LAND HISTORY OF THE PONCA TRIBE OF OKLAHOMA

The Ponca tribe is considered indigenous to Nebraska. However, there are several theories as to the original area occupied by the tribe. Because they share common social and cultural characteristics with the Omaha, Osage, Kaw and Quapaw, some scholars believe the tribe once lived in the area of northern Kentucky and southern Indiana along the Ohio River.¹ Others believe they were once part of the Omaha Tribe, and migrated from an area along the Red River near Lake Winnipeg.² Still others believe they might have migrated from the Carolinas, following waterways until they finally reached the lower South Dakota and upper Nebraska area.³

The Ponca first encountered Europeans in 1789.⁴ At that time they lived in villages along Ponca Creek near the Niobrara River near what is today Verdel, Nebraska. They were at this location when Lewis and Clark came upon them in 1804.⁵ During the summer, the tribe would leave this area for the summer buffalo hunt. They would sometimes travel as far west as the Black Hills in present day South Dakota. In the fall they would return to the Niobrara to harvest the crops they had planted in the spring.⁶

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The first treaty between the United States and the Ponca Tribe occurred in 1817. It was an agreement stating the intention of the United States and the tribe to live in “perpetual peace and friendship.” In this treaty there was no description of the land occupied by the tribe.

In 1825, the tribe and the federal government entered into a second treaty. The purpose of this treaty was to again reiterate the friendship between the parties, as well as establish rules for intercourse with the tribe. No mention of the borders of land occupied and used by the tribe was included in the treaty. However, when referring to where the treaty was signed, the text states, “Done at the Poncar Village, at the mouth of the White Paint creek, the first below the Qui Carre River, this 9th day of June, A.D. 1825…”

The third treaty, signed on March 12, 1858, and ratified by the Senate on March 8, 1859, began the process of land cession. The Ponca agreed to cede and relinquish nearly 2.3 million acres they owned or claimed to the United States,

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8 Treaty with the Poncarar Tribe. 7 Stat., 155 (1817)
9 Treaty with the Poncar Tribe. 7 Stat. 247, Article 6 (1825).
“except the tract bounded as follows, viz: Beginning at a point on the Neobrara River and running due north, so as to intersect the Ponca River twenty-five miles from its mouth; thence from said point of intersection, up and along the Ponca River, twenty miles; thence due south to the Neobrara River; and thence down and along said river to the place of beginning; which tract is hereby reserved for the future homes of said Indians; and to which they agree and bind themselves to remove within one year from the date of the ratification of this agreement by this Senate and President of the United States.”

The description of lands ceded included, “lands lying west of the range line between townships numbers (32) thirty-two and (33) thirty-three north, ranges (10) ten and (11) west of the sixth Principal meridian, according to the Kansas and Nebraska survey.” This area was estimated to contain thirty thousand acres.\(^{10}\) In consideration for relinquishing their land, the United States agreed “To protect the Poncas in the possession of the tract of land reserved for their future home, and their persons and property thereon….”\(^{11}\) This treaty gave the Ponca the option of dividing their land into individual allotments themselves, and establishing property rights according to tribal laws. “…but, whenever they may think proper, they may divide said tract among themselves, giving to each head of a family or single person a farm, with such rights of possession, transfer to any other member of the tribe, or of descent to their heirs and representatives, as may be in accordance with the laws, customs, and regulations of the tribe.”\(^{12}\)

There is no record of any allotments being formed under this treaty.

\(^{10}\) Starita, Joe. *I Am a Man*. New York: St. Martin’s Griffin, 2008. Page 32. There is no acreage total listed in the treaty or in a statute. The acreage is estimated in *I Am a Man*, during a discussion of the fourth and final treaty between the tribe and the federal government, “On March 19, 1865, a delegation of chiefs in Washington, D.C., agreed to give up the 30,000 acres of their current reservation. As a reward for their constant fidelity to the government and citizens, the Indian Office agreed to give them a new 96,000-acre reservation near the mouth of the Niobrara, their traditional homeland.”

\(^{11}\) Treaty with the Ponca. 12 Stat. 997, Article 1 (1858).

\(^{12}\) Treaty with the Ponca. 12 Stat. 997, Article 5 (1858). The full text of this Article states, “No white person, unless in the employment of the United States, or duly licensed to trade with the Poncas, or members of the family of such persons, shall be permitted to reside, or to may any settlement, upon any part of the tract herein reserved for said Indians, not shall the latter alienate, sell, or in manner dispose of any portion thereof, except to the United States; but, whenever they may think proper, they may divide said tract among themselves, giving to each head of a family or single person a farm, with such rights of possession, transfer to any other member of the tribe, or of descent to their heirs and representatives, as may be in accordance with the laws, customs, and regulations of the tribe.”
In 1865, almost exactly seven years to the day of the 1858 treaty, the United States again negotiated with the Ponca tribe. In this treaty, the tribe agreed to cede and relinquish the entire reservation described in the 1858 treaty in exchange for the return of “their old burying grounds and corn-fields….” The area was roughly 96,000 acres\(^\text{13}\), and was located in their traditional homeland. The physical description of the area to be returned was “township (31) thirty-one north, range (7) seven west; also fractional township (32) thirty-two north, ranges (6) six, (7,) seven, (8,) eight, (9,) nine, and (10) ten west; also, fractional township (33) thirty-three north, ranges (7) seven and (8) eight west; and also all that portion of township (33) thirty-three north, ranges (9) nine and (10) west, lying south of Ponca Creek; and also all the islands in the Niobrara or Running Water River, lying in front of lands or townships above ceded by the United States to the Ponca tribe of Indians.” However, the tribe was responsible for reimbursing any settlers already on this land for any improvements the settlers had made.\(^\text{14}\)

On April 29, 1868, The United States government signed the Fort Laramie Treaty with the Lakota Sioux. The treaty set aside the western half of South Dakota for the Lakota. This area included the entire Ponca Reservation.\(^\text{15}\) The Sioux had been bitter enemies of the Ponca.\(^\text{16}\) As a result of the Fort Laramie Treaty, they had an excuse to continually attack the Ponca.

\(^\text{13}\) Starita, Joe. *I Am a Man*. New York: St. Martin’s Griffin, 2008. Page 32. “On March 19, 1865, a delegation of chiefs in Washington, D.C., agreed to give up the 30,000 acres of their current reservation. As a reward for their constant fidelity to the government and citizens, the Indian Office agreed to give them a new 96,000-acre reservation near the mouth of the Niobrara, their traditional homeland.”

\(^\text{14}\) Treaty with the Ponca. 14 Stat. 675, Articles 1 and 2 (1865).

\(^\text{15}\) Fort Laramie Treaty. April 29, 1868. 15 Stat. 635, Article 2 (1868).

\(^\text{16}\) Starita, Joe. *I Am a Man*. New York: St. Martin’s Griffin, 2008. Page 34, 35. “Now the lands had been given away to their larger, more powerful, more dangerous enemy, an enemy that had terrorized them for years for signing treaties with the whites. The Lakota had not asked for the Ponca land, didn’t need or want it. But what the government later characterized as “a blunder” now gave the Lakota legal incentive to go after the smaller, weaker, peaceful tribe. So for eight years, Lakota war parties, mostly Brulé, terrorized the besieged Ponca in their villages, destroying their crops, stealing their horses, slaughtering their livestock, killing and scalping the people whenever they could.”
By 1873, the Ponca were prepared to move further south and east in order to avoid continued conflicts with the Sioux. On November 6, 1873 they signed an agreement with the Omaha tribe to purchase a portion of their land and relocate. While the Indian Commissioner endorsed the plan, the Senators from Nebraska were against the move. As a result, the tribe was not allowed to relocate to the Omaha Reservation.17

In 1875, A. J. Carrier, the Ponca Indian agent, held two meetings with the Ponca chiefs. At the conclusion of the meetings, he believed he had consent to move the tribe to Indian Territory. A paper had been signed by nearly every tribal representative, addressed to the President of the United States, stating their willingness to relocate to Indian Territory. However, the chiefs believed they only gave consent to move the tribe to the Omaha Reservation.18

In July 1876, not long after the Sioux victory at Little Big Horn, several Sioux chiefs arrived at the Ponca Reservation. They expressed a desire to put an end to hostilities between the tribes, and offered to relinquish the Ponca land they had been granted in the Fort Laramie Treaty. Representatives of both tribes signed a formal peace treaty that transferred the Ponca reservation back to the Ponca Tribe. Federal government officials were unaware of this agreement between the tribes.19 At roughly the same time, President Grant signed a bill authorizing $25,000 to move

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18 Starita, Joe. *I Am a Man.* New York: St. Martin’s Griffin, 2008. Page 37, 40. “…A. J. Carrier believed he had the consent of the chiefs to move their people south to the distant lands, ones far removed from the Lakota. When Standing Bear left the same council, he believed the agent had their consent to move his people only a short distance east, to join the Omaha on their lands.” “…they said they only agreed to move a short distance to their friends and relatives, the Omaha. They made it clear they did not want to hear about leaving for a new, faraway place….”
the Ponca to Indian Territory. The following year, an additional $15,000 was earmarked for the same purpose.

On May 16, 1877, the main body of the Ponca Tribe departed from their home and started their journey to the Indian Territory. They arrived at the Quapaw Reservation on July 9, 1877, with a majority of the remainder at the location by August of that year. There were concerns among the tribal members that they had no secured rights to occupy the land. They had not been compensated for the homes they left. Many had already decided to return to Dakota. As a result,

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20 August 15, 1876. 19 Stat. 176. An Act making Appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty-stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

21 March 3, 1877. 19 Stat. 271. An Act making Appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty-stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes.

their agent, E. A. Howard, reported their complaints to the Commissioner of Indian Affairs.\(^{23}\) On November 10, 1877, President Rutherford B. Hayes responded and encouraged the tribe to find a satisfactory spot of land in Indian Territory still owned by the government.\(^{24}\) After an extensive search, a group of tribal leaders chose an area located between the Arkansas and Chickaskie (Shakaskia) Rivers, totaling 101,894 acres.\(^{25}\) The property belonged to the Cherokees, but under a previous treaty, the United States had the right to “settle friendly Indians in any part of the Cherokee country west of 96° to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty as the United States may decide.”\(^{26}\)

After requests from the tribe,\(^{27}\) and after receiving reports from a commission appointed by President Hayes,\(^{28}\) and as a result of an investigation by the Senate’s Select Committee regarding

\(^{23}\) 17 Ind. Cl. Comm. 162. July 26, 1966. Findings of Fact #20. “…today they called on me in full council to make complaints and stated to me as follows: They are very homesick, many of their people and cattle have died here; that they had never made any agreement with the government that they were to remain here; that they had no secured rights to occupy this land; that no provisions had been made to reimburse them for their houses and improvements left in Dakota; that they were losing confidence in the government by reason of this delay; and that they had deliberately made up their minds to return to Dakota, be the consequences what they might.”
\(^{24}\) 17 Ind. Cl. Comm. 162. July 26, 1966. Findings of Fact #21. President Hayes responded to grievances, stating, “There is much good land in the Indian Territory, further away from the white settlements, where you will not be exposed to such annoyances. For the land which you left on the Missouri river, you shall have a tract as large, and as fertile, with plenty of timber and many water-courses. I will permit you to send out some of your chiefs to make a selection for your people among the lands which still belong to the government in the Indian Territory.”
\(^{25}\) 17 Ind. Cl. Comm. 162. July 26, 1966. Findings of Fact 24. “On the 3rd of February, 1879, a bill was presented by the Department of the Interior to Congress providing among other things: That the Secretary of the Interior be, and he is hereby authorized and directed to permanently locate the said Ponca Indians on the tract of land now occupied by them, embracing in the aggregate 101,894 acres.…”
\(^{26}\) Treaty with the Cherokees. July 19, 1866. 14 Stat. 799, Section 16. (1866)
\(^{27}\) 17 Ind. Cl. Comm. 162. July 26, 1966. Findings of Fact #27. “The petition of the Oklahoma Poncas for permission to visit Washington and to settle all their business with the government was granted. We find the delegates of the Ponca tribe held conferences with the secretary of the Interior, and as a result made the following statement to him on December 22, 1880: We, the undersigned, Chiefs of the Ponca tribe of Indians present in Washington D.C., hereby declare that we desire to remain on the lands now occupied by the Poncas, in Indian Territory, the same being a tract of 101,894 acres, and to establish our permanent homes thereon. We desire, further, to relinquish all our right and interest in all the lands formerly owned and occupied by the Ponca tribe in the
the removal of the Ponca tribe, the Congress finally took action. The Act of March 3, 1881, (21 Stat. 414, 422) provided: “For the purpose of enabling the Secretary of the Interior to indemnify the Ponca tribe of Indians for losses sustained by them in consequence of their removal to the Indian Territory, to secure to them lands in severalty on either the old or new reservation, in accordance with their wishes, and to settle all matters of difference with these Indians, one hundred and sixty-five thousand dollars to be immediately available and to be expended under the direction of the Secretary of the Interior, as follows: For the purchase of one hundred and one thousand eight hundred and ninety-four acres of land in the Indian Territory where most of these Indians are now located, fifty thousand dollars.”

The Congressional Act of April 21, 1904, Section 8, set the details of the allotment of Ponca lands.  

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31 Congressional Act of April 21, 1904, 33 Stat. 189, 217, 218. “That the Secretary of the Interior be, and he is hereby authorized and directed to cause to be allotted, under the provisions of the Act of Congress approved February eighth, eighteen hundred and eighty-seven, entitled “An Act to provide for the allotment of lands in
“...to each and every child born of a recognized member of the Ponca Tribe and to each and every child born as a recognized member of the Otoe and Missouria tribe of Indians since the completion of allotments to said tribes, respectively, and prior to the thirtieth day of June, nineteen hundred and four, and alive and in being on that date, eighty acres of agricultural or one hundred and sixty acres of grazing land within the reservation of the tribe to which said child belongs. That after said allotments shall have been made the remaining unallotted lands in each of said reservations shall be allotted under said Acts in such manner as to give all the members of the tribe living on the thirtieth day of June, nineteen hundred and four, as near as may be, an equal quantity of land in acres: Provided, that before making said allotments the Secretary of the Interior may reserve for Governmental purposes, or for the common use of the tribe, not exceeding six hundred and forty acres in each of said reservations: Provided further, That the reservations be, and the same are hereby, abolished; and the territory comprising said reservations shall be attached to and become part of the counties of Kay, Pawnee, and Noble, in Oklahoma Territory....”

The Act does not specify the length of time allotments were to be held in trust. However, some sections of the Act included approval for some individual allottees of different tribes to sell their land.
With the exception of 943 acres which remained tribal lands, the entire 101,894 acre reservation was allotted.\(^{33}\) However, by 1934, 64,842 acres had been alienated.\(^{34}\) As a result of allotment, fractionalization is a major issue facing the Ponca tribe. The Cobell Settlement\(^ {35}\) provides for a $1.9 billion Trust Land Consolidation Fund. The Settlement makes the U. S. Department of the Interior responsible for acquiring at fair market value fractional interests in trust or restricted land. All acquired interests will remain in trust or restricted status through transfer to tribes.

The federal government has identified the Ponca tribe of Oklahoma as one of the priority tribes in terms of acquiring and consolidating fractionalized interests. As of 2012, there were


\(^{33}\) 17 Ind. Cl. Comm. 162. July 26, 1966. Findings of Fact #38. “All of the land in the Ponca Reservation in Indian Territory except 943 acres which remained tribal lands were allotted pursuant to the foregoing acts to the individual members of the Ponca tribe.”

498 tracts of Ponca land held in trust. Of those, 403 tracts are fractionated. The number of individual interests in the fractionated tracts total 25,149.\textsuperscript{36}

Currently, there are 1,748.55 Ponca tribal acres, and 13,120.37 Ponca allotted acres held in trust by the federal government.\textsuperscript{37} All land is located within Kay and Noble Counties in Oklahoma. Recently, 100.4 acres on new land was accepted into trust.\textsuperscript{38} The tract is located in SE/4 8 - 22N - 1W, in Noble County. It is not included on the trust map below. The Ponca business committee anticipates additional land-into-trust requests in the near future.\textsuperscript{39}


\textsuperscript{38} Personal e-mail received October 24, 2014 from Jeremy Lovekamp, Branch of Land Operations, Department of the Interior. Bureau of Indian Affairs. Pawnee Agency. “Mr. Schultz, I have attached a map which will answer your questions we received via fax. The only tribal trust property not shown on the map is 100.4 acres located in SE/4 8 - 22N - 1W, Noble County. It is a newly acquired trust property.”

\textsuperscript{39} Personal conversation with Oliver Littlecook. October 11, 2014. Mr. Littlecook is the former Ponca tribe Business Committee Chairman.
The only tribal trust property not shown on the map is 100.4 acres located in SE/4 8 - 22N - 1W, Noble County. It is a newly acquired trust property.
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   Proclaimed by the President of the United States, April 11, 1859.

Treaty with the Ponca. 14 Stat. 675 (1865).
   Concluded March 10, 1865; Ratification advised March 2, 1867; Proclaimed March 28, 1867.

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   year ending June thirtieth, eighteen hundred and seventy-seven, and for other

An Act making Appropriations for the current and contingent expenses of the Indian
   Department, and for fulfilling treaty-stipulations with various Indian tribes, for the
   year ending June thirtieth, eighteen hundred and seventy-eight, and for other

An Act to provide for the allotment of lands in severalty to Indians on the various reservations,
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