the exception as may be related to proposed legislation regarding the existing boundary dispute over the Hopi Executive Order Reservation. (5-692 and H. R. 3789.)

14. Not applicable—no allotted lands.

PART II

Negative, no transactions of this particular nature have been made.

PART III

1. No tribal real estate employees, neither does the agency have a branch of realty.

2 through 8. Negative.

[1] The Hopi Executive Order Reservation of 1882 consists of 2,472,166 acres; however, now have exclusive jurisdiction over grazing district No. 6, 631,194 acres only. Remainder of Hopi Executive Order Reservation occupied by Navajos. Legislation now pending in the Congress that, if enacted into law, would establish a three-man court of Federal judges to adjudicate the lands. 5-692 passed the Senate, 1st sess., 85th Congress. Related bill H. R. 3789 now being considered by House Subcommittee on Indian Affairs.

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The Hopi Tribe employs 4 persons, including the council chairman, and 3 policemen.

In the event further information is desired, please so advise.

Sincerely yours,

H. E. O'HARRA, *Superintendent.*

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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4. NEVADA AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS.
Stewart, Nev., June 9, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: Enclosed in duplicate is a statistical report as requested by your office on April 17, 1958. This report is in connection with acquisition and disposal of Indian lands under the jurisdiction of the Nevada Agency.

Enclosed is a land status report used by this agency and contains much of the information requested as of April 17, 1958. A State map is also enclosed showing the general locations of the reservations and colonies. We have public domain allotments scattered throughout the State. Under this agency, we have 11 organized reservations and colonies and 13 unorganized reservations and colonies. All purchased lands are being used by the tribe with the exception of the Hog John Ranch, which is being leased for range improvements. This ranch was purchased for the water rights attached to it. The water rights on this purchase property were transferred to another ranch on the McDermitt Reservation. Generally, the purchase properties reflected on the summary land status compilation were acquired to supplement the Indian land base and provide a more economic unit of operation, or to provide a resource for landless Indians. Specifically the appropriation and the budget justification recites the purpose of purchase property acquisition.

There are 4 full time tribal employees in this jurisdiction, only 1 of which is concerned with land transactions. A tribal clerk at the Duck Valley Reservation prepares and processes tribal land assignments to tribal members.

In July of 1947 there were 1,252,973.10 acres of tribal land in trust status. There is no tribal fee land. As of December 31, 1957, this acreage was adjusted to 1,259,855.80 acres through the following transactions:

Transaction:	*Acreage*
Sold to the tribe in trust by Summitt Lake allottes in 1949. This program is 95 percent complete	535.18
Relinquished to the tribe by South Fork allottees in 1951, complete	2,580.0
Relinquished to the tribe by Fort McDermitt allottees in 1949, complete	3,767.52

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In July of 1947 there were 88,573.28 acres of restricted land in individual ownership. On December 31, 1957, this acreage was reduced to 80,409.68 by the following transactions:

	Acres
Same as tribal above	535.18
Same as tribal above	2,580.0
Same as tribal above	3,767.52
Fee patented	1,160.90
Restrictions removed	120.0

Sales to non-Indians have been negligible. Fallon and Walker River Reservations (both allotted) have asked the Secretary of Interior not to approve the sale of trust lands to non-Indians. Each year the Appropriation Act has stipulated that no part of these funds shall be used for the acquisition of lands or water rights within the State of Nevada either inside or outside the boundaries of existing reservations.

The answers to questions under part II of the questionnaire are all in the negative. The answers to the questions under part III of the questionnaire are all in the negative, except No. 1 which has been answered above. Under question No. 7, the Washoe Tribe has a land leasing enterprise set up in conformity with their constitution. This enterprise distributes the proceeds from a grazing lease rental to allottees and living heirs.

Sincerely yours,

BURTON LADD, *Superintendent.*

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NEVADA AGENCY

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	----	----	1	160.9	----	----	----	----	----	----	4	600	1	160	2	240	----	----	----	----
Certificates of competency	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Removal of restrictions	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
To fee status by inheritance or devise (only where entire interest has so passed)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
To fee status by partition	----	----	----	----	----	----	----	----	----	----	----	----	1	120	----	----	----	----	----	----
Other (explain)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Exchanges to other Indians in trust or restricted status	----	----	----	----	2	20	1	10	----	----	----	----	----	----	----	----	----	----	----	----
Sales to tribes (Summitt Lake)	----	----	6	535.18	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Sales to other Indians in trust or restricted status	2	20.0	5	72.0	31	322.15	6	54.0	----	----	----	----	----	----	1	10.0	----	----	----	----
Other (explain) Fort McDermitt [1]	----	----	138	3,767.52	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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DISPOSALS TO FEE STATUS

Exchanges to fee status [2]							1	140.0														
Sales to fee status																						
Takings for public purposes																						
Other (explain)																						

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																						
Exchanges from individual trust or restricted land																						
Purchases from tribes																						
Purchases of trust or restricted land from other Indians			1	20.0																		
Other (explain)																						

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status [2]							1	2,720.0														
Purchases of fee lands																						
Other (explain)																						

[1] 138 trust allotments relinquished by allottees to United States. In trust for benefit of tribe (subsec. (2) of sec. 02.7. Title 25, C. F. R. (11 F. R. 10267), Apr. 20, 1949.
[2] 2,720 acres of fee land exchanged for 140 acres of tribal land and $1,000 on the South Fork Reservation.

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Land status—Nevada Agency (September 1956, corrected)

SUMMARY

Reservations	Distance from headquarters	Population	Total area (acres)	Class of Nevada Indian lands			Land use				
				Allotted	Tribal	Government owned	Cultivated	Pasture	Open grazing	Forest	Waste or other
Duck Valley	412	966	289,827.00		289,827.00	3,855.00	9,131	3,415	271,850	5,426	10,006
Fort McDermitt	258	288	35,586.54	281.41	35,145.13	160.00	3,500	5,740	26,347		
Fallon	77	169	6,552.96	5,732.96	820.00		1,887				3,593
Goshute	487	188	110,592.00	320.00	110,272.00		326	2,314	107,952	21,396	
Moapa	489	96	1,174.00		1,174.00		546				628
Pyramid Lake	81	603	475,085.86		475,085.86		1,364	751	338,898	31,030	134,073
Summit Lake	354	48	10,426.27	764.94	9,661.33		300	269	9,857		
Walker River	98	271	320,430.00	8,850.00	310,769.00	811.00	2,353	211	312,997	3,000	4,869
Washoe	18	183	63,508.18	62,713.18	795.00		454		62,793	58,000	261
Campbell	70	50	1,156.24		1,156.24		402	754			
Stewart School			2,975.83			2,975.83	300	1,915			761
Duckwater	295	127	3,785.43		3,785.43		930	2,855			
South Fork	325	140	13,049.52		13,049.52		3,763	575	9,711		
Odgers Ranch	427	15	1,987.04		1,987.04		317		1,670		
Ruby Valley	383	65	1,261.19	1,141.19	120.00		38				1,223
Yomba	200	106	4,681.48		4,681.48		2,035	2,047	599		
Colonies			1,526.77		1,526.77						1,527
Public domain			606.00	606.00							606
Allotments											
Grand total			1,348,067.31	80,409.68	1,259,855.80	7,801.83	27,646	20,846	1,142,674	118,851	157,547
Nevada			1,144,415.52								
Oregon			19,068.79								
Idaho			145,545.00								
Utah			39,038.00								

NOTE.—Total for Duck Valley does not include 3,853 acres. Government-owned (Wild Horse Reservoir) but this is added to grand totals. Forest lands shown are included in grazing acreage.

Land areas and use—Nevada Agency

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Land areas and use—Nevada Agency

Date	How acquired	Reservations	Total area (acres)	Class of Indian lands		Land use					
				Present allotted	Tribal	Cultivated	Pasture	Open grazing	Forest	Waste or other	Barren
		FORT M'DERMITT [1]									
	Executive order	Original allotments	4,048.43	281.41	3,767.02						
Jan. 17, 1936	Congressional act	Grazing reserve	20,654.46		20,654.46						
1939–42	Purchase	Giacometto Ranch	1,554.36		1,554.36						
	do	Hearn (Burns) Ranch	3,919.37		3,919.37						
	do	Juan Jaca (Hoppins Mead)	1,240.00		1,240.00						
	do	Hay Ranches, Inc									
	do	Hog John	3,560.00		3,560.00						
	do	McCleary Lumber Co. (law)	449.92		449.92						
July 17, 1889	Executive order	School reserve	160.00								
		Total	35,586.54	281.41	35,145.13	3,500	5,740	26,347			
		Oregon	19,068.79								
		Nevada	16,517.75								
		FALLON									
1906	do	Reserve for allotments	5,440.00	4,660.00	780.00						
		Reserve for agency	27.50		27.50						
		Reserve for cemetery	10.00		10.00						
		Reserve for mission	2.50		2.50						
		Total	5,480.00	4,660.00	820.00	1,887				3,593	
1893	do	Allotments outside	1,072.96	1,072.96							
		Total, Nevada	6,552.96	5,732.96	820.00	1,887				3,593	
		DUCKWATER [2]									
1940	Purchase	Florio & Bank Ranch	3,240.00								
1944	do	Munson Ranch	402.93								
Dec. 5, 1941	do	Nye County tax deed	142.50								
		Total, Nevada	3,785.43		3,785.43	930	2,855				

See footnotes at end of table.

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Land areas and use—Nevada Agency—Continued

Date	How acquired	Reservations	Total area (acres)	Class of Indian lands		Land use					
				Present allotted	Tribal	Cultivated	Pasture	Open grazing	Forest	Waste or other	Barren
		SOUTH FORK									
Nov. 14, 1938		Henderson Bank (Ogilvie Ranch)	1,074.32								
Mar. 31, 1938		Clark Drown	2,032.50								
May 29, 1937		Griswold Ranch	5,840.00								
1942		Dewar	1,522.70								
		Total	10,469.52								
1951		Add Dewar Exchange	2,720.00								
		Total	13,189.52								
Do		Subtract Dewar Exchange	140.00								
		Total, Nevada	13,049.52		13,049.52	[3] 3,763	[3] 575	9,711			
		ODGERS RANCH [4]									
Dec. 12, 1938		A. K. Odgers purchase, Nevada	1,987.04		1,987.04	317		1,670			
		RUBY VALLEY									
1912	Executive order	Total, Nevada	1,261.19	1,141.19	120.00	38				1,223	
		WALKER RIVER [5]									
Mar. 19, 1874	Executive Order Act 1902.	Reservation allotments	320,430.00	8,850.00	310,769.00	2,353	211	312,997	3,000	4,869	
		WASHOE									
		Allotments	62,713.18	62,713.18							
May 16, 1940	Purchase	Judd-Springmeyer	192.00								
Mar. 2, 1938	do	Falletti Ranch	200.00								
Mar. 22, 1938	do	Heidtman Ranch	403.00								
		Total	63,508.18	62,713.18	795.00	454		62,793	58,000	261	
		CAMPBELL RANCH									
1936	do	Farmers Bank	1,036.24								
1940	do	State lands	120.00								

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		Total, Nevada	1,156.24		1,156.24	402	754			
		STEWART SCHOOL								
Jan. 31, 1889	do		86.00							
Aug. 11, 1905	do		32.00							
Jan. 31 1889	do		148.00							
Oct. 26, 1918	do		185.10							
Oct. 21, 1908	do		157.14							
June 30, 1903	do		39.92							
Jan. 20, 1897	do		38.66							
May 1, 1939	do	H. F. Dangberg	33.44							
June —, 1942	do	do	—.054							
Apr. 24, 1940	do	Fulstone Ranch	1,658.00							
Dec. 12, 1940	do	Schnider Ranch	592.52							
July 29, 1903	Secretary's order	Water intake	5.00							
		Total, Nevada	[6] 2,975.83			300	1,915		761	
		GOSHUTE [7]								
Mar. 3, 1914	Executive order	Reserve	110,592.00	320.00	110,272.00	326	2,314	107,592	21,396	
		Nevada	71,554.00							
		Utah	39,038.00	320.00	38,718.00					
		MOAPA								
Mar. 13, 1875	Congressional act	All in Nevada	1,174.00		1,174.00	546			628	
July 31, 1903	Executive order.									
Mar. 12, 1873										
Feb. 12, 1874										
		PYRAMID LAKE [8]								
Mar. 19, 1874	Executive order	Reservation Nevada	475,085.86		475,085.86	1,364	751	338,898	31,030	104,073	30,000
		SUMMIT LAKE								
Jan. 14, 1913	Executive order	Allotments								
Mar. 3, 1928	Public Law	Reservation								
		Total Nevada	10,426.27	764.94	9,661.33	300	269	9,857		
		DUCK VALLEY								
Apr. 16, 1877	Executive order	Withdrawal	289,827.00		289,827.00	9,131	3,415	271,850	5,425	10,006
		Nevada	144,282.00		144,282.00					
		Idaho	145,545.00		145,545.00					
1928	Purchase and with-	Wild Horse Reservoir	[9] 3,855.00							
1934	drawal.									

See footnotes at end of table.

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Land areas and use—Nevada Agency—Continued

Date	How acquired	Reservations	Total area (acres)	Class of Indian lands		Land use					
				Present allotted	Tribal	Cultivated	Pasture	Open grazing	Forest	Waste or other	Barren
		YOMBA									
1937	Purchase	Bowler Ranch	1,560.00		1,560.00						
1938	do	Doyle Ranch	2,161.48		2,161.48						
1942	do	Dienger Ranch	480.00		480.00						
1942	do	Worthington Ranch	480.00		480.00						
		Total Nevada	4,681.48		4,681.48	2,035.00	2,047.00	599.00			
						Distance from headquarters	Population				
		COLONIES [9]									
June 18, 1917	Executive order	Battle Mountain	680.00		680.00	236	100				
Mar. 26, 1917	Purchase	Carson	156.33		156.33	3	37				
1932	do	Ely	10.00		10.00	322	141				
1918–31	Executive order and purchase.	Elko	193.00		193.00	300	122				
Aug. 13, 1917	Secretary's order	Fallon	40.00		40.00	67	38				
Dec. 30, 1911	Purchase	Las Vegas	10.00		10.00	440	69				
1907–10	do	Lovelock	20.00		20.00	111	135				
1917	do	Reno-Sparks	28.00		28.00	29	231				
Aug. 1, 1917	do	Yerington	9.46		9.46	77	105				
Mar. 16, 1917	do	Dresslerville	40.00		40.00	18	183				
June 18, 1917	Executive order	Winnemucca	320.00			186	40				
	Purchase	Winnemucca	20.00		340.00						
		Total, Nevada	1,526.77		1,526.77						
		Various public domain allotments, Nevada.	606.00	606.00							

[1] Range rights include 9,000 acres national forest and 188,000 acres United States (BLM) land.
[2] Range rights include 276,000 acres of United States (BLM) land.
[3] Water right area.
[4] Range rights include 396,121 acres of United States (BLM) land.
[5] 811 acres Government-owned—Weber Reservoir.
[6] Government owned.
[7] Best information from available records.
[8] About 100,000 acres in lake surface. (See Waste.)
[9] Forest lands are part of grazing acreage.

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NEVADA AGENCY

NON-INDIAN RANGE LANDS USED BY INDIANS, 1956

Indian group	National forest				Bureau of Land Management				Remarks
	Acreage	C. C. AUM	Season of use	Number stock permitted	Acreage	C. C. AUM	Season of use	Number stock permitted	
Campbell Ranch									None.
Duck Valley									Do.
Duckwater					276,000	18,576	Apr. 1; Mar. 31	875 C	No FS range.
Fallon									None.
Fort McDermitt	9,000	675	May 15; Sept. 30	150 C	188,000	5,550	Mar. 16; Oct. 31	1,250 C 100 H	Do.
Goshute									Do.
Moapa									Do.
Odgers Ranch					396,121	2,700	Apr. 16; Sept. 30	278 C	
Pyramid Lake									Do.
Ruby Valley									Do.
Skull Valley									Do.
South Fork	10,000	366	July 16; Aug. 15	166 C	1,079,918	4,454	Apr. 16; Sept. 30	1,200 C	
Stewart Indian School									BLM range relinquished 1956.
Summit Lake									None.
Walker River									Do.
Washoe									BLM range relinquished 1956.
Yomba	170,000	5,000	May 1; Sept. 30	1,000 C	236,803	18,578	Nov. 1; Apr. 30	1,000 C	
Total	189,000	6,041		1,316 C	2,176,842	49,858		4,603 C 100 H	

NOTE.—This is a summary of the lands used by the different tribes on non-Indian ranges in common with non-Indian users

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5. PAPAGO AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Phoenix, Ariz., May 15, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: In reply to your letter of April 17, there are enclosed in duplicate replies to your questionnaire on the disposition and acquisition of Indian lands in the last 10 years for the Papago Agency, which covers San Xavier, Papago, and Gila Bend Indian Reservations, Ariz.

Sincerely yours,

F. M. HAVERLAND,
Area Director.

PAPAGO

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

As to tribal and individually owned trust or restricted land:

1. As of July 1, 1947, land in tribal ownership, 2,810,447 acres. All in trust status. Acquired in fee by tribe, 1,012 acres (patented mining claims purchased for delinquent taxes).
2. As of July 1, 1947, trust land in individual ownership, 41,508 acres.
3. No tribal or individually owned lands disposed of since July 1, 1947.
4. See answer to No. 3.
5. None.
6. None.

Questions 7 to 10 inapplicable.

11. As of December 31, 1957, land in tribal ownership, 2,810,447 acres. All in trust status. Acquired in fee by tribe, 1,012 acres.
12. As of December 31, 1957, trust land in individual ownership status, 41,508 acres.
13. As far as known, there are no special congressional acts for disposition or acquisition of lands as it pertains to the Papago reservations.
14. There are no problems in regard to multiple ownership, as there is no land disposal or acquisition program at the present time.

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(*a*) Undivided interest owned by tribe: None. There will be 2 or 3 in the near future.

(*b*) Undivided interest owned by non-Indians and alien Indians: There are no non-Indian landowners, and only minor shares, if any, are held by alien Indians.

(*c*) Undivided interest owned by minors: Very little, as far as is known.

(*d*) No difficulties encountered in securing agreement of heirs in the use of the lands.

(*e*) The Secretary's authority to sell heirship lands has not been invoked as it has been in the past 9 months that multiple ownership has entered into the picture on land transactions. At the present time, multiple ownership is not a serious problem. No program has been instituted either by the Government or the tribe for the acquisition of heirship lands. It is believed that the tribe would be in favor of acquiring such lands.

PART II—PAPAGO

Information regarding key tracts of land:

1. No key tracts of land have been sold.
2. None.
3. None.
4. None.
5. Not applicable.
6. None.

NOTE.—The Papago Indian Reservation, since its establishment February 1, 1917, has been open to mineral entry up to May 27, 1955, excepting the period October 28, 1932, to June 18, 1934. Up to 1947, there were 202 mining claims patented for a total of 3,806 acres. The Papago Tribe has about 51 of these patented claims totaling 1,012 acres for delinquent taxes. There were approximately 14,000 mining claims filed within the boundaries of the reservation, and it is conceivable that additional claims may be patented. Notice was received by this agency that papers were filed for patents on two mining claims within the past 3 months. There is a Bureau of Land Management survey team now on the reservation to investigate all mining claims and invalidate as many of them as possible.

PART III—PAPAGO

Extent the tribe has assumed responsibility for real-estate activities:

1. No tribal employee is engaged in realty work.
2. No agency realty personnel is paid by the tribe.
3. The Association of Papago Affairs, a nonprofit organization acting as economic advisory committee to the tribe, recently hired an administrative assistant to work with the tribal chairman and also enhance the economic condition of the tribe. Part of the person's duties will delve in realty matters in conjunction with the agency staff; however, the individual is a professional man and not conversant with realty functions. The tribe does not pay the salary of the administrative assistant.
4. The tribe does not have a committee to approve tribal real-estate activities.

30451—58——36

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5. The tribe does not have a real-estate committee, although the setting up of such a committee was recommended informally by the realty staff of the agency.

6. The tribe has not employed private consultants to study real-estate activities, nor does the tribe have the finances to do so. The Bureau has no objection to such employment. It is the hope of this agency that some real-estate activity can be instituted which will bring in sufficient income to enable the tribe to employ private consultants.

7. The tribe does not have a tribal land enterprise, as leasing activities to date do not warrant the setting up of such an organization.

8. The tribal and individually owned lands being in trust status, realty matters have been handled entirely by the agency staff in accordance with title 25 of Code of Federal Regulations. However, it is customary to get the approval of tribal organizations or landowners before processing realty documents.

ACQUISITION OF FEDERAL LANDS SINCE 1930

Two tracts of land totaling approximately 53,440 acres were purchased and added to the Papago Indian Reservation by the act of July 28, 1937 (Public No. 217), at the appraised value of $40,061.87. The purpose was to acquire privately owned lands within the reservation. The purchased land is not under lease and is used primarily for grazing of livestock, the same as other areas on the reservation.

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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6. PIMA AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Sacaton, Ariz., June 13, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: This is in response to your letter of April 17 in which you requested information in regard to the disposition and acquisition of Indian lands in the last 10 years.

Three reservations under the jurisdiction of this agency are organized under the act of June 18, 1934, as amended. The questions posed in your questionnaire are answered by part and corresponding number by reservation for clarification purposes and enclosed herewith in duplicate.

Sincerely yours,

MINTON J. NOLAN, *Superintendent.*

A. GILA RIVER PIMA MARICOPA INDIAN RESERVATION—QUESTIONNAIRE AND RESPONSE

PART I

1. There were 272,841.68 acres in tribal ownership on July 1, 1947. All acreage was in trust status. The tribe did not acquire any land in fee.

2. There were 97,586.71 acres of trust or restricted land in individual Indian ownership on July 1, 1947.

3 through 6. Are shown on the data forms.

7 through 10. No transactions or involving land not previously under Indian ownership.

11. There were 272,863.62 acres in tribal ownership on December 31, 1957. All acreage is held in trust. No acreage acquired by the tribe in fee.

12. There were 97,564.77 acres of trust or restricted land in individual Indian ownership on December 31, 1957.

13. Sales on this reservation have not presented a problem due to the limited request by individual landowners. The tribal council has verbally expressed a desire to purchase lands from individuals to maintain reservation lands in a trust status under control of Indian ownership. A lack of tribal funds will present a problem for the tribe in purchasing lands.

14. (*a*) Tribal-owned undivided interest has presented a problem for individuals desiring to consolidate their interests. The constitution and bylaws prohibits the disposal of community land.

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(*b*) No problem exists.
(*c*) No problem exists.
(*d*) The number of heirs are often so numerous that complete agreement as to land use, consolidation of interest, or disposal of lands cannot be consummated.
(*e*) Limited use has been made of the Secretary's authority to sell heirship lands. In such cases the sale has been for the use and benefit of the community. Examples of such sales have been to acquire irrigation well sites to serve collectively individual and tribal lands.

PART II—GILA RIVER

No transactions have been consummated that come within the scope of this part.

PART III—GILA RIVER

1. None.
2. None.
3. None.
4. No.
5. The tribal council has a lease committee which investigates all real-estate activities and makes recommendations to the council regarding the actions and disposition of real-estate activities.
6. No.
7. No.
8. No.

B. Salt River Pima Maricopa Indian Reservation—Questionnaire and Response

PART I

1. There were 21,398.00 acres in tribal ownership on July 1, 1947. All acreage in trust status. Tribe did not acquire any acreage in fee.
2. There were 25,201.64 acres of trust or restricted land in individual Indian ownership on July 1, 1947.
3 through 6. Are shown on the data form.
7 through 10. No transactions on this reservation involving land not previously under Indian ownership.
11. There were 21,398.28 acres in tribal ownership on December 31, 1957. All acreage held in trust. None acquired in fee.
12. There were 25,201.36 acres of trust or restricted land in individual Indian ownership on December 31, 1957.
13. Sales on this reservation have not presented a problem due to the limited request by individual landowners. The tribal council has verbally expressed to purchase land from individuals to maintain reservation land in trust status under control of Indian ownership. A lack of tribal funds will present a problem for the tribe in purchasing land.
14. (*a*) Tribal-owned undivided interest will present a problem for individuals desiring to consolidate their interests. The constitution and bylaws prohibit the disposal of community land.

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(*b*) No problem.
(*c*) No problem.
(*d*) The number of heirs are often so numerous that complete agreement as to land use, consolidation of interest, or disposal of land cannot be consummated.
(*e*) Limited use has been made of the Secretary's authority to sell heirship lands. In such cases the sale has been for the use and benefit of the community. Examples of such sales have been to acquire irrigation well sites to serve collectively individual and tribal lands.

PART II—SALT RIVER

No transactions have been consummated that come within the scope of this part.

PART III—SALT RIVER

1. None.
2. None.
3. None.
4. No.
5. The tribal council has a lease committee which investigates all real-estate activities and makes recommendations to the council regarding the action and disposition of real-estate activities.
6. No.
7. No.
8. No.

C. Fort McDowell Mohave Apache Reservation—Questionnaire and Response

PART I

1. There were 24,680 acres in tribal ownership on July 1, 1947. All acreage was in a trust status. The tribe did not acquire any land in fee.
2 through 14. No transactions of land have been consummated on this reservation. The lands of the reservation are in tribal status.

PART II

No transactions have been consummated that come within the scope of this part.

PART III

1. None.
2. None.
3. None.
4. No.
5. No.
6. No.
7. No.
8. No.

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GILA RIVER RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTFD STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status			2	20.0	4	20.0											2	12.5		
Sales to tribes									1	21.71									1	0.23
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land			2	20.0	4	20.0											2	12.5		
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain) purchases of individual trust or other restricted land by tribe									1	21.71									1	0.23

ACQUISITIONS FROM FEE STATUS—None

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SALT RIVER RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status	2	10.0			3	50.0											2	10.0		
Sales to tribes																			1	0.2878
Sales to other Indians in trust or restricted status	1	2.5	1	30.53	1	5.0									1	10.0	2	5.625	1	5.0
Other (explain)																				

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land	2	10.0			3	50.0											2	10.0		
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	1	2.5	1	30.53	1	5.0									1	10.0	2	5.625	1	5.0
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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7. SAN CARLOS AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
San Carlos, Ariz., June 10, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: This is in answer to your letter of April 17, 1958, regarding the disposition and acquisition of Indian lands.

There have been no dispositions or acquisitions of land within the jurisdiction of San Carlos Agency within the period July 1, 1947, to June 30, 1957. All land within the San Carlos Reservation is in tribal trust status. There are, however, public-domain trust allotments to members of the tribe in the vicinity of Winkelman, Ariz., some miles from San Carlos. No Federal land on this reservation has been acquired since 1930. The allotments are under lease, but there is no non-Indian use of the tribal lands except by traders, miners, and missionaries.

To answer the specific questions:

PART I—SAN CARLOS

1. No land was in tribal ownership on July 1, 1947. Nine hundred and sixty acres were in trust. The tribe had acquired no land in fee.
2. There were 960 acres of trust land in individual Indian ownership on July 1, 1947.
3. There have been no transactions disposing of tribal or individually owned lands since July 1, 1947.
4. No acres have been removed from Bureau jurisdiction since July 1, 1947.
5. There were no transactions applying to answer No. 3.
6. There were no transactions applying to answer No. 4.
7. There have been no transactions by which tribal or individually owned land was acquired since July 1, 1947.
8. No land has been acquired since July 1, 1947.
9. There were no transactions applying to answer No. 7.
10. There was no acreage applying to answer No. 8.
11. No land was in tribal ownership on December 31, 1957. Nine hundred and sixty acres were in trust. The tribe had acquired no land in fee.
12. There were 960 acres of trust land in individual Indian ownership on December 31, 1957.
13. There have been no special acts of Congress which have affected the acquisition or disposal of San Carlos Apache lands. The tribal council has passed or considered no resolutions on this subject.

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14. The heirship, or multiple-ownership problem has not affected the acquisition or disposal of San Carlos Apache lands, since no such action has been contemplated. In the eight allotments, there is no tribal interest, no non-Indian and no alien Indian interest. The interests of minors have been no problem. There has been no difficulty in reaching an agreement among the heirs to lease their lands. No use has been made of the Secretary's authority to sell heirship lands, and the purchase of such lands by the tribe has not been considered.

PART II—SAN CARLOS

No key tracts have been sold since July 1, 1953, and no key tracts have been acquired.

PART III—SAN CARLOS

The San Carlos Apache Tribe, by amending its constitution and corporate charter, has assumed full responsibility for the only type of real-estate activities that there has been: leasing for periods not exceeding 10 years. Leases for longer periods are still subject to Government approval. There are no tribal real-estate employees, agency real-estate employees, real-estate committees, or land enterprises. The tribal attorney draws up leases and advises the tribal council regarding them, as does the superintendent.

It is believed that the above information covers our local real-estate situation completely; but if any clarification is desired, we will be happy to supply it.

Sincerely yours,

THOMAS H. DODGE, *Superintendent.*

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8. UINTAH AND OURAY AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Fort Duchesne, Utah, June 12, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: Pursuant to your request of April 17, 1958, I am pleased to submit, in duplicate, the following report. Data submitted is compiled in a manner interpreted from your questionnaire and entries reflected as shown from available existing records.

For example, reply marked "Exhibit I" is a summary listing of land acquired by the tribe from private owners since 1930. Reference files preceding the transactions are available locally, but in most instances the conveyance documents for exact reference are in the central office, Washington, D. C. Likewise, information as to source of funds used, whether IRA or tribal, was handled by the central office. In many instances, land exchanged only was the consideration in acquisition.

Also, exhibits II, III, and IV are tabulations in response to your questionnaire in three parts, limited strictly to what we term individually allotted land.

It is gathered, nonetheless, that your primary concern is the disposition of trust-restricted lands, to what extent depleted, and approximate base held as of December 31, 1957, as compared to July 1, 1947. Allotments were made in 1897, 1902, and 1905 at this reservation. The records reveal as of December 31, 1957, that the status, limited again to individually owned, allotted land, is as follows:

	Acres	
Individually owned:		
Uintah and Whiteriver allotments	20,801.19	
Uncompahgre allotments	44,408.03	
		65,209.22
Now tribally owned:		
Uintah and Whiteriver allotments	3,889.04	
Uncompahgre allotments	8,680.51	
		12,569.55
Total continued in trust		77,778.77
Now fee patented:		
Uintah and Whiteriver allotments	11,417.08	
Uncompahgre allotments	14,697.05	
		26,114.13

Members of the tribe are given preference to leasing tribal land prior to advertising to the public generally, if not utilized themselves. The tribe operates an agricultural enterprise consisting of approximately 1,200 acres in the growing of feed for winter use for sale to

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members or associations formed by members. All proceeds from leasing, and other sources of revenue, are paid locally for deposit into the treasury for credit to the respective tribal groups. Assignments of land are also made to members of the tribe for their exclusive use without rental except obligated to pay the irrigation operation and maintenance assessment charges and maintain the premises.

Eighty-five employees are presently engaged by the tribe, many of whom participate in land transactions in one capacity or another, as indicated in an answer to an item of your questionnaire. Personnel are engaged in the management of the 1,200-acre enterprise. Thirty-one are employed full time on an annual basis; balance are seasonal.

Sincerely yours,

DARRELL FLEMING, *Superintendent.*

EXHIBIT I

Land acquired by this tribe from private owners since 1930

UINTAH AND OURAY

Grantor	Date	Acres	Consideration
A. M. Myrup	Apr. 12, 1938	8,941.51	$77,821.00
Brown Livestock Co	Oct. 13, 1936 (order)	5,873.15	[1] 41,447.40 [2] 1,600.00
Total			43,047.40
Thorne Ranch (including grazing rights under Taylor Grazing Act).	Aug. 4, 1948	278.29	25,000.00
Clarence Burton	No		
Charles Brown	Oct. 10, 1942	160.00	2,600.00
Elba Justice (exchange)	Apr. 3, 1953	40.00	[2] 1,669.72
N. R. Taylor		638.21	[1] 27,788.84 [2] 3,205.05
Total			30,993.89
Austin Wardel	July 5, 1940	160.04	[1] 4,100.00 [2] 1,000.00
Total			5,100.00
Sarah B. Pumphrey	1946	321.40	[4] 2,880.00 [2] 1,450.00
Total			4,330.00
Gilbert and Leo Wild	Mar. 16, 1938	1,199.82	[1] 10,814.00 [2] 2,870.00
Total			13,684.00
Eva and D. R. Seeley	May 28, 1939	640.00	[1] 3,200.00 [2] 1,050.00
Total			4,250.00
Walter R. Hazelbush	1940	4,880.32	[1] 32,208.68 [2] 3,560.00
Total			35,768.68
Chris Jensen	Nov. 4, 1943	160.00	3,410.00
Willis Stevens	1939	798.76	4,550.00
Louis Blattler	1938	636.40	3,400.00
Vernon Erickson	1938	640.00	3,700.00

See footnotes at end of table.

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EXHIBIT I—Continued

Land acquired by the tribe from private owners since 1930—Continued

UINTAH AND OURAY—Continued

Grantor	Date	Acres	Consideration
Lorin M. Wilcox	1940	640.02	$4,720.00
John C. Wilcox	1940	440.41	9,080.00
J. C. Wilcox	1940	680.00	4,990.00
W. F. Asimus	June 15, 1959	159.91	800.00
C. S. Thompson	Dec. 18, 1937	400.34	2,301.95
Louise Dalrumple	Dec. 6, 1937	638.05	3,381.66
Henry Goodman	Dec. 7, 1937	640.00	3,392.00
Clyde and Isabel Kofford	Dec. 6, 1937	640.00	3,520.00
Newell Dalton	Oct. 6, 1938	640.00	3,500.00
Henry Halvorson	1940	200.00	500.00
Sarah P. Watkins	1940	321.00	2,200.00
Roy L. Jolley	1940	40.00	1,980.00
A. H. Peterson	1940	60.00	1,700.00
R. S. Jordan	1940	20.00	400.00
Bank of Vernal	Apr. 1, 1942	320.00	4,800.00
Chris Jensen	1941	25.00	500.00
Chris Jensen	1941	135.00	2,700.00
Exchange:			
Folke A. Myrin		8,564.11	
William Fieldsted		571.16	
Ray D. Broadhead		110.00	
Earl N. Wright		40.00	
Clarence C. Wright		40.00	
Ray Thomas		40.00	
Ilo Christensen		40.00	
Bert T. Coleman		160.00	
Thomas Gilbert		4,335.83	
John F. Ross		840.00	
Darrell Lambert		40.00	
Total		14,781.10	[5] 40,494.84
Lyle L. Young (exchange):			
Tribe received		80.00	[6] 400.00
Deeded to Young		40.00	[6] 370.00
Clara and Sarah Winslow	1952	492.64	17,215.00
Elwood and Linda Carter	Dec. 29, 1953	678.20	3,782.20
Simmons family	1954	160.00	[7] 7,000.00
Total		46,141.14	379,082.14

[1] Land.
[2] Improvements.
[3] Equal value.
[4] Land; for 160 acres only.
[5] See the following:

14,781.10 tribal acres traded:	
Value	$25,673.49
Plus cash	14,821.35
Total	40,494.84

Above value exchanged for 13,498.28 acres.
[6] Appraisal.
[7] Exchange value.

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[Exhibit II]

UINTAH AND OURAY

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) There were 2,209.04 acres previously allotted land.

(*b*) A total of 983,010.81 includes land not previously allotted. Records reveal first annual report requiring total tribal acreage under jurisdiction was requested by central office in 1954 showing a total of 983,010.83 acres.

(*c*) None acquired in fee.

2. There were 79,055.83 acres.

3. Included in tabulation, exhibit V.

4. Included in tabulation, exhibit V. Tribe without authority to sell, except as noted in answer to item 13. Disposition is in exchanges only.

5. Included in tabulation, exhibit V.

6. Included in tabulation, exhibit V.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. Listed separately in reply to second paragraph of your cover letter to questionnaire as to acquisitions since 1930 from private owners. (See exhibit I.)

8. Included in answers to No. 7.

9. Included in answers to No. 7.

10. Included in answers to No. 7.

11. (*a*) There were 12,569.55 acres previously allotted only.

(*b*) Annual report June 30, 1957, shows 979,559.61 acres in trust for tribe.

(*c*) None acquired in fee.

12. There were 65,209.21 acres.

13. (*a*) Act of June 18, 1934 (48 Stat. 984), Indian Reorganization Act, authorized acquisitions in trust and is being and has been exercised since enactment. Act of May 14, 1948 (62 Stat. 236), authorizes the disposition of allotted trust land, and is the citation presently utilized. Act of March 16, 1950 (64 Stat. 19), authorized the tribe to dispose of townsites (Duchesne-Myton-Randlett). Exercised very limitedly to date. Act of August 27, 1954 (68 Stat. 868), Public Law 671, special

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legislation permitting the withdrawal of Federal supervision of mixed-blood members of the Ute Tribe who are capable of managing their own affairs. Will entail approximately 400,000 acres of land. Twenty-seven thousand acres of tribal land authorized for sale now in process of sale.

(*b*) None. Individuals only beginning to make applications past year or two.

(*c*) No resolutions passed by council to date; however, it did authorize attorney to object to sales by letter. Agency, in response thereto, established a review board consisting of bureau of land operations, credit, welfare, and realty divisions, with tribal representatives to consider, recommend, or object prior to approval of applications to sell trust property. No authority exists to dispose of tribal land, except as noted in 13 (*a*) above, except by exchange under the act of June 18, 1934 (48 Stat. 984).

14. (*a*) Tribe to date has limited undivided equities in allotted land. Acquires total tract, generally. If ever exercised wholesale, could stymie subsequent sale of balance of tract, as they are without authority to convey except by exchange.

(*b*) Have no jurisdiction in disposition of nonmembers' equity; does tend to complicate sale, since Bureau can only approve equity held in trust. Alien Indians' equity no problem, except expense and element of time involved in handling.

(*c*) Use "order transferring inherited interests" when sales are to members or to tribe. Procure court-appointed guardians otherwise. Problem is generally minors (multiple) not living together, so that equity could be utilized as a group, and disposition is recommended.

(*d*) Expensive for lessees acquiring signatures as well as time required; correspondence in case of absentees. Recommend approval be granted on consent of majority-interest holders as is permitted in rights-of-way easement applications.

(*e*) (1) Secretary's authority, act of 1910, to dispose of heirship trust land when owners have died intestate and left minor or incompetent heirs has never been exercised at this agency. No action generally taken until voluntary applications to sell are received by agency.

(2) The Ute Tribe does not need encouragement to acquire allotted land at this agency when applications are received authorizing disposition. They are conscious of the end result of allotted land being taken from Indian ownership, and provide funds in their annual budget to participate in the acquisition thereof. The Ute Tribe is financially able to participate on a limited scale in the acquisition of real property. The Ute Tribe has been permitted to take title of the sale of allotted restricted landholdings in instances where applicants have granted an option to the tribe to meet the highest bid when advertised, in direct sales by negotiation, and through competition when they are actually the highest bidder. They will be given an additional opportunity in the Commissioner of Indian Affairs' latest news release and policy dated May 15, 1958, wherein public auctions shall be held after land is advertised for sealed bids, using the top sealed bid as the beginning auction figure, with tribes participating.

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[Exhibit III]

PART II—UINTAH AND OURAY

1. None. Assuming the definition of a key tract to mean that property controlling the source of water in a grazing unit which is depended upon by the surrounding area, or tracts with known subsurface production in relation to mineral value. On the other hand, any tract disposed of could be termed a key tract for its agricultural or livestock value and the fact that it is being opened to public sale with the possibility of title leaving Indian ownership, if the tribe or its members are not the successful bidders. Generally, a good percentage of restricted real property advertised for sale possesses an aboriginal water right without which land values in the vicinity would be nil. See tabulation (exhibit V) wherein the tribe or its members have managed to retain the bulk of the acreage or tracts that have been sold.

2. See comment to 1, above.

3. See comment to 1, above.

4. See comment to 1, above.

5. No adverse effect as to management or relationship of remaining Indian land. Tracts are operated independently, whether Indian or non-Indian owned. Does deplete base overall, probable income, and landlordship previously held prior to any sale of land, supplementing comment to No. 1 above.

6. Individual Indians not participating in acquisition of fee-status land, except infrequently for homes and lots in vicinity or away from reservation. The tribe, through existing authority, has exchanged considerable land which, generally, does not decrease their land base, and, additionally, are acquiring by purchase from the State of Utah all lands held by the State acquired as school sections under the enabling act, estimating 38,000 acres located in the southern portion of the reservation known as the Ute extension or Uncompahgre addition restored to the tribe under the act of 1948, Public Law 440. Also, see comment to No. 1, above, and comment to No. 7 of part I.

[Exhibit IV]

PART III—UINTAH AND OURAY

1. No full-time employee dealing strictly with real estate is employed by the tribe. They have the services of a general-counsel on whom they refer to and rely upon in Mr. John A. Boyden, Salt Lake City, Utah. They employ a business executive full time whose duties partially are recommendations in connection with real estate. The business committee, who represent the tribe officially as the governing body, consisting of six members, adopt resolutions on behalf of the tribe pursuant to their constitution and bylaws and charter in connection with land matters after discussion with their attorney and business executive. The business committee has authorized the functioning of a three-man land committee who investigate realty transactions prior to adopting resolutions. The family plan has various committees that, as a part of their duties, entail realty transactions frequently in the disbursement of individual members' funds. All are

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employed on a salary basis covering meetings or have fixed tours of duty on a day, week, month, season, or annual basis.

2. No agency personnel in realty are paid from tribal funds in part or whole.

3. See comment to item No. 1, above.

4. Committee has no approval authority, but merely recommends after physical inspection of premises.

5. See comment in item No. 1, above.

6. See comment to item No. 1, above. The Bureau has approved when warrantable and justifiable, all tribal employment of personnel in connection with every phase of tribal responsibility.

7. The tribe did operate the agency leasing program as an enterprise for several years until July 1, 1956, when the duties were reassumed by the Bureau of Indian Affairs. Primarily, the assumption was perhaps undertaken due to the fact appropriations were limited insofar as realty personnel was concerned from gratuity funds. The responsibility and need have since been recognized and, presently, four full-time, civil-service employees constitute the realty staff, with an additional employee detailed locally to assist in putting into effect provisions of the act of 1954, Public Law 671. The enterprise above cited entailed surface leasing of tribal and allotted land for agriculture or farm-pasture purposes, including the advertising publicly of tracts available prior to determining acceptability, accomplished by tribal personnel for the approval of the superintendent. The tribal employees worked under the supervision of a civil-service, gratuity-paid realty officer. Negotiated sales, exchanges, and gift conveyances between members of the tribe were also accomplished, as were easements granting rights-of-way. The tribe also consented to paying the salary of a civil-service employee to handle subsurface leases for the exploration and development of oil and gas production. It is, perhaps, the feeling of the tribe that they are entitled to the service paid from gratuity funds in the same manner as other reservations and Indians receive elsewhere throughout the Nation. The Bureau is ready, willing, and able to surrender management when the tribe indicates such a desire and can assure capability in full responsibility and control of their assets.

8. (*a*) Yes, since funds were made available from gratuity appropriations.

(*b*) Bureau personnel are career workers having high qualifications commensurate with responsibilities of various levels. They are not influenced in decisions by family ties, blood relationship, or tribal politics. They are able to enforce and function in the manner prescribed as custodians and trustees as promulgated by lawmakers charged with the responsibilities of protecting the assets of our first citizens who need assistance to the credit of our great Nation.

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EXHIBIT V—UINTAH AND OURAY

Individually owned land

[No. T. = Number of transactions. Ac = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	4	221.14	1	40.	1	20											1	40	3	120
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)													1	39.4						
To fee status by partition																				
Other (explain): Escheat to tribe			3	362.7																

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																			3	120
Sales to tribes	18	1,128	6	738.22	1	160			30	2,923.18	14	1,354.94	17	937.16	33	1,573.34	20	1,163.34	4	762.83
Sales to other Indians in trust or restricted status	1	40			1	1.25			3	120	7	319.82	5	200			3	120		
Other (explain)																				

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EXHIBIT IV.—UINTAH AND OURAY—Continued

Individually owned land—Continued

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																			1	40
Sales to fee status																				
Takings for public purposes																				
Other (explain)																				
ACQUISITIONS FROM TRUST OR RESTRICTED STATUS																				
Exchanges from tribal status																				
Exchanges from individual trust or restricted land																			2	80
Purchases from tribes																				(1)
Purchases of trust or restricted land from other Indians	1	40							4	160	5	200	7	319.82			3	120		
Other (explain)																				
ACQUISITIONS FROM FEE STATUS																				
Exchanges from fee status																			1	40
Purchase of fee lands	4	120																		
Other (explain)																				

(1) See comment on questionnaire, pt. I, item 13 (e).

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VIII. PORTLAND AREA OFFICE

1. COLVILLE AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Nespelem, Wash., June 13, 1958.

Hon JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: Enclosed in duplicate, in accordance with your letter request of April 17, 1958, is the report on land transactions under the jurisdiction of the Colville Indian Agency comprising the Colville and Spokane Indian Reservations.

Also enclosed are maps[1] of each reservation and, as a matter of general interest, a history of the Colville Reservation as contained in the regional solicitor's memorandum of October 15, 1956. Further, the narrative dated March 18, 1958, in support of our budget estimate, which sets out matters related to your questionnaire.

It is to be noted that the breakdown in the report relating to various types of disposal actions on allotted lands is all inclusive, no distinction being made as to public domain allotments.

Your interest in this matter is appreciated and we hope this report will be helpful to you.

Sincerely yours,

FLOYD H. PHILLIPS, *Superintendent.*

A. COLVILLE RESERVATION

COLVILLE INDIAN RESERVATION—MINERAL RIGHTS UNDER STOCK-RAISING HOMESTEADS—BLM FILES

AREA ADMINISTRATOR, AREA I, BLM,
OFFICE OF THE REGIONAL SOLICITOR,
Portland, October 15, 1956.

This is in reply to your memorandum of July 31 transmitting the memorandum of July 27 in which the manager of the land office, State of Washington, inquired as to whether the land office or the superintendent of the Colville Indian Reservation has jurisdiction and the responsibility of administration over the mineral rights on lands, within the Colville Indian Reservation, which were patented under the act of December 29, 1916, said act reserving the minerals to the Government.

[1] On file with the committee for reference purposes.

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These mineral rights came into being through operation of the act of December 29, 1916, known as the Stock-Raising Homestead Act. Under this act the surplus lands classified as grazing or crop raising lands within the Colville Indian Reservation were opened to stock-raising homestead entry. Section 9 of that act provided that all mineral rights in the lands entered and patented under the act were reserved in the United States.

In this connection it should be noted that the surplus lands of the reservation were created by operation of the act of March 22, 1906, which, in part, provided for the allotment of certain lands to the member Indians and the creation of other reserved areas for specified purposes, after which the balance of the lands within the confines of the reservation were declared surplus and subject to classification and disposal under the public land laws by proclamation of the President.

The surplus lands were temporarily withdrawn from further entry under the public land laws and the general mining laws by departmental order of September 19, 1934. This withdrawal order was never revoked and finally by the act of July 24, 1956, the undisposed-of surplus lands were restored to tribal ownership.

In the period between December 29, 1916, and September 19, 1934, undoubtedly some of the surplus lands were entered and patented to stock-raising homesteaders, with the minerals being reserved in the United States. Such a reservation would operate to leave the mineral rights in a status quo, or in other words, the mineral rights remained a part of the surplus lands of the reservation. While title to the mineral rights was reserved in the United States, the title was in the nature of a trust title for the benefit of the Indians, the same as was true of all the undisposed-of surplus lands. It was so held in the Solicitors' opinion of May 24, 1949 (M–35049) which provided in part as follows:

> * * * it may be noted that section 6 of the act of March 22, 1906, * * * provided that the proceeds of the disposal of such lands should be deposited in the Treasury of the United States to the credit of the Colville Indians and should be expended for their benefit under the direction of the Secretary of the Interior, and that section 9 of the 1906 act expressly provided that the United States should act as trustee for the Indians in the disposal of their lands. The surplus lands of the Colville Indian Reservation, therefore, are Indian trust lands, and, in a strict sense, they are not public lands of the United States (*Ash Sheep Company* v. *United States*, 252 U. S. 159).

Since the mineral rights were not conveyed with the patents issued to the stockraising homesteaders such mineral rights retained their status as surplus lands held by the United States in trust for the Indians and those mineral rights which were not claimed by mining claimants under the general mining laws in the period between December 29, 1916, and September 19, 1934, were restored to tribal ownership by the act of July 24, 1956, the same as any other undisposed-of surplus lands. As to the administration of such restored mineral rights it is our opinion that the jurisdiction is in the Bureau of Indian Affairs, not the Bureau of Land Management.

It should be noted, however, that valid unpatented mining claims might have been located on the patented homestead lands during the period that they were open to mineral entry. Such unpatented mining claims might be in existence today and in our opinion primary administrative jurisdiction as to such claims is in the Bureau of Land Management, inasmuch as they were located under the general mining

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laws. The Bureau of Indian Affairs would retain jurisdiction over such claims only to the extent of administering any proceeds paid to the Government by the mining claimants, such proceeds to be deposited and expended for the benefit of the Indians.

We are attaching a memorandum brief which reviews the various statutes and decisions relating to the Colville Indian Reservation and an analysis to support the above conclusion.

The land office manager's memorandum of July 27 is returned herewith.

JOHN L. BISHOP,
Assistant Regional Solicitor
(For the Regional Solicitor).

MINERAL RIGHTS ON LANDS WITHIN THE COLVILLE INDIAN RESERVATION

OFFICE OF THE REGIONAL SOLICITOR,
Portland, October 15, 1956.

In considering the question raised by the area administrator, Bureau of Land Management, in his memorandum of July 31, relating to mineral rights on lands patented under the Stock-Raising Homestead Act within the boundaries of the Colville Indian Reservation, it was necessary to review the history of the development of the reservation and the applicability of the public land laws to the lands within the reservation. The results of the review are recorded herein for reference purposes in connection with future questions which may arise.

HISTORY

The original Colville Reservation was carved from the public domain by Executive order of July 2, 1872. As the result of an agreement on May 9, 1891, between the representatives of the tribes and the United States, which provided for the cession by the Indians of the northern half of the reservation and the relinquishment of their right, title, and interest, Congress passed the act of July 1, 1892 (27 Stat. 62), restoring to the public domain the northern half of the reservation. The pertinent part of that act reads as follows:

> *Be it enacted* * * *, That subject to the reservations and allotment of lands in severalty to the individual members of the Indians of the Colville Reservation in the State of Washington herein provided for, all the following described tract or portion of said Colville Reservation, namely: (description of the northern half) * * * the same being a portion of the Colville Indian Reservation created by executive order dated July second, eighteen hundred and seventy-two, be, and is hereby, vacated and restored to the public domain, notwithstanding any executive order or other proceeding whereby the same was set apart as a reservation for any Indians or bands of Indians, and the same shall be open to settlement and entry by the proclamation of the President of the United States and shall be disposed of under the general laws applicable to the disposition of public lands in the State of Washington.
>
> * * * * * * *
>
> SEC. 3. That each entryman under the homestead laws shall, within five years from the date of his original entry and before receiving a final certificate for the land covered by his entry, pay to the United States for the land so taken by him, in addition to fees provided by law, the sum of one dollar and fifty cents per acre, one third of which shall be paid within two years after the date of the original entry; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-

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three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

SEC. 4. That each and every Indian now residing upon the portion of the Colville Indian Reservation hereby vacated and restored to the public domain, and who is so entitled to reside thereon, shall be entitled to select from said vacated portion eighty acres of land, which shall be allotted to each Indian in severalty.

It should be noted that, while the northern half was restored to the public domain and was to be opened to entry by Presidential proclamation, certain allotments were first to be made to Indians residing upon that portion of the original reservation after which the balance of the land was to be opened to entry, but each entryman under the homestead laws would be obligated to pay the sum of $1.50 per acre, in addition to the usual fees, which was to be placed in trust for the benefit of the Indians.

Apparently the northern half was not opened to mineral entry pursuant to the 1892 act inasmuch as Congress subsequently passed the act of February 20, 1896 (29 Stat. 9), which opened the northern half to mineral entry without the requirement of further Executive action. That act reads in pertinent part:

Be it enacted * * * That the mineral-land laws of the United States be, and are hereby, extended so as to apply to all lands embraced within the Colville Indian Reservation, namely, (description of the northern half only) * * *.

It is peculiar that the 1896 act still referred to the northern half lands as being embraced within the Colville Indian Reservation, when the 1892 act had previously restored that portion to the public domain.

The next congressional action was the act of July 1, 1898 (30 Stat. 593), which opened to mineral entry the mineral lands in the rest of the reservation, with certain exceptions. That act reads in part:

That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision.

The right is hereby granted to cut timber for mining and domestic purposes * * *, from that portion of the Colville Indian Reservation * * *, which was vacated and restored to the public domain by the Act of July first, eighteen hundred and ninety-two, * * *.

On December 1, 1905, a disputed majority of the Colville tribal members by agreement with the Government relinquished all right, title, and interest of the Indians to the lands embraced within the reduced or southern portion of the reservation provided that allotments of lands of 80 acres each were to be made to every man, woman, and child belonging to or having tribal rights on the reservation. This agreement also contained the condition that the Indians would be paid $1,500,000 in full satisfaction of the 1891 agreement pursuant to which the 1892 act restored the northern half lands to the public domain.

We come next to the act of March 22, 1906 (34 Stat. 80), which provided for the sale and disposition of unallotted lands in the diminished or southern portion of the reservation. That act reads in pertinent part as follows:

The Secretary of the Interior is authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the diminished Colville Indian Reservation, in the State of Washington:

* * * * * * *

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SEC. 3. That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said diminished Colville Indian Reservation, shall be classified under the direction of the Secretary of the Interior as irrigable lands, grazing lands, timber lands, mineral lands, or arid lands, and shall be appraised under their appropriate classes by legal subdivisions, with the exception of the lands classed as mineral lands, which need not be appraised, and which shall be disposed of under the mining laws of the United States, and, upon completion of the classification and appraisement, such surplus lands shall be open to settlement and entry under the provisions of the homestead laws at not less than their appraised value in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of one dollar and twenty-five cents per acre by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, * * * : *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations, to be prescribed by the Secretary of the Interior. * * *

SEC. 4. That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation: *Provided*, That * * *

* * * * * * *

SEC. 6. That the proceeds not including fees and commissions arising from the sales and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands, shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales, and surveys, herein provided, deposited in the Treasury of the United States to the credit of the Colville and Confederated tribes of Indians belonging and having tribal rights on the Colville Indian Reservation, in the State of Washington, and shall be expended for their benefit, under the direction of the Secretary of the Interior, * * *.

* * * * * * *

SEC. 9. That nothing in this Act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this Act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.

According to the 1906 act the Indian allotments and reservations for other purposes were to be created and the residue or surplus lands were to be classified as irrigable, grazing, timber, mineral, or arid lands, after which they were to be opened to settlement and entry by proclamation of the President. Apparently the mineral lands were open to mineral entry immediately upon their classification as such and did not require a Presidential proclamation. This appears to be a recognition of the mineral entry rights already granted by the 1898 act.

Pursuant to the 1906 act, the President by proclamation of May 3, 1916 (39 Stat. 1778), declared the nonmineral, unallotted, and unreserved lands open to entry and settlement under the general provisions of the homestead laws. The proclamation stated:

I, Woodrow Wilson, President of the United States of America, by virtue of the power and authority vested in me by the Act of Congress approved March 22, 1906 (34 Stat. L. 80), do hereby prescribe, proclaim, and make known, that all the nonmineral, unallotted, and unreserved lands within the diminished Colville Indian Reservation, in the State of Washington, classified as irrigable lands, grazing lands, or arid lands, shall be disposed of under the general provisions of the homestead laws of the United States and of the said Act of

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Congress, and shall be opened to settlement and entry and settled upon, occupied, and entered only in the manner herein prescribed: *Provided*, That all lands classified as timber or mineral, all lands designated for irrigation by the Government, and all lands within the following townships and parts of townships shall not be disposed of under this proclamation: * * *.

The next significant legislation is the act of December 29, 1916 (39 Stat. 862), commonly known as the Stock-Raising Homestead Act. While this act is not directly related to the development of the history of the Colville Indian Reservation, it is in order to note here because under its operation a distinctive property status was created within the bounds of the reservation; that is, a homestead entry under the act separated the land surface from the minerals with the minerals being reserved to the Government. This reservation of minerals in the Government created the problem of administration and disposition of the mineral rights.

The applicable parts of the 1916 act read:

Be it enacted * * *, That from and after the passage of this Act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated unreserved public land in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this Act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that six hundred and forty acres are reasonably required for the support of a family: * * *

SEC. 9. That all entries made and patents issued under the provisions of this Act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this Act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals: first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvement of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this Act with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this Act.

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Another act of importance is the act of February 27, 1917 (39 Stat. 944; 30 U. S. C. 86–89), dealing with coal lands. That act reads as follows:

Be it enacted * * *, That in any Indian reservation heretofore or hereafter opened to settlement and entry pursuant to a classification of the surplus lands therein as mineral and nonmineral, such surplus lands not otherwise reserved or disposed of, which have been or may be withdrawn or classified as coal lands or are valuable for coal deposits, shall be subject to the same disposition as is or may be prescribed by law for the nonmineral lands in such reservation whenever proper application shall be made with a view of obtaining title to such lands, with a reservation to the United States of the coal deposits therein and of the right to prospect for, mine, and remove the same: *Provided*, That such surplus lands, prior to any disposition hereunder, shall be exmained, separated into classes the same as are the nonmineral lands in such reservations, and appraised as to their value, exclusive of the coal deposits therein, under such rules and regulations as shall be prescribed by the Secretary of the Interior for that purpose.

* * * * * * *

SEC. 3. That if the coal-land laws have been or shall be extended over lands applied for, entered, or patented hereunder the coal deposits therein shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. * * *

SEC. 4. That the net proceeds derived from the sale and entry of such surplus lands in conformity with the provisions of this Act shall be paid into the Treasury of the United States to the credit of the same fund under the same conditions and limitations as are or may be prescribed by law for the disposition of the proceeds arising from the disposal of other surplus lands in such Indian reservation: *Provided*, That the provisions of this Act shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma.

This act opened to homestead entry the surplus lands classified as coal lands within the reservation, with the coal being reserved in the Government to be disposed of in accordance with the provisions of the coal-land laws.

By the act of May 11, 1938 (52 Stat. 347; 25 U. S. C. 394), authority was given to lease unallotted lands within any Indian reservation for mining purposes. That act reads as follows:

Be it enacted * * *, That hereafter unallotted lands within any Indian reservation or lands owned by any tribe, * * * under Federal jurisdiction, except those hereinafter specifically excepted from the provisions of this Act (Colville Reservation not excepted) may, with the approval of the Secretary of the Interior, be leased for mining purposes, by authority of the tribal council or other authorized spokesman for such Indians, for terms not to exceed ten years and as long thereafter as minerals are produced in paying quantities.

SEC. 5. That the Secretary of the Interior may, in his discretion, authorize superintendents or other officials in the Indian Service to approve leases for oil, gas, or other mining purposes covering any restricted Indian lands, tribal or allotted.

It appears to us that the minerals reserved in the Government by virtue of the stockraising homestead entries would constitute such lands as are subject to the 1938 act.

The next legislation of note is the act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 461 et seq.), commonly known as the Indian Reorganization Act. Portions of that act read as follows:

Be it enacted * * *, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase or otherwise, shall be allotted in severalty to any Indian.

* * * * * * *

SEC. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened,

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to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however,* That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act; * * *.

SEC. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

The 1934 act authorized the Secretary of the Interior to restore to tribal ownership any remaining surplus lands of any Indian reservation which had previously been opened to entry and disposition under the public-land laws, provided that the act would not apply to any reservation wherein a majority of the adult Indians of such reservation voted against its application. Pursuant to this act the Secretary temporarily withdrew all undisposed of or surplus lands of the Colville Indian Reservation from all forms of entry or disposal under the public-land laws and mining laws, subject to all valid existing rights. This was done by departmental order, approved September 19, 1934.

In an election on April 6, 1935, the majority of the Colville Indians voted to exclude themselves from the operation of the 1934 act. Because of this action, the restoration of the surplus lands of that reservation to tribal ownership, as contemplated at the time of the issuance of the order of September 19, 1934, could not be accomplished. Nevertheless, the temporary withdrawal order was not revoked.

The final significant legislation affecting the Colville Reservation is the act of July 24, 1956, which reads in full, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the undisposed-of lands of the Colville Indian Reservation, Washington, dealt with by the Act of March 22, 1906 (34 Stat. 80), are hereby restored to tribal ownership to be held in trust by the United States to the same extent as all other tribal lands on the existing reservation, subject to any existing valid rights.

SEC. 2. For the purpose of effecting land consolidations between the Colville Indians and non-Indians in Ferry and Okanogan Counties, the Secretary of the Iterior is hereby authorized, with the consent of the tribal council as evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, under such regulations as he may prescribe, to sell or exchange tribal lands in connection with the acquisition of lieu lands, and to acquire through purchase, exchange, or relinquishment, lands or any interest in lands, water rights, or surface rights. The acquisition of lands pursuant to this Act shall be limited to lands within the boundary of the reservation. Exchanges of lands, including improvements thereon, shall be made on the basis of approximate equal value. In carrying out the provisions of this Act, if non-Indian lands are involved, the board of county commissioners of counties in which land is located shall by proper resolution consent before such non-Indian land is acquired for the tribe or an individual Indian. No lands or interests in lands owned by the Confederated Tribes of the Colville Reservation shall be subject to disposition hereafter without the consent of the duly authorized governing body of the tribes, and no lands or interests in lands shall be acquired for the tribes without the consent of the said governing body.

SEC. 3. Title to lands or any interest therein acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the tribe or individual Indian and shall be nontaxable as other tribal and allotted trust Indian lands of the Colville Reservation.

SEC. 4. The agreement entered into by the Confederated Tribes of the Colville Reservation and Okanogan and Ferry Counties of the State of Washington on April 21, 1954, is hereby ratified and approved.

SEC. 5. The Business Council of the Confederated Tribes of the Colville Reservation shall, in accordance with resolution numbered 1955–33, dated April 8,

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1955, of the Colville Business Council, submit to the Secretary of the Interior within five years from the date of enactment of this Act proposed legislation providing for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members within a reasonable time after the submission of such proposed legislation.

The 1956 act restored to tribal ownership the undisposed of or surplus lands which came into being by operation of the 1906 act. Those lands are to be held in trust by the United States, subject to any existing valid rights.

ANALYSIS

As a result of the 1891 agreement and the 1892 act, the northern half of the Colville Indian Reservation was restored to the public domain and all right, title, and interest of the tribe was relinquished to the Government. Therefore, we need concern ourselves only with the southern half, or what is called the diminished Colville Indian Reservation.

The 1898 act provided that the "mineral lands only" in the reservation, not allotted or otherwise reserved, were opened to mineral entry. No record is found of any attempt to classify the lands mineral and nonmineral, but apparently the practice was to allow mineral entry on all the unallotted and unreserved lands subsequent to 1898. This is revealed by a memorandum of instructions from First Assistant Secretary Pierce to the Commissioner of Indian Affairs, February 1, 1910 (38 L. D. 409) which reads as follows:

You submit under date the 12th instance, for departmental approval, recommendations to govern the action of the Commissioner of the General Land Office in the matter of mining claims on the diminished Colville Indian Reservation. You recommend:

First. That you be authorized to instruct the superintendent in charge to notify all persons attempting to file mineral claims thereon that such proceedings are unwarranted and that if they do not discontinue further operations along that line they will be regarded as trespassers and proper steps will be taken to remove them from the reservation.

Second. That the filing of no more mineral entries on the south half of the Colville Reservation be permitted and that the necessary steps be taken, where such can be done, to cancel or otherwise vacate all previous entries which have been made thereon.

You quote from the act of July 1, 1898 (30 Stat. 593):

"That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision."

Also from the act of March 22, 1906 (34 Stat. 80), section 3, providing:

"That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said diminished Colville Indian Reservation shall be classified under the directions of the Secretary of the Interior as irrigable lands, grazing lands, timber lands, mineral lands, or arid lands, and shall be appraised under their appropriate classes by legal subdivisions, with the exception of the lands classed as mineral lands, which need not be appraised, and which shall be disposed of under the general mining laws of the United States."

You give as your opinion that the act of 1898, construed with the act of 1906, does not permit mineral entries to be made within the diminished Colville Reservation prior to the allotments and that there is no provision in either act whereby mineral entries may be made prior to allotments.

The circular of August 11, 1898 (27 L. D. 366), recognized the fact that mining locations may be made under the act of July 1, 1898, and that provision is neither annulled nor modified by the act of March 22, 1906 (34 Stat. 80).

See also 30 L. D., 88–89, wherein Assistant Attorney General Van Devanter, in an opinion dated June 26, 1900, addressed to the Secretary of the Interior,

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relative to the cutting of timber on mining claims on the south half of the Colville Indian Reservation, Washington, stated:

"Thus the mineral lands within the boundaries of the present reservation were made subject to location and entry under the mining laws."

As to the assertion that a large portion of the mineral claims within the south half of the reservation are fraudulent, in that the land is not mineral in character but is first-class farming and fruit land, the department December 6, 1905, upon your recommendation, directed the Commissioner of the General Land Office to instruct the officials of the local land offices to refuse to accept any placer mining filings until indisputable evidence of the true character of their claims is produced and also directed that the whole subject of placer mining on the south half of the reservation be investigated by a mining expert. The local officers were so instructed December 9, 1905, and investigation has been made and upon the reports filed suits have been recommended to set aside certain mineral patents and steps are being take to declare void certain mining applications and locations, all upon motion of the land department. And the department is informally advised by the Commissioner of the General Land Office that no mineral entry in the south half of the reservation will be passed to patent until there has been filed convincing evidence that the land is properly subject to entry under the mineral land laws, and that all cases arising directly between mineral claimants and Indian allottees involving the mineral character of the land will when presented receive careful and prompt attention.

The steps taken and contemplated by the Commissioner and the General Land Office appear sufficient, under present conditions shown, to protect the interests of all parties, and a suspension of the operation of the mineral-land laws over the south half of the reservation for the purposes asked would be unwarranted in the face of the provisions of the act of July 1, 1898, supra.

The effect of a valid mining location pursuant to the 1898 act was to segregate such claim from the reservation and extinguish the Indian title thereto. This is demonstrated by the case of *United States* v. *Four Bottles of Sour-Mash Whiskey* (90 Fed. 720 (1898)), in which the court stated, in part, as follows:

The right decision of the question whether or not the goods in controversy have been forfeited to the United States by reason of unlawful introduction into the Indian country of intoxicating liquors depends upon whether or not a valid location of a claim to mineral lands situated within the Colville Indian Reservation has the effect to extinguish the right of Indians to exclusively occupy the area embraced within such mineral claim * * *.

I hold that the law under consideration (act of 1898) must necessarily have been intended by Congress to authorize prospectors and miners to explore the Colville Reservation for the purpose of developing its mineral resources, and to authorize citizens who make discoveries of valuable minerals therein to locate claims and work them, and that a valid location of a mining claim has the effect to segregate such claim from the reservation, and extinguish the Indian title thereto, so that the land embraced in such mineral location ceases to be Indian country.

That the status of a valid mining entry under the 1898 act in the Colville Reservation was the same as a mining entry on non-Indian public lands is further substantiated by an opinion by Assistant Attorney General Van Devanter to the Secretary of the Interior (June 26, 1900, 30 L. D. 88). The Commissioner of Indian Affairs requested an opinion as to whether the Indian Office could enter into a contract with owners of mining claims on the south half of the Colville Indian Reservation to permit the mineowners to place a sawmill on the claims for the sole purpose of cutting lumber and timber to be used on the claims for their development.

The opinion stated:

By the act of July 1, 1892 (27 Stat. 62), a portion of the Colville Reservation was "vacated and restored to the public domain." The remaining portion became and remained the Colville Indian Reservation. The act of July 1, 1898 (30 Stat. 571, 593), contains the following provision:

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"That the mineral lands only in the Colville Indian Reservation in the State of Washington shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision."

Thus, the mineral lands within the boundaries of the present reservation were made subject to location and entry under the mining laws. The owner of a bona fide mining claim on these lands, therefore, has the same right to use or remove the timber found upon his claim which is possessed by the owner of a mining claim situated elsewhere, and this Department has no more authority to control the exercise of this right in the one case than in the other. * * * The owner of a bona fide mining claim in the Colville Indian Reservation may, for the purposes and to the extent herein specified, lawfully cut or remove timber from his claim, in the absence of any contract or agreement with any officer charged with the administration or supervision of Indian affairs * * *.

From the Whiskey case and the 1900 opinion, it seems clear that some lands within the Colville Reservation were entered by mining claimants and valid unpatented claims were established. Such claims could possibly still exist as unpatented claims and would be in the category of public lands within the jurisdiction of the Bureau of Land Management, rather than the Bureau of Indian Affairs. The following departmental decisions would appear to cover this point:

Stephen Sweayze (5 L. D. 570, 573):

The general authority of the Commissioner of the General Land Office to supervise and control matters relating to the public lands is found in section 453 and 2478 of the United States Revised Statutes. Section 453 provides:

"The Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land and the issuing of patents for all grants of land under the authority of the Government."

And section 2478 provides:

"The Commissioner of the General Land Office, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this title (The Public Lands) not otherwise specifically provided for."

C. Henry Bunte (41 L. D. 520):

* * * it (Land Department) retains jurisdiction to consider and determine the character of land claimed under the mineral laws until deprived thereof by the issuance of patent.

It should be noted here that the functions of the General Land Office and the Grazing Service were consolidated to form a new agency, the Bureau of Land Management, by Reorganization Plan No. 3 of 1946 (60 Stat. 1097).

The 1906 act directed the Secretary of the Interior to classify the surplus, or unallotted and unreserved lands, of the Colville Reservation as irrigable, grazing, timber, mineral, or arid lands and, upon the completion of such classification, to open the nonmineral lands to homestead entry by proclamation of the President. The act specifically directed that the mineral lands were to be disposed of under the mining laws and, presumably, they could be entered immediately upon being classified as mineral lands. This is born out of the Presidential proclamation of 1916 which stated that it was inapplicable to mineral lands. The 1906 act, then, would appear to extend the mining claimants' rights afforded by the 1898 act except that under section 6 of the 1906 act the proceeds arising from the sales and disposition of mineral lands were to be deposited in the Treasury of the United States to the credit of the Colville Indians, to be expended for their benefit. This provision of

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the 1906 act had the effect of retaining in the Indians an equitable interest in a valid unpatented mining claim established subsequent to the act, and created a double administrative jurisdiction—one in the Bureau of Land Management to act on the disposition and validity of the claims, and another in the Bureau of Indian Affairs to administer the proceeds for the benefit of the Indians.

The 1916 Stock-Raising Homestead Act opened up the possibility of a new and peculiar land status within the Colville Reservation. That act opened the public lands, including the surplus lands of the Colville Reservation, to stockraising homestead entry, reserving, however, the minerals in the United States. That act in effect separated the surface from the subsurface—the surface being subject to patent under the act and the subsurface being subject to patent under the mining laws.

The departmental order of September 19, 1934, withdrew the surplus lands of the Colville Reservation from all forms of entry, including mineral entry, subject to valid existing rights. In connection with the effect of the withdrawal order on mineral entries, the Solicitor, in his memorandum of May 24, 1949 (M–35049), was of the opinion that the withdrawal order was made by the Secretary of the Interior in the exercise of his implied power to temporarily withdraw lands and that he was not acting under the act of June 25, 1910, under which act the lands withdrawn would have been subject to mineral entry and location insofar as metalliferous minerals are concerned.

Accordingly, since September 19, 1934, the surplus lands of the Colville Reservation have been closed to entry of any kind under the public-land laws.

We have discussed the various laws and decisions under which mineral rights could be acquired on the surplus lands of the reservation. We should now examine the question as to whether the surplus lands prior to the 1934 withdrawal were in the status of public lands or Indian lands for purposes of their administration and disposition. In determining that the Secretary of the Interior exercised his implied power to withdraw the surplus lands from entry, the Solicitor, in his memorandum of May 24, 1949, supra, ruled that they were Indian trust lands. In this regard, that opinion stated as follows:

> It will be observed that the 1910 act refers to "public lands of the United States." With respect to the question whether this term is applicable to the surplus lands of the Colville Indian Reservation, it may be noted that section 6 of the act of March 22, 1906, supra, provided that the proceeds of the disposal of such lands should be deposited in the Treasury of the United States to the credit of the Colville Indians, and should be expended for their benefit under the direction of the Secretary of the Interior, and that section 9 of the 1906 act expressly provided that the United States should act as trustee for the Indians in the disposal of their lands. *The surplus lands of the Colville Indian Reservation, therefore, are Indian trust lands, and, in a strict sense, they are not public lands of the United States. Ash Sheep Company* v. *United States* (252 U. S. 159). [Emphasis supplied.]

In considering the status of surplus lands of the Colorado Ute Indians, the Secretary said in his opinion of June 17, 1938 (56 I. D. 330, 338), as follows:

> Surplus ceded lands to be disposed of for the Indians are frequently referred to in acts of Congress and departmental actions both as public lands and Indian lands. * * *
>
> The evident purpose of designating lands ceded for disposal for Indian benefit as public lands or public domain is to indicate that the lands are subject to disposal under public-land laws. * * *

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Surplus lands ceded to be disposed of for the Indians are, in fact, qualified public lands and, also, qualified Indian lands. They are public lands in that the United States has the legal title and has secured from the Indians a release of their right of occupancy and has arranged to dispose of them, but they are not public lands in the full sense of the term, as they are to be disposed of only in limited ways and upon certain conditions. * * *

Surplus lands are also properly designated as Indian lands, in view of the interest of the Indians in the proceeds of any disposal of the lands. This equitable interest is the significant condition attached to the lands which distinguishes them from the public lands, generally, as Indian lands. * * * Under the regulations of the Interior Department of July 25, 1912, for governing the use of vacant ceded land (Regulations of the General Land Office, 1930, p. 669) it was contemplated that remaining surplus lands, the proceeds of the disposal of which were for the benefit of the Indians, would be cooperatively administered by the Indian Office and the General Land Office, the Indian Office retaining jurisdiction of the use of the lands before they were sold and the General Land Office administering the final disposition of the lands. * * *

From the two foregoing opinions, it would appear that, in most cases involving mining claims on the Colville Reservation established prior to the 1934 withdrawal, an administrative responsibility would evolve to a certain extent upon both the Bureau of Land Management and the Bureau of Indian Affairs.

CONCLUSIONS

1. The surplus lands of the Colville Indian Reservation were subject to mineral entry under the general mining laws after enactment of the act of July 1, 1898. Any existing valid, unpatented mining claims located subsequent to that date and prior to the enactment of the act of March 22, 1906, are completely segregated from the reservation and under the exclusive administrative jurisdiction of the Bureau of Land Management.

2. Subsequent to the enactment of the act of March 22, 1906, all the surplus lands for administrative purposes were in the category of Indian trust lands, and, in a strict sense, not public lands. Subsequent to March 22, 1906, and continuing up to the September 19, 1934, withdrawal, all the surplus lands classified as mineral lands were subject to mineral entry under the general mining laws. Any existing valid, unpatented, mining claims located subsequent to March 22, 1906, are under the dual administrative control of the Bureau of Land Management and the Bureau of Indian Affairs.

3. The Stock-Raising Homestead Act of December 29, 1916, opened to mineral entry under the general mining laws those surplus lands which were entered and settled under that Homestead Act. Any existing valid, unpatented, mining claims located on such homestead lands subsequent to that date and prior to the 1934 withdrawal are under the dual administrative control of the Bureau of Land Management and the Bureau of Indian Affairs.

4. The withdrawal order of September 19, 1934, closed the surplus lands to all forms of entry, including mineral entry. This order applied to the mineral rights which were reserved in the United States in those lands which were patented under the 1916 Stock-Raising Homestead Act.

5. The mineral rights which were reserved in the United States in those lands which were patented under the 1916 act remain a part of the surplus lands of the reservation.

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6. The undisposed-of lands, which were restored to tribal ownership by the act of July 24, 1956, include the undisposed-of mineral rights in those lands which were patented under the 1916 Homestead Act. Therefore, any present inquiries regarding those mineral rights to which claims were not made prior to the 1934 withdrawal should be handled exclusively by the Bureau of Indian Affairs. Even though the land surface itself was entered and patented under the public-land laws and done so under the primary jurisdiction of the Land Department, the mineral rights were never transferred from the category of Indian trust surplus lands, so they remained as such until the 1956 act, which restored them to tribal ownership.

LAURIE K. LUCOMA, *Attorney.*

JUSTIFICATION NARRATIVE—COLVILLE AGENCY, FISCAL YEAR 1960 BUDGET ESTIMATE, MARCH 18, 1958

Only within the past 3 years has the realty branch of the Colville Agency begun to be staffed to the extent requisite to sound and practical property management. As a consequence, throughout the years until this point, the realty files and records have been sadly neglected and the Colville Agency is now burdened with a tremendous task in consummating a large backlog of pending realty transactions, together with segregating and consolidating land data and transactions and bringing current existing files and records; establishing supplemental and/or new records; and maintaining such records on a current basis. Also, as brought to the fore by Public Law 772, approved July 24, 1956, undertaking an extensive tribal land consolidation program, mineral prospecting and mining development, and getting all land matters and records in proper shape and readiness for an orderly withdrawal of Federal supervision.

The lands under this jurisdiction comprise the Colville Reservation, Spokane Reservation, and public domain allotments located within six counties: Okanogan, Ferry, Stevens, Chelan, Franklin, and Whitman. Present gross acreage totals about 1,250,000 of which about 350,000 acres are allotted. There were originally about 3,900 allotments. Of the remaining allotments, totaling about 2,500, there are about 6,500 individuals involved in the ownership pattern.

There is now a backlog of some 500 pending applications for land disposals (sales, fee patents, etc.) and new applications are accruing at the approximate rate of 150 per year. In the offing is an extensive land consolidation program (purchases, sales, and exchanges) for the Colville Tribe.

Mining leases in force on the Spokane Reservation total 19 with 18 more being processed. About 47 prospecting permits on said reservation expired with the close of calendar year 1957. It is anticipated that 50 permits will result commencing this year upon initiating another prospecting program. Concurrent with adjudication of mining claims by the BLM, a mining program for the Colville Reservation is being formulated which, it is anticipated, will be intensified upon completion of the survey of mineral resources by the USGS.

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Present tract caseload on applications for rights-of-way total about 175 per year. Existing files and records need be searched for approved rights-of-way and those which, although utilized, were never consummated; take necessary action on those incompleted cases; and set up proper and complete file on rights-of-way and note existence thereof on appropriate records and in specific tract files.

Appraisals are required for the pending land disposal caseload aforementioned which will be increased by routine new cases and those resulting upon initiation of the land consolidation program for the Colville Tribe.

There are approximately 900 surface leases in force representing about 200 renewals yearly. There is a need for adequate indexing of these leases and installing and maintaining a proper followup to determine that rental payments are current.

The land records and files require improvement with particular emphasis on plat and allotment books and a consolidated listing of title data on respective tract ownerships (allotment or estate record cards).

Descriptions of tracts on which there has been a BLM resurvey need be revised, i. e., those tracts of which a portion was taken by the Bureau of Reclamation for the Grand Coulee Dam and by the Army engineers for the Chief Joseph Dam. There are numerous tracts involved in these takings.

Initiation of a systematic program is required for property utilization inspections and opening and closing inspection and inventory reports on properties under use agreement.

There are approximately 100 separate various amounts in special deposits account dating back as far as 15 years which require considerable work to liquidate.

There are numerous individuals holding interests in certain allotted lands whose interest therein is nonrestricted; these comprise Canadian Indians who were allotted and who inherited, Indians who inherited an interest already nonrestricted, and non-Indians who inherited in a nonrestricted status. Extensive work is required to identify and index all such cases to afford determination of extent of trust interest, or lack thereof, in the particular tracts so that proposed transactions (disposals, leases, etc.) may be treated accordingly. Preliminary data on about 115 Indians believed to be Canadian nationals will have to be assembled and submitted for adjudication by the examiner of inheritance and/or regional solicitor.

Also requiring considerable time will be the preparation of an inventory of Colville tribal holdings resulting from the restoration of undisposed lands by Public Law 772, approved July 24, 1956. This will entail determining and indexing tracts patented while the ceded area was open to public entry and other forms of appropriation between the years 1906 to 1934.

In addition, a review should be made of the numerous tracts reserved for administrative, school, church, etc., purposes to determine those no longer required, and action taken to restore such tracts to the tribe.

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Federal Lands Acquired From Private Owners, 1930–57, Colville and Spokane Reservations

PART I. COLVILLE RESERVATION

Since the inauguration of an acquisition program in 1941 which extended through 1952 the Confederated Tribes of Colville Reservation, State of Washington, have purchased an aggregate of 27,072.91 acres (120 tracts) of land within the Colville Reservation. Of this amount 18,595.67 acres (168 tracts) of alienated land were returned to trust status and the remainder 8,477.24 acres (52 tracts) were acquired while in trust status.

Authorities for acquisitions are shown in the following attachments:

1. Tribal resolution dated January 12, 1940.
2. Project plan approved January 19, 1940.
3. Letter dated July 1, 1940, from Assistant Commissioner to superintendent, Colville Agency.

The records do not reflect any tribal purchases prior to inception of this program. However, a subsequent and current "key tract" purchase program was approved December 12, 1956, under which 2 tracts (313 acres) were acquired in fiscal year 1958 and an additional 10 tracts (1,500 acres) are in process of being acquired. In formulation is a land consolidation program (purchases, sales, and exchanges) as authorized by Public Law 772, approved July 24, 1956 (70 Stat. 627). These last two matters are more fully covered in part II of "Answers to questionnaire."

The dates of acquisition according to fiscal years are as follows:

Fiscal year	Tribal purchases of alienated lands		Tribal purchases of trust or restricted lands		Fiscal year	Tribal purchases of alienated lands		Tribal purchases of trust or restricted lands	
	Number of tracts	Acreage	Number of tracts	Acreage		Number of tracts	Acreage	Number of tracts	Acreage
1941	9	1,045.85	2	140.00	1948	1	120.00		
1942	20	8,087.21	2	160.00	1949	2	2,108.70		
1943	11	2,022.07	1	118.51	1950			11	1,548.00
1944	1	2.49	2	179.22	1951			7	1,036.44
1945	2	648.33	10	1,203.75	1952			17	2,028.25
1946	4	4,181.02	6	800.30					
1947	2	380.00	10	1,262.77	Total	52	18,595.67	68	8,477.24

The land is being utilized in various range units or as individual tracts for farming purposes. Of the total acreage approximately 50 percent is being utilized by individual Indians and the remainder by non-Indians.

The following gives a summary by tracts and acreages:

Tribal purchased land

	Utilization	Tracts		Acreage	
Purchased "fee land"	Range units	34		13,808.02	
	Leasing		18		4,787.65
Purchased allotted land	Range units	50		6,841.96	
	Leasing		18		1,635.28
Total		84	36	20,649.98	6,422.93

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[Attachment No. 1 (Colville)]

RESOLUTION OF THE COLVILLE BUSINESS COUNCIL

Be it resolved, That the Colville Business Council, at this, a regular meeting, acting for the Indians of the Colville Reservation, in the State of Washington, does hereby approve that certain proposed project plan of land acquisition prepared in collaboration with the representatives of the Indians of the various districts of the reservation, by the land division of the Pacific coast area, Bureau of Indian Affairs, dated January 3, 1940, under the provisions of the act of Congress entitled, "Third Deficiency Appropriation Act for the fiscal year, 1939," authorizing the expenditure of the sum of $100,000 of the tribal funds of the Colville Indians for the purchase of lands for their benefit.

Dated this 12th day of January, A. D., 1940.

We, the undersigned, certify that the foregoing resolution was duly adopted by the Colville Business Council, at its regular meeting held on January 12, 1940.

———— ————, *Chairman.*
———— ————, *Secretary.*

I certify that the foregoing is a true copy.

FRED A. BAKER.
Land Field Agent.

NOTE.—On January 13, 1940, the foregoing resolution was acted upon on a motion to reconsider and was duly passed by a majority vote, a quorum being present.

FRED A. BAKER.

[Attachment 2 (Colville)]

PROJECT PLAN FOR THE INDIANS OF THE COLVILLE INDIAN RESERVATION, OKANOGAN AND FERRY COUNTIES, WASH., TRIBAL FUNDS PROJECT, 1940–41

I. INTRODUCTION

The Third Deficiency Appropriation Act for the fiscal year 1939 authorizes the expenditure of $100,000 of tribal funds for the purchase of land for the Colville Indians. The act also authorizes the use of $100,000 of tribal funds as an aid in assisting the Indians of the reservation to obtain a better standard of living. The purpose of this report is the recommendation of a specific land-purchase program to be carried on in accordance with the above act. With the approval of these recommendations by the tribal council and the director of lands, options to purchase the lands will be secured as rapidly as the negotiations with the various landowners may be completed.

II. HISTORY OF RESERVATION

The Colville Reservation was established by Executive order of July 2, 1872, for the Methow, Okanogan, San Poil, Lake, Colville, Spokane, Coeur D'Alene, and such other Indians as the Department might see fit to locate thereon. The original reservation was bounded on the south and east by the Columbia River, on the west by the Okanogan River and on the north by the Canadian boundary. Its area approximated 2,885,000 acres.

By an act of July 1, 1892 (27 Stat. 62), the north half of the reservation, containing approximately 1,500,000 acres, was restored to the public domain. Each Indian residing within this area was entitled to be allotted 80 acres. The balance of the land was opened to settlement and entry under the laws applicable to the State of Washington. Each entryman was required to pay $1.50 per acre within a period of 5 years in addition to the regular fee. The act provided that the net proceeds resulting from this sale were to be set aside for the benefit of the Indians.

The act of March 22, 1906 (34 Stat. 80), provided for the allotment and for the sale of the surplus or unallotted lands of the diminished Colville Reservation. The act provided that the surplus lands be sold at not less than the appraised valuation with one-fifth of the payment down and the balance within 5 years. After 5 years, the remaining lands were to be sold to the highest bidder at not less than $1 per acre. After 10 years, remaining lands could be sold to the highest bidder without regard to minimum value. The net proceeds from these sales were to be deposited to the credit of the Colville Tribes.

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The allotment schedule for the north half of the reservation was approved during 1900 and for the south half or the diminished portion on February 5, 1916. On the north half, some 658 Indians were allotted 41,960.62 acres. On the diminished portion 2,318 individuals were allotted 287,418.97 acres.

The homestead period terminated by law in 1931.

The present status of lands within the diminished portion of the reservation is as follows:

	Acres
Alienated lands	227,660
Tribal lands	887,832
Allotted (in trust)	267,090
Administrative sites	2,504
Total	1,385,086

III. DESCRIPTION OF RESERVATION

1. *Location.*—The reservation is bounded on the east and south by the Columbia River, on the west by the Okanogan River, and on the north by the line between townships 34 and 35 north of Willamette baseline. It is about 70 miles long from east to west and 35 miles wide from north to south. The western half of the reservation is located in Okanogan County and the eastern half in Ferry County, Wash. The area included is 1,385,086 acres.

2. *Topography.*—The main topographic features on the reservation trend in a north-south direction. These include the Okanogan Valley on the western side of the area, the Nespelem Valley in the central part, the San Poil Valley in the eastern part, and the Columbia River on the eastern boundary, which swings to the west to also form the south boundary. In the northwest part of the area, Moses and Omak Mountains are the dominating features. The southwest portion is occupied by the Okanogan Plateau. The drainage in the northwest is by Omak Creek, westward to the Okanogan River. In the central part the drainage is southward by Nespelem Creek to the Columbia. The San Poil Valley is drained southward by the San Poil River.

The principal mountain ranges include the Nespelem Range, which forms the divide between the Nespelem and San Poil Valleys, and the San Poil Range, which divides the San Poil and the Columbia River Valleys. Of these ranges, the San Poil Mountains are the higher and are more rugged, attaining elevations of nearly 6,000 feet. The lowest point on the reservation is at the junction of the Columbia and Okanogan Rivers, which has an elevation of 800 feet. The highest point is Mount Moses which attains an elevation of 6,500 feet.

All types of topography are found within the reservation—wide valleys, rolling plains, rugged mountains, and deep canyons.

3. *Vegetation.*—Stands of commercial timber occur over the reservation, except within the southwestern and south central portions. In general, the northern and eastern slopes are thickly wooded with a heavy growth of underbrush, the timber being made up of yellow pine, lodgepole pine, fir, and larch. The southern and western slopes usually contain parklike stands of western yellow pine. Many types of brush occur over the area, including greasewood, brome, snowberry, chokecherry, ash, aspen, willow, serves berry, mountain elder, sumak, with sage and buck brush in the southwestern and south central portions. The range grasses include wheat and rye bunch grass, slender wheat grass, and cheat. The Forestry and Grazing Department estimates the average carrying capacity of the Indian rangelands to be 20 acres per head (stock cow or steer) for a period of 7.5 months. However, this capacity will vary for different tracts and over various sections of the reservation from 12 to 35 acres per head for the grazing season.

4. *Climate.*—The valley areas have hot dry summers and moderately cold winters. The growing season for an average year extends from May 1 until October 1. The average precipitation over the area is about 14 inches, varying from 11.0 inches at Monse, 11.18 inches (average since 1918) at Nespelem, to 20 inches in the northeastern and eastern portions. About 44 percent of this precipitation occurs between November 1 and March 1 as snow. The higher mountain regions are subject to deep snows and severe winters.

5. *Transportation and facilities.*—The western part of the reservation, comprising the Okanogan Valley, is accessible by State Highway No. 97 and by the Great Northern Railroad from Wenatchee. The Nespelem Valley is accessible by highway from Wilbur via the Grand Coulee Dam, and the San Poil Valley by highway from Wilbur via Kellers Ferry. The eastern part of the area is reached

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by highway from Davenport or Colville to Inchelium on the western side of the Columbia River, via the Inchelium Ferry. The nearest railroad point from the east side is Addy, which is 22 miles east from Inchelium by graveled graded road and is a station on the Great Northern Railroad.

The principal trading centers are Omak and Disautel, in the western part of the reservation; Nespelem, in the southern part of Nespelem Valley; Keller, in the southern part of the San Poil Valley; and Inchelium, Umpach, and Covada, in the Inchelium or eastern district. In the Okanogan Valley, the towns of Monse, Malott, Okanogan, and Omak adjoin the reservation on the west side of the Okanogan River. Omak is the largest, with a population of 2,547, and Okanogan is the county seat of Okanogan County.

The Colville Indian Agency is located in the Nespelem Valley, 3 miles south of Nespelem and 13 miles north from the Grand Coulee Dam, by paved road. Subagencies are maintained at Omak on the west side and Inchelium on the east.

The western half of the reservation lies in Okanogan County, and the eastern half in Ferry County. Republic, to the north of the reservation, is the county seat of Perry County.

Schools are maintained by the county throughout the reservation, and are attended by the Indian children. St. Marys Mission is also maintained for the Indian children, being located near Omak. The Indian pupils on the west side also attended public schools at Monse, Malott, Cameron Lake, Okanogan, and Omak.

Electric power from the Washington Water Power Co. is available in the Okanogan Valley and in the vicinity of the Grand Coulee Dam.

6. *Indian population and distribution.*—The total enrollment of the Colville Reservation is 3,221 Indians, including 1,089 families, or 1,630 males and 1,590 females.

For administrative purposes, the diminished portion of the reservation has been divided into three districts: (1) The Monse-Disautel district, comprising the western portion of the reservation; (2) the Nespelem district, comprising the central part; and (3) the Inchelium district in the eastern part.

The division of Indians within these districts and the number living outside of the diminished portion of the reservation is estimated as follows:

	Number of individuals	Number of families
Monse-Disautel district	594	237
Nespelem district	712	178
Inchelium	940	326
North half or ceded portion	292	116
Outside of reservation	683	232
Total	3,221	1,089

The majority of these Indians live on their allotments, which are scattered throughout the reservation. On the diminished portion of the reservation, most of the allotted land is located in the western part in the Okanogan Valley, in the Omak Valley, and in the Okanogan Plateau, in the central part within the Nespelem and San Poil Valleys, and on the eastern side within the valley of the Columbia River. There are few allotments within the north-central part of the area. But few of the Indians live within the towns or at the trading centers of the reservation.

7. *Types of farming.*—Hay and grain are the principal crops grown on the reservation. The hay is largely fed to the livestock during the winter, and the grain is usually sold as a cash crop. The hay includes alfalfa, wild hay, and grain hay, and, of the grains, wheat, oats, and barley are produced. When irrigation is practiced, alfalfa is the chief crop. The meadowlands, which have natural subirrigation, are used for wild-hay production and the upland or dry-farming areas are used for grain and grain hay. When dryland farming is practiced, summer fallowing is the rule, except on the better lands.

The agency extension report for 1938 shows the total available area of Indian-owned cultivable land to be 28,512 acres, of which only 1,864 acres are irrigable. The total area farmed by Indians is 11,383 acres, of which 1,175 acres are irrigated. During 1938, the total Indian acreage cropped to hay was 7,331 acres, and the yield 8,426 tons. The balance of the land was cropped largely to wheat, oats, and barley, with some rye, beans, corn, and potatoes being produced.

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The livestock industry is the principal industry of the Colville Indians. The stock are usually kept on the home ranches during the winter, and are fed on the average 1.5 tons of hay during this season. The amount of hay varies from 1 ton in the Monse-Disautel district to 1.5 tons in the Nespelem Valley and to 2 tons in the Inchelium district. The livestock are grazed on the tribal grazing lands of the reservation during the balance of the year. At present, the Colville Indians own 4,962 head of beef cattle, including 725 calves, and 640 head of dairy cattle, including 100 calves.

8. *Irrigation.*—There are three Indian Service irrigation projects within the reservation—the Monse project in the southwestern part of the area, the Nespelem project on Nespelem Creek in the central part, and the Hall Creek project in the Inchelium district on the eastern side.

The Monse district is, at present, under development. It is located in the extreme southwestern part of the reservation at the confluence of the Columbia and Okanogan Rivers. Approximately 1,100 acres will be put under irrigation. Water will be pumped from the Okanogan River into a high-line canal and be conveyed over the land through the canal, laterals, and ditches. The maximum pumping lift is 50 feet, and the estimated duty of water at the pump 4 acre-feet per acre. Electric power will be purchased from the Washington Water Power Co. The construction cost will amount to $35 per acre, and the annual operation and maintenance cost is estimated at $6.50 per acre.

The Nespelem district is located within the Nespelem Valley in the central part of the reservation. The land is irrigated by gravity flow from Nespelem Creek. Within the district, 3,000 acres are suitable for irrigation, but the water supply is usually sufficient for the irrigation of about 700 acres. In this area, there are 220 acres of white-owned land under irrigation. The irrigation cost to the white owners is $1.25 per acre, annually.

The Hall Creek irrigation district is located in the Inchelium district in the extreme eastern part of the reservation. Water is diverted from Hall Creek, Stranger Creek, and Twin Lakes, and conveyed to the lands by gravity flow. This district is under gradual development, and eventually will contain from 2,000 to 3,000 acres under irrigation.

9. *Indian employment and income.*—The average income of the Colville Indians from agricultural enterprises is estimated by the extension agent to average $431 per family. In addition to this income, some of the Indians are employed by the lumber companies for logging and millwork. Many of the Indians on the west side of the reservation work in the white-owned apple orchards of the Okanogan Valley. Here they are employed in early summer for thinning the apples and in the fall for picking.

IV. PRESENT SITUATION AND LAND NEEDS OF RESERVATION

It is the opinion of the Land Acquisition-Use Committee (report of October 25, 1939) that the livestock industry is and will continue to be the principal industry of the Colville Indians. Also, it is the recomendation of this committee that the present land-purchase program should be centered within certain areas set up in the Monse-Disautel, Nespelem, and Inchelium districts. The Monso-Disautol district comprises the western part of the reservation, the Nespelem district the central part, and the Inchelium district the eastern part, these districts being designated on the accompanying map, exhibit No. 2.

It may be noted from the above map that the larger part of the alienated lands on the reservation occur in the western, south-central, and extreme eastern part of the area. Within the Nespelem district, comprising the central part of the reservation, the Indians now control a large portion of the agricultural lands. Therefore, the most urgent land need is for the Indians of the extreme western and eastern parts of the reservation.

In general, the greatest land need on the reservation is for the more productive agricultural lands. The grazing resources of the reservation are adequate, except for the Indians who are to be established within the Monse irrigation project. However, before the livestock herds may be increased to any great extent, the production of hay for winter feed must, necessarily, be increased.

Certain of the more rugged mountain grazing areas on the reservation are adaptable only for the grazing of sheep. Therefore, the carrying capacity of the Indian lands within the reservation can best be stated in terms of cattle and sheep. The total capacity of the open tribal range is estimated by the Forestry and Grazing Division as being equal to 173,990 cow-months, the average length

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of the grazing season being 7.5 months duration. When segregating the areas which are adaptable only for sheep, the carrying capacity is shown to be for 19,300 head of cattle and 18,095 sheep for a 7.5 month period. The ratio of sheep to cattle is 5:1. This estimate does not include the area contained within allotted lands. As the Indians at present own 4,962 beef cattle, the grazing resources are ample to allow for considerable expansion of this industry.

The Monse irrigation district is located some 30 miles from the nearest tribal range. Good summer range will be provided in the Coyote Creek grazing unit. To provide spring and fall range for these people, it is proposed to block out an area of mountain land in the extreme west-central part of the reservation, east of the town of Malott. This area was selected because it provides good grazing and because of the large area of tribal lands within the unit. To restore this area to complete Indian control will require the purchase of some 10,621 acres of patented grazing land. This proposed grazing area lies within 8 miles of the irrigated lands, which will be the base of operations for these people. It will be very advantageous for this district to acquire this spring and fall range close to their farms.

The Indians own 4,962 head of beef cattle and 640 dairy cattle and produce 8,426 tons of hay, which is barely sufficient to carry these cattle over the winter. Obviously, the hay production must be increased before the cattle industry can be expanded to any extent. To partly remedy this situation, it is proposed that the larger portion of the land purchase fund be used for the purchase of the more productive agricultural lands. Also, as only 39.9 percent of the Indian-owned land is farmed by the Indians, a considerable increase in the hay production from this source is possible.

The land program proposed for acquisition with the $100,000 tribal fund and the one best suited for the development of the livestock industry is as follows:

1. Undeveloped irrigable agricultural lands in the Monse Irrigation District.
2. Mountain grazing lands in Malott district for spring and fall grazing.
3. Various tracts of fee patented and allotted heirship lands containing a large portion of cultivable land located in Monse-Disautel, Nespelem, and Inchelium districts.
4. Scattered key tracts of grazing land which either control stock water or are valuable to prevent trespass.

V. LANDS RECOMMENDED FOR PURCHASE

In accordance with the recommendation of the Land Acquisition-Use Committee (report of October 25, 1939) the proposed purchase areas are confined within the Monse-Disautel, Nespelem, and Inchelium districts, which comprise the south half of diminished portion of the reservation. Although the larger number of tracts selected for purchase comprise fee patented lands, trust allotments in heirship status and, in special cases, individually owned allotments are also included.

The following price schedule for the various types of land comprising the purchase area was made after a study of the productivity and costs of production of the lands and after consultation with the Colville Indian Agency staff, the county extension agent, the county assessor, and a number of the leading agriculturists in the district.

Type of land	Adaptable for—	Yield per acre	Value per acre
1. Range lands, based on carrying capacity.	Grazing	12 to 35 acres per head (6 months).	$1.00–$2.50
2. Subirrigated pasture, based on carrying capacity.	Pasture	7.5 to 2 acres per head (6 months).	4.00–15.00
3. Irrigated pasture, based on carrying capacity.	do	5 to 1.5 acres per head (6 months).	6.00–20.00
4. Dry farmed—grain and grain hay	Wheat	8 to 20 bushels	8.00–25.00
	Grain hay	0.75 to 1.5 tons	
5. Subirrigated meadowlands	Wild hay	1 to 1.5 tons	15.00–25.00
6. Irrigable undeveloped lands, depending upon topography and soils.	Alfalfa	2.5 to 4.5 tons	[1] 15.00–40.00
7. Developed irrigated lands	do	2.5 to 4.5 tons	40.00–50.00

[1] Irrigation construction costs not included.

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Owing to the fact that there is a considerable variance in conditions within the three districts which comprise the reservation, the proposed purchase program will be described by districts as follows:

A. Monse-Disautel district

The lands selected for purchase within this district comprise the following:

(*a*) Undeveloped lands under the newly constructed Monse Irrigation District.

(*b*) Mountain grazing lands in Malott area.

(*c*) Scattered key tracts of grazing land desirable for stock water and trespass control.

(*d*) Developed farm (Dunbar Ranch).

(*a*) *Lands under Monse Irrigation District*

Owner	Tract No.	Acreage				Value of improvements
		Total	Irrigable, undeveloped, cultivable	Pasture	Grazing	
Thomas Andrews estate (Indian allotment)	1	80	70		10	
Eliza Picard estate (Indian allotment)	2	20	20			$5
G. H. Shoaf	3	22.79	22.79			2
T. C. Williams	4	20	19.25			5
Alex Raymond	5	10	10			
Bernard McCauley	6	25	15	10.0		6
W. L. McFarland	7	20	19.6			
Felicite estate (Indian allotment)	8	10	10			
Mackey Ingrim estate (Indian allotment)	9	10	10			
J. Orr	10	10	10			
W. C. Moran	11	7.5	7.5			
Ralph F. Breslin	12	12.5	12.5			
Sophie Marchand estate (Indian allotment)	13	30	20	10.0		
D. S. Gamble estate	14	40	31	9.0		
Ruth Vanderwall	15	10	3.5	6.5		
Mary Tom estate (Indian allotment)	16	116.1	24.5		91.6	
Rose Van Dellen (Indian allotment)	17	21.5	21.5			
Annie Jim (Indian allotment)	18	81.13	62		19.13	17
James Jim estate (Indian allotment)	19	80	44		36	
John Jim estate (Indian allotment)	20	93.15	20		73.15	
Jessie Jim estate (Indian allotment)	21	82	10		72	
Total		801.67	463.14	35.5	301.88	56

The estimated total value of the tracts included under (*a*) is $15,000.

The location of the above tracts is shown on exhibit No. 3, the land-status map of the Monse project prepared by the Irrigation Division. If the area proposed for purchase is fully developed and planted to alfalfa, the estimated total annual yield of hay is 1,450 tons, sufficient to safely winter 1,160 head of cattle. It is assumed that 90 percent of the cultivable area would be cropped to alfalfa, that an average yield of 3.5 tons per acre would be obtained, and that the average amount of hay fed during the winter would equal 1.25 tons per head. Allowing 50 head of beef cattle per family, this area, with the Malott grazing unit that is to be acquired, should support 23 families.

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(b) Mountain grazing lands—Malott area

Owner	Tract No.	Acreage	Carrying capacity	
			Acres per head per 6 months	Total cow-months
John Peoples	22	640	12	320
Urbin J. Hinde	23	160	18	54
Mary A. Hinde	24	629	18	209
Okanogan County	25	1,146	20	500
		652	25	
Edward G. Peoples	26	200	18	266
		400	12	
R. I. Carpenter, 2/3; Okanogan County, 1/3	27	640	25	156
John Isenhart	28	301	25	72
Foss Crowling	29	2,198	20	658
G. S. Brown	30	627	20	188
Harry E. Thomson	31	320	20	96
Nellie H. McMurray	32	1,087	20	325
George E. Heineck	33	51	20	15
Fred Wright	34	781	20	234
Mary E. Simpson	35	480	20	144
Albert B. Talbot	36	311	20	93
Total		10,621		3,330

NOTE.—The above land is all fee patented.

The estimated total value of the patented grazing lands in this area (tracts 22–36) is $17,200.

Within the proposed Malott grazing unit, there is contained a total of 9,704 acres of tribal and trust grazing land, in addition to the patented lands proposed for purchase. The total estimated carrying capacity of the entire unit is as follows:

	Acreage	Carrying capacity	
		Acres per head per 6 months	Total cow-months
Patented lands, tracts 22 to 36, inclusive	10,621	19	3,330
Tribal and trust grazing lands	9,704	20	2,910
Total	20,325		6,240

Assuming that this area would be grazed for a period of 5 months, half of this period in the spring and half in the fall, the estimated total carrying capacity for this period is for 6,240 divided by 5 equals 1,248 head of cattle. Thus, the winter carrying capacity of the home ranches (estimated at 1,160 head) will be balanced with this spring and fall grazing unit and summer range will be provided on the Coyote Creek unit.

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(c) Scattered tracts for stock water and trespass control

Tract No.	Owner	Total	Dry-farmed land	Grazing land	Estimated value of improvements
37	Sam Halstead	320	16	304	$450
38	John Wall	320		320	
39	James Gile	80		80	
40	Okanogan County	160		160	
41	R. S. Meader	160		160	100
42	C. G. Gordon	160		160	100
	Total	1,200	16	1,184	650

The estimated total value of tracts 37 to 42, inclusive, included under (*c*) is $2,650.

(d) Mark Dunbar ranch

Tract No	42a
Total	137.10
Irrigated alfalfa	35
Irrigable, cultivable	8
Grazing	94.10
Value improvements	$1,250

District	Total	Irrigable, cultivable	Dry farmed	Pasture or grazing	Estimated value improvements	Estimated total value
A. Monse irrigation	801	463		338	$560	$15,000
B. Malott grazing area	10,621			50,621	1,170	17,200
C. Scattered tracts	1,200		16	1,184	650	2,650
D. Dunbar Ranch	137	43		94	1,250	4,500
Total	12,759	506	16	12,237	3,630	39,350

The location of the tracts comprising groups (*b*), (*c*), and (*d*) are shown on the accompanying map, exhibit No. 2.

B. Nesepelem district

In this district a large portion of the more productive lands are now in Indian ownership. Also, many of the white owners of the more desirable farms do not wish to sell. For these reasons, a smaller percentage of the land-purchase fund is proposed for expenditure in this district as the money can be more advantageously spent and the land need is more urgent in the Monse-Disautel and the Inchelium districts. The tracts proposed for purchase include:

(*a*) Improved farms.

(*b*) Grazing lands to provide stock water and trespass control.

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(a) Improved farms in Nesepelem district

Owner	Tract No.	Acreage					Estimated value	
		Total	Irrigable, cultivable	Sub-irrigated, cultivated	Dry-farmed	Pasture or grazing	Timber	Improvements
J. E. Crofoot	43	191	11	53	66	61	.....	$2,750
Mary E. Gray	44	120	.....	.....	13	107	.....	325
Aliza Tospelus, Indian allotment	45	40	39	.....	.....	1	.....	150
Tale Kalsonmy estate, Indian allotment	46	62	.....	.....	48	14	.....	225
Chapala estate, Indian allotment	47	57	.....	.....	25	32	$800	150
Cultus Charley estate, Indian allotment	48	80	.....	50	.....	30	1,600	.....
Charley estate, Indian allotment	49	95	.....	50	.....	45	380	.....
Lucy Sach-ti-ta estate, Indian allotment	50	76	.....	55	.....	21	210	.....
J. R. Richardson	51	280	.....	.....	25	255	1,200	340
F. E. Seeley	52	90	15	.....	.....	75	.....	1,005
Total	.....	1,091	65	208	177	641	4,190	4,945

The estimated value of tracts Nos. 43 to 52, inclusive, comprising group (a) and including the estimated timber value is $21,100.

(b) Grazing lands in Nesepelem district

Owner	Tract No.	Total acreage	Value of timber	Value of improvements
Robert B. Dixon	53	320	.....	$315
Elsworth Dill	54	120	.....	55
Cecele Charley estate, Indian allotment	55	99	$800	.....
Little Man Chief estate, Indian allotment	56	92	.....	.....
William Bell	57	160	.....	.....
Jos. P. Thill	58	80	.....	.....
Ferry County	59	920	1,400	.....
A. L. Ricca estate	60	80	300	.....
C. F. McGuire	61	160	250	.....
Total	.....	2,031	2,810	370

The estimated value of tracts Nos. 53–61, inclusive, comprising group (b) and including the timber value is $6,650.

The purchases proposed for the Nespelem district total as follows:

	Acreage				Estimated value		
	Total	Irrigated, subirrigated, cultivated	Dry farmed	Pasture or grazing	Timber	Improvements	Total value
(a) Improved farms	1,091	273	177	641	$4,190	$4,945	$21,100
(b) Grazing lands	2,031	.....	.....	2,031	2,810	370	6,650
Total	3,122	273	177	2,672	7,000	5,315	27,750

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The timber estimates shown under groups B (*a*) and B (*b*) were obtained from the CCC reconnaissance timber cruise and are subject to correction by the Forestry Division. The locations of the tracts comprising these groups are shown on the index map accompanying this report.

C. Inchelium district

As may be observed from the accompanying index map—Exhibit No. 2—this district is well provided with tribal range lands in close proximity to the farms. The Indians' need in this area is for agricultural lands for hay production. This is especially true since the snowfall is greater in this part of the reservation and a larger quantity of hay is required to carry the cattle over the winter. The average amount of hay fed to cattle in this district during the winter season is 2.0 tons.

The following tracts are recommended for purchase in this area, all containing agricultural lands and being producing properties.

(*a*) *Farms recommended for purchase—Inchelium district*

Owner	Tract No.	Acreage				Value improvements
		Total	Irrigated or subirrigated, cultivable	Dry farmed	Pasture or grazing	
Anna Paul estate—Indian allotment	62	80	30	----	50	----
Old Paul estate—Indian allotment	63	100	50	----	50	$50
Mrs. Donald McInnis	64	290	105	22	163	850
J. E. French	65	142	78	----	64	700
Mary Stenagar estate—Indian allotment	66	95	----	50	45	500
G. V. Ayers	67	240	70	----	170	650
Francois Joseph estate—Indian allotment	68	120	----	25	95	----
L. R. Crawford	69	120	25	----	95	2,915
Chas. Waters	70	120	45	15	60	600
Standard & Phelps	71	140	43	10	87	1,700
Carl Forth	72	280	10	----	270	350
Total	----	1,727	456	122	1,149	6,315

The total estimated valuation of tracts Nos. 62 to 72, inclusive, listed above under C (*a*) is $32,900.

D. Summary of purchase program

District	Number of tracts	Acreage				Estimated value
		Total	Irrigation or subirrigation cultivable	Dry farmed	Pasture or grazing	
Monse-Disautel	43	12,759	506	16	12,237	$89,350
Nespelem	18	3,122	273	177	2,672	27,750
Inchelium	11	1,727	456	122	1,149	32,900
Total	72	17,608	1,235	315	16,058	100,000

E. Alternate selections

In all probability it may not be possible to purchase some of the above tracts at the appraised valuation. In this case, the following are submitted as alternate selections:

(*a*) *Monse-Disautel district—Alternate tracts*

Owner	Tract No.	Acreage			Estimated value of improvements
		Total	Dry cultivated	Grazing	
George R. Ward	73	720	60	660	$1,100
David Kaye (Indian allotment)	74	110	----	110	----

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(b) Nespelem District—Alternate tracts

No alternate selections for this district are recommended at this time. Unless additional tracts are found that are desirable it is proposed that any funds which cannot be used to carry out the program outlined be used in the Inchelium district where many alternate selections have been proposed.

(c) Inchelium district—Alternate tracts

Owner	Tract No.	Acreage				Estimated value	
		Total	Irrigable or subirrigable, cultivable	Dry-farmed	Pasture or grazing	Timber	Improvements
Mrs. J. J. Pietrzykowski	75	525	10	65	450	$3,200	$400
John Stensgar estate, Indian allotment	76	80	12	38	30	----------	100
Chas. F. Hall, Indian allotment	77	80	52	--------	28	----------	----------
Joseph Joseph estate, Indian allotment	78	120	----------	25	95	----------	250
Christine Joseph estate, Indian allotment	79	115	----------	25	90	160	----------
Charles Blackard	80	160	----------	3	157	----------	----------
E. Anthony Co	81	103	----------	--------	103	----------	----------
Joe Pichette estate, Indian allotment	82	150	----------	25	125	300	----------
Christine Pichette estate, Indian allotment	83	140	----------	45	95	400	320
M. D. Stapleton	84	240	----------	--------	240	----------	----------
Perry County	85	240	----------	--------	240	----------	----------

DOUGLAS CLARK,
Assistant Land Field Agent.

SAN FRANCISCO, CALIF., *January 3, 1940.*

[Attachment 3 (Colville)]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 1, 1940.

Mr. LOUIS BALSAM,
Field Representative in Charge,
Colville Agency.

MY DEAR MR. BALSAM: Reference is made to the resolution adopted by the Colville Business Council on January 13, requesting that 25 percent of the annual income of the Colville Indian Tribe be appropriated and used for the purchase of land for tribal purposes.

At the request of the Colville Indians, an appropriation of $100,000 of tribal funds was included in the Third Deficiency Appropriation Act, fiscal year 1939. These funds will enable the purchase of approximately 20,000 acres, whereas the estimated needs of this tribe are in the neighborhood of 90,000 acres. A yearly appropriation of one-fourth of the tribal income will be a definite step toward supplying the land needs of these Indians.

In considering the most feasible procedure to be followed in obtaining the necessary authority to carry out the desire of the business council, it is not believed that special legislation should be requested, but that each year when the amount to be expended is known, an item can be inserted in the yearly appropriation bill. In view of the present appropriation of $100,000 for the purchase of land, it is not believed that the tribe intended that additional funds were to be requested for the next fiscal year.

Sincerely yours,

JOHN HERRICK,
Assistant to the Commissioner.

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PART II. SPOKANE RESERVATION

Since the inauguration of the acquisition program in 1941 the Spokane Tribe, State of Washington, has acquired an aggregate of 6,982.92 acres (19 tracts) of land. Of this amount 6,103.16 acres (11 tracts) of alienated land were returned to trust status and the remainder, 879.76 acres (8 tracts), were acquired while in a trust status.

Authorities for acquisitions are shown in the following attachments:

1. Tribal resolution dated October 1, 1940.
2. Project plan dated January 24, 1941.
3. Letter of transmittal dated January 24, 1941, from Land Field Agent to Superintendent, Colville Agency.

The records do not reflect any tribal purchases prior to inception of this program. The Spokane Tribe does not presently have a "key tract" purchase program.

The dates of acquisition, according to fiscal years, are as follows:

Fiscal year	Tribal purchases of alienated lands		Tribal purchases of trust or restricted lands	
	Number of tracts	Acreage	Number of tracts	Acreage
1943	8	5,814.52	5	480.00
1944	2	149.64	1	80.00
1945	1	139.00	1	79.76
1946			1	240.00
Total	11	6,103.16	8	879.76

The purpose of the acquisition project was to consolidate and increase the grazing range, to purchase farmlands to produce hay for winter feed of livestock, and to have better fire control.

The land is being utilized in various range units, mining leases or tribal assignments to individual Indians for their use. Of the total acreage 70 percent is being utilized by individual Indians and the remainder by non-Indians.

The following gives a summary by tracts and acreages:

Tribal purchased land

	Utilization	Tracts		Acreage	
Purchased "fee land"	Range units	7		5,496.96	
	Assignments		6		516.20
	Mining leases		2		90.00
Purchased allotted land	Range units	8		879.76	
Total		[1] 15	[1] 8	6,376.72	606.20

[1] Because of some tracts being utilized for 2 separate purposes, both were counted in different categories, thus the discrepancies in tracts, 23 rather than 19 (total acreage did not change).

[Attachment 1 (Spokane)]

Resolution of the Spokane Tribal Council

At a special meeting of the tribal council held at Wellpinit, Wash., on October 1, 1940, at which Douglas Clark, assistant land field agent, was present, to consider the land purchase program for the expenditure of $30,000 of tribal funds authorized by Congress for the acquisition of lands, the following resolution was adopted.

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It is the recommendation that first consideration be given to the acquisition of the white-owned patented tracts of grazing and timber lands, a large acreage of which has been logged off, located in the eastern part of the Spokane Reservation, principally east of Sand Creek. The area of these tracts is estimated as being 6,357 acres. Any funds remaining after the purchase of this land should be used in acquiring white-owned agricultural lands, giving first consideration to the most productive lands that can be acquired at the appraised valuation. The acquisition of the logged-off tracts of patented lands is of first importance because of the following reasons:

1. The Chamokane grazing unit will be consolidated, which is advantageous because it will make possible the control of trespass of white-owned cattle on Indian lands.

A. It will allow for the proper fire control of this area.

B. It will facilitate the forest and range management of the area involved.

2. A considerable portion of the logged-off lands may be cleared and developed for agriculture. If not acquired by the tribe, these tracts may be purchased by white farmers and developed into farms, further increasing the trespass and administrative problems.

Approved this 1st day of October 1940.

SPOKANE INDIAN TRIBAL COUNCIL,
By DAN SHERWOOD, *Chairman.*
GEORGE CORNELIUS, *Secretary.*

[Attachment 2 (Spokane)]

LAND ACQUISITION PROJECT PLAN FOR THE INDIANS OF THE SPOKANE INDIAN RESERVATION, STEVENS COUNTY, WASH., TRIBAL FUND PROJECT, 1941

I. INTRODUCTION

The Interior Department Appropriation Act for the fiscal year 1941, approved June 18, 1940, contains the following item providing $30,000 of tribal funds for land acquisition for the Indians of the Spokane Reservation:

"For the purchase of Indian-owned and privately owned lands, improvements on lands, or any interest in lands, including water rights for Indians of the Spokane Reservation, Wash., $30,000, payable from any funds on deposit to the credit of the Indians of said reservation: *Provided*, That title to land or improvements so purchased shall be taken in the name of the United States in trust for the Indians of the Spokane Reservation."

The purpose of this report is the recommendation of a specific land purchase program to be carried out in accordance with the above act. The program recommended has been approved by the Spokane Indian Tribal Council. Upon its acceptance by the superintendent and by the Indian Office, the work of procuring options on the lands proposed for purchase will immediately be embarked upon.

II. STATUS OF LANDS WITHIN RESERVATION

The Spokane Indian Reservation was established by Executive order of January 18, 1881, and finally by a joint resolution of Congress of January 19, 1902. Under an act of May 29, 1908, approximately 628 Indians were allotted 65,114 acres of land and 1,247.3 acres were set aside for church, school, agency, and townsite purposes. By proclamation of May 22, 1909, the President opened the surplus lands to settlement, of which 5,781 acres were classified as agricultural lands. Of the surplus lands 82,647.5 acres were classified as timber and reserved for tribal use.

The present status of the lands within the reservation is as follows:

	Acres
Alienated lands	20,858
Tribal lands	83,496
Restricted allotted lands	50,210
Administration sites	473
Total	155,037

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III. DESCRIPTION OF RESERVATION

(*a*) *Location.*—The Spokane Reservation lies wholly in Stevens County, in the northeastern part of Washington. It is bounded on the north by the 48th parallel, on the east by Chamokane Creek, on the south by the Spokane River, and on the west by the Columbia River. The maximum length of the reservation is east-west, being 30½ miles along the northern boundary, and the width 14½ miles in the central part. The area included is 155,037 acres. The Spokane Subagency is located at Wellpinit, which is the principal settlement on the reservation, being located in the south-central part of the area. From Wellpinit the distance to the city of Spokane is 40 miles to the southeast. The nearest highway point is Reardon, which is 17 miles by graveled road to the south.

(*b*) *Topography.*—The reservation is occupied mainly by rolling benchland. The Huckleberry Mountains, lying principally north of the area, extend into the northwestern part of the reservation. This area comprises the most mountainous and rugged part of the reservation. Here two prominent mountains, one of which is known as Lookout Mountain, are the dominating features and attain elevations of 4,000 feet. The lowest point is at the southwest corner of the reservation, at the confluence of the Spokane and Columbia Rivers, where the elevation is 1,000 feet. The drainage of much of the mountainous are mentioned is by Sand Creek, which flows southwesterly to the Spokane River. The eastern part of the reservation is drained principally by Little Chamokane Creek and by Sams Creek, which flows southeasterly into Chamokane Creek.

(*c*) *Vegetation.*—The Spokane Reservation contains a fair stand of timber which occurs over a large part of the reservation. The timber consists of western yellow pine 75 percent, Douglas-fir 15 percent, and western larch 10 percent. The Indian-owned commercial timber is estimated by the USIS Division of Forestry to be distributed over an area of 121,429 acres, to have a volume of 363,980 thousands, and to be valued at $909,950. A large part of the timbered area is brushy. Many types of brush occur, including snowberry, chokecherry, mountain elder, ash, aspen, willow, servesberry, alder, cottonwood, wild rose, sumak, kinnikinic, and Oregon grape. The range grasses include pinegrass, grammegrass, wheat and rye bunchgrass, slender wheatgrass, and cheat. The average carrying capacity of the grazing lands is estimated by the Division of Forestry to be 20 acres per head (stock cow or steer) for a 6-month period.

(*d*) *Climate.*—The summers in this area are fairly warm and the winters moderately cold, the extreme temperatures ranging from 100° to —20°. The average annual precipitation is 15 inches and occurs throughout 10 months of the year, July and August usually being without rainfall. The average date of the last killing frost in the spring is about May 15 and that of the first killing frost in the fall September 25, making the length of the growing season 133 days. Snow usually occurs over the area from about December 1 until March 1.

(*e*) *Transportation and facilities.*—The reservation is well provided with good graveled roads, many of which have been constructed with CCCID labor. State Highway No. 22, from Davenport to Kettle Falls, passes through the eastern part of the reservation. From Wellpinit, State Highway No. 10, one of the main highways across the State, is accessible at Reardon, 17 miles by graveled road to the south. State Highway No. 395, from Spokane to Colville and British Columbia points, is reached at Springdale, which is 7 miles by road from the northeast corner of the reservation.

The Spokane Subagency is located at Wellpinit in the south-central part, which is the principal trading center on the reservation. Grade and high schools are maintained at Wellpinit under county management. Two grade schools are also maintained in the western part of the reservation, and from the eastern part Indian children attend schools at Ford, across Chamokane Creek from the reservation, and at Springdale.

The nearest railroad shipping points are at Reardon, 17 miles by road to the south, which is on the Northern Pacific Railroad, and at Springdale to the north, which is on a branch line of the Great Northern Railroad.

Electric power is provided at Wellpinit by the Washington Water Power Co., the power being generated at the Little Falls powerplant on the Spokane River.

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(*f*) *Indian population and distribution.*—The total enrollment of the Spokane Indians is 898. There are 134 families, or 692 individuals, living on the reservation, as follows:

	Families	Individuals
Enrolled on reservation	122	644
Enrolled elsewhere	10	40
Nonenrolled	2	8
Total	134	692

The majority of these Indians live on their allotments which are well distributed over the reservation.

(*g*) *Types of farming.*—Practically all of the farming on the reservation is done without irrigation. For this reason the crops produced are limited largely to hay and grain. The agency extension report for 1939 shows the tillable acreage within the Indian-owned area of the reservation to be 17,943. Of this area 9,646 acres are actually farmed, 5,560 acres by Indians and 4,086 acres by non-Indians. The acreage planted to the various crops and the yield obtained on the Indian-farmed land is shown by the extension report to be as follows:

	Acreage	Total yield	Yield per acre
Alfalfa (seeded)	60		
Alfalfa (harvested)	154	[1] 308	[1] 2.0
Sweetclover	42	[1] 40	[1] .9
Tame hay (timothy)	145	[1] 120	[1] .8
Wild hay	50	[1] 20	[1] .4
Grain hay	1,810	[1] 1,500	[1] .8
Wheat	1,210	[2] 15,200	[2] 12.6
Oats	510	[2] 10,200	[2] 20.0
Barley	80	[2] 1,200	[2] 15.0

[1] Tons.
[2] Bushels.

The livestock industry is one of the principal industries of the Spokane Indians, and has promise of development. Therefore, the lands considered for purchase are those which will be of greatest benefit to this industry. At the present time, 105 Indian families on the reservation own 670 head of beef cattle and, in addition, 109 families own 285 head of dairy cattle. The opportunities for the expansion of this industry are apparent. Approximately 1.5 tons of hay per head is required to feed the cattle over the winter months. In the event that all of the Indian-farmed land were used for hay production, this production would average about 3,788 tons, or sufficient to winter 2,525 head of cattle. On the reservation, 125,916 acres are used for grazing, and this area is sufficient to carry from 4,000 to 6,000 head of cattle for the remainder of the year. Of this grazing area, 69,056 acres are at present used as Indian range and the remaining area is leased in 2 units as sheep range to white operators.

Considerable difficulty has been experienced by the Indians from the trespass on the Indian range of white-owned cattle. The tracts of land proposed for purchase are those which will consolidate the Indian range. With the elimination of the white-owned lands within the Indian range, there will no longer be a basis for the grazing of white-owned cattle and the trespass problems should be largely eliminated.

(*h*) *Indian employment and income.*—The agency extension report for 1939 shows the average annual income of the Spokane Indians to be $485 per family. In addition to their agricultural activities, many of the Indians derive their living from the cutting and sale of cordwood for fuel. There is a good market in Spokane for the cordwood, and this furnishes an ideal outlet for Indian labor and allows the disposal of the lower grade species of timber.

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IV. PRESENT SITUATION AND LAND NEEDS OF RESERVATION

It is the opinion that the development of the livestock industry offers the most promising method of increasing the income of the Spokane Indians. To aid in the development of this industry, the acquisition of two classes of lands on the reservation are recommended, as follows:

1. Acquisition of patented lands comprising scattered tracts of logged-over grazing lands which will consolidate the Indian range into Indian ownership and thereby eliminate the trespass of outside cattle.

2. Acquisition of patented tracts comprising developed farmlands for the production of hay for winter feed of livestock.

The acquisition of the white-owned, logged-over tracts of patented grazing lands will consolidate the area known as the Chamokane grazing unit, which is used as a range for the Indian livestock, into Indian ownership. This acquisition will benefit the Indian livestock industry for the following reasons: (1) It will make possible the control of the trespass of white-owned cattle on Indian lands which in the past has been a disturbing problem; (2) it will allow for the proper fire control of this area by the Indian Forestry Division and thus decrease the loss of range because of fires; (3) it will facilitate the forestry and range management of the area involved and thereby better conserve the timber and range; (4) it will increase the carrying capacity of the Indian range; (5) it will prevent further development of white-owned, logged-off lands for agricultural purposes, which would allow additional white cattlemen to obtain a foothold on the reservation, thereby adding to the difficulties of tresspass control.

The acquisition of additional farmlands for hay production is advantageous for the expansion of the Indian cattle industry. This will also provide lands for the settlement thereon of some of the younger Indian families.

V. LANDS RECOMMENDED FOR PURCHASE

(*a*) *Description of lands.*—The purchase of all of the tracts of patented, white-owned, logged-off grazing lands and some of the Indian-owned, fee-patented lands of this class on the reservation lying east of Sand Creek, but excluding the area classed as agricultural land which lies along Chamokane Creek on the eastern border of the reservation, is proposed. This acquisition will consolidate the range land in the northeastern part of the reservation into Indian ownership. There are 19 owners involved in this proposed purchase, and the total acreage is 6,498 acres. On 5 of the tracts proposed for purchase, 113 acres of the logged-off land has been cleared and is cultivated or is cultivable. On 4 of these tracts, limited improvements have been made which are tentatively valued at $1,031.

After the purchase of the above lands, it is proposed to use the remaining funds for the acquisition of developed farmland. The purchase of the farm owned by O. W. Lanham, described as tract No. 20, is proposed but, in the event that this tract is not available at the appraised valuation, one or more similar tracts are proposed for purchase which may be available. The Lanham tract comprises 200 acres, of which about 100 acres are cultivated. Of the cultivated area, approximately 60 acres are subirrigated and 40 acres are dry farmed.

The location of the 20 tracts proposed for purchase is shown on the accompanying map of the reservation, which is marked "Exhibit No. 3."

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(b) *Price schedule of lands.*—The following price schedule for the various types of land comprising the purchase area was made after a study of the productivity and the costs of production of the lands and after consultation with the Colville Agency staff, the county extension agent, and the county assessor.

Type of land	Adaptable for—	Yield per acre	Value per acre
1. Rangelands	Grazing	30 acres per head per 6 months to 15 acres per head per 6 months.	$1.50 to $3.
2. Cultivable dry-farmed lands	Grain, grain hay	Wheat, 8 to 20 bushels; hay, 0.75 to 1.5 tons.	$8 to $30.
3. Cultivable subirrigated lands	Alfalfa	2 to 3.5 tons	$35 to $65.

(c) *Classification of lands proposed for purchase*

Owner	Tract No.	Value improved	Farmland		Grazing-land acreage	Total acreage
			Subirrigable	Dry		
Deer Park Lumber Co	1				4,722	4,722
Stevens County	2			27	393	420
C. A. Ruckhaber	3				80	80
Louis Orende	4				80	80
C. C. Wendell	5				116	116
Judd Smith	6	$385		40	40	80
Thomas Hill	7				40	40
Clyde Rhoades	8	105		15	25	40
Virginia Kathan	9				80	80
Charles Ludwick	10				80	80
Claude Markee	11				80	80
J. U. Nordlund	12	117	1	20	99	120
Emma Haines	13				80.09	80.09
Thomas Haines	14				80.06	80.06
Albert Cary	15				80.13	80.13
Clarence Haines	16				80.20	80.20
W. T. Rawleigh Co	17	724		10	70	80
Mary Haines	18				80	80
Lucy Haines Cary	19				80	80
O. W. Lanham	20	3,500	60	40	100	200
Total		4,831	61	152	6,485.48	6,698.48

(d) *Estimated valuation of lands proposed for purchase*

1. Range lands, 6,485.48 acres, at $2.50 per acre	$16,213.00
2. Cultivable dry, 152 acres, at $30 per acre	4,560.00
3. Cultivated, subirrigated, 61 acres, at $60 per acre	3,660.00
Total valuation of lands	24,433.00
Average per acre valuation of lands	3.77
Estimated valuation of improvements	4,831.00
Total value of land and improvements	29,264.00
Average per acre value of land and improvements	4.51

VI. EXHIBITS

The following exhibits accompany this report:

No. 1. Resolution of Spokane Tribal Council approving land acquisition program recommended.[1]

No. 2. Photographs of lands proposed for purchase.[2]

No. 3. Map of Spokane Reservation showing location of lands proposed for purchase.[2]

DOUGLAS CLARK,
Assistant Land Field Agent.

SAN FRANCISCO, CALIF., *January 24, 1941.*

[1] Previously printed in this report.
[2] On file with the committee for reference purposes.

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[Attachment 3 (Spokane)]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, FIELD SERVICE,
San Francisco, Calif., January 24, 1941.

Re submittal of project plan.

Mr. FRED A. GROSS,
Superintendent, Colville Indian Agency,
Nespelem, Wash.

DEAR MR. GROSS: I send you herewith a copy of a land acquisition project plan for the Indians of the Spokane Reservation. This plan provides for the expenditure of the $30,000 of tribal funds which was appropriated by Congress for the purchase of lands for the Spokane Indians during the fiscal year 1941.

It would be appreciated if you would comment on this report in a letter directed to Mr. Stewart, with a copy to this office. Any suggestions by yourself or the members of your staff for the improvement of this plan would be welcomed.

The Deer Park Lumber Co. has tentatively agreed to sell the 4,722 acres owned by them on the reservation to the Government at an average price of $2 per acre.

Sincerely yours,

DOUGLAS CLARK,
Assistant Land Field Agent.

SAN FRANCISCO, CALIF., *January 24, 1941.*

Re submittal of project plan.

Mr. J. M. STEWART,
Director of Lands, Office of Indian Affairs,
Washington, D. C.

DEAR MR. STEWART: In accordance with instructions contained in office letter of July 18, 1940, a land acquisition project plan for the Indians of the Spokane Reservation has been prepared and the report is submitted herewith in triplicate. This project plan provides for the expenditure of $30,000 of tribal funds appropriated by Congress for the purchase of lands for these Indians during the fiscal year 1941. The report was prepared after meeting with the subagency staff and the tribal council and after inspecting each parcel of land proposed for purchase.

A total acreage of 6,698 acres of patented land, located within the reservation and largely white owned, is proposed for purchase of which 6,483 acres is classed as grazing land, a large part of which has been logged off. The main objectives in the purchases of this grazing land are (1) the consolidation of the range and a large part of the reservation into Indian ownership in order that this area may be utilized most advantageously; and (2) to prevent further development of this class of land by white settlers for agricultural purposes which increases the administration problems on the reservation. Of the 6,485 acres of grazing land proposed for purchase 4,722 acres are owned by the Deer Park Lumber Co. The pine timber on all of this acreage has been cut excepting that on 5 parcels or former allotments which have a combined area of 600 acres. In the purchase of this 600 acres of timberland it is proposed to allow the lumber company to reserve the right to cut the pine timber selectively under the supervision of the Forestry Division within 3 to 5 years after the land is purchased. Thus, the tribal funds will not be expended for timber but a reproduction stand will be left on the land. After the purchase of the grazing lands it is proposed that the remaining funds, estimated at $9,346, be used for the purchase of patented white owned developed agricultural lands on the reservation.

The Spokane Indian Tribal Council has approved this program and a resolution to this effect passed by the council is attached to the project plan as exhibit No. 1.

Sincerely yours,

DOUGLAS CLARK, *Assistant Land Field Agent.*

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COLVILLE AND SPOKANE

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. Tribal ownership as of July 1, 1947:
   - A. Colville Tribe:
     1. In trust: 906,407.01 acres.
     2. In fee: None.
   - B. Spokane Tribe:
     1. In trust: 90,243.00 acres.
     2. In fee: None.
2. Individual Indian ownership as of July 1, 1947:
   - A. Colville Reservation:
     1. In trust or restricted: 225,221.491.
   - B. Spokane Reservation:
     1. In trust or restricted: 47,828.00.

3. Number of transactions disposing tribal and individual owned lands for each fiscal year beginning July 1, 1947, to June 30, 1957:

Fiscal year	Colville		Spokane	
	Tribal	Allotted	Tribal	Allotted
1948	None	3	None	None
1949	None	3	None	None
1950	10	17	None	None
1951	2	32	None	None
1952	None	3	None	None
1953	None	11	None	None
1954	None	10	None	1
1955	None	60	None	None
1956	None	53	None	1
1957	None	55	None	2

4. Number of acres disposed of or removed from Bureau jurisdiction for each fiscal year beginning July 1, 1947, to June 30, 1957:

Fiscal year	Colville		Spokane	
	Tribal	Individual	Tribal	Individual
1. 1948	None	270.00	None	None
2. 1949	None	113.53	None	None
3. 1950	283.28	195.51	None	None
4. 1951	20.42	757.31	None	None
5. 1952	None	230.33	None	None
6. 1953	None	911.42	None	None
7. 1954	None	841.69	None	100.00
8. 1955	None	8,088.29	None	None
9. 1956	None	5,164.61	None	160.00
10. 1957	None	5,803.39	None	139.45
Total acreage	303.70	22,376.08	----------	399.45

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5. Type of transaction for each fiscal year beginning July 1, 1947, to June 30, 1957 (breakdown to No. 3):

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
COLVILLE										
A. Tribal owned:										
1. Taking for public purposes			10	2						
Total			10	2						
B. Individually owned:										
1. Patents-in-fee				1	1	5	7	19	26	27
2. Removal of restrictions								1		
3. To fee status by devise or inheritance (entire interest only)	1								2	
4. To fee status by partition	1	1					1			
5. Patent issued to nonrestricted interest										4
6. Sales to fee status	1			5	2	6	2	36	23	23
7. To fee status by exchange		1								
8. To fee status by gift								1		
9. Taking for public purposes		1	17	26				3	2	1
Total	3	3	17	32	3	11	10	60	53	55
SPOKANE										
A. Tribal owned										
B. Individually owned:										
1. Patents-in-fee									1	1
2. Sales to fee status							1			
Total							1		1	1

6. Acreages for each fiscal year beginning July 1, 1947, to June 30, 1957 (breakdown to No. 4):

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
COLVILLE										
A. Tribal owned:										
1. Taking for public purposes			283.28	20.42						
Total			283.28	20.42						
B. Individually owned:										
1. Patents-in-fee				80.00	30.85	455.15	616.69	2,250.95	2,923.34	2,973.68
2. Removal of restrictions								71.80		
3. To fee status by devise or inheritance (entire interest only)	120.00								226.12	
4. To fee status by partition	50.00	72.53					65.00			
5. Patent issued to nonrestricted interest										403.64
6. Sales to fee status	100.00			401.05	199.48	456.27	160.00	5,657.19	1,995.15	2,406.67
7. To fee status by exchange		40.00								
8. To fee status by gift								82.15		
9. Taking for public purposes		1.00	195.51	276.26				26.20	20.00	20.00
Total	270.00	113.53	195.51	757.31	230.33	911.42	841.69	8,088.29	5,164.61	5,803.39
SPOKANE										
A. Tribal owned										
B. Individually owned:										
1. Patents-in-fee									160.00	139.45
2. Sales to fee status							100.00			
Total							100.00		160.00	139.45

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7 through 10. Not applicable.

11. Tribal ownership as of December 31, 1957:

A. Colville Tribe:

1. In trust: 912,905.95 acres.
2. In fee: None.

B. Spokane Tribe:

1. In trust: 90,243.00 acres.
2. In fee: None.

12. Individual Indian ownership as of December 31, 1957:

A. Colville Reservation:

1. In trust or restricted: 194,549,591 acres.

B. Spokane Reservation:

1. In trust or restricted: 47,428.55 acres.

13. The trend toward sales by individuals is influenced by various factors, i. e., State welfare cases, relocations, nonresidents who wish to liquidate their land holdings on the reservation and establish elsewhere, and those who wish to use the proceeds as a supplement to a low income or improve their standard of living by investments in businesses, homes, etc.

Attached is Public Law 772 "Restoring to tribal ownership certain lands upon the Colville Indian Reservation, Wash., and for other purposes," and other attachments relating thereto.

1. Public Law 772 (70 Stat. 626–627).
2. Resolution No. 1958–14.
3. Memorandum with Commissioner's letter, April 29, 1958.
4. Excerpts from Colville delegation report.

14. (*a*) Neither the Colville or Spokane Tribe hold undivided interests in any tract. By devise or escheat this could come to pass but so far, through such process, only entire interests have been involved. There is one exception involving a Colville allotment in which the Nez Perce Tribe holds by devise an undivided interest. To dispose of this allotment may require special legislation to authorize the Nez Perce Tribe to sell its interest.

(*b*) There are numerous individuals holding interests in certain allotted lands whose interest therein is nonrestricted; these comprise Canadian Indians who were allotted and who inherited, Indians who inherited an interest already nonrestricted (thus, in some cases, a given individual holds both restricted and nonrestricted interests in same tract), and non-Indians who inherited in a nonrestricted status. Such ownership patterns present special problems and are difficult and time-consuming to handle, not only as to acquisition and disposal matters but also to effect use agreements, rights-of-way, and timber-cutting contracts; the Bureau's jurisdiction extending only to the restricted interests. This results in some cases in inability to consummate proposed transactions. It is certainly not conducive to the dictates of sound property management and results in a disservice to all of the owners involved, particularly where the majority interests have participated only to be stalemated for lack of minority participation. There are about 100 Indian landowners purported to be Canadian nationals whose status awaits adjudication as to whether they are alien Indians.

(*c*) Neither the Colville nor Spokane Tribes are under the Indian Reorganization Act.

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(*d*) This is ever present as a major problem in administering the numerous allotted lands which are in multiple ownership. Securing agreement among all heirs is not only tedious and time-consuming but also results in retarding a proposed transaction until agreement is secured; or, results in a stalemate for lack of agreement among all even though the majority interests may agree.

(e) None readily identifiable, however full use of such authority in appropriate cases is intended.

Acquisition and disposal—Colville Tribe

	Allotment	Tribal
Balance July 1, 1947	225, 221. 49	906, 407. 01
Acquisitions:		
Cancellation of fee patent (issued 1920)	160. 000	
Purchase of fee lands		2, 108. 70
Purchase from Indian allotted lands (and gifts)		4, 693. 94
Balance	225, 061. 491	913, 209. 65
Less disposals:		
Removal of restrictions by placing of fee title in owners July 1, 1947, to June 31, 1957	10, 267. 350	
To fee status July 1, 1947 to June 31, 1947	12, 106. 730	
Sale of allotments to tribe	4, 693. 940	
Sale of public purposes (Chief Joseph Dam)		303. 70
Subtotal	190, 787. 711	912, 905. 95
Additional disposals from July 1 to Dec. 31, 1957	3, 761. 880	
Balance Dec. 31, 1957	194, 549. 591	912, 905. 95

PUBLIC LAW 772—84TH CONGRESS

CHAPTER 684—2D SESSION

H. R. 7190

AN ACT Restoring to tribal ownership certain lands upon the Colville Indian Reservation, Washington, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the undisposed-of lands of the Colville Indian Reservation, Washington, dealt with by the Act of March 22, 1906 (34 Stat. 80), are hereby restored to tribal ownership to be held in trust by the United States to the same extent as all other tribal lands on the existing reservation, subject to any existing valid rights.

SEC. 2. For the purpose of effecting land consolidations between the Colville Indians and non-Indians in Ferry and Okanogan Counties, the Secretary of the Interior is hereby authorized, with the consent of the tribal council as evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, under such regulations as he may prescribe, to sell or exchange tribal lands in connection with the acquisition of lieu lands, and to acquire through purchase, exchange, or relinquishment, lands or any interest in lands, water rights, or surface rights. The acquisition of lands pursuant to this Act shall be limited to lands within the boundary of the reservation. Exchanges of lands, including improvements thereon, shall be made on the basis of approximate equal value. In carrying out the provisions of this Act, if non-Indian lands are involved the board of county commissioners of counties in which land is located shall by proper resolution consent before such non-Indian land is acquired for the tribe or an individual Indian. No lands or interests in lands owned by the Confederated Tribes of the Colville Reservation shall be subject to disposition hereafter without the consent of the duly authorized governing body of the tribes, and no lands or interests in lands shall be acquired for the tribes without the consent of the said governing body.

SEC. 3. Title to lands or any interest therein acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the tribe or individual Indian and shall be nontaxable as other tribal and allotted trust Indian lands of the Colville Reservation.

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SEC. 4. The agreement entered into by the Confederated Tribes of the Colville Reservation and Okanogan and Ferry Counties of the State of Washington on April 21, 1954, is hereby ratified and approved.

SEC. 5. The Business Council of the Confederated Tribes of the Colville Reservation shall, in accordance with resolution numbered 1955–33, dated April 8, 1955, of the Colville Business Council, submit to the Secretary of the Interior within five years from the date of enactment of this Act proposed legislation providing for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members within a resonable time after the submission of such proposed legislation.

Approved July 24, 1956.

RESOLUTION 1958–14 OF THE COLVILLE BUSINESS COUNCIL

Whereas Public Law 772, 84th Congress, provided for the quieting of title to 818,000 acres, more or less, of undisposed-of ceded lands; authorized tribal land consolidation along with a further authorization whereby it would be permissible to sell or acquire through purchase, exchange, or relinquishment lands or other interests in lands, water rights or surface rights within the boundaries of the reservation; and

Whereas Public Law 772, 84th Congress, in sections 4 and 5, ratified and approved an agreement entered into by the Colville Business Council and Okanogan and Ferry Counties, State of Washington, on April 21, 1954, whereby the Confederated Tribes of the Colville Reservation were to pay $40,000 per annum in lieu of tax to the counties for the first 3 years and the amount of annual payments to be paid by the tribes to the counties for each 3-year period is to be ascertained by giving paramount consideration to the financial ability of the tribes to make such payments and shall use as a base in making said determination of financial ability the net income of the tribes during the fiscal years ending on June 30, 1953, and June 30, 1954, and its relationship to the $40,000 annual payments provided for under the provisions of this agreement for the initial 3-year period; and

Whereas the aforementioned agreement was not to be binding upon the tribes until it had been approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and

Whereas the fact that neither the Commissioner of Indian Affairs nor the Secretary of the Interior officially approved the agreement by affixing their signatures thereto is a pertinent indication that these two officials had compunctions as to the legality of such an agreement; and

Whereas section 5 of the act provides that the Business Council of the Confederated Tribes of the Colville Reservation shall, in accordance with resolution No. 1955–33, dated April 8, 1955, of the Colville Business Council, submit to the Secretary of the Interior within 5 years from the date of enactment of Public Law 772, 84th Congress, proposed legislation providing for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members within a reasonable time after the submission of such proposed legislation; and

Whereas sections 4 and 5 contained provisions that the membership of the Confederated Tribes of the Colville Reservation never had an opportunity to register its approval or disapproval as is set forth in the constitution of the Confederated Tribes of the Colville Reservation in section 1 (e), article V; and

Whereas section 1 (e) of article V of the constitution of the Confederated Tribes of the Colville Reservation provides: "To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the reservation, or obtaining special rights or privileges, and the same may be applied to members of the tribes provided such ordinances have been approved by a referendum of the Confederated Tribes"; and

Whereas it is then apparent that clause "(e)" empowers the levy by the Colville Business Council of fees on nonmembers doing business on the reservation, but such fees may not be applied to the members of the tribe without referendum; and

Whereas no power to tax or contract with respect to tribal income or property may be implied from lesser and general grants of power in the face of jealous imposition or restriction of referendum upon the licensing power over business; and

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Whereas it is certain that if such provisions as set forth in sections 4 and 5 of Public Law 772, 84th Congress, had been lawfully put before the Confederated Tribes of the Colville Reservation, the same would have been rejected by a vast majority vote; and

Whereas enactment of sections 4 and 5 of Public Law 772, 84th Congress, was not in the best interests of the Confederated Tribes of the Colville Reservation, but was in fact amendments sponsored by the Bureau of Indian Affairs to exact termination of Federal protection of Indian property, rights, and prerogatives as a price for granting the Colville Indians the benefits provided for in the first three sections of said act; and

Whereas the contract agreement entered into between the Colville Business Council and the counties of Ferry and Okanogan, State of Washtington, imposed a tax on the membership of the Confederated Tribes of the Colville Reservation; and

Whereas the payment in lieu of tax is contrary to the wishes of the members of the Confederated Tribes of the Colville Reservation since that tax abridges vested rights of the tribal members; and

Whereas the regional solicitor for the Department of the Interior at Portland, Oreg., ruled that the Colville Business Council was not empowered to assess charges on the issuance of beaver trapping permits as provided for in Resolution 1955–135, adopted October 14, 1955, for the reason that this grant of power is not provided under the provisions of section 1 (e) of article V of the constitution of the Confederated Tribes of the Colville Reservation; and

Whereas lacking authority to impose a tax or to furnish governmental services, the Colville Business Council was without authority to contract with Ferry and Okanogan Counties for the payment in lieu of tax; and

Whereas it is incumbent on the present membership of the Colville Business Council to rectify a wrong created by the Colville Business Council when it on April 21, 1954, arrogated to itself powers that were not granted to it under the constitution of the Confederated Tribes of the Colville Reservation; and

Whereas the Colville Business Council exists only by virtue of the constitution of the Confederated Tribes of the Colville Indian Reservation, as adopted by referendum and possess such authority, and only such authority, as may be found to have been delegated to it by the tribe in that constitution, as amended: Now, therefore, be it hereby

Resolved, That we, the Colville Business Council, meeting in regular session at the Colville Indian Agency, Nespelem, Wash., acting for and in behalf of the Colville Indians this 10th day of January 1958, do hereby request the Congress of the United States to amend Public Law 772, 84th Congress, by repealing sections 4 and 5 of said law.

The foregoing was duly enacted by the Colville Business Council by a vote of 12 for and 0 against, under authority contained in article V, section 1 (a) of the constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

Attest:

LOUIS WAPATO,
Chairman, Colville Business Council.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C., May 29, 1958.

CHAIRMAN, COLVILLE TRIBAL BUSINESS COUNCIL.

DEAR SIR: On March 12, 1958, a conference was held in the central office between Messrs. Stephen Cleveland, Barney Rickard, Joe Monaghan, Edward Gorr, John B. Cleveland, and Frank George, representing the Confederated Tribes, and Messrs. John Crow, D. H. Bruce, Homer Jenkins, and James Gammon, of the central office staff.

Brought up for discussion was the tribe's land program, as authorized by the act of July 24, 1956 (70 Stat. 626). The delegation was congratulated on the manner in which its memorandum of January 20, 1958, to the Commissioner, particularly that part relating to land sales and exchanges, had been prepared, and the thought and analysis that had gone into its consideration. Since the March 12 meeting, the Secretary of the Interior has delegated to the Commissioner his authority under the 1956 act. An order is presently pending for re-

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delegation of this authority to the area director in Portland, and should be forthcoming shortly.

There was a discussion of the reservation of mineral rights by Indians who may sell their lands. Attached is a copy of our recent memorandum to all area directors setting out policy and procedural guidelines on that subject.

In connection with the proposed sale of tribal lands to deserving individual members of the tribe who are landless, it was pointed out that such sales could be made under the existing tribal credit program. It was suggested that this procedure would be preferable to any type of conditional sale, since procedures are already in existence to extend credit, handle periodic payments, issue mortgages, and provide related services under the credit program.

Sincerely yours,

GLENN L. EMMONS, *Commissioner.*

CONFEDERATED TRIBES,
COLVILLE RESERVATION,
COLVILLE INDIAN AGENCY,
Nespelem, Wash., January 20, 1958.

Memorandum[1]
To: Commissioner of Indian Affairs.
From: Colville Business Council.
Subject: Business council delegation to Washington, D. C.

* * * * * * *

4. *Land sales and exchanges.*—The Colville Business Council has had many requests from tribal members who wish to exchange their land. The problems involved should be resolved so that a workable policy can be implemented.

Section 2 of Public Law 772, 84th Congress, 2d session, provides: "For the purpose of effecting land consolidations between the Colville Indians and non-Indians in Ferry and Okanogan Counties, the Secretary of the Interior is hereby authorized, with the consent of the tribal council as evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, under such regulations as he may prescribe, to sell or exchange tribal lands in connection with the acquisition of lieu lands, and to acquire through purchase, exchange, or relinquishment, lands or any interest in lands, water rights, or surface rights. The acquisition of lands pursuant to this act shall be limited to lands within the boundary of the reservation. Exchanges of lands, including improvements thereon, shall be made on the basis of approximate equal value. In carrying out the provisions of this act, if non-Indian lands are involved the board of county commissioners of counties in which land is located shall by proper resolution consent before such non-Indian land is acquired for the tribe or an individual Indian. No lands or interests in lands owned by the Confederated Tribes of the Colville Reservation shall be subject to disposition hereafter without the consent of the duly authorized governing body of the tribes, and no lands or interests in lands shall be acquired for the tribes without the consent of the said governing body."

The Colville Business Council desires to have a land policy implemented for the purpose of—

(*a*) Effecting consolidations of land, situated within the Colville Indian Reservation in the State of Washington, between the Confederated Tribes of the Colville Reservation and individual members of the tribes and the individual members thereof, whereby the Secretary of the Interior would be authorized in his discretion to—

(1) Purchase for the Confederated Tribes of the Colville Reservation, with tribal funds of such tribes on deposit in the United States Treasury, or otherwise, any lands held by individual members of the Confederated Tribes of the Colville Reservation and other Indians under trust patent or other restrictions against alienation including lands in heirship status, within the Colville Indian Reservation, including interests therein or improvements thereon, water rights, and surface rights;

(2) Sell to individual members of the Confederated Tribes of the Colville Reservation any tribal trust lands which are within such reservation, including lands, interests, improvements, and rights acquired for the tribes at any time; and

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[1] Only section pertaining to land sales and exchanges is shown.

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(3) Exchange any tribal trust lands within such reservation, including lands, interests, improvements, and rights acquired for the tribes at any time, for lands situated within the Colville Reservation which are held by individual members of the tribes and other Indians under trust patent or other restrictions against alienation, including lands in heirship status.

(*b*) The Secretary shall obtain the advice and consent of the Colville Business Council before entering into any such transactions. The terms and conditions of any such transaction or transactions, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Colville Business Council, and the individual Indian or Indians concerned. Any such exchange of tribal lands for lands held by individual members of the Confederated Tribes of the Colville Reservation or other Indians, and for lands in heirship status, shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands. If non-Indian lands are involved the board of county commissioners of counties in which land is located shall by proper resolution consent before such non-Indian land is acquired for the tribe or an individual Indian.

(*c*) Title to lands, interests, improvements, or rights so acquired by the Secretary for the Confederated Tribes of the Colville Reservation through purchase or exchange shall be held by the United States in trust for the Confederated Tribes. Title to tribal trust lands, interests, improvements, or rights so acquired by the Secretary for the Confederated Tribes of the Colville Reservation through purchase or exchange shall be held by the United States in trust for the Confederated Tribes. Title to tribal trust lands, interests, improvements, or rights sold by the Secretary to individual members of the Confederated Tribes or exchanged by the Secretary for lands held under trust patent or other restrictions against alienation by individual members of the tribes and other Indians or for lands in heirship status shall be held by the United States in trust for the individual Indian or Indians concerned.

(*d*) Sums derived from the sale of tribal trust lands, interests, improvements, and rights shall be credited to the tribal funds of the Confederated Tribes of the Colville Reservation.

(*e*) No transaction entered into under this land policy shall affect, without the consent of the lessee, any lease of lands, interests, improvements, or rights involved in such transaction, or any right of the lessee with respect to extension or renewal of such lease, which is in existence at the time such transaction is entered into.

(*f*) Nothing in this land policy of the Confederated Tribes of the Colville Reservation shall affect the existing status of any lands, interests, improvements, or rights with respect to taxation except in conformance with agreements reached with the boards of county commissioners of Ferry and Okanogan Counties.

(*g*) The Business Council of the Confederated Tribes shall have power to prescribe rules and regulations governing land transactions on the Colville Indian Reservation; provided that such rules and regulations shall be subject to the approval of the Secretary of the Interior.

As to the part covering the prescribing of rules and regulations governing land transactions, we propose the inclusion of the following recommendations:

(*a*) That the governing body of the Confederated Tribes of the Colville Reservation will be the sole judge of any transaction for the tribe that may be negotiated with individual tribal members either in the sale of tribal lands or the exchange of tribal lands;

(*b*) That all lands acquired by the Confederated Tribes of the Colville Reservation shall be held in trust for them by the United States Government;

(*c*) That all land involved in this land consolidation program, including the sale of tribal lands, purchase of trust or nontrust property, and exchanges, shall be appraised by competent appraisers;

(*d*) That lands to be exchanged shall be of approximately equal value;

(*e*) That lands the tribes may purchase from individual tribal members or acquire by exchange will be made primarily to consolidate tribal holdings;

(*f*) On all sales of tribal land to individual tribal members, the tribes will hold title until the land is fully paid for by the individual purchaser;

(*g*) That individual tribal members will be given opportunities to purchase tribal lands on long-term purchase agreements extending over a 20-year period if necessary;

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(*h*) Where non-Indian lands are involved, and when such lands are acquired by the Confederated Tribes of the Colville Reservation, such lands shall be put in trust status; provided that the values involved do not exceed the total amount of sales (based on dollars and cents) of Indian trust-held lands where trust restrictions were removed since July 24, 1956, as part of the consideration (for example, if a parcel of Indian trust property is taken out of trust whose valuation is approximately $5,000, then the tribes would be permitted to take deeded land of similar value located within the boundaries of the Colville Reservation and place it in a trust status); and

(*i*) Transactions under this land policy will conform to agreements reached with the boards of county commissioners of Ferry and Okanogan Counties whereby it will be possible to effectuate a consolidation of deeded lands in some areas while working out a consolidation of trust lands in other areas.

* * * * * * *

Sincerely submitted.

LOUIS WAPATO,
Chairman, Colville Business Council.

COLVILLE TRIBAL DELEGATION

* * * * * * *

(*k*) Opposed the enactment of S. 2397 which would authorize the partition or sale of inherited interests in alloted Indian lands and thereby reduce the Indian land base, as per Business Council Resolution 1957–134, adopted July 12, 1957.

(*l*) Favored the early enactment of H. R. 8062 and S. 2570 which provide that the public assistance provisions of the Social Security Act shall be amended to provide that the value of restricted Indian lands shall not be taken into account in determining the need of any Indian for such assistance.

* * * * * * *

H. R. 8544 was passed in the House of Representatives on March 3, 1958. The Colville Business Council has asked for repeal of the last two sections of Public Law 772, 84th Congress, because it is the sense of the present membership of the Colville Business Council that such land legislation should never have been enacted. That the Indian Bureau unduly pressured the Colville Business Council in 1954 into accepting sections 4 and 5 of which is now Public Law 772 before the Indian Bureau would agree to the quieting of title to the tribal lands of the Confederated Tribes of the Colville Reservation.

* * * * * * *

Delegates met Congressman Ed Edmondson of Oklahoma. He is the author of H. R. 8062 which provides for amending the Social Security Act so that the value of restricted Indian lands shall not be taken into account in determining the need of any Indian for public assistance. Congressman Edmondson said he was very grateful over the fact that the Colville Business Council was so deeply interested in passage of his bill. A later meeting with him was to be held. Congressman Edmondson said this legislation is sorely needed by the Indians and that it had the support of Oklahoma Indians. He said he is opposed to having Indians being forced to sell their trust lands before they can be given consideration for public assistance.

* * * * * * *

On March 12, the delegates met with the staff members of the Resources Branch of the Indian Bureau. Meeting with the delegates were John O. Crow, Delbert Bruce, Homer Jenkins, and Carl Cornelius.

A discussion was held on land sales and exchanges. The delegates had submitted a statement in advance stating as follows:

"The Colville Business Council has had many requests from tribal members who wish to exchange their land. The problems involved should be resolved so that a workably policy can be implemented.

"Section 2 of Public Law 772, 84th Congress, 2d session, provides, 'For the purpose of effecting land consolidations between the Colville Indians and non-Indians in Ferry and Okanogan Counties, the Secretary of the Interior is hereby authorized, with the consent of the tribal council as evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, under such regulations as he may prescribe, to sell or exchange tribal lands in connection

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with the acquisition of lieu lands, and to acquire through purchase, exchange, or relinquishment, lands or any interest in lands, water rights, or surface rights. The acquisition of lands pursuant to this act shall be limited to lands within the boundary of the reservation. Exchanges of lands, including improvements thereon, shall be made on the basis of approximate equal value. In carrying out the provisions of this act, if non-Indian lands are involved the board of county commissioners of counties in which land is located shall by proper resolution consent before such non-Indian land is acquired for the tribe or an individual Indian. No lands or interests in lands owned by the Confederated Tribes of the Colville Reservation shall be subject to disposition hereafter without the consent of the duly authorized governing body of the tribes, and no lands or interests in lands shall be acquired for the tribes without the consent of the said governing body.'

"The Colville Business Council desires to have a land policy implemented for the purpose of:

"(*a*) Effecting consolidations of land, situated within the Colville Indian Reservation in the State of Washington, between the Confederated Tribes of the Colville Reservation and individual members of the tribes and the individual members thereof, whereby the Secretary of the Interior would be authorized in his discretion to—

"(1) Purchase for the Confederated Tribes of the Colville Reservation, with tribal funds of such tribes on deposit in the United States Treasury, or otherwise, any lands held by individual members of the Confederated Tribes of the Colville Reservation and other Indians under trust patent or other restrictions against alienation including lands in heirship status, within the Colville Indian Reservation, including interests therein or improvements thereon, water rights, and surface rights;

"(2) Sell to individual members of the Confederated Tribes of the Colville Reservation any tribal trust lands which are within such reservation, including lands, interests, improvements, and rights acquired for the tribes at any time; and

"(3) Exchange any tribal trust lands within such reservation, including lands, interests, improvements, and rights acquired for the tribes at any time, for lands situated within the Colville Reservation which are held by individual members of the tribes and other Indians under trust patent or other restrictions against alienation, including lands in heirship status.

"(*b*) The Secretary shall obtain the advice and consent of the Colville Business Council before entering into any such transactions. The terms and conditions of any such transaction or transactions, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Colville Business Council, and the individual Indian or Indians concerned. Any such exchange of tribal lands for lands held by individual members of the Confederated Tribes of the Colville Reservation or other Indians, and for lands in heirship status, shall be effected on the basis of approximately equal consideration with the due allowance for the value of improvements in determining the value of such lands. If non-Indian lands are involved the board of country commissioners of counties in which land is located shall by proper resolution consent before such non-Indian land is acquired for the tribe or an individual Indian.

"(c) Title to lands, interests, improvements, or rights so acquired by the Secretary for the Confederated Tribes of the Colville Reservation through purchase or exchange shall be held by the United States in trust for the Cenfederated Tribes. Title to tribal trust lands, interests, improvements, or rights so acquired by the Secretary for the Confederated Tribes of the Colville Reservation through purchase or exchange shall be held by the United States in trust for the Confederated Tribes. Title to tribal trust lands, interests, improvements, or rights sold by the Secretary to individual members of the Confederated Tribes or exchanged by the Secretary for lands held under trust patent or other restrictions against alienation by individual members of the tribes and other Indians or for lands in heirship status shall be held by the United States in trust for the individual Indian or Indians concerned.

"(*d*) Sums derived from the sale of tribal trust lands, interests, improvements, and rights shall be credited to the tribal funds of the Confederated Tribes of the Colville Reservation.

"(*e*) No transaction entered into under this land policy shall affect, without the consent of the lessee, any lease of lands, interests, improvements, or rights involved in such transaction, or any right of the lessee with respect to extension

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or renewal of such lease, which is in existence at the time such transaction is entered into.

"(*f*) Nothing in this land policy of the Confederated Tribes of the Colville Reservation shall affect the existing status of any lands, interests, improvements, or rights with respect to taxation except in conformance with agreements reached with the boards of county commissioners of Ferry and Okanogan Counties.

"(*g*) The Business Council of the Confederated Tribes shall have power to prescribe rules and regulations governing land transactions on the Colville Indian Reservation: *Provided*, That such rules and regulations shall be subject to the approval of the Secretary of the Interior.

"As to the part covering the prescribing of rules and regulations governing land transactions, the council proposed the inclusion of the following recommendations:

"(*a*) That the governing body of the Confederated Tribes of the Colville Reservation will be the sole judge of any transaction for the tribe that may be negotiated with individual tribal members either in the sale of tribal lands or the exchange of tribal lands;

"(*b*) That all lands acquired by the Confederated Tribes of the Colville Reservation shall be held in trust for them by the United States Government;

"(*c*) That all land involved in this land consolidation program including the sale of tribal lands, purchase of trust or nontrust property, and exchanges, shall be appraised by competent appraisers;

"(*d*) That lands to be exchanged shall be of approximately equal value;

"(*e*) That lands the tribes may purchase from individual tribal members or acquire by exchange will be made primarily to consolidate tribal holdings;

"(*f*) On all sales of tribal land to individual tribal members, the tribes will hold title until the land is fully paid for by the individual purchaser;

"(*g*) That individual tribal members will be given opportunities to purchase tribal lands on long-term purchase agreements extending over a 20-year period if necessary;

"(*h*) Where non-Indian lands are involved, and when such lands are acquired by the Confederated Tribes of the Colville Reservation, such lands shall be put in trust status: *Provided*, That the values involved do not exceed the total amount of sales (based on dollars and cents) of Indian trust held lands where trust restrictions were removed since July 24, 1956, as part of the consideration (for example, if a parcel of Indian trust property is taken out of trust whose valuation is approximately $5,000, then the tribes would be permitted to take deeded land of similar value located within the boundaries of the Colville Reservation and place it in a trust status); and

"(*i*) Transactions under this land policy will conform to agreements reached with the boards of county commissioners of Ferry and Okanogan Counties whereby it will be possible to effectuate a consolidation of deeded lands in some areas while working out a consolidation of trust lands in other areas."

On March 12, the delegates were told that the Bureau was in full agreement with the proposals set forth hereinabove which had been sent in in a memorandum form on January 20, 1958. The delegates were told that the Indian Bureau would send in a full detailed letter on this subject of land sales and exchanges as soon as possible. However, they doubted whether the letter would be available to the council during the month of April.

* * * * * * *

In its closing session, the executive council of the National Congress of American Indians endorsed H. R. 8062 and S. 2570 which propose to amend the public assistance provisions of the Social Security Act to provide that the value of restricted Indian lands shall not be taken into account in determining the need of any Indian for such assistance.

The council went on record to redouble its efforts in seeking early enactment of Senate Concurrent Resolution 3. It also registered its opposition to enactment of S. 2397, a bill to authorize the partition or sale of inherited interests in allotted lands. It was the sense of the council that this bill was carrying out a scheme which would bring about forced sales of trust lands and lead to further depletion of the Indian land base.

* * * * * * *

Since the passage of H. R. 8544 to provide for restoration to tribal ownership of surplus Indian lands in Congress and which at this writing awaits the signature of the President before it becomes a public law, the Colville Business Council members who were on the tribal delegation wish to report that a Member of Congress has agreed to introduce a bill to repeal sections 4 and 5 of Public Law

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772, 84th Congress, and use passage of H. R. 8544 as a justification for enactment of a bill to repeal sections 4 and 5 of the public law that pertains to the Colville tribal lands. It is felt that there is a good chance for the bill passing in Congress. This would mean that the termination clause of the public law would be rescinded along with the payment of in-lieu-of taxes to Okanogan and Ferry Counties in the amount of $40,000 per annum. The delegation was assured in Washington, D. C., that a bill would be introduced to repeal sections 4 and 5 of Public Law 772, 84th Congress, if the Indians wanted it.

* * * * * * *

To terminate today or some time real soon would mean that there would be no determination made of the status of mining claims within the reservation. This work is to start during fiscal year 1959. The Colville Business Council also has a request for a survey of the mineral resources of the reservation. This work is not included in the 1959 budget estimate and is therefore not mentioned in the 1959 appropriation bill. There is much to be done in the formulation of a land program. The act of July 24, 1954, vested authority in the Secretary of the Interior to implement the provisions of section 2 of the act. This authority was transferred or delegated to the Commissioner of Indian Affairs and a redelegation to the area director at Portland, Oreg., is now being prepared. There is still much to do in the days ahead to formulate sound planning to meet the needs of the people who are enrolled members on the Colville Reservation.

* * * * * * *

Respectfully submitted.

THE COLVILLE TRIBAL DELEGATION.

PART II—COLVILLE AND SPOKANE

1. None to our knowledge.
2. None.
3. Under the Colville Tribe's key tract purchase program adopted by Resolution No. 1956–15 and approved by the Bureau December 12, 1956, 2 tracts totaling 313 acres were purchased early this fiscal year. Ten additional tracts totaling 1,500 acres, which the respective owners wish to sell, have been designated by said tribe as key tracts and the sales thereof to the tribe are in various stages of completion. In the case of sales between individual Indians, the Colville Tribe is not concerned as to whether the land may be a key tract in that it is not being removed from trust status. In formulation is a land consolidation program (purchases, sales, and exchanges) as authorized by Public Law 772, approved July 24, 1956 (70 Stat. 626–627). With this program underway, the key tract purchase program will be integrated therewith. Thus, with such a program underway, and in keeping with the Commissioner's recent statement on the Indian Bureau's policy, the tribe will be able to acquire most all of the individual trust lands offered for sale if it so elects. This, of course, within the limits of its financial resources.

The Spokane Tribe does not presently have a key tract purchase program; however, it is a small reservation and does not have the degree of sales activity as does Colville.

See the following attachments:

1. Tribal Resolution No. 1956–15 and Bureau approval.
2. Tribal Resolution No. 1956–16.
3. Public Law 772 (70 Stat. 626–627).

(See also attachments to pt. I, re par. 14.)

4. None to our knowledge.
5. Nil.

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6. None, except as reflected in the "narrative enumeration, 1930–1957."

NOTE.—It must be borne in mind that personalities and policy of succeeding council members differ with respect to criteria for key tracts and, also, that the tribe's financial means must be considered. Through the superintendent's review board on proposed land disposals, comprised of certain staff members and a tribal council representative, the tribe is afforded the opportunity of considering tracts for purchase. Further, the superintendent's staff members make recommendations of tracts to be considered for tribal purchase as key tracts.

RESOLUTION 1956–15

Whereas in a letter dated November 9, 1955, the area director advised the business council that the 1956 appropriation act permitted the tribes to purchase trust allotments with tribal moneys; and

Whereas for many years the councils of the Colville Confederated Tribes have endeavored to hold the lands and the boundaries of the Colville Reservation intact; and

Whereas the recent liberalized land policy regarding the issuance of patents-in-fee to Indians has resulted in a landslide of applications to sell trust property within the boundaries of the reservation; and

Whereas in the case of those persons applying for welfare assistance, the State laws of Washington require that such persons must first list (if they have land) the greatest part of their lands for sale before assistance is available; and

Whereas in many cases such sales will be key tracts of land adjoining tribal timbered areas, grazing units, and embracing the lakes and streams of the reservation. Such sales may result in the loss of access to isolated timbered areas, stock watering holes adjacent or within grazing units, access and control of the lakes and streams within the boundaries of the reservation; and

Whereas said loss and control would seriously jeopardize efficient and proper management of the forestry, grazing, and fish and wildlife programs of the Colville Reservation; and

Whereas the members of the council deem it urgent and necessary that a key tract land purchase program be established as soon as possible in order that the rights, privileges, and property of the Colville Indians may be protected to the fullest extent and that control and management may not be completely alienated: Now, therefore, be it hereby

Resolved, That we, the Colville Business Council, meeting in regular session at the Colville Indian Agency, Nespelem, Wash., acting for and on behalf of the Colville Indians, this 16th day of January 1956, do hereby authorize and request that the 1956 fiscal year budget be modified and increased by $100,000 and that this amount be advanced to the ISSDA account for the specific purpose of purchasing key tracts of land that may be put up for sale on the Colville Reservation; be it further

Resolved, That the Commissioner of Indian Affairs give his early and favorable consideration of the above request in order that the governing body of the Colville Indians may be in a position to purchase such key tracts, and thereby protect the property, rights, and privileges of the Colville Confederated Tribes.

The foregoing was duly enacted by the Colville Business Council by a unanimous vote under authority contained in article V, section 1 (a) of the constitution of the Colville Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

Attest:

HARVEY MOSES,
Colville Business Council.

Approved:

FLOYD H. PHILLIPS, *Superintendent.*

Dated January 25, 1956.

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DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
PORTLAND AREA OFFICE,
Portland, Oreg., January 25, 1957.

Mr. FLOYD H. PHILLIPS,
Superintendent, Colville Agency.

DEAR MR. PHILLIPS: Following teletype was received today from the central office:

"Reurlets September 25 and November 2, and urtt 21. Colville resolution 1956–15 passed January 16, 1956, authorizing the expenditure of $100,000 from tribal funds on deposit in the United States Treasury for purchase key tracts of land approved December 12, 1956. Allotment No. 734 approved today allotting $100,000 under indefinite authorization, symbol 14X7219. Greenwood, Deputy Commissioner."

Sincerely yours,

PERRY E. SKARRA,
Acting Area Director.

RESOLUTION 1956–16

Whereas it is the desire of the governing body that a council policy be established regarding land sales or exchanges between members of the Colville Confederated Tribes: It is therefore

Resolved, That we, the Colville Business Council, meeting in regular session at the Colville Indian Agency, Nespelem, Wash., acting for and on behalf of the Colville Indians this 16th day of January 1956, do hereby say and declare that the Colville Business Council will in no way attempt to influence or hinder any negotiations regarding land sales or exchanges between the members of the Colville Confedertaed Tribes; be it further

Resolved, That the land branch of the Colville Indian Agency encourage and speed up such transactions between the members of the Colville Confederated Tribes.

The foregoing was duly enacted by the Colville Business Council by a unanimous vote under authority contained in article V, section 1 (a) of the constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Tribes of the Colville Reservation on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

Attest:

HARVEY MOSES,
Chairman, Colville Business Council.

Approved: Approval not required.

PUBLIC LAW 772—84TH CONGRESS

CHAPTER 684—2D SESSION

H. R. 7190

AN ACT Restoring to tribal ownership certain lands upon the Colville Indian Reservation, Washington, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the undisposed-of lands of the Colville Indian Reservation, Washington, dealt with by the Act of March 22, 1906 (34 Stat. 80), are hereby restored to tribal ownership to be held in trust by the United States to the same extent as all other tribal lands on the existing reservation, subject to any existing valid rights.

SEC. 2. For the purpose of effecting land consolidations between the Colville Indians and non-Indians in Ferry and Okanogan Counties, the Secretary of the Interior is hereby authorized, with the consent of the tribal council as evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, under such regulations as he may prescribe, to sell or exchange tribal lands in connection with the acquisition of lieu lands, and to acquire through purchase,

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exchange, or relinquishment, lands or any interest in lands, water rights, or surface rights. The acquisition of lands pursuant to this Act shall be limited to lands within the boundary of the reservation. Exchanges of lands, including improvements thereon, shall be made on the basis of approximate equal value. In carrying out the provisions of this Act, if non-Indian lands are involved, the board of county commissioners of counties in which land is located shall by proper resolution consent before such non-Indian land is acquired for the tribe or an individual Indian. No lands or interests in lands owned by the Confederated Tribes of the Colville Reservation shall be subject to disposition hereafter without the consent of the duly authorized governing body of the tribes, and no lands or interests in lands shall be acquired for the tribes without the consent of the said governing body.

SEC. 3. Title to lands or any interest therein acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the tribe or individual Indian and shall be nontaxable as other tribal and allotted trust Indian lands of the Colville Reservation.

SEC. 4. The agreement entered into by the Confederated Tribes of the Colville Reservation and Okanogan and Ferry Counties of the State of Washington on April 21, 1954, is hereby ratified and approved.

SEC. 5. The Business Council of the Confederated Tribes of the Colville Reservation shall, in accordance with resolution numbered 1955-33, dated April 8, 1955, of the Colville Business Council, submit to the Secretary of the Interior within five years from the date of enactment of this Act proposed legislation providing for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members within a reasonable time after the submission of such proposed legislation.

Approved July 24, 1956.

PART III—COLVILLE AND SPOKANE

1. None.
2. None.
3. No. However, legal counsel is retained under contract.
4. No.
5. The Colville Tribal Council's land and forestry committee reviews and makes recommendations to the tribal council in matters pertaining to leasing and permitting of tribal realty, including grants of rights-of-way, sales, and acquisitions. The Spokane Tribal Council, as a body, acts in such matters.
6. None.
7. Between December 1954 and September 1956, a Colville tribal land enterprise was in operation for assessing fees in various real-estate transactions for the purpose of augmenting the Bureau's agency realty staff. This resulted in payment with tribal funds of 3 employees out of a total staff of 6 to 8 during said period of operation.
8. Not applicable.

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COLVILLE RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee							1	80.00	1	30.85	5	455.15	7	616.69	19	2,250.95	26	2,923.34	27	2,973.68
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)	1	120.00															2	226.12		
To fee status by partition	1	50.00	1	72.53									1	65.00						
Other—Nonrestricted interest, patent issued																			4	403.04
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status			1	90.00	4	367.88	8	950.00	2	202.00							[1] 2	81.25		
Sales to tribes					11	1,548.00	7	1,036.44	16	2,028.25										
Sales to other Indians in trust or restricted status	10	1,066.37	15	1,676.63	21	2,074.02	17	1,274.84	13	1,232.93	6	475.00	4	140.50	8	778.00	1	120.0	3	180.00
Other:																				
Gifts			2	200.00	7	704.00	1	80.00			1	10.00	4	538.25	4	302.94			2	211.71
Partitions			2	76.17	1	3.75					2	160.00	1	35.00						
DISPOSALS TO FEE STATUS																				
Exchanges to fee status																				
Sales to fee status	1	100.00					5	401.05	2	199.48	6	456.27	2	160.00	36	5,057.19	23	1,995.15	23	2,406.67
Takings for public purposes (Chief Joseph) [2]			1	1.00	17	195.51	26	276.26							3	26.20	2	20.00	1	20.00
Other			1	[3] 40.00											{ 1	[4] 82.15				
															{ 1	[4] 71.80				

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchange from tribal status																				
Exchanges from individual trust or restricted land			1	90.00	4	367.88	8	950.00	2	202.00										
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	10	1,066.37	15	1,676.63	21	2,074.02	17	1,274.84	13	1,232.93	6	475.00	4	140.50	8	778.00	1	120.00	3	180.00
Other																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																				
Purchases of fee lands, tribal			2	2,108.70																
Other—Fee patent canceled; reverted to trust land; allotment															1	160.00				

[1] Gift to tribe.
[2] In addition to the Chief Joseph Dam takings in fee for allotments, the following were also involved:

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Takings for public purposes (tribal)					10	283.28	2	20.42												
Perpetual-flow easements:																				
Allotments															26	1,044.42				
Tribal															16	1,564.04				

[3] Exchange.
[4] Gift.
[5] Restrictions lifted.

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SPOKANE RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																	1	160.00	2	139.45
Certification of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status											1	83.01								
Exchange to other Indians in trust or restricted status			2	228.55																
Sales to tribes																				
Sales to other Indians in trust or restricted status	1	114.99	5	205.00	3	155.18	2	287.80	4	360.16			1	120.00	1	40.00				
Other																				

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status													1	100.00						
Takings for public purposes																				
Other																				

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status											1	80.00							
Exchanges from individual trust or restricted land			2	228.55															
Purchases from tribes																			
Purchases of trust or restricted land from other Indians	1	114.99	5	205.00	3	155.18	2	287.80	4	360.16			1	120.00	1	40.00			
Other																			

ACQUISITIONS FROM FEE STATUS—None

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2. FORT HALL AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Portland, Oreg., June 11, 1958.

Hon. JAMES E. MURRAY,
Chairman, Senate Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: Enclosed is the questionnaire sent out by your committee on the acquisition and disposition of Indian lands in the last 10 years. This report was submitted by the acting superintendent of the Fort Hall Indian Agency.

This report is being forwarded in duplicate at the request of the acting superintendent of the Fort Hall Agency.

Sincerely yours,

J. L. DIDDOCK,
Acting Assistant Area Director, Resources.

REPORT ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS, FORT HALL AGENCY, FORT HALL, IDAHO

Federal lands acquired from private owners since 1930

Date of acquisition	Acreage	Number of tracts	Remarks
Sept. 5, 1936.....	11.00	2	Purchased as an irrigation home site in conjunction with the Blackfoot equalizing reservoir, Fort Hall irrigation project. It is still being used for this purpose. Authority: Act of Feb. 4, 1931, and National Industrial Recovery Act of June 16, 1933 (48 Stat. 195), F. P. 602.
1935-37	4,842.18	42	Correspondence on file in this office indicates that this land was originally acquired to preserve water rights. This land was acquired by the Resettlement Administration, later known as the Farm Security Administration, Department of Agriculture, pursuant to title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200). Administrative jurisdiction over the submarginal land was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order No. 7868 dated Apr. 15, 1938, said lands to be administered by the Commissioner of Indian Affairs for the benefit of the Indians. A revocable permit to the Shoshone-Bannock Tribes, Inc., was approved Mar. 18, 1947, by W. V. Woehlke, for the Commissioner of Indian Affairs. The permit to begin Jan. 1, 1947, not to extend beyond Dec. 31, 1956, at an annual rental of $174.22. The present permit, also in favor of the tribes, was granted for agricultural and grazing purposes, approved Mar. 7, 1957, by W. Barton Greenwood, Acting Commissioner of Indian Affairs, effective Jan. 1, 1957, not to extend beyond Mar. 31, 1959, at an annual rental of $717.50.
Aug. 22, 1956.....	40.00	1	Purchased for pumping station site in conjunction with Michaud irrigation project. Authority: Public Law 741.

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PART I—FORT HALL

1. 192,692 acres in tribal ownership as of July 1, 1947; all in trust; none in fee.

2. 294,151 acres in individual Indian ownership as of July 1, 1947.

3 and 5. The tabular sheet gives the number of transactions broken down by type for each fiscal year from fiscal year 1948 through fiscal year 1957. Totals per fiscal year as follows:

Fiscal year	Transactions	Total acres	Fiscal year	Transactions	Total acres
1948	5	374.32	1954	29	3,661.21
1949	14	1,140.90	1955	54	5,593.18
1950	5	250.65	1956	6	280.00
1951	12	1,583.49	1957	24	2,234.66
1952	13	1,220.00			
1953	20	2,777.54	Total	182	19,065.95

4 and 6. The tabular sheet shows acres removed from Bureau jurisdiction during each fiscal year since July 1, 1947, broken down by type of transaction and acreage. Totals as follows:

Fiscal year	Transactions	Total acres	Fiscal year	Transactions	Total acres
1948	None		1954	4	381.80
1949	1	40.00	1955	5	678.258
1950	2	160.00	1956	3	127.20
1951	5	297.00	1957	9	711.13
1952	11	800.00			
1953	2	240.00	Total	42	3,435.388

It is significant to note that of the above acreage, 1,594.3 acres sold to non-Indians is located outside the reservation boundaries; 1,398.24 acres within the reservation boundaries were included in certificates of competency issued at the request of individuals; a certificate of competency was issued on 40 acres of land located outside the reservation boundaries; a patent-in-fee was issued on 160 acres also outside the reservation boundaries. There were 141.8 acres within the reservation boundaries that was an exchange to fee status. This tract was adjacent to the reservation boundary and was completely surrounded by non-Indian owned land. Only 101.048 acres within the boundaries of the reservation have been alienated by sale to non-Indians during this 10-year period, of which 41.048 acres were taken for public purposes, and 40 acres were sold to the United States of America. The remaining 20 acres were later returned to a trust status.

7 through 10. Inapplicable.

11. There were 202,866 acres in tribal ownership on December 31, 1957, all held by the United States in trust (none in fee).

12. There were 280,542 acres in individual Indian ownership on December 31, 1957.

13. No special acts pertaining to Fort Hall Reservation affecting the acquisition and disposal of Indian lands.

Although no actual study has been made of the cause and effect of sales, some points are apparent from knowledge of the facts.

Practically all the sales to fee status from 1947 through 1957 were tracts located outside the boundaries of the reservation (as pointed out in the foregoing items). They were distant from the Agency

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headquarters at Fort Hall and none of the landowners lived on the land.

Although not necessarily restricted to the 10-year period 1947–57, tracts which have been alienated within the reservation either by sale or by certificate of competency have had an invigorating effect on leasing and improvement of Indian tracts contiguous to the alienated tracts. This is not true in all cases, however, but for about 60 percent of the tracts involved.

In most cases sales of land have not resulted in lasting benefit to the Indian owners. Some revolving credit and reimbursable loans have been paid, a few living quarters were purchased or improved, new cars purchased, etc. The money received, for the most part, was not spent for productive purposes.

The Fort Hall Business Council has during the last 5 or 6 years expressed a determined attitude against supervised, advertised sales conducted by the Bureau. Their feeling is based on the premise that if such sales are allowed to continue, the allotted lands on the reservation will eventually be whittled down to nothing, and that the Indian people will be practically landless and have very little to show for it. The council's attitude, however, is not compatible with the feelings of the individual Indians who desire to sell their lands.

Attached are Business Council Resolutions Nos. 752 and 886 which express their attitude regarding advertised sales.

14. (*a*) The tribe can acquire undivided interests in allotments by two procedures—purchase or exchange. There are less than four allotments on this reservation in which the tribe has acquired undivided interests.

Although both procedures are relatively easy to consummate and are permissible under the regulations they are not sanctioned by the Bureau for this reservation. This is because the remaining heirs in an allotment in which the tribe has acquired undivided interests are partially restricted by the regulations and constitution and bylaws under which the tribe operates. Example: Tribe owns undivided one-fourth interest in 20-acre allotment; remaining 8 heirs are unable to sell their interests to other than the tribe at appraised value because the tribe is prohibited from selling or conveying land in any manner. The tract cannot be partitioned for the same reason.

The regulations governing leasing are, in some instances, different for allotted lands and tribal lands.

In any event, the tribe is in a position to control use of the allotment.

The status of title also differs in that allotted land is covered by restricted fee patents, and land acquired by the tribe is held by the United States in trust.

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(*b*) Undivided interests owned by alien Indians or non-Indians are difficult to administer. Although there is a very small percentage of land owned in this manner, any land transaction; i. e., leasing, rights-of-way, probate matters, etc., require signatures of all landowners involved. In some instances we have been unaware that legal heirs from other reservations acquired interests in lands on this reservation by probate. Undivided interests acquired by non-Indians present more of a problem because of their unrestricted status and changes of ownership without the Bureau's knowledge.

Attached sheet marked "Exhibit A" shows unrestricted, undivided ownership of two non-Indians in a Fort Hall allotment. (See pp. 618, 619 for exhibits A, B, and C.)

(*c*) On this reservation, which is under the Indian Reorganization Act, the undivided interests owned by minors are conveyed by guardian's deed. The guardian is appointed through the Fort Hall tribal court, either by petition of the next of kin or the minor over 14 years of age. We have experienced no particular problems with this arrangement.

(*d*) Mutiple ownership of allotted lands is one of the most serious problems in completing any transaction involving land on this reservation. In most cases some of the landowners of each tract are living on other reservations or cities throughout the Northwest, in the Armed Forces, etc. Getting approval for leasing, rights-of-way, etc., is a tremendous task and often impossible when the heirship status is complicated.

The Indians have made only limited use of wills as a means of devising their property, consequently when a landowner dies his lands are probated according to Idaho State laws. In most instances the ownership of allotments is in complicated multiple heirship in a few years, for which there is no apparent solution.

Attached for your information is sheet marked "Exhibit B" indicating owners and their fractional interests in a Fort Hall allotment. Oliver Teton, the first name listed, has since died leaving 15 legal heirs. His estate has not yet been probated.

Also, exhibit C, attached, indicates the change of ownership of allotment 71–A in just 2 years.

(*e*) The Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs has not been exercised. The tribe has not been encouraged to purchase undivided interests in any lands.

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PART II—FORT HALL

To our knowledge, there has been no overall determination by the Bureau officials or the tribe of key tracts on the Fort Hall Reservation. Applications for sale are reviewed individually to determine their importance to the reservation and the economic welfare of its people. Where a tract of land has been determined to be indispensable to the well-being of the tribe a sale to a non-Indian has been and will continue to be rejected. However, sales of such land to the tribal corporation are encouraged.

Figures elsewhere in this report will reflect that only a small acreage of land within the reservation boundaries has been sold to non-Indians through advertised sales.

1. Although the tribe has never made a determination of key tracts it is the business council's attitude that no tract of land within the reservation boundaries should be alienated. The primary factor for their attitude seems to be the alienation of the land rather than its resources or strategic location. It is our local policy to encourage owners to retain land having a high potentiality. Within the past 10 years to our knowledge there have been no sales of key tracts.
2. No determination made by either the tribe or Bureau officials.
3. No determination made by either the tribe or Bureau officials.
4. Based on the business council's recent attitude against alienation, rather than on a key-tract basis, there have been sales during fiscal year 1958 of 3 tracts to non-Indians, embracing 46 acres, to which the council objected.
5. If these had been considered key tracts, we can see no possibility of adverse effect. On the other hand, the leasing program may be accelerated to the extent of leasing idle Indian lands surrounding these tracts.
6. No acquisitions of this nature.

PART III—FORT HALL

1. None.
2. None.
3. No.
4. No.
5. The Fort Hall Business Council has established a land committee composed of three members of the tribe. However, this committee is a recommending body and has no authority to approve acquisitions or disposals.

In past years a committee called the appraisal board made inspections of land being considered for purchase by the tribes or for exchange assignment. One Government employee familiar with realty work was assigned to work with this committee. This board was established in accordance with the tribal land enterprise program. (See item 7 below.)

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By business council resolution dated October 9, 1956, the land committee was established as it exists today. Duties outlined in the resolution are—

> * * * to investigate matters concerning lands and tribal buildings on the reservation that have been referred to it by the business council for investigation, action, and report at each regular counsel meeting on the first Tuesday of each month in accordance with specific instructions from the business council. * * * And the specific duties of the land committee will be concerned with such matters as (1) hay meadow assignments on the Fort Hall bottoms, (2) standard and exchange assignments, (3) land purchase, (4) tribal buildings, (5) annual measurement of bottoms hay, and (6) other related subjects.

The agency realty officer is presently working with the committee in formulating a plan of operation.

6. None have been employed.

7. The memorandum of understanding covering operation of the land purchase and adjustment enterprise of the Shoshone-Bannock Tribes, Inc., of the Fort Hall Reservation, approved by the area director October 22, 1951, established the tribal land enterprise. It was established—

> * * * to consolidate and improve the tenure of the reservation land base in order to eliminate obstacles to proper land use, which have grown out of the alienation of Indian lands and the breaking up of individual holdings through inheritance, for the immediate and future use and benefit of members of the Shoeshone-Bannock Tribes, Inc. These adjustments shall involve the purchase by the tribes of key tracts of individually owned trust or restricted lands and alienated lands, with particular emphasis on the heirship lands and the small tracts of irrigated lands which cannot be made use of by the owners by reason of the many heirs, the absence of the owners from the reservation or for other cause, and adjustments by partition, exchanges, and other land adjustments. It is also planned that certain tracts containing phosphate deposits shall be acquired by the tribes from individual owners.
>
> The leasing and permitting activities on irrigated, dry farm, and grazing lands on the Fort Hall Reservation will be conducted by the enterprise. The enterprise will also be responsible for preparing and processing all papers in connection with rights-of-way, patents-in-fee, certificates of competency, and other transactions pertaining to the real property rights of the Fort Hall Indians.
>
> *III. Lands to be included in the enterprise.*—All tribal lands purchased under this enterprise, and lands previously purchased from the authorization of $18,000 for land purchases contained in the Interior Department Appropriation Act of 1942, approved June 28, 1941, shall remain under the direction and supervision of the enterprise, and all income therefrom shall be on the account of the enterprise for or in accordance with the provisions of the plan of operation.
>
> Included in this enterprise is approximately 8,711 acres of so-called submarginal lands, the use of which was transferred to the Shoshone-Bannock Tribes by revocable permit, approved by the Indian Office March 18, 1947, for the period January 1, 1947, to December 31, 1956, for an annual rental of $174.22. Under the provisions of this permit, the enterprise shall administer these lands and may, through such administration by written agreement transfer such rights as are granted to the tribes to a third party, provided that no free use of the land covered by the permit is allowed.
>
> *V. Management.*—The activities of the enterprise fall naturally into two main functions: (a) The purchase of land for the tribes, with funds belonging to the enterprise, and (b) the operation of a clerical program engaged in the processing of land transactions, leases, permits, etc. Use of funds of the enterprise is subject

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to approval by the governing body and, therefore, each land purchase must be passed upon and approved by a committee composed of the full membership of the Fort Hall Business Council. This will cover authority for use of the money and their approval of the land selected. Forms used in all these transactions, however, are prescribed and executed in accordance with regulations of the Department and are finally approved by either the local superintendent and/or the area director.

VI. Land appraisals.—All appraisals of land to be considered for purchase by the tribe will be made by an appraisal board of 3 members, 2 of which shall be selected by the chairman of the Fort Hall Tribal Council and 1 selected by the Superintendent of the Fort Hall Agency. All such appraisals shall be subject to approval by the Superintendent.

While the enterprise was active, three positions existed:

(1) Land field agent: Qualifications and salary comparable to a GS–7 position. The incumbent served as head of the branch.

(2) Lease clerk: Qualifications and salary comparable to a GS–5 position. The incumbent performed the duties relating to leasing and rights-of-way.

(3) Clerk-stenographer: Qualifications and salary comparable to a GS–3. The incumbent worked with the land field agent in processing all types of land transactions relating to acquisition and disposal.

While the land-purchase program as outlined in the memorandum of understanding was basically sound, not enough careful study was given to the acquisitions. As a result, tribal land holdings were increased without comparable increase in income or proper utilization of the land acquired.

8. In July 1956 the Government established a realty branch at the Fort Hall Agency, placing responsibility for this work in the Government where the Bureau felt it rightfully belonged. The tribal land enterprise has since been inactive insofar as hiring personnel or collecting fees for services performed is concerned.

It is our opinion that a higher degree of effectiveness has been achieved in accomplishing realty work since the divided responsibility has been eliminated.

RESOLUTION 752

Whereas it has come to the attention of the Fort Hall business council of the Shoshone-Bannock Tribes that there has been interest shown in our affairs by citizens of Pocatello, Idaho, who have formed a committee for the purpose of promoting better understanding and relationship between the Indians and the non-Indians; and

Whereas the most urgent problem confronting our people at the present time is the sale of their lands on the reservation to non-Indians and the depletion of our land base: Now, therefore, be it

Resolved by the Business Council of the Shoshone-Bannock Tribes, That we humbly request the committee, organized as aforesaid, to study the matter of the sale of our lands and that this committee help us in our efforts to preserve our reservation; and be it further

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Resolved, That we will assist in every way in a study of all of our problems and declare that we are grateful for the interest taken in us and that we will be glad to have a full discussion of many matters concerning public relations between our people and non-Indians, but that we consider the sale of our lands the most urgent.

Authority for the foregoing resolution is found in the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, and under article VI, section 1 (r) of the constitution of the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho.

Dated this 18th day of March 1957.

RESOLUTION 886

Whereas the Fort Hall Business Council has for several years tried to stop the sale of Indian trust land to non-Indians; and

Whereas the council has been unsuccessful to date in its efforts to have the Bureau of Indian Affairs reconsider holding further supervised land sales; and

Whereas the Commissioner of Indian Affairs has been told of our intense feelings in this matter and that we would use every honorable means to stop further alienation of Indian lands: Now, therefore, be it

Resolved by the Fort Hall Business Council of the Shoshone-Bannock Tribes, That at their special meeting of November 22, 1957, our legal counsel be requested and he is hereby directed to write letters to J. Mat Christenson, route 2–N, Pocatello, Idaho; Stanley Hall, Patterson, Idaho; Charles S. Hall, route 2–N, Pocatello, Idaho; and General Mills, Inc., by D. J. Woodland, Post Office Box 581, Ogden, Utah, informing them that they would be in trespass if they attempt to take possession of the land upon which they bid at the supervised land sale of September 18, 1957, or if any other trust land is crossed in getting to the aforesaid allotments.

Authority for the foregoing resolution is found in the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, as amended), and under article VI, section 1 (r) of the constitution of the Shoshone Bannock Tribes of Fort Hall Reservation, Idaho.

Dated this 22d day of November 1957.

FRANK W. PARKER,
Chairman, Fort Hall Business Council.

CERTIFICATE

I hereby certify that the foregoing resolution was passed while a quorum was present by a vote of 4 in favor, 1 absent, and 1 not voting on the date it bears.

LILLIAN VALLELY,
Acting Tribal Secretary, Fort Hall Business Council.

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EXHIBIT A—FORT HALL

Consolidation of interests, Lucy Ingatuah estate, allotment 872

Lots 1 and 2; E½NW¼ sec. 30, T. 6 S., R. 33 E., Boise meridian (159 acres):

P–118	LaSalle Pocatello	36/324
P–245	Raphaelita P. Stump	36/324
S. D.	State of Idaho [1]	108/324
S. D.	Thomas Calvin [1]	24/324
L–102	Isabelle L. Chapman	24/324
L–22	Dolores L. Paniogue	24/324
L–31	Thomas S. LaVatta	18/324
L–27	Phyllis L. Brower	9/324
L–19	Charles E. LaVatta	9/324
F–37	George B. Fisher	12/324
F–27	Alfred Fisher	8/324
F–39	Violetta Fisher	8/324
F–40	LaVern Fisher	8/324

S½S½S½SW¼ sec. 30, T. 6 S., R. 33 E., Boise meridian (20.0 acres):

P–118	LaSalle Pocatello	36/324
P–245	Raphaelita P. Stump	36/324
S. D.	State of Idaho [1]	108/324
S. D.	Thomas Calvin [1]	60/324
L–012	Isabelle L. Chapman	24/324
L–22	Dolores L. Paniogue	24/324
F–37	George B. Fisher	12/324
F–27	Alfred Fisher	8/324
F–39	Violetta Fisher	8/324
F–40	LaVern Fisher	8/324

[1] White owned.

EXHIBIT B—FORT HALL

Consolidation of interests, Michell Teton estate, allotment 1290

T–76	Oliver Teton	1632960/3265920
T–64	Charley Teton	204120/3265920
T–66	Henry Teton	204120/3265920
T–65	Clarence Frank Teton	204120/3265920
T–67	Jessie Jim	204120/3265920
I–16	Esther T. Ingawanup	204120/3265920
J–28	Edna Jim	178605/3265920
J–31	Sylvester Jim	25515/3265920
B–107	Eunice Broncho	26568/3265920
B–112	Bernice Broncho	26568/3265920
B–102	Burt Broncho	26568/3265920
B–113	McManus Broncho	26568/3265920
B–106	Edwin LeRoy Broncho	94608/3265920
P–245	Raphaelita Pocatello Stump	1440/3265920
P–118	LaSalle Pocatello	360/3265920

Heirs of Joseph Teton, Prob. 11800–52

C–30	Lillian Cookman Teton	68040/3265920
T–77	Rechanta Teton Pebeshy	27216/3265920
T–68	John Teton	27216/3265920
T–78	Richard Teton	27216/3265920
T–71	Caroline Teton Racehorse	27216/3265920
T–79	Terry Teton	9072/3265920
T–63	Andrew Leslie Teton	9072/3265920
T–70	Loretta Teton	9072/3265920

Heirs of Cornelia Pocatello Fisher, Prob. 17407–53

F–37	George B. Fisher	480/3265920
F–27	Alfred A. Fisher	320/3265920
F–39	Violetta Fisher (Lillian Fisher)	320/3265920
F–40	LaVern Fisher	320/3265920

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EXHIBIT C—FORT HALL

ALLOTMENT CARD

Allotment No 71-A Original Allottee Lincoln Levering

Legal Description E/2 SW/4 NW/4 Sec. 22, T 5 S, R 34 E; and SW/4 Sec. 3,
REF WATER
GARS T 7 S, R 32 E B M

7 31 1946 180 Acres

STATE OF OWNERSHIP Died 10/6/1956
L-48 Original (x) Probate No. 12149-57
Heirship ( ) Relinquished in lieu ( )
Certificate of Competency

Practional Owners

I I M. No.	Al. No		Name	ID or An. Number	Share
	N	E	*Elizabeth Webster Levering (Estate of)	wife	9/27*
L-50	N	E	Reva May Levering	dau.	2/27
L-49	N	E	Nelson Bartlett Levering	son	2/27
	N	E	*Everett Lincoln Levering (Estate of)	son	2/27*
L-52	N	E	Annabelle Levering	dau.	2/27
L-53	N	E	Maxine Levering	dau.	2/27
L-56	N	E	Lucille Levering	dau.	2/27
L-57	N	E	Phyllis Jean Levering	dau.	2/27
L-58	N	E	Delphine Levering	dau.	2/27
L-59	N	E	Ilene Levering	dau.	2/27
			Heirs of Elisabeth Webster Levering, Prob. #12150-57		
C-12	N	E	Adeline L. Cayou Valentine	dau.	1/2 of 1/3 or 1/21
L-52	N	E	Annabelle Levering	dau.	1/7 of 1/3 or 1/21
L-53	N	E	Maxine Levering	dau.	1/7 of 1/3 or 1/21
L-56	N	E	Lucille Levering	dau.	1/7 of 1/3 or 1/21
L-57	N	E	Phyllis Jean Levering	dau.	1/7 of 1/3 or 1/21
L-58	N	E	Delphine Levering	dau.	1/7 of 1/3 or 1/21
L-59	N	E	Ilene Levering	dau.	1/7 of 1/3 or 1/21
			Heirs of Everett Lincoln Levering, Prob. #16392-57		
L-47	N	E	Shirley Lieb Levering	wife	1/2 of 2/27 or 1/27
L-60	N	E	Dana Ray Levering	dau.	1/2 of 2/27 or 1/27

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FORT HALL

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee											1	160								
Certificates of competency			1	40			3	137	2	220					4	677			4	364
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status	1	4.32																		
Exchanges to other Indians in trust or restricted status			1	8			3	519					14	2,520	6	254			1	90
Sales to tribes	1	160							5	720	16	2,557	13	1,057	28	3,199	6	280	14	1,360
Sales to other Indians in trust or restricted status	3	210	8	710	4	72	2	181	5	100	3	61	1	80	11	1,075			1	.3125
Other (explain): Gifts to other Indians in trust status			4	383	1	179	4	727	1	180			1	4.03	5	387			4	390

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DISPOSALS TO FEE STATUS

Exchanges to fee status													1	142						
Sales to fee status					2	160	2	160	9	580	1	80	3	240			2	87	4	307
Takings for public purposes															1	1.05	1	40		
Other (explain): Sale to U. S. Government																			1	40

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land			1	8			3	519					14	2,520	6	254			1	90
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	3	210	8	710	4	72	2	181	5	100	3	61	1	80	11	1,075			1	.3125
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status							1	20					2	200						
Purchases of fee lands					2	40	1	160											1	107
Other (explain)																				

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3. NORTHERN IDAHO AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Lapwai, Idaho, June 11, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: In response to your inquiry of April 17, 1958, concerning Indian land transactions during the last 10-year period, we are attaching reports of land transactions on the Nez Perce and Coeur d'Alene Reservations on the forms supplied by your committee. There is no record of the disposal or acquisition of any individually owned Indian lands on the Kootenai or Kalispel Reservations during the 10-year period.

Every effort has been made to compile the information requested so that the report would reflect the true status of land transactions completed during the 10-year period.

As of June 30, 1957, there were the following number of acres of individually owned Indian lands in trust status on the four Indian reservations under this jurisdiction:

	Acres
Nez Perce Reservation	61,910
Coeur d'Alene Reservation	59,193
Kootenai Reservation	4,003
Kalispel Reservation	4,340

There are 5 tribal employees on the Nez Perce Reservation, 2 of which are concerned with land transactions, their duties being limited to the leasing of individually and tribally owned lands. One employee was maintained at the Coeur d'Alene Reservation on leasing transactions until recently, but that position has now been terminated and the leasing activities for the Coeur d'Alene, Kootenai, and Kalispel Reservations are now being handled by Government employees at this agency. All land transactions involving the four reservations under this jurisdiction are handled by Government personnel with the exception of the Nez Perce leasing.

A small-scale map showing the areas covered by the Nez Perce, Coeur d'Alene, Kootenai, and Kalispel Reservations is also attached for your use.[1]

Sincerely yours,

WILLIAM E. ENSOR, JR.,
Superintendent.

[1] On file with the committee for reference purposes.

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QUESTIONNAIRE

PART I—NORTHERN IDAHO

1. See the following:

July 1, 1947:	*Acres*
Nez Perce Tribal ownership	31, 721
Coeur d'Alene Tribal ownership	14, 259
Kalispel Tribal ownership	203
Total trust acreage:	
Nez Perce	111, 929
Coeur d'Alene	75, 417
Kootenai	4, 108
Kalispel	4, 629
Total	196, 083

Tribes in this jurisdiction own no land in fee status.

2. See the following:

July 1, 1947:	*Acres*
Nez Perce	78, 851
Coeur d'Alene	60, 792
Kootenai	4, 105
Kalispel	4, 430

3. See the following:

[Acres]

Fiscal year	Nez Perce	Coeur d'Alene	Kootenai	Kalispel	Fiscal year	Nez Perce	Coeur d'Alene	Kootenai	Kalispel
1948	8	0	0	0	1953	67	0	0	0
1949	8	3	0	0	1954	48	0	0	0
1950	12	4	0	0	1955	53	0	0	0
1951	56	3	0	0	1956	29	6	0	0
1952	62	2	0	0	1957	15	1	0	0

4. See the following:

[Acres]

Fiscal year	Nez Perce	Coeur d'Alene	Kootenai	Kalispel	Fiscal year	Nez Perce	Coeur d'Alene	Kootenai	Kalispel
1948	278	0	0	0	1953	5, 083	0	0	0
1949	788	480	0	0	1954	3, 157	0	0	0
1950	1, 041	640	0	0	1955	3, 031	0	0	0
1951	2, 112	24	0	0	1956	2, 294	680	0	0
1952	4, 924	43	0	0	1957	1, 501	81	0	0

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5. See the following:

NEZ PERCE RESERVATION

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	0	5	8	13	7	4	2	7	0	1
Removal of restrictions	0	0	0	1	1	0	0	0	0	0
To fee by inheritance	1	0	0	0	0	0	0	0	0	0
Exchange by trade	0	0	0	0	0	0	0	0	0	0
Exchange to Indians	4	0	1	0	4	1	1	0	0	0
Sales to Indians	0	1	3	6	0	1	3	2	0	6
Other	1	0	0	0	5	1	6	1	0	0
Exchange to fee	0	0	0	0	1	0	0	0	0	0
Sales to fee	0	0	0	9	44	57	36	43	29	13
Takings	2	2	0	2	0	0	3	0	0	1

COEUR D'ALENE

Patents-in-fee	0	3	4	0	1	-----	-----	-----	4	-----
Takings for public purpose	0	0	0	3	1	0	0	0	0	0
Sales to fee	-----	0	0	0	0	0	0	0	2	1

6. Acreages:

NEZ PERCE

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
Patents-in-fee	0	228	681	961	616	400	37	570	0	80
Removal of restrictions	0	0	0	160	40	0	0	0	0	0
To fee by inheritance	31	0	0	0	0	0	0	0	0	0
Exchange to Indian in tribe	155	0	80	0	380	80	80	0	0	0
Sales to Indian in tribe	0	80	280	356	0	142	226	34	0	520
Other	35	0	0	0	426	50	188	12	0	0
Exchanged to fee	0	0	0	0	9	0	0	0	0	0
Sales to fee	0	0	0	501	3,452	4,403	2,627	2,475	2,294	899
Takings for public purposes	57	200	0	135	-----	-----	9	-----	-----	2

COEUR D'ALENE

Patents-in-fee	0	480	640	0	40	0	0	0	560	0
Removal of restrictions	0	0	0	0	0	0	0	0	0	0
Sales to fee	0	0	0	0	0	0	0	0	120	80
Takings for public purposes	0	0	0	24	3	-----	-----	-----	-----	-----

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7. One transaction by the Nez Perce Tribe was completed in fiscal year 1957 by which the tribe acquired 192 acres of individually allotted trust land. No other transactions during the 10-year period on any other reservation in this jurisdiction.

8. Fiscal year 1957: 192 acres, Nez Perce Tribe from individually allotted land.

9. See above.

10. See above.

11. See the following:

	Nez Perce	Coeur d'Alene	Kalispel	Kootenai
Tribal	31,721	13,626	288.87	
United States in trust	95,181	73,150	4,629.27	4,015.20
Tribe in fee	0	0	0	0

12. Individual ownership:

Nez Perce	61,910
Coeur d'Alene	59,193
Kalispel	4,340
Kootenai	4,003

13. (*a*) No special acts of Congress have affected the acquisition and disposal of Indian lands on reservations under this jurisdiction.

(*b*) We have about 40 complicated-heirship tracts that have presented a problem. This is due to the multiple ownership. Heirs number from 10 to 75. In some cases, minors are involved, Canadians are involved, non-Indians are also involved in some of these tracts. Inherited interests are so small that it is difficult to administer and distribute funds to the proper heirs, both on land sales and leases.

(*c*) There are no special tribal resolutions affecting land sales in this jurisdiction.

14. (*a*) No problems with undivided interest owned by the tribe.

(*b*) We have about 40 tracts, as mentioned above, which have undivided interests owned by non-Indians and alien Indians. An example of such a tract is attached, Kootenai allotment No. 26. There are 90.90 acres in this allotment. (See attachments Nos. 2 and 3.) No. 3 gives a summarization of Canadian interests in Kootenai allotments. An actual citizenship determination must be made by the

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Solicitor before these interests can be disposed of. Kootenai No. 26 is one of the most complicated tracts. There are minors involved, many Canadian Indians involved, and the small fractionated interests present a problem. By actual count, there are 34 Canadians and 5 minors owning interests in this tract. Some of the heirs want to dispose of the tract, but the minors and Canadian interests make this a very difficult matter.

(*c*) The Kalispel Reservation is the only reservation in this jurisdiction under the Indian Reorganization Act. There are about 102 Indians owning allotments or shares in allotments on the Kalispel, and it is estimated that approximately 20 of these are minors.

(*d*) We have many incomplete applications for sale of allotted Indian land where all of the heirs fail to sign the application. Recently, a tract of land was advertised, sold, and deeds prepared, only to have one heir with a very small interest refuse to sign the deed, thus making it necessary to return the bid deposit to the purchaser, etc. On this particular tract, there were 6 or 8 heirs, and a great deal of work was done for naught. However, usually, when all the heirs sign the application, they will complete the transaction, and most such cases are stalled at the outset by the refusal of all of the heirs to sign.

(*e*) This agency has never made use of the Secretary's authority to sell heirship lands.

PART II—NORTHERN IDAHO

1. None.
2. None.
3. One hundred and ninety-two acres purchased by Nez Perce Tribe in fiscal year 1957.
4. Not known.
5. See above.
6. None acquired.

PART III—NORTHERN IDAHO

1. Nez Perce tribal leasing enterprise; lease clerk (GS–7 equivalent; salary $5,335), clerk-stenographer (GS–3 equivalent, salary $3,660). Operation of this enterprise is entirely financed from collection of lease fees charged by tribal enterprise.
2. None.
3. No. All proposed land-sale transactions are forwarded to the tribe for consideration and the tribe is given an opportunity to negotiate for a sale if it desires to do so. If the landowners agree, the tribe is given the opportunity to meet the high bid.
4. The committee refers the property problem to the entire tribal council for approval.
5. Yes. The tribal council has a committee that is in contact with the realty office regarding land sales. At present, the tribes under this jurisdiction do not have any money available for purchasing land.

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6. None that we know of.

7. No tribal land enterprise. The Nez Perce Tribe operates a leasing enterprise, as discussed under item 1, part III.

8. The Coeur d'Alene leasing enterprise was discontinued as of April 10, 1958.

Ownership status of individual lands, by tracts, Northern Idaho Indian Agency, Lapwai, Idaho, as of June 30, 1952

	Nez Perce Reservation		Coeur d'Alene Reservation		Kootenai Reservation		Kalispel Reservation		Grand total	
	Number of tracts	Acreage	Number of tracts	Acreage	Number of tracts	Acreage	Number of tracts	Acreage	Number of tracts	Acreage
Living original allottee	38	3,418	91	14,241	6	220	60	2,494	195	20,373
Other single owner	[1] 335	26,690	144	16,409	8	497	14	651	[1] 501	44,237
Multiple ownership:										
5 or less	332	26,796	149	21,777	17	1,338	23	946	521	50,857
6 through 10	118	9,932	34	5,260	[2] 22	[2] 2,040	6	248	[2] 180	[2] 17,500
11 through 15	92	4,493	9	1,236	------	------	------	------	61	5,729
16 and over	45	4,290	5	725	------	------	------	------	50	5,015
Total	920	75,619	432	59,648	59	4,103	103	4,339	1,506	143,711

[1] This represents originally 247 allotments. By partitionment and conveyance among Indians, these 247 allotments now comprise 335 separate tracts.

[2] This figure represents all multiple ownership 6 and over. No breakdown has been completed into 2 lower groups.

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Lands under administration of Bureau of Indian Affairs, Northern Idaho Indian Agency, Lapwai, Idaho, as of June 30, 1952

	Acreages				
	Nez Perce Reservation	Coeur d'Alene Reservation	Kootenai Reservation	Kalispel Reservation	Grand total
Grand total	108,697	74,273	4,108	4,629	191,707
Irrigated					
Nonirrigated	52,023	34,742	1,877	332	88,974
Grazing (open)	23,350	6,104	1,588	1,680	32,722
Forest	33,135	25,322	640	2,531	61,628
Administrative sites	44	10	3		57
Barren and waste		8,095		86	8,181
Other (cemeteries)	145				145
Allotments:					
Irrigated					
Nonirrigated	49,116	34,712	1,877	320	86,025
Grazing (open)	17,890	3,784	1,588	1,680	24,942
Forest	8,613	21,152	640	2,340	32,745
Administrative sites					
Barren and waste					
Other (cemeteries)					
Total allotments	75,619	59,648	4,105	4,340	143,712
Tribal lands:					
Irrigated					
Nonirrigated	2,406			12	2,418
Grazing (open)	4,733	2,320			7,053
Forest	24,522	3,880		191	28,593
Administrative sites					
Barren and waste		8,095			8,095
Other (cemeteries)	60				60
Total, tribal lands	31,721	14,295	None	203	46,219
Government lands:					
Irrigated					
Nonirrigated	501	30			531
Grazing (open)	727				727
Forest		290			290
Administrative sites	44	10	3		57
Barren and waste		0		86	86
Other	85				85
Total Government lands	1,357	330	3	86	1,776

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Allotment (Kootenai) 26 (May 1958)

Heir's name	Share	Account No.
David Luke	8670/1944000	L-70.
Sophia Luke [1]	8670/1944000	L-75.
Sam Pierre Alexander	59250/1944000	A-35 (estate).
Sophia Isador Chiqui David [1]	81000/1944000	C-33.
Alice Isador Chiqui	48600/1944000	C-27.
Therese David or Teresa David [1]	64800/1944000	D-20.
Baptiste Cutsack	91600/1944000	C-79.
John David	23500/1944000	D-16.
Joseph Chiqui	385650/1944000	C-29.
Mary Cecile Isador (Joseph) [1]	180450/1944000	I-30.
Isaac David [1]	35220/1944000	D-63.
Mathias David [1]	35220/1944000	D-64.
Christopher Ernest [1]	21150/1944000	E-62.
Antoine Ernest [1]	21150/1944000	E-63.
Theresa Adams (Luke) [1]	3240/1944000	A-167 (deceased).
Sam Pierre Tamia [1]	4700/1944000	T-80.
Gabriel Luke [1]	4700/1944000	L-116.
Susan Chiqui (George) [1]	77400/1944000	G-26.
Ann Jerome (Andrew) (Isador) [1]	48150/1944000	I-13.
Moses Isadore	32400/1944000	I-31.
Ann Mary Abraham [1]	12600/1944000	A-193.
Anastasia Abraham Joseph (Anastasia O'Say Joseph)	21150/1944000	J-59.
Moses Joseph	14100/1944000	J-118.
Sabina Seymour (Sabine Seymour)[1]	14100/1944000	S-198.
Stanislaus White [1]	2820/1944000	W-179.
Alban White [1]	2820/1944000	W-180.
Thomas White [1]	2820/1944000	W-181.
Pauline David Chiqui Sam (Mrs. Sam Luke)[1]	4380/1944000	D-86.
Mary Adams Chiqui [1]	64800/1944000	C-147.
Alexander Andrew [1]	7875/1944000	A-208.
Casimer Andrew [1]	7875/1944000	A-209.
Edward Andrew [1]	7875/1944000	A-210.
Martin Andrew [1]	7875/1944000	A-211.
Casimer Joseph [1]	5400/1944000	J-140.
Aloysius Simon (Aloysius Simon McCoy)[1]	2890/1944000	M-220.
Gregory McCoy [1]	1156/1944000	M-221.
Paul McCoy [1]	1156/1944000	M-222.
Justine McCoy [1]	1156/1944000	M-223.
Abraham McCoy [1]	1156/1944000	M-224.
Agnes McCoy [1]	1156/1944000	M-225.
Nancy Luke (Mrs. Gabriel Luke)[1]	486000/1944000	L-146 (Canadian).
Pierre John Shattanana [1]	7050/1944000	Estate.
Margaret Francis Luke [1]	8670/1944000	
Adrian David	21600/1944000	
Total	1944000/1944000	

[1] Probably Canadian National.

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NEZ PERCE RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	----	----------	5	228	8	681	13	961	7	616	4	400	2	37	7	570	----	----------	1	80
Certificates of competence	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Removal of restriction	----	----------	----	----------	----	----------	1	160	1	40	----	----------	----	----------	----	----------	----	----------	----	----------
To fee status by inheritance or devise (only when entire interest so passed)	1	31	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
To fee status by partition	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Other	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchange to tribal status	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------
Exchange to other Indians in trust or restricted status	4	155	----	----------	1	80	----	----------	4	380	1	80	1	80	----	----------	----	----------	----	----------
Sales to tribes	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	6	520
Sales to other Indians in trust or restricted status	----	----------	1	80	3	280	6	356	----	----------	1	142	3	226	2	34	----	----------	6	520
Other (gifts and partitions)	1	35	----	----------	----	----------	----	----------	----	----------	1	50	6	188	1	12	----	----------	----	----------
DISPOSALS TO FEE STATUS																				
Exchanges to fee status	----	----------	----	----------	----	----------	----	----------	1	9	----	----------	----	----------	----	----------	----	----------	----	----------
Sales to fee status	----	----------	----	----------	----	----------	9	501	44	3,452	57	4,403	36	2,627	43	2,475	29	2,204	13	899
Takings for public purposes	2	57	2	200	----	----------	2	135	----	----------	----	----------	3	9	----	----------	----	----------	1	2
Other	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------	----	----------

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																								
Exchanges from individual trust or restricted land																								
Purchases from tribes																								
Purchases of trust or restricted land from other Indians							1	10																
Other																								

ACQUISITIONS FROM FEE STATUS

Exchange from fee status							1	20	1	5	1	20	1	5										
Purchase of fee lands																								
Other																								

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COEUR D'ALENE INDIAN RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee			3	480	4	640			1	40							4	560		
Certificates of competence																				
Removal of restriction																				
To fee status by inheritance or devise (only when entire interest so passed)																				
To fee status by partition																				
Other																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None.

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status																	2	120	1	81
Takings for public purposes							3	24	1	3										
Other																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None.

ACQUISITIONS FROM FEE STATUS—None.

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4. UMATILLA AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Pendleton, Oreg., May 23, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: In reply to your request of April 17, 1958, we are enclosing statistical data, in duplicate, covering all land transactions involving the disposition and acquisition of Indian lands on the Umatilla Reservation in the State of Oregon from July 1, 1947, through June 30, 1957.

Also incorporated in this report are Federal lands acquired from private owners since 1930.

Sincerely yours,

LOUIS BREUNINGER,
Acting Superintendent.

1. See the following:

PART I—UMATILLA

Acres in tribal ownership on July 1, 1947	15,183.93
Number of acres in tribal trust	15,183.93
Number of acres acquired by tribe in fee	0

2. Number of acres of trust or restricted lands in individual Indian ownership on July 1, 1947: 92,203.49.

3. Number of transactions consumated in each fiscal year from July 1, 1947, to July 1, 1957, by which tribal or individually owned lands were disposed:

1948	22	1952	1	1956	13
1949	14	1953	1	1957	51
1950	0	1954	7		
1951	8	1955	9		

4. Number of acres disposed of or removed from Bureau jurisdiction during each fiscal year from July 1, 1947, to July 1, 1957:

1948	1,606.76	1952	40.00	1956	897.89
1949	1,002.46	1953	80.00	1957	1,809.93
1950	0	1954	560.00		
1951	160.00	1955	599.53		

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5. Transactions listed in No. 3 above were as follows:

	Exchange to fee status	Fee patents	Removal of restrictions	To fee status by inheritance or devise	To fee status by sale	Takings for public purposes
1948	1	19	2	0	0	0
1949	0	13	0	1	0	0
1950	0	0	0	0	0	0
1951	0	3	0	0	0	0
1952	0	0	0	0	1	0
1953	0	1	0	0	0	0
1954	0	7	0	0	0	0
1955	0	8	0	0	0	1
1956	0	8	0	0	5	0
1957	0	13	0	2	6	30

6. Acreages listed in No. 4 above were as follows:

	Exchange to fee status	Fee patents	Removal of restrictions	To fee status by inheritance or devise	To fee status by sale	Takings for public purposes
1948	80	1,446.76	80	0	0	0
1949	0	922.46	0	80	0	0
1950	0	0	0	0	0	0
1951	0	160.00	0	0	0	0
1952	0	0	0	0	40	0
1953	0	80.00	0	0	0	0
1954	0	560.00	0	0	0	0
1955	0	579.53	0	0	0	20.00
1956	0	560.00	0	0	337.89	0
1957	0	971.13	0	160	360.00	318.80

7. A tract of land on the Umatilla Indian Reservation containing 6,000 acres was purchased by the United States Government in fiscal year 1957, from a non-Indian for a relocated Celilo Falls Indian resident, Wally Wak Wak, Umatilla enrollee, whose home was inundated when the Dalles Dam was completed. No other purchases have been made.

8. See No. 7.

9. See No. 7.

10. See No. 7.

11. There were 15,276.00 acres owned by the Confederated Tribes of the Umatilla Reservation on December 31, 1957. Fifteen thousand, two hundred and seventy-six acres were held by the United States in trust for the tribes on December 31, 1957. The tribe acquired no acreage in fee.

12. There were 83,526.95 acres of trust or restricted land in individual Indian ownership on December 31, 1957.

13. Under act of July 15, 1955 (69 Stat. 362), 6.00 acres of fee-patented land were purchased on this reservation for a relocated Celilio Falls Indian resident whose home was inundated when the Dalles Dam on the Columbia River was completed.

No study is being made of the cause and effect of sales. The tribal council has not passed or considered any resolution on this subject.

14. The heirship or multiple-ownership problem has affected the disposal of Indian lands as follows:

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(*a*) Undivided interest owned by the tribe is no problem on this reservation as the tribe does not own any land other than that held in trust by the United States.

(*b*) Only 4 or 5 tracts have undivided interests owned by a non-Indian. We have had very little difficulty in disposing of any tracts where interests were held by non-Indians.

(*c*) Umatilla Indian Reservation is not under the Indian Reorganization Act.

(*d*) Owners of undivided inherited interests are scattered all over Western United States and we have found it very difficult to locate them to obtain their consent. We have also had Indians with very small shares withhold their consent when those holding the larger shares wish to sell, thereby canceling the transaction.

(*e*) No use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs. The tribe has not been encouraged to buy such lands.

PART II—UMATILLA

No key tracts on the Umatilla Reservation have gone into non-Indian ownership nor have any been conveyed to or acquired for other Indians or to the tribe.

PART III—UMATILLA

The Confederated Tribes of the Umatilla Reservation have assumed responsibility for real-estate activities as follows:

1. Two employees, paid by the tribe, devote their time to real-estate work:

George J. Barth: $5,035 per annum, lease clerk.
Mary Lou Ringering: $3,712 per annum, stenographer.

This branch has charge of the leasing of all Indian-owned farmlands and grazing units, with the cooperation of the Land Operations Branch of the Bureau and the approval of the Agency Superintendent.

2. No agency real-estate employee is paid in part or in full by the tribe.

3. Charles F. Luce, tribal attorney, advises the board of trustees of the Confederated Tribes of the Umatilla Reservation with regard to tribal real-estate activities.

4. The tribal organization has a farm committee which makes recommendations regarding tribal real-estate activities. These recommendations are made to the board of trustees who make the decisions.

5. The tribal organization does not have a real-estate committee which advises the tribal council with regard to tribal real-estate activities.

6. The tribe does not employ a private consultant to study particular phases of its real-estate activities. However, the Bureau has not disapproved such employment.

7. The tribe has an organization known as the land and leasing enterprise. The tribal enterprise was begun early in 1950. It is self-sustaining. Lease fees, which are paid entirely by the lessees, cover all of the expenses for salary and equipment with enough to spare to show a profit of approximately $3,000 to $4,000 per year. The fees

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are in accordance with a schedule approved by the Commissioner, and the schedule provides for a fee of $5 for a lease, with a total bond up to $100. From $100 to $1,000 the fee increases $5 for each $500 of the total bond. An initial fee is collected when the lease has been signed and bonded. This fee is based on the total, which reflects the advance guaranty to be paid during the lease term. An additional fee is collected with each crop report based on the amount the crop share exceeds the amount of guaranty advanced.

8. The tribe has not been instructed to turn real-estate operations over to the Bureau.

No tribal operations have been experienced on this reservation. All acquisitions and disposals have been under the jurisdiction of the Bureau.

A tract of land containing 0.22 acre was purchased by the United States Government from a non-Indian for use as a road on the west boundary of the agency campus. The land was deeded to the United States of America by Fred R. Young and May Young by warranty deed on February 18, 1931, for a consideration of $1 and other good and valuable consideration. The deed was recorded in Umatilla County on July 22, 1931, in book 136, page 589. Indian Office file No. 38336–31 appears on the face of the deed.

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UMATILLA

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	19	1,446.76	13	922.46			3	160.00			1	80.00	7	560.00	8	579.53	8	560.00	13	971.13
Certificates of competency																				
Removal of restrictions	2	80.00																		
To fee status by inheritance or devise (only where entire interest has so passed)			1	80.00															2	160.00
To fee status by partition																				
Other																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status	2	120.00					3	120.00												
Sales to tribes																				
Sales to other Indians in trust or restricted status	1	80.00	1	0.22	2	96.1	1	88.25					1	66.25						
Other: Relinquishments															1	92.07				

DISPOSALS TO FEE STATUS

Exchanges to fee status	1	80.00							1	40.00							5	337.89	6	360.00
Sales to fee status																			30	318.80
Takings for public purposes															1	20.00				
Other																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None.

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UMATILLA—Continued

Individually owned land—Continued

[No. T. = Number of transactions. Ac. = Acreage]

ACQUISITIONS FROM FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from fee status																				
Purchases of fee lands																			1	6.00
Other																				

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5. WARM SPRINGS AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Portland, Oreg., June 10, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: Enclosed is the questionnaire sent out by your committee on the acquisition and disposition of Indian lands in the last 10 years. This report, submitted by the superintendent of the Warm Springs Indian Reservation, is in two parts. One covers the Warm Springs Reservation in Oregon and the other covers the Burns-Paiute public-domain allotments near Burns, Oreg., which are under the supervision of the Warm Springs Agency superintendent.

These reports are being forwarded by this office at the request of the acting superintendent of the Warm Springs Agency.

Sincerely yours,

DON C. FOSTER,
Area Director.

A. WARM SPRINGS RESERVATION

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS—NARRATIVE REPORT

PREAMBLE

The Confederated Warm Springs Tribes of Oregon may be viewed in a somewhat different light in the approach to their land problems than most other tribes or bands. They have, collectively and individually, maintained a strict retention of the trust rights afforded them by treaty and under the act of June 18, 1934 (IRA). To retain the trust ownership of lands the tribe has expended their own funds in the purchase of lands and have not permitted encroachment by non-Indians to any extent. There may be a few exceptions, such as fee patents issued in the early days of the reservation and similar land sales, but these have been few in number and acres.

With the tribes' acceptance of the act of June 18, 1934, they have placed considerable emphasis upon return of alienated lands and other involved lands to tribal ownership. Much of this has been accomplished prior to 1948. They have used such means at their command to carry out this program and general policy. The lands so acquired in the name of the tribe have, in most part, been assigned to tribal members as farm homes and homesite tracts.

Therefore, the statistical report attached, does not reflect transactions, other than sales to the tribes.

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PART I—WARM SPRINGS

As to tribal and individually owned trust or restricted lands:

1. How many acres were there in tribal ownership on July 1, 1947?

(1) 435,841 acres; (2) 435,841 acres; (3), none.

2. How many acres of trust or restricted land were there in individual ownership on July 1, 1947?

There were 130,842 acres.

3. How many transactions by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) were consummated during each fiscal year since July 1, 1947?

None found of record, excepting 1955, 1 tract of 160 acres.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

One tract in 1955 of 160 acres.

5. Give the number of transactions for each year which will be shown in answer to No. 3 above, broken down by type of transaction.

By fee patent, 1.

6. Give the acreage for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

By fee patent, 160 acres.

7, 8, 9, and 10. All lands within the boundaries of the Warm Springs Reservation have been or were previously under Indian ownership, either tribally owned or individually allotted.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 458,831 acres.

How many acres held by United States in trust?

There were 458,351 acres.

How many acres acquired by the tribe in fee?

There were 480 acres, estimate.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 104,997 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

(*a*) No special acts have been passed relative to the disposals or issuance of patents-in-fee that would affect individual allotments on this reservation. The most deterrent action taken by Congress, has been the limitation amendments to the appropriation acts with respect to the tribes returning former trust lands, now in fee status to trust ownership. The tribal council has been consistant in requesting any purchase or restoration of lands to tribal ownership be made in trust. (See copy of resolution No. 1428 attached.) This recent resolution has to do with restoration to tribal ownership of certain Government owned administrative site. Their position is set forth therein.

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14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe:

There are none at present writing. However, with the tribal purchase of heirship interests held by Klamath heirs in some thirty-odd Warm Springs allotments, there will be tribally owned trust shares in these allotments.

(*b*) Undivided interests owned by non-Indians and alien Indians: No vested non-Indian rights have been found of record, other than dower or curtesy rights to the allotted lands. The same applies to alien Indians of other countries. There is a large heirship holding in the remaining allotted lands held by Indians of other tribes and bands, particularly by Yakimas, Umatillas, and so forth.

(*c*) Undivided interests owned by minors on reservations which are under the Indian Reorganization Act: There is a large heirship interest held by minors on this reservation.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands: It has been found on the Warm Springs Reservation, that a majority of the allotted owners, when approached or presented with sound proposals are in the majority, favorable to such adjustments and transactions. There are exceptional cases. These cases are in a small minority.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

The tribal council passes upon each case, with respect to acquisition by the tribe or sale to individual members of the tribe and makes a formal or informal statement regarding the case. If the allotment or tract of land lends its acquisition to the tribal program, the tribal council then indicates their approval for tribal purchase, if not, the council recommends sale or transfer to qualified member of the tribes.

PART II—WARM SPRINGS

1. How much acreage and how many tracts have been sold that the tribe, individual owners, or the Bureau have alleged were key tracts?

To the members of the Warm Springs Tribes, every acre of land within the boundaries of the established reservation is important to them. Therefore, no acreage has been sold to other than the tribes or to qualified members thereof, the past 10 years.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be tracts were sold to non-Indians?

Since 1947: None.

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5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership?

None, since 1947. The lands within the boundaries, with few exceptions, is nearly all in Indian use.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

As stated above, the entire use of lands, within the boundaries of this reservation is made principally by the tribes or members of the tribes. The purchased lands have been adopted to homesites, integrated with other grazing lands, or assigned to members of the tribe as farmsteads. There are at present several tracts of fee owned land deemed important to the tribal council for tribal use or individual use. To round out their long range program, they have expressed themselves as desiring to acquire these tracts in accordance with the act of June 18, 1934, which they have accepted, in trust. This phase of their program has been restricted by reason of the limitation amendments to the several past appropriation acts, limiting such purchases of fee land, to purchase in fee status.

There is at present a small acreage in fee, owned by members of the tribes.

PART III—WARM SPRINGS

1. Give the position of each tribal real estate employee, his annual salary, and nature of his work.

(*a*) Clerk-stenographer, grade 3, $3,175: This employee assists the real property assistant in performance of the realty functions at this agency. The work involved is principally clerical and stenographic. This position has only been established since January 1, 1958.

2. Give the positions of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

See above. This employee is paid fully from tribal funds.

3. Does the tribe have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities?

No. They do have employed an attorney at law who advises them along legal lines. They have and do present their realty problems to the Bureau's technical representatives, both on agency level and area level.

4. Does the tribal organization have a real estate committee with authority to approve tribal real estate activities?

No, not a separate committee. Such matters are reviewed and considered by an elected council consisting of 11 members of the Warm Springs Tribes. In special cases a committee may be appointed to investigate and report on special cases. There is no set, appointed committee.

5. Does the tribal organization have a real estate committee which advises the tribal council with regard to tribal real estate activities?

No; see paragraph No. 4.

6. To what extent has the tribe employed private consultants to study particular phases of its real estate activities?

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The tribe has not indicated the need for real estate consultants. They are not adverse to hiring private consultants if they find or feel they have the need for this type of consultants, as evidenced by their retention of a private firm of forestry consultants. Also, evidenced by the recent general council affirmative vote to have a long-range program survey made by the Oregon State College.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

For many years this agency functioned without a regular real property staff or organization. The work involved was spread from the superintendent and clerks to farm agents and forestry personnel. Shortly after the Warm Springs Tribes adopted the provisions of the act of June 18, 1934 (I. R. A.), considerable curative and acquisitional work was initiated, with the technical part, processed by district land officers. From about 1945 to 1952, land or realty work was processed through a "land clerk" paid from tribal funds. This clerk's time was not entirely applied to land work and land problems. From 1952 to 1955, land or realty matters were handled by intermittent personnel, through a tribal land enterprise. During fiscal year 1956 the realty work at this agency was taken over by the Realty Branch of the Bureau, however, it has only been since May 1957 that a full time realty approach has been made to the overall realty problem and the residual accrued backlog.

8. Has the tribe or the area office been instructed to turn real estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

This phase of operation has never presented itself as the question is asked. The tribal organizations, the agency personnel, the Portland area office, and central office of the Bureau have jointly approached the real estate problems on the Warm Springs Reservation on a common front. There is no basis that a separate evaluation can be made, of two different types of operations.

RESOLUTION No. 1428

Whereas the Confederated Tribes of Warm Springs Reservation of Oregon have adopted the provisions of the act of June 18, 1934 (48 Stat. 984); and

Whereas under the act of June 18, 1934 (48 Stat. 984), a duly recognized constitution and bylaws and corporate charter were adopted and approved, and ratified by the Secretary of the Interior on April 23, 1938, as provided in the said act of June 18, 1934 (48 Stat. 984); and

Whereas the tribal council has authority to acquire and restore lands to ownership by the Confederated Tribes of the Warm Springs Reservation of Oregon in a trust, nontaxable status, within the boundaries, and adjacent to the boundaries of the recognized reservation; and

Whereas the United States, by deed approved March 12, 1932, acquired title to a tract of land contained in the Thomas Wainanwit or Wanukias, Warm Springs allotment No. 505, more particularly described as—

Commencing at a point 5.38 chains west of center of section 25, T. 9 S., R. 12 E., north 30 chains; west 17.08 chains; south 20 chains; east 2.50 chains; south 10 chains; east 14.63 chains to point of beginning, containing 48.89 acres more or less, being parts of lots 5, 6, 11, 12, and 14, section 25, T. 9 S., R. 12 E., Willamette meridian, Jefferson County, Oreg. This tract was purchased by the Federal Government from Thomas Wainanwit or Wanukias, Warm Springs allottee No. 505, by "deed, noncompetent Indian lands," approved by the Secretary of the Interior on March 12, 1932, for a consideration of $1,000, which was paid from the fund "Indian school buildings, 1931."

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Whereas the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon have been advised of the above-described lands being declared excess to the needs of the Government in the administration of the affairs and needs of the Warm Springs Indians; and

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon have great need for the use and benefit of the Warm Springs Indian people of all lands situated within the boundaries of the Warm Springs Reservation; and

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon, have at much sacrifice to them, programed and are carrying out a program of containing the lands of the Warm Springs Reservation in its entirety: Now, therefore, be it

Resolved by the Tribal Council of the Confederated Tribes of Warm Springs Reservation of Oregon, pursuant to article V of the Constitution, That the Secretary of the Interior or his delegated authority take whatever means and steps necessary to restore the above-decribed land to the Confederated Warm Springs tribal ownership; and be it further

Resolved, That the restoration of the said lands be conveyed in a trust status or restricted status from taxation.

CERTIFICATION

The undersigned, as secretary-treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the tribal council is composed of 11 members, of whom 7, constituting a quorum, were present at a meeting thereof duly and regularly called, noticed, convened, and held this 13th day of January 1958; that the foregoing resolution was passed by the affirmative vote of 6 members, the chairman not voting; and that the said resolution has not been rescinded or amended in any way.

JAMES G. SMITH,
Secretary-Treasurer.

Approved January 14, 1958.

A. W. GILBRAITH, *Superintendent.*

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WARM SPRINGS RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																				
Certificates of competency															1	160				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes	28	412	38	5,574	15	2,392	3	480	0	0	0	0	1	157	9	1,397	1	68	2	320
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS—None.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None.

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WARM SPRINGS RESERVATION—Continued

Individually owned land—Continued

[No. T. = Number of transactions. Ac. = Acreage]—Continued

ACQUISITIONS FROM FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from fee status					1	120	1	160	0	0	0	0								
Purchases of fee lands															1	160			1	108
Other (explain)																				

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B. BURNS-PAIUTE COLONY

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS—NARRATIVE REPORT

PREAMBLE

The Burns-Paiute Colony, sometimes referred to as the Burns Paiute Group or Band, is a small group located in and near Burns, Oreg., in the Harney Basin. This is remnant of the bands that originally occupied this area and from whom over 2 million acres of land were dispossessed. This remnant of the original group was allotted in trust some 114 allotments under an allotment schedule approved by the Secretary on June 9, 1897. These allotments were made to those who returned from their complete dispossession and dispersal made by Government and Army authorities in the 1870's.

These remnants of the dispossessed and dispersed groups returned in such impoverished conditions and so subjugated, little, if any in- such impoverished conditions and so subjugated, little, if any initiative remained with them to carry out any provided program or economic program of their own. The lands so allotted to them proved inadequate to provide for them, either individually or as a group.

The lands allotted to them were interspersed with public domain and other fee owned lands. Only a few allotments were capable of higher use than limited grazing. As a result, they made but slight attempts at unified use of the allotments, nor did the attempts made produce productive incentives.

This colony or group has not organized under any of the congressional acts providing for the tribal organization of bands or groups of Indians.

They do have an elected business committee of three who make decisions, are empowered to execute instruments for tribal or group action and exercise other limited authorities.

This colony has been at various periods of time under the jurisdiction of both the Umatilla Agency and the Warm Springs Agency. At the present time the Burns Colony or Burns-Paiute Band is under the jurisdiction of the Warm Springs Agency.

PART I—BURNS-PAIUTE

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

(*a*) None.

(*b*) 13,494 acres trust allotted.

(*c*) None.

The tribe has the use of 760 acres purchased with N. R. A. funds, with title remaining in the United States.

2. How many acres of trust or restricted land were there in individual ownership on July 1, 1947?

Trust allotted lands totaled 13,494 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including placing of unrestricted fee title in

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the hands of owners by issuance of patents in fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

	Acres		Acres
1948	160	1953	160
1949	160	1954	320
1950	160	1955	160
1951	None	1956	960
1952	160	1957	640

These were sales to fee status.

5. Give the numbers of transactions for each year which will be shown in answer No. 3 above, broken down by the type of transaction.

None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

All were by sales in fee status to non-Indian purchasers.

7, 8, 9, and 10. None.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

(*a*) None.

(*b*) None.

(*c*) None.

NOTE.—Seven hundred and seventy acres were held by the United States for the use of the Burns-Paiute colony at Burns, Oreg.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 11,354 acres in trust allotted status.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

(*a*) No special act of Congress has affected the Burns-Paiute colony or group.

(*b*) Considerable study has been given this problem. The lands as they now lie, arid, scattered among large grazing blocks of non-Indian land, in various degrees of multiple ownership, and in most cases uneconomic allotments when used separately, present a challenge in the approach to improve the situation. Recent studies have been initiated by the Portland area and Warm Springs Agency land operations staff and improve the use of the remaining allotments. Sales are limited to 100 percent agreement among the heirs or owners. No resolutions or other suggestions by this group have been made.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe: The colony owns no undivided interest in this group of allotments.

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(*b*) Undivided interest owned by non-Indians and alien Indians: There are no undivided interests owned by non-Indians or alien Indians.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act: The Burns colony group have not accepted the provisions of the Indian Reorganization Act.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands: Due to the complexity of the multiple ownership of the Burns colony allotments considerable difficulty has been encountered in both the use and disposal of the allotted lands.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

This course of action has not been satisfactory in selling these lands. Present laws require 100 percent agreement among the heirs. The tribe, as such, has never evidenced a desire to purchase the lands, nor do they have tribal funds with which to acquire the allotted lands, or other lands for that matter.

PART II—BURNS-PAIUTE

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribe, individual Indian owners, to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

Actually none of the allotted lands can be designated as a key tract. Each sale, however, checkerboards the ownership pattern, until eventually each allotment becomes isolated by fee or other owned land.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

As stated above, this colony, group, or band has no tribal funds or other means at its disposal with which to purchase tribally owned land as such. The Government did, with NIRA funds (1933) in 1935 purchase a 760-acre tract for the use and benefit of this group of Indians. Title remains with the United States of America.

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PART III—BURNS-PAIUTE

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None employed.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No. They do have a contract attorney who has been prosecuting a recovery claim on their behalf, who at times advises them on other matters.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

They have a business committee of three members, who make decisions and act on behalf of the colony or group.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

Same as above.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully.

If the Bureau has disapproved such employment, explain why. These people, due to their impoverished situation, rely upon advice.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

None of record.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

Not being an organized tribe, most administrative matters have been handled by the Bureau. There is little opportunity of evaluation because of the closeness in land administrative matters between area, agency, and Colony matters. It can be stated that the tribe as a whole has exhibited little initiative on its own part.

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BURNS-PAIUTE COLONY

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																				
Sales to fee status	1	160	1	160	1	160			1	160	1	160	2	320	1	160	6	960	4	640
Takings for public purposes																				
Other																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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6. WESTERN WASHINGTON AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Everett, Wash., June 11, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: Enclosed is the following material which has been compiled in accordance with your request of April 17, 1958:

1. Answers to questionnaire on the disposition and acquisition of Indian lands (covering 18 reservations and public domain Indian land under jurisdiction of Western Washington Agency).
2. Enumeration of Federal lands on reservations acquired from private owners since 1930.

Replies to questionnaire reflect the period from January 1, 1951, through June 30, 1957. Figures are taken from annual reports and estimates have not been used. The year 1951 is the first year for which we have a report in this office covering activities of the Western Washington Agency which consists of the former Tulalip and Taholah Agencies. Reports for prior years by each separate agency are in the archives. Judging from the 1951 and 1952 reports, there was probably little activity in 1948, 1949, and 1950. The latest reports we have by reservation are for the period ending June 30, 1957.

Figures shown for 1951, 1952, and 1953 are by calendar year; 1954 figures are for the first 6 months only; 1955, 1956, and 1957 are by fiscal year.

The 1951 and 1952 reports from which statistics were taken reflect transactions wherein an entire interest passes to fee status by inheritance or devise. Later reports do not reflect these transactions. Undoubtedly there are many instances in later years wherein non-Indians inherited entire tracts, but there are no figures available.

Tribes in this jurisdiction are not in position to acquire land, with the possible exception of the Makah Tribe and Tulalip Tribes who have limited amounts of money.

I trust that the attached information will assist you in your present study. Your interest in the affairs of the Indian people is very much appreciated and we stand ready to assist you at any time. If you have further questions, please do not hesitate to advise us.

Sincerely yours,

C. W. RINGEY, *Superintendent.*

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QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS (COVERING 18 RESERVATIONS AND PUBLIC DOMAIN INDIAN LAND UNDER JURISDICTION OF WESTERN WASHINGTON AGENCY)

PART I

Questions 1 through 12. See attached sheets and tables by reservation.

13. (*a*) Special acts of Congress which have affected acquisition and disposal of Indian lands:

1. Public Law 592, 84th Congress, chapter 400, 2d session, S. 3920, approved June 18, 1956: An act enabling any owner of an interest in multiple-ownership land on the Tulalip Reservation to take action in a State court for partition or sale of such land. There has been one actual sale by this means and approximately 12 others nearing completion. Other tribes have expressed interest in this type of legislation.

2. Public Law 85–188, 85th Congress, H. R. 993, approved August 28, 1957: To provide for the conveyance of certain land by the United States to the Cape Flattery School District in the State of Washington (Makah Reservation).

(*b*) No specific study has been made of the cause and effect of sales. However, in considering each individual application for sale of land, the effect of such sale in regard to adjacent lands, forest management and timber contracts is weighed.

(*c*) No known tribal resolutions relating to cause and effect of sales.

14. Effect of multiple-ownership problem:

(*a*) In regard to undivided interest owned by tribe: None known.

(*b*) Undivided interests owned by non-Indians and alien Indians: This situation is a definite deterrent to sales due to reluctance of prospective buyers to bid on a parcel to which only part ownership can be conveyed through the Bureau.

(*c*) Undivided interests owned by minors on reservations which are under the IRA: The necessity for appointment of legal guardians for minors to enter into a conveyance delays and often prevents completion of a prospective sale.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands: The problem here is mainly difficulty in locating heirs.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs?

None.

PART II—WESTERN WASHINGTON

We have no information on the sale of key tracts. There is no evidence of discussion or controversy between tribes and Bureau officials on this subject.

PART III—WESTERN WASHINGTON

No tribal real-estate employees. No tribal real-estate activity. The real-estate program is strictly a Bureau function.

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A. Chehalis Reservation

PART I

1. There were 20 acres in tribal ownership on January 1, 1951 (all acquired in trust).

2. There were 2,179 acres trust land in individual Indian ownership on January 1, 1951.

3. Transactions by which tribal or individually owned land disposed of:

1951	None	1955	3
1952	1	1956	3
1953	1	1957	1
1954	None		

4. Acres disposed of or removed from Bureau jurisdiction:

	Acres		Acres
1951	None	1955	50
1952	18	1956	115
1953	1	1957	20
1954	None		

5. Answer to question 3, by type of transaction:
   1952: Sale to fee status.
   1953: Sale to tribe.
   1955: Sales to fee status.
   1956: Sales to fee status.
   1957: Sale to fee status.

6. Answer to question 4, by type of transaction, same as 5.

7–10. Land not previously under Indian ownership. No records; no reports previously made.

11. Acres in tribal ownership on June 30, 1957: 21 acres (trust).

12. Acres in individual Indian ownership on June 30, 1957: 1,975 acres.

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CHEHALIS RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes											1	1								
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status									1	18					3	50	3	115	1	20
Takings for public purposes																				
Other (explain)																				

[1] Jan. 1 through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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B. Hoh Reservation

Hoh Reservation consists of 443 acres tribal lands.
No individually allotted land.
No transactions.

C. Lower Elwha

There were 372 acres tribal land.
No individually allotted land.
No transactions.

D. Lummi Reservation

PART I

1. There were 12 acres in tribal ownership on January 1, 1951 (restricted); 8 acres in fee.

2. There were 10,206 acres in individual Indian ownership on January 1, 1951.

3. Transactions by which tribal and individually owned land disposed of:

1951	None	1955	2
1952	5	1956	None
1953	1	1957	5
1954	None		

4. Acres disposed of or removed from Bureau jurisdiction:

1951	None	1955	144
1952	147	1956	None
1953	1	1957	175
1954	None		

5. Answer to question 3, by type of transaction:
In 1952: 1 sale to fee status; 4 takings for public purposes.
In 1953: 1 removal of restrictions.
In 1955: 2 sales to fee status.
In 1957: 1 sale to fee status; 4 removal of restrictions.

6. Answer to question 4, by type of transaction:
In 1952: 31 acres, sale to fee status; 116 acres, public taking.
In 1953: 1 acre, removal of restrictions.
In 1955: 144 acres, sale to fee status.
In 1957: 130 acres, removal of restrictions; 45 acres, sales to fee status.

7 through 10. Land not previously Indian owned: None known.

11. Acres in tribal ownership June 30, 1957: 8 fee; 12 restricted.

12. Acres in individual ownership June 30, 1957: 9,739.

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LUMMI RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																				
Certificates of competency																				
Removal of restrictions											1	1							4	130
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																				
Sales to fee status									1	31					2	144			1	45
Takings for public purposes									4	116										
Other																				

[1] Jan. 1 through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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E. Makah Reservation

PART I

1. There were 24,438 acres tribal ownership, January 1, 1951 (trust).
2. There were 2,637 acres individual ownership, January 1, 1951.
No transactions.

F. Muckleshoot Reservation

PART I

1. There were 344 acres tribal ownership, January 1, 1951 (trust).
2. There were 2,087 acres individual ownership, January 1, 1951.
3. Transactions by which tribal and individually owned land disposed of:

1951	None	1955	None
1952	None	1956	None
1953	None	1957	1
1954	None		

4. Acres disposed of or removed from Bureau jurisdiction: 1951–56, none; 1957, 20.
5. Answers to question 3, by type of transaction: 1957, sale to fee status.
6. Answer to question 4, by type: 1957, 20 acres, sale to fee status.
7 through 10. Land not previously Indian owned: None known.
11. Acres in tribal ownership, June 30, 1957: 344.
12. Acres in individual ownership, June 30, 1957: 2,067.

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MUCKLESHOOT RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Calendar 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																				
Sales to fee status																			1	20
Takings for public purposes																				
Other (explain)																				

[1] Jan. 1, 1954, through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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G. Nisqually Reservation

PART I

1. 2 acres tribal (trust) January 1, 1951.
2. 1,109 acres individual ownership January 1, 1951.
3. Transactions by which tribal and individually owned land disposed of:

1951	None	1955	None
1952	None	1956	1
1953	None	1957	None
1954	None		

4. Acres disposed of or removed from Bureau jurisdiction:

1951–55	None
1956	75
1957	None

5. Answers to question 3, by type of transaction: 1956, 1 sale to fee status.
6. Answers to question 4, by type: 1956, 75 acres, sale to fee status.
7–10. Land not previously Indian owned: None known.
11. Acres in tribal ownership June 30, 1957: 2 (trust).
12. Acres in individual ownership June 30, 1957: 1,034.

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NISQUALLY RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																				
Sales to fee status																				
Takings for public purposes																	1	75		
Other (explain)																				

[1] Jan. 1, 1954 through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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H. Ozette Reservation

PART I

1. There were 719 acres of tribal land.
2. No individually allotted land.

No transactions.

I. Port Gamble

PART I

1. There were 1,299 acres tribal land January 1, 1951 (trust).
2. No individually owned land.

3–6. No disposals.

7–10. There was 1 transaction (2 acres) acquired by tribe in 1952.

11. There were 1,301 acres tribal land June 30, 1957 (trust).

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PORT GAMBLE RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from fee status																				
Purchases of fee lands																				
Other: North Kitsap School District, quitclaim deed May 12, 1952									1	2										

[1] Jan. 1, 1954, through June 30, 1954.

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J. Port Madison Reservation

PART I

1. There were 41 acres tribal land January 1, 1951 (trust).
2. There were 4,268 acres individual ownership January 1, 1951.
3. Transactions by which tribal and individually owned land disposed of:

1951	None	1955	None
1952	None	1956	None
1953	2	1957	3
1954	None		

4. Acres disposed of or removed from Bureau jurisdiction:

1953	186
1957	231

5. Answer to question 3, by type of transaction:
   In 1953: 1 removal of restrictions; 1 to fee status by inheritance.
   In 1957: 2 removal of restrictions; 1 sale to fee status.
6. Answer to question 4, by type of transaction:
   In 1953: 5 acres, removal of restrictions; 181 acres to fee status by inheritance.
   In 1957: 90 acres, removal of restrictions; 141 acres sale to fee status.
7–10. Land not previously Indian owned: None known.
11. Acres in tribal ownership: 41 (trust) June 30, 1957.
12. Acres in individual ownership: 3,851 (June 30, 1957).

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PORT MADISON RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																				
Certificates of competency																				
Removal of restrictions											1	5							2	90
To fee status by inheritance or devise (only where entire interest has so passed)											1	181								
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status																			1	141
Takings for public purposes																				
Other (explain)																				

[1] Jan. 1, 1954, through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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PART I

1. No tribal land.

2. There were 9,929 acres trust land individual ownership January 1, 1951.

3. Transactions by which tribal and individually owned land disposed of:

1951	2	1955	6
1952	None	1956	4
1953	6	1957	3
1954	4		

4. Acres disposed of or removed from Bureau jurisdiction:

	Acres		*Acres*
1951	180	1955	486
1952	None	1956	150
1953	398	1957	13
1954	213		

5. Answer to question 3, by type of transaction:

In 1951: 2 sales to fee status.
In 1952: None.
In 1953: 6 sales to fee status.
In 1954: 4 sales to fee status.
In 1955: 6 sales to fee status.
In 1956: 4 sales to fee status.
In 1957: 1 sale to fee status; 1 patent-in-fee; 1 removal of restrictions.

6. Answer to question 4 by type:

In 1951: 180 acres, sale to fee status.
In 1952: None.
In 1953: 398 acres, sale to fee status.
In 1954: 213 acres, sale to fee status.
In 1955: 486 acres, sale to fee status.
In 1956: 150 acres, sale to fee status.
In 1957: 5 acres, sale to fee status; 5 acres, patent-in-fee; 3 acres, removal of restrictions.

7–10. Land not previously Indian owned: None known.

11. No tribal.

12. Acres in individual ownership: 8,494 (June 30, 1957).

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30451—58——44

PUBLIC DOMAIN

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																			1	5
Certificates of competency																				
Removal of restrictions																			1	3
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Exchanges to fee status																				
Sales to fee status							2	180			6	398	4	213	6	486	4	150	1	5
Takings for public purposes																				
Other (explain)																				

[1] Jan. 1, 1954, to June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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L. Puyallup Reservation

PART I

1. There were 33 acres of tribal land (trust).
2. No individually allotted land. No change from January 1, 1951, to June 30, 1957.

M. Quileute Reservation

PART I

1. There were 595 acres of tribal land.
2. No individually allotted land.
3. No change, January 1, 1951, to June 30, 1957.

N. Quinault Reservation

PART I

1. There were 4,064 acres of tribal land January 1, 1951 (trust).
2. There were 170,731 acres of individually owned land January 1, 1951.
3. Transactions by which tribal and individually owned land disposed of:

1951	5	1955	None
1952	2	1956	21
1953	None	1957	108
1954	None		

4. Acres disposed of or removed from Bureau jurisdiction:

1951	491	1955	None
1952	160	1956	1,596
1953	None	1957	8,230
1954	None		

5. Answer to question 3, by type of transaction:
   In 1951: 5 transactions to fee status by inheritance.
   In 1952: 2 transactions to fee status by inheritance.
   In 1953: None.
   In 1954: None.
   In 1955: None.
   In 1956: 16 patents-in-fee; 4 sales to fee status; 1 purchase of individually owned land by United States.
   In 1957: 88 patents-in-fee; 15 sales to fee status.
6. Answer to question 4, by type:
   In 1951: 491 acres to fee status by inheritance.
   In 1952: 160 acres to fee status by inheritance.
   In 1953: None.
   In 1954: None.
   In 1955: None.
   In 1956: 1,254 acres, patents-in-fee; 332 acres, sales to fee status; 10 acres sold to United States.
   In 1957: 7,066 acres, patents-in-fee; 1,164 sales to fee status.
7–10. Land not previously under Indian ownership. No records.
11. Acres in tribal ownership June 30, 1957: 4,064 (trust).
12. Acres in individual ownership June 30, 1957: 160,254.

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QUINAULT RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																	16	1,254	88	7,066
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)							5	491	2	160										
To fee status by partition																				
Other (explain)																				

[1] Jan. 1, 1954, through June 30, 1954.

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

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QUINAULT RESERVATION—Continued

Individually owned land—Continued

[No. T=Number of transactions. Ac.=Acreage]

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges from tribal status																				
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust on restricted land from other Indians																				
Other (explain)																	[2] 1	10		

[2] From Jones Hyasman to United States.

ACQUISITIONS FROM FEE STATUS—None

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O. Shoalwater Reservation

PART I

1. There were 335 acres tribal land.
2. No individually allotted lands. No transactions.

P. Skokomish Reservation

PART I

1. There were 19 acres tribal land January 1, 1951 (trust).
2. There were 3,033 acres individually owned land January 1, 1951.
3. Transactions by which tribal and individually owned land disposed of:

1951–55	None
1956	4
1957	None

4. Acres disposed of or removed from Bureau jurisdiction:

1951–55	None
1956	59
1957	None

5. Answers to questions 3, by type of transactions:
   In 1951–55: None.
   In 1956: 3 sales to fee status; 1 tribal land deeded to county.
   In 1957: None.
6. Answer to question 4, by type:
   In 1951–55: None.
   In 1956: 56 acres sales to fee status; 3 acres tribal land deeded to county.
   In 1957: None.

7–10. Land not previously Indian owned: No record.
11. Acres in tribal ownership June 30, 1957: 16 (trust).
12. Acres in individual ownership June 30, 1957: 2,977.

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SKOKOMISH RESERVATION

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	3	56	----	----
Sales to fee status	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Takings for public purposes	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Other: School site deeded to county	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	1	3	----	----

[1] Jan. 1 through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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Q. Squaxin Island

PART I

1. No tribal land.
2. There were 1,414 acres individually owned land.
3. Transactions by which tribal and individually owned land disposed of:

1951–55	None
1956	3
1957	1

4. Acres disposed of or removed from Bureau jurisdiction:

1951–55	None
1956	188
1957	96

5. Answers to question 3, by type of transaction:
   In 1956: 3 sales to fee status.
   In 1957: 1 sale to fee status.
6. Answer to question 4, by type:
   In 1956: 188 acres, sales to fee status.
   In 1957: 96 acres, sales to fee status.

7 through 10. No record.

11. No tribal land.
12. Acres in individual ownership June 30, 1957: 1,130.

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SQUAXIN ISLAND

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																				.96
Sales to fee status																	3	188	1	
Takings for public purposes																				
Other (explain)																				

[1] Jan. 1 through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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R. Swinomish Reservation

PART I

1. Acres in tribal ownership January 1, 1951: 247 (trust).
2. Acres in individual ownership January 1, 1951: 5,382.
3. Transactions by which tribal and individually owned land disposed of:

	Acres
1951–54	None
1955	1
1956	1
1957	None

4. Acres disposed of or removed from bureau jurisdiction:

	Acres
1951–54	None
1955	5
1956	2
1957	None

5. Answers to question 3, by type of transactions:
   In 1955: one patent-in-fee.
   In 1956: one sale to fee status.
6. Answers to question 4, by type:
   In 1955: 5 acres, patent-in-fee.
   In 1956: 2 acres, sale to fee status.

7 through 10. No record.

11. Tribal land June 30, 1957: 247 acres (trust).
12. Individually owned land June 30, 1957: 5,375 acres.

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SWINOMISH RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee															1	5				
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Exchange to fee status																				
Sales to fee status																	1	2		
Takings for public purposes																				
Other (explain)																				

[1] Jan. 1, 1954, through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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S. Tulalip Reservation

PART I

1. Acres in tribal ownership January 1, 1951: 2,660 (trust).
2. Acres in individual ownership January 1, 1951: 15,398.
3. Transactions by which tribal and individually owned land disposed of:

1951	None	1955	6
1952	1	1956	4
1953	1	1957	None
1954	1		

4. Acres disposed of or removed from Bureau jurisdiction:

1951	None	1955	152
1952	18	1956	113
1953	6	1957	None
1954	53		

5. Answers to question 3, by type of transaction:
   In 1951: None.
   In 1952: 1 sale to fee status.
   In 1953: 1 sale to fee status.
   In 1954: 1 sale to fee status.
   In 1955: 1 certificate of competency, 5 sales to fee status.
   In 1956: 4 sales to fee status.
   In 1957: None.
6. Answers to question 4, by type:
   In 1951: None.
   In 1952: 18 acres, sale to fee status.
   In 1953: 6 acres, sale to fee status.
   In 1954: 53 acres, sale to fee status.
   In 1955: 80 acres, certificate of competency; 72 acres, sale to fee status.
   In 1956: 113 acres, sale to fee status.
   In 1957: None.

7 through 10. No record.

11. There were 2,660 acres, tribal land; June 30, 1957 (trust).
12. There were 15,056 acres, individually owned land; June 30, 1957.

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TULALIP RESERVATION

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Calendar 1951		Calendar 1952		Calendar 1953		Calendar 1954 [1]		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																				
Certificates of competency															1	80				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS

Exchange to fee status																				
Sales to fee status									1	18	1	6	1	53	5	72	4	113		
Takings for public purposes																				
Other (explain)																				

[1] Jan. 1, 1954, through June 30, 1954.

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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ENUMERATION OF FEDERAL LANDS ON RESERVATIONS ACQUIRED FROM PRIVATE OWNERS SINCE 1930—QUINAULT RESERVATION

	Acres
Purchased from Jonas Hyasman (Q. No. 29)	1.15
Warranty deed to the United States of America.	
Approved December 19, 1935.	
Recorded in Indian Office Deed Book, volume 32, page 172.	
Consideration: (Benefit to be accrued by landowner).	
Purpose: Forestry administration site.	
(Statutory authority and appropriation not known.)	
Purchased from Jonas Hyasman (Q. No. 29)	.85
Warranty deed to the United States of America.	
Approved April 11, 1936.	
Recorded: Indian Office Deed Book, volume 33, page 18.	
Consideration: (Benefits to be accrued by landowner).	
Purpose: Forestry administration site.	
(Statutory authority and appropriation unknown.)	
Purchased from Ancy Hyasman and Jonas Hyasman (Q. 29)	2.31
Warranty deed to the United States of America.	
Approved September 9, 1937.	
Recorded: Indian Office Deed Book, volume 34, page 91.	
Consideration: $1 and other valuable consideration.	
Purpose: Forestry administration site.	
File reference: L–Adj. 52001–37.	
(Statutory authority and appropriation not known.)	
Purchased from heirs of Jonas Hyasman, deceased (Q. 29)	.25
Warranty deed to the United States of America.	
Approved October 6, 1955.	
Recorded Portland area office, volume 1, page 85, line 3.	
Consideration: $25.	
Purpose: Forestry and road activities.	
Appropriation: I. M. P. L.	
Authority: Office letter November 29, 1951.	
Purchased from heirs of Jonas Hyasman, deceased (Q. No. 29)	10.00
Warranty deed to the United States of America.	
Approved October 6, 1955.	
Recorded Portland area office, volume 1, page 85, line 2.	
Recorded Indian Office, volume 156, page 244, Land Deed Book.	
Consideration: $1,000.	
Appropriation: I. M. P. L.	
Authority: Office letter November 29, 1951.	
Purchased from heirs of Joseph Edward Martin (Q. No. 814)	2.00
Warranty deed to the United States of America.	
Approved March 6, 1935.	
Recorded Washington Indian Office, volume 32, page 113.	
Consideration: $40.	
Purpose: Forest guard cabin site.	
Appropriation: Indian agency buildings, 1935.	
Authority: Indian Office letter August 17, 1934—L–S; Indian Office letter, August 17, 1934—L–S 46168–34; and letter, September 28, 1934—L–S 46168–34.	
Purchased from Hazel Strom (Q. No. 856)	1.00
Warranty deed to the United States of America.	
Approved October 27, 1938; reference: "Land Division Acquisition 49113–37."	
Recorded Grays Harbor County, Wash., on November 26, 1938, book 223, page 497.	
Consideration: $60.	
Purpose: Forestry lookout.	
Appropriation: Unknown.	
Authority: Indian Office letter January 13, 1938 (Reference F–O 74948–37).	

NOTE.—This list covers Federal land under jurisdiction of Bureau of Indian Affairs. There are other Federal lands such as the Navy acquisition on the Lummi Reservation and Coast Guard on the Quinault Reservation. These transactions are reflected in the tables for those reservations.

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7. YAKIMA AGENCY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Toppenish, Wash., June 3, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: Attached are two copies of report of transactions involving disposition and acquisition of Indian lands as requested in your letter of April 17. Supporting pertinent material is also attached.

Enumeration of Federal lands acquired from private owners since 1930 is not included, since none has been acquired at Yakima.

As indicated in the explanation preceding questions in part I, it has been difficult to obtain accurate replies to some of the questions, especially concerning transactions in earlier years. Estimates have been made from calendar-year reports, other special reports, and correspondence in the files. We have thus arrived at fairly accurate figures.

A history of tribal-land employment for the past 10 years is not included, since salaries of employees of the Realty Branch have all been paid during these years from tribal funds. Number of employees has increased from 4 to present 10 over the period. Initiation of the tribal land purchase program, increased leasing, and other expanded activities have necessitated increased personnel. Out of a total of 118 employees at the Yakima Agency, 39 are paid from tribal funds. Ten of these, or all of the Realty Branch employees, are concerned with land transactions. Practically all employees of the Forestry Branch are concerned with land transactions with the time spent being the equivalent, or better, of one full-time position. Salary cost would be about 70 percent gratuity and 30 percent tribal.

We do feel there is need for better reporting methods and procedures regarding realty transactions, especially at agency level. Action during the past few months has been taken to accomplish this objective in the establishment of a Reports and Control Section in the Realty Branch for this and other purposes. New systems of records and recording are being studied and established.

In order that the committee may be better informed regarding the land program at Yakima, we are furnishing the following additional statistics.

The Yakimas are presently possessed of vast and valuable land-holdings (approximately 1,106,896 acres). Prior to the Yakima Treaty in 1855, these holdings consisted of nearly 11 million acres, or more than 9.5 times the area of the present reservation. The present area of the reservation comprises approximately 1,875 square miles,

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where the pretreaty area comprised 16,920 square miles. Allotted lands of the reservation comprise approximately 31 percent of the gross area, while tribal lands comprise approximately 69 percent.

The tribal lands are largely timbered and grazing. Timbered lands comprise approximately 450,000 acres, and 550,000 acres are grazing lands. Portions of the timbered area are also included in the grazing area.

At one time, the gross area of allotted lands comprised approximately 500,000 acres. Approximately 30 percent of the allotted area has been fee patented and is now in non-Indian ownership. Although there has been increased interest in the past few years in sale of Indian lands, we feel the Yakima land-purchase program is proving very effective in retaining such Indian lands in Indian ownership through purchase by the tribe.

Following is a tabulation showing the net area of the reservation:

Gross area of reservation	1,226,559
Alienated or fee patented	119,642
Total	1,106,917
Allotted	341,671
Tribal	765,225
Government owned	21
Net area	1,106,917

Attached are copies of a map of the Yakima Reservation.[1]

The tribal population of the reservation is 4,600. Of the 4,556 original allotments, there are 3,742 remaining in trust, including 265 public-domain allotments.

The major income for individual Indians of the reservation is from timbered lands; approximately $1¾ million worth of timber was harvested on the reservation during the past year. This timber income from tribal lands, as well as rentals and other income from tribal lands, constitute per capita payments which have been made to tribal members during the past few years. Again the Yakima tribal program and land-purchase program have been very instrumental in retaining key tracts so important to preserving intact timber and grazing units for orderly development, protection, and administration.

Another source of substantial income to individual members of the tribe is rentals from these individually owned or allotted lands. This constitutes approximately three-fourths million dollars per annum.

It will be noted the Indian people are not farmers. Around 98 families are engaged in stockraising and 117 families in general farming. Livelihood of most of the Indians heretofore has been from fishing at Celilo Falls. This industry was, of course, terminated by construction of the Dalles Dam. The Bureau of Indian Affairs, together with tribal leaders, has been working toward programed expenditure of the more than $15 million settlement for the Dalles Dam to improve the economic status of the tribe which is designed to supplement or replace the former income from fishing. First payments to Yakima tribal members were made this week. As these payments are accelerated, it is expected that sale of tribally purchased lands

[1] On file with the committee for reference purposes.

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(under the land-purchase program) will be substantially increased, thus fulfilling one of the objectives of the said program in resale of these lands to landless Indians. It is anticipated a favorable change in the economy of the Indian people will naturally follow the payment of the settlement funds and reinvestment in lands of the Yakima Reservation.

The valley portion of the reservation comprises approximately 131,450 acres of valuable irrigated agricultural lands. Approximately 81,000 acres are still Indian owned. Slightly over 1 percent of these lands are Indian operated. About half of that amount is operated by Indians who own their lands; the other half by Indians who lease and operate lands belonging to other tribal members. The gross income from all agricultural operations within the reservation is in access of $22 million, 1 percent of which is produced by Indians. There are approximately 2,300 farming and farming-pasture leases in force on the reservation.

We hope the foregoing, together with the attached information, will fulfill the needs of your committee as far as the Yakima Reservation is concerned. Your interest in the welfare of the Indian people is appreciated.

Sincerely yours,

DANNIE E. LECRONE,
Superintendent.

YAKIMA

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. How many acres were there in tribal ownership on July 1, 1947?
There were 760,425 acres.
How many acres in trust?
There were 1,117,178 acres.
How many acres which the tribe had acquired in fee?
None.

2. How many acres of trust or restricted land were there in individual Indian ownership on July 1, 1947?
There were 356,753 acres.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

1957	34	1952	15	1947	4
1956	20	1951	7		
1955	18	1950	8	Total	141
1954	14	1949	12		
1953	4	1948	5		

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4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

	Acres		Acres		Acres
1957	2,335	1952	650	1947	200
1956	1,920	1951	520		
1955	1,448	1950	472	Total	10,282
1954	1,021	1949	1,036		
1953	405	1948	275		

5. Give the numbers of transactions for each year which will be shown in answer to No. 3, above, broken down by type of transactions.

All by fee patent or unrestricted deed with exception of: 1956, 2 cancellations of allotments; 1953, 1 cancellation of allotment; 1952, 3 restrictions removed.

6. Give the acres for each year which will be shown in answer to No. 4, above, broken down by type of transaction.

All by fee patents or unrestricted deeds with exception of: 1956, 320 acres (cancellations); 1953, 160 acres (cancellation); 1952, 93 acres (restrictions removed).

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 765,225 acres.

How many acres held by the United States in trust?

There were 1,106,896 acres (including tribal).

How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in indidividual Indian ownership on December 31, 1957?

There were 341,671 acres.[1]

[1] See the following:

July 1, 1947	356,753
Sold to tribe	−4,800
Total	351,953
Removed from Bureau jurisdiction	−10,282
Total	341,671

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13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

Public Law 188, 84th Congress, 1st session (copy attached). To authorize the purchase, sale, and exchange of certain lands on the Yakima Indian Reservation, and for other purposes. (See pt. III, par. 7, for further details.)

Yakima Tribal Council Resolution T–110–58 dated May 15, 1958 (copy attached).

Yakima Tribal Council Resolution T–104–57 dated May 7, 1957 (copy attached). (Also see copy of proposed amendment to existing legislation.)

Unnumbered Yakima Tribal Council resolution approved January 16, 1953 (copy attached).

Realty and administrative personnel of the Bureau of Indian Affairs' Washington office, Portland area office and Yakima Agency, as well as the tribal council, are continually alert to the cause and effect of sales on the economic welfare of the individual Indian.

The tribal council is kept informed, through recommendations of its tribal land committee, composed of four tribal members, who, with representatives of the agency realty staff, review all applications for sale of allotted lands. Most sales are to the tribe, under its land-purchase program. Where sales of lands will not benefit the individuals concerned, an attempt is made to discourage the sale. On the other hand, if the sale will benefit the individual, and administration of the lands will be facilitated, an attempt is made to assist individuals in disposal of lands. All sales to the tribe must be approved by tribal council resolution (copy attached).

All applications for fee patents or sale to the public, are brought before a review board, composed of four tribal members, with representatives of the agency realty, forestry, and land-operations staffs, who make recommendations as to whether public sale or issuance of fee patent, removing lands from Indian ownership, will affect the economy of the tribe. If not, further recommendation is made as to competency of applicants and as to whether they would be benefited by the public sale or issuance of fee patent. If the lands are considered key tracts, applicants are encouraged to consider sale to the tribe or, if in a timber unit scheduled for early sale, to retain ownership.

On May 15, 1958, the Yakima Tribal Council passed Resolution T–110–58 (copy attached) prohibiting purchase of tribal lands of the Yakima Reservation by tribal members of less than one-quarter degree Yakima blood and who are married to non-Yakimas or non-Indians.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposition of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

None at Yakima.

(*b*) Undivided interests owned by non-Indians and alien Indians.

This has not presented much of a problem because of the very small number of such cases encountered at Yakima. In the case of sale to

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the public, the purchaser is required to make title arrangements with the non-Indian or alien Indian owner for his share. If the tribe were the purchaser, title would be taken by warranty deed.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

Yakima Tribes or Reservation not under this act.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

Following is a table taken from report (attached) prepared as of January 15, 1956, showing the more fractionated inherited ownerships in Indian trust allotted lands under the jurisdiction of the Yakima Agency and listing tracts with more than 5 heirs:

Number of heirs:	*Number of allotments*
6 to 10	564
11 to 20	393
21 to 40	127
Over 40 (up to 74 heirs) (at present time)	17

Complicated ownerships prohibit possible individual use of the lands and create administrative problems which constantly and progressively become more complicated through probate. Income from the sale of such lands is usually more beneficial to the owners than the small amounts received by them through continued operations under joint ownerships. However, it has been virtually impossible to obtain signatures of all the heirs in such complicated ownerships since the whereabouts of so many are often unknown. Yakima Agency has applications of several years standing. (See copy of Yakima Tribal Council Resolution No. T–104–57 attached, stating that the major obstruction to the most effective application and operation of the Yakima tribal land program is lack of authority to sign for and on behalf of the absentee owners or heirs whose whereabouts are unknown and authorizing the executive board of the Yakima Tribal Council, with approval of the area office and upon the advice of tribal attorneys and agency representatives, to draft and submit for presentation by proper authorities proposals for legislative authority for the Commissioner or his duly authorized representatives to sign for and on behalf of absentee heirs or owners.) (Copy of proposed amendment to existing legislation attached.)

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

Secretary's authority has been used when the owners have died intestate and left minor or incompetent heirs, by use of order transferring inherited interests of Indian lands. The tribe has been offered the opportunity, in all such cases, of purchasing the lands.

PART II—YAKIMA

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

There were 122 tracts, 7,400 acres. (In the sense that the tribe considers all trust lands key to their tribal land purchase program.)

2. How much acreage and how many of the tracts alleged by the

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tribe or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

There were 86 tracts, 5,000 acres (predominantly sales to tribe).

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

There were 36 tracts, 2,400 acres.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

Although sales of key tracts from timber sales and grazing units have been kept to a minimum through controls exercised by the supervisory board and tribal land committee, described in part III herein. greatest effect would be in loss of lands from these units, through interspersed non-Indian ownerships, for the following reasons.

The Yakima tribal timber program (managed by Indian Bureau under a sustained-yield basis which insures a continuous supply of commercially valuable timber, the success of which depends upon retaining ownership and proper management of trust lands within timber units) was started in 1948 and has been steadily expanding, proving beneficial to all concerned.

Under this program, timber is offered for sale on the open market to the highest bidder with bids starting at the minimum appraised value. Stumpage prices received in this manner are usually higher than those received by an individual selling relatively small holdings. Due to the currently depressed lumber market, competition between timber operators is largely confined to larger blocks of timber, except in some cases where key tracts of lands are desired by a company to round out its holdings or where tracts would facilitate administration of other lands owned by the company. Access to timber, as well as volume and quality, has the greatest effect on prices offered. Access, fire control, and right-of-way problems are greatly increased when one operator buys part of the lands within a unit and another operator buys the timber on the remaining lands. It is therefore evident that where tracts are withdrawn from the timber sale unit and sold, bid competition will be limited and less desirable prices obtained for the timber remaining.

Sale of allotments included in grazing units tends to make surrounding lands useless for grazing to large operators because of insufficient land. Also, most operators do not look with favor on units with mixed ownership because of possible controversies over water rights, trespass, etc. This discourages and limits bid competition, resulting in a loss of rentals to owners of lands remaining in the unit.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

None at Yakima.

PART III—YAKIMA

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None.

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2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

All salaries of agency realty branch employees are presently paid by the Yakima Tribe.

Supervisory real property officer, $7,570.—Responsible for realty program at Yakima. Supervises required staff and responsible for work accomplished through the sections listed below.

Develops and recommends to the tribal governing bodies and superintendent policies and procedures governing overall realty activities. Advises and assists in development of plans for land acquisition, exchanges, consolidation projects, and programs having to do with development and conservation of reservation resources.

Keeps superintendent and staff informed on land evaluation trends, land laws, regulations and policies affecting Indian lands, latest technical developments and procedures concerning development of mineral resources.

Recommends initiation of legislation pertaining to acquisition, consolidation, exchange, disposition, and management of Indian lands. Frequently consulted by members of tribal governing bodies, tribal committees, individual Indians, others of the agency, area and central office realty personnel, members of Congress and representatives of private industry for information on general and specific problems. Cooperates with representatives of other Government agencies as well as State, county, and municipal agencies regarding tribal policies and procedures. Also meets with representatives of companies, attorneys, and other individuals to explain laws, rules, and regulations concerning land ownerships, conveyancing, leases, permits, probate, enrollment, etc.

Programs, formulates, and recommends approval of plans for acquisition of lands by the tribe for Indian use and for the consolidation of Indian lands through exchange, etc. Also recommends plans and programs for investment of individual income from land sales or land and timber sales in home construction, improvement, farm and home development, etc. In coordination with branch of land operations, develops economical and feasible land-use programs with the view of obtaining for the Indian owners the greatest amount of returns based on the highest and best use of the land.

Clerk-stenographer, $3,415.—Performs stenographic and clerical services for the supervisory real property officer and other members of the realty staff. Answers telephone. Interviews visitors and business callers. Assists in preparation of title papers, such as deeds, land-status reports, abstracts of probate and related data. Files realty papers.

Appraisal section

Appraiser, $6,390.—Inspects and prepares appraisal reports in all land transactions, such as sales, exchanges, rights-of-way, leases, relinquishments of trusteeship, probate of estates, etc. Makes appraisals for fair rental on long-term and specialized crop leases such as recreational, religious, business, orchard, hops, open farming, etc.

Obtains data concerning recent sales of comparable lands and properties in the vicinity, verifies and analyzes sales information through

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field inspection and study for the purpose of adequately supporting appraisal conclusions. Analyzes market data for the purpose of finding proper capitalization rates and gross multipliers used in the appraisal of income properties.

Contacts representatives of Federal, State, county, city or other organizations and private concerns such as banks, loan companies, processors, co-ops, realtors, etc., in securing information to assure accurate and sound appraisals of properties.

Works closely with specialists in field of engineering, soils science work, foresters, geologists and other experts, using the findings and information so obtained in arriving at appraised value of lands. Serves as consultant to superintendent, Yakima Tribe, branch of realty, land operations and forestry with respect to property values, rentals, and proper appraisal procedures.

As assigned, testifies in court actions as Bureau witness relative to appraisals of lands.

Acquisition and disposal section

Real property assistant, $5200.—Processes land conveyancing by and through preparation and execution of deeds, documents, abstracts, title papers, and instruments involving purchases, sales, consolidations, gifts, exchanges, and other acquisitions or dispositions. Prepares and completes petitions, abstracts, title chains, and other supporting data in land transfer files; also prepares accompanying transmittal correspondence with justification and recommendations for approval.

Clerk (realty), $3,805.—Assists in processing land conveyances such as title instruments, deeds, abstracts, and other instruments involving purchases, sales, consolidations, gifts, etc.

Tenure and management section

Real property officer, $5,575.—As chief of the section, responsible for exercising supervision over 2,600 surface and some subsurface leasing and management programs, such as licenses, leases, permits, easements, use agreements, grants, rights-of-way, etc., for Yakima Reservation. Plans, administers, directs programs, and supervises required staff, etc.

Real property assistant, $4,930.—Prepares, executes, and reports permits and lease contracts covering use and occupancy of Indian lands for agriculture, grazing, business and mining and other purposes, involving about 9,500 individual heirs or owners sharing in approximately 2,300 leases, etc.

Clerk-stenographer, $3,175.—Clerical and stenographic work in connection with all activities of the tenure and management section.

Reports and control section

Clerk (realty), $4,485.—Supervises activities of the reports and control section. Responsible for all probate matters concerning Indians of the Yakima Reservation. Prepares land status reports and abstracts of probate for use in cases of disposal, lease, or other land transactions. Maintains all realty records. Responsible for all reports pertaining to realty matters. Prepares budget estimates and justifications for personnel needs, etc.

Clerk, $3,925.—Responsible for maintenance of probate records. Prepares reports of inherited interests, requiring research in deter-

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mining family history of decedent, his inherited interests, and appraisal of properties. Assist in developing data of ancestral history, completes forms for use in probate proceedings, prepares vouchers to distribute estate funds as ordered by hearing examiner, negotiates, prepares, and executes wills and codicils, etc. Assists in preparation of land status reports and abstracts of probate for use in cases of disposal, lease, or other land transactions, etc.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

Supervisory real property officer listed in reply to No. 1 performs this function. The employee or his representative attends all meetings of the tribal land committee and the supervisory board in considering applications for land transactions or other matters and acts as consultant and adviser. This employee also attends, in capacity of consultant and adviser, all meetings of the tribal council concerning administration of lands.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

Yes. (1) Tribal land committee, appointed by and representing the tribal council, composed of four tribal council members. This committee considers and has authority to approve, in behalf of the tribe (tribal council) all tribal real-estate activities, subject to concurrence of the executive board of the tribal council, but final approval of fee patent applications is made by the supervisory board.

(2) Supervisory board: This board was set up as directed by Portland area office letter dated September 6, 1955 (copy attached), to review applications which may be received for removal of trust or other restrictions or for supervised sales of lands. The board is composed of 7 members, 4 tribal members and 3 key members of the agency staff, representing the realty, forestry and land operations branches, all of whom are well informed regarding relationship of the land in question to the overall program and economy of the tribe and the Indian community, and also as to the economic status and general ability of applicants to care for their personal affairs. The tribal members of the board are appointed by the tribal council. It is the responsibility of the tribal representatives to consider possible tribal interest in acquisition of the property from the standpoint of its location and character in relation to the overall land program of the tribe. The board makes every effort equitably to adjust cases where alienation of Indian lands would adversely affect tribal interests or interests of the Indian community, with particular emphasis on forest management units. Preferably the tribe is afforded an opportunity to purchase the property at its appraised value. Other avenues of adjustment may include exchanges, where authorized by statute, relinquishment of lands and selection of lieu allotments, etc. When it has been determined, after thorough study, that a tract is indispensable for unit operation because of its strategic location and all possible means of satisfying the desires of the individual have been explored without success, then the application may be denied with full information to the individual of his right to appeal. (See tribal resolution approved January 16, 1953, attached.)

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5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

See reply to No. 4 above.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

None at Yakima Agency.

7. Does the tribe have, or has it had, a Tribal Land Enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

Action to establish a land program for Yakima was instituted in 1950. It was approved on April 13, 1950, and May 31, 1950, by Bureau of Indian Affairs Washington office and the Portland area office, respectively, but it was made inoperative by provisions of the Appropriation Acts of 1950, 1951, and 1952, which prohibited the use of appropriated tribal funds for the acquisition of lands or water rights inside or outside boundaries of existing reservations within the States of Washington, Oregon, Nevada, South Dakota, etc. These restrictive provisions were removed in the 1953 Appropriation Act and thereafter tribal funds in the amount of $50,000 were made available for tribal land purchases on April 2, 1954. This tribal program was sanctioned by the Congress in its enactment of implementing legislaton known as the Yakima land bill, H. R. 1801, under provisions of Public Law 188, 84th Congress, 1st session, authorizing the purchase, sale, and exchange of certain Indian lands of the Yakima Indian Reservation and for other purposes. (Copy of Public Law 188 attached.)

Under the provisions of the Yakima land program, $1,075,000 of tribal funds have been expended by the tribe for acquisition of Indian trust allotted lands of the reservation. The purpose of this program is to eliminate complicated heirship status of trust allotted lands of the reservation and to provide for the acquisition of allotted key tracts in order to facilitate development, protection, and administration of forest and range areas predominantly tribal; to provide income to owners and heirs of allotted timber tracts who must wait many years for orderly development of timber sales; to simplify administration and accounting, and for other purposes. The program was also designed to keep desirable trust lands in Indian ownership and to make agricultural lands available for future resale to landless tribal members. This program may also well afford welfare and relief to elderly and needy tribal members, who are currently without income and who have valuable timber or other holdings on the reservation that are not subject to early production, through purchase of such holdings by the tribe.

A good start has been made toward accomplishment of the objectives of the Yakima land-purchase program, although all of its objectives have not as yet been accomplished. The majority of tribal purchases thus far have been from 1 to 5 owner allotments. As pointed out in part I, 14d, of this report, the major obstruction to the most effective application and operation of the program is lack of authority to sign for and on behalf of absentee owners or heirs whose whereabouts are unknown. However, many valuable tracts of land have been retained in tribal ownership for possible resale to landless In-

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dians. To date there have been very few resales, but it is expected that with payment of the Dalles Dam settlement funds this phase of the program will appreciably increase. Key forestry and grazing tracts have been acquired by the tribe, thus keeping forestry and grazing units intact for orderly development, protection, and administration.

8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

All real-estate operations will be paid from tribal funds through fiscal year 1958. But it has been proposed to turn all real-estate activities over to the Bureau, to be paid from gratuity funds, at the beginning of fiscal year 1959. No information has been received that any definite action looking toward this change has yet been taken.

Since realty operations at Yakima have for more than 10 years been financed by the tribe and all realty employees are civil service, under the same administration as other Bureau employees, it is a little difficult to determine the differences in effectiveness of all Bureau operations as compared with all tribal operations.

The present realty program is practically self-supporting from fees charged for services performed for the public, including tribal members, thus relieving the taxpayer of this responsibility. A tribal service fee of 5 percent for leasing activities during the year 1958 (fiscal) averaged approximately $37,500. Fees for other services performed in the realty department will average approximately $12,000 per annum, being a total of slightly in excess of $49,000 in fees.

Also, it is believed that the manner in which the realty activities are presently financed helps to accomplish one of the objectives of the Bureau—create in the individual Indian a desire for self-dependence. We believe most Indians take some pride in the fact that they pay for any services they receive and also pay the salaries of employees rendering those services. Under gratuity funds, there might be more money to employ needed additional personnel to properly round out the realty staff or program which cannot be fully accomplished with limited service fees. On the other hand, gratuity appropriations sometimes fluctuate, and there might be even less money at times.

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS[1]

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

AN ACT To amend the act of July 28, 1955, authorizing the purchase, sale, and exchange of certain Indian lands on the Yakima Reservation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Act entitled "An Act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Reservation, and for other purposes," approved July 28, 1955, Public Law 188, 84th Congress, chapter 423, 1st session (69 Stat. 392) be and it is hereby amended, *to provide further:*

[1] Exact statistics not available. Estimated. See narrative report.

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That the purchase, sale, and exchange of heirship lands, as provided in the said Act of July 28, 1955, may be made with the consent of the heir or heirs in ownership of at least 65 per centum of the interest or interests in the said heirship lands, and with or without the consent of the heir or heirs in ownership of the remaining 35 per centum interest or interests in the said heirship lands: *Provided, however*, it may be shown that effort is made to notify said minority owners such action is being contemplated and no formal objection in writing is filed by the owners.

And to provide still further: That the Yakima Tribe be and it is hereby authorized to convey tribal lands of the said reservation to agencies of the Federal, State, or local Government for recreational, educational, civic, or other public purposes.

RESOLUTION T–110–58

Whereas the Yakima Tribal Council of the Yakima Tribe, in session on May 14, 1958, at the Yakima Indian Agency, Toppenish, Wash., a quorum being present, duly considered and concurred in the findings and recommendations of the tribal land committee regarding the sale of Yakima tribal lands to Yakima tribal members of less than one-fourth degree Yakima blood and who are married to non-Yakimas or non-Indians; and

Whereas said committee in session on March 27, 1958, after long deliberation and due consideration, unanimously approved the recommendation that applications for the purchase of tribal lands by tribal members within the above-stated category be denied; and

Whereas such determination by said committee was found to be in complete harmony with the intent of the Yakima Enrollment Act and other regulatory provisions designed to retain Indian lands in Indian ownership: Now, therefore, be it

Resolved by the Yakima Tribal Council, That it hereby concurs in the said recommendations of said land committee that applications for the purchase of tribal lands of the Yakima Reservation by tribal members of less than one-fourth degree Yakima blood and who are married to non-Yakimas or non-Indians be and they are hereby denied.

Done and dated this 14th day of May 1958 at the Yakima Indian Agency, Toppenish, Wash., by the Yakima Tribal Council by a vote of 13 for and none against.

EAGLE SEELATSEE,
Chairman, Yakima Tribal Council.

RESOLUTION T–119–58

Whereas the Yakima Tribal Land Committee, in session at the Yakima Indian Agency, Toppenish, Wash., on December 18, 1956, duly considered and unanimously recommended tribal acquisition of the Betsey Hahhise, A1–1713, described as N½SE¼, sec. 35, T. 10 N., R. 21 east, Willamette meridian, Washington, containing 80 acres, more or less, for a total consideration of $11,680; and

Whereas said recommendation is hereby concurred in by the executive board of the tribal council; and

Whereas the owners of said land have executed deeds in favor of the United States in trust for the Yakima Tribe for the said consideration of $11,680: Now, therefore, be it

Resolved, That the proposed purchase be and it is hereby approved and payment of the said consideration be and it is hereby authorized and directed by the said executive board.

Done and dated this 2d day of June 1958 at the Yakima Indian Agency, Toppenish, Wash., by the undersigned members of the said executive board.

EAGLE SEELATSEE,
Chairman, Yakima Tribal Council.

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PUBLIC LAW 188—84TH CONGRESS

CHAPTER 423—1ST SESSION

H. R. 1801

AN ACT To authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of effecting consolidations of land, situated within the Yakima Indian Reservation in the State of Washington, between the Yakima Tribes of Indians and individual members of the tribes and other Indians, for the mutual benefit of the tribes and the individual members thereof, the Secretary of the Interior is authorized in his discretion to—

(1) purchase for the Yakima Tribes, with tribal funds of such tribes on deposit in the United States Treasury, or otherwise, any lands held by individual members of the Yakima Tribes and other Indians under trust patent or other restrictions against alienation including lands in heirship status, within the Yakima Indian Reservation, including interests therein or improvements thereon, water rights, and surface rights;

(2) sell to individual members of the Yakima Tribes any tribal trust lands within such reservation, including lands, interests, improvements, and rights acquired for the tribes under this Act; and

(3) exchange any tribal trust lands within such reservation, including lands, interests, improvements, and rights acquired for the tribes under this Act, for lands situated within such reservation which are held by individual members of the tribes and other Indians under trust patent or other restrictions against alienation including lands in heirship status.

(b) The Secretary shall obtain the advice and consent of the Yakima Tribal Council before entering into any such transaction. The terms and conditions of any such transaction, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Yakima Tribal Council, and the individual Indian or Indians concerned. Any such exchange of tribal lands for lands held by individual members of the Yakima Tribes or other Indians, and for lands in heirship status, shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands.

SEC. 2. (a) Title to lands, interests, improvements, or rights so acquired by the Secretary for the Yakima Tribes through purchase or exchange shall be held by the United States in trust for the Yakima Tribes. Title to tribal trust lands, interests, improvements, or rights sold by the Secretary to individual members of the Yakima Tribes or exchanged by the Secretary for lands held under trust patent or other restrictions against alienation by individual members of the tribes and other Indians or for lands in heirship status shall be held by the United States in trust for the individual Indian or Indians concerned.

(b) Sums derived from the sale of tribal trust lands, interests, improvements, and rights shall be credited to the tribal funds of the Yakima Tribes.

SEC. 3. (a) No transaction entered into under this Act shall affect, without the consent of the lessee, any lease of lands, interests, improvements, or rights involved in such transaction or any right of the lessee with respect to extension or renewal of such lease, which is in existence at the time such transaction is entered into.

(b) Nothing in this Act shall affect the existing status of any lands, interests, improvements, or rights with respect to taxation.

SEC. 4. The Secretary is authorized to prescribe such regulations as may be necessary to carry out the purposes of this Act.

Approved July 28, 1955.

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RESOLUTION T-104-57

Whereas the Yakima Tribal Council of the Yakima Tribe, a quorum being present in regular session at the Yakima Indian Agency, Toppenish, Wash., on May 7, 1957, is constantly interested in the most effective application and operation of the Yakima tribal land program of the Yakima Reservation; and

Whereas it is realized the major obstruction to such operation is lack of authority to sign for and on behalf of absentee owners or heirs whose whereabouts are unknown, with or without their consent, in the conveyance to the tribe of their undivided shares in allotted lands and/or timber on such lands; and

Whereas it is also understood such authority may not be accomplished without proper legislation; and

Whereas it is recommended by the council that proper action toward this accomplishment be initiated: Now, therefore, be it

That the executive board of the Yakima Tribal Council be, and it is hereby, authorized, with approval of the area office and upon the advice of tribal attorneys and agency representatives, to draft and submit for presentation by proper authorities proposals for legislative authority for the Commissioner or his duly authorized representatives to sign for and on behalf of absentee heirs or owners as herein above indicated.

RESOLUTION

Whereas the issuance of patents-in-fee and the supervised public sales into non-Indian ownership of Indian trust lands of the Yakima Reservation has caused great concern to the Confederated Tribes and Bands of the Yakima Indian Nation by reason of the diminishing Indian land base; and

Whereas it is desirable that a policy be established which may be followed by the officers of the tribe in making recommendations on the issuance of fee patents or supervised land sales: Now, therefore, be it

Resolved by the General Council of the Confederated Tribes and Bands of the Yakima Indian Nation in session this 8th day of January 1953, a quorum being present, That the general policy of the Yakima Tribe shall be opposed to the issuance of patents-in-fee and the disposal of Indian lands from Indian ownership through supervised sales, and that the tribal council shall do everything possible to construct and carry out a program which will permit the sale of lands between members of the tribe or to the tribe:

Provided, That an exception to this general policy may be made in exceptional cases after consideration by the land committee of the tribal council, under the direction of the tribal council, of the merits of each application for fee patent or sale; and

Provided further, That applications for fee patents by nonresident or individuals of less than one-fourth Yakima blood shall include a relinquishment of all the rights in the Yakima Tribe in the event the patent is granted.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
PORTLAND AREA OFFICE,
Portland, Oreg., September 6, 1955.

Mr. DANNIE E. LECRONE,
Superintendent, Yakima Agency.

DEAR MR. LECRONE: Recent discussions of realty procedures with members of the staff of the realty branch from the central office and more recently with the Commissioner at Spokane indicate that there should immediately be set up at your agency a supervisory board to consider applications which may be received for removal of trust or other restrictions or for supervised sales of lands.

The board should include key members of your staff who may be especially well informed regarding the relationship of the land in question to the overall program and economy of the tribe and the Indian community, and also informed widely of the economic status and general ability of applicants responsibly to care for their personal affairs. In addition one member of the board should be a member of the tribe. This member preferably should be appointed by the tribal governing body from among its own membership.

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It should be the responsibility of the tribal representative to consider possible tribal interest in acquisition of the property from the standpoint of its strategic location and character in relation to the overall land program of the tribe.

We are informed that, while the office is in no way receding from its announced policy of giving full recognition to the interests of Indians in their individual property, we must give every consideration and make every effort equitably to adjust cases where alienation of Indian land would adversely affect tribal interests or interests of the Indian community, with particular emphasis on forest management units.

Preferably the tribe should be afforded an opportunity to purchase the property at a price not inconsistent with its fair market value. Other avenues of adjustment may include exchanges, where authorized by statute, relinquishment of lands and selection of lieu allotments, etc.

When it has been determined, after thorough study, that a tract is indispensable for unit operation because of its strategic location and all possible means of satisfying the desires of the individual have been explored without success, then the application must be denied with full information to the individual of his right to appeal. Each such case should be completely documented and a full report submitted here, in duplicate so that one copy thereof may be transmitted to the Commissioner, who has indicated his personal interest in all cases of this kind.

Sincerely yours,

DON C. FOSTER, *Area Director.*

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Jan. 15, 1956

MULTIPLE OWNERSHIP LISTING

Presenting the More Fractionated Inherited Ownerships in Indian Trust Allotted Lands Under the Jurisdiction of the Yakima Indian Agency and Listing Tracts With More than 5 Heirs or Owners

Listings start with the most southern portion of the jurisdiction in T. 2 N., and thence continuing northward. Those in said T. 2 N. and northward through T. 5 N. involve Public Domain Allotments in the Columbia River Area lying south of the Reservation. All others are within the exterior boundaries of the Reservation.

The number of heirs in each ownership are separated into 4 groups or categories and listed as follows:

No. Heirs	No. Allotments
6 - 10	564
11 - 20	393
21 - 40	127
Over 40	17

Tracts located in more than one township and range are listed at the end of each category.

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
TD -39	Lot 4	1	2/11	7
-16	SW¼	5	2/11	6
VAN-61	E½SE¼	23	2/13	6
-185	SE¼	24	2/13	6
-64	NE¼NE¼	25	2/13	9
TD -10	N½SW¼	22	2/14	6
-12	S½NW¼	22	2/14	6
VAN-190	S½SE¼	12	2/14	7
-5523	S½SW¼	12	2/14	9
-167	S½NE¼	2	2/15	6
-155	E½SW¼	4	"	9
-32	N½NE¼	8	"	6
-153	W½SW¼	8	"	6
-154	E½SW¼	8	"	6
-160	E½SW¼	9	"	8
-165	W½SE¼	9	"	10
-174	NW¼	10	"	10
-168	SW¼NW¼, NW¼SW¼	11	"	6
-169	N½NW¼	11	"	6
-35	N½NW¼, N½NE¼	17	"	6
TD -63	S½SW¼, NW¼SW¼ SE¼SE¼	2 3	2/18	6
-3	NE¼	10	"	6
-40	N½N½	11	"	6
-62	Lots 1, 6, 7 and 8	12	"	6
-48	SE¼	7	2/19	8
-021332	N½SW¼, SW¼SW¼ SE¼SE¼	26 27	2/20	6

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
TD-021333	E½NE¼	34	2/20	6
	N½NW¼	35		
-022485 (TD-20)	N½SW¼	32	3/11	7
VAN-86	SW¼	2	3/19	6
VAN-87	SE¼	2	"	6
-03960	S½NE¼ and Lots 1 and 2	4	"	10
-84	NW¼	15	"	7
-89	W½SW¼	15	"	8
-142	NE¼	16	"	7
-143	NW¼	16	"	7
-144	S½SW¼	16	"	7
-145	N½SW¼	16	"	7
-146	N½SE¼	16	"	10
-147	SE¼SE¼	16	"	10
-68	E½NE¼	21	"	10
-91	N½NW¼, NW¼NE¼	21	"	6
-02395 (OT 954)	N½SE¼	34	4/10	6
-203	S½SE¼	28	4/13	8
-139	Lots 1 and 2, E½NW¼	7	4/19	10
WW-5	NW¼	22	4/21	6
-6	NE¼	22	"	6
-15	NW¼	24	"	9
-16	S½SE¼	24	"	9
-1	NE¼	30	4/22	7
-3	E½NW¼ and Lots 1 and 2	30	"	6
-4	Lots 3 and 4 and E½SW¼	30	"	7

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
VAN-112	NE¼	23	5/18	10
-113	NW¼	23	"	10
-110	SE¼	24	"	10
-111	NE¼	24	"	10
-05684	E½	20	5/19	8
-109	NW¼	30	"	7
-128	NE¼	31	"	9
-133	SE¼	31	"	10
-126	SE¼	32	"	10
-130	SW¼	32	"	10
YAK-4006	Lots 3 and 4, S½NW¼	2	6/16	8
-4007	Lots 1 and 2, S½NE¼	3	"	6
-1249	NE¼NE¼, NW¼NE¼ SE¼SE¼, SW¼SE¼	12 1	6/17	9
-1247	NE¼NW¼, NW¼NW¼ SE¼SW¼, SW¼SW¼	7 6	6/18	6
-3030	S½NE¼, N½SE¼	7	"	7
-1348	NE¼	3	6/19	6
-2963	NE¼	9	"	8
-4520	E½SW¼	1	7/13	7
-4244	SW¼	8	"	7
-4516	SE¼	11	"	7
-4503	NE¼	15	"	8
-4267	SE¼	23	"	6
-4477	SW¼	35	"	7
-4478	NE¼	35	"	7
-4412	SW¼	1	7/14	9

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-4385	SE¼	2	7/14	8
-4361	SW¼	3	"	8
-4381	NW¼	7	"	7
-4379	SE¼	8	"	7
-4380	SW¼	8	"	7
-3387	NW¼	22	"	8
-4388	SE¼	23	"	7
-4470	NW¼	24	"	6
-4210	Lots 3 and 4; E½SW¼	18	7/16	6
-1047	NE¼NW¼, NW¼NW¼, SE¼NW¼, SW¼NW¼	19	"	10
-1436	SW¼	2	7/17	6
-1272	NE¼	10	"	6
-1438	NW¼	12	"	7
-1439	SW¼	12	"	7
-1441	NE¼	12	"	7
-1426	S½NW¼, N½SW¼	13	"	9
-3017	SE¼	13	"	7
-1263	NW¼NE¼ SW¼SE¼	14 11	"	7
-3018	NW¼	24	"	7
-1461	SW¼	33	"	6
-1459	SW¼	34	"	10
-1460	NW¼	34	"	10
-1198	NE¼SW¼, NW¼SW¼, SE¼SW¼, SW¼SW¼	5	7/18	6
-1410	SE¼SW¼, N½SE¼, SW¼SE¼	12	"	6
-1252	NE¼NW¼, NW¼NW¼ SE¼SW¼, SW¼SW¼	17 8	"	9

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK -1333	NE¼	19	7/19	10
-750	SE¼SW¼, SW¼SW¼ NE¼NW¼, NW¼NW¼	25 36	"	7
-1406	NW¼	27	"	8
-3938	SW¼	34	"	8
-2888	SE¼	2	7/20	10
-2873	SE¼	14	"	9
-2286	NE¼	17	"	7
-2281	SE¼	18	"	9
-2282	NE¼	18	"	7
-1368	NE¼	20	"	7
-1369	SE¼	20	"	7
-1373	NW¼	20	"	7
-2294	NE¼	21	"	8
-2292	SE¼	21	"	7
-3897	NW¼	23	"	7
-3898	SW¼	23	"	7
-1374	NW¼	28	"	7
-4273	SE¼	28	"	9
-1370	NE¼	29	"	7
-1372	NW¼	29	"	7
-1375	SW¼	30	"	6
-3902	NE¼	32	"	6
-3873	S½NW¼, Lots 3 and 4	5	7/21	8
-2890	SW¼	9	"	9
-4274	SW¼	10	8/13	6
-4254	NE¼	11	"	10

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-4256	NW¼	12	8/13	6
-3620	SE¼	16	"	10
-3621	SW¼	16	"	10
-3681	SE¼	21	"	10
-4463	SE¼	25	"	6
-4415	SE¼	2	8/14	8
-4260	SE¼	6	"	6
-4262	NE¼	7	"	6
-4196	SW¼	11	"	6
-4281	SE¼	18	"	8
-4201	SW¼	27	"	8
-3252	NE¼	28	"	7
-4209	Lots 1 and 2; E½NW¼	30	"	9
-4357	NE¼	35	"	6
-4539	Lots 1 and 2/ N½SE¼	36	"	10
-705	E½NE¼, E½SE¼	1	8/15	7
-4167	S½NE¼SW¼, SE¼SW¼; Lots 8, 9, and 10	6	"	6
-4169	SE¼	6	"	7
-3145	NE¼	7	"	9
-4302	S½NE¼, Lots 1, 2, 3 and 4	15	"	6
-693	SE¼	25	"	10
-4146	NW¼	35	"	10
-4041	SW¼	1	8/16	8
-555	NE¼	2	"	6

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-4040	N½NE¼	12	8/16	6
	S½SW¼	15		
-688	SW¼	20	"	9
-2744	NE¼SE¼, NW¼SE¼	23	"	9
-2973	SW¼	23	"	9
-4038	NW¼	23	"	6
-691	NW¼	29	"	6
-692	NE¼	29	"	8
-1828	NE¼	30	"	6
-4C[illegible]	NW¼	30	"	10
-4035	NE¼	33	"	6
-4036	SE¼	33	"	10
-4115	N½S½	26	8/17	9
-2976	Lots 3 and 4, N½SW¼	36	"	7
-1313	NE¼	31	"	10
-1231	SE¼	32	"	10
-4090	SW¼	1	8/20	6
-2376	E½NE¼ W½NW¼	9 10	"	10
-2492	SW¼	21	"	6
-3839	Lots 1 and 2	1	8/21	7
-3846	W½SE¼	1	"	8
-3847	E½SW¼	1	"	8
-4064	Lots 3 and 4	6	"	9
-3470	W½NE¼	12	"	7
-3852	E½SE¼	12	"	7
-3890	Lots 3 and 4	30	"	6

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6 to 10 Heirs

Al, No.	Description	Section	T/R	No. Heirs
YAK-3071	E½SE¼	4	8/22	6
-3838	Lot 3	5	"	7
-2877	SE¼SE¼, SW¼SE¼	6	"	9
-2913	NE¼SE¼, NW¼SE¼	6	"	6
-3830	N½NW¼	16	"	7
-3824	S½NW¼	17	"	10
-3823	N½NW¼	17	"	10
-1825	NE¼	20	9/12	6
-2390	NW¼	16	9/14	8
-3008	S½NE¼	20	"	10
-2757	NE¼SW¼, NW¼SW¼	25	"	10
-2758	SE¼NW¼, SW¼NW¼	25	"	10
-4149	NE¼	33	"	8
-3122	SE¼	35	"	9
-4296	SW¼	26	9/15	6
-1476	NE¼NW¼, NW¼NE¼ SE¼SW¼, SW¼SE¼	7 6	9/16	6
-1528	NW¼	17	"	6
-549	NE¼SE¼, NW¼SE¼, SE¼SE¼, SW¼SE¼	19	"	10
-4053	SE¼	20	"	6
-3954	SE¼	24	9/18	10
-4109	NW¼	26	"	6
-4110	SW¼	26	"	6
-4111	NE¼	27	"	6
-1557	SE¼	17	9/19	7
-1559	SW¼	17	"	10
-1558	SE¼	18	"	10
-3930	E½NW¼, Lots 1 and 2	19	"	10
-1174	NE¼NW¼, NW¼NW¼	26	"	9
-1175	SE¼NW¼, SW¼NW¼	26	"	8

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-1173	NE¼SE¼, NW¼SE¼	27	9/19	8
-4101	Lots 3 and 4; E½SW¼	30	"	7
-2293	NE¼SW¼, NW¼SE¼	5	9/20	7
-2861	NE¼SE¼, NW¼SE¼	12	"	6
-3698	NE¼NW¼, NW¼NW¼	13	"	8
-3724	S½NW¼	13	"	8
-1463	E½E½NW¼, NW¼NE¼	14	"	7
-1465	NE¼NE¼ SE¼SE¼	14 11	"	6
-1464	S½NE¼	14	"	6
-3726	N½SE¼	14	"	8
-1164	NE¼NW¼; Lots 1 and 2	19	"	6
-760	N½SE¼	1	9/21	6
-776	SE¼NW¼, SW¼NW¼	1	"	9
-370	NE¼SE¼, N½SE¼SE¼, N½SW¼SE¼	3	"	8
-1605	NE¼SE¼ NW¼SW¼	10 11	"	9
-379	NE¼NW¼, E½N½NW¼	11	"	6
-3923	SE¼SW¼, SW¼SW¼	11	"	6
-328	NE¼SE¼, SE¼SE¼	12	"	6
-765	S½NE¼	12	"	7
-884	NE¼NW¼, NW¼NW¼	14	"	6
-2852	SE¼SE¼, SW¼SE¼	14	"	6
-2802	E½NW¼	16	"	9
-3750	N½NW¼	20	"	8
-3776	N½NW¼	23	"	7
-3777	S½NW¼	23	"	7
-3701	NE¼NW¼, NW¼NE¼	35	"	6

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-2849	$N\frac{1}{2}NW\frac{1}{4}$	36	9/21	7
-324	$NW\frac{1}{4}NW\frac{1}{4}$, Lot 3	17	9/22	6
-325	$NE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$	18	"	6
-346	Lot 1 Lots 1 and 2 $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$	22 27 28	"	10
-377	Lots 3 and 4, 5 and 6	25	"	10
-378	Lot 2; $SW\frac{1}{4}SW\frac{1}{4}$	25	"	6
-344	$NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ Lot 1	28 21	"	9
-2834	Lots 1 and 2	30	"	8
-2934	$S\frac{1}{2}SE\frac{1}{4}$	31	"	8
-2938	$N\frac{1}{2}NE\frac{1}{4}$	31	"	8
-880	$NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$	36	"	7
-1481	$SE\frac{1}{4}$	3	10/15	7
-452	$SE\frac{1}{4}$	22	"	10
-3175	$S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$	28	"	8
-32	Lot 4; $SW\frac{1}{4}NW\frac{1}{4}$	1	10/16	7
-33	Lot 3; $SE\frac{1}{4}NW\frac{1}{4}$	1	"	7
-449	$NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$	2	"	10
-450	$NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$	3	"	10
-3177	$NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$	3	"	8
-676	$NE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$	6	"	6
-677	$NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$	6	"	7
-40	$NE\frac{1}{4}SE\frac{1}{4}$ $SE\frac{1}{4}SE\frac{1}{4}$	10 3	"	6
-666	$S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ All but $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$ of $SE\frac{1}{4}$; $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$	11	"	10
-453A	$W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$	12	"	10

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6 to 10 Heirs

Al. No.		Section	T/R	No. Heirs
YAK-1285	SE¼SE¼, SW¼SE¼	13	10/16	7
-668	NE¼NW¼, SE¼NW¼	14	"	8
-1478	N½SE¼, N½SW¼	22	"	9
-2177	SE¼NW¼, SW¼NW¼	24	"	8
-2178	NE¼SW¼, SE¼SW¼	24	"	7
-147	NW¼SE¼, SW¼SE¼	1	10/17	8
-103	E½SE¼	3	"	8
-89	E½SW¼	4	"	7
-1020	SW¼NE¼, SE¼NW¼	4	"	7
-490	S½SW¼SE¼ NW¼NE¼, N½SW¼NE¼	4 9	"	7
-85	NE¼SE¼, NW¼SE¼	5	"	8
-1079	E½NE¼	7	"	6
-1623	W½SE¼SW¼	7	"	10
-684	S½NW¼	8	"	6
-685	S½NE¼	8	"	10
-90	NE¼NE¼ W½NW¼NW¼ S½SE¼SE¼	8 9 5	"	7
-488	N½NE¼SW¼, E½NW¼SW¼, SW¼NW¼	9	"	6
-2179	SE¼SE¼ SW¼SW¼	9 10	"	6
-2175	SE¼SE¼, SW¼SE¼	14	"	8
-140	W½SW¼	11	"	10
-166	NE¼SW¼, NW¼SW¼	12	"	10
-138	SW¼SW¼ NW¼NW¼	12 13	"	6

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
-3543	NW¼SW¼	13	10/17	6
-3105	NE¼SE¼, SE¼NE¼	14	"	10
-407	NE¼NW¼, NW¼NE¼	21	"	8
-409	NW¼SW¼, SW¼NW¼	21	"	8
-556½	NE¼SW¼, SE¼SW¼	22	"	6
-2248	W½NW¼	24	"	8
-2272	NW¼SE¼, SW¼SE¼	24	"	8
-2406	E½SE¼	35	"	8
-2304	Lot 3 and 4	1	10/18	8
-2144	NE¼SE¼, NW¼SE¼	3	"	7
-1052	NW¼SW¼, SW¼NW¼	5	"	10
-1054	NE¼SW¼, SE¼NW¼	5	"	10
-543	SE¼SE¼, SW¼SE¼	6	"	6
-544	NE¼NE¼, NW¼NE¼	7	"	6
-552	NE¼SW¼, NW¼SE¼	7	"	6
-386	E½SE¼SE¼ E½SW¼SW¼, W½SE¼SW¼, W½SW¼SW¼	7 8	"	9
-548	SE¼NW¼, SW¼NW¼	8	"	6
-3635	SE¼NE¼	8	"	7
-3634	SW¼NE¼	8	"	7
-2347	SE¼NW¼, SW¼NW¼	9	"	9
-3633	NE¼SW¼	15	"	8
-2268	SW¼SW¼ SE¼SE¼	17 18	"	6
-553	N½NW¼NE¼ W½SE¼SE¼, SW¼SE¼	18 7	"	6
-2398	NE¼SW¼, SE¼NW¼	18	"	6

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Al. No.	Description	Section	T/R	No. Heirs
YAK-555	NE¼NW¼ SE¼SW¼	18 7	10/18	6
-2270	Lot 3, SW¼SW¼	19	"	6
-3570	SE¼SE¼	19	"	6
-88	S½SW¼NW¼, N½NW¼SW¼, W½SE¼NW¼, N½SW¼NW¼	21	"	6
-1598	S½NW¼SW¼, SE¼SW¼, S½NE¼SW¼	22	"	6
-231	SE¼SW¼, SW¼SW¼	23	"	6
-545	NE¼NE¼, SE¼NE¼	24	"	6
-1600	NE¼NW¼, E½NW¼NW¼, N½SE¼NW¼	27	"	6
-695	NE¼NW¼ S½S½SW¼	28 21	"	8
-1597	S½NE¼SE¼, SE¼SE¼ W½NE¼NE¼	21 28	"	7
-3505	NW¼SW¼, SW¼SW¼	28	"	6
-3512	W½SE¼	28	"	6
-3513	E½SE¼	28	"	6
-3558	NE¼NW¼	30	"	6
-3559	Lot 1	30	"	7
-3597	Lots 1 and 2	31	"	6
-3623	NE¼NW¼, NW¼NW¼	35	"	7
-1511	N½NE¼SW¼, S½NE¼SW¼, N½NW¼SW¼, S½NW¼SW¼	1	10/19	9
-1076	SE¼NW¼, SW¼NW¼	1	"	6
-689	Lot 2; SE¼NE¼	3	"	6
-1932	SE¼SW¼, SW¼SW¼	4	"	10
-2018	NE¼SW¼, SE¼SE¼	7	"	7
-2016	NE¼SW¼, SE¼SW¼	8	"	9

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-2017	NW¼SW¼, SW¼SW¼	8	10/19	7
-1755	NE¼SW¼, NW¼SW¼	9	"	6
-2080	E½SE¼NE¼, W½ SE¼NE¼	9	"	6
-1963	NE¼NW¼, SE¼NW¼	13	"	6
-1959	E½SW¼	14	"	7
-1960	NW¼SE¼, SW¼SE¼	14	"	6
-1961	NE¼SW¼, SE¼SW¼	14	"	6
-2095	NE¼SW¼, NW¼SW¼	15	"	7
-2219	NE¼SE¼, NW¼SE¼	17	"	7
-2020	E½NE¼NE¼, W½NE¼NE¼, SE¼NE¼	18	"	8
-2462	NE¼NE¼, NW¼NE¼	20	"	6
-2463	SE¼NE¼, SW¼NE¼	20	"	7
-2057	NE¼SW¼, NW¼SE¼	22	"	8
-4402	SE¼SE¼	22	"	7
-195	NW¼SW¼, SW¼NW¼	28	"	9
-196	SE¼NW¼, NE¼SW¼	28	"	9
-197	NE¼SE¼, NW¼SE¼	28	"	8
-570	SW¼SE¼ NW¼NE¼	28 33	"	8
-220	NE¼NE¼, SE¼NE¼	35	"	6
-1966	NE¼NW¼, NW¼NW¼	1	10/20	9
-2325	NE¼NW¼, NW¼NE¼	2	"	7
-2484	NE¼SW¼, NW¼SW¼	2	"	9
-271	NE¼NW¼, NW¼NW¼	3	"	10
-3163	NW¼SW¼	5	"	7
-625	W½NW¼SE¼, E½NW¼SE¼, E½SW¼SE¼, W½SW¼SE¼	8	"	7

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Al. No.	Description	Section	T/R	No. Heirs
YAK-1804	NE¼SW¼, SE¼SE¼	9	10/20	7
-1803	NW¼SW¼, SW¼SW¼	10	"	7
-1092	SW¼SE¼ NW¼NE¼	11 14	"	7
-874	NE¼NW¼, NW¼NW¼	11	"	9
-1991	NW¼SE¼, SW¼SE¼	12	"	8
-1683	SE¼SW¼ NW¼NW¼	12 13	"	7
-265	N½NE¼SW¼, S½NE¼SW¼	14	"	7
-269	NW¼NW¼, SW¼NW¼	15	"	7
-646	NE¼SW¼, SE¼SW¼	16	"	8
-1805	NE¼NE¼NE¼, NW¼NE¼NE¼	16	"	7
-1129	NE¼SW¼, SE¼SW¼	17	"	9
-281	SE¼NE¼ SW¼NW¼	21 22	"	10
-304	N½NE¼NE¼, S½NE¼NE¼	22	"	6
-305	NW¼NW¼, SW¼NW¼	23	"	7
-312	NE¼NE¼, NW¼NE¼	23	"	10
-283	SE¼NW¼, SW¼NW¼	26	"	7
-285	NE¼SE¼, SE¼NE¼	26	"	8
-239	NE¼SE¼, SE¼SE¼	29	"	9
-3664	NE¼SW¼	30	"	6
-603	NW¼NW¼, SW¼NW¼	35	"	6
-911	SE¼NE¼, SW¼NE¼	35	"	7
-878	NE¼NE¼, NW¼NE¼	36	"	8
-1737	NE¼SE¼, NW¼SE¼	7	10/21	8

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Al. No.	Description	Section	T/R	No. Heirs
YAK-1738	SE¼SE¼, SW¼SE¼	7	10/21	6
-1741	SE¼NW¼, SW¼NE¼	7	"	8
-727	SE¼SE¼, SW¼SE¼	18	"	10
-1752	SE¼SW¼, SW¼SE¼	20	"	6
-1407	SE¼SW¼, SW¼SW¼	21	"	10
-1754	Lots 3 and 4 NW¼SW¼	21	"	7
-2479	Lot 1 and 2	21	"	6
-2303	NE¼SW¼, SE¼NW¼	28	"	6
-795	SE¼SE¼, SW¼SE¼	29	"	7
-297	NE¼SW¼, Lot 3	30	"	6
-298	SE¼SW¼, Lot 4	30	"	7
-797	SE¼NE¼, SW¼ NE¼	32	"	7
-756	NE¼SE¼ NW¼SW¼	32 33	"	8
-755	SE¼NW¼, SW¼NW¼	33	"	8
-1607	NW¼NW¼, SW¼NW¼	34	"	9
-1997	NW¼SW¼, SW¼SW¼	35	"	8
-1117½	NE¼SE¼, NW¼SE¼, SE¼SE¼, SW¼SE¼	21	11/15	10
-1116	NE¼SW¼, NW¼SW¼, SE¼SW¼, SW¼SW¼	22	"	10
-430	W½SE¼, Lots 3 and 4	30	"	6
-270½	Lots 1 and 2 and 7 and 8	4	11/16	8
-3221	N½NE¼	11	"	6
-3220	N½NW¼	12	"	6
-2182	NW¼SW¼, SW¼NW¼	13	"	7
-3089	E½SE¼	13	"	6
-529	NW¼NW¼ NE¼NE¼	13 14	"	8

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Al. No.	Description	Section	T/R	No. Heirs
YAK-2183	NE¼ SE¼, SE¼SE¼	14	11/16	8
-2642	NW¼SW¼ NE¼SE¼	15 16	"	8
-2641	NE¼NE¼, S½S½SE¼NE¼, N½S½SE¼SE¼, N½S½SE¼	16	"	9
-2162	NE¼SE¼, SE¼SE¼	17	"	9
-635	SE¼NE¼ SE¼SW¼	21 22	"	7
-633	All but the SE¼SE¼NE¼SE¼ of NE¼SE¼	21	"	6
	NW¼SW¼	22		
-2109	S½NE¼, N½NW¼SW¼, SE¼NW¼, S½SW¼NW¼	23	"	7
-23	N½NE¼	27	"	7 / 1 Life use 1/2 of Rentals
-16	NW¼SW¼, SW¼NW¼	28	"	7
-632	NW¼NE¼ SW¼SE¼	28 21	"	7
-3114	W½SW¼SW¼ S½SE¼, E½SE¼SW¼	29 30	"	7
-25	W½W½SE¼, SE¼SW¼	32	"	7
-27	W½SW¼NE¼, SE¼NW¼, E½NE¼SW¼	32	"	8
-981	N½NW¼SE¼ N½NW¼SW¼, SW¼NW¼	32 33	"	10
-982	E½NW¼SE¼, SE¼NE¼, E½SW¼NE¼	32	"	10
-1588	W½SW¼SE¼, NE¼SW¼SE¼, S½SW¼SE¼ E½NW¼NE¼ S½S½SE¼SE¼	28 33 16	"	10
-2266	NE¼SW¼, NW¼SW¼	35	"	10
-1043	S½SW¼	35	"	10
-1042	SE¼SW¼ SW¼SE¼	35 36	"	10

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Al. No.	Description	Section	T/R	No. Heirs
YAK-2228	NE¼NE¼ NW¼NW¼	35 36	11/16	7
-451	SE¼NW¼, SW¼NW¼	36	"	10
-2523	NW¼SE¼	36	"	7
-3410	SE¼NW¼, Lot 3	1	11/17	10
-3449	SE¼SW¼, SW¼SW¼	1	"	6
-3264	SE¼NE¼, Lot 5	4	"	6
-3260	NE¼SE¼, Lot 8	5	"	7
-3313	SE¼NE¼, Lot 1	6	"	9
-2546	SE¼SE¼	8	"	9
-3296	N½SE¼	8	"	9
-3291	NE¼SE¼, Lot 4	9	"	6
-3280	E½NE¼	10	"	8
-3284	NW¼SW¼, Lot 4	10	"	8
-3205	E½NW¼	20	"	6
-3323	NW¼NW¼	22	"	8
-2801	NW¼NE¼ SW¼SW¼	24 12	"	9
-527	NW¼NE¼, SW¼NE¼	25	"	10
-528	S½SW¼NW¼, N½SE¼NW¼, S½SE¼NW¼, E½NE¼NW¼	25	"	8
-1786	SE¼SW¼, SW¼SE¼	26	"	8
-130	W½NW¼	27	"	6
-3106	NE¼NW¼, NW¼NE¼	27	"	10
-1073	NE¼SE¼, SE¼NE¼	28	"	10
-674	SE¼NW¼, SW¼NW¼	28	"	9
-394	NE¼SW¼, NW¼SE¼	32	"	8

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-72	SE¼NW¼, N½SW¼NW¼, S½NW¼NW¼	33	11/17	8
-119	SW¼NE¼, NW¼SE¼	33	"	7
-539	NW¼NE¼, SW¼NE¼	34	"	6
-151	N½SW¼SE¼, S½SW¼SE¼, N½SE¼SW¼, S½SE¼SW¼	36	"	7
-1469	E½NW¼SE¼, W½NW¼SE¼	1	11/18	8
-2670	NW¼NE¼	10	"	7
	SE¼NW¼	2		
-2669	Lot 3	2	"	7
	Lot 7	3		
-2671	Lot 4	2	"	7
	SW¼NE¼	10		
-2691	N½SE¼SW¼, S½SE¼SW¼	3	"	8
-2559	SW¼NW¼	4	"	7
	NW¼NE¼	18		
-2508	SW¼SW¼	5	"	9
	NE¼NE¼	23		
-3408	Lots 1 and 2	6	"	9
-2552	SE¼NW¼	4	"	10
	SE¼SW¼	7		
-2640	N½SW¼NE¼, S½SW¼NE¼ N½NW¼SE¼, S½NW¼SE¼	7	"	10
-2507	NW¼NE¼	7		
	SW¼SW¼	14	"	8
-2506	NE¼NW¼	7	"	8
	NW¼SW¼	14		
-3054	E½SW¼SE¼	8	"	8
	NW¼NW¼	15		
-2636	Lots 3 and 4	10	"	7
-1917	NW¼SW¼, SW¼SW¼	13	"	7
-2610	SW¼SE¼	15	"	8
	SE¼NE¼	16		
-2568	NE¼NE¼	17	"	7
	Lot 1, NE¼NE¼	4		

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
Y AK-2603	SE¼NE¼	21	11/18	6
-2457	NE¼SE¼, NW¼SE¼	25	"	6
-1658	NW¼NW¼, SW¼NW¼	26	"	7
-1644	NE¼NE¼, SE¼NE¼	32	"	6
-3118	NE¼SW¼, NW¼SW¼	32	"	6
-1646	NE¼NW¼, SE¼NW¼	33	"	6
-1647	NE¼SE¼, SE¼SE¼	33	"	8
-1653	SW¼NW¼	34	"	7
-1148	Lot 7, W½ Lot 5, SE¼SE¼, SW¼SE¼	2	11/19	10
-1537	N½NE¼SE¼, S½NE¼SE¼, N½NW¼SE¼, S½NW¼SE¼	4	"	6
-1147	W½NE¼NW¼, W½SE¼NW¼, SW¼ NW¼	11	"	10
-1792	Lots 3 and 4	5	"	7
-1870	NE¼SE¼, SE¼SE¼	11	"	7
-1866	Lot 4 Lot 4 and NW¼NW¼	1 12	" "	9
-1868	NE¼SW¼, NW¼SW¼	12	"	9
-1869	Lot 3, NW¼SE¼, SW¼NE¼	12	"	7
-1871	SE¼SW¼, SW¼SW¼	12	"	7
-1872	NE¼NW¼, SE¼NW¼	13	"	6
-1873	W½NW¼NW¼, E½NW¼NW¼ W½SW¼SW¼, E½SW¼NW¼	13	"	7
-1874	NE¼SW¼, NW¼SW¼	13	"	7
-893	SE¼SE¼, SW¼SE¼	13	"	10
-1585	SE¼SW¼, SW¼SW¼	13	"	6
-1875	NE¼NE¼, SE¼NE¼	14	"	7
-1876	NW¼NE¼, SW¼NE¼	14	"	7

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-1877	NE¼NW¼, SE¼NW¼	14	11/19	7
-3431	SE¼NE¼	16	"	6
-634	NE¼NE¼, NW¼NE¼	20	"	6
-1946	NE¼SW¼, SE¼SW¼	20	"	7
-1878	SW¼SW¼	22	"	9
-995	NE¼NW¼, SE¼NW¼	23	"	10
-891	NW¼NE¼, SW¼NE¼	24	"	10
-559	SE¼SW¼, SW¼SW¼	25	"	6
-860	S½NW¼NW¼, N½NW¼NW¼	25	"	7
-1631	NW¼NE¼, SW¼NE¼	27	"	6
-1880	NE¼NE¼, SE¼NE¼	28	"	10
-1920	NE¼NE¼, NW¼NE¼	32	"	7
-2051	NE¼SE¼, SE¼SE¼	33	"	9
-623	SE¼NE¼, SW¼NE¼	34	"	7
-834	Lot 8 Lot 6,	17 20	11/20	7
-830	NE¼SE¼, SE¼SE¼	18	"	6
-832	SE¼NE¼, SW¼NE¼	18	"	6
-892	NE¼NW¼, Lot 1 and Lot 2	19	"	8
-802	Lots 6 and 7	28	"	8
-807	Lot 3 Lots 4 and 5	21 28	" "	9
-851	NE¼NW¼, SE¼NW¼	30	"	6
-1089	NE¼NE¼, NW¼NE¼	30	"	9
-1044	NE¼SE¼, SE¼NE¼	31	"	10
-870	NW¼SW¼, SW¼SW¼	35	"	9
-2322	Lot 5, NW¼SE¼	35	"	7

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-3462	S½NE¼, N½SE¼	24	12/15	7
-3463	SW¼	24	"	7
-971	Lots 10 and 11 Lots 4 and 5	18 19	12/16	7
-936	NE¼SW¼, Lot 7	15	12/17	10
-937	Lot 6 and NW¼SE¼	15	"	10
-2683	SE¼SW¼ S½SE¼, Lots 6, 7 and 8	17 16	"	7
-906	Lot 8, SW¼SW¼	16	"	7
-1951	Lot 10, Lot 11 N½NE¼NW¼, NW¼NW¼	1 12	12/18	6
-2337	NW¼SE¼, SE¼NE¼	8	"	6
-3351	NW¼SW¼ E½NE¼SE¼	17 18	"	8
-3627	NE¼SW¼, S½SW¼	17	"	8
-934	E½Lot 11, Lot 10 E½ Lot 1	7 18	"	8
-3395	W½NE¼	25	"	10
-2569	SE¼SE¼	33	"	9
-3392	S½NW¼	33	"	10
-3393	W½NE¼	33	"	10
-985	NW¼SW¼, SW¼SW¼	36	"	9
-2433	Lots 5 and 7, N½SE¼SW¼	28	12/19	6
-3040	NW¼SW¼, SW¼SW¼	28	"	6
-2428	E½NE¼SW¼, W½NE¼SW¼, E½SE¼SW¼, W½SE¼SW¼	29	"	6
-1774	NE¼SW¼, NW¼SW¼	32	"	10
-1950	NE¼NE¼, SE¼NE¼	33	"	8

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-2429	N½N½, SW¼NE¼	33	12/19	6
-2459	NE¼SL¼, NW¼SE¼	33	"	9
-1949	Lot 5, SW¼NW¼	34	"	6
-2389	NE¼SE¼	17	9/14	9
	NW¼SE¼, N½SW¼SE¼	4	10/17	
-1604	S½S½E¼	10	9/21	8
	S½NE¼	29	10/21	
-2734	NE¼NW¼	9	9/21	7
	S½NW¼	15	11/18	
-4089	S½N½	24	9/21	6
	Lot 5	26	9/22	
-492	Lot 1	4	10/17	10
	S½S½	33	11/17	
-2700	Lot 2	5	10/18	6
	S½S½	32	11/18	
-3675	SW¼NE¼	36	10/20	6
	N½SW¼NE¼	31	10/21	
-1751	N½S½	20	10/21	7
	N½SE¼	20	10/20	
-2679	N½SW¼, S½SW¼NE¼	34	10/21	8
	Lot 4	1	9/21	
-3426	N½N½	36	11/14	8
	NW¼NE¼ and Lot 31	31	11/15	
VAN-66	N½NE¼, NE¼NW¼	4	3/13	7
	SE¼SW¼	33	4/13	
YAK-2381	N½N½	29	7/16	6
	S½S½	24	10/16	
-2591	N½S½	29	7/20	6
	SW¼NW¼	22	11/18	
-2597	S½SE¼	21	9/14	6
	SW¼NE¼	16	11/18	

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-3098	Lot [illegible]	2	10/16	7
	S½SW¼	16	9/14	
-4175	E½NE¼	16	9/14	7
	SE¼NW¼, E½SW¼NW¼	25	10/16	
-2790	S½SE¼, SE¼SE¼	23	9/14	9
	S½SE¼	3	11/19	
-2665	SE¼NE¼	27	9/14	6
	S½SE¼	5	10/19	
-4501	Lot 4	19	11/15	6
	Lot 1	30		
	NE¼NE¼	25	11/14	
	E½SE¼SE¼	24		
-3243	NE¼SE¼	25	11/16	6
	Lot 3	30	11/17	
-1307)	W½SE¼SE¼	14	11/16	
-1308)	S½N½, N½S W¼	34	9/15	
-1310½)	NE¼SE¼, N½SE¼SE¼	33	9/15	
	NE¼SW¼SW¼	13	11/16	7
-2612	N½SE¼	21	11/16	7
	S½NW¼	21	11/18	
-2551	N½NE¼	17	11/17	6
	S½NE¼	19	11/18	
-2756	NE¼NE¼	29	11/18	10
	SE¼SW¼, SW¼SW¼	25	9/14	
-2606	NE¼SE¼	21	11/18	6
	SE¼SE¼	21	10/17	
-2592	N½SW¼	22	11/18	6
	NE¼SW¼, NW¼SW¼	8	6/19	
-2602	NE¼NW¼	21	11/18	10
	N½SW¼, NE¼SW¼	27	9/15	
-2611	NW¼NW¼	21	11/18	8
	S½NE¼	21	11/16	
-2550	NE¼SW¼	20	11/18	6
	W½NE¼	17	11/17	

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6 to 10 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-3381	NE¼NE¼	24	12/18	8
	E½NW¼SW¼	23	11/18	
-898	Lots 9 and 10	2	11/19	10
	Lots 7 and 8	34	12/19	
	Lot 5	35	"	

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
TD-5	N½NW¼, W½NE¼	5	2/11	19
-6	N½SW¼	13	"	13
-24	E½SE¼	5	"	19
VAN-30	E½NE¼, SW¼NE¼	13	2/13	11
-43	SW¼NE¼	25	"	13
-8	NE¼	2	2/14	11
-194	NE¼NW¼, NW¼NE¼ and Lots 2 and 3	14	"	11
-166	N½NE¼	2	2/15	11
-170	N½SE¼	2	"	11
-171	S½SE¼	3	"	11
-163	W½SE¼	8	"	19
TD-37	N½NE¼	27	"	12
TD-50	SW¼	17	2/19	15
-51	SE¼	18	"	15
-53	E½NE¼ W½NW¼	19 20	"	13
VAN-16	SW¼NW¼	3	3/10	17
-5519	SE¼	19	3/12	15
-832	W½E½SE¼, W½SE¼	35	4/10	12
-303	N½SE¼, S½NE¼	26	4/13	13
-1523	NE¼SW¼, SE¼NW¼	26	"	11
-28	N½NW¼ S½SW¼	35 26	"	12
-4728	NE¼	9	4/14	15
-21	SW¼SE¼	18	"	11

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
VAN-20	E½SW¼	20	4/14	17
-68	Lot 1; NE¼NW¼	30	"	11
WW -31	SE¼	7	4/23	16
-27	SW¼	34	5/23	16
YAK-4521	NW¼	23	6/18	14
-1389	NW¼	3	6/19	11
-3990	Lots 1 and 2 Lots 1, 2, 3 and 4	8 9	"	16
-4205	NW¼	23	7/13	16
-4543	NW¼	25	"	18
-4347	SE¼	5	7/14	17
-4418	Lots 3, 4, 5 and E½NW¼	24	7/15	14
-500	Lots 1 and 2;, E½NE¼	25	"	18
-4442	NW¼	35	"	13
-1844	NE¼	8	7/16	12
-1845	SW¼	8	"	12
-1846	SE¼	8	"	13
-2980	NW¼	12	"	14
-1479	N½NE¼ S½SE¼	20 17	"	16
-1287	SE¼	19	"	11
-2379	SW¼	20	"	12
-1445	SW¼	24	"	17
-2712	NW¼	26	"	17
-501	NW¼	30	"	20
-1239	SE¼	8	7/17	15
-1240	NE¼	8	"	15
-1238	SW¼	9	"	11

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-1 42	SE¼	12	7/17	15
-1190	NE¼SW¼, NW¼SW¼, SE¼SW¼, SW¼SW¼	22	"	17
-4004	SW¼	23	"	17
-1434	SW¼	25	"	11
-1429	NW¼	26	"	12
-1226	NE¼SE¼, SE¼NE¼	3	7/18	14
-1257	NE¼	6	"	16
-2296	SE¼	9	"	15
-1227	SW¼	15	7/19	15
-1401	SW¼	20	"	13
-1229	NE¼	15	"	14
-1230	SE¼	15	"	15
-1387	SE¼	20	"	11
-1388	SW¼	21	"	11
-1400	SW¼	22	"	13
-1399	SE¼	21	"	13
-1362	SE¼	25	"	13
-1363	NE¼	25	"	12
-1352	NE¼SW¼, NW¼SE¼, SE¼SW¼, SW¼SE¼	26	"	19
-1405	NE¼	28	"	15
-1390	N½NE¼, E½NW¼	29	"	11
-1378	NW¼SE¼, SE¼NE¼ NW¼SW¼, SW¼NW¼	30 29	"	17
-3987	NW¼	34	"	19
-1345	NE¼SW¼, NW¼SE¼, SE¼NW¼, SW¼NE¼	36	"	13
-4552	NW¼	21	7/20	16

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-3892	N½	2	7/20	16
-2889	NE¼	11	"	11
-2837	NE¼	13	"	11
-2875	N½	14	"	11
-1349	S½	19	"	20
-2291	S½	22	"	20
-3893	N½	24	"	14
-2884	S½	26	"	13
-2835	N½	26	"	13
-1367	SE¼	30	"	13
-1366	NE¼	30	"	13
-4188	NE¼NE¼, N½NE¼ and Lots 5 and 6 Lot 3	34 35	"	11
-2886	N½	18	7/21	11
-4282	N½	8	8/14	20
-4226	Lots 1 and 2 and E½N½	18	"	18
-4179	N½	32	"	11
-3552	NE¼SE¼ & Lot 1 N½SW¼ & Lot 4	34 35	"	15
-4221	S½SE¼, Lots 11 & 12	5	8/15	14
-4494	E½N½, Lots 1 & 2	19	"	19
-3093	S½NE¼, Lots 1 & 2	1	8/16	19
-1284	SE¼	7	"	11
-1263	NE¼	36	"	11
-4020	Lots 3, 4 & 5, SE¼NW¼	18	8/17	11
-3012	S½SE¼, S½SW¼	27	"	11

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-1214				
-3[illegible]0	SW¼	33	"	19
-3013	NW¼	34	"	11
-1185	SE¼SE¼, SW¼SE¼	12	8/18	15
-1186	NW¼NE¼, SW¼NE¼	13	"	12
-1266	NE¼SW¼, SE¼NW¼	6	8/19	11
-1183	NE¼NW¼, NW¼NE¼	7	"	12
-2374	E½NE¼ W½NW¼	4 3	8/20	20
-2488	SW¼	16	"	11
-4[illegible]28	W½NW¼ W½SW¼	23 14	"	14
-3841	SE¼NW¼ and Lot 3	1	8/21	18
-3842	Lot 4 and SW¼NW¼	1	"	20
-3843	SE¼NE¼ and Lot 1	2	"	19
-3886	Lots 1 and 2	30	"	11
-1640	NE¼SE¼, NW¼SE¼	2	8/22	11
-2[illegible]8	NE¼SW¼, Lot 6	6	"	11
-27[illegible]	NE¼SE¼, SE¼SE¼	9	"	12
-3121	NE¼	35	9/14	17
-2601	S½NE¼	31	9/15	11
-3005	SW¼	31	"	15
-4216	E½NW¼ and Lots 1 & 2	31	"	16
-1307	SW¼	34	"	12
-1310½	NW¼	34	9/15	12
-4157	NE¼	35	"	11
-2321	Lots 7,8, 9 and 10	5	9/16	20

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-709	NW¼	15	9/16	20
-711	SE¼	18	"	20
-2383	SW¼	22	"	12
-1777	NW¼	29	"	12
-1176	NW¼SW¼ SW¼SE¼	26 23	9/19	18
-3960	SE¼SE¼ SW¼SW¼	33 34	"	14
-1276	N½SW¼	34	"	14
-1824	NW¼	20	9/20	12
-2373	W½SE¼, E½SW¼	34	"	20
-1711	Lots 2 and 3	2	9/21	13
-1608	N½SW¼	5	"	16
-326	NE¼NE¼, N½SE¼NE¼ S½SE¼SE¼	10 3	"	16
-380	NE¼SW¼, SE¼NW¼	11	"	11
-327 -330	SE¼SE¼SW¼, N½N½SW¼SW¼, N½SE¼SW¼, E½SW¼SE¼SW¼ S½SE¼NW¼SE¼, SW¼SE¼, W½NW¼SE¼, NE¼NW¼SE¼, N½SE¼NW¼SE¼	12	"	16
-3745	N½SW¼	17	"	12
-4094	Lot 4 and SE¼NW¼, E½SW¼	19	"	11
-3775	NE¼NE¼	22	"	12
-2902	NE¼NE¼, NW¼NE¼	24	"	12
-2835	SE¼NE¼, SW¼NE¼	25	"	11
-3760	W½NE¼	28	"	12
-3766	SE¼SE¼ NE¼NE¼	28 33	"	12
-3765	E½NW¼	34	"	13
-3965	S½NW¼, NW¼NW¼, SW¼NE¼	35	"	15
-2923	NE¼NE¼, NW¼NE¼	36	"	15

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-345	Lot 1, SW¼NE¼, [illegible] (NE¼)	28	9/22	12
-3794	N½SW¼	28	"	13
-462	SW¼	17	10/14	12
-1482	SW¼	2	10/15	15
-1483	SE¼	2	"	15
-2405	NW¼	27	"	18
-417	Lot 4	2	10/16	17
	Lot 1	3		
-3447	E½ Lot 4, S½W½ Lot 4 SE¼SE¼ NE¼NE¼	4 6 7	"	18
-43	N½NW¼NE¼, NE¼NW¼ S½NW¼NE¼	11 10	"	11
-47	SW¼NE¼, SE¼NW¼	10	"	11
-38	N½NE¼	11	"	17
-603	S½NE¼SW¼, SE¼SW¼, S½SW¼SE¼	11	"	14
-463	S½NE¼	12	"	15
-464	N½SE¼	12	"	15
-621	SW¼SE¼ NW¼NE¼	12 13	"	14
-623	NW¼SE¼, SW¼NE¼	13	"	15
-906	S½SW¼	13	"	12
-3628	N½SW¼	14	"	19
-460	NE¼NE¼ NW¼NW¼	26 25	"	12
-3644	W½NE¼, E½NW¼	29	"	12
-703	SW¼NW¼ SE¼NE¼	1 2	10/17	13

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-125	Lot 4 Lot 1	1 2	10/17	11
-91	W½SW¼	4	"	14
-53	W½SE¼	6	"	17
-54	E½SW¼	6	"	17
-1084	All but the NE¼NE¼ of NE¼SE¼, and SE¼SE¼	6	"	16
-1048	NE¼SE¼, N½SE¼SE¼ W½NW¼SW¼	8 9	"	11
-489	NE¼NW¼, SE¼NW¼	9	"	13
-94	S½NE¼SW¼, SE¼SW¼, S½SW¼SE¼	9	"	14
-153	NE¼NE¼, SE¼NE¼	11	"	14
-154	NW¼NW¼, SW¼NW¼	12	"	14
-163	SE¼SW¼, SW¼SE¼	12	"	17
-164	NE¼SE¼, SE¼SE¼	12	"	15
-402	NW¼SE¼, SW¼NE¼	12	"	18
-181	NW¼SW¼, SW¼NW¼	14	"	13
-182	N½SW¼SW¼ NE¼SE¼, E½SE¼SE¼	14 15	"	13
-107	SW¼SW¼ NW¼NW¼	16 21	"	18
-105	W½SE¼	17	"	16
-106	E½SE¼	17	"	16
-108	N½NE¼	20	"	14
-176	E½SE¼	20	"	12
-2600	SW¼SW¼	21	"	11
-2334	SE¼NE¼, SW¼NE¼	22	"	20
-2335	NE¼SE¼, SE¼SE¼	22	"	20

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-3403	SW¼SE¼	24	10/17	12
-3403	N½NE¼	29	"	11
-2078	NE¼SW¼, SE¼SW¼	1	10/18	19
-2096	S½SW¼	1	"	15
-2302	SW¼SW¼, SW¼NW¼	2	"	15
-165	Lot 3 and Lot 4	7	"	17
-404	SW¼NW¼, Lot 2	7	"	16
-3636	W½NW¼NE¼	8	"	16
-2349	SW¼NE¼, SE¼NE¼	9	"	12
-2289	NE¼NW¼, SE¼NW¼	10	"	13
-1947	SE¼NE¼, SW¼NE¼	12	"	19
-1948	NE¼SE¼, NW¼SE¼	12	"	19
-521	NW¼SE¼, SW¼SE¼	14	"	14
-2455	NE¼SE¼, NW¼SE¼	15	"	12
-2766	NE¼NW¼, SE¼NW¼	16	"	16
-673	NW¼SE¼, SW¼NE¼	17	"	18
-3146	NE¼NW¼, SE¼NW¼	19	"	13
-3147	NW¼NE¼, SW¼NE¼	19	"	11
-3123	SW¼SE¼	19	"	17
-177	NE¼NE¼, SE¼NE¼	22	"	18
-178	NW¼NE¼, SW¼NE¼	22	"	17
-179	NW¼NE¼, SW¼SE¼	22	"	18
-560	NE¼NE¼, SE¼SE¼	22	"	11
-149	NE¼NW¼, SE¼NW¼	24	"	13
-190	SW¼SE¼ NW¼NE¼	24 25	"	14
-192	NE¼NW¼ SE¼SW¼	25 24	"	14

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-1063	NE¼SE¼, SE¼NE¼	25	10/18	14
-1064	NE¼NE¼, NW¼NE¼	26	"	13
-3049	NW¼SW¼, SW¼NW¼	29	"	16
-3011	NW¼NW¼, SW¼NE¼	32	"	13
-1980	N½SE¼SW¼, S½SE¼SW¼, S½SW¼SW¼, N½SW¼SW¼	3	10/19	13
-872	Lot 4, SW¼NW¼	5	"	12
-1934	Lot 1, SE¼NE¼	5	"	12
-2081	NE¼SE¼, NW¼SE¼	9	"	12
-2044	W½SE¼NW¼, E½SE¼NW¼	10	"	18
-2000	NE¼SE¼ SE¼SW¼	10 15	"	19
-1956	NW¼NW¼, SW¼NW¼	11	"	11
-2164	SE¼NW¼, SW¼NE¼	14	"	11
-2099	SE¼SE¼, SW¼SE¼	15	"	19
-2161	SE¼SE¼, SW¼SE¼	17	"	17
-2063	S½NE¼	26	"	20
-3133	NE¼SW¼, Lot 3	30	"	14
-1971	Lot 4 Lot 1,	19 30	"	14
-1924	NE¼SE¼, SE¼NE¼	3	10/20	20
-496	SW¼SE¼	5	"	11
-779	SE¼NE¼, SW¼NE¼	5	"	13
-875	NE¼NE¼, SE¼NE¼	10	"	12
-1094	SE¼SE¼ NE¼NE¼	11 14	"	11
-1336	N½SE¼NW¼, S½SE¼NW¼	18	"	11
-1294	N½SE¼NE¼, S½SE¼NE¼	19	"	12
-1490	NE¼SW¼, SE¼SW¼	20	"	13

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-31[illegible]	NE¼NW¼, SE¼NW¼	23	10/20	18
-237	NE¼S[illegible]¼, SE¼SW¼	28	"	16
-238	NW¼SW¼, SW¼SW¼	28	"	15
-875	NE¼SW¼, NW¼SE¼	25	"	12
-877	NE¼SW¼SE¼, S½SE¼SE¼, S½SW¼SE¼ N½SW¼SE¼,	25	"	12
-1799	SE¼NW¼, SW¼NE¼	28	"	11
-1298	NE¼NW¼, SE¼NW¼	29	"	11
-1300	NE¼NW¼, SE¼NE¼	30	"	13
-3671	Lot 4 and NW¼SW¼	33	"	11
-910	NE¼NW¼, NW¼NE¼	35	"	20
-736	Lot 2 (S½ NE¼) and Lot 2 (N½NE¼) Lot 4 (SW¼SE¼),	17 8	10/21	11
-7[illegible]2	NE¼NW¼, NW¼NE¼	18	"	13
-721	SE¼NW¼, SW¼NE¼	18	"	11
-296	N½SW¼NW¼, S½SE¼NW¼, S½ Lot 2 N½ Lot 2	30	"	14
-700	NE¼NE¼ NW¼NW¼	31 32	" "	11 ---
-703	NE¼NW¼ SE¼SW¼	32 29	"	11
-1011	SE¼NW¼, SW¼NW¼	29	"	17
-1012-b	That portion N & E of the N.P.RR. of NW¼SW¼	29	"	20
-2321	SE¼NW¼, SW¼NW¼	32	"	13
-[illegible]62	NE¼SE¼, SE¼SE¼	33	"	11
-[illegible]58	S½NW¼NE¼, SE¼NW¼, N½SW¼NE¼	34	"	11
-[illegible]57	NE¼NW¼ SE¼SW¼	34 27	"	11

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-371	NE¼SW¼, Lot 2	36	10/21	12
-1128	NE¼NE¼, NW¼NE¼, SE¼NE¼, SW¼NE¼	13	11/15	13
-429	NW¼SW¼, SW¼SW¼ NE¼SE¼, SE¼SE¼	25 30	"	15
-989	S½NW¼, N½SW¼	34	"	20
-990	S½NE¼, N½SE¼	34	"	13
-412	NE¼NE¼ N½NW¼NW¼ S½SW¼SW¼	23 24 13	11/16	11
-21	NW¼NW¼ SW¼SW¼	27 22	" / 1 Life Use 1/2 of 1/	13
-427	NE¼SW¼, SE¼NW¼	29	"	15
-431	NE¼SE¼, NW¼SE¼	29	"	17
-440	NE¼NE¼ W½SE¼SE¼, E½SW¼SE¼	32 29	"	15
-441	NW¼NE¼ E½SE¼SW¼, W½SW¼SE¼	32 29	"	16
-436	W½SE¼SW¼, E½SW¼SW¼ NE¼NW¼	29 32	"	16
-987	S½NE¼SE¼ S½NW¼SW¼	32 33	"	20
-381	E½NE¼SW¼, W½NW¼SE¼, S½SE¼NW¼, S½SW¼NE¼	33	"	14
-382	NE¼SE¼, E½NW¼SE¼ W½NW¼SW¼	33 34	" "	14
-4321	SE¼	9	"	14
-3226	E½NE¼	10	"	12
-3227	W½NE¼	10	"	12
-1491	SE¼SW¼, SW¼SE¼	11	"	15
-3222	S½NE¼	11	"	13
-67	W½SW¼	14	"	13

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK -68	E½SW¼	14	11/16	15
-69	W½SE¼	14	"	19
-2221	SE¼NW¼, SW¼NE¼	15	"	13
-2704	SW¼SE¼	17	"	14
-12	E½SW¼	20	"	15
-14	E½SE¼	20	"	12
-11	W½NW¼	21	"	14
-422	NW¼NW¼	22	"	14
-420	NE¼NW¼ SE¼SW¼	22 15	"	14
-3415	N½SE¼	2	11/17	11
-3268	W½SE¼	4	"	12
-3293	S½NW¼	8	"	13
-3101	NE¼NW¼, NW¼NW¼	12	"	12
-2753	SE¼NW¼ Lot 2	12 13	"	14
-2652	SE¼SE¼ NE¼NE¼	12 13	"	14
-2754	NW¼SE¼ SW¼NW¼	13 12	"	13
-3626	W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼	25	"	14
-2264	S½SE¼SE¼, N½SE¼SE¼, S½SW¼SE¼, N½SW¼SE¼	25	"	12
-2263	NE¼SE¼, NW¼SE¼	25	"	20
-2262	NE¼SW¼ SE¼NE¼	25 26	"	17
-70	E½NE¼	32	"	14
-71	NE¼SE¼ S½SW¼NW¼, N½NW¼SW¼	32 33	"	18
-118	SE¼NE¼, NE¼SE¼	33	"	16

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-73	NE¼NW¼, N½NW¼NW¼, S½SW¼SW¼	28	11/17	18
-116	SE¼SE¼ NE¼NE¼	28 33	"	15
-117	NW¼NE¼ SW¼SE¼	33 28	"	16
-1785	NW¼NE¼, SW¼NE¼	35	"	12
-1784	NE¼SW¼, NW¼SE¼	35	"	12
-2714	NW¼SE¼ SW¼SE¼	4 9	11/18	12
-2578	NE¼SE¼ SW¼NE¼	5 28	"	14
-2509	NE¼NE¼ SE¼NE¼	7 23	"	13
-2711	NE¼NW¼ SE¼SW¼	9 4	"	17
-2713	NW¼NE¼ SW¼SE¼	9 4	"	12
-2922	Lot 4 SE¼SW¼	5 9	"	11
-2576	Lot 2 SE¼NW¼	5 11	"	19
-1911	SE¼SE¼, SW¼SE¼	12	"	17
-2609	NE¼SW¼ NW¼NE¼	15 16	"	18
-1940	NE¼SW¼, SE¼SW¼	24	"	20
-1941	NE¼SE¼, NW¼SE¼	24	"	16
-975	SE¼SW¼, Lot 4	30	"	17
-523	SE¼NW¼, Lot 2	31	"	11
-1499	NE¼NE¼, SE¼NE¼	6	11/19	19
-1549	NW¼NW¼, SW¼NW¼	8	"	11
-998½	SE¼SW¼, SW¼SW¼	9	"	15

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-1078	N½SE¼, SW¼SE¼	10	11/19	16
-1146	NE¼NE¼ N½NW¼	10 11	"	11
-1149	E½NE¼NW¼, N½NE¼, E½SE¼NW¼	11	"	11
-1151	NE¼SW¼, N½SW¼	11	"	14
-1153	SE¼SW¼, S½SE¼	11	"	20
-1018	SE¼SW¼, NE¼SW¼	14	"	11
-841	SE¼SW¼, S½SW¼	16	"	12
-845	NE¼NW¼, N½NW¼	21	"	14
-1140	NE¼SE¼, N½SE¼	22	"	12
-1051	N½NE¼, SW¼NE¼	22	"	18
-1765	SE¼NW¼, S½NW¼	24	"	14
-1564	E½NE¼NE¼, W½NE¼NE¼, E½SE¼NE¼, W½SE¼NE¼	26	"	11
-1565	NE¼SE¼, SE¼SE¼	26	"	11
-1566	N½SE¼, SW¼SE¼	26	"	11
-1096	N½NE¼, SW¼NE¼	30	"	12
-1995	NE¼NE¼, SE¼NE¼	30	"	11
-1974	SW¼NE¼	11	11/20	12
-838	N½SE¼, S½SE¼	18	"	13
-846	Lot 5, SE¼SW¼, Lot 6	18	"	14
-840	SE¼NE¼, S½NE¼	19	"	13
-990	NE¼SW¼, SE¼NW¼	19	"	13
-1967	S½SW¼	36	"	11
-967	Lot 9 Lots 3, 9, 12	18 19	12/16	18
-968	SE¼	19	"	19

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-976	W½NE¼	20	12/16	14
	Lot 7	17		
-974	E½NW¼	20	"	12
	Lot 6	17		
-903	NE¼SE¼, W½ Lot 5, Lots 6 & 7	16	12/17	11*
		*Partitioned: Heirs of Chamesapum, Dec. 7 Heirs of Soctillo, Dec. 4		
-3926	E½NE¼, SE¼NW¼, SW¼NE¼	23	12/17	15
-526	NW¼SE¼, SW¼SE¼	33	"	15
-938	W½ Lot 9	4	12/18	17
	W½NE¼NE¼, NW¼NE¼	9		
-939	NE¼NW¼	9	"	14
	Lots 10 & 11	4		
-3074	Lot 2, SW¼NW¼	9	"	16
-3646	W½SE¼	9	"	11
	W½NE¼	16		
-3354	W½NW¼	16	"	11
-4320	E½SE¼, SE¼NE¼, SW¼SE¼	17	"	11
-986	NE¼SW¼, SE¼SW¼	36	"	13
-1862	SE¼SE¼, SW¼SE¼	19	12/19	14
-1507	E½NE¼SE¼, W½NE¼SE¼, E½SE¼SE¼, W½SE¼SE¼	30	"	13
-931	NE¼NW¼, SE¼NW¼	31	"	12
-1790	SE¼SE¼, SW¼SE¼	32	"	16
-1188	NE¼NE¼, NW¼NE¼	32	"	15
Slusecum Hmstd (Cowicke)	NE¼SE¼	4	13/17	17

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11 to 20 Heirs

Al. No.	Description	Section	T/R	No. Heirs
VAA-0544	SE¼SE¼	12	4/13	11
	Lot 4	7	4/14	
[illegible]-4330	W½NE¼	16	7/21	11
	E½SE¼	11	7/20	
-1187	NE¼SE¼	12	8/18	16
	Lot 3	7	8/19	
-3917	Lots 3 and 4	1	8/20	14
	SW¼SE¼	24	11/16	
-2782	SW¼ SW¼	10	8/22	14
	SW¼SE¼	10	11/18	
-2359	S½NW¼SW¼, N½NW¼SW¼	9	9/11	14
	N½NW¼SE¼, S½SW¼NE¼	3	10/16	
-3709	N½SE¼SE¼	5	9/21	11
	Lot 6	19	9/22	
-372	N½ Lot 4	1	9/21	12
	S½NW¼SW¼	36	10/21	
	SW¼SW¼	36	10/21	
-2857	NW¼SE¼	27	9/21	16
	N½SW¼	2	7/21	
-2358	S½NW¼NE¼, N½SW¼NE¼	3	10/16	14
	SW¼NW¼	9	11/18	
-988	Lot 1 NE¼	5	10/16	13
	Lot 4 NW¼	4	"	
	E½SE¼SE¼	32	11/16	
	SW¼SW¼	33	"	
-461	SE¼SE¼	11	10/16	11
	S½SE¼	9	10/15	
-401	N½N½S½SE¼ NW¼,Lot 2, N½SE¼NW¼	19	10/17	18
	S½SE¼NE¼	24	10/16	
-343	N½NW¼NW¼	15	10/17	19
	N½NE¼NE¼	16	"	
	W½SE¼	1	8/15	
-667	N½ Lot 4	4	10/17	14
	S½NW¼SW¼, N½SW¼SW¼, S½SW¼SW¼	33	11/17	

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11 to 20 Heirs

No.	Description	Section	T/R	No. Heirs
K-22	E½SE¼NE¼	28	11/16	11
	W½NE¼NW¼	27	"	
	S½SE¼	4	10/15	
-1308	NE¼SE¼, SE¼SE¼, SW¼SE¼	33	9/15	12
	N½SW¼SW¼	13	11/16	
-2783	NW¼SE¼	10	11/18	11
	N½SW¼	10	8/22	
-2544	NE¼SE¼	19	11/18	11
	SW¼SE¼	21	11/17	

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21 to 40 Heirs

Al. No.	Description	Section	T/R	No. Heirs
VAN-1375	NE¼NE¼	24	2/13	39
-23	N½SE¼, SW¼SE¼	18	2/14	25
-151	SE¼	4	2/15	29
-161	W½SW¼	4	"	21
-186	SW¼	10	"	24
-5530	SE¼	10	"	26
-34	SE¼	11	"	27
-5534	N½NE¼; Lots 1 and 2	16	"	34
-2495 (405)	SE¼	30	4/11	28
YAK-2981	S½	12	7/16	28
-1931	Lots 1 and 2; SE¼NE¼, SW¼NE¼	1	7/17	21
-1823	SE¼	1	"	25
-1841	NE¼	8	"	27
-1825	NE¼	13	"	23
-4003	N½	20	"	26
-1497	NE¼	34	"	26
-1258	SE¼	6	7/18	22
-1201	NW¼	14	7/19	22
-1979	NE¼NE¼, NW¼NE¼, SW¼NE¼	30	"	23
	N½NW¼	29		
-2874	S½	14	7/20	32
-2871	S½	15	"	26
-2878	N½	15	"	28
-2887	N½	16	"	28

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21 to 40 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-2870	NE¼	22	7/20	23
-2882	NE¼	27	"	22
-2290	NW¼	27	"	21
-3092	S½NW¼, Lots 3 & 4	1	8/16	23
-4025	SW¼	28	"	21
-694	SW¼	30	"	32
-3108	SE¼	30	"	34
-4032	Lots 3 and 4; E½SW¼	31	"	33
-2972	SE¼	22	"	39
-1214	SW¼	31	8/17	21
-1216	SW¼	32	"	22
-3009	SE¼	33	"	21
-3014	NE¼	33	"	32
-2646	Lot 6, SW¼NE¼	21	8/22	26
-2082	NE¼	17	9/14	37
-643	NE¼NW¼, NW¼NW¼, SE¼NW¼, SW¼NW¼	27	9/15	24
-1475	E½SE¼ W½SW¼	6 5	9/16	26
-710	NW¼SW¼, SW¼NW¼ E½SE¼	16 17	"	30
-1158	NE¼NE¼, SE¼NE¼	23	9/19	28
-1156	NE¼NW¼, SE¼NW¼	24	"	24
-1610	SW¼SE¼ NW¼NE¼	6 7	9/21	22
-342	NE¼SE¼, SE¼SE¼	13	"	26
-614	S½SE¼SW¼ NW¼SW¼, S½NE¼SW¼	3 13	" "	26
-2318	N½NE¼	14	"	26
-339	NE¼SW¼, SE¼SW¼	18	9/22	28
-338	Lots 1 and 2	20	"	25
	Lot 1	29		

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21 to 40 Heirs

Tl. No.	Description	Section	T/R	No. Heirs
TAK-384	NE¼SW¼, NW¼SW¼	1	10/16	40
-385	SE¼SW¼, SW¼SW¼	1	"	26
-36	SE¼NW¼, NE¼SW¼	2	"	21
-670	S½ Lots 1 and 2, SE¼NE¼	5	"	27
-2631	NE¼NW¼, NW¼NW¼, NW¼NE¼	26	"	34
-145	NW¼SW¼, SW¼SW¼	1	10/17	37
-146	NE¼SW¼, SE¼SW¼	1	"	33
-3104	SE¼SW¼, SW¼SW¼	2	"	22
-2083	NW¼SW¼ NE¼SE¼	3 4	"	35
-84	E½SW¼SE¼, N½SE¼SE¼ NW¼NE¼	5 8	"	24
-83	N½NW¼	8	"	26
-167	NE¼NE¼, SE¼NE¼	10	"	21
-2180	NE¼SW¼, NW¼SE¼	10	"	23
-168	NW¼NE¼, SW¼NE¼	11	"	34
-183	NW¼SE¼, SW¼NE¼	14	"	25
-111	SE¼NE¼, S½NE¼NE¼, N½NE¼SE¼	16	"	25
-113	W½SE¼	16	"	36
-114	E½SW¼	16	"	22
-115	SW¼NE¼, SE¼NW¼	16	"	22
-485	W½NE¼	17	"	36
-2273	NE¼SW¼, SE¼SW¼	24	"	30
-98	SW¼SE¼, S½NW¼SE¼ N½NW¼NE¼	19 30	"	26
-2722	Lot 1, SE¼NE¼	4	10/18	25
-558	W½NE¼, S½NW¼NE¼, SW¼NE¼	18	"	36
-1794	SE¼SE¼ NE¼NE¼	24 25	"	25

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21 to 40 Heirs

L. No.	Description	Section	T/R	No. Heirs
K-172	W½NE¼NE¼, N½NE¼SE¼, N½SE¼NE¼ S½SE¼NE¼	21	10/18	25
-1533	SE¼NE¼, SW¼NE¼	2	10/19	24
-1328	NW¼SW¼, SW¼SW¼	12	"	26
-1339	SE¼NW¼, SW¼NW¼	12	"	22
-1340	NE¼NE¼, N½NE¼	12	"	24
-1341	S½SE¼NE¼, N½SE¼NE¼ S½SW¼NE¼, N½SW¼NE¼	12	"	23
-2037	NE¼NE¼, NW¼NE¼	13	"	25
-2217	SE¼SE¼, SW¼SE¼	16	"	32
-1344	NW¼SW¼, SE¼SW¼, SW¼SW¼	7	10/20	25
-1990	NE¼SE¼, SE¼SE¼	12	"	39
-1993	S½SE¼NE¼, SE¼NW¼, S½SW¼NE¼	12	"	39
-1806	NE¼SE¼, NW¼SE¼	13	"	32
-724	NE¼SE¼, NW¼SE¼	14	"	22
-261	NW¼NW¼, SW¼NW¼	16	"	32
-306	SE¼NW¼, SW¼NE¼	22	"	37
-1026	NW¼SE¼	24	"	22
-1329	SE¼NW¼, SW¼NW¼	28	"	24
-1798	NE¼SE¼, NW¼SE¼	28	"	24
-608	SE¼NW¼, SW¼NE¼	34	"	24
-1749	Lot 1 Lot 2	7 8	10/21	31
-1012-A	NE¼SW¼	29	"	28
-991	SW¼	35	11/15	22
-66	S½SE¼NE¼, NE¼SE¼, E½SE¼SE¼	15	11/16	23
-1796	NW¼NW¼ E½NE¼NE¼	28 29	"	22

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21 to 40 Heirs

L. No.	Description	Section	T/R	No. Heirs
AK--437	S½SW¼SW¼ E½SE¼SE¼ NW¼NW¼	28 29 33	11/16	27
-209	N½SW¼NE¼, N½SE¼NW¼	33	"	26
-142	W½SW¼	36	"	26
-3456	Lots 1 and 2	5	11/17	32
-3329	W½SE¼	18	"	26
-535	Lot 2, SE¼NW¼	19	"	30
-3464	NE¼NE¼	21	"	21
-128	SE¼NW¼, NE¼SW¼	27	"	33
-715	SE¼SW¼, SW¼SE¼	27	"	34
-772	NE¼SW¼, SE¼SW¼	28	"	27
-224	W½SW¼	36	"	37
-2553	NW¼SW¼ NE¼NW¼	4 18	11/18	33
-942	SE¼SE¼, SW¼SE¼	24	"	21
-2468	SE¼NE¼, SW¼NE¼	26	"	37
-704	NE¼SE¼, SE¼SW¼	6	11/19	28
-2545	N½NE¼SE¼, N½NW¼SE¼, S½NE¼SE¼, S½NW¼SE¼	8	"	28
-672	NE¼SE¼, NW¼SW¼	16	"	25
-1065	NE¼SE¼, SE¼SE¼	20	"	25
-262	NW¼NE¼, SW¼NE¼	29	11/20	22
-208	E½NE¼NE¼, W½NE¼NE¼, E½SE¼NE¼, W½SE¼NE¼	33	"	23
-973	Lot 5 W½NW¼	17 20	12/16	36
-978	SE¼	20	"	32
-1509	Lots 11 & 12 N½N½, N½SE¼N½	3 10	12/18	27

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21 to 40 Heirs

Al. No.	Description	Section	T/R	No. Heirs
YAK-2554	SW¼SW¼	35	12/18	24
-899	S½SE¼	34	12/19	39

VAN-67	SE¼SE¼ Lot 4; E½SW¼	24 19	4/13 4/14	26
-1233	Lot 4 SE¼SW¼	2 35	7/18 8/18	22
-2527	SE¼SE¼, SW¼SE¼ SE¼SE¼	21 20	8/16 11/18	37
-992	SE¼NE¼, Lots 1 and 2 SW¼SE¼	2 35	10/15 11/15	22
-638	N½SW¼NE¼ N½W½ Lot 1, N½E½ Lot 2 E½SW¼SE¼, W½SE¼SE¼	33 5 32	10/20 10/16 11/16	34
-2530	NW¼NE¼ NW¼SW¼	29 22	11/18 11/17	28

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Over 40 Heirs

Al. No.	Description	Section	T/R	No. Heirs
WAN–408 (2420)	NE¼	18	4/11	45
WW–30	NE¼	10	4/23	41
YAK–2897	SW¼	8	7/21	48
–3132	SW¼	9	9/14	43
–1277	SE¼NW¼, SW¼NE¼	34	9/19	42
–1596	N½E½ Lot 3, E½ Lot 2, N½W½ Lot 2, Lot 1	5	10/17	47
–132	S½NW¼	20	"	50
–1510	SE¼SW¼, SW¼SW¼	1	10/19	57
–263	W½NW¼NE¼, E½NW¼NE¼, W½SW¼NE¼, E½SW¼NE¼	17	10/20	53
–726	NE¼SE¼, NW¼SE¼	18	10/21	41
–1013	NE¼SE¼, SE¼NE¼	30	"	55
–376	Lots 3 and 4, SW¼SE¼	36	"	47
–2220	NE¼SW¼, NW¼SE¼	15	11/16	43
–512	NE¼NE¼, NW¼NE¼	18	"	43
–446	SE¼SE¼ SW¼SW¼	34 35	"	46
–122	NE¼SE¼, SE¼SE¼	35	11/17	41
–902	NE¼NE¼, SE¼NE¼	3	11/19	40
–957	NE¼	23	12/16	63

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IX. SACRAMENTO AREA OFFICE

1. CALIFORNIA AGENCY

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Sacramento, Calif., July 3, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: There is transmitted herewith our completed questionnaire concerning disposition and acquisition of Indian land within the jurisdiction of the California Agency, Sacramento, Calif., covering the last 10-year period.

As you are probably aware, the delay in submitting this report is due to the fact that the request for this report was received only within the last 2 weeks.

Sincerely yours,

M. H. EDDY, *Acting Area Director.*

CALIFORNIA

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. As to tribal and individually owned trust or restricted land:

	Acres
Round Valley Reservation:	
(*a*) In tribal ownership July 1, 1947	4,188.43
(*b*) In trust ownership July 1, 1947	14,479.76
(*c*) Acquired by the tribe in fee	None
Fort Independence Reservation:	
(*a*) In tribal ownership July 1, 1947	188
(*b*) In trust ownership July 1, 1947	132
(*c*) Acquired by the tribe in fee	None
Other rancherias (66 in all):	
(*a*) In tribal ownership July 1, 1947	77,277.63
(*b*) In trust ownership July 1, 1947	None
(*c*) Acquired by the tribe in fee	None
Public domain:	
(*a*) In tribal ownership July 1, 1947	None
(*b*) In trust ownership July 1, 1947	125,109.84
(*c*) Acquired by the tribe in fee	None

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2. Acres of trust or restricted land in individual ownership as of July 1, 1947:

	Acres
(a) Reservation	14,611.76
(b) Public domain	125,109.84

3. Transactions consummated transferring trust lands to unrestricted fee title status by fiscal years:

Fiscal year	Reservation	Public domain	Total	Fiscal year	Reservation	Public domain	Total
1948		43	43	1954	9	40	49
1949		67	67	1955	44	30	74
1950	1	131	132	1956	70	6	76
1951		304	304	1957	21	4	25
1952		102	102				
1953		117	117	Total, June 30, 1957	145	844	989

4. Acres removed from Bureau jurisdiction by fiscal year:

Fiscal year	Reservation	Public domain	Total	Fiscal year	Reservation	Public domain	Total
1948		5,638.24	5,638.24	1954	65.38	3,481.51	3,546.89
1949		7,794.17	7,794.17	1955	1,667.27	2,666.95	4,334.22
1950	1.00	17,138.74	17,139.74	1956	2,194.56	400.00	2,594.56
1951		40,293.13	40,293.13	1957	757.80	435.00	1,192.80
1952		13,685.76	13,685.76				
1953		13,566.63	13,566.63	Total, June 30, 1957	4,686.01	105,100.13	109,786.14

5. Number of transactions transferring trust lands to unrestricted fee-title status by type of transaction:

Fiscal year	Reservation			Public domain		
	Fee patent	Sale to fee	Orders removing restrictions	Fee patent	Sale to fee	Orders removing restrictions
1948				12	31	
1949				31	33	3
1950		1		43	87	1
1951				34	270	
1952				3	99	
1953				19	96	2
1954	9			8	32	
1955	32	12		16	14	
1956	16	54		2	4	
1957	19	2		2	1	1
Total, June 30, 1957	76	69		170	667	7

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6. Acres removed from Bureau jurisdiction by fiscal year and type of transaction:

Fiscal year	Reservation			Public domain		
	Fee patent	Sale to fee	Orders removing restrictions	Fee patent	Sale to fee	Orders removing restrictions
1948				1,514.34	4,123.90	
1949				3,782.65	3,831.52	180.00
1950		1		5,594.08	11,444.47	100.19
1951				3,656.02	36,637.11	
1952				400.00	13,285.76	
1953				2,261.45	11,137.21	167.97
1954	65.38			835.25	2,646.26	
1955	1,082.14	585.13		1,320.70	1,346.25	
1956	530.52	1,664.04		80.00	320.00	
1957	588.34	169.46		320.00	80.00	35.00
Total	2,266.38	2,419.63		19,764.49	84,852.48	483.16

7 through 10. The transaction that was consummated to transfer lands from fee title to trust status since July 1, 1947, is as follows:

Number of transactions: 1.

Tribe: Auburn Rancheria.

Acres: 20.

Acquired by purchase: Deed to United States in trust for Indians of Auburn Rancheria. Approved in 1952.

11. See the following:

Acres in tribal ownership as of Dec. 31, 1957	89,557.06
Acres held in trust by the United States	117,855.42
Acres acquired by tribe in fee	None

12. Acres of trust lands in individual Indian ownership on December 31, 1957:

Reservation	8,618.65
Public domain	19,679.71
Total	28,298.36

13. Special acts of Congress which have affected the acquisition and disposal of Indian lands since July 1, 1947, are listed as follows:

(*a*) Act of March 3, 1925 (43 Stat. 1101–1102) and Public Law 253, 82d Congress (65 Stat. 252), dated November 1, 1951, authorized purchase of 20 acres to be added to Auburn Rancheria.

Act of March 29, 1956 (70 Stat. 58), as amended by the act of July 20, 1956 (70 Stat. 595), authorized the sale of 99.46 acres to the county of Lake for the purpose of establishing an airport and the issuance of a fee patent covering a 41-acre tract to Harry Johnson.

Act of July 10, 1957 (71 Stat. 283), authorized sale of portion of Colusa Rancheria to the Secretary of Army.

(*b*) In general, land that has been offered for sale by Round Valley tribal members and Indians on the public domain is in heirship status or is owned by nonresidents or have no use for it. Many Indians have fee patented their lands because they wanted to have full jurisdiction over them and many Indians on the reservations and the public domain own fee-title property. This includes many tracts that have been retained in fee-patent status for many years.

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(*c*) The Covalo Indian Community Council (Round Valley Reservation) purchased 12 tracts containing 240 acres from members wishing to sell since July 1, 1947. At the present time, the tribal council has no funds to purchase lands. There is some tribal activity in leasing of tribal lands to various individuals. All purchases made by the tribe have been supported by approved resolutions.

14. Comments concerning heirship or multiple-ownership problems are as follows:

(*a*) The Covelo Indian Community has acquired undivided interests in some of the allotted lands on the Round Valley Reservation through escheatment because the examiner of inheritance could find no heirs to an estate owning such interests and at his recommendation the escheatments followed.

(*b*) There are some non-Indian heirs to allotments on the Round Valley Reservation and on the public domain. This representation is only in the minority.

(*c*) Only the Round Valley Reservation under the jurisdiction of the California Agency adopted the Indian Reorganization Act. The natural parents signed for the minors' interests and a small number of sales were made under secretarial authority whereby orphan minors' interests were disposed. In such cases, however, their interests were very small and the adult heirs had requested sale.

(*d*) Agreement among heirs concerning use of reservation and public-domain lands is most difficult to obtain, in most cases. In general, the owners of the public-domain lands and in even some of the Round Valley Reservation allotments are widely scattered and in many cases are unknown to one another. The lowest common denominator used in calculating the fractional interests in some of the allotted lands is in the millions. Majority of the lands are in complex ownership, with the heirs being scattered all over the United States as well as other countries.

(*e*) Considerable use of the secretarial authority to sell land has been made both on the reservation and public-domain allotments. However, the lands were not sold except upon the written request of heirs representing the majority of ownership interests. Where feasible, guardians were duly appointed by State courts to act on behalf of minors and incompetents. There has been no opportunity to encourage tribal purchase of such lands because of a lack of justification for such purchases.

PART II—CALIFORNIA

Comments on status of key tracts.

1. There were no lands sold that may be considered key tracts or alleged to have been key tracts. The purchase of land by the Covelo Indian Community (Round Valley Reservation) is purely to increase their real-estate holdings.

2 through 6. No claims of certain properties being key tracts is known.

PART III—CALIFORNIA

Comments on tribal responsibility for real-estate activities.

1 through 8. Covelo Indian Community Council (Round Valley Reservation) has not officially assumed responsibility for real-estate activities.

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CALIFORNIA

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS[1]

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust trust restricted status													4	340.24						
Sales to tribes	3	20	1	5	3	170	2	15					3	20.00	1	10.00				
Sales to other Indians in trust or restricted status									12	615.05			4	125.00	9	372.54	2	16.12		
Other:																				
Gift deed					2	20	1	160	22	2,068.00	1	160	28	2,412.57	10	692.11	2	65.00	4	219.50
Deed (partition)													2	160.00	2	20.00				

DISPOSALS TO FEE STATUS[1]

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																				
Purchases of fee lands									1	20										
Other																				

[1] Data contained in pt. I of answers to questionnaire.

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2. HOOPA AREA FIELD OFFICE

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Hoopa, Calif., June 17, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: Forwarded herewith direct to you at the request of Mr. Leonard M. Hill, director, Sacramento area office, Bureau of Indian Affairs, is our completed questionnaire concerning disposition and acquisition of Indian lands of the Hoopa Indian Reservation, Calif., in the last 10 years.

We hope that the data submitted will prove useful to you and to the committee in consideration of legislation affecting the Hoopa Reservation and the Indian people of this area.

Very truly yours,

DILLON A. LONGENBAUGH,
Acting Supervisory Field Representative.

HOOPA

ANSWERS TO QUESTIONNAIRE ON DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) In tribal ownership, July 1, 1947: 84,448 acres.
(*b*) In trust ownership, July 1, 1947: 87,325 acres.
(*c*) None acquired by the tribe in fee.

2. Acres of trust land in individual ownership as of July 1, 1947: 2,905.285 acres.

3. Transactions consummated transferring trust lands to unrestricted fee title status by fiscal years:

1948	None	1952	None	1956	20
1949	3	1953	11	1957	23
1950	9	1954	2		
1951	23	1955	10		

4. Acres removed from Bureau jurisdiction by fiscal years:

1948	0	1952	0	1956	132.32
1949	12.00	1953	86.85	1957	245.65
1950	45.45	1954	8.00		
1951	152.66	1955	76.86		

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Total to June 30, 1957, or end of fiscal year 1957: 728.94 acres.

5. Number of transactions transferring trust lands to unrestricted fee title status by type of transaction:

Year	Fee patent to Indian owner	Sale to fee title status	Takings for public purposes	Year	Fee patent to Indian owner	Sale to fee title status	Takings for public purposes
1948	0	0		1953	8	2	1
1949	3	0		1954	2	0	
1950	8	1		1955	5	5	
1951	23	0		1956	16	4	
1952	0	0		1957	15	8	

6. Acres removed from Bureau jurisdiction, by fiscal year and type of transaction:

Year	Fee patent to Indian owner	Sale to fee title status	Takings for public purposes	Year	Fee patent to Indian owner	Sale to fee title status	Takings for public purposes
1948	0	0		1953	44.00	12.00	30.85
1949	12.00	0		1954	8.00	0.	
1950	41.44	4.01		1955	34.00	42.86	
1951	152.66	0		1956	94.32	38.00	
1952	0	0		1957	160.38	85.27	

7 through 10. No tribal or individual transactions have been consummated to transfer lands from fee title to trust status on the Hoopa Reservation since 1947. The tribe has purchased no land in fee-title status.

11. Acres in tribal ownership as of December 31, 1957: 84,610.53 acres.

Acres held in trust by the United States: 86,621.67 acres.

Acres acquired by the tribe in fee: None.

12. Acres of trust lands in individual Indian ownership on December 31, 1957: 2,073.275 acres.

Fee patented July 1 to December 31, 1957: 106.07.

13. Public Law 389 passed by the 82d Congress enabled the State of California to acquire 30.85 acres of the Hoopa administrative reserve as the site of the new Klamath-Trinity Unified School buildings where all grade and high-school children of this area attend.

In general, land that has been offered for sale by Hoopa tribal members is in heirship status or is owned by tribal members who are nonresident or have no use for it. Many Indians have fee patented their lots because they wished to have full jurisdiction over them. Many Hoopa Indians own fee-title property. This includes many tracts that have been retained in fee-patent status for many years.

The Hoopa Tribal Council has purchased 23 tracts of allotted land containing 162.53 acres from members wishing to sell. A recent proposal to purchase a 4-acre tract that provides access to the tribal recreational and ceremonial grounds has been approved by the tribal council but in general the council and tribal members apparently do not favor tribal purchase of Hoopa Valley lands at this time. The

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matter has been frequently discussed and the council and tribal members have been informed concerning all land sales and allotments available for purchase. This policy will be continued.

14. Multiple ownership and complex heirship has had effects as follows:

(*a*) As to undivided interest owned by the tribe: None.

(*b*) Undivided interest owned by non-Indians: Allotments were not made on the Hoopa Valley Reservation until 1918. Non-Indian heirship has not had great effect as yet but will soon be of great importance since Hoopa people are almost fully integrated and marriages apparently have little relation to white or Indian lineage.

(*c*) The Hoopa Tribe never accepted the Indian Reorganization Act. However, undivided interests of minors is a rapidly increasing problem as original allottees become deceased and the small allotments pass into complex heirship status.

(*d*) Most tracts in complicated heirship status lie idle or are the subject of considerable difficulty and disagreement as to use.

(*e*) There has apparently been a strong tendency on the Hoopa Reservation to retain inherited lands of children and of incompetent persons. Little use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs. The tribe has been encouraged to buy such lands. Minor interests were involved in allotments 320–M, 323–M, 324–M, and 358–M which were purchased by the Hoopa Tribe.

Because of the high percentage of 1918 Hoopa Reservation allottees now reaching advanced ages, allotment heirship problems are apparently rapidly becoming more complex. Hoopa allotments were made in units of 4 acres of valley land or 20 acres of nonforest, hillside grazing land. Numerous fractional interests in tracts of this size lead to very difficult situations since equitable use, or portionment among many heirs is generally very difficult if not impossible.

PART II—HOOPA

Key tracts are of less importance on the Hoopa Reservation than they may be on some others. The bulk of the land is tribal forest. The Hoopa Valley fields were surveyed into lots, most of which are 4 acres in size. Access roads were established at the time of the original survey. The Bald Hill area of the reservation and certain other nonforest tracts were made available for allotment or assignment in 20-acre units. Allotment access roads were not designated on the original plats in some cases involving these 20-acre units. Access to tribal forest lands through these units is of some importance. Tribal purchase of some tracts may become advisable as logging operations extend to new areas. Answers to individual questions are as follows:

1. Only one 4-acre tract has apparently been purchased specifically as a key tract.
2. No others were alleged to be key tracts.
3. One 4-acre purchase of a key tract is now being negotiated.
4. No tracts alleged by the tribe to be key tracts are known to have been sold.

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5. Purchase of former allotments for industrial purposes has apparently aided in stabilizing the economy of Hoopa Valley. The industrial payroll now exceeds $1 million annually. A high percentage of the woods and mill workers are Indians and the wage scale is very good in this area. The tracts purchased for mill sites are not key tracts in the sense that their use inhibits the use of adjacent allotted or tribal lands. On the contrary, the adjacent Indian lands have become several times more valuable and rentals paid to the tribe or to individual allottees have increased from nothing or very little to $100 or more per acre per year.

The only persons who have suffered loss have been the few livestock owners who formerly allowed stock to graze at large and thus trespass the unfenced valley lots.

6. No former fee patented properties have been acquired in trust status. Many Indians have purchased fee-title properties for home or business purposes. Others would like to buy subdivided portions of Hoopa Valley tribal lots for home or business site purposes, but there is apparently no authority by law for such conveyance except by assignment which has generally been found unsatisfactory and is not favored by the Indian people or by the Hoopa Business Council.

PART III—HOOPA

Tribal responsibility for real-estate activities:

1. None.
2. See the following:

	Title	Nature of work	Amount paid by tribe
T-45	Forestry aid (general)	General forestry work	$3,755
T-108	Forestry aid (scaling)	Scaling and checking timber	3,670
T-85	do	do	4,615
T-86	Clerk-stenographer	Clerical in forestry office	3,175
T-103	Forestry aid (general)	General forestry work	4,930
T-112	Forester (administrative)	Supervision of forest activities	5,440
T-43	Clerk (realty)	Clerical work in realty	3,670

3. The Hoopa Tribe has as its attorney Mr. Edwin J. Regan of Weaverville, Calif. Mr. Regan attends most meetings of the tribal council and is available to advise concerning all matters of a legal nature.

There also exists excellent relations between the council and its members and personnel of the Hoopa area field office. Technicians of the Forestry, Realty, or Roads Branches are always available for consultation or advice.

4. The tribal organization has a land or real estate committee with power to recommend but official action must have approval of the tribal council which is generally handled by resolution.

5. The tribal land or real estate committee advises and recommends the tribal council concerning real-estate matters including assignments, purchases, land-use planning, plans for allotting of available homesite tracts, etc. The tribal forestry committee advises concerning forest and forest-land matters.

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6. A forest inventory survey of the Hoopa Valley Indian Reservation was made in 1954 by Western Timber Service, Inc The Hoopa Tribe requested the survey and paid the costs involved. No other private study of real-estate activities has been proposed or considered.

7. The Hoopa Tribe has had no tribal land enterprise or similar organization. Some of the tracts purchased by the tribe are under lease for industrial purposes in accordance with resolutions of the tribal council.

8. Operations involving Hoopa Reservation trust lands have been carried on in accordance with the applicable sections of title 25, Code of Federal Regulations.

Three large sawmills, a veneer plant, a stud mill, a forest greens packing plant, and related industries have created an industrial community in Hoopa Valley. Very little agriculture, other than the growing of gardens and flowers, is still carried on. Some 200 cattle graze tribal lands and trespass the open valley lots but are of decreasing economic importance to Indian families. The chief demand for land is for residential purposes. Most people depend upon industrial employment in the forest or in the mills for a living. Conservation and good management of tribal and national-forest lands is important to sustained good employment situations and a high per capita income. The present degree of industrialization and resultant comparatively high level of incomes has in addition to availability of raw products, been dependent upon industrial site and home locations and availability of competent labor. The latter has been supplied to a large degree by local Indian workers

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HOOPA

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee			3	12	8	41.44	23	52.66			8	44	2	8	5	34	16	94.32	15	160.38
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only) where entire																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS

Exchange to tribal status																				
Exchanges to other Indians in trust or restricted status											6	88.72	2	8	5	48.02			1	4
Sales to tribes											5	20.01	3	16	11	105.03	4	17.49		
Sales to other Indians in trust or restricted status																				
Other (explain) partitionment in trust or restricted status													1	4					1	4

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HOOPA—Continued

Individually owned land—Continued

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS TO FEE STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to fee status																				
Sales to fee status					1	4.01					2	12			5	2.86	4	38	8	85.27
Takings for public purposes									1	30.85										
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status					3	8.46														
Exchanges from individual trust or restricted land					2	8														
Purchases from tribes																				
Purchases of trust or restricted land from other Indians	2	9.04	4	17.38	1	4.43	2	8			2	24.43	1	1.00	1	2.00				
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—None

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3. RIVERSIDE AREA FIELD OFFICE

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, FIELD SERVICE,
Riverside, Calif., June 5, 1958.

Hon. JAMES E. MURRAY,
Chairman, Interior and Insular Affairs Committee,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: In compliance with your letter of April 17, 1958, the following report is submitted for the use of your committee.

The information which we have furnished is based on the readily available records of this office. We call your attention to this fact because this office has been functioning in its present capacity since early in 1956 and prior to that time it was a subagency of the Sacramento area office. The information furnished concerning disposition of the lands to "fee" status is accurate; however, we do not have readily available information concerning the sale of lands between Indians where the land remained in "trust" status because the transactions are shown as "deeded" and our records do not differentiate between sales and gift deeds.

We invite your attention to the fact that our report covers 33 reservations in the Mission area (southern California) varying in size from 99 acres to 32,000 acres. Of these 33 reservations, only 10 contain lands in individual ownership (allotted) and the allotments vary in size from 5 to 48 acres. It is also noted that a large portion of these lands are in the mountains, and although classified as "grazing" lands, much of the land is so poor that it is useless for grazing, or, for that matter, any other purpose. The best lands in our area are owned by the Augustine, Cabazon, and Torres-Martinez Bands and are located in the Coachella Valley; these lands are primarily agricultural but largely remain unused due to the lack of irrigation water. Small portions of these three reservations border highways or the Salton Sea and have commercial possibilities.

The United States purchased a 600-acre tract of land for the Morongo Band from Morongo tribal funds in 1949. This tract was surrounded by Morongo Reservation lands and contained the only water in the immediate area. It is used by tribal members for grazing purposes. We have no record of any other land purchases since 1930.

There are no tribal employees on any of our reservations at this time; neither do we have any Government employees who are paid from tribal funds.

None of the Mission Indian Bands under the jurisdiction of this office are organized under the Indian Reorganization Act of 1934, or under any other form of organization with a constitution and bylaws. At present we are working with several Indian bands on a form of tribal government to facilitate the administration of their affairs.

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Lack of membership rolls for some 30 Mission Bands is one of our major problems. We have encouraged them to draft enrollment regulations with our assistance which would set forth membership requirements in order to prepare official rolls. Some bands are now working on an enrollment program.

The answers to your questionnaire are listed in the order asked on the enclosed report which is in three parts. Enclosed also are two maps of the Mission area showing our reservations.[1]

Sincerely yours,

ORLANDO GARCIA,
Field Representative.

RIVERSIDE

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

1. (*a*) How many acres were there in tribal ownership on July 1, 1947?

Answer: 200,497 (This figure is approximate because some of the lands are unsurveyed.)

(*b*) How many acres in trust?

Answer: 200,497.

(*c*) How many acres which the tribe had acquired in fee?

Answer: There are no lands owned in fee by the Mission bands.

2. How many acres of trust or restricted land were there in individual ownership on July 1, 1947?

Answer: 14,486.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of compentency, etc.), were consummated during each fiscal year since July 1, 1947?

Answer:

Fiscal year	Tribal	Allotted	Fiscal year	Tribal	Allotted
1948	0	1	1954	0	16
1949	1	4	1955	0	5
1950	0	7	1956	0	22
1951	0	11	1957	0	4
1952	0	6			
1953	0	15	Total	1	91

[1] On file with the committee.

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4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

Answer:

Fiscal year	Tribal	Allotted	Fiscal year	Tribal	Allotted
1948	0	40	1954	0	335
1949	320	120	1955	0	114
1950	0	280	1956	0	884
1951	0	410	1957	0	96
1952	0	205			
1953	0	466	Total	320	2,950

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

Answer:

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
(a) Tribal: (1) Fee patent	0	1	0	0	0	0	0	0	0	0	1
(b) Allotted:											
(1) Fee patent	0	4	6	9	2	9	13	5	7	3	58
(2) Removal of restrictions	0	0	0	0	0	1	1	0	0	0	2
(3) Sale	1	0	1	2	4	2	2	0	15	1	31
Total											92

6. Give the acreages for each year which will be shown in answer No. 4 above, broken down by the type of transaction.

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	Total
(a) Tribal: (1) Fee patent	0	320	0	0	0	0	0	0	0	0	320
(b) Allotted:											
(1) Fee patent	0	120	240	330	45	301	245	114	281	56	1,732
(2) Remainder of reservation	0	0	0	0	0	10	10	0	0	0	20
(3) Sale	40	0	40	80	160	155	80	0	603	40	1,198
Total											3,270

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Answer: One transaction in 1949.

8. How many acres were so acquired during each calendar year since July 1, 1947?

Answer: 600 acres during 1949.

9. Give the number of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

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Answer: One transaction for acquisition of tribal lands, 1949.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

Answer: 600 acres, 1949, purchased.

11. (*a*) How many acres were there in tribal ownership on December 31, 1957?

Answer: 200,140 (637 acres were changed from tribal to individual ownership through an allotment program in 1957.)

(*b*) How many acres held by the United States in trust?

Answer: 200,140.

(*c*) How many acres which the tribe had acquired in fee?

Answer: None.

12. How many acres of trust or restricted land were there in individual ownership on December 31, 1957?

Answer: 11,944.

13. (*a*) Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of fee patents, etc.).

Answer: None, to our knowledge.

(*b*) What study is being made of the cause and effect of sales?

Answer: No study as such is being conducted. However, from general observation, it appears that sales of allotments in multiple ownernship have not proven detrimental to the owners—as a rule the return to any one individual is relatively small. In cases where a single owner is involved, sales have been prompted by economic conditions such as inability to work due to age or ill health, insufficient income, etc. Generally speaking, lands sold have been idle for years due to the lack of water, lack of funds to improve them, inexperience in modern-day farming techniques, or the lack of interest.

(*c*) Has the tribal council passed or considered any resolutions on this subject?

Answer: None, to our knowledge.

(*d*) Please elaborate and include any resolutions approved.

Answer: None.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

Answer: None owned by Indian bands.

(*b*) Undivided interest owned by non-Indians and alien Indians.

Answer: The Bureau of Indian Affairs may administer only to lands held in trust by the United States for Indians. Non-Indian ownership acquired by inheritance results in undivided fractional interests which are nontrust. In such instances the Bureau of Indian Affairs may by petition of the Indian owners, sell their interests only by advertising the "trust portion" and explain in the advertisement to the bidders that it will be their responsibility to secure the non-Indian interest by private sales. This is not very satisfactory and tends to limit bids and reduces the possibilities of selling lands in this category.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

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Answer: We do not have this problem since none of our allotted bands are organized under IRA.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

Answer: Trust lands that become involved with numerous heirs result in non-use by the Indian heirs, and if used at all must be leased. In rare instances an heir has consolidated ownership by purchasing the interests of the other heirs. Heirs to land of multiple ownership are difficult to contact since they may be widely scattered throughout several of the Western States. Older Indians often do not care to dispose of their interests in lands even though it be a small fractional interest. In general other Indians who can be contacted express their willingness to dispose of small interests in such lands.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

Answer: (*a*) Use of the Secretary's authority has been negligible. (*b*) Nineteen of the Mission Bands under this jurisdiction have funds in the United States Treasury. Balances range from $17 to $17,433.12; average is $2,948.16. Obviously the Mission Bands are not financially able to purchase any land.

PART II—RIVERSIDE

1. None.
2. None.
3. None.
4. None.
5. No key tract sales have been made.
6. No key tracts have been acquired by either individual Indians or tribes.

PART III—RIVERSIDE

1. None.
2. None.
3. No.
4. No.
5. No.
6. None.
7. No.
8. No.

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RIVERSIDE

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee																				
Certificates of competency																	1	80		
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				

DISPOSALS TO TRUST OR RESTRICTED STATUS—TRIBAL

Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes	17	3,020.40	10	1,157.97	14	2,144.72	5	680	12	1,200	1	160.06								
Sales to other Indians in trust or restricted status																	2	200	1	80
Other (explain)																				

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DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—TRIBAL

Exchanges from tribal status	4	2,400.68			6	1,827.13			1	663.63	1	160.00								
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain)																				

ACQUISITIONS FROM FEE STATUS—TRIBAL

Exchanges from fee status	7	1,080.30	6	3,845.89					1	160.00										
Purchases of fee lands	47	21,583.67	6	8,286.98	4	1,760.00			3	1,134.08										
Other (explain)																				

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TRIBAL COUNCILS

1. JICARILLA APACHE TRIBE

JICARILLA APACHE TRIBE,
Dulce, N. Mex., June 9, 1958.

Hon. JAMES E. MURRAY,
Chairman, Interior and Insular Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: We have received your April 17, 1958, letter with attachments requesting certain factual data pertaining to the land of the Jicarilla Apache Tribe in New Mexico. We are enclosing herewith answers to questions set forth in attachments I, II, and III, together with the tabular reports submitted properly filled in.

In your transmittal letter you requested to be advised the extent of acreage acquired from private owners since 1930. In this connection we should like to report as follows:

Authority	Acreage	Number of tracts	Approximate date
Act of June 18, 1934 (48 Stat. 984) supra. Funds appropriated by the act of May 9, 1935 (49 Stat. 176).	154.80	1	July 1940.
Act of June 18, 1934 (48 Stat. 984), supra. Funds appropriated by the acts May 9, 1935 (49 Stat. 176), and June 22, 1936 (49 Stat. 1763).	1,081.68	[1] 4	June 1941.
Act of June 18, 1934 (48 Stat. 984), supra. Funds appropriated by the act of May 9, 1935 (49 Stat. 176, 183).	162.00	[2] 1	July 1938.
Do	155.52	[2] 1	November 1939.
Do	160.00	[2] 1	March 1937.
Do	160.00	[2] 1	July 1937.
Do	76.92	[2] 1	November 1938.
Do	76.54	[2] 1	Do.
Do	40.00	[2] 1	May 1938.
Do	161.22	[2] 1	March 1942.
Do	40.00	[2] 1	November 1937.
Do	160.00	[2] 1	August 1942.
Do	160.00	[2] 1	June 1938.

[1] Purpose: To acquire a site within which a domestic water supply could be developed. The land in question lies adjacent to and immediately outside of the exterior boundary of the reservation proper. It is currently being used for the purpose for which it was acquired.
[2] Agricultural tracts within the reservation and were purchased for that purpose. Current use: Now assigned to individual members of the tribe for agricultural purposes.

We should like to point out at this time that the Jicarilla Apache Tribe is making full and total use of all of its land and does not in the foreseeable future intend to lease or permit the use of the surface of its lands to other than members of the tribe. At this time there are approximately 189 oil and gas leases covering 442,531.97 acres in force, and we contemplate issuing additional leases covering the subsurface within the next few months. A large percentage of the members of the tribe is dependent on the land base for earning a livelihood mainly from livestock operations, both sheep and cattle.

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The Jicarilla Apache Tribe employs a total of 67 persons. Of this number, 2 are concerned with real-estate activities. Beginning in 1951 with the interest expressed in oil and gas leasing, and this being followed with the issuance of such leases, the tribe for the first time had money with which to assist in employing people for various tribal activities. Prior to that time, most of the income was from grazing of livestock and timber sales which did not return enough money for large-scale employment of tribal members.

The information supplied in this letter and in the attached reports was obtained from the records of the Jicarilla Apache Indian Agency, Dulce, N. Mex.

An original and one copy of the material requested by your letter of April 17, 1958, are enclosed. If we can be of further service, please do not fail to write.

Sincerely yours,

JAMES D. GARCIA,
Chairman, Jicarilla Apache Tribe.

JICARILLA APACHE TRIBE

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

The following statements are made in reply to the questionnaire attached to United States Senate letter dated April 17, 1958, and the answers obtained from the Jicarilla Agency records, which are fairly accurate:

1. Tribal land as of July 1, 1947: 668,011.43 acres.

(*a*) In trust: Total acreage.

(*b*) Acquired in fee: None.

2. Individual Indian ownership as of July 1, 1947: (*a*) 162 allotments or tracts, all in trust, 71,921.79 acres.

In the year 1946 the Jicarilla Apache Tribe instituted a land program, acquiring individual Indian trust-allotted lands to revert to a tribal land-trust status. At that time there were 797 individual Indian trust allotments or tracts, totaling 352,461.16 acres. Under this program, the tribe by June 30, 1947, had acquired 634 tracts, totaling 280,214.67 acres, by relinquishment from allottees and lawful heirs of deceased allottees who are members of the tribe, and the tribe purchased 1 tract, totaling 324.70 acres, from heirs (of deceased allottee) who are nonmembers of the tribe. As of July 1, 1947, there remained 162 allotments or tracts, totaling 71,921.79 acres, in individual Indian ownership in trust status.

3. None of the tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.) during each fiscal year since July 1, 1947.

None of the tribal or individually owned lands were disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947.

5. None.

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6. None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. The Jicarilla Apache Tribe acquired 1 tract of privately owned non-Indian land which was in fee status, totaling 160 acres, more or less, to be added to tribal lands in trust status. This purchase was made of land located within the exterior boundaries of the Jicarilla Indian Reservation. The deed of conveyance was approved by the Bureau of Indian Affairs on September 27, 1957.

8. See above.

9. See above.

10. See above.

11. Tribal ownership of land on December 31, 1957: 742,491.34 acres.

(*a*) Held by the United States in trust: 742,491.34 acres.

(*b*) Land in fee status: None.

12. Individual Indian ownership of land on December 31, 1957: (*a*) In trust status, 12 tracts, 5,522.26 acres.

The tribe under its land program between the period July 1, 1947, to December 31, 1957, acquired 138 allotments or tracts, totaling 61,078.52 acres, by relinquishment to the tribe from allottees and lawful heirs of deceased allottees, who are members of the Jicarilla Tribe, and the tribe acquired by purchase of 12 allotments or tracts, totaling 5,321.01 acres, from lawful heirs (of deceased allottees) who are nonmembers of the Jicarilla Tribe. As of January 1, 1958, there remained 12 allotments or tracts, totaling 5,522.26 acres, in individual Indian ownership in trust status. The tribe has, since January 1, 1958, acquired purchase of 11 tracts.

13. The tribal council is considering the acquisition in fee of certain lands outside the reservation proper. They are also considering the acquisition of a few scattered parcels within the exterior boundaries of the reservation in order to consolidate the land pattern and make administration more efficient. The latter parcels will be acquired in trust status. Tribal funds will be used with which to make the purchases in each category.

The tribal council has not passed any general resolution on this subject. Each acquisition will be treated separately and a resolution passed approving acquisition before any action is taken.

PART II—JICARILLA APACHE TRIBE

In answer to part II, we should like to state that neither the tribe nor any individual members thereof have disposed of any trust land to fee status. The only fee land acquired by the tribe is cited above in question 7 of part I.

PART III—JICARILLA APACHE TRIBE

1. One real-property assistant, GS–7, at $4,525 per annum, is paid in full from the tribal local treasury. This position was authorized by the tribe, effective July 1, 1957, to absorb the increasing workload in the Branch of Realty performing the work of land acquisition; mineral leasing, including oil and gas; and right-of-way work in connection with the tremendous gas-pipeline system in the gas development. In addition, intermittently, there is considerable typing work and general officework performed by nonrealty tribal clerical employees.

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2. One real-property assistant, GS–9, at $6,250 per annum, is paid in full from tribal appropriated treasury funds. This position was authorized by the tribal council effective September 30, 1951, to perform the actual trust-property realty work on the reservation, which had heretofore been performed by the agency's administrative staff. The leasing of tribal lands for mineral development, including oil and gas, began in the year 1947, and the workload had increased to a point that a position was necessary to carry out the activities of the Realty Branch, which involves land acquisition, mineral leasing, surface leasing, and the granting of gas-pipeline rights-of-way in the rapid oil and gas lease development. This position is under the Civil Service Classification Act.

3. The Jicarilla Apache Tribe has a general-counsel attorney under contract to advise the council with respect to legal questions concerning the tribal real-estate activities.

4. The Jicarilla Apache Tribal Council does not have a real-estate committee with authority to approve tribal real-estate activities; however, the tribal executive committee has been authorized by the council to act on matters with reference to subsurface leasing, including oil and gas, and surface and business leases involving tribal lands. On matters of acquisition and disposal of land, it is presented to the tribal council.

5. The tribal executive committee also acts as a committee to advise the tribal council with regard to any tribal real-estate activities.

6. The tribal council has contracted with the Stanford Research Institute of Menlo Park, Calif., to make a social and economic research and study of the Jicarilla Reservation. Recommendations of the research are to be used by the tribe in its development program planning on the reservation.

7. The Jicarilla Apache Tribe does not now have a tribal land enterprise or similar organization. The tribal committee is now developing a land code which will govern the tribal land-use programs. This committee will deal for the most part with the assignment to individual members of the tribe, title to which is held by the tribe. Title to improvements placed on such assignments will remain with the assignee.

8. We do not understand fully what is meant by question 8. The tribe and the Bureau work very closely in all matters involving real estate. The trusteeship responsibility of the Government is recognized, both by the tribe and the Bureau. Every operation involving the surface or subsurface is thoroughly discussed with and approved by the tribal council before any action is taken. The same would be true in any matter involving acquisition or disposal of land.

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JICARILLA APACHE TRIBE

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes by other Indians (non-members)			2	965.31											1	514.21	4	1,443.37		
Sales to other Indians in trust or restricted status																				
Other: Relinquishments to tribe by members of tribe	34	14,062.24					4	1,930	100	45,086.28										

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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2. MAKAH TRIBE

MAKAH TRIBAL COUNCIL,
Neah Bay, Wash., July 18, 1958.

Mr. JAMES MURRAY,
Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SIR: Transmitted herewith is a questionnaire on the disposition and acquisition of Indian lands in the last 10 years. The questions have been answered to the best of my ability, with available records in our office.

It is hoped the following information will supplement those given in the questionnaire.

Out of 373 allotments to individuals, 105 have been sold back to the tribe since 1945. Most of this land was bought back by the Makah Tribe in the years of 1945 to 1947, to speed up process of securing a right-of-way for the logging roads leased to Crown-Zellerbach Corp.

Since then, no more than two allotments per year have been bought by the tribe, and these are usually Bureau-supervised sales. No land has been removed from Bureau jurisdiction.

Sincerely yours,

MAKAH TRIBAL COUNCIL,
By HILDRED WILLIAMS, *Secretary.*

MAKAH TRIBE

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

Approximately 24,000 acres tribal ownership in trust.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

Approximately 2,722 acres trust land.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

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None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

None.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

8. How many acres were so acquired during each calendar year since July 1, 1947?

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

There were 24,000 acres, all in trust.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

Approximately 2,700 acres.

13. Cite and discuss briefly any special acts of Congres which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents in fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

14. Discuss to what extent, if any, the heirship, or multiple-ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

(*b*) Undivided interest owned by non-Indians and alien Indians.

Affecting 50 allotments. Allotments are 10 acres each.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

Tribe has land-acquisition program and buys one or two 100-acre allotments per year.

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PART II—MAKAH TRIBE

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

PART III—MAKAH TRIBE

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

None.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

None.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

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8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in the effectiveness of Bureau and tribal operations.

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—Total of 105 10-acre allotments comprising 1,050 acres sold back to tribe

DISPOSALS TO FEE STATUS—Approximately 14 acres turned over to public school

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITION FROM FEE STATUS—None

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3. NORTHERN CHEYENNE TRIBE

NORTHERN CHEYENNE TRIBE, INC.,
Lame Deer, Mont., June 16, 1958.

Hon. JAMES E. MURRAY,
Senator of Montana, Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: Enclose copy of Questionnaire of the Disposition and Acquisition of Indian Lands in the Last 10 Years per your request.

Thank you again for your most interest and kindness toward the American Indian.

Very truly yours,

JOHN WOODEN LEGS, *President.*

NORTHERN CHEYENNE TRIBE

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

Answer. During the year of 1956, the Northern Cheyenne Indian Agency Office was destroyed by fire and a large portion of the records were destroyed. We have tried to obtain this information from the superintendent and from the area office, but they advised us that they did not have this information available because of the destruction of the records by fire.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

Answer. Same as to paragraph 1.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

Answer. Same as to paragraph 1.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

Answer. Same as to paragraph 1.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

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Answer. Same as to paragraph 1.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

Answer. Same as to paragraph 1.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Answer. Same as to paragraph 1.

8. How many acres were so acquired during each calendar year since July 1, 1947?

Answer. Same as to paragraph 1.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

Answer. Same as to paragraph 1.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

Answer. Same as to paragraph 1.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

Answer. Same as to paragraph 1.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

Answer. Same as to paragraph 1.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts, directing the issuance of patents-in-fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

Answer. On or about May 13, 1955, the Commissioner of Indian Affairs lifted the restrictions on Indian land sales and permitted numerous sales of allotted Indian lands and supervised sales. This had a severe effect upon the Northern Cheyenne Indian Tribe and particularly its land-purchase program. No consideration was given to the tribe to acquire these allotted lands. It was definitely the policy of the Northern Cheyenne Indian Tribe to acquire all key tracts of allotted lands which were being sold. Now this was very important. You must remember that the policy and conditions existing on the Northern Cheyenne Indian Reservation are greatly different than some of the other reservations. Only 160-acre tracts were allotted to members of the Northern Cheyenne Tribe. These lands were, and have always been, arid dry lands and, of course, except in unusual cases, a family could not make a living upon such small acreage. The North-

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ern Cheyenne Indian Tribe is a small reservation, and the tribe adopted a policy to purchase allotted lands in order that the members of the tribe could keep together and in one unit the lands within the boundaries of the reservation, so that the tribe could lease the lands in grazing units to members of the tribe who had ambition and foresight to raise herds of cattle and farm a sufficient area of land so that their families could make a decent living. The key tracts were absolutely essential to this program and although the tribe has used a large portion of its income to purchase these lands, on the other hand, the tribal council has attempted to borrow funds from the Government to be used for the land-purchase program. During the period of time that the policy of the Indian department was in effect, that is, the exhilarated program, the officials of the tribe met with the officials of the Indian department in Washington and explained the problem, but were advised that there were no funds that could be loaned to the tribe. The tribe has always paid its indebtedness, but the Government officials failed to recognize the position in which the tribe was placed by not being able to buy allotted lands. This has caused an embarrassing situation to the land-purchase program. If the Government would loan the tribe money, the tribe could pay the Government the loan over a period of years.

At this point, we are compelled to advise that during the year 1957, the officials of the Indian department advised the tribal council that they did not have any right to purchase allotted lands because of section 12, article IX of the constitution of the Northern Cheyenne Tribe. This was the first time that any such objection was made by the Indian department. The tribal council immediately adopted a resolution to amend this provision in the constitution and after many months the Indian department has authorized an election to be held for the purpose of amending the constitution in order to meet the objections of the Indian department which provided that any allotted lands can be purchased by the tribe.

The matter of the conditional heirship and succession by succession of deceased persons has caused a problem to exist on the Northern Cheyenne Indian Reservation. When some 30 or 50 persons are the heirs to one 160-acre tract a serious problem results. In the transfer of lands by a deed or conveyance to the tribe or conveyance otherwise made it becomes almost impossible to obtain the signatures of heirs or fractionated interests. The same result occurs when allotments are leased.

The present manner and procedure of probating Indian estates has become so encumbered that it is almost unworkable. Many estates are not probated for a period of years. Of course, the years are not determined.

14. Discuss to what extent, if any, the heirship, or multiple owner-

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ship, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem.

(*a*) Undivided interest owned by the tribe;

(*b*) Undivided interest owned by non-Indians and alien Indians;

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act;

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands;

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

Answer. Same as to paragraph 13.

PART II—NORTHERN CHEYENNE TRIBE

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

Answer. Thirty-one key tracts have been purchased by the tribe. The tribal answer deems the tracts to be key tracts, the department denies that these are key tracts and as far as we know, have never contended that the tracts were key tracts. In fact, the officials of the Indian Department say there are no key tracts in this land because of the topography of the Northern Cheyenne Indian Reservation.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

Answer. Same as to paragraph 1.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

Answer. Seventy-one tracts have ben purchased by the tribe since 1948. Most of these tracts were necessary for the tribal land purchase program. In any event, 31 of these tracts were key tracts. We think the riders of the range are much better qualified to what is a key tract and what is not a key tract than some official sitting in some office who has never had any experience with the grazing or running of livestock.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

Answer. At least 15 tracts consisting of 2,080 acres, some of which tracts contained watering places and water gaps which were necessary for watering of livestock.

5. If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

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Answer. When a key tract is sold to a person other than the tribe which is located in the tribal lands, the tribal lands become reduced in value for grazing purposes because water gaps and watering places are then not available for the tribal lands. Also, under the circumstances, a key tract may be such that will be a place where it will connect one portion of tribal lands with another portion of tribal lands and is therefore very essential for use by the tribe and its land program in order that all tribal lands can be used to the greatest advantage.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

Answer. In preceding paragraphs.

PART III—NORTHERN CHEYENNE TRIBE

1. Give the position of each tribal real estate employee, his annual salary, and the nature of his work.

Answer. The tribe does not have any real estate employees. This is an organized tribe of the tribal council by its committees and appointees have handled the land program.

2. Give the position of each agency real estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

Answer. The Bureau of Indian Affairs advised that they would answer this in their report.

3. Does the tribe have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities? Explain fully.

Answer. None.

4. Does the tribal organization have a real estate committee with authority to approve tribal real estate activities? Explain fully.

Answer. The tribal council has a land committee which investigates and makes recommendations to the tribal council.

5. Does the tribal organiaztion have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

Answer. Yes, see paragraph four.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities. Explain fully. If the Bureau has disapproved such employment, explain why.

Answer. None.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

Answer. The answer to this question is discussed in previous answers.

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8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

Answer. The tribe or the area office has not to our knowledge been instructed to turn real-estate operations over to the Bureau. At the present time the income of the tribe is limited; when income is available the tribe will assume responsibility of handling its real-estate program. We wish to make in this report a survey of what has happened to persons who have sold their lands. It is almost a universal notice that the allottees who have sold their lands have used the funds received by dissipation of the same. And, the purchase of second-hand automobiles, intoxicating liquors, and other unnecessary expenditures. Consequently, most of these people have gone on the welfare. Another policy of the Bureau, that if any Indian wants to sell the timber from his land he must obtain a patent-in-fee. There are tracts of lands that have valuable timber and by proper cutting these allottees could receive an income from the lands, but the Bureau frowns upon any policy of sale of timber. In other words, the Bureau says you must get a patent-in-fee for lands rather than sell timber off the lands.

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NORTHERN CHEYENNE TRIBE

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status	4	187	13	605	17	1,466	4	320					9	1,083						
Sales to tribes	27	2,154.98	4	172	3	120			2	234.38	7	1,122.36	2	240			17	2,428.54	9	1,232.89
Sales to other Indians in trust or restricted status	8	589	10	786	25	2,120	26	2,218	13	1,480	8	823	9	661	3	360	2	110	4	198
Other (explain)																				

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DISPOSALS TO FEE STATUS

Exchanges to fee status																								
Sales to fee status																			2	326				
Takings for public purposes																								
Other (explain)																			1	[1] 40				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																								
Exchanges from individual trust or restricted land	4	187	13	605	17	1,466	4	320					9	1,086										
Purchases from tribes																								
Purchases of trust or restricted land from other Indians	14	986	34	2,714	26	2,123	29	2,338	13	1,480	10	1,157	16	1,783	5	680	8	1,073	25	3,032				
Other (explain)																								

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																								
Purchases of fee lands																							1	[2] 57
Other (explain)																								

[1] Transferred to School District No. 6, Rosebud County, by special legislation.

[2] Interest of non-Indian heir.

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4. OSAGE TRIBE

OSAGE TRIBAL COUNCIL,
Pawhuska, Okla., May 22, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: We are sorry that we cannot complete the questionnaire involving a comprehensive 10-year record of transactions involving the disposition and the acquisition of Indian lands on the Osage Reservation submitted with your letter of April 17, 1958.

The Osage Tribal Council, the official governing body of the Osage Tribe, has no responsibility for Osage real estate activities involving individual restricted lands and therefore maintains no records or other information concerning the disposition and acquisition of such lands. The Osage Tribe has had no transactions involving tribal lands during the period in question. However, it is our understanding that Mr. R. G. Fister, Superintendent, Osage Agency, is submitting a complete report of land transactions in response to your request.

Sincerely yours,

PAUL PITTS, *Principal Chief.*

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5. PALM SPRINGS

AGUA CALIENTE BAND OF MISSION INDIANS,
Palm Springs, Calif., June 19, 1958.

Hon. JAMES E. MURRAY,
United States Senator, Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D. C.

DEAR SENATOR MURRAY: Reference is made to your letter of April 17, 1958 in which you requested that I furnish certain information concerning Indian land transactions on the Agua Caliente Indian Reservation for the period from July 1, 1947 to June 30, 1957.

The following information is submitted in response to the questionnaire attached to your letter:

PART I—PALM SPRINGS BAND

1. (*a*) Acreage of land in tribal ownership on July 1, 1947: 31,128 acres.

(*b*) All of the above land was held in trust for the tribe.

(*c*) The tribe had acquired no land in fee.

2. (*a*) Acreage of trust or restricted land in individual ownership on July 1, 1947: none. The first allotments on this reservation were approved on July 18, 1949.

3. (*a*) Number of transactions, by which tribal or individually owned lands were disposed of, which have been consummated each fiscal year since July 1, 1947.

Fiscal year	Type of transaction				Total acreage
	Fee patent	Court order	Supervised sale	Act of Congress	
1948	0	0	0	0	0
1949	0	0	0	0	0
1950	0	0	0	0	0
1951	1	0	0	0	1
1952	1	0	0	0	1
1953	4	0	3	0	7
1954	10	3	1	0	14
1955	7	8	0	0	15
1956	1	0	0	0	1
1957	11	0	0	1	12
Total	35	11	4	1	51

All of the above transactions involved allotted lands except one tract conveyed pursuant to act of Congress. That tract, consisting of 10 acres, was sold to the Palm Springs Unified School District of California pursuant to Public Law 563, 84th Congress, 2d session.

The 11 tracts sold under court order were sold pursuant to an order of the United States district court to satisfy attorneys' fees arising from the action *Arenas* v. *United States of America.*

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4. (*a*) Acreage disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947:

[Acres]

Fiscal year	Type of transaction				Total acreage
	Fee patent	Court order	Supervised sale	Act of Congress	
1948	0	0	0	0	0
1949	0	0	0	0	0
1950	0	0	0	0	0
1951	40.0	0	0	0	40
1952	20.0	0	0	0	20
1953	94.0	0	80	0	174
1954	174.7	33.47	20	0	228.17
1955	94.0	46.83	0	0	140.83
1956	20.0	0	0	0	20
1957	249.0	0	0	10	259
Total	691.7	80.30	100	10	882

5. (*a*) Number of transactions for each year shown in answer to No. 3 above, broken down by the type of transaction: see table in No. 3.

6. (*a*) Acreages for each year shown in answer to No. 4 above, broken down by the type of transaction: see table in No. 4.

The following answers refer only to land not previously under Indian ownership:

7. Number of transactions, by which tribal or individual Indian lands were acquired, which were consummated during each fiscal year since July 1, 1947: None.

8. Number of acres so acquired during each calendar year since July 1, 1947: None.

9. Number of transactions, broken down by type, for each year shown in answer to No. 7, above: None.

10. Acres broken down by type of transaction, for each year shown in answer to No. 8, above: None.

11. (*a*) Number of acres held in tribal ownership on December 31, 1957: 25,990.74 acres.

(*b*) Number of acres held by the United States in trust: 25,990.74 acres.

(*c*) Number of acres which the tribe had acquired in fee: None.

12. (*a*) Number of acres of trust or restricted land in individual Indian ownership on December 31, 1957: 4,171.66 acres.

13. (*a*) Special acts of Congress which have affected the acquisition and disposal of Indian lands.

Public Law 563, 84th Congress, 2d session, authorized the sale of 10 acres of land to the Palm Springs Unified School District of California. A sale was consummated pursuant to that act.

(*b*) At the present time no study is being made of the cause and effect of sales. Due to the relatively small size of this reservation, the small number of allottees, and the few sales which have taken place, no comprehensive study is necessary to determine cause and effect. The land on this reservation is not especially adapted to agricultural uses. All of the land is either mountainous or arid desert. In addition, agricultural uses are not feasible because they do not nearly approach the highest and best use of the land which is developed for residential or business purposes. This is true because the reserva-

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tion is situated in or adjacent to the city of Palm Springs, Calif., a thriving, rapidly growing resort community. The basic cause for land sales which have taken place is the desire of the allottee in question to obtain cash with which to provide the necessities of life and to raise his standard of living; and in some cases, to raise cash with which to develop other trust land. The leasing restrictions which have existed in the past (i. e., 5-year maximum lease term and to a large extent the present 50-year limitation) have restricted the leasing potential of Indian land and in most cases prevented the Indian from obtaining sufficient funds from that source to maintain a decent standard of living. With few exceptions, the effect of land sales has been the development of such land by the purchaser with a resultant increase in the value and desirability of land in the vicinity still held in Indian ownership.

(*c*) The tribal council has not passed any resolutions dealing with the cause and effect of the sale of Indian land.

14. Extent to which the heirship or multiple-ownership problem has affected the acquisition and disposal of Indian lands.

(*a*) The tribe does not hold an undivided interest in any land.

(*b*) Undivided interest owned by non-Indians and alien Indians (i. e., Indians not members of this tribe). The smallest undivided interest on this reservation held by a non-Indian or alien Indian is one-ninth. There are only 6 tracts containing a total of 94 acres in which non-Indians or alien Indians hold an undivided interest. To date no substantial problems have arisen in connection with those interests.

(*c*) This reservation is not under the Indian Reorganization Act.

(*d*) There have been no insurmountable difficulties to date in reaching agreement among all heirs as to the use or disposal of lands. The Bureau of Indian Affairs has on a few occasions exercised the authority granted under regulations issued by the Secretary of the Interior to approve short-term (1-year) leases or permits where there are many heirs, some of which are minors, legal incompetents, or are difficult to locate.

(*e*) No exercise has been made on this reservation of the authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs.

PART II—PALM SPRINGS BAND

1. Number and acreage of tracts that have been sold which the tribe, individual Indian owners, or the Bureau have alleged were key tracts.

Number of tracts: 8.

Acreage: 25 acres.

2. There have been no tracts which the tribe or individual Indian owners alleged were key tracts which Bureau officials determined were not key tracts.

3. No tracts which the tribe alleged were key tracts were sold to the tribe or individual Indian owners.

4. Number and acreage of tracts alleged by the tribe to be key tracts which were sold to non-Indians.

Number of tracts: 8.

Acreage: 25 acres.

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5. Effect of sales of key tracts to non-Indians on the use of land remaining in Indian ownership: All of the key tracts are located in section 14 which is a square mile of land located in the heart of Palm Springs, Calif. The tribe has had a land planner prepare a master plan for the development of this section. The existence of non-Indian-owned land in the section forced the planner to plan around that land and possibly prevented the optimum plan from being developed for the whole section. There is a definite possibility that this non-Indian-owned land will have a detrimental effect on Indian-owned land if substandard improvements on the non-Indian land are allowed to remain or are constructed in the future.

6. There have been no key tracts which were in fee status which have been acquired in trust or restricted status by individual Indians, or in trust or fee status by the tribe.

Remarks as to part II

It has been the position of the tribe that all land in section 14 falls within the key tract status. On July 7, 1953, the tribal council passed a resolution (No. 179, copy of which is enclosed), requesting that it be advised concerning any applications by allottees to sell land in that section and, further, that the tribe be given first opportunity to purchase such land.

At the present time 9 tracts containing a total of 35 acres have passed out of Indian ownership. One tract, containing 10 acres, was conveyed by the tribe to the local school district pursuant to act of Congress. The remaining 8 tracts, with a total of 25 acres, were all fee-patented to individual Indians. Those individual Indians subsequently sold the property to non-Indians. Prior to the sale of 4 out of the 8 tracts, the individual Indians involved offered to sell the property to the tribe. By Resolutions 222, 231, and 237 (copies of which are inclosed), the tribal council declined to purchase the tracts in question. Those actions were based to a large extent on the unavailability of tribal funds with which to make the purchases. Of course, after fee patents had been granted, it was solely at the election of the individual Indian concerned whether he would offer to sell to the tribe.

PART III—PALM SPRINGS BAND

1. There are no tribal real estate employees.

2. Agency real estate employee whose salary is paid in part or in full out of tribal funds: One clerk-stenographer, $3,600 per year: 100 percent paid from tribal funds. Duties: Types permits and leases, posts data to plats, types realty correspondence, types appraisal requests and allotment selections, assembles data for reports.

3. The tribe does not have a regularly employed real estate adviser or consultant to advise the council with regard to tribal real estate activities.

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4. Authority to approve tribal real estate activities is vested in the tribal council. No other committee or group has such authority.

5. The tribal organization does not have a real estate committee which advises the tribal council with regard to tribal real estate activities.

6. The tribe employed the firm of Victor Gruen & Associates, land planners, to prepare a detailed master plan of one section of land located in the heart of Palm Springs, as well as a general development plan for all other land located within the city limits. These plans were completed in the fall of 1957. The Bureau approved such employment.

7. The tribe operates a tollgate and charges admission to the scenic Palm Canyon and Andreas Canyon located on the reservation. This operation has been very successful and furnishes a substantial source of income to the tribe.

Located on the reservation are mineral hot springs. Many years ago the tribe constructed a bathhouse at the site of those springs and operated such facility as a tribal enterprise for several years. About 5 years ago the tribe decided to discontinue the operation of this facility and has leased it to private operators since that time. On February 5, 1958, a long-term lease was approved covering the 8-acre site on which the spings are located. The lessee will construct a $2½ million spa and hotel development on the property. The tribe will receive a percentage of the gross income derived from the spa, hotel, and other businesses operated on the land with a guaranteed minimum annual rental which greatly exceeds the income which has been obtained from the land in previous years.

Near the site of the mineral springs is an 8-acre parcel of land known as the Tribal Trailer Park. This facility was also operated for many years as a tribal enterprise. On April 1, 1952, it was leased to a private corporation and has been operated by them since that date. Taking into consideration the expense of tribal employees to maintain the park and the ever-increasing control of trailer parks by the State and city which require large expenditures of money to estblish conformity, there is little doubt that the present leasing of the property to a private operator results in a greater net income to the tribe than would be received if the facility were still tribally operated.

8. Real estate operations on this reservation have always been accomplished by Bureau employees. Prior to the beginning of 1957 all of the Bureau functions on this reservation were performed by three Bureau employees whose salaries were paid in full out of tribal funds. In 1957 the staff of the Palm Springs office was increased from 3 to 9. The Bureau felt this was necessary because of an equalization process which must be accomplished in some form, and the greatly increased demand for leases. The salaries of the additional six personnel are

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paid from gratuity funds. The three employees now paid from tribal funds are:

Clerk-stenographer, GS–3.
Collector clerk, GS–4.
Administrative assistant, GS–9.

I wish to apologize to you for not furnishing the above information prior to your deadline of June 15, 1958, but assure you that the delay was unavoidable. I would also like to extend to you and the members of your committee the thanks of myself and the members of my tribe for your great interest and sympathetic treatment of our many problems.

Sincerely yours,

VYOLA OLINGER,
Chairman, Tribal Council,
Agua Caliente Band of Mission Indians.

RESOLUTION No. 179

We, the undersigned duly elected official members of the tribal committee of the Agua Caliente (Palm Springs) Band of Mission Indians hereby resolve that:

Whereas the tribal council at a special meeting June 16, 1953, considered an offer from Dan, Andrew, and Tom Segundo to sell their inherited interests in the estate of Anita Segundo known particularly as lot 35, section 14, T. 4 S., R. 4 S. for $12,000; and

Whereas it has been more or less an unwritten policy that the Indians were not to sell any land in section 14; and

Whereas the sale of allotted land in section 14 may operate as a detriment to the tribe as a whole: Now, therefore, be it

Resolved, That the tribal council go on record as making a statement of policy concerning the sale of land in section 14. The tribal council does hereby declare, therefore, that the council request it be advised concerning any application by an allottee to sell land located in section 14 and that the tribe have the first opportunity to make a purchase of such land.

RESOLUTION No. 231

We, the undersigned duly elected official members of the tribal committee of the Agua Caliente (Palm Springs) Band of Mission Indians hereby resolve that:

Whereas the tribal council in Resolution 179 dated July 7, 1953, resolved that the tribal council go on record as making a statement of policy that the council be advised concerning any application by an allottee to sell land located in section 14 and that the tribe have the first opportunity to make a purchase of such land; and

Whereas John Joseph Andreas, P. S. 90, is presently negotiating for the sale of his allotment identified as block 59: Now, therefore, be it

Resolved, That the tribal council does hereby state that the above-outlined policy will be waived in this instance; further be it

Resolved, That the tribal council has no objection to the sale of this land by the allottee.

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RESOLUTION No. 237

We, the undersigned duly elected official members of the tribal committee of Agua Caliente (Palm Springs) Band of Mission Indians, hereby resolve that:

Whereas the tribal council in Resolution 179, dated July 8, 1953, resolved that the tribal council go on record as making a statement of policy that the council be advised concerning any application by an allottee to sell land located in section 14 and that the tribe have the first opportunity to make a purchase of such land; and

Whereas Margaret Andreas, sole heir to the Anthony Andreas estate, is presently negotiating for the sale of a portion of the allotment identified as block 62 and block 264 in section 14: Now, therefore, be it

Resolved, That the tribal council does hereby state that the above outlined policy will be waived in this instance; further be it

Resolved, That the tribal council has no objection to the sale of this land by the devisee.

RESOLUTION No. 222

We, the undersigned duly elected official members of the tribal committee of the Agua Caliente (Palm Springs) Band of Mission Indians, hereby resolve that:

Whereas the tribal council in Resolution 179, dated July 7, 1953, resolved that the tribal council go on record as making a statement of policy that the council be advised concerning any application by an allottee to sell land located in section 14 and that the tribe have the first opportunity to make a purchase of such land; and

Whereas Marcus Pete, P. S. 58, is presently negotiating for the sale of his allotment identified as block 2, section 15: Now, therefore, be it

Resolved, That the tribal council does hereby state that the above outlined policy will not be adhered to in this instance; further be it

Resolved, That the tribal council has no objection to the sale of this land by the allottee.

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PALM SPRINGS BAND

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee							1	40	1	20	4	94	10	174.70	1	94.00	1	20	11	249
Certificates of competency																				
Removal of restrictions																				
To fee status by inheritance or devise (only where entire interest has so passed)																				
To fee status by partition																				
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status															5	92.00	10	170	1	5
Exchanges to other Indians in trust or restricted status																				
Sales to tribes																				
Sales to other Indians in trust or restricted status																				
Other (explain)																				
DISPOSALS TO FEE STATUS																				
Exchanges to fee status											3	80	1	20.00	0	0	0	0	3	80
Sales to fee status																				
Takings for public purposes													3	33.47	8	46.83				
Other (explain)																				

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status															5	92.00	10	170	1	5
Exchanges from individual trust or restricted land																				
Purchases from tribes																				
Purchases of trust or restricted land from other Indians																				
Other (explain)																				

[1] Sold pursuant to order of United States district court to satisfy attorney's fees arising from litigation.

ACQUISITIONS FROM FEE STATUS—None

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6. ROSEBUD SIOUX TRIBE

ROSEBUD SIOUX TRIBAL COUNCIL,
Rosebud Indian Reservation, S. Dak., June 29, 1958.

JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR MR. MURRAY: We are very glad to comply with your request of April 17, 1958, as the questions involved are important to us as a tribe as well as our individual membership within the tribe.

Enclosed herewith we submit the report covering the Rosebud Indian Reservation, Rosebud, S. Dak., with the viewpoints of the tribe. Many of the questions involved could not be answered since no records have been kept of the purchase of lands since 1930.

Since 1936 when this tribe approved the constitution, bylaws and charter, the tribe had played a very small part in the operation of the agency. Then in 1947, due to a cut in the appropriation for the Bureau of Indian Affairs, the Bureau requested tribes all over the United States to organize the so-called tribal leasing enterprises which brought into the picture tribal employees that were paid from tribal funds but were under the direct supervision of the superintendent of the agencies.

The tribal land enterprise entered into the picture in 1943 after Superintendent C. R. Whitlock had proposed the charter and bylaws for this subordinate organization. The tribal land enterprise has maintained a staff since that time and one tribal employee has been employed in the branch of credit for several years. The following statement will give you a picture of the salaries here since 1948:

Salaries by the year	Total number of employees hired part or full time	Average number of employees full time	Total salary	Average annual salary
Jan. 1, 1948, to Dec. 31, 1948	21	16.2	$21,521.85	$1,325
Jan. 1, 1949, to Dec. 31, 1949	31	18.7	27,200.69	1,450
Jan. 1, 1950, to Dec. 31, 1950	25	14	22,960.47	1,640
Jan. 1, 1951, to Dec. 31, 1951	24	20.5	35,260.60	1,720
Jan. 1, 1952, to Dec. 31, 1952	22	18.5	38,989.67	2,100
Jan. 1, 1953, to Dec. 31, 1953	36	20.5	47,723.36	2,330
Jan. 1, 1954, to Dec. 31, 1954	34	22	52,679.36	2,395
Jan. 1, 1955, to Dec. 31, 1955	24	13.5	36,840.48	2,728
Jan. 1, 1956, to Dec. 31, 1956	8	6	17,549.19	2,924
Jan. 1, 1957, to Dec. 31, 1957	8	6	18,779.39	3,130
Total			319,511.06	

We sincerely hope that the enclosed answers to your questionnaire will greatly benefit your committee in its efforts to clarify the many ramifications involved in and around the trusteeship status of Indian lands. We submit to your committee these answers in the hopes that

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your committee will call upon the tribes to testify as to what really is nedeed to clarify the position of the Department of the Interior as well as to clarify the position of the many tribes involved in these questions.

This tribe and our membership has been placed at the mercy of many of our own membership as well as at the mercy of our non-Indian neighbors during the past 69 years, and we feel it is high time that Congress took a very close look at the picture involving land questions, not only because of our constitutional rights, but because we feel and can definitely prove that we here at Rosebud have been subject many times to undue political pressure from many sources, and of course the Bureau of Indian Affairs most of the time is forced into a position so that they cannot protect the true Indian interests that must go along with the highly organized pressure groups who covet Indian lands on this reservation. It is a well-known fact that many of our fullbloods had their lands taken from them through high-powered pressure groups for as little as $480 per quarter, and were subject many times to unscrupulous tribal officials in the past who were willing to part with tribal assets for a very nominal fee.

If your committee so wishes, we would request that they subpena Mr. George Abbott, who is presently an assistant to the Secretary of the Interior, to testify on some of the methods utilized to get the Indian membership to part with their land, and we are quite sure that he is in possession of a great number of canceled checks which will definitely prove some of our statements in this letter to you and your committee. The president of this tribe is also in possession of several pieces of information and evidence that would be of value to your committee and also has a list of individuals of this tribe who should be called upon to testify before your committee under the penalty of law as to the nature of business as it was transacted beginning with 1943 and ending in 1954. We have made many attempts through different sources to get someone to do something about the manner in which land transactions were being carried out during the latter period, but it seems as though politics entered the picture and nothing could be done.

We sincerely hope that your committee will go into this phase in your hearing to uncover many injustices done to the membership of this tribe. We also hope that you will feel free to call upon our regular counsel, Mr. Marvin J. Sonosky, 1028 Connecticut Avenue, Washington, D. C., for any further information and questions you may have to ask.

With these comments we submit to you the tribal report on your request, and are sincerely sorry that we are 1 week late in submitting this questionnaire.

Sincerely yours,

ROBERT BURNETTE,
President, Rosebud Sioux Tribe.

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ROSEBUD SIOUX TRIBE

QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947? How many acres which the tribe had acquired in fee? How many acres in trust?

The records of 1947 were kept by calendar year instead of fiscal year. On January 1, 1947, there were 90,071 acres of land in tribal ownership. All was in trust and none in fee.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

January 1, 1947, 979,172 acres.

3 to 10 inclusive. See tables.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

July 1, 1957, 336,079 acres (includes 65,756 acres of executive assignments). All was in trust. None in fee.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

June 30, 1957, 628,625 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

There have been no special acts that we know of affecting the Rosebud Reservation in the acquisition and disposal of lands, except that we estimate that approximately 10 patents have been issued over the last 10 years by private acts of Congress. We do not know for sure how many private acts have been passed because our records are not kept so that they can be easily found.

No special study has been made of the effect of sales, however, the principal difficulty noticed so far is in the management of range units. Where a few tracts are sold in a range unit, it is extremely difficult, if not impossible, to maintain proper range management and the allocation of land for Indian use. This due to the fact that large unbroken tracts are necessary for an economic ranch unit and an individual buying checkerboard tracts across the reservation exercises considerable control. It is apparent that as Indian land is sold Indians will congregate on tracts of tribal land. This has not developed to the point where the exact effect can be determined. It has some good points in that they move close to schools, good source of water, etc., which is beneficial.

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The Rosebud Sioux Tribal Council has passed many resolutions in the past 10 years concerning the acquisition and disposal of land. We cite the following, some of which are still in the waiting status.

No. 5722, April 9, 1957: Authorized a request to Hon. E. Y. Berry, Second District Congressman to introduce a bill in Congress to authorize the Government to give the tribe title to 9,120 acres of land that has been purchased with Indian moneys, proceeds of labor funds. (No such bill has passed.)

No. 5755, September 20, 1957: Authorized president and secretary of tribal council to execute a renewal permit on 28,730 acres of submarginal land. (The permit was approved on November 21, 1957.)

No. 5756, September 20, 1957: Relating to the restoration of administrative lands to the tribe. (An active issue, but incomplete.)

No. 5802, January 29, 1958: Delegated authority to the president of the tribal council to negotiate with the Government for the purchase of 28,730 acres of submarginal land and 9,000 acres of other Government-owned land. (An active issue, but incomplete.)

No. 5805, March 5, 1958: To revoke any authority given any subordinate organization to approve the exchange of tribal-owned land for non-Indian deeded land, and to petition the Department of Interior to reject all such pending applications. (Provisions are being accomplished, but still incomplete.)

14. Discuss to what extent, if any, the heirship, or multiple-ownership problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem:

(*a*) Undivided interest owned by the tribe.

The tribe has obtained fractional interests in approximately 800 allotments on the reservation. Such negotiations have been made by the Tribal Land Enterprise, a subordinate tribal organization charged with the responsibility of managing the tribal land programs. The tribal interest places certain restrictions upon the heirs owning the remaining interests; such as, a patent-in-fee cannot be issued, the land cannot be put up for sale to the public by sealed bids, and, if the tribe holds the majority interests, they might negotiate the lease or permit.

(*b*) Undivided interest owned by non-Indians and alien Indians.

About 125 non-Indian heirs hold fractional interests in Indian land on which patents-in-fee have not been issued. We estimate that we have effected issuance of patents to about 25 non-Indian heirs to fractional interests. When a tract of land wherein a non-Indian holds an interest is put up for advertised sale, the non-Indian share cannot be included in the advertisement. The buyer must deal with him directly and outside the agency. We estimate about 2,050 alien Indians hold fractional interests in Rosebud allotments, 900 of which are from Pine Ridge Reservation adjoining the Rosebud on the west. Such ownership causes a little more difficulty in the acquisition and disposal of lands than if the heirs were enrolled on this reservation, but the respective agencies usually know their whereabouts.

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(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

We estimate that 6 percent of the Rosebud allotments are held in sole interest, the balance being in heirship status. Furthermore, we estimate that 5 percent of all allotments involve heirs who are minors. Under the act of May 14, 1948 (62 Stat. 236), as interpreted by the Solicitor, the Rosebud, and other reservations under the Reorganization Act, must have legal guardians appointed for minors and the mentally incompetent, either through the appropriate State court or tribal court.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

Extreme difficulty is encountered in leasing multiple-ownership lands. The Bureau seems to have no real statutory authority to lease lands, and in many, many cases, the 40 or 50 Indian owners are not able, for obvious reasons, to negotiate a lease. This causes no end of trouble and argument among the various heirs and prospective lessees, particularly where 2 or 3 try to lease to different people. An attempt is made to handle this matter in the regulations with some success; however, as most people who have taken an interest in this matter know, there are still many complaints.

It is practically impossible to sell land where 15 or more heirs are involved, due to the fact that we must have an application for sale signed by all the heirs and we must have an acceptance of sale signed by all of the heirs after the land is sold. In most cases where there are several heirs, there is always at least one unprobated estate involved so that the acceptance or consent of all the heirs is impossible to obtain. This, in effect, causes the single-ownership land to be sold and the useless multiple-ownership land to be retained; that is, useless to the people who own it.

As for powers of attorney, the Commissioner, Bureau of Indian Affairs, has set out the following rule:

> No power of attorney shall be accepted from anyone within the continental limits of the United States, and whose address is known or obtainable, for use in transfers of title to interests in land.

One difficulty encountered in leasing multiple-heirship land is the decision among the heirs as to who will live on the land and enjoy the improvements. This problem must be settled by negotiation. The Superintendent signs about 75 percent of all leases for some of the heirs because they cannot be reached within due time. The Superintendent signs about 1 percent of all leases for heirs who hold a minority interest because they cannot reach agreement.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

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"None" is the answer to both questions. The Solicitor has held that no such authority exists. The tribe is unable to purchase more land because of a shortage of funds. They have passed resolutions on two occasions in an effort to borrow $100,000 from the Government for land purchase. No further action was taken on the resolutions by the Bureau of Indian Affairs because they (the Bureau) said it is against their policy.

PART II—ROSEBUD SIOUX TRIBE

As pertains to key tracts:

The tribal council over the years has made many attempts to get the Bureau to declare certain areas as consolidated areas because the land was held almost 100 percent by Indians. After reading the Bureau of Indian Affairs' report to your committee, we herewith completely contradict their answer as it pertains to this part.

Since 1943 the Bureau of Indian Affairs has allowed the Tribal Land Enterprise to exchange lands with non-Indians without the consent of the tribe and as it is stated in documents in the hands of the tribe, most of these transactions were prearranged. To give your committee background information, we submit the following:

The Tribal Land Enterprise is a subordinate organization of the Rosebud Sioux Tribal Council and its purpose was to consolidate tribal lands for Indian use, but very soon after its inception, the Bureau of Indian Affairs and the non-Indians of the area began maneuvering the organization into a position of a land-exchange vehicle with which they could purchase cheap tracts of land scattered over the reservation and exchange land with the tribe after the individual had placed his land in the Tribal Land Enterprise for certificates of interest.

To give a specific case, one individual non-Indian purchased a great number of tax deeds in Mellette County, S. Dak., and then began his campaign with the Bureau and tribal officials to break up a consolidated Indian area in the southwestern corner of the reservation and through this process, he was able to obtain thousands of acres of land exchanging with the tribe. In these unscrupulous deals, this individual through various means, received approximately 2 acres from the tribe for every 1 that he received in exchange.

There are many other ramifications that have grown out of this type of operation, and we as a tribe are holding the Bureau of Indian Affairs completely and fully responsible for their actions in giving title to tribal lands to non-Indians without the consent of the tribe. Having a great deal of our trouble come from this problem, we would respectfully request that your committee make a full, careful study of this problem as it exists on the Rosebud Reservation as we are the only reservation utilizing this type of operation. And if the committee would so desire, this tribe would be very glad to appear before your committee to submit their testimony.

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PART III—ROSEBUD SIOUX TRIBE

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

Chairman, board of directors, Tribal Land Enterprise, annual salary $3,670: He is elected to the 7-member board of directors by the shareholders for a 3-year term. The board members then elect him as chairman. He presides over all official meetings of the board and shareholders and is the full-time head of the technical staff of office workers, interviews the public, and acts for the board in certain capacities as authorized.

Fiscal clerk, annual salary, $3,500: He does the accounting work as it concerns records, budget, receipts, and expenditures, and the certificates of interest.

Clerk-stenographer (secretary), annual salary, $3,260: She takes dictation, types, distributes letters, maintains files on cases, types cases, reports, and other routine material.

Clerk, annual salary, $3,260: He does general typing, searches records, assembles data for the chairman, and other general work as directed.

Tribal land appraiser, daily rate, $10: He searches agency and county records for data, inspects the land, checks comparable sales in the area, and prepares a formal appraisal report to all tribally owned land involved in a conveyance.

Board of directors: The chairman is on annual salary as stated above. The president and treasurer of the tribal council are automatically members by reason of their offices, and with no additional wage. Presently, the tribal council secretary is on the board at no additional wage. The remaining 3 members are on a per diem rate of $10 when they meet. The board has regular monthly meetings, with about an equal number of special meetings per year.

The total annual salaries for the 4 regular employees is $13,690. The amount paid the appraiser is almost equal to a regular employee.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

None. All agency realty personnel are on civil service. The Tribal Land Enterprise staff (No. 1, above) are under the general supervision of the agency realty branch chief by reason of the superintendent's responsibility in supervising and coordinating all land transactions.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advise the council with regard to tribal real-estate activities? Explain fully.

No. See Nos. 5 and 7, below.

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4. Does the tribal organization have a real-estate committee with authority to approve tribal real-estate activities? Explain fully.

No. See No. 5, below.

5. Does the tribal organization have a real-estate committee which advises the tribal council with regard to tribal real-estate activities? Explain fully.

Yes. The tribal land committee is made up of five members who review all cases involving the acquisition, disposal, or other change in status of the tribal-owned land. They make recommendations to the tribal council. They do not perform the technical operations involved.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities? Explain fully. If the Bureau has disapproved such employment, explain why.

None. The situation has not been approached by the tribe or the Bureau locally.

7. Does the tribe have, or has it had, a Tribal Land Enterprise or similar organization? If so, discuss the history and effectiveness of such organization.

Under No. 1, above, we have listed the staff members of the Tribal Land Enterprise. The Tribal Land Enterprise is a subsidiary organization under the tribal council, but with its own board of directors. It was organized in 1943 under authority of sections 4, 16, and 17 of the act of June 18, 1934 (48 Stat. 984).

The purposes and objectives of the Tribal Land Enterprise: We submit herewith as exhibit E a copy of the bylaws, and direct your attention to page 1 for a statement of the purposes and objectives of the organization.

The Tribal Land Enterprise program is based upon stock which is called certificates of interest which are issued in lieu of cash for land purchased by the tribe. The certificate of interest program is explained in the bylaws of the Tribal Land Enterprise.

The Tribal Land Enterprise has been effective in its purposes to a certain extent, but quite naturally, there is a difference of opinion concerning the operation and its effectiveness. At the outset of this program the intent and purposes were very definite but were not carried out with the original intent.

The tribe, through the Tribal Land Enterprise, has acquired 270,323 acres (see No. 11, pt. I above) of land most of which was in heirship status. However, the increase in heirship holdings of land exceeds the ability of the Tribal Land Enterprise to purchase because of the lack of funds. The tribe, through the Tribal Land Enterprise, has assigned great blocks of land to individual Indians in the beginning of the program and has stepped on other tribal members' toes in doing so. A great number of errors having to do with the management of the Tribal Land Enterprise were very evident in its early history, and no steps were taken to correct these mistakes

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until this administration came into office in 1954. This tribe would like to correct the report of the Bureau of Indian Affairs made at Rosebud Agency, S. Dak., concerning the wisdom of purchasing fractional interests in 800 tracts involving 62,340 acres. These fractional tracts of land were purchased with a great deal of thought in mind and most were purchased after a study had been made in the area in which the heirship land was located.

The ramifications involved in the management of the Tribal Land Enterprise were made in the past by the dictatorial management of the Bureau of Indian Affairs. We use "dictatorial" as a word with which we describe the actions of the past simply because no move could be made at that time by the board of directors without having to beg the superintendent for his approval. That is now in the past but had a great deal to do with the transactions that were taking place from 1943 to 1953. A close study by the committee should be made of this overall program.

8. Has the tribe or the area office been instructed to turn real-estate operations over the Bureau? Please comment on the differences in effectivness of Bureau and tribal operations.

There have been no recent instructions relating to a division of real-estate operations between the Bureau and the tribe. However, we have made the following division of duties locally.

(*a*) Bureau of Indian Affairs, Acquisition and Disposal Section, will handle the following types of cases:

(1) Patents-in-fee titles to the grantee.

(2) Land sales. This includes all advertised sales, all negotiated sales between Indians, or between Indians and non-Indians as such sales concern allotted land. (This section will not handle certificates of interest in any phase of their use, and will not be concerned with the sale, purchase, or management of land passing to or from the tribe, except that the tribe has the privilege of submitting sealed bids at an advertised sale.)

(3) Exchanges of land, except those cases involving tribal land.

(4) Partitionments.

(5) Removal of restrictions.

(6) Certificates of competency.

(*b*) The Tribal Land Enterprise staff will be responsible for handling the technical details in connection with the management and conveyance of tribal land, as follows:

(1) Land sale to the tribe or other Indian for certificates of interest. Negotiated sales of fractional interests to the tribe for cash or certificates of interest.

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(2) Assignments of tribal land with land committee and tribal council assistance as required.

(3) Exchanges involving tribal land.

The chief difference in effectiveness of Bureau and tribal operations is in the ability of the personnel. Bureau employees are more experienced and their training is enhanced by a closer contact with the work of a well-organized program based upon written regulations. The tribal employees are local Indians whose experience and ability are affected by a more frequent turnover, and by the lack of written regulations covering every phase of the technical field.

The last paragraph above is the stated opinion of the personnel of the Bureau of Indian Affairs here at the Rosebud Agency, South Dakota. For the committee's information "the lack of written regulations covering every phase of the technical fields" is a reflection upon the Bureau of Indian Affairs simply because they have failed to implement the needed regulations to cover the operations of the Tribal Land Enterprise of the Rosebud Sioux Tribe. We emphasize this because after 15 years of operation, only recently this tribe was forced to send into our area office and the central office in Washington four cases as examples to the Bureau simply to make a decision as to whether this land already in tribal status needed to have an appraisal made by the Bureau appraiser or whether or not it needed only the appraisal of our tribal appraiser, and also these cases were sent to Washington so that a decision could be reached after 15 years of operation as to whether or not the superintendent or area director would approve of these transactions.

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ROSEBUD SIOUX TRIBE

Individually owned land

[No. T. = Number of transactions. Ac. = Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee			91	13,916.53	23	3,197.79	11	1,639.73	13	1,830.09	7	920.00	23	3,311.18	22	3,375.90	67	10,049.46	126	17,949.41
Certificates of competency																				
Removal of restrictions							1	160.00								160.00	1	73.62	2	212.32
To fee status by inheritance or devise (only where entire interest has so passed)									1	160.00										
To fee status by partition																				
Other (explain)																				
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status	29	4,063.04	29	4,187.88	13	1,454.72	4	800.00	3	480.00	3	483.64	2	191.19			1	106.44		
Exchanges to other Indians in trust or restricted status	1	160.00	13	1,634.03	32	2,233.43	11	1,182.30	3	377.20			2	213.33	2	604.95	2	97.96		
Sales to tribes	10	1,848.64	26	4,015.89	77	11,909.64	69	10,492.55	10	1,446.54	2	240.00	8	1,240.00	2	240.00	5	1,231.13	1	160.00
Sales to other Indians in trust or restricted status	45	5,059.64	142	19,724.29	69	7,274.23	39	3,449.50	10	1,279.03	3	357.57	15	2,447.29	5	591.94			4	493.99
Other (explain): Conveyances to tribe for certificates of interest in Rosebud Sioux Tribal Land Enterprise	493	22,126.63	465	22,956.86	533	33,072.90	359	19,825.07	92	6,854.88	58	4,081.63	46	5,382.38	5	185.59			1	53.33
Sales to U. S. Government for "use of boarding school"	24	3,998.40	5	963.78	4	478.80	2	640.00	6	1,175.48										
DISPOSALS TO FEE STATUS																				
Exchanges to fee status	53	8,717.78	52	9,144.45	50	9,081.05	25	8,490.34	2	480.00	1	159.16	5	848.40	3	480.00	4	494.25	5	1,120.00
Sales to fee status					1	160.00			4	613.77	9	1,440.00	28	4,035.17	40	7,331.13	45	6,235.56	6	684.40
Takings for public purposes									5	580.60										
Other (explain)																				

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ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status													1	7.11			1	106.64		
Exchanges from individual trust or restricted land	1	160.00	16	1,864.62	32	2,233.41	6	538.56	2	217.20	4	443.64	2	213.33			2	98.36		
Purchases from tribe																				
Purchases of trust or restricted land from other Indians	35	4,282.95	142	19,724.29	70	7,465.94	40	3,453.24	10	1,279.03	2	277.57	15	2,447.29	5	591.94			3	336.08
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status	2	115.09	3	512.59	1	160.80							6	496.01	3	397.84				
Purchases of fee lands			2	266.66	1	26.66														
Other (explain) Exchanges from fee status (exchanges between Indian and non-Indian with actual title vested in USA in trust for Rosebud Sioux Tribe—with subsequent assignment to individual who made the trade	44	6,848.39	48	6,899.16	41	7,090.80	18	6,294.48	1	40.28	1	160.00	2	240.00			5	854.25	5	960.00
Purchase of fee land by tribe			7	215.12																

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BYLAWS—TRIBAL LAND ENTERPRISE, ROSEBUD INDIAN RESERVATION, ADOPTED BY THE ROSEBUD SIOUX TRIBAL COUNCIL APRIL 6, 1943

Revised October 6, 1943, approved by the Office of the Secretary of the Interior December 15, 1943; revised February 19, 1954, approved by the Office of the Commissioner of Indian Affairs July 8, 1955

ORGANIZATION

(1) The Rosebud Sioux Tribe having been incorporated, hereby authorizes a subordinate organization under the tribal council to be known as the Tribal Land Enterprise, henceforth known in these bylaws and official documents pertaining to the tribal lands as TLE, through which this plan will function.

AUTHORITY

(2) Sections 4, 16, 17 of the act of June 18, 1934 (48 Stat. 984) as well as the Rosebud constitution and charter provide authority for the establishment of this subsidiary organization.

Article IV, section 1 (n) of the Rosebud constitution provides that the tribal council has the authority "to charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the tribe." Section 5 (b) of the Rosebud charter provides that subject to certain limitations, the tribe has the following corporated powers: "To purchase, take by gift, bequest or otherwise, own, hold, manage, operate, and dispose of property of every description * * *." Section 5 (c) provides that the tribe may "* * * issue interest in corporate property in exchange for restricted Indian land, the forms of such interest to be approved by the Commissioner of Indian Affairs or his duly authorized representative. (Approved January 28, 1947.)

PURPOSE AND OBJECTIVES

(3) To effect a plan to remedy the situation of increasing infractionation of ownership interests in allotted lands resulting from probate procedure.

(4) To provide a plan to consolidate individual ownership interests in restricted land in furtherance of economic enterprises.

(5) To develop a land-management plan for the economic interests of members of the Rosebud Sioux Tribe who participate in this plan.

(6) To provide for the preservation and safeguarding of the values in individual ownership equities in land.

(7) To provide a simplified process by which an individual may exchange his land holdings for areas adapted to his ambitions for economic enterprise through the flexible use of certificates of interest in the Tribal Land Enterprise.

(8) To utilize lands under the control of the tribe for the development of economic enterprises within the various communities of Indians on the reservation.

(9) To provide for an adequate system of keeping records and of accounting in connection with the operation and management of this plan.

(10) To provide a long term land buying program which would benefit members of the tribe.

MEMBERSHIP

(11) TLE shall be operated by the Rosebud Sioux Tribe as a subordinate tribal enterprise: *Provided*, That only members of the Rosebud Sioux Tribe shall be considered a member by virtue of the tribal lands placed under the operation and management of the enterprise: *And provided further*, That individual members of the Rosebud Sioux Tribe shall be members of the TLE by virtue of having conveyed land or interests in land to the United States in trust for the Rosebud Sioux Tribe, and having received in exchange certificates of interest in TLE, or come into ownership of such certificates as provided in sections 27 and 30 thereof.

BOARD OF DIRECTORS

(12) There shall be a board of directors composed of 7 members of the Rosebud Sioux Tribe, as follows: The president of the tribal council, the treasurer of the tribal council, and 5 members of the tribe who shall be bonded for $1,500 for their term of office and who shall pay for their own bond. A vacancy in the post of any 1 of these 5 last mentioned members of the board of direc-

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tors shall be filled by election by holders of certificates of interest in TLE at regular or special meetings of holders of certificates of interest to serve a term of 3 years or until his successor shall have been elected: *Provided, however,* That such vacancy may be filled by temporary appointment by the board of directors and such temporary appointment shall be a member of the tribe and shall serve until a regular or special meeting of the holders of certificates of interest in the Tribal Land Enterprise (amendment approved by sec. 1, pt. 34). The Superintendent shall be an advisory member of the board of directors without the right to vote.

Officers of board of directors

(13) The board of directors, from its own membership, shall elect a chairman, a vice chairman, and a secretary, all of whom shall be members of the Rosebud Sioux Tribe, and who shall serve until their term on the board expires, unless otherwise removed from office for due cause.

Meetings

(14) The board of directors shall meet regularly once each month at the Rosebud Indian Agency at a time agreed upon by the board of directors and shall be subject to calls for special meetings by the chairman or the Superintendent on 3 days' notice. The chairman shall preside at meetings of the board of directors, or, in his absence, the vice chairman shall preside. The secretary shall keep a record of proceedings of the board of directors and through such records keep the tribal council informed of the board's proceedings.

Voting

(15) All members of the board of directors enumerated shall have equal voice in matters coming before them for decision. Five members present at any meeting of the board of directors shall constitute a quorum to do business. A majority vote of those present shall rule on all questions.

Compensation of the board of directors

(16) Members of the board of directors who are not otherwise receiving a salary from the Government or the tribe may be paid a per day rate as fixed by the holders of certificates of interest at their annual meeting for each day they devote to TLE matters. The per diem of the board of directors shall be determined by holders of certificates of interest at annual meetings provided for in section 42 of these bylaws. This per diem is authorized from funds to the credit of TLE. Claim for per diem shall be certified by the chairman of the board of directors.

Powers of the board of directors

(17) The board of directors is hereby empowered to act, subject to the approval of the Superintendent, for TLE in behalf of the tribe and holders of certificates of interest in TLE on all policies, stipulations and land transactions as enumerated in these bylaws or as may hereafter be authorized in accordance with section 45 hereof. Any action not approved by the Superintendent may be submitted by the board of directors to the Commissioner of Indian Affairs or his duly authorized representative, for review and decision. The board of directors shall establish in written form criteria, which will be used as a guide in securing information to determine eligibility and priority for assignment of TLE lands. Information so gathered shall be made in writing and shall be treated as confidential and shall be made a part of the permanent record of the case.

CERTIFICATION OF DOCUMENTS

(18) The chairman of the board of directors is hereby designated as the certifying officer to sign all official documents of TLE. In case the chairman is unable for any reason, the vice chairman is authorized to act in his stead.

LANDS

Management of tribal lands

(19) TLE is authorized to enter into an agreement or agreements with the Rosebud Tribal Council to manage such tribal lands as the tribal administrative reserve, and such other tracts of land as are, on the date of approval of these bylaws, being used for community purposes or projects shall not be included in this plan: *And provided further,* That in the approval of these bylaws, the tribe authorizes an agreement with TLE to manage and operate, sub-

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ject to the approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary January 28, 1947), all lands now in tribal ownership, or which may come into tribal ownership from any source, exclusive of tribal timber reserve, administrative reserve, tracts of land being used for community projects, community parks, community buildings, Indian dance halls, churches, cemeteries; such agreements or agreement shall be revokable by the tribal council upon approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary, January 28, 1947), upon 6 months notice to TLE of intention of such revocation. Revocation of such agreements shall be subject to any existing assignments, lease, or permit on the land involved. When such revocation becomes effective, the certificates of interest of the tribe in TLE shall be reduced in the amount of interests representing the land involved.

Homes assignments

(20) Any agreement for management of tribal lands shall not abrogate the provisions of sections (5) and (6) of article 8 of the Rosebud constitution and bylaws pertaining to home assignment, and when TLE may be affected by withdrawals of land for home assignments, proper adjustment of its records and accounts shall be made to provide for same.

Conveyances of restricted land and interests in restricted land

(21) Any owner of restricted land or interests in restricted land on the Rosebud Sioux Reservation may convey, in the presence of two witnesses of his choice, with the consent of the Commissioner of Indian Affairs, or his duly authorized representative (approved January 28, 1947), such land or interest in land to the United States of America in trust for the Rosebud Sioux Tribe; said conveyance being conditional upon the issuance of certificates of interest in TLE, based upon the current market value of such land or interest in land: *Provided*, That nothing in this section or in these bylaws shall be construed to affect or change the ownership status of lands of persons in the Armed Forces without their full consent.

Conveyances of unrestricted land

(22) Any member of the Rosebud Sioux Tribe who owns unrestricted land may convey such land, with the consent and approval of the Commissioner of Indian Affairs, or his duly authorized representative (approved January 28, 1947), to the United States of America in trust for the Rosebud Sioux Tribe; provided such conveyance is cleared of all encumbrances thereon by the payment thereof. TLE is authorized to liquidate such encumbrances and to issue to the conveyor certificates of such interests as shall represent the difference between the appraised value of the lands so conveyed and the amount of encumbrances liquidated by TLE.

Assignment of land for community use

(23) TLE is authorized to set aside areas of land under its control and make assignments of such areas to recognized communities for the specific use of such communities in the development of economic enterprises or other community use. However, such assignments must be compensated for by the deposit of certificates of interest in TLE or by outright rental, or a combination of both.

Use of surplus lands

(24) Lands not otherwise assigned or leased for use to members of the tribe, either as associations or individual members, may be leased to non-Indians, for terms not to exceed 5 years, provided such leases are made subject to cancellation at the end of any lease year should such land be assigned. The same regulations which govern the leasing of other trust lands shall be applicable to these lands.

Appraisals

(25) Lands to be accepted by TLE shall be appraised, and certificates of interest in TLE shall be issued to the respective owners thereof, on a current market basis. The board of directors of TLE and the Commissioner of Indian Affairs, or his duly authorized representative, shall each designate an appraiser to determine the value of each tract, or allotment, or land contemplated for acceptance under this plan. The appraiser designated by TLE is to protect the interest of the Rosebud Sioux Tribe, and the appraiser designated by the Commissioner of Indian Affairs, or his duly authorized representative, is to pro-

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tect the interests of the individual Indians who may transfer their lands in exchange for certificates of interest or assignments. Land capabilities, along with the other factors, shall be the basis of making appraisals.

Assignment of land

(26) TLE may assign land under its control to members of the tribe. An individual or cooperative association receiving such assignments of tribal land will be required to surrender to the tribe certificates of interest in TLE equal to the current market value of such lands assigned. Such canceled certificates shall remain on deposit with TLE during the period such lands remain in the possession of such individual or cooperative association. Certificates of interest so surrendered for assignments shall not be eligible to share in any net earnings, nor shall such surrendered certificates of interest be voted in the conduct of the business of TLE. Any improvements placed upon such land under assignment by the assignee shall remain the property of the assignee.

Likewise, any improvements belonging to the land assigned shall be inventoried to the assignee, but such improvements shall remain a part of the land (amendment approved by Secretary of the Interior, January 28, 1947) (Land-Ten. and Acq. 17937–42–310, sec. 1, pt. 34). Certificates so surrendered shall be canceled. New lieu certificates will be issued in the event assignment is forfeited or relinquished back to the tribe.

CERTIFICATES OF INTEREST

Issuance of certificates of interest

(27) TLE is authorized to issue certificates of interest in the tribal land enterprise, classes A and B in accordance with the following provisions:

(*a*) There shall be issued, to the Rosebud Sioux Tribe, class A certificates of interest in TLE for the appraised value of land, the management and operation of which is assigned by the tribe to TLE.

(*b*) For lands or interests in land conveyed by individual members of the tribe to the United States of America in trust for the Rosebud Sioux Tribe, there shall be issued class A certificates of interest in TLE to said individual for the appraised value of such land or interest in land.

(*c*) In the conveyance of land under the provisions of these bylaws, TLE may accept interests in land of Indian nonmembers of the Rosebud Sioux Tribe for which class B certificates of interest in TLE may be issued for the appraised valuation thereof.

(*d*) In the transfer of class A certificates of interest to nonmembers of the Rosebud Sioux Tribe through probate, such certificates shall be converted to class B certificates of interest.

(*e*) In the transfer of class B certificates of interest to members of the Rosebud Sioux Tribe through probate or purchase, such interests shall be converted to class A certificates of interest.

(*f*) Class B certificates of interest shall be entitled to participate in net earnings on the same basis as class A certificates of interest, but shall not entitle the holder thereof to membership in TLE nor the right to vote such interests.

(*g*) Class B certificates of interest shall be subject to liquidation or redemption through purchase by TLE at the discretion or upon demand of the board of directors of the TLE.

Value of interests

(28) Certificates of interest in TLE are to be issued in units, whose unit value will be determined by the current Bureau of Agriculture economic real-estate market price for South Dakota, such index to be determined at or as near as possible to January 1 of each year. The certificate-of interest value, as a result of the determination of such an index, thus placed on certificates of interest will remain without change until the following year, when a new index will be determined. The base value (1943 period) per certificate of interest will be $1 per interest.

(29) The tribal-land enterprise is authorized to purchase land from any available funds to its credit and that title to lands thus purchased shall be taken in the name of the United States of America in trust for the Rosebud Sioux Tribe. Certificates of interest will not be issued to the tribe when purchases are made from TLE earnings.

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Probate of interests

(30) If, in probate, interests in TLE are fractionated, the Rosebud Sioux Tribe is authorized to purchase such interests. TLE is authorized to act for the tribe in such transactions.

Transferability of certificates

(31) Except as provided in sections 27 and 30 hereof, certificates of interest in the tribal land enterprise shall be transferable only to the tribe or its members, subject to approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by secretary, January 28, 1947). Any and all such transfers of certificates of interest must be accomplished in the TLE office. Also, unless certificates of interest are on file in the TLE office they will not be eligible to be voted or to receive dividend payments whenever such payments are made to holders of certificates.

Distribution of net earnings

(32) Distribution of net earnings shall be made semiannually as of April 1 and October 1 of each year from net earnings of TLE for the year ending October 1 to holders of certificates of interest in TLE as of record and eligibility on April 1 or October 1 of that year. The distribution of net earnings as of April 1 shall not exceed 2 percent of certificates-of-interest value, and the distribution of net earnings as of October 1 shall be the balance from net earnings from TLE for the year ending October 1, remaining after adequate reserves have been established by the board of directors for (*a*) depreciation, (*b*) reserve for contingencies, (*c*) normal cash operating reserves, (*d*) purchase of lands during the ensuing 12 months, (*e*) purchase of TLE certificates during the ensuing 12 months, (*f*) payment of indebtedness. No earnings will be paid on certificates which are not on deposit for record and safekeeping in the TLE office.

During the first 10 years of operation of TLE, distribution of net earnings to be made on interests owned by the tribe shall be credited to the account of TLE and shall be subject to the order of the board of directors for use in the purchase of fractional equities in land, purchase of interests in TLE, purchase of lands and miscellaneous expenditures in connection with conducting the business of TLE, and during this 10-year period such net earnings be subject to liquidating the tribal land from the United States. At any time from the date these bylaws are approved by the Commissioner of Indian Affairs or his duly authorized representative (approved Jan. 28, 1947), the tribal council is authorized to initiate amendments to these bylaws, making provisions for future equities of the tribe in lands herein authorized for assignment to TLE for management and operation.

Purchase of interests

(33) The Rosebud Sioux Tribe is authorized to purchase certificates of interest in TLE (upon the approval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary, Jan. 28, 1947). TLE is authorized to act for the tribe in such transactions. Also, certificates of interest may be purchased with TLE funds. However, all purchases of certificates of interest for the tribe or TLE must be made on the basis of current market value as indicated in section 28 of these bylaws. Certificates of interest purchased with TLE funds must be offered for resale at current market value to any eligible member of the tribe who desires to secure certificates for application on assignment of TLE land.

USE OF CERTIFICATES AS COLLATERAL AND SECURITY

Rental, tribal lands

(34) TLE may accept assignment of anticipated distribution of net earnings of certificates of interest in TLE as security for rental of land within its control, or TLE may accept certificates of interest in TLE in payment of such rental.

Rental, other lands

(35) Members of the tribe who rent land owned by other members of the tribe may assign anticipated net earnings on certificates of interest in TLE as security for such rentals, and by this process meet the requirements for bond.

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Security on loans

(36) Members of the tribe who hold loans from the tribal credit revolving fund may assign anticipated net earnings on certificates of interest in TLE, which may be accepted either as partial or total security on such loan at the discretion of the tribal corporation credit committee.

Grazing fees

(37) Where grazing permits are granted to members of the tribe on lands controlled by TLE, certificates of interest in TLE may be accepted in payment of grazing fees.

Accounting

(38) Funds collected for TLE shall be deposited in an individual Indian money account at the Rosebud Indian Agency or such other depository acceptable to the Commissioner of Indian Affairs and the tribal council. TLE shall keep an appropriate record of all land transactions, even though this may duplicate any record thereof maintained by the Department of the Interior.

Forms

(39) The board of directors shall cause appropriate forms to be prepared for use in the execution of the various transactions involved in the operation of TLE.

AUDIT

(40) The tribal council shall cause an annual audit to be made on the accounts and records of TLE. Such audit shall be made previous to the annual meeting of the holders of class A certificates of interest in the Tribal Land Enterprise. A report of such audit shall be made and filed at such meeting.

Liquidation

(41) In the event it becomes necessary to abandon and to liquidate TLE, holders of class A certificates of interest in TLE shall be entitled to an assignment from lands held by the United States of America in trust for the Rosebud Sioux Tribe equal to the certificates, based upon the appraised valuation of said land at the time the same was assigned to TLE for management and operation in such proportion as may be determined by the holders of certificates of interest at a meeting called for that purpose, such proportionate determinations to be subject to approval of the tribal council and of the Commissioner of Indian Affairs or his duly authorized representatives (approved by Secretary, January 28, 1947). Class B certificates of interest shall be entitled to liquidation through leasehold agreements on tribal lands, or on a cash basis from funds to the credit to TLE, and/or from rental returns from tribal land, subject to the same proportions as determined for class A certificates.

Annual meeting

(42) A meeting of the holders of certificates of interest in TLE shall be convened annually on a date set by TLE and notices of said annual meeting shall be mailed to all holders of certificates of interest in TLE on record 30 days prior to said annual meeting.

Notices of said meeting shall be posted at the Rosebud Indian Agency and at all community centers 30 days prior to said meeting. At said annual meeting TLE shall render a detailed report of the status of Tribal Land Enterprise and of business transacted during last fiscal year ended, including a financial statement for TLE special meetings of holders of certificates of interest in TLE may be called by TLE, and upon a petition signed by holders of certificates of interest in TLE representing 25 percent of outstanding certificates of interest of record, TLE shall be required to call a special meeting of holders of certificates of interest. Thirty days' notice of special meeting shall state specifically the business to be considered. Any changes in policy or management of land and amendments to bylaws are eligible for consideration at the annual meeting, and at special meeting if specified in notice for special meetings. Proposed amendments to bylaws will be submitted to the tribal council for action and aproval of the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary

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January 28, 1947). Voting at all meetings of holders of certificates of interest in TLE shall be on a basis of certificates of interest represented and such interests voted must be voted in person by the owners of said interests as of record; provided further that guardians may vote the interests of minors or mentally incompetent whose interests they represent. Voting of tribal certificates of interest will be on a basis of prorating, for voting purposes, among members of the tribal council present at the meeting. Prorating of such votes will be done on an equal basis to each councilman present. Each councilman shall vote his prorated number as individually desired. Voting of interests by proxy shall not be permitted. A majority vote of the certificates of interest voted on any question shall rule. The chairman of the board of directors shall preside at meetings of holders of certificates of interest, or in case the chairman is absent, the vice chairman.

Maximum limitations

(43) To assure that the greatest possible number of Rosebud Indian tribal members can take advantage of the TLE program and to limit assignment of lands to those who are primarily interested in acquiring economic units of their own, assignments will be made only to individuals who have less than three sections (1,920 acres) of grazing land, or 3 quarter-sections (480 acres) of farm lands, or a combination thereof. Calculation of acreages considered shall include allotments, inherited acreages, executive assignments, TLE assignments, revocable assignments, and any and all other trust land held on the Rosebud Reservation. This clause shall not prohibit exchanges of land for the purposes of consolidation or more suitable location.

Land-use stipulation

(44) Because of potential obligations the tribe has with regard to taking back assignments at same value for which said assignments were originally issued, the following land-use clause shall be made a part of all future assignment contracts, except in those cases where assignments are in exchange for trust allotments.

"The assignee agrees to use this land in accord with established tribal and Federal land-use regulations which are applicable to range and farmlands on the Rosebud Sioux Reservation. Failure on the part of the assignee to follow such approved land use practices on this assignment will constitute a violation of this assignment contract and shall render such assignment subject to cancellation by the Rosebud Sioux Tribal Council. Cancellation shall require final approval of the Secretary of the Interior or his duly authorized representative."

Should such assignments be canceled, the assignee would be issued certificates equal, in number, to certificates of interest which were surrendered by him at the time the assignment was originally made.

Amendments to these bylaws

(45) Except as provided in section 32 hereof, amendments to these bylaws shall originate in meetings of the holders of certificates of interest in the tribal land enterprise or the tribal council. Proposed amendments made by holders of certificates of interest are to be submitted to the tribal council for action, and if adopted by the tribal council, submitted to the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary January 28, 1947), for his approval or disapproval. Amendments to these bylaws shall not become effective until approved by the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary January 28, 1947). In case the tribal council fails to endorse amendments thus proposed, the holders of interests may submit such amendments directly to the Commissioner of Indian Affairs or his duly authorized representative (approved by Secretary January 28, 1947), for his approval or disapproval upon a two-third vote of the interests present and voting on said question. Amendments thus adopted and approved shall be in full force and effect.

CERTIFICATION

We hereby certify the foregoing bylaws for the tribal land enterprise was adopted by the Rosebul Sioux Tribal Council at its regular session April 5–7, 1943, by a vote of 13 for and 8 against: amended at its regular session October 4–6, 1943, by Resolution No. 682, adopted as of that date; pursuant to authority vested in the tribal council by article IV, section 1 (n), of the constitution and bylaws of the Rosebud Sioux Tribe and sections 5 (b) and 5 (c) of the charter for the Rosebud Sioux Tribe; and corrected by Resolution No. 696 adopted by the tribal council at regular session January 19–21, 1944, in accordance with

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recommendations contained in letter of approval from the Secretary of the Interior dated December 14, 1943. Further revisions, included herein, adopted by the Rosebud Sioux Tribal Council, at special session, February 19, 1954.

DAN HOLLOW HORN BEAR,
President, Rosebud Sioux Tribal Council, Chairman, Tribal Executive Committee.

ANTIONE ROUBIDEAUX,
Secretary, Rosebud Sioux Tribal Council, Secretary, Tribal Executive Committee.

Approved:

C. R. WHITLOCK, *Superintendent.*

Approved:

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

Date: December 15, 1943.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C., July 8, 1955.

Mr. ROBERT BURNETTE,
President, Rosebud Sioux Tribal Council,
Rosebud, S. Dak.
(Through area director, Aberdeen.)

DEAR MR. BURNETTE: Receipt is acknowledged of your letter of June 21 in which you request an interpretation of the section in the bylaws of the Rosebud Sioux tribal land enterprise concerning the voting of the tribal certificates of interest at the annual meeting of the holders of certificates.

Under the revision of these bylaws of February 19, 1954, and approved August 12, 1954, Section (42): Annual Meeting, states in part as follows:

"* * * Voting of tribal certificates of interest will be on the basis of prorating, for voting purposes, among members of the *Tribal Council* (italic added) present at the meeting. Prorating of such votes will be done on an equal basis to each councilman present. Each councilman shall vote his prorated number as individually desired. Voting of interests by proxy shall not be permitted. * * *"

The language quoted above is clear and concise. There is no authority for the board of directors of the tribal land enterprise to vote the tribal certificates of interest. The voting of these certificates is specifically reserved to those members of the tribal council present at the meeting.

Sincerely yours,

W. BARTON GREENWOOD,
Acting Commissioner.

Copies: Superintendent, Rosebud Agency.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C., August 11, 1955.

Mr. ROBERT BURNETTE,
President, Rosebud Sioux Tribal Council, Rosebud, S. Dak.
(Through area director, Aberdeen.)

DEAR MR. BURNETTE: By letter of July 8, 1955, you were informed of our interpretation of section (42) of the 1954 revision of the bylaws of the Rosebud Sioux tribal land enterprise. On August 12, 1954, we approved these revised bylaws subject to the adoption of some suggested additions and amendments. These additions and amendments were never formally adopted.

You are hereby advised that our letter of July 8, 1955, is to be interpreted as an unconditional approval, as of that date, of the February 19, 1954, revision of the bylaws of the Rosebud Sioux tribal land enterprise.

Sincerely yours,

W. BARTON GREENWOOD, *Acting Commissioner.*

Copies: Area director, Aberdeen; Superintendent, Rosebud Agency; Mr. George Kills In Sight, chairman, board of directors, Rosebud Sioux tribal land enterprise (through area director, Aberdeen), with copy of letter of July 8, 1955.

Transmitted August 15, 1955.

GLENN R. LANDBLOOM, *Assistant Area Director.*

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7. SOUTHERN UTE TRIBE

SOUTHERN UTE TRIBE,
Ignacio, Colo., June 2, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: This is in reference to your letter of April 17, 1958, requesting certain historical and statistical data concerning land and land transactions of the Southern Ute Tribe. The information contained herein was obtained from the files and records of the Consolidated Ute Agency, Ignacio, Colo.

In your covering letter you asked for an enumeration of all Federal land on the reservation which had been acquired from private owners since 1930, and requested certain information concerning this particular type of land. Please be advised that within the Southern Ute jurisdiction 79 tracts have been acquired between the period of 1939 and 1953, involving a total of 67,965.71 acres, most of which was done prior to July 1, 1947. This land was purchased under the authority contained in the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) supra. Each tract was acquired for grazing and agricultural use in order to consolidate the Indian land pattern, thereby making it more usable by the Indian grazers. This land together with the surrounding and adjacent Indian land is being used at this time for grazing and farming purposes. Practically all of this land so acquired is still in Indian use; however, there are a few instances where improvement leases of short duration are in effect. These leases were made in order for the land to be improved for subsequent use by the Indian people.

At the Southern Ute jurisdiction there is a total of 19 tribal employees of which two are concerned with land transactions.

Prior to 1950, the tribe did not participate to any great extent in acquisition and disposal activities. However, interest expressed since that time in oil and gas leases and resultant tribal income from such leases has caused the tribal council to become actively aware of opportunities for bettering their social and economic welfare. These leases have also returned revenues in a sufficient amount to permit improving the tribal land with resultant increase in revenue.

At the present time, the Southern Ute Tribe has a total of 112 oil and gas leases involving 135,122.22 acres.

As requested in your letter we are submitting herewith an original and one copy of the requested report. If we can be of further service, please advise.

Sincerely yours,

JOHN E. BAKER,
Chairman, Southern Ute Tribal Council.

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SOUTHERN UTE TRIBE

Answers to Questionnaire on the Disposition and Acquisition of Indian Lands in the Last 10 Years

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?

There were 280,337.76.

How many acres in trust?

All.

How many acres which the tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

There were 13,814.71.

3. How many transactions and acres by which tribal or individually owned lands were disposed of were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acres
1949	6	1,827.13
1951	1	663.63
1952	1	160.00

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

See answer to question 3, above, for acreage.

5. Give the number of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

All 8 transactions were exchanges.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

Acreage figures shown in answer to question 3, above. All transactions were exchanges.

7. How many transactions and acreage by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acreage	Fiscal year	Number of transactions	Acreage
1948	29	15,253.27	1951	9	1,974.08
1949	14	2,917.97	1952	12	1,200.00
1950	14	2,144.72	1953	1	160.06

8. How many acres were so acquired during each calendar year since July 1, 1947?

See answer to question 7 above. The acreage is given on a fiscal year basis as all records are maintained on this basis.

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9. Give the numbers of transactions and acreages for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

Fiscal year	Number of transactions	Acreage	Type of transaction
1948	17	3,020.40	From individual Indians to tribe; title taken in trust.
	6	8,286.98	Purchase of fee lands by the tribe; title taken in trust.
	6	3,845.89	From fee status to tribal trust; acquired by exchange.
1949	10	1,157.97	From individual Indians to tribe; title taken in trust.
	4	1,760.00	Purchase of fee lands by the tribe; title taken in trust.
1950	14	2,144.72	From individual Indians to tribe; title taken in trust.
1951	5	680.00	Do.
	3	1,134.08	Purchase of fee lands by tribe; title taken in trust.
	1	160.00	From fee status to tribal trust; acquired by exchange.
1952	12	1,200.00	From individual Indians to tribe; title taken in trust.
1953	1	160.00	Do.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

See answer to question 9 above.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 301,387.10.

How many acres held by the United States in trust?

All lands in trust.

How many acres which the tribe had acquired in fee?

None.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 5,291 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands.

Acquisition of land made under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) supra.

What study is being made of the cause and effect of sales?

There has not been any study made for the purpose to determine the cause and effect of the sales of lands. Actually there have been no sales from tribal trust to fee except lands involved in exchanges.

Has the tribal council passed or considered any resolutions on this subject?

The tribal council has not passed or considered any resolution of a general nature. However, each sale of exchange has received the approval of the tribal council and said approval was signified by the passage of a resolution covering each particular transaction.

Please elaborate and include any resolutions approved.

Since there were no general resolutions covering the subject we are unable to include any in this report.

14. Discuss to what extent, if any, the heirship or multiple-ownership problem has affected the acquisition and disposal of Indian lands.

The heirship or multiple-ownership problem at this jurisdiction has not as yet presented any great amount of difficulty with the ex-

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ception of one case which is now pending wherein the tribe owns an undivided one-half interest in a tract of land and a non-Indian (adopted) heir of an enrolled member of the tribe owns the other one-half undivided interest. It has been possible heretofore to obtain the cooperation of all beneficiaries in any land transaction, with the one exception cited. There has not been any partitionment of individual Indian lands as of now. Most of the allotments in this jurisdiction were made in 1898. Therefore, the heirs of the original allottees consist in the most part of the direct descendants. There has not been any use made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs. The tribe as you will note from the foregoing has been actively engaged in acquiring allotted interests and this practice will likely continue.

PART II—SOUTHERN UTE TRIBE

In answer to part II it is our opinion that there has not been any key tracts of land acquired or disposed of under the present land program. The tracts that have been acquired are what would be termed ordinary run-of-the-mill land of no particular value due to their location or otherwise. The land pattern at this jurisdiction does not consist of tribal areas within which there are alienated individual lands that would have an influence on the use made of tribal land surrounding such individual tracts.

PART III—SOUTHERN UTE TRIBE

1. Give the position of each tribal real-estate employee, annual salary, and nature of work.

One realty clerk, $3,333 per annum: Does clerical and stenographic work.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary, amount of salary paid by tribe, and nature of work.

One real-property assistant, $5,440 per annum: Full amount paid by the Southern Ute Tribe from appropriated tribal funds. (This is a civil-service position.) Takes care of all realty transactions.

3. The tribe does not have a regularly employed real-estate adviser or consultant except that they do have a tribal general counsel who advises on the legal aspects of real-estate transactions. In addition, there is the real-property assistant, cited in question 2 above, whose duty it is to advise in connection with his work.

4. The tribal council considers all real-estate activities before any action is taken thereon. Each action of any import is covered by a tribal resolution signifying the action to be taken.

5. The tribal council does not have any committee which advises in regard to tribal real-estate activities. See question 4 above.

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6. The tribe has not employed any private consultants to study any of the particular phases of its real-estate activities. The tribe with the assistance of the Indian Bureau has completed a rehabilitation plan which provides for investment of its money received from settlement of land claim, as well as current revenue received from oil and gas leases.

7. The tribe does not at this time or has it had a tribal-land enterprise concerned with acquisition, disposals, and leasing of its tribal or individual lands. It does, however, have a tribal committee that interests itself in tribal-land-use activities as well as assignments of tribal land to individual members of the tribe. This amounts to investigation and recommending to the council use permits which may be granted by the council to tribal members.

8. We do not understand fully what is meant by question 8. The tribe and the Bureau work very closely in all matters involving real estate. The trusteeship responsibility of the Government is recognized by both the tribe and the Bureau. Every operation involving the surface or subsurface is thoroughly discussed with and approved by the tribal council before any action is taken. The same would be true in any matter involving acquisition or disposal of land.

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8. UINTAH AND OURAY

THE UTE INDIAN TRIBE,
Fort Duchesne, Utah, June 18, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D. C.

DEAR SENATOR MURRAY: Pursuant to your request of April 17, 1958, I am pleased to submit on behalf of the Ute Tribe the following report.

All land records of the Uintah and Ouray Reservation are kept by the Agency Realty Section and we are indebted to them for the statistical information in our report which they furnished to us.

In about the year 1936, the Ute Indian Tribe received certain moneys from the Government as partial payment for oil-shale reserves taken for the Government's future naval supply of petroleum. With these funds which totaled some $161,400 and supplemental funds furnished by the Government the tribe and the Government initiated its land acquisition program. Exhibit I attached shows the lands purchased under this program during the years 1937, 1938, 1939, 1940, and 1941. These lands were purchased for the tribe from non-Indians and were considered to be key tracts of land as they usually controlled water needed for livestock on ranges nearby. And though it was thought at the time of purchase that the tribe had acquired al. the commensurate range rights attached thereto, this was contested by non-Indians in the area. This resulted in much furor, confusion, and disputes between the Indians and the non-Indians. To settle this controversy the Congress listened to the appeal of the Indians and set aside some 510,000 acres of this land as an addition to their reservation, this was accomplished by Public Law 440 of the 80th Congress.

Immediately following the passage of the Indian Reorganization Act in 1934 (68 Stat. 984), the Secretary of the Interior under authority of that act withdrew from entry the remaining lands of the reservation that had been opened to entry. This action was also contested by the non-Indians of this area and this controversy raged for 11 years until in 1945 (August 25) the Secretary of the Interior restored the land ("ceded lands") containing some 429,000 acres to tribal ownership.

Since that time the tribe has continously carried on a small acquisition program. The tribe has been careful to consult with county commission about its overall program and has received their cooperation and in return the tribe has been able to keep faith with those commissions in not taking great tracts of land out of a taxable status. By methods of exchange we have kept a fairly constant acreage.

We are, however, perturbed about the proposed sales by individuals. We bid on some 51 tracts of land that were advertised on July 25, 1957, and October of 1957 and were successful in being the high bidder

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in the majority of the cases. We are grateful to the Realty Division of the agency in obtaining options to meet high bids in many cases.

As a tribe we do not sanction the mass sale of allotments made to individual Indians as it destroys their base of operations and they come back to the tribe asking for assignments and are usually worse off than they had anticipated. We realize that Indians are not all inclined to farm as are other peoples but we do feel that it is to his advantage to hold on to his real property. The tribe recognizes the heirship problem and wishes to help solve it but mass sales will soon exhaust the tribe's land funds and may put the tribe in the position of seeing land pass into non-Indian ownership because of a lack of sufficient funds to keep pace with the sales.

We appreciate the interest of your committee in asking for this information and we are sorry that we are a few days late in the submission of the report as we were waiting for the statistical part which was submitted to us on June 13.

We thank you for the opportunity to express our ideas in this perplexing problem.

Sincerely yours,

JASON CUCH, *Chairman.*

EXHIBIT I—UINTAH AND OURAY TRIBE

Grantor	Date	Acres	Consideration
A. M. Myrup	Apr. 12, 1938	8,941.51	$77,821.00
Brown Livestock Co.	Oct. 13, 1936 (order)	5,873.15	[1] 41,447.40 [2] 1,600.00
Total			43,047.40
Thorne Ranch (including grazing rights under Taylor Grazing Act).	Aug. 4, 1948	278.29	2,500.00
Clarence Burton	No		
Charles Brown	Oct. 10, 1942	160.00	2,600.00
Elba Justice (exchange)	Apr. 3, 1953	40.00	[3] 1,669.72
N. R. Taylor		638.21	[1] 27,788.84 [2] 3,205.05
Total			30,993.89
Austin Wardel	July 5, 1940	160.04	[1] 4,100.00 [2] 1,000.00
Total			5,100.00
Sarah B. Pumphrey	1946	321.40	[4] 2,880.00 [2] 1,450.00
Total			4,330.00
Gilbert and Leo Wild	Mar. 16, 1938	1,199.82	[1] 10,814.00 [2] 2,870.00
Total			13,684.00
Eva and D. R. Seeley	May 26, 1939	640.00	[1] 3,200.00 [2] 1,050.00
Total			4,250.00
Walter R. Hazelbush	1940	4,890.32	[1] 32,208.68 [2] 3,560.00
Total			35,768.68

[1] Land.
[2] Improvements.
[3] Equal value.
[4] Land; for 160 acres only.

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EXHIBIT I—UINTAH AND OURAY TRIBE—Continued

Grantor	Date	Acres	Consideration
Chris Jensen	Nov. 4, 1943	160.00	$3,410.00
Willis Stevens	1939	798.76	4,550.00
Louis Blattler	1938	636.40	3,400.00
Vernon Erickson	1938	640.00	3,700.00
Lorin M. Wilcox	1940	640.02	4,720.00
John C. Wilcox	1940	440.41	9,980.00
J. C. Wilcox	1940	680.00	4,990.00
W. F. Asimus	June 15, 1959	159.91	800.00
C. S. Thompson	Dec. 18, 1937	400.34	2,301.95
Louise Dalrumple	Dec. 6, 1937	638.05	3,381.66
Henry Goodman	Dec. 7, 1937	640.00	3,392.00
Clyde and Isabel Kofford	Dec. 6, 1937	640.00	3,520.00
Newell Dalton	Oct. 6, 1938	640.00	3,500.00
Henry Halvorson	1940	200.00	500.00
Sarah P. Watkins	1940	321.00	2,200.00
Roy L. Jolley	1940	40.00	1,980.00
A. H. Peterson	1940	60.00	1,700.00
R. S. Jordan	1940	20.00	400.00
Bank of Vernal	Apr. 1, 1942	320.00	4,800.00
Chris Jensen	1941	25.00	500.00
Do	1941	135.00	2,700.00
Exchange:			
Folke A. Myrin		8,564.11	
William Fieldsted		571.16	
Ray D. Broadhead		110.00	
Earl N. Wright		40.00	
Clarence C. Wright		40.00	
Ray Thomas		40.00	
Ilo Christensen		40.00	
Bert T. Coleman		160.00	
Thomas Gilbert		4,335.83	
John F. Ross		840.00	
Darrell Lambert		40.00	
Total		14,781.10	[1] 40,494.84
Lyle L. Young (exchange):			
Tribe received		80.00	[2] 400.00
Deeded to Young		40.00	[2] 370.00
Clara and Sarah Winslow	1952	492.04	17,215.00
Elwood and Linda Carter	Dec. 29, 1953	678.20	3,782.20
Simmons family	1954	160.00	[3] 7,000.00
Total		46,141.14	379,082.14

[1] See the following:

14,781.10 tribal acres traded:	
Value	$25,673.49
Plus cash	14,821.35
Total	40,494.84

Above value exchanged for 13,498.28 acres.
[2] Appraisal.
[3] Exchange value.

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UINTAH AND OURAY TRIBE

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Patents-in-fee	4	221.14	1	40	1	20	----	----	----	----	----	----	----	----	----	----	1	40	3	120
Certificates of competency	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Removal of restrictions	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
To fee status by inheritance or devise (only where entire interest has so passed)	----	----	----	----	----	----	----	----	----	----	----	----	1	39.4	----	----	----	----	----	----
To fee status by partition	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Other (explain) [1]	----	----	3	362.7	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
DISPOSALS TO TRUST OR RESTRICTED STATUS																				
Exchanges to tribal status	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Exchanges to other Indians in trust or restricted status	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	3	120
Sales to tribes	18	1,128	6	738.22	1	160	----	----	30	2,923.18	14	1,354.94	17	937.16	33	1,573.34	20	1,163.34	4	762.83
Sales to other Indians in trust or restricted status	1	40	----	----	1	1.25	----	----	3	120	7	319.82	5	200	----	----	3	120	----	----
Other (explain)	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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DISPOSALS TO FEE STATUS

Exchanges to fee status																			1	40
Sales to fee status																				
Takings for public purposes																				
Other (explain)																				

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS

Exchanges from tribal status																				
Exchanges from individual trust or restricted land																				80
Purchases from tribes																				(2)
Purchases of trust or restricted land from other Indians	1	40							4	160	5	200	7	319.82			3	120		
Other (explain)																				

ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																			1	40
Purchases of fee lands	4	120																	1	
Other (explain)																				

[1] Escheat to tribe.
[2] See comment on questionnaire, pt. I, item 13 (c).

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ALL-PUEBLO COUNCIL,
Albuquerque, N. Mex., May 12, 1958.

Hon. JAMES E. MURRAY,
Chairman, Interior and Insular Affairs,
Senate Office Building, Washington, D. C.

DEAR SENATOR MURRAY: We enclose the information you desired on Tesuque Pueblo, which we hope will be sufficient.

If you need it, we can send you a photostat plat of the pueblo showing the boundaries as surveyed in 1860. The plat shows 17,471.12 acres within the grant, but a report on the Tesuque Pueblo land status issued in 1940 by the United Pueblos Agency shows a net Indian area of 16,708.86 acres, a difference of some 700 acres. We cannot explain the discrepancy.

If there is any further information desired, please let us know.

Sincerely,

MARTIN VIGIL, *Chairman.*

UNITED PUEBLOS TRIBES

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947? How many acres in trust? How many acres which the tribe had acquired in fee?

There were 16,708.86 acres.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

None.

3. How many transactions, by which tribal or individually owned lands were disposed of (including the placing of unrestricted fee title in the hands of the owners by issuance of patents-in-fee, certificates of competency, etc.), were consummated during each fiscal year since July 1, 1947?

None.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

None.

5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

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None.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

None.

Questions 7 to 10 refer only to land not previously under Indian ownership.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

None.

8. How many acres were so acquired during each calendar year since July 1, 1947?

None.

9. Give the numbers of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

None.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

None.

11. How many acres were there in tribal ownership on December 31, 1957? How many acres held by the United States in trust? How many acres which the tribe had acquired in fee?

There were 16,708 acres held in trust.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

None.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands (termination acts, private acts directing the issuance of patents-in-fee, etc.). What study is being made of the cause and effect of sales? Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

None, so far as known.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands, with particular reference to the following facets of the problem (not affected by this):

(*a*) Undivided interest owned by the tribe.

(*b*) Undivided interest owned by non-Indians and alien Indians.

(*c*) Undivided interest owned by minors on reservations which are under the Indian Reorganization Act.

(*d*) Difficulty of reaching agreement among all heirs as to use or disposal of lands.

(*e*) What use has been made of the Secretary's authority to sell heirship lands when the owners have died intestate and have left minor or incompetent heirs? To what extent has the tribe been encouraged or permitted to buy such lands?

None.

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PART II—UNITED PUEBLOS TRIBES

1. How much acreage and how many tracts have been sold that the tribe, individual Indian owners, or the Bureau have alleged were key tracts?

None.

2. How much acreage and how many of the tracts alleged by the tribes or individual Indian owners to be key tracts were determined by Bureau officials not to be key tracts?

None.

3. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to the tribe or individual Indian owners?

None.

4. How much acreage and how many tracts alleged by the tribe to be key tracts were sold to non-Indians?

None.

If there were sales of key tracts to non-Indians, discuss the effect that such sales have had on the use of Indian land remaining in Indian ownership.

6. Discuss the extent to which key tracts which were in fee status have been acquired in trust or restricted status by individual Indians, or in trust or fee status by tribes.

PART III—UNITED PUEBLOS TRIBES

1. Give the position of each tribal real-estate employee, his annual salary, and the nature of his work.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary of such employee, the amount of such salary paid by the tribe, and the nature of his work.

3. Does the tribe have a regularly employed real-estate adviser or consultant to advice the council with regard to tribal real-estate activities?

No.

4. Does the tribal organization have a real-estate committee with authority to approve tribal real estate activities?

No.

5. Does the tribal organiaztion have a real-estate committee which advises the tribal council with regard to tribal real-estate activities?

No.

6. To what extent has the tribe employed private consultants to study particular phases of its real-estate activities?

None.

7. Does the tribe have, or has it had, a tribal land enterprise or similar organization?

No.

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8. Has the tribe or the area office been instructed to turn real-estate operations over to the Bureau? Please comment on the differences in effectiveness of Bureau and tribal operations.

No real-estate operators.

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—None

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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10. UTE MOUNTAIN TRIBE

UTE MOUNTAIN UTE TRIBE,
Towaoc, Colo., May 28, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR MURRAY: This is in reference to your April 17, 1958, letter requesting certain historical and statistical data concerning land and land transactions of the Ute Mountain Tribe.

In your covering letter you asked for an enumeration of all Federal land on each reservation which had been acquired from private owners since 1930 and requested certain information concerning this particular type of land. Please be advised that the following lands have been acquired from private owners for the Ute Mountain Tribe:

Authority	Number of tracts	Acreage	Date acquired
Act of June 25, 1938 (52 Stat. 1130)	1	280.00	Mar. 25, 1940
Do	2	800.00	Do.
Act of June 18, 1934 (48 Stat. 984). Funds appropriated under the acts of June 18, 1940 (54 Stat. 406) and June 28, 1941 (Public Law 136, 77th Cong.)	2	720.00	Feb. 4, 1942
Act of June 25, 1938 (52 Stat. 1130)	1	640.00	Mar. 12, 1940
Act of June 25, 1938 (52 Stat. 1130), and act of June 18, 1940 (Public Law 640, 76th Cong.)	1	720.00	Oct. 1, 1940
Act of June 25, 1938 (52 Stat. 1130)	1	160.00	Dec. 20, 1939
Do	1	320.00	Mar. 29, 1940
Do	1	1,280.00	June 12, 1940
Do	1	321.95	Oct. 31, 1939
Act of June 25, 1938 (52 Stat. 1130), and act of June 18, 1940 (Public Law 640, 76th Cong.)	1	80.00	Nov. 29, 1940
Act of June 25, 1938 (52 Stat. 1130)	1	439.14	Apr. 4, 1941
Act of June 25, 1938 (52 Stat. 1130), and act of June 18, 1940 (Public Law 640, 76th Cong.)	1	640.00	Aug. 15, 1940
Act of June 25, 1938 (52 Stat. 1130) and act of June 18, 1940 (54 Stat. 406)	1	320.00	Aug. 13, 1941
Act of June 18, 1934 (48 Stat. 984), act of June 18, 1940 (54 Stat. 406). Funds from act of June 28, 1941 (Public Law 136, 77th Cong.)	1	720.00	Feb. 4, 1942
Act of June 18, 1934 (48 Stat. 984). Funds from act of June 18, 1940 (Public Law 640, 76th Cong.)	2	240.00	Apr. 24, 1942
Act of June 18, 1934 (48 Stat. 984)	1	80.00	May 14, 1945
Do	*1	7.75	Aug. 19, 1945
Act of June 18, 1934 (48 Stat. 984), and act of June 18, 1940 (54 Stat. 406)	1	320.00	July 28, 1944

All of the above acquisitions were made in order to consolidate the Indian land base to make it more usable for grazing purposes with the exception of one tract (indicated by an asterisk) which was acquired as a business site. The above areas are being used at this time for grazing and the latter business site has a trading post located thereon from which the tribe receives rent.

There are 46 tribal employees at the Ute Mountain jurisdiction of which 1 devotes full time and 1 person devotes one-half of her time to real-estate activities.

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Prior to 1950 the tribe did not participate to any great extent in acquisition and disposal activities. However, interest expressed since that time in oil and gas leases and resultant tribal income from such leases has caused the tribal council to become actively aware of opportunities for bettering their social and economic welfare. These leases have also returned revenues in a sufficient amount to permit improving of the Indian land with resultant increase in revenue. The Ute Mountain Tribe has a total of 111 oil and gas leases involving 236,658.34 acres and also 10 leases involving 20,480 acres which are joint leases with the Ute Mountain and Navajo Tribes in an area of land dispute.

As requested in your letter we are herewith submitting an original and 1 copy of each of the 2 foregoing reports. If we can be of further service, please advise. The above information was compiled from Bureau of Indian Affairs files.

Sincerely yours,

ALBERT WING,
Chairman, Ute Mountain Tribal Council.

UTE MOUNTAIN TRIBE

ANSWERS TO QUESTIONNAIRE ON THE DISPOSITION AND ACQUISITION OF INDIAN LANDS IN THE LAST 10 YEARS

PART I

As to tribal and individually owned trust or restricted land:

1. How many acres were there in tribal ownership on July 1, 1947?

There were 552,997.81 acres.

How many acres in trust?

All.

How many acres which the tribe had acquired in fee?

None.

2. How many acres of trust or restricted land were there in individual Indian ownership of July 1, 1947?

There were 10,411.90 acres.

3. How many transactions and acreage by which tribal or individually owned lands were disposed of * * *, were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acreage	Type of transaction
1948	1	160	Purchased from individual Indians and acquired by the tribe—title in trust.
1949	8	920.44	Do.
1950	4	520	Do.

4. How many acres were so disposed of or removed from Bureau jurisdiction during each fiscal year since July 1, 1947?

See answer to question 3 above. None of the acres were removed from Bureau jurisdiction.

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5. Give the numbers of transactions for each year which will be shown in answer to No. 3 above, broken down by the type of transaction.

See answer to question 3 above.

6. Give the acreages for each year which will be shown in answer to No. 4 above, broken down by the type of transaction.

See answer to question 3 above.

7. How many transactions, by which tribal or individual Indian lands were acquired, were consummated during each fiscal year since July 1, 1947?

Fiscal year	Number of transactions	Acreage	Type of transaction
1954	4	640	Allotments to individual Indians, act of Feb. 8, 1887 (24 Stat. 388) as amended.
1955	4	7,855	Fee land purchased from private individuals by the tribe, title taken in fee.
1956	3	750.85	Do.
1957	1	15,565.89	Do.

8. How many acres were so acquired during each calendar year since July 1, 1947?

See answer to question 7 above. Acreage given on a fiscal year basis.

9. Give the number of transactions for each year which will be shown in answer to No. 7 above, broken down by the type of transaction.

See answer to 7 above.

10. Give the acreages for each year which will be shown in answer to No. 8 above, broken down by the type of transaction.

See answer to 7 above.

11. How many acres were there in tribal ownership on December 31, 1957?

There were 577,169.55 acres.

How many acres held by the United States in trust?

There were 552,997.81 acres.

How many acres which the tribe had acquired in fee?

There were 24,171.74 acres.

12. How many acres of trust or restricted land were there in individual Indian ownership on December 31, 1957?

There were 9,460.56 acres.

13. Cite and discuss briefly any special acts of Congress which have affected the acquisition and disposal of Indian lands.

Acquisition of lands were made under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) supra; the act of June 25, 1938 (52 Stat. 1130), which provides for the Ute Mountain Tribe to purchase land and improvements in fee and revert to trust; and the act of August 12, 1953 (67 Stat. 540), which provides for purchase of fee land by the Ute Mountain Tribe and remain in fee.

What study is being made of the cause and effect of sales?

No special study has been made of the cause and effect of sales. The tribe has sold no land and is more interested in purchasing.

Has the tribal council passed or considered any resolutions on this subject? Please elaborate and include any resolutions approved.

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The tribal council has not passed any general resolutions covering the acquisition of land. Each transaction is approved by the tribal council in the form of resolutions for each individual case.

14. Discuss to what extent, if any, the heirship, or multiple ownership, problem has affected the acquisition and disposal of Indian lands * * *.

The heirship and multiple-ownership problem at this jurisdiction has not as yet presented any great amount of difficulty.

PART II—UTE MOUNTAIN TRIBE

In answer to part II it is my opinion that there has not been any key tracts of land acquired or disposed of under the present land program. The tracts that have been acquired are what would be termed ordinary run-of-the-mill land of no particular value due to their location or otherwise. The land pattern at this jurisdiction does not consist of tribal areas within which there are alienated individual lands that would have an influence on the use made of tribal land surrounding such individual tracts.

PART III—UTE MOUNTAIN TRIBE

1. Give the position of each tribal real-estate employee, annual salary, and nature of work.

One real property assistant, $4,440 per annum: Takes care of all real-estate transaction.

One clerk, $3,000 per annum: Devotes approximately one-half time to real-estate activities doing clerical and stenographic work.

2. Give the position of each agency real-estate employee whose salary, in part or in full, is paid by the tribe, the salary, amount of salary paid by tribe, and nature of work. There are no agency employees assigned to the Ute Mountain Reservation to take care of real-estate activities.

3. The tribe does not have a regularly employed real-estate adviser or consultant except that they do have a general tribal attorney who advises on the legal aspects of real-estate transactions. The real property assistant cited in question 1 above advises in connection with his work.

4. The tribe has a subcommittee of the council that advises the council as to land proposed to be purchased. This committee only makes recommendations to the council.

5. See answer to question 4 above.

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6. The tribe has not employed any private consultants to study any of the particular phases of its real-estate activities. The tribe with the assistance of the Indian Bureau has completed a rehabilitation plan which provides for investment of its money received from settlement of a land claim, as well as current revenue received from oil and gas leases.

7. There is no Tribal Land Enterprise on this reservation.

8. Question 8 is not fully understood. The tribe and the Bureau work very closely in all matters involving real estate. The trusteeship responsibility of the Government is recognized by the tribe and the Bureau. Every operation involving the surface or subsurface is thoroughly discussed with and approved by the tribal council before any action is taken. The same would be true in any matter involving acquisition or disposal of land.

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UTE MOUNTAIN TRIBE

Individually owned land

[No. T.=Number of transactions. Ac.=Acreage]

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE-SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS

Type of transaction	Fiscal 1948		Fiscal 1949		Fiscal 1950		Fiscal 1951		Fiscal 1952		Fiscal 1953		Fiscal 1954		Fiscal 1955		Fiscal 1956		Fiscal 1957	
	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.	No. T.	Ac.
Exchanges to tribal status																				
Exchanges to other Indians in trust or restricted status																				
Sales to tribes	1	160	8	920.44	4	520														
Sales to other Indians in trust or restricted status																				
Other (explain)																				

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

TRIBAL ACQUISITIONS FROM FEE STATUS

Exchanges from fee status																				
Purchases of fee lands															4	7,855	3	750.85	1	15,565.89
Other (explain)																				

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11. WALKER RIVER PAIUTE TRIBE

WALKER RIVER INDIAN RESERVATION,
Schurz, Nev., June 14, 1958.

Hon. JAMES E. MURRAY,
United States Senate, Washington, D. C.

DEAR SENATOR MURRAY: The following is information requested by your questionnaire of April 17:

PARTS I AND II—WALKER RIVER PAIUTE TRIBE

Walker River Indian Reservation, Nev.: Reservation established by Executive order, March 19, 1874. Lands allotted, 1905 and 1906.

Present status of reservation

Total area of reservation: 321,466.857 acres.

		Acres
1. Unallotted tribal lands		311,805.39
2. Allotted lands		8,648.107
3. Government-owned land (reservoir site)		811.36
4. Patents-in-fee:		
Indians	40	
Non-Indians	162	
		202
Total		321,466.857

Explanations

1. The unallotted lands are grazing lands.

2. There were 1,680 acres of above 8,648.107 acres in clear-title trust land. The balance of 6,968.107 acres is in heirship status.

3. The Government-owned lands were purchased in 1932 and 1933 from allottees for a reservoir site. The land was nonagricultural.

4. The above patented land is a remainder of lands issued in 1924 to mixed-blood Indians under certificates of competency. Of a large number of patents originally issued, a number of the patents were later turned back to trust status because the recipients were not competent, leaving the present balance of 202 acres of patented land, of which 40 acres are still Indian owned because the land is wasteland. Otherwise, it would have also passed into ownership of non-Indians. A few years ago, some patents were requested by members of the tribe, but this tribe vigorously protested because the requests were made for the sole purpose of selling to non-Indians, and so no patents have been issued since 1924.

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Very little land transactions between our Indians have been made within the last 10 years, because the Indian Bureau refuses to appraise the lands and approve land transactions. Therefore, each day, more lands fall into heirship status and out of production and more Indians go on relief. Because of the fractionated-heirship status of the lands, it is difficult to use, sell, or exchange the lands even within the families or within the tribe. Furthermore, many estates have never been probated. This answers parts I and II of your questionnaire.

PART III—WALKER RIVER PAIUTE TRIBE

The tribe has not assumed any responsibility for real-estate activities because of the complicated heirship status of the lands. In 1949, the tribe asked for a loan of $100,000 from the Indian Bureau to use in the purchase of heirship lands and to promote exchanges, and asked that after the transactions the lands be leveled, improved, and subjugated. The Indian Bureau made no reply, but 4 years ago, without warning, came in and spent in excess of $80,000 leveling heirship lands. The leveled lands are still lying idle and grown back to brush, and the wind has leveled the ditches with loose soil, but the $80,000 has gone as a lien against all irrigable lands on the reservation. In fairness to the Bureau, it must be reported that 130 acres out of the vast acreage leveled is being used by the Indians. The exact total acreage leveled is not available. All records are at the Nevada Indian Agency.

Immediately after the lands were leveled, an appraisal committee composed of an agency employee, the county extension agent (Nevada State Extension Division), and a member of the tribe went over the reservation and classified and appraised the land in accordance with non-Indian-owned land values in neighboring communities, but the Indian Bureau officials rejected the classifications and appraisals as too low and out of line. We Indians thought the appraisals too high. Therefore, no land transactions have been made, but the Nevada Agency keeps a realty officer on the payroll. This reservation is 1 of the 2 allotted agricultural reservations in Nevada.

The Walker River Tribe has no employee of any type, but, out of its meager earnings, contributes $20 per month as its pro rata share toward the salary of a clerk at the Nevada Agency. This clerk handles the clerical work for a number of other reservations under the Nevada Agency. For our $20 per month we get a trial balance of our revolving credit loan account, which fund has been abolished, but has two remaining accounts, one of which is delinquent and which the agency has never taken the steps to collect, and the other on which payments are made twice a year.

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Because the welfare and progress of every and any group of people depend upon its resources and industry, the No. 1 project for the Walker River Reservation should, therefore, be untangling of the heirship lands through sales, purchases, and exchanges between members of the tribe. The backbone of our economy is our lands.

Sincerely yours,

WALTER VOORHEES,
Secretary, Walker River Paiute Tribe.

Individually owned land

DISPOSALS—REMOVAL FROM INDIAN BUREAU JURISDICTION BY PLACING OF UNRESTRICTED FEE SIMPLE TITLE IN OWNERS—None

DISPOSALS TO TRUST OR RESTRICTED STATUS—Less than 200 acres have been sold between 1948 and 1958 because the Indian Bureau refuses to appraise the lands and approve sales

DISPOSALS TO FEE STATUS—None

ACQUISITIONS FROM TRUST OR RESTRICTED STATUS—None

ACQUISITIONS FROM FEE STATUS—None

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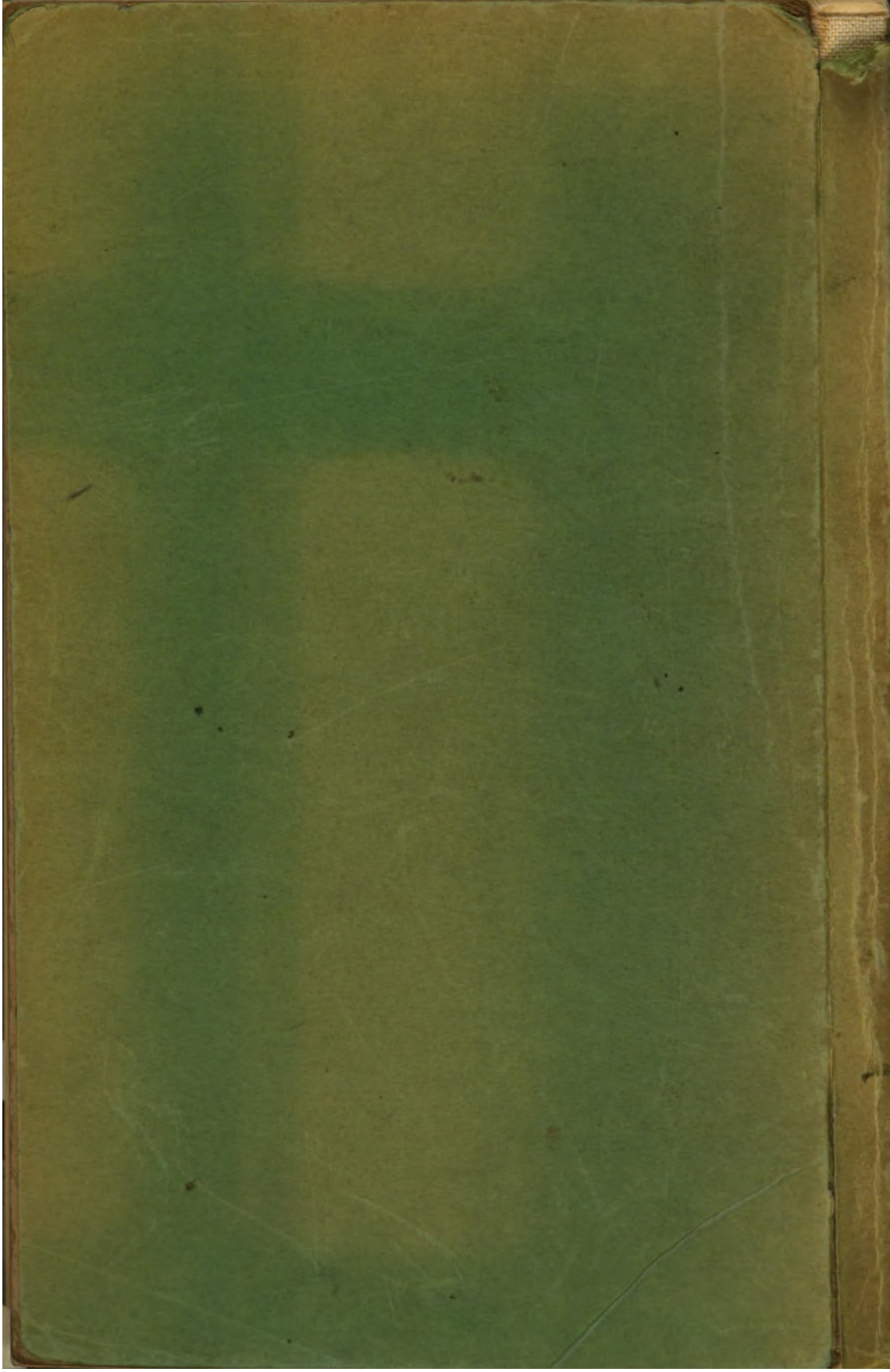

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