

BEFORE THE INDIAN CLAIMS COMMISSION

THE PONCA TRIBE OF INDIANS OF)
OKLAHOMA, AND WILLIAM OVERLAND,)
METHA COLLINS AND JOHN WILLIAMS,)
AS REPRESENTATIVES OF THE PONCA)
TRIBE AND ALL OF THE MEMBERS THEREOF,)
)
Petitioners,)
)
v.) Docket No. 323
)
THE UNITED STATES OF AMERICA,)
)
Defendant.)

ORDER

Upon the Commission's Findings of Fact and Opinion this day entered herein, which Findings of Fact and Opinion are hereby made a part of this order, the Commission finds and concludes as a matter of law, that

1. The petitioner tribe, the Ponca Tribe of Indians of Oklahoma, and the three individual petitioner members thereof, have the right and capacity under the Indian Claims Commission Act to bring and maintain this suit on behalf of the Ponca Tribe of Indians.
2. Under the treaties of March 12, 1858, 12 Stat. 997, and March 10, 1865, 14 Stat. 675, the Ponca Tribe of Indians was ultimately granted a 96,000 acre reservation in what is now the State of Nebraska. Said 96,000 acre tract forms the subject matter of the claim asserted herein.
3. As a result of the Sioux treaty of April 29, 1868, 15 Stat. 635, in which the 96,000 acre Ponca reservation in Nebraska was mistakenly included in a large tract of land set aside as a reservation for the several bands comprising the Sioux Nation of Indians, and, as a result of the eventual removal and relocation in 1878 of the Ponca Tribe on a new reservation in the Indian Territory, the United States deprived the Ponca Tribe of Indians of its Nebraska reservation without its consent, and without the payment of any compensation. The agreed date of evaluation for the subject tract, as stipulated between the parties and as approved by the Commission, is March 16, 1877.
4. By the Act of March 3, 1881, 21 Stat. 414, 422, Congress sought to indemnify and reimburse the Ponca Tribe of Indians for the loss of its former reservation in Nebraska by appropriating a sum of money deemed sufficient to compensate said tribe for its losses, and to purchase from the Cherokee Nation for the benefit of said Ponca Tribe the 101,894.31 acre tract in the Indian Territory as its permanent reservation.

5. As further indemnification to the Ponca Tribe of Indians the 1881 Act, supra, authorized the securing of lands in severalty to those members of the Ponca Tribe of Indians living on the former Ponca reservation in Nebraska. Under the Acts of April 30, 1888, 25 Stat. 94, and March 2, 1889, 25 Stat. 88, reservation title to the former Nebraska reservation was confirmed upon that branch of the overall Ponca Tribe then living thereon, said reservation land being subject to allotments in the manner prescribed in said Acts. Some 27,235.90 acres of the former Ponca reservation in Nebraska were eventually allotted to the members of the Ponca Tribe of Indians living in Nebraska.

6. The 101,894.31 acre reservation in the Indian Territory and the 27,235.57 acres of allotted land on the former Ponca reservation in Nebraska form part of the compensation specified in the Act of March 3, 1881, in which the Congress sought to indemnify the Ponca Tribe of Indians for the loss of its former reservation in Nebraska, and for other losses occasioned by the relocation of the Ponca Tribe of Indians in the Indian Territory.

7. In the event the defendant is found liable to the petitioners for the claim asserted herein, the defendant shall be allowed as a payment on the claim, the fair market value of the Ponca reservation in the Indian Territory as of July 28, 1878, the agreed date of evaluation between the parties herein. Defendant, as a payment on the claim, shall also be allowed, as a legal offset, to deduct from the total acreage of the subject tract the 27,235.90 acres of allotted lands from the former Ponca reservation in Nebraska.

IT IS THEREFORE ORDERED that this case shall now proceed for an evaluation of the subject area as of March 16, 1877, for an evaluation of the Ponca reservation in the Indian Territory as of July 28, 1878, and for a determination of all other issues bearing upon the question of the defendant's liability to the Ponca Tribe of Indians upon the claim asserted herein.

Dated at Washington, D. C., this 26th day of July, 1966.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner