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### **Delaware Indians. Letter from the Secretary of the Interior, transmitting reports in reference to the carrying out of treaty stipulations with the Delaware Indians**

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H.R. Exec. Doc. No. 50, 33d Cong., 2nd Sess. (1855)

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DELAWARE INDIANS.

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LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

*Reports in reference to the carrying out of treaty stipulations with the Delaware Indians.*

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FEBRUARY 3, 1855.—Laid on the table, and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
*Washington, February 1, 1855.*

SIR: In answer to the resolution of the House of Representatives of the 23d ultimo—requiring me to communicate to the House “what steps have been taken to carry out the stipulations of the treaty with the Delaware Indians of May 6, 1854, as far as relates to the lands ceded in trust to the United States; also, all the evidence in” this “department touching the unlawful occupation of portions of that cession or any other Indian lands in Kansas Territory, or any trespasses on the same, and what participation any army officers at Fort Leavenworth have had in making claims and settlements on the Delaware cession or any other Indian lands; also, whether any officers of the civil, military, or Indian service, in that Territory, have been charged with speculating in Indian lands, and, if so, the evidence; also, whether any complaints have been made that the military does not respond there to the proper demands of the Interior Department, and, if so, the evidence; also, whether any charges of official delinquency have been made against the Commissioner of Indian Affairs—if so, what; and all the information in the Interior Department connected with these inquiries”—I have the honor to transmit herewith reports from the Commissioner of Indian Affairs and the Commissioner of the General Land Office, with accompanying papers, which, together with an extract from my last annual report, and a copy of a memorial recently addressed to the President, and referred to this department, also herewith, are believed to contain all the in-

formation in possession of this department, coming within the scope of the said resolution.

I am, sir, very respectfully, your obedient servant,  
R. McCLELLAND, *Secretary.*

Hon. LINN BOYD,  
*Speaker of the House of Representatives.*

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DEPARTMENT OF THE INTERIOR,  
*Office of Indian Affairs, January 29, 1855.*

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives, adopted on the 23d instant, in the words following, viz:

“*Resolved*, That the Secretary of the Interior be requested to communicate to this House, at his earliest convenience, what steps have been taken to carry out the stipulations of the treaty with the Delaware Indians of May 6, 1854, as far as relates to the lands ceded in trust to the United States; also, all the evidence in his department touching the unlawful occupation of portions of that cession or any other Indian lands in Kansas Territory, or any trespasses on the same, and what participation any army officers at Fort Leavenworth have had in making claims and settlements on the Delaware cession or any other Indian lands; also, whether any officers of the civil, military, or Indian service, in that Territory, have been charged with speculating in Indian lands, and, if so, the evidence; also, whether any complaints have been made that the military does not respond there to the proper demands of the Interior Department, and, if so, the evidence; also, whether any charges of official delinquency have been made against the Commissioner of Indian Affairs—if so, what; and all the information in the Interior Department connected with these inquiries.”

In response to the first item of inquiry—“what steps have been taken to carry out the stipulations of the treaty with the Delaware Indians of May 6, 1854, as far as relates to the lands ceded in trust to the United States”—I have the honor to report, that with a view to prepare the way for the surveys, stipulated by the second article of the Delaware treaty of 1854 to be made by the United States, as well as for the general inserests of that tribe of Indians, directions were given by this office on the 24th of August last, through the superintendent of Indian affairs at St. Louis, to the agent for the Delawares, to procure the services of a competent surveyor, and have the exterior lines of the tribal reservation, provided for in the first article of the treaty, accurately surveyed and distinctly and permanently marked—copies of the plat and field-notes to be furnished to this office.

The report of the proceedings of the agent under these instructions has not yet been received.

The survey of the Delaware lands ceded in trust, preliminary to the sale thereof, will be made under the direction of the General Land

Office, and the information in relation to the progress of the same will more properly come from it.

The branches of the call made by the resolution above quoted are so intimately connected with each other, that it has been found impossible to arrange the copies of papers herewith submitted in response to the resolution, so as to present them in reply separately to the various branches of inquiry.

I therefore submit herewith copies of various communications, or extracts therefrom, written from and received in this office. They are believed to contain all the information called for by the resolution in question, in its possession, and which it appears to be contemplated, by your reference, should be furnished.

Very respectfully, your obedient servant,  
 GEORGE W. MANYPENNY,  
*Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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B.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, July 17, 1854.*

SIR: The articles of agreement and convention made with the Delaware Indians, on the 6th of May last, having been confirmed and ratified, by which they ceded and relinquished to the United States all their country except that which, as therein stated, had been previously sold to the Wyandotts, and except that therein reserved as a home for themselves, which is "that part of said country lying east and south of a line beginning at a point on the line between the land of the Delawares and the Half-Breed Kansas, forty miles in a direct line west of the boundary line between the Delawares and Wyandotts, thence north ten miles, thence in an easterly course to a point on the south bank of Big Island creek, which shall also be on the bank of the Missouri river where the usual high-water line of said creek intersects the high-water line of said river,"—you are instructed to require agent Robinson to take all necessary measures for the concentration of the Delawares upon and within the limits of the above-specified reservation, and to give the most effective notice in his power that may prevent emigrants from settling within said limits; and also to give notice of the condition of the cession requiring the lands ceded to be sold at public auction.

The several sums due and payable this year under the provisions of this treaty, have been estimated for, and as soon as the same shall be appropriated by Congress they will be remitted.

Very respectfully, your obedient servant,  
 GEORGE W. MANYPENNY,  
*Commissioner.*

A. CUMMING, Esq.,  
*Superintendent, St. Louis, Mo.*

C.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, July 20, 1854.*

SIR: I have the honor herewith to enclose for your consideration, and for any instructions you shall deem necessary, a letter from agent Robinson, of the 13th instant, in relation to the great influx of squatters on the lands acquired from the Delawares and Shawnees, as well as on the reserves intended for these Indians.

Very respectfully, your most obedient servant,  
 A. CUMMING,  
*Superintendent Indian Affairs.*

HON. GEO. W. MANYPENNY,  
*Commissioner Indian Affairs.*

C 1.

KANSAS AGENCY, *July 13, 1854.*

SIR: The Indian country is being filled up with squatters. I am at a loss to know how to proceed. The settlement on the unreserved Shawnee lands, in the case of the ratification of the late treaty, I presume, is of no consequence; but that upon the Delaware ceded territory, in my opinion, should be at once prohibited. I would be pleased to hear from Colonel Manypenny, Commissioner of Indian Affairs, on the subject.

The commandant at Fort Leavenworth is of the opinion the military cannot act without orders from the President.

Very respectfully,  
 B. F. ROBINSON,  
*Indian Agent.*

Colonel CUMMING,  
*Superintendent of Indian Affairs.*

D.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, July 29, 1854.*

SIR: I have the honor herewith to transmit, at the request of agent Vanderslice, a letter to your address, enclosing a memorial of sundry citizens of Missouri to the honorable Secretary of the Interior, in relation to the lands lately ceded by the Iowa Indians.

I will here take the occasion to state, that a copy of your letter of the 17th instant, together with the necessary instructions, were forwarded by me to the agent on the 25th instant.

Very respectfully, I am your most obedient servant,  
 A. CUMMING,  
*Superintendent Indian Affairs.*

HON. GEO. W. MANYPENNY,  
*Commissioner Indian Affairs.*

## D 1.

GREAT NEMAHA AGENCY, *July 19, 1854.*

SIR: I herewith transmit, through your office, to the Hon. Secretary of the Interior, a memorial of a number of citizens of Missouri, and others, living adjacent to the lands ceded by the Iowa Indians to the government in the late treaty. The memorialists had a meeting at Iowa Point a few days ago, and passed resolutions similar to those usually adopted by squatters on public lands. Mr. Irvin and myself got to the place of meeting just after it had passed the resolutions, which, at my request, were promptly read by the secretary of the meeting. The resolutions contemplated location and settlement of the Iowa lands. I seized the occasion to show them that they would violate the treaty and laws by so doing; that government held these lands in trust for the Indians, but at the same time was bound to sell them for their benefit. The result of these and other observations was the appointment of a committee to memorialize the Secretary of the Interior, which changed the whole face of affairs, &c. I have no doubt that a speedy survey and sale of this land will be productive of much good, and save much trouble. Thousands are awaiting on the Missouri side of the river for the action of the government; and it will be difficult, if possible, to restrain them much longer. It is my opinion that the request of the memorialists is reasonable, and an assurance from government to this effect may be of service in aiding the government officers in preventing intrusions and trespasses on the Iowa and other lands ceded in like manner.

Very respectfully, your obedient servant,

D. VANDERSLICE.

Col. G. W. MANYPENNY,

*Commissioner Indian Affairs, Washington City.*

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D 2.

*To the Honorable the Secretary of the Interior:*

We the undersigned, your memorialists, would respectfully represent to your honor, that there are many persons who are desirous of becoming citizens of that portion of Kansas Territory known as that portion treated for of the Iowa Indians, lying between the Great Nemaha and Wolf rivers; and the stipulation of the treaty made with said Iowa Indians reserves said land from settlement until it shall be surveyed and offered for sale. We would, therefore, represent that we have no desire nor intention, neither will we violate any law or treaty made with any of the Indians residing in the late organized Territory on our western frontier, but feel that it will further not only our individual interests, but also it will be greatly to the interest of the country at large, to have said land brought into market as soon as practicable. We would further represent, that said land is situated immediately on our western border, and adjoining to our settlement; and

should the other lands in said Territory be opened for settlement and the Iowa lands remain unoccupied, unavoidable difficulties will arise between the whites and Indians. We would, therefore, request your honor, believing you can have some influence in hastening on the early survey and sale of said Iowa country, to use your best exertions to that end; and, as in duty bound, we will ever pray, &c.

Josephus Utt,  
 Isham Edwards,  
 Richard Brown,  
 J. B. Edwards,  
 Milton Utt,  
 W. D. Beeler,  
 Joel M. Wood,  
 George Brown,  
 G. B. Thorp,  
 P. M. Chisnly,  
 Benj. Daland,  
 W. Banks,  
 Dr. Lahmer,  
 Jas. S. Riggs,  
 Jesse Lewis,  
 Alfred Young,  
 Doctor Shepherd,  
 Wm. H. Hawkins  
 Wm. C. Finaly,  
 Joseph Edwards,  
 Wm. L. Offitt,  
 Wm. Cook,  
 A. J. Guthrie,  
 Harrison Russell,  
 John Johnson,  
 Thomas Edwards,  
 Bolivar Buler,  
 John Curtis,  
 Thomas Curtis,

James M. Iddings,  
 T. H. Edwards,  
 Richard Leach,  
 M. S. Modie,  
 James J. Ruley,  
 H. Pinkston,  
 George W. Kelly,  
 H. W. Peter,  
 George E. Glass,  
 Henry Uhl,  
 John Dulman,  
 John Frazer,  
 John Fitzjaroil,  
 Alfred Benedict,  
 E. C. Hobbs,  
 R. H. Henseley,  
 Alexander C. Beven,  
 E. Van Buskint,  
 David Muellins,  
 John Johnson,  
 Charles Blackleg,  
 A. B. Mullins,  
 J. T. Whyte,  
 William Hoblitzell,  
 Thos. J. Campbell,  
 Albert Alexander,  
 E. P. Richardson,  
 B. B. Myer,  
 John T. Edwards.

IOWA POINT, *Kansas Territory*, July 13, 1854.

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D 3.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs*, August 9, 1854.

SIR: I have to acknowledge the receipt of the communication of agent Vanderslice, of July 19, with the memorial of James S. Riggs and others, dated at Iowa Point, July 13, 1854, transmitted with your letter of July 29, 1854.

In reply, I have to state that I am impressed with the importance and necessity of surveying and selling the Iowa land, and all other land in like situation, as soon as it can be done.



Immediately on the ratification of the treaty with the Iowas, I estimated for the necessary sum to make the surveys, and Congress granted it in the Indian bill passed but a few days before the close of the session.

No neglect shall occur on the part of this office, but its efforts will be directed to a speedy survey and sale.

You will advise agent Vanderslice in the premises, and request him to express my thanks to the memorialists for their prudent and frank memorial.

Very respectfully, your obedient servant,  
 GEO. W. MANYPENNY,  
*Commissioner.*

A. CUMMING, Esq.,  
*Superintendent of Indian Affairs, St. Louis, Mo.*

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E.

PARKVILLE, *August 2, 1854.*

SIR: In pursuance of certain resolutions passed by a meeting of the squatters on the Delaware lands, we, the undersigned, were appointed a committee to address you on the subject of the Delaware treaty.

We have learned from the Indians, by conversation and otherwise, that since the delegation returned from Washington the nation is not well satisfied with the "agreement" made by their chiefs, and that they preferred a sale of their lands to the United States at a stipulated price per acre, as most of the other tribes have done. In view of these facts, we were directed to address you for the purpose of ascertaining whether or not such a change could be effected.

We are aware (by your letter to the Pilot) that the Delaware treaty has been ratified; but we are led to believe that a sub-treaty may be made, as we are well assured that the Indians would be benefited, as well as the citizens of Missouri and the settlers on the Delaware lands. If such arrangements could be made—settlements with the certainty of procuring the lands at a stipulated price, or the right of pre-emption granted—all the country that is valuable would be immediately taken by Missourians and Kentuckians, who would become residents and owners of the soil, to the certain protection of the best interests of Missouri. As it at present remains they are uncertain about making occupancy; not knowing the terms and provisions of the treaty, they fear to be ultimately subjected to the bidding for their homes against northern speculators or moneyed monopolists.

We were also directed to request you to use your *influence*, as far as right and proper, to bring about as speedily as possible such a modification of the treaty as spoken of, convinced, as we are, that all interests concerned would be much benefited.

The committee also request you to write to them as soon as convenient, that they may more clearly understand how to act in the prem-



ises, they not having, up to this time, any certain information of the terms of the treaty.

Very respectfully,

B. M. CRUST.  
A. PAYNE.  
FIELDING BURNES.

Hon. G. W. MANYPENNY,  
*Commissioner.*

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E 1.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, August 15, 1854.*

GENTLEMEN: I have received your letter of the 2d instant, and given due consideration to the remarks and suggestions submitted therein respecting the treaty recently made with the Delaware tribe of Indians.

You state that the Indians are not well satisfied with the treaty, because they prefer a sale of their lands to the United States at a stipulated price per acre. It is not my intention to express any doubt as to the truthfulness of your assertion, but simply to observe that this office has received no information whatever, either through its agents or other credible source, giving the slightest intimation of dissatisfaction on the part of the Indians with the terms of the treaty. The delegation sent by the tribe to this city to negotiate with the government concerning a cession of their land, had the matter long under consideration and discussion. Of the several propositions submitted to them, they adopted and pertinaciously adhered to that which provided for the selling the land at public sale, as incorporated in the treaty. It was their own choice, and, it is presumed, that of their people whom they represented; I cannot think, therefore, that there is any general dissatisfaction on this point among the Indians. You also suggest, whether the treaty could not be modified to satisfy the Indians and benefit settlers. I have only to remark, that if the department felt disposed, which it does not, and could effect a change or an arrangement such as would meet your views and representations, it is hardly probable that the Senate would assent to any modification of the treaty, for the reason, principally, that the government could not consistently give the price which the Indians would be sure to demand.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,  
*Commissioner.*

Messrs. B. M. CRUST,  
A. PAYNE,  
FIELDING BURNES,  
*Parkville, Mo.*

## F.

## DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, August 8, 1854.*

SIR: By the 2d article of the treaty made with the Delaware Indians, on the 6th of May, 1854, it is provided that—

“The United States hereby agree to have the ceded country (excepting the said ‘outlet’) surveyed, as soon as it can be conveniently done, in the same manner that the public lands are surveyed, such survey to be commenced and prosecuted as the President of the United States may deem best. And the President will, so soon as the whole or any portion of said lands are surveyed, proceed to offer such surveyed lands for sale, at public auction, in such quantities as he may deem proper, being governed in all respects, in conducting such sales, by the laws of the United States respecting the sales of the public lands; and such of the lands as may not be sold at the public sales, shall thereafter be subject to private entry, in the same manner that private entries are made of United States lands; and any, or all, of such lands as remain unsold, after being three years subject to private entry, at the minimum government price, may by act of Congress be graduated and reduced in price, until all said lands are sold; regard being had, in said graduation and reduction, to the interests of the Delawares, and also to the speedy settlement of the country.”

And by the 16th article of the same treaty, “It is agreed by the parties hereto, that the provisions of the act of Congress approved third of March, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as applicable, be extended to the lands herein ceded.”

This treaty was ratified by the Senate on the 11th, and proclaimed by the President on the 17th of July, 1854.

By the 2d article of the treaty with the Ioway Indians, made on the 17th of May, 1854, it is provided that—

“In consideration of the cession made in the preceding article, the United States agree to pay, in the manner hereafter prescribed, to the Ioway Indians, all the moneys received from the sales of the lands which are stipulated in the 3d article hereof to be surveyed and sold, after deducting therefrom the costs of surveying, managing, and selling the same.”

And by the 3d article: “The United States agree to have surveys made of the country ceded by the Ioways in article 1st in the same manner that the public lands are surveyed, and as soon as it can conveniently be done; and the President, after the surveys shall have been made and approved, shall proceed to offer said surveyed land for sale, at public auction, being governed therein by the laws of the United States respecting sales of public lands; and such of said lands as may not be sold at public sales shall be subject to private entry in the manner that private entries are made of United States land; and all the land remaining unsold after being three years subject to private entry at the minimum government price, may by act of Congress be graduated and reduced in price until the whole is disposed of, proper regard being had, in making such reduction, to the interests of the Ioways and the speedy settlement of the country. Until

after the said land shall have been surveyed, and the surveys approved, no white persons or citizens shall be permitted to make thereon any location or settlement; and the provisions of the act of Congress approved on the third day of March, one thousand eight hundred and seven, relating to lands ceded to the United States, shall, so far as they are applicable, be extended over the lands herein ceded."

This treaty was ratified by the Senate on the 11th, and proclaimed by the President on the 17th day of July, 1854.

By the 3d article of the treaty made with the Weas and other Indians on the 30th day of May, 1854, it is provided that "the United States shall, as soon as it can conveniently be done, cause the lands hereby ceded to be surveyed as the public lands are surveyed; and that the individuals and heads of families shall, within ninety days after the approval of the surveys, select the quantity of land therefrom to which they may be respectively entitled, as specified in the second article hereof."

And the 4th article of said treaty reads thus:

"After the aforesaid selections shall have been made, the President shall immediately cause the residue of the ceded lands to be offered for sale at public auction, being governed, in all respects, in conducting such sale, by the laws of the United States for the sale of public lands, and such of said lands as may not be sold at public sale shall be subject to private entry, at the minimum price of United States lands, for the term of three years; and should any thereafter remain unsold, Congress may, by law, reduce the price from time to time, until the whole of said lands are disposed of, proper regard being had, in making the reduction, to the interests of the Indians and to the settlement of the country. And in consideration of the cessions hereinbefore made, the United States agree to pay to the said Indians, as hereinafter provided, all the moneys arising from the sales of said lands, after deducting therefrom the actual cost of surveying, managing, and selling the same."

This treaty was ratified on the 2d day of August, 1854.

Congress, on the 22d July, 1854, passed an act to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska; to grant donations to actual settlers therein, and for other purposes; the twelfth section of which provides "that all the lands to which the Indian title has been, or shall be, extinguished within said territory of Nebraska and Kansas, shall be subject to the operations of the pre-emption act of 4th September, 1841, and under the conditions, restrictions, and stipulations therein mentioned: *Provided, however,* That where unsurveyed lands are claimed by pre-emption, notice of the specific tract claimed shall be filed within three months after the survey has been made in the field; and, on failure to file such notice, or pay for the tracts claimed, before the day fixed for the public sale of the lands by the proclamation of the President of the United States, the parties claiming such land shall forfeit all right thereto: *Provided,* said notices may be filed with the surveyor general, and acted on by him, until other arrangements shall have been made by law for that purpose."

I have made these extracts from the treaties and law before named, for the purpose of calling your attention to the subject, and obtaining

the opinion of the Attorney General on a question that is likely to arise in relation to these Indian cessions.

Can settlers, under the authority of the act of July 22, 1854, make locations and obtain pre-emption of the lands ceded by the Ioways, Delawares, Weas, &c.?

Or, is the treaty the paramount law, and must it prevail?

If these questions be answered adverse to the right to pre-emption settlements on these cessions, there is still a view of the case which has been presented to me, and which, if once established in the mind of the settler, would effectually amount to a denial of a faithful fulfilment of the stipulations of these treaty provisions. It is this: That although the government is bound to the Indians, by the treaties, to sell the lands at public sale, &c., and pay the proceeds of the sales to them, less the cost of surveying, managing, and selling, yet the pre-emption law, as between the settler and the government, may be considered in the light of a contract, and that the government will be bound to give the lands alluded to to the settlers who comply with the law of July 22, 1854, at the sum of one dollar and fifty cents per acre.

Is this so?

In view of the importance of having these questions settled at once, I have the honor to ask that the subject may have the earliest attention consistent with your convenience, so that all parties may have the opinion of the highest law-officer of the government on a question of deep importance to the Indians as well as to the settlers.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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F 1.

DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, August 8, 1854.*

SIR: In my communication of this date, in relation to the provisions of the treaties with the Delaware, Ioway, and Wea, &c., Indians, and the pre-emption law of Kansas and Nebraska, I inadvertently omitted to embrace the third article of the Delaware treaty, which, in my opinion, has an important bearing on the questions submitted. It is in these words:

“Article 3. The United States agree to pay to the Delaware tribe of Indians the sum of ten thousand dollars; and, in consideration thereof, the Delaware tribe of Indians hereby cede, release, and quit-claim to the United States, the said tract of country hereinbefore described as the ‘outlet.’ And as a further and full compensation for the cession made by the first article, the United States agree to pay to said tribe all the moneys received from the sales of the lands provided to be surveyed in the preceding article, after deducting therefrom the cost of surveying, managing, and selling the same.”

I have to request that you will please consider it in connexion with the questions submitted.

Very respectfully, your obedient servant,  
GEO. W. MANYPENNY,  
*Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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G.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, August 8, 1854.*

SIR: I have the honor to transmit herewith a copy of a communication from Hon. Thos. Johnson, of Kansas Territory, dated the 7th instant, together with the correspondence between the military officers at Fort Leavenworth and other persons, in relation to the extent of the military reserve there and the boundary of the Delaware Indian lands.

The letter of Captain Hunt and the communication of Quartermaster Ogden are of such a character as to impress the community with the conviction that the recent cession of land by the Delawares is unconditional, and therefore subject to pre-emption.

The original field-notes of the survey of the Delaware lands are in this office, and have not at any time been in doubt or obscurity; yet I am ignorant of the fact stated by Major Ogden, that any research was ever made for them by any "Virginia gentleman," or any other person; and there is, in my opinion, a necessity for explanation on the part of Major Ogden.

I regret exceedingly that the officers at Fort Leavenworth should so act as in any way to throw their influence into a current already strong in favor of occupying lands in violation of the stipulations of the treaty with the Delaware Indians.

These proceedings only go to show the absolute necessity of a prompt departmental construction of the Delaware treaty, to the end that all persons may be advised of the views of the government; and, therefore, I shall await with solicitude the opinions of the Attorney General on the questions submitted in my communication of this date.

With great respect, your obedient servant,  
GEO. W. MANYPENNY,  
*Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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G 1.

WASHINGTON CITY, *August 7, 1854.*

SIR: I received a letter a few days ago from Mr. Jas. Findlay, trader among the Delaware Indians, informing me that the Delawares

were very much disturbed about the white people settling on their lands which they recently contracted with the government to have sold for their benefit. They are afraid, if the white people should be permitted to make improvements on those lands, that they will want pre-emption claims; and if not granted, they may enter into combinations and cause the provisions of the treaty to be defeated. And from a correspondence between the commanding officer at Fort Leavenworth and other individuals, (which you can find in the Missouri Republican of the 31st July,) you will perceive that their fears are not without foundation. And I will further add, that I find a great difference of opinion whether the late law extending pre-emption rights to lands in Kansas and Nebraska would apply to the Delaware lands or not. From these considerations I have taken the liberty to call your attention to this subject, hoping you will take immediate steps to procure a decision settling the whole question, so that everybody can understand it and prevent future difficulties. I have always told the Delawares that government would do them justice, and I trust it will be done.

I have the honor to be yours, with great respect,  
THOS. JOHNSON.

Hon. G. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

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G 2.

*Copies of letters and correspondence between the commanding officer at Fort Leavenworth and other individuals, taken from the Missouri Republican of the 31st July, 1854, as above referred to.*

#### DELAWARE LANDS OPEN FOR SETTLEMENT.

MR. EDITOR: We have the pleasure of laying before the people the gratifying intelligence that the officer in command at Fort Leavenworth does not feel it to be his duty to prevent settlements upon the Delaware lands; and we feel authorized to urge the immediate occupation of all those lands, except the small strip on Kansas river intended for the permanent occupation of those Indians. To Missourians especially we would say, do not leave the best portion of the Territory to be taken by the thieves and paupers to be exported from the sinks of abolitionism by Blair and Thayer.

We annex a correspondence with Captain Hunt, containing the orders of General Clark, and take pleasure in saying that he will give to all information on which every one may rely.

J. H. McHOLLAND,  
R. C. MILLER,  
B. F. STRINGFELLOW,  
D. GILLESPIE,  
*Committee of Weston Meeting.*



## G 3.

WESTON, July 17, 1854.

In pursuance of a resolution adopted by a large meeting of the citizens of this county and of Kansas Territory, held at this city on Saturday, the 1st instant, it becomes our duty to present to you a copy of the resolutions adopted by them, and to request that you will give the information desired by the meeting.

In presenting these resolutions, and in making this request, justice to you requires that we should frankly state the circumstances which led to their adoption.

While those who composed the meeting claim the right at all times freely and publicly to express their opinions of the acts of any public officer, civil or military, it is but right to say that their purpose was not, on this occasion, to organize themselves into a tribunal for the trial of any person; nor was there, it is believed, in the mind of any person a desire to censure the act of any officer of the government. On the contrary, the feeling, we are assured, was genuine, by a call thus publicly made, to elicit such information as, while it would acquit all of even the suspicion of blame, would, at the same time, enable all those who desire to settle in the Territory to act understandingly.

Not wishing to bring about a conflict with the military department, at the same time appreciating the vital importance of the earliest information as to their right to occupy the most desirable portion of the Territory, they deemed it right and proper that they should know whether any portion of the lands, either of the Delaware or of the military reserve, is now open for occupation by the whites.

They had been informed that certain persons, including certain officers and employes of the government, had been permitted to lay out a town on those lands, and to settle upon and occupy the same;

That persons were now actually residing upon and claiming lands within the military reserve, as heretofore claimed;

That the Delaware Indians desired the whites to settle upon their lands, and that persons were now in fact residing upon those lands; that a mistake in the line of the military reserve had been lately discovered, and a portion of the government farm, found to be outside of the reserve, was claimed by individuals in the employment of the government.

Persons professing to be advised declared that the officers in command of the fort did not feel themselves under obligations to remove persons who might make settlements on the lands heretofore claimed by the Delawares.

This information, so much at variance with the general impression which had gone abroad, that *no person would be permitted to occupy any portion of the Delaware lands* or of the military reserve, led to the adoption of those resolutions which seek for information.

The meeting deemed it right to call thus publicly on those who could, and who, they believed, would, give information on which all could act.

We need not say how general would be the satisfaction of all who



participated in the meeting, should it prove that the most desirable portion of the Territory is, in fact, open for settlement by whites, nor how much, to be the means of eliciting this information, and of removing the suspicion of blame from all parties, it would be to the pleasure of

Your servants,

B. F. STRINGFELLOW,  
R. C. MILLER,  
J. H. McHOLLAND,  
D. GILLESPIE,

*Committee.*

Captain HUNT,  
*Commanding at Fort Leavenworth.*

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G 4.

At a meeting of the citizens of Platte county, and of Kansas Territory, held at the court-house in the city of Weston, on the 15th July, A. D. 1854, Mr. L. D. Bird was called to the chair, and Mr. R. Ward was appointed secretary.

On motion of Mr. J. H. McHolland, a committee of five was appointed by the Chair, to report resolutions expressive of the sense of the meeting.

The Chair appointed on such committee, J. H. McHolland, B. F. Stringfellow, R. C. Miller, D. Gillespie, and William Norris, who, having retired to consider the resolutions, returned and reported the following; which were, on motion, adopted by the meeting, to wit:

Whereas it has been uniformly claimed by the officers in command at Fort Leavenworth, that the Military Reserve extends to the lands of the Delaware Indians on the east and south; and whereas, by law, no white person is permitted to settle on the lands of those Indians, and, unless in the instance hereinafter referred to, no white person has been permitted to settle on those lands; and whereas all persons not in the employ of the government of the United States have been prohibited from making any settlement on the lands included within the Military Reserve; and whereas the location of the seat of government for Kansas Territory at Fort Leavenworth, and its peculiar features for a town site, have given to the lands within the Reserve a value far greater than that of other lands within the Territory, and have rendered it unwise to apply the general laws relative to pre-emptions to such lands; and whereas, to permit persons while in the employ of the government, to make settlements on the Reserve lands, and by such settlements to obtain any pre-emption, or any preference or advantage in the purchase of such lands over others, would be an outrage on the people, would afford to those who have the selection and employment of such persons, an opportunity, under color of official duty, to monopolize to their families, and through them and their subordinates to themselves, the most valuable lands in the Territory; and whereas it has been reported that certain persons have been

permitted to occupy and lay off into a town, a tract of land lying a short distance below Fort Leavenworth, and which is of necessity on the land of the Delaware Indians, or within the Military Reserve; and whereas it has also been represented that persons in the employment of the government are making out, occupying, and claiming for themselves, the lands within the Military Reserve; therefore,

*Resolved*, 1. It is due to the people, the government, and himself, that the commanding officer explain why he has permitted certain persons to occupy and lay out a town on lands a short distance below Fort Leavenworth, and whether he has permitted any officer or person in the employment of the government to take any interest in such town, or to make any claim on any portion of the government lands heretofore claimed to be in the Military Reserve.

2. It is the right of the people who wish to settle within the Territory, to know whether they are entitled to make and occupy claims on any portion of the Delaware or Military Reserve lands.

3. That no person ought to hold, by pre-emption, any portion of the Military Reserve lands, and such lands ought to be sold immediately at public auction, and in small tracts of not more than twenty acres each.

4. The land now occupied by the government within the reserve at the fort, and sufficient adjacent land, ought to be laid out into a town and sold immediately, and the proceeds thereof given to Kansas Territory.

5. The peace and interests of both whites and Indians require that all lands bordering on the line of the State of Missouri, except such as shall be intended for the permanent occupation of the Indians, shall be opened at the earliest possible moment to settlement by the whites.

On motion, it was

*Resolved*, That the committee present a copy of these resolutions to the officer in command at Fort Leavenworth, and request an answer to the inquiries made therein; and that the resolutions, with the answer to the same, be published in the newspapers of the city.

On motion, the meeting adjourned.

Attest :

R. WARD, *Secretary*.

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G 5.

FORT LEAVENWORTH, K. T., *July 10, 1854.*

GENTLEMEN: Your communication, enclosing resolutions, &c., was received by me this morning. In answer to resolution No. 1, I have to say that no part of the Reserve is open for settlement, and that no settlements except those of military occupancy have taken place on the Reserve.

On coming in command on the first of this month, I made inquiries of the quartermaster of the post respecting the limits of the Reserve, and was answered that he had considered it as extending from Three Mile creek to Salt creek, but that some claims had been made that it did not extend to Three Mile creek; but that it was his (the

quartermaster's) intention, as far as he was concerned, to hold on to the reserve as far as Three Mile creek, until he was more fully informed on the subject.

My own impressions coincided with this statement; but subsequent information laid before me, induces me to believe that the boundaries are as follows: commencing opposite the head of a small island about a mile north of the mouth of Three Mile creek, running due west to Salt creek, thence down Salt creek to its mouth, thence by the Missouri river to the place of beginning. A map of the Reserve and vicinity is in my office, open to the inspection of all, and full answers will be given to inquiries. Should any part of the Reserve be thrown open to settlement, I presume the people of Weston will be aware of it as soon or sooner than I am. If, however, it should come first to my knowledge, I will cheerfully impart it to all.

As far as the lands outside of the Reserve are concerned, I enclose the instructions of General Clarke, commanding the western department, to the commanding officer of this post, as my rule of government. I know no distinction between Delawares, Pottawatomies, Kickapoos, or any other Indians.

A town, I believe, has been or is about being laid out by persons in Weston, and two officers of the army stationed here, near the mouth and north of Three Mile creek, which is off the Reserve and on Delaware land. You will perceive, from my instructions, I cannot interfere.

I am, gentlemen, very respectfully, your obedient servant,

F. E. HUNT,

*Capt. 4th Art., Comd'g Post.*

Messrs. McHOLLAND, MILLER, STRINGFELLOW, and GILLESPIE,

*Committee.*

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G 6.

HEADQUARTERS DEPARTMENT OF THE WEST,  
*Jefferson Barracks, Mo., June 1, 1854.*

SIR: I am directed by the general commanding the department to acknowledge the receipt of your communication of the 24th instant, and to say *that you will take no action to prevent emigrants passing into Nebraska, nor interrupt them in any manner, unless ordered from high authority.*

Respectfully,

FRANCIS N. PAGE,

*Asst. Adjt. General.*

Col. T. T. FAUNTLEROY,

*1st Dragoons, commanding Fort Leavenworth.*

Ex. Doc. 50—2

## G 7.

[From the Weston Reporter.]

The surveys which determine the boundaries between the military reservation of Fort Leavenworth and the adjacent lands of the Delawares and the Kicápoos were made, I believe, nearly a quarter of a century ago, and the plats and records, if any were ever filed at the fort, must have been long since lost.

Under these circumstances, added to the frequent change of commanders and staff officers, it is not strange that these now here have not had any positive assurance as to the limits of the reserve. Tradition, confirmed by a somewhat obscure map made in 18— by Lieut. Johnston, establishes Salt creek pretty conclusively as the western boundary, while the position of one of the farm-fields, as arranged by Col. Kearney, has been our only reason for fixing the southern boundary upon what is commonly known as Three Mile creek.

The Delawares have, occasionally, alluded to the boundary as being further north ; but the matter never received much attention, and, in fact, until lately never had the slightest practical importance, as the government has claimed and constantly exercised the right of using the public lands for any purpose required by the public service.

Since the organization of the Territory, however, and especially since the Delawares, by a change in their policy, have invited settlements upon their ceded lands, (which will soon probably become subject to pre-emption,) this southern boundary of the military reserve has become an object of great interest. A Virginia gentleman who commenced researches upon this subject some months since in Washington, succeeded in discovering the original plat and field-notes of the surveyor of the Delaware boundary, and, aided by the Delawares, readily found the landmarks of the initial point on the Missouri river, nearly a mile north of Three Mile creek. Marking out and recording a claim upon this discovery of his, according to the rules established by the settlers generally, his example was soon followed by others, who made claims in the vicinity, both north and south of the creek in question.

As other squatters have done, they soon met for the purpose of adjusting their limits peaceably ; and, in the absence of law and civil government, formed an association for mutual protection and the preservation of order. A scheme which followed for laying out a town on the claims of two or three members of the association, (now organized into a company for the purpose,) seems to have excited the bitter animosity of some persons who have been excessively eager to grasp the best claims in the Territory, and are chagrined to find they have not done so. The inflammatory anonymous appeals of these persons to the public, led, on the favorable opportunity of a Saturday evening, to the meeting of which the proceedings, &c., are to be published in your paper of to-day.

The preamble of the resolutions of this meeting intimates or asserts that persons in the government employ, at Fort Leavenworth, have been permitted to make out and occupy claims on the military reserve,

or on the adjacent lands, ceded to the United States by the Indians in derogation of the rights of the people, &c.

I would observe, with regard to this, that these persons in the government employ are themselves of the people, and it is not in the commanding officer's power or mind to prevent them from exercising individual rights, which are common to all, by making claims upon lands subject to squatter occupancy; though, so far as I can learn, very few of them have done so.

If any of them have been foolish enough secretly to mark or record claims upon the lands in the limits of the military reserve, their harmless stakes or blazes will have no more effect to vitiate the rights of the government to its reserved lands, than they would to alienate the property of an individual in real estate to which he holds a secure title. As for any occupancy of the reserve for any private purpose, the commanding officer has, I am satisfied, both the means and inclination promptly to preserve it.

The resolutions of the meeting respecting the proper mode of disposing of the military reserve, announce a very just and proper principle certainly.

The legal gentleman, however, who presented these re-arranged resolutions to the meeting, ought to have known that the principle was incorporated into the law of the land long ago, and that military reserves are expressly excluded from pre-emption. Further: that when military posts or reserves are no longer required for public purposes, the War Department is authorized to have them sold at auction, in such subdivisions as may suit the public interest; and I would add, that in these particular cases the government has always found means to secure, in spite of all local combinations, an eager competition and a fair price for the lots disposed of.

The necessities of the military service, which will require a depot on the Missouri for some years to come, leave little reason to expect an early sale of this reserve; and the interests of the Territory, and of the adjoining counties of Missouri, would certainly be impaired by the loss of an establishment which pays out for labor and stock, and the products of the soil, six hundred thousand dollars a year.

It seems to me, therefore, that however a few persons, actuated, apparently, by unworthy motives, may assail the inoffensive squatters on Three Mile creek, their scheme for laying out a town on their admirable site should commend itself to popular favor, as meeting a very obvious want of the new Territory, and calculated to advance its prosperity.

If the persons interested in this scheme are violating any public or private right, they will deservedly lose the money they are freely investing in the enterprise.

If proceeding, on the contrary, according to law and precedent, they improve their claims, secure their possessory right, and pursue, as I am sure they will, a fair and liberal course in the disposition of their town property, all generous persons will heartily wish them success.

E. A. OGDEN.

FORT LEAVENWORTH, *July 20, 1854.*

## H.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, August 9, 1854.*

SIR: From some recent publications in the Missouri papers in relation to the extent of the military reserve at Fort Leavenworth, I have thought proper to enclose to you a copy of the field-notes of the survey of the eastern boundary of the Delaware lands. I may remark, that these notes have not been a mystery here, neither have they been lost or mislaid; and I am at a loss to understand a paragraph in Major Ogden's letter about the discovery made by a Virginia gentleman.

Agent Vanderslice has a copy of the survey of the north boundary line of the Delaware lands, and from it and what I now enclose, there can be no difficulty in ascertaining the actual extent of the military reserve at Leavenworth.

• With great respect, your obedient servant,  
 GEO. W. MANYPENNY,  
*Commissioner.*

B. F. ROBINSON, Esq.,  
*Indian Agent, Westport, Mo.*

## I.

DEPARTMENT OF THE INTERIOR,  
*Washington, August 10, 1854.*

SIR: I have the honor to enclose herewith a communication from the Commissioner of Indian Affairs, of the present date,\* relative to the operation of the treaties recently made with the Delawares, and other Indians, and to request your official opinion on the questions stated by him.

I am, sir, very respectfully, your obedient servant,  
 R. McCLELLAND,  
*Secretary.*

Hon. CALEB CUSHING,  
*Attorney General of the U. S.*

## J.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, August 22, 1854.*

SIR: I herewith transmit two copies of the Daily Union of this date, containing the opinion of the Attorney General respecting pre-emp-tions in Kansas and Nebraska, for your information; and, so far as

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\* An error; should be the 8th.



the lands acquired from the Delawares are concerned, this information may be disseminated among the citizens generally.

Very respectfully, your obedient servant,

CHARLES E. MIX,  
*Acting Commissioner.*

B. F. ROBINSON, Esq.,  
*Agent, Westport, Missouri.*

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J 1.

PRE-EMPTION IN KANSAS AND NEBRASKA.

The following opinion of the Attorney General, as to pre-emption in the Territories of Kansas and Nebraska, is communicated for publication by the Department of the Interior:

ATTORNEY GENERAL'S OFFICE,  
14th August, 1854.

SIR: Your communication of the 10th instant, covering that of the Commissioner of Indian Affairs of the 8th instant, presents questions as to the legal relation between certain provisions of the act of Congress of July 22d, 1854, to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes, and certain treaties of May last with the Delaware, Iowa, and Wea Indians.

By the treaty concluded and signed May 6th, 1854, ratified by the Senate July 11th, 1854, and proclaimed July 17th, 1854, between the United States and the Delaware Indians, they ceded to the United States the land called "the Outlet" at the price of ten thousand dollars, and other lands, within certain defined boundaries, to be paid for as after mentioned.

By article 2 the United States agreed to cause all the lands ceded, "excepting the said Outlet, to be surveyed in the same manner that public lands are surveyed. And the President will, so soon as the whole or any portion of said lands are surveyed, proceed to offer such surveyed lands for sale at public auction, in such quantities as he may deem proper, being governed in all respects, in conducting such sales, by the laws of the United States respecting the sales of the public lands; and such of the lands as may not be sold at the public sale shall thereafter be subject to private entry in the same manner that private entries are made of the United States lands; any or all of such lands as remain unsold, after being subject to private entry for three years at the minimum government price, may, by act of Congress, be graduated and reduced in price, until all the said lands are sold, regard being had in said graduation and reduction to the interest of the Delawares, and, also, to the speedy settlement of the country."

By article 3 the United States agree to pay to the Delaware tribe "all the moneys received from the sales of the lands provided to be surveyed in the preceding article, after deducting therefrom the cost of surveying, managing, and selling the same."



“ Article 16. It is agreed by the parties hereto that the provisions of the act of Congress, approved 3d of March, 1807, in relation to lands ceded to the United States, shall, so far as applicable, be extended to the lands herein ceded.”

The act of Congress alluded to in the 16th article is to be found in the 2d volume of the Statutes at Large, page 445, chapter 46. The material provisions of that act, applicable to the lands ceded by the Delawares, are, “ that if any person or persons shall, after the passing of this act, take possession of, or make a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any State to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands by such person or persons shall not have been previously recognised and confirmed by the United States; or if any person shall cause such lands to be thus occupied, taken possession of, or settled,” &c., the President of the United States may have them removed, and take such means and employ such military force as he may judge necessary and proper for that purpose.

The treaty between the United States and the Ioway Indians, concluded and signed May 17th, 1854, ratified by the Senate July 11th, 1854, and proclaimed by the President July 17th, 1854, contains stipulations for the sale of the ceded lands, and payment of the proceeds to the Ioway Indians, similar to the stipulations of the treaty with the Delawares, and also refers to the above-cited act of Congress of March 3d, 1807.

The treaty between the United States and the Weas, and other tribes of Indians, concluded and signed May 30th, 1854, ratified by the Senate and proclaimed in the present month of August, provided for the surveying of the lands ceded to the United States into townships and sections, and then for the selection of a certain quantity reserved to the Indians; the remainder of the lands ceded are to be sold for the benefit of the Indians, and the whole proceeds, after deducting the cost of surveying, managing, and selling, to be paid to the Indians. The provision for the manner of selling is similar to that in the treaties with the Delawares and Ioways, except that the act of 1807 for expelling intruders is not mentioned in this treaty.

These treaties, when ratified, it is to be observed, take effect from the day on which they were respectively concluded and signed.

By these treaties, the lands ceded are to be sold at public auction, upon the account, and for the benefit, of the Delawares, Ioways, and Weas, respectively, they paying the cost of surveying, managing, and selling. The legal title, domain, and jurisdiction are in the United States; but the equitable, beneficiary interest in the proceeds of sales is in the Indians. The proceeds of the sales, to be accounted for by the United States, after deducting the costs of surveying, managing, and selling, are the considerations for the cessions of jurisdiction and sovereignty to the United States.

The treaties expressly require that the lands shall be offered at public auction before they can be subject to private entry in any form.

Question thereupon arises upon the following provision of the act of Congress referred to, viz:

“That all the lands to which the Indian title has been, or shall be, extinguished within said Territory of Nebraska and Kansas shall be subject to the operation of the pre-emption act of the 4th September, 1841, and under the conditions, restrictions, and stipulations therein mentioned: *Provided, however,* That where unsurveyed lands are claimed by pre-emption, notice of the specific tract claimed shall be filed within three months after the survey has been made in the field; and on failure to file such notice or pay for the tracts claimed before the day fixed for the public sale of the lands by the proclamation of the President of the United States, the parties claiming such land shall forfeit all right thereto: *Provided,* said notices may be filed with the surveyor general, and acted on by him, until other arrangements shall have been made by law for that purpose.”

Now, the difference between sales at public auction and sales to pre-emptioners is essential and notorious; and the taking up of land by pre-emption under the provisions of the act of 1841, applied by that of 1854 to the Territories of Nebraska and Kansas, is inconsistent with the particular stipulations for public sale in the treaties with the Delawares, Ioways, and Weas.

The Commissioner states that it is claimed on the part of persons intending to set up pre-emptions under the act of July 22d, 1854, that this act constitutes a contract between them and the United States, and that in so far as regards the stipulations of the treaties with the Delawares, Ioways, and Weas, of May previous, with which the act, as they assume, is in conflict, those stipulations are to be considered as abrogated by the act of Congress.

In my judgment there is not the slightest foundation for this pretension, either in the general principles of law, or on the proper construction of the letter of the statute.

If the act of Congress undertook, in express terms, to annul the stipulations of treaty in question, it would be necessary to discuss the relative authority of a treaty and a statute. But there is no such extraordinary thing in the statute as an express repeal, so to speak, of those treaty stipulations. The pretence of repeal is on the assumption of implied repeal by incompatibility of provision. But when all the treaties for extinguishing the Indian titles in Kansas and Nebraska are taken into consideration, as they should be in order to ascertain the real mind of Congress in passing this act, it will be seen that there is nothing in the act to justify the assumption of the pre-emptioners, and, of course, nothing to sustain the pretended consequences. At the time of the passage of the act of Congress, the United States had lands within the Territories of Nebraska and Kansas, the Indian title to which had been extinguished, and which were then public lands for the sole benefit and use of the United States—namely, the “Outlet,” ceded by the Delawares themselves; the lands ceded by the Ottos and Missourias by treaty of March 15th, 1854; by the Omahas, March 16th, 1854; by the Kickapoos, May 18th, 1854; and by the Sacs and Foxes, May 18th, 1854. In the lands so ceded by these treaties, the Indians have no interest or title, legal or equitable; nor have they any use therein affecting the proceeds of sale.

Here is ample field in which to give effect to the pre-emption provisions of the act of Congress.

To test this view of the subject, and waiving for the present all question as to the relative authority of a treaty and an act of Congress, let us suppose, for the argument's sake, that these various public acts—namely, the several treaties with the Delawares, the Ioways, the Weas, the Ottos, the Missourias, the Omahas, the Kickapoos, and the Sacs and Foxes—and the act of Congress, are all acts of the same character and authority; that is to say, all treaties or acts of Congress. This view of the case gives to the pre-emption pretension all the premises which it can claim, and much more than it is entitled to by any rule of law. Supposing this, however, it is clear that if all these acts were acts of Congress of their respective dates, then they are to be construed together, and by no established rule would the provision for general right of pre-emption in the Territories of Nebraska and Kansas operate as a repeal of the provision for the public sale of the lands of the Delawares, Ioways, and Weas. On the contrary, in such case the general right of pre-emption would have to be construed as applying only to those lands which, by the other acts, (or treaties,) were not reserved for some other destination, of which there is an abundance to satisfy all the calls of the statute.

The right of pre-emption, accorded by the act of 1854, does not extinguish by repeal reservations belonging to the United States; no more does it extinguish any special rights reserved to the Delawares, Ioways, and Weas.

Beyond this, to grant pre-emptions of the lands ceded by the Delawares, Ioways, and Weas, with condition, and upon trust, to be sold at public auction for their account and benefit, would be a violation of the treaties, a breach of trust, a fraud upon the Indians.

Against so disposing of the choicest lands at the minimum price to settlers and pre-emptioners, the treaties with the Delawares and Ioways have expressly provided an additional guarantee, by the stipulation in relation to the act of March 3, 1807. But because the Weas, in their treaty, have not anticipated bad faith on the part of the United States, and expressly fenced against it by invoking to their aid the act of 1807, they are not therefore to be defrauded.

The stipulations in the treaties with the Delawares, Ioways, and Weas, respecting the lands ceded to them upon trust to have the same sold at public auction, and the net proceeds thereof paid over to them, are too clear to be misunderstood. They are absolutely inconsistent with pre-emptions to settlers at the minimum price. Therefore the pre-emptions in the Territories of Nebraska and Kansas, granted by the act of July 22, 1854, by reference to the operation of the act of September 4, 1841, must be restricted to lands other than those ceded by the Delawares, Ioways, and Weas, upon trust to be sold by the United States on account and for the benefit of the Indians.

The "Outlet" ceded by the Delawares is subject to be located by pre-emptioners, because it is excepted from the lands to be surveyed and sold for the benefit of those Indians.

By thus limiting the pre-emptions to those lands in which the Indians have no title nor reserved interest, the treaties with the Dela-

wares, Ioways, and Weas, will have their due effect, and the statute for granting pre-emptions will also have its due and proper effect and force, without conflict with any of the treaties, by action on the other lands ceded by the Indians.

In waiving, as unnecessary and superfluous in the present case, any discussion as to the relative authority of these treaties and an act of Congress, let me not be understood as acceding to the doctrine that all stipulations of treaties are subject to be repealed or modified at any time by act of Congress. Without going into that question here, it suffices to remark that every treaty is an express compact, in the most solemn form in which the United States can make a compact.

Not to observe a treaty is to violate a deliberate and express engagement. To violate such engagements of a treaty with any foreign power affords, of course, good cause of war. When Congress takes upon itself to disregard the provisions of any foreign treaty, it infringes the same in the exercise of sovereign right, and voluntarily accepts the *casus belli*, as when, in 1798, it annulled the treaties between the United States and France.

There is distinction, undoubtedly, between a treaty with a foreign power and a treaty with Indians, who are subjects of the United States. Examples may be cited of acts of Congress which operate so as to modify or amend treaties with Indians. As their sovereign and their guardian, we have occasionally assumed to do this, acting in their interest and our own, and not in such case violating engagements with them, but seeking to give a more beneficial effect to such engagements; for though they be weak, and we strong, they subjects, and we masters, yet they are not the less entitled to the exercise towards them of the most scrupulous good faith on the part of the United States.

It is not to be inferred, because Congress may in some cases have modified by legislation this or that incident of Indian relations for their benefit or under paramount political exigency, that therefore Congress intended, before the ink had become dry on these treaties with the Delawares, Ioways, and Weas, to violate those treaties, and to do this deliberately and wantonly for the petty object of enabling a few individuals to obtain lands at the minimum price rather than at the price of public sale, and so to inflict a wrong and a loss to that amount on the Indians.

I feel entire confidence in the belief that Congress had no such discreditable intention in fact, and assuredly such is not the legal intentment of the act of Congress.

As for the idea suggested in behalf of these individuals, that the act of Congress raises a contract between the settlers and the government, it is a singular obliquity of vision which perceives a contract in that act, and fails to see any in the several treaties with the Indians. The obvious answer to the suggestion is, that no implication of legislative contract between the government and individuals can be raised by a mere violation of law.

In fine, my opinion is, that the act of Congress gives pre-emption only in such of those lands ceded as are not required first to be offered at public sale; that the lands ceded by the Delawares, Ioways, and Weas, under condition of being first offered at public sale, are no

more opened to pre-emption by the act of Congress than was the military reservation at Fort Leavenworth; that those lands cannot be taken up by settlers under claim of pre-emption; and that all claims of pre-emption there will be merely void in law, and will confer no right, now or hereafter, on which to demand the issue of a patent from the Commissioner of Public Lands.

Moreover, it will be the duty of the President to maintain, by force if need be, the plighted faith of the United States in this behalf.

I am, sir, very respectfully, your obedient servant,  
G. CUSHING.

Hon. ROBERT McCLELLAND,  
*Secretary of the Interior.*

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K.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, August 24, 1854.*

SIR: I herewith transmit, for your consideration, a communication from Superintendent Cumming, of the 17th instant, with its enclosures, respecting intrusions on the Delaware reserve; also, a letter intended as a reply to the same, should it meet your views of the subject.

Very respectfully, your obedient servant,  
CHARLES E. MIX,  
*Acting Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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K 1.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, August 17, 1854.*

SIR: I have the honor herewith to transmit two documents just received from agent Robinson; the one being a notice forbidding settlers to intrude on the Delaware lands, and the other the protest of the Delawares against such intrusion.

In connexion with the above, I have just been informed by a Mr. Gilham, of the trading firm of Gilham & McDaniel, that there is a formidable combination of persons already organized, with the avowed object of preventing competition for their lands when offered for sale.

Very respectfully, I am, sir, your most obedient servant,  
A. CUMMING,  
*Superintendent Indian Affairs.*

Hon. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

## K 2.

## TO THE PUBLIC.

The late treaty with the Delaware tribe of Indians, among other things, provides that the President will, as soon as the whole or any portion of the lands ceded by said treaty to the United States are surveyed, proceed to offer such surveyed lands for sale at public auction, in such quantities as he may deem proper, being governed in all respects in conducting such sales by the laws of the United States respecting the sales of public lands. It is further provided by said treaty that all the money received by the sales of said lands, after deducting the costs of surveying, managing, and selling the same, shall be paid to said tribe.

The treaty also provides that the provisions of the act of Congress, approved 3d March, 1807, in relation to the lands ceded to the United States, shall, as far as applicable, be extended to the lands therein ceded.\* So it will be at once seen, that these lands can in nowise be subjected to pre-emption or homestead laws without a palpable violation of the treaty.

In view, therefore, of these facts, I hereby forewarn all persons against locating or settling upon the lands ceded by said treaty to the United States, as, by so doing, they can only involve themselves in a complication of difficulties.

B. F. ROBINSON,  
*Indian Agent.*

## K 3.

We, the chiefs, headmen, and councillors of the Delaware tribe of Indians, do hereby respectfully notify our white brethren, that all settlements on the lands ceded by the Delaware tribe of Indians to the United States by treaty, dated at the city of Washington, May the sixth, one thousand eight hundred and fifty-four, is in violation of said treaty, and that we in nowise have or will consent to such settlement, and if persisted in by our white brethren, we shall appeal to our Great Father, the President of the United States, for protection.

Captain Ketchum,	his x mark.
Sarcoxie,	his x mark.
Kockatowha,	his x mark.
George Bullette,	his x mark.
Jonas Ketchum,	his x mark.
James Secondine,	his x mark.
James Suanuck,	his x mark.
Charlarvise,	his x mark.
Charles Journeycake,	his x mark.
James Ketchum,	his x mark.
James Conner,	his x mark.

\* The act of Congress, above referred to; provides, in substance, that no settlement shall be made on the public lands; that no timber shall be cut therefrom; and makes it the duty the marshal to remove all persons so trespassing, and subjects them to indictment.



Isaac Journeycake,	his x mark.
John George,	his x mark.
Howard O. Ketchum,	his x mark.
Jacob Ketchum,	his x mark.
John Marshall,	his x mark.
Beaver,	his x mark.
George Washington,	his x mark.
Trow,	his x mark.
Charles Ketchum,	his x mark.
John Wilson,	his x mark.
Wm. R. Ketchum,	his x mark.
Wm. Pechalker,	his x mark.
Buffalo Wilson,	his x mark.
Sharpalacut,	his x mark.
Henry Tiblow.	

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K 4.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, August 24, 1854.*

SIR: Your letter of the 17th instant, stating that you have received information, from a reliable source, that there is a combination of persons already organized, with the avowed object of preventing competition for the Delaware lands, when offered for sale, and transmitting two documents from agent Robinson—the one being a notice forbidding settlers to intrude on the lands of said tribe, and the other the protest of the Delawares against such intrusion—has been received.

Prior to the reception of your letter, I had transmitted copies of the opinion of the Attorney General, respecting pre-emptions in Kansas and Nebraska, to agents Vanderslice, James, and Robinson, not only for their information, but, so far as the lands acquired from the Indians of their agencies are concerned, for dissemination among the citizens generally.

Having submitted your letter, with its enclosures, to the Secretary of the Interior, I am authorized to say, that it is the determination of this department to enforce a strict compliance with the stipulations of the recent treaties made and concluded with the several Indian tribes of Nebraska and Kansas. In the opinion of the Attorney General, you will perceive that "it is made the duty of the President to maintain, by force if need be, the plighted faith of the United States in this behalf."

You will inform agent Robinson that this office approves of his course, in giving notice forbidding settlers to intrude on the Delaware reservation, and instruct him to assure those Indians that all their



treaty stipulations shall be executed in good faith, and their rights be protected by the government.

Very respectfully, your obedient servant,

CHAS. E. MIX,  
*Acting Commissioner.*

A. CUMMING, Esq.,  
*Superintendent, &c., St. Louis, Mo.*

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K 5.

DEPARTMENT OF THE INTERIOR,  
*Washington, August 24, 1854.*

SIR: I herewith return the papers submitted with your letter of this date, in relation to intrusions upon the Delaware reserve, and have to state that your reply to the letter from Superintendent Cumming, on that subject, meets with my approbation.

Very respectfully, your obedient servant,

R. McCLELLAND,  
*Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

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L.

*Extracts from the instructions of the 7th of September, 1854, given by Charles E. Mix, Acting Commissioner of Indian Affairs, to A. Cumming, superintendent of the southern superintendency, when transmitting funds to be disbursed among the Indians of his superintendency.*

In relation to the remittance for annuity to the Delawares, I have to remark, that in view of the disquietude that exists, and in view of the unsettled condition of the Indians, growing out of the fact that white men are occupying, against their will, the land ceded by them in trust, and on account of the adverse influences that the commotions now existing in Kansas must have on the Indians, it is the opinion of the Commissioner of Indian Affairs that not more than \$40,000 should be paid to the Delawares this fall, reserving the residue for a payment in the spring. The amount will be paid to them by the agent *per capita*. He will embrace the occasion to remind them of their engagement to apply the moneys paid them to making improvements on their present farms, and opening new ones on the land reserved, building houses, buying necessary furniture, stock, farming utensils, and such other articles as may be necessary to their comfort.

As to the Shawnees, I desire to submit to the Secretary the question of the propriety of making a payment to them under their new treaty, in the existing state of facts in relation to it. \* \* \* \*

## M.

FORT LEAVENWORTH, *September 26, 1854.*

SIR: On yesterday I travelled through the Delaware reserve, as well as the tract ceded by them and to be sold for their benefit.

At the request of the old principal chief, I spent a couple of hours in council with the Indians at his house.

The Delawares are much disturbed in mind, because the whites are beginning to settle on their land, and claim that it is subject to pre-emption, (the question submitted to, and decided by, the Attorney General.)

The principal claims are made adjacent to and within a few miles of the military reserve, at this point; and I regret to say to you, that Major Ogden, of the quartermaster's department, and Major Macklin, of the pay department, have been the principal and main instigators to this lawless course of proceeding.

If all I learn be true—and I have the best reasons to believe the reports—these gentlemen have been guilty of conduct for which they ought to be cashiered and discharged from the service.

They were the prime movers in projecting the new town site of Leavenworth, some two and a half miles below the fort, and on the Delaware tract, and have enlisted with them some thirty other persons. After making this move in violation of the treaty, they are, and have been, urging settlers to make claims adjacent the military reserve, and for miles distant on the Delaware land; hoping thus to make force to aid them. They have now an advertisement out to sell lots at this town on the 9th October; and to induce persons to buy, the story is rife that government has made a special grant of 320 acres for the town, and that therefore there can be no difficulty about title.

The soldiers were employed to help build their pre-emption shanties, cut the brush, &c., and government tents used at the time.

All the employés of any influence in the quartermaster and pay departments, are interested in the matter. And where an innocent squatter, not of their kind, has attempted to make a claim near their land, they have drove him off by threats of the military.

Now, will this state of things be tolerated? But for their example, I am satisfied no squatters would have located on the Delaware land.

I urgently request that the President direct the War Department to remove all the people from this town site (Leavenworth.) Captain Hunt can do it without difficulty—that I will guaranty; and also, that the principal evidences of claims on the Delaware land, near the reserve, be demolished. I repeat, this thing can be done without difficulty, and it will correct everything.

The government owes it to itself to do this at once; and it surely owes it to the Delaware Indians; and it can be done without the sacrifice of life or limb.

I omitted to mention another very disreputable thing; but as no Indian interest is involved, I do not feel any particular interest in it, except as any other citizen.

The commanding officer has had a surveyor at work, reducing the

limits of the reservation, and I saw this morning a plat of the old reserve with the contemplated reduction marked on it. This reduction leaves a strip of land between the Indian land and the diminished reserve, and this strip, even before the survey, had placed upon it the necessary monuments, according to squatter law, to enable the military men here, and their friends, to have each a pre-emption claim of land worth from \$10 to \$30 per acre, valued here, under the excitement of the times, at \$50 per acre. This diminution of the reserve is said to be made in pursuance of orders from the War Department.

The surveyor told me the commandant was going to send on the plat of the reduced survey to headquarters for approval; whether he meant to St. Louis or to Washington, I do not know. I do hope the thing will be disapproved; and if the reserve is reduced in size, that the land left out of it may be sold under the law of 1843.

I leave the fort this morning for Council Bluffs, and have directed Major Robinson, Indian agent, to ascertain all he can and report to me in detail.

I repeat the request that the military be directed to remove the squatters from the Delaware lands, and especially those on the town site of Leavenworth and adjacent to the reserve, and the balance will follow.

Neither the commandant of the fort nor Majors Ogden or Macklin are here at present.

With great respect, &c., &c.,

GEO. W. MANYPENNY.

Hon. R. McCLELLAND,

*Secretary of the Interior.*

NOTE.—There is but a shantie or two on the town site.

G. W. M.

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N.

FORT LEAVENWORTH,

*Kansas, October 3, 1854.*

DEAR SIR: I have the honor to transmit herewith a correct copy of the proceedings of a large and harmonious meeting held at the new town of Leavenworth, in accordance with a resolution of said meeting.

I avail myself of this opportunity to again assure you of my very great regard and respect.

CHRISTOPHER C. ANDREWS.

General FRANKLIN PIERCE,

*President of the United States.*

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N 1.

At a meeting the settlers of Kansas Territory, held at the city of Leavenworth, on the Missouri river, on Friday, the 29th of Septem-

ber, 1854, Dr. Charles Leib, of Leavenworth, was chosen president, and C. C. Andrews, of Fort Leavenworth, secretary.

On motion of J. Clark, a committee of five was appointed to draught resolutions to be submitted to the meeting, viz: Jeremiah Clark, D. Dodge, Major E. A. Ogden, C. N. Burgess, and H. M. Moore.

In the absence of the committee the following gentlemen addressed the meeting: B. H. Twombly, General Dunham, Major Moran, C. C. Andrews, D. A. N. and C. H. Grover, and Rev. Fred. Star.

The committee on resolutions reported the following, which were unanimously adopted:

Whereas we, the squatters upon the Delaware cession of public lands in Kansas Territory, in general convention assembled, wishing to give a just exposition of our views in relation to our settlement upon these lands, and to place facts pertaining to our present position fairly before the country and the general administration; therefore—

*Resolved*, That we have not met to array ourselves against laws or treaties, the interests of our fellow-citizens, the rights of the Indians, or the authority of the general government; but simply to seek the same privileges and protection which the policy of the country has accorded to the pioneer during the last quarter of a century.

*Resolved*, That we entered upon and improved our present claims in good faith, in the honest belief that they were, or would be, secured by pre-emption.

*Resolved*, That a just and wise policy upon the part of government demands a modification of the Delaware treaty, and the immediate extension of the pre-emption law over this district of the Territory. That the best interests of the Indians would be subserved by such a modification, giving them an equitable price per acre for the unconditional and final transfer of the lands to the United States.

*Resolved*, That while we disclaim all intention of prejudicing the interests of the Delawares, and pledge ourselves to use our best endeavors to guard them, we cannot but represent that we, as a body of *pioneers*, have just claims to the favorable consideration of the country.

*Resolved*, That in view of the invariable and wise policy of the government, and the known views of the present administration in relation to the speedy settlement of these Territories, we may cheerfully confide our case to the consideration of Congress and the Executive, in the full assurance that justice will be done us.

*Resolved*, That the chairman of this meeting appoint a committee of five to prepare a memorial to the President of the United States, setting forth the aforesaid facts, and soliciting such a modification of the Delaware treaty as shall afford us, without doubt or obstruction, the benefits of the law of the 22d July, 1854, extending the benefits of the pre-emption act of 1841 to Kansas and Nebraska Territories.

*Resolved*, That the proceedings of this meeting, properly authenticated, be respectfully forwarded to the President of the United States, to the Hon. D. R. Atchison, President of the Senate, and to the Speaker of the House of Representatives.

*Resolved*, That editors of newspapers, throughout the country, will confer a favor by publishing these proceedings, and are most respectfully requested to lay them before their readers.

The following additional resolutions were offered by Mr. Jeremiah Clark, and unanimously adopted:

*Resolved*, That we have continued and unshaken confidence in the wisdom and integrity of the present administration, the avowed advocate and champion of "popular sovereignty in the Territories."

*Resolved*, That we commit the protection of our interests to the Hon. David R. Atchison, whose distinguished abilities and position, familiarity with Indian affairs, and sympathy with the pioneer, indicate him as our appropriate advocate.

*Resolved*, That we fully endorse, and will vindicate the principles of the Nebraska-Kansas bill.

*Resolved*, That we concur in, and will defend and support, the laws and regulations as passed at Salt creek on the 10th of June, and at Stockbridge on the 8th of July, 1854, until altered or annulled by the settlers of this Territory.

The following gentlemen were appointed a committee to prepare a memorial in pursuance of the sixth resolution, viz: Major E. A. Ogden, A. Payne, H. Miles Moore, B. H. Twombly, and Jeremiah Clark.

On motion of J. B. Price, the thanks of the meeting were tendered to the president for presiding, &c.

The meeting adjourned to the 10th of October next.

CHARLES LEIB, *President*.

C. C. ANDREWS, *Secretary*.

A true copy of the record of proceedings:

C. C. ANDREWS, *Secretary*.

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O.

DEPARTMENT OF THE INTERIOR,

Washington, October 11, 1854.

SIR: I have received a letter from Colonel Manypenny, the Commissioner of Indian Affairs, dated Fort Leavenworth, September 26, from which I extract for your information, and such action as you may deem proper, as follows:

"The Delawares are much disturbed in mind because the whites are beginning to settle on their land, and claim that it is subject to pre-emption, (the question submitted to, and decided by the Attorney General.) The principal claims are made adjacent to, and within a few miles of the military reserve at this point; and I regret to say to you that Major Ogden, of the quartermaster's department, and Major Macklin, of the pay department, have been the principal and main instigators to this lawless course of proceeding.

"If all I learn be true—and I have the best reasons to believe the reports—these gentlemen have been guilty of conduct for which they ought to be cashiered, and discharged from the service.

"They were the prime movers in projecting the new town site of Leavenworth, some two and a half miles below the fort, and in the Delaware tract, and have enlisted with them some thirty other per-

sons. After making this move in violation of the treaty, they are and have been urging settlers to make claims adjacent to the military reserve, and for miles distant on the Delaware land, hoping thus to make force to aid them.

"They have now an advertisement out to sell lots at this town on the 9th October; and to induce persons to buy, the story is rife that government has made a special grant of 320 acres for the town, and that therefore there can be no difficulty about title.

"The soldiers were employed to help build their pre-emption shanties, cut the brush, &c.; and government tents used at the time.

"All the employés of any influence in the quartermaster's and pay departments are interested in the matter; and where an innocent squatter, not of their kind, has attempted to make a claim near their land, they have drove him off by threats of the military.

"Now will this state of things be tolerated? But for their example, I am satisfied no squatter would have located on the Delaware land."

He urgently requests that steps be taken by the War Department with a view "to remove all the people from this town site (Leavenworth,) and that all the principal evidences of claims on the Delaware land near the reserve be demolished;" and says that "Captain Hunt can do it without difficulty," and that "it will cure everything."

"The government," he continues, "owes it to itself to do this at once—and it surely owes it to the Delaware Indians—and it can be done without the sacrifice of life or limb." He says "the commanding officer has had a surveyor at work, reducing the limit of the reservation; and I saw this morning a plat of the old reserve with the contemplated reduction marked on it. This reduction leaves a strip of land between the Indian land and the diminished reserve, and this strip, even before the survey, had placed upon it the necessary monuments, according to squatter law, to enable the military men here and their friends to have each a pre-emption claim of land worth from \$10 to \$30 per acre, valued here, under the excitement of the times, at \$50 per acre. This diminution of the reserve is said to be made in pursuance of orders from the War Department.

"The surveyor told me the commandant was going to send on the plat of the reduced survey to headquarters for approval. Whether he meant to St. Louis or to Washington, I do not know. I do hope the thing will be disapproved; and if the reserve is reduced in size, that the land left out of it may be sold under the law of 1843."

In conclusion, he reiterates his recommendation for the removal, by the War Department, "of the squatters from the Delaware lands, and especially those on the town site of Leavenworth and adjacent to the old reserve," and says, "the balance will follow." He also states that "neither the commandant of the post, nor Majors Ogden or Macklin, are here at present."

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND,  
*Secretary.*

Hon. JEFF. DAVIS,  
*Secretary of War.*



P.

WAR DEPARTMENT,  
Washington, October 14, 1854.

SIR: I have to acknowledge the receipt of your letter of the 11th instant, communicating extracts from a report of the Commissioner of Indian Affairs, respecting pre-emption claims made by certain army officers, and by others at their instigation, upon the lands of the Delaware Indians near Fort Leavenworth, and upon a portion of the reservation at that post, which the department intends to relinquish.

Orders have been given to obtain from the commanding officer at Fort Leavenworth a full report of all the facts in this case; and when it is received, a further communication will be made to you upon the subject. In the mean time I send herewith a copy of the map of the reduced reserve, from which you will perceive that the southern boundary is the same throughout its whole extent as that of the old reserve, and that the position of the land excluded from the reservation cannot have been selected for a town site, being remote from the river, and in rear of the present reservation.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,  
*Secretary of War.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

The map above referred to accompanies another letter of this date, with field-notes of the survey, and the order of the President making the reservation.

Please furnish this department a map showing the lines of the Delaware and Kickapoo lands, contiguous to the reserve, with a reference to the treaties establishing the boundary thereof.

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P 2.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, October 20, 1854.*

SIR: I have the honor to acknowledge the receipt, by reference from you, of a letter from the Secretary of War of the 14th, in reply to the letter of the Secretary of the Interior of the 11th instant, communicating extracts from a letter from the Commissioner of Indian Affairs in relation to the conduct of certain army officers at Fort Leavenworth, in trespassing upon the Delaware lands, near the fort, &c.

The map called for by the Secretary of War shall be made according to your directions. The treaties with the Delawares and Kickapoos may be found in the pamphlet copy of the United States Statutes at Large for this year.

The communication from which the Secretary of the Interior transmitted extracts to the Secretary of War was written by me at Fort



Leavenworth, when pressed for time, and without the ability to take or preserve a copy. I did not intend to say that the town site to which I referred was located on the portion of the land excluded from the reservation. The town of Leavenworth is on the land ceded by the Delawares *in trust* to the United States, and to be sold for the benefit of the Indians—on the land which the Attorney General has decided is not subject to pre-emption—on land which, by the stipulation of the treaty, the President is bound to protect from settlement until after it is offered for sale.

I am gratified that the Secretary of War has ordered the commanding officer at Fort Leavenworth to make a full report of all the facts in the case; but regret that orders have not also gone forward to expel all the trespassers from the lands which the Delawares ceded in trust to the United States to be sold for their benefit.

I had hoped that my statement, that there were trespassers on these lands, would be sufficient without any report from any quarter, and that an order would go forward to expel them.

I herewith transmit to you a copy of an advertisement for the sale of lots in the town of Leavenworth, from which it will be seen that Mr. Macklin, of the pay department, is one of the trustees. I also transmit a copy of the proceedings of the meeting of "squatters upon the Delaware cession of public lands in Kansas Territory," held in the town of Leavenworth, on the 29th September, 1854. In these proceedings it will be seen that Major Ogden, of the Quartermaster's department, is prominent. And I now repeat, that persons have attempted to make, and have made, settlements on the Delaware cession, near Fort Leavenworth, contrary to the stipulations of the treaty with said Indians, and ask that the attention of the President of the United States may be directed to the subject, to the end that the power of the Executive may be brought to bear as provided by the 16th article of the treaty of May 6, 1854.

I may remark that the occasion is one requiring prompt and decided action, and I therefore respectfully request that it may be at once brought before the President.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,  
*Commissioner.*

G. C. WHITING, Esq.,  
*Acting Secretary of the Interior.*

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Q.

[Telegraph.]

ST. LOUIS, *October 23, 1854.*

Despatch received from agent Robinson. The Shawnees refuse to receive their money unless they get all. What shall he do with the funds?

A. CUMMING.

CHARLES E. MIX, Esq.,  
*Acting Commissioner.*

Q 1.

[Telegraph.]

OFFICE INDIAN AFFAIRS, Oct. 23, 1854.

Order the Shawnee money to be returned to the treasury by deposit with the assistant treasurer at St. Louis, if the Indians will not receive it.

GEORGE W. MANYPENNY,  
*Commissioner.*

A. CUMMING, Esq.,  
*Supt. Indian Affairs, St. Louis, Mo.*

Q 2.

[Telegraph.]

WESTPORT, October 23, 1854.

Shawnees decided unanimously not to take the money sent; demand the full amount. What shall I do with what I have on hand?

B F. ROBINSON.

Col. A. CUMMING.

[The above was enclosed in the following letter :]

Q 3.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, October 23, 1854.*

SIR: I have the honor to enclose herewith a telegraphic despatch, just received from agent Robinson, by which you will perceive that the Shawnees have refused to receive their annuity-money, unless they can get the full amount. What disposition shall the agent make of the \$60,000? I would suggest that he return with it here, and redeposit it. In the mean time, I have telegraphed him to retain the funds until otherwise instructed.

Very respectfully, I am, sir, your most obedient servant,  
A. CUMMING,  
*Superintendent Indian Affairs.*

CHARLES E. MIX, Esq.,  
*Acting Commissioner of Indian Affairs.*

Q 4.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, October 31, 1854.*

SIR: I have to acknowledge the receipt of your letter of the 23d instant, enclosing a telegraphic despatch which you had then just received from agent Robinson.

In reply, I have to state that the despatch was replied to by telegraph on the 25th instant, as follows:

"Order the Shawnee money to be returned to the treasury by deposit with the assistant treasurer at St. Louis, if the Indians will not receive it."

Very respectfully, your obedient servant,  
GEORGE W. MANYPENNY,  
*Commissioner.*

A. CUMMING, Esq.,  
*Supt. Indian Affairs, St. Louis, Mo.*

Q 5.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, November 8, 1854.*

SIR: I have the honor herewith to enclose a telegraphic despatch from agent Robinson, received here yesterday, by which it appears that the Shawnees have at length consented to receive their money.

With great respect, I am, sir, your most obedient servant,  
A. CUMMING,  
*Superintendent Indian Affairs.*

HON. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

Telegraphic despatch alluded to above, dated

WESTPORT, November 7, 1854.

To Col. A. CUMMING: The Shawnees have agreed to take their money. Will pay them Monday.

B. F. ROBINSON.

R.

*Extract from the report of the Commissioner of Indian Affairs to the Secretary of the Interior, under date of October 25, 1854, in relation to his official visit to the Indian tribes west of the Mississippi river during the fall of 1854; being all of said report referring to the intrusion upon the Delaware lands.*

"I found the Delaware Indians much disturbed in mind. By their late treaty all the lands ceded by them to the United States, (except

the Outlet,) were to be offered for sale for their benefit at public auction, and such of them as did not sell at public sale were then to be subject to entry at \$1 25 per acre for the term of three years, &c.

“Before this treaty was proclaimed by the Executive, a meeting was held at Weston, Missouri, by citizens of Platte county, and in the proceedings of which some reflections were cast on certain officers of the army stationed at Fort Leavenworth, for their conduct in relation to the Delaware lands and the military reserve; and the defence which the officers deemed it proper to make, disclosed the fact that they were not only privy to it, but that some of them were engaged in trespassing on the lands ceded by the Delawares to the United States, in trust for their benefit.

“Captain Hunt, the commandant of the post, in his note of July 10, 1854, published in the Weston paper, says: ‘A town, I believe, has been, or is about being laid out by persons in Weston, and two officers of the army stationed here, near the mouth and north of Three Mile creek, which is off the reserve and on Delaware land.’

“Major Ogden closes a long communication in reply to the resolution of the Weston meeting thus: ‘If the persons interested in this scheme (laying out the town) are violating any public or private right, they will deservedly lose the money they are freely investing in the enterprise. If proceeding, on the contrary, according to law and precedent, they improve their claims, secure their possessory right, and pursue, as I am sure they will, a fair and liberal course in the disposition of their town property, all generous persons will heartily wish them success.’

“The committee of gentlemen who were appointed by the Weston meeting, in publishing the correspondence with the officers of the post, state that the general impression which had previously obtained was, ‘that no person would be permitted to occupy any portion of the Delaware lands,’ but that they now had the pleasure of laying before the people the gratifying intelligence that the officer in command at Fort Leavenworth does not feel it to be his duty to prevent settlements on the Delaware lands; and they feel authorized to urge the immediate occupation of all those lands, except the small strip on Kansas river, intended for the permanent occupation of those Indians. To Missourians especially they would say, ‘do not let the best portion of the Territory be taken by the thieves and paupers to be exported from the sinks of abolitionism by Blair and Thayer.’

“The conduct of a portion of the officers at the post, in themselves becoming trespassers, and the license of the commandant, to all who were so inclined, to take possession and occupy the lands within the Delaware cession, induced many to go upon these lands and make, ‘according to law and precedent’ (to use the language of Major Ogden) claims to portions of them, by the erection of such monuments as had been indicated by the associations of squatters in various parts of the Territory, to secure to each one his pre-emptive right to a quarter-section of land.

“Major Ogden and Major Macklen, the two officers of the post who are said to be interested in the town of Leavenworth, have used all diligence, as I was informed, in urging persons to make locations and

settlements on the Delaware cession, alleging that the lands were subject to pre-emption, the opinion of the Attorney General to the contrary notwithstanding.

“Major Macklin is one of the trustees to whom the interests of this town are committed; and when at Fort Leavenworth, I found the surveyor who had run off the streets and alleys of the town, making a plat of the same in the quartermaster’s office.

“The ‘claims’ consist of four logs laid as the foundation of a cabin, a small plank house eight or ten feet square, and five or six feet high, roofed with plank, and such like ‘improvements;’ but in no one instance did I see any land broke or fenced in; and as a general thing, those who had made these ‘claims’ do not reside on them.

“The pretence set up by these people, that they are innocent squatters, who have expended large sums in improvements, is simply ridiculous, and the whole thing is a bold and unblushing attempt, sanctioned and participated in by government officers at Fort Leavenworth, to appropriate the Delawares’ lands to the use of speculators, in violation of the treaty. The thing is notorious—not only known to the government, but to the people; and I again submit whether the obligations of the United States to the Delaware Indians do not require immediate action, to expel the intruders from these lands. As an officer of the government having the charge of Indian interests, I most respectfully but earnestly request the intervention of the Executive.

“The Delaware Indians had been accustomed, on all former occasions, to look to the fort for protection from trespassers of any kind, and the conduct of the officers, on this occasion, has, therefore, been the most fatal to the peace and interest of the Delawares.

“I admonished the Indians not to be alarmed, and assured them the government would protect them, and that the stipulations of the treaty would be faithfully carried out.

“I respectfully requested you, in an unofficial letter from Fort Leavenworth, to take such steps as would expel all trespassers from the Delaware cession, and I regret to learn that the Secretary of War has determined first to cause an investigation by the commandant of the post before he acts. The case, in my opinion, is not one for procrastination or delay. The fact that trespassers are on the Delaware cession is notorious, and the duty of the government to maintain its faith with the Indians is imperative.”

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S.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, November 7, 1854.*

SIR: I have the honor herewith to transmit three letters just received from agent Robinson, viz: one asking instructions with regard to \$900 retained by him out of the Delaware annuity for pay of delegates, and stating the dissatisfaction prevailing among the Delawares, on account of the retention of their money; also the difficulties

thrown in his way by intruders, and the illegal conduct of military officers; \* \* \* \* \* and the third, the request of the Delaware chiefs to have the \$34,000 retained sent out, in order to be paid this fall.

Very respectfully, I am your most obedient servant,

A. CUMMING,  
*Superintendent Indian Affairs.*

Hon. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

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S 1.

KANSAS AGENCY, *October 30, 1854.*

SIR: Out of the Delaware annuity, viz: forty thousand dollars, I have retained nine hundred for the pay of the delegation who visited Washington last spring for the purpose of making a treaty with the United States.

I ask the advice of the Indian department as to what I shall do in the premises. I was induced to retain the money at the earnest solicitations of the chiefs of the nation.

It was with much difficulty I could induce the nation to receive the money sent. They demanded all. After a council, however, of two or three days, they consented to be paid.

The Delawares are not much to be blamed for their obstinacy in refusing the money. The slip from the Parkville Seminary (herewith enclosed) will give you some idea of the adverse influences with which I have to contend. My ineffectual effort to remove the settler from their lands, &c., has, I fear, had a bad effect, calculated, in a high degree, to shake their confidence in the government. And here I will take occasion to remark, that the conduct of the military officers stationed at Fort Leavenworth merits the censure of every law-abiding and law-and-order-loving citizen in the land. Instead of being prompt to assist in preserving the plighted faith of the government, I regret to say they were among the first to violate it; and I am sure I do not wrong them when I say, in my opinion, they (the military) encourage the squatters in their aggressions upon the rights of these helpless people. For further information I herewith enclose a letter from the chiefs.

A letter from Commissioner Manypenny, in relation to the detention of the balance of their annuity, would, perhaps, reconcile them to that measure; and I am sure a removal of the squatters from their land to be surveyed and sold, as provided by their late treaty, would add much to reconcile them to the action of the department, should it be deemed still proper to withhold their remaining annuity till spring.

B. F. ROBINSON,  
*Indian Agent.*

Col. A. CUMMING,  
*Superintendent Indian Affairs, St. Louis, Mo.*



## S 2.

*Newspaper slip referred to in Agent Robinson's letter.*

Governor Reeder has left Fort Leavenworth for Pottawatomie, Fort Riley, and Council Grove, to view the beautiful prairies, over which he now presides, and to become acquainted with his fellow-citizens.

We are informed that he recently made a speech, in which he indicated a determination to govern the Territory without respect to the fulminations of the Missouri self-defensives; and that, in respect to pre-emptions, he had studied law long enough to know that an *opinion* (even of an Attorney General) was not an enactment. Good for his excellency, as against the meddling madnes of demagogues; and better, for he is possibly in favor of pre-emptions to actual settlers on all lands.

May we not also say, good for Governor Reeder, as opposed to all official speculation, either civil or religious, so far as he can check it; whether it is perpetrated to the detriment of the children of the forest, by Indian agents, or by missionaries sent among the tribes for infinitely holier purposes. Is it true—and how does it happen—that Major Robinson is only to pay the Delawares this week \$40,000 instead of \$74,000, as per treaty? And further: What does Frank mean when he says that the Indians will help to drive off the eastern citizens who have settled in Kansas Territory? Does he mean to say that he and his associate schemers will foment animosities between the Indians and white men, until collisions are brought about, which will be turned to immediate account by political pirates? Faix, Major, you may be too frank; but it is well that the hint has been given, that the blood shed may be charged to the proper quarter.

## S 3.

*Nullifying a treaty.*

The recent Delaware treaty, *inter alia*, provides that the sum of \$74,000 shall be paid to the tribe in the month of October, 1854. It is said that at the payment on Thursday, 26th, there will only be \$40,000 distributed. What the reasons annexed are, it is not for us to say. It seems clear, however, that such a procedure amounts inevitably to a violation of the treaty by the United States through its officials; and, if the deceived Indians could have their case brought before the Supreme Court, that tribunal would most probably so will. In such circumstances what is there to prevent the squatter sovereigns from going over on to that portion of the Delaware land which the violated treaty proposed to sell to the highest bidder? In this progressive age, when treaties and compromises are so lightly esteemed, what could the government say to the act of the people—simply practising a lesson so flagrantly taught them? Could squatters—the sovereign people—be driven off under a treaty which government—the people's servants—had made and set at naught? Or, are treaties merely made for fun, and henceforth to be looked on as manœuvres played

off for the benefit of a hungry crowd of speculators? The poor Indians may protest and appeal; but we fear that (through the connivance and planning of certain statesmen, who have been knuckled down to by the President, *contrary to his better judgment*) the tricky schemers have got the dead-wood on them.

Will the Indians' Great Father open his eyes to the present miserable condition of affairs, and provide an effective remedy before it is too late? The local officials, and other conspirators, have looked as far as is consistent with the filling of their own breeches-pockets, and there is very great danger of matters resting there.

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S 4.

DELAWARE, K. T., *October 29, 1854.*

SIR: I had intended to have a talk with you before you went home yesterday, but I could not do so for want of time. I now get our friend to write you this letter to tell you what I wish you to do for us.

I wish you to write to the Commissioner immediately, and tell him for us that we want to get the balance of our annuity in money this fall, and also the money for our delegates, the half which you kept in your hands, and the other half kept in Washington. I wish you would tell the Commissioner the reason why we want this money for our delegation. I will tell you the reason: our delegation understood the treaty to be, that this fall they were to get seventy-four thousand dollars in money, and that this money was to be used in making improvements and such other useful purposes as were necessary for their comfort. Our delegates, when they found that they would be paid for their time and expenses in going to Washington, went to work to build new houses, and some of them bought improvements from other Delawares, all of them believing that they would get the whole amount of their annuity this fall, and then two hundred dollars for services as delegates also; but now only half of our annuity has come, and none of the money for our delegates; so they must stop all their improvements, and do without any money all this winter, unless this money comes for them.

We want to get the balance of our annuity this fall, so that our people can have something to make fields and fix houses with, this winter, and be ready to raise a crop the next spring; but if our money does not come until spring, we cannot raise a crop next year.

Your friends,

CAPTAIN KETCHUM, his x mark.  
 ROCKKATOWHA, his x mark.  
 NECONHECONA, his x mark.

Witness—

\* HENRY TYBLOW, *U. S. Interpreter.*

Major B. F. ROBINSON,  
*Indian Agent, Kansas Agency.*

## S 5.

*Extracts from a communication from the Commissioner of Indian Affairs, under date of 30th November, 1854, to A. Cumming, Superintendent Indian Affairs at St. Louis, to be communicated to agent B. F. Robinson.*

The remittance of \$900 now made, with the \$900 retained by him, at the late payment, he may pay over to the delegates, whom the Delawares sent here to represent the tribe in making the late treaty, first, however, having the authority and sanction of the Delaware council.

In relation to the balance of the Delaware annuity of this year, and which the letter of Captain Ketchum and other chiefs requests should be sent out this fall, I have to say that, in my opinion, it is much better for them that it be retained here until early spring. If I was not fully convinced that this is the best policy, I would at once comply with the request of the chiefs.

If any of the Delawares are building, or preparing to build, or if any are opening farms, or preparing to do so—and I hope there are many such—the agent may assure them that the money shall come out early to them, and inspire them to go on with their improvements, by all means.

He will visit the country and report the state of the improvements among the Delawares, whether in fields or houses.

In relation to the persons trespassing on their lands, in violation of the treaty, I have laid the whole subject before the Secretary of the Interior, and it will, before long, have definite action. The Delawares must not get disheartened. They shall be protected in their rights.

In relation to the Shawnees, the agent may assure them that the balance of their annuity will be sent them next spring, early, when I am sure it will be more useful to them than if it had been paid out in October. He will urge them to diligence and sobriety, and to avoid all white men who may desire them to contract debts improperly, and that they must not be seduced to sign any papers that white men may wish, without first submitting them to the agent.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,  
*Commissioner.*

A. CUMMING, Esq.,

*Superintendent Indian Affairs, St. Louis, Mo.*

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T.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, November 9, 1854.*

SIR: When you and I were at Fort Leavenworth together, in the latter part of September last, I gave you verbal instructions to obtain

such information as was within your reach, of a reliable character, of the parties then engaged in the laying out a town on the Missouri river, above the mouth of Three-Mile creek, on the Delaware cession, with their names, and their actions and doings, in the inception, survey, and advertisement of the sale of lots in said town, and all matters pertaining thereto; and the extent of attempts to pre-empt, and, of course, trespass on other portions of this cession, and who were engaged in these unlawful acts.

I also instructed you to advise me of the truth of the rumor that the settlers on the Waehanesa were engaged in trespassing on the southwest end of the Delaware cession; and, if so, who were engaged in the unlawful proceedings, and their extent; and that you take steps, at once, to prevent trespassers from cutting timber on the Indian lands.

Having received no information from you on these points, I now again call your attention to them, and request that you report without delay.

You will make the operations at Leavenworth town, or city, the subject of one report, and in another paper report to me, generally, the condition of things within your agency.

Very respectfully, your obedient servant,

GEORGE W. MANYPENNY,

*Commissioner.*

B. F. ROBINSON, *Indian Agent.*

Care of A. CUMMING,

*Superintendent, &c., St. Louis, Mo.*

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T 1.

KANSAS AGENCY, *November 14, 1854.*

SIR: I regret that, whilst at St. Louis, it was out of my power to furnish such information, in relation to the intruders on the Delaware cession and other lands about Fort Leavenworth, to show at once the extent to which parties concerned had gone to defeat and set at naught the treaty with the Delaware tribe of Indians.

On my return home, however, I forwarded a communication to the superintendent of Indian affairs, Colonel Cumming, (to which I respectfully invited your attention,) bearing upon this subject.

It is true as respects the conduct of the military gentlemen stationed at Fort Leavenworth; my information is principally of a hearsay character, but from so credible a quarter that I cannot doubt its correctness.

Majors Macklin, Ogden, Captain Hunt, and Lieutenant Brown—in a word, I was informed that every officer (perhaps one exception) who was stationed at the fort in September last, and many of the privates, held claims, either on the Delaware cession or the military reserve, (I mean part of the reserve shut out by Captain Hunt's late survey.)

As respects two of these gentlemen, Majors Macklin and Ogden,

there is no doubt about the fact that they are interested in the new town a few miles below the fort, called Leavenworth.

I saw the name of the former appended to a notice of a sale of lots at this place, and the latter, on the occasion of the sale, made quite a warlike speech, affirming, in strong language, his determination to made good the title to these lots.

It is true, every day the difficulty of removing intruders off the Delaware cession increases; but still I believe prompt action on the part of the government would effect this desirable object without meeting with a serious resistance, and but few of the honest squatters would sustain a loss; none but speculators would be the losers.

I have not visited the new town called Leavenworth; but I understand it contains about two hundred inhabitants, who are active in inducing others to do as they have done—settle on the Delaware cession in violation of law. Now, I will take the liberty of saying that, in my opinion, if these people were removed, other intruders would at once leave the country, or look out lawful homes elsewhere in the Territory.

B. F. ROBINSON,  
*Indian Agent.*

Colonel MANYPENNY,  
*Commissioner of Indian Affairs.*

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T 2.

KANSAS AGENCY, *November 22, 1854.*

SIR: Your official communication of the 9th instant, in relation to certain trespassers on the Delaware cession in the latter part of September last, in laying out a town, &c., is at hand. In reply thereto, I have the honor to state, that on the 14th instant I forwarded to the department a report which I trust will be satisfactory, though not so minute as your instructions require.

It is not in my power at present to give a list of the names of the parties interested in the town (Leavenworth) alluded to in your instructions. The company is large, said to number upwards of a hundred. Neither is it in my power to inform you who were engaged in attempts to pre-empt on other portions of said cession.

In my report above mentioned, I gave the names of several military gentlemen who were stationed at Fort Leavenworth, and who I understood were engaged in pre-emption speculations. Among other names I gave those of Majors Macklin and Ogden, particularly alluding to them, from the fact that those gentlemen were prominent actors in the town speculation, notoriously engaged and interested in its inception, the laying out and sale of lots therein; at one time advocating the doctrine that the late pre-emption law embraced the Delaware cession—at another, striving to purchase out the interest of the Delawares to 320 acres, comprising this town site; and then, again, concerned in the attempt to induce the Delawares to ask a change in their late treaty, so as to open the country to settlement and pre-emp-

tion, thereby securing pre-emption privileges to those who had the hardihood to join with them in violation of the treaty with these Indians, and in trespassing on their lands.

So far as my observation extends, the country ceded by the Delawares is generally marked out in pre-emption claims; shanties or huts may be frequently seen in the neighborhood of Fort Leavenworth, but not generally tenanted.

Very respectfully,  
B. F. ROBINSON,  
*Indian Agent.*

Col. G. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

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T 3.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, December 26, 1854.*

SIR: I have to acknowledge the receipt of your letter of the 14th ultimo, in reference to intruders on Delaware lands, &c., and to inform you that your letter, together with others on the same subject, was made the basis of a communication to the Secretary of the Interior.

Very respectfully, your obedient servant,  
GEO. W. MANYPENNY,  
*Commissioner.*

B. F. ROBINSON, Esq.,  
*Agent, &c., Westport, Mo.*

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T 4.

*Extract of a letter to the Secretary of the Interior from the Commissioner of Indian Affairs, dated November 25, 1854.*

“SIR: I herewith transmit for your consideration an extract from a letter received from agent B. F. Robinson, dated the 14th instant, and also an extract from a report from Geo. W. Clark, agent of the Potawatomes, dated 13th instant, received here this morning through superintendent Cumming.”

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T 5.

*Extract of a letter from agent Robinson to the Commissioner of Indian Affairs, dated November 14, 1854.*

“It is true, every day the difficulty of removing intruders off the Delaware cession increases; but still I believe prompt action on



the part of the government would effect this desirable object without meeting with a serious resistance, and but few of the honest squatters would sustain a loss—none but speculators would be the losers.

“I have not visited the new town called Leavenworth, but I understand it contains about two hundred inhabitants, who are active in inducing others to do as they have done—settle on the Delaware cession, in violation of law. Now I will take the liberty of saying that, in my opinion, if these people were removed, other intruders would at once leave the country, or look out lawful homes elsewhere in the Territory.”

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T 6.

*Extracts from letter of Geo. W. Clark, agent for the Pottawatomies, dated November 13, 1854, to A. Cumming, superintendent, &c., at St. Louis, Missouri.*

“I reached Westport, upon my return from St. Louis, with the annuities and other funds for my agency, on the 12th October; and on the 15th I proceeded to Uniontown, in the Pottawatomie country. Upon my arrival in the nation, I found that, as a consequence of the long absence of an agent, growing out of the resignation of General Whitfield and the death of Judge Brown, things were in a most lamentable condition. The country was overrun by white men, who had gone there under one pretext or another, and numerous disturbances had occurred between them and the Indians; depredations and reprisals had been committed on each other, and the most bitter feuds had arisen among them. Another evil prevailed to a greater extent than I had ever known before in the Indian country. I mean the introduction and sale of spirituous liquor. The Indians, and also the white men, through the Indians, had been and were still introducing and vending spirits among the Indians, and drunkenness and riot reigned supreme over the land.

“Having been informed of this state of things previous to my departure for Uniontown, I called personally upon Major Howe, commanding officer at Fort Leavenworth, and requested him to furnish me a small command of troops to attend the payment. He declined, on the ground that he had not the men to spare, but assured me if I would postpone the payments till a later day, and after the arrival of a detachment of recruits, which he was expecting in a few days, as soon as they were drilled he would furnish me a command. Upon my return to Westport, the indications were of such a character that I wrote to Major Howe, and urged him to send a command to meet me in Uniontown on the 20th, or even as late as the 22d or 23d; and I regret to say that my letter met with no response. I am not disposed to find fault with this officer, having always entertained a high opinion of him, and knowing, in times past, in the south, that he has proven himself to be an efficient officer.”

## V.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, November 13, 1854.*

SIR: I have the honor to state to you, that since the treaty of May 6, 1854, was concluded with the Delaware Indians, divers and sundry persons have taken possession of, and made settlements on, the lands ceded by said Indians in trust to the United States, and that divers and sundry other persons have made surveys and marked boundaries thereon, without authority, and in violation of the stipulations of said treaty, and that I have good reason to believe that unlawful combinations are rapidly forming, the objects and purposes of which are to deprive the Delaware Indians of their lawful and just rights, arising under the treaty aforesaid.

And I have further to state, that, in my opinion, a case has arisen, such as contemplated by the 16th article of the treaty, and to be dealt with as provided by the act of March 3, 1807.

I have therefore to request that the marshal of the Territory of Kansas be immediately directed to proceed to remove all persons from the lands ceded by the Delaware Indians as aforesaid; that a sufficient military force be placed at his disposal for that purpose; and that the United States Indian agent for the Delaware Indians be directed to co-operate with the marshal in all things.

Despatches received this morning from the Territory represent a state of things existing in the region of the Delaware cession which calls for the most prompt and decided action of the executive department of the government.

Very respectfully, your obedient servant,  
GEO. W. MANYPENNY,  
*Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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 W.

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,  
*St. Louis, November 13, 1854.*

SIR: I have the honor to transmit herewith a letter just received from agent Clarke, dated the 7th instant, in relation to speculations now being made in the Kansas half-breed reservations, to which I beg leave to call the attention of the department, in order that proper measures may be taken to protect the half-breeds from fraud. Enclosed herewith will be found the obligations of G. W. Ewing, jr., to Joseph Butler, referred to in the letter of the agent.

Very respectfully, I am, sir, your obedient servant,  
A. CUMMING,  
*Superintendent of Indian Affairs.*

Hon. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

The enclosures referred to in the foregoing follow the letter of the Commissioner of Indian Affairs to the Secretary of the Interior of 18th November, 1854.

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W 1.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, December 4, 1854.*

SIR: Your letter of the 13th, transmitting one from agent G. W. Clarke of the 7th ultimo, in relation to speculations now being made on the Kansas half-breed reservations, &c., has been received.

The matter has been reported to the Secretary of the Interior for his information and direction.

Very respectfully, your obedient servant,  
GEO. W. MANYPENNY,  
*Commissioner.*

ALFRED CUMMING,  
*Supt. Indian Affairs, St. Louis, Mo.*

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W 2.

*Extract of a letter from the Commissioner of Indian Affairs to the Secretary of the Interior, dated*

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, November 18, 1854.*

SIR: I have the honor to transmit herewith for your consideration a copy of a communication of the date of the 7th instant, from G. W. Clarke, agent for the Kansas Indians; also, an extract from a letter from J. W. Whitfield, agent for the Upper Platte and Arkansas Indians, dated the 6th instant.

No such deeds as those spoken of have been received at this office; and should they be directed to the Executive or yourself, they will no doubt take the usual course and come to this office for a report.

I extremely regret that the occasion has arisen for this communication; but the integrity and efficiency of the Indian service in Kansas Territory, and the peculiar condition of our Indian affairs there, requires the most prompt exposure of any and every improper transaction, as well as the immediate intervention of the government for the correction of abuses there, whether perpetrated by the officers in the Indian, civil, or military departments. Such transactions as are disclosed in the papers I transmit, if true, will, in connexion with the conduct of the army officers at Fort Leavenworth, heretofore reported to you, very soon, if not rebuked, produce a state of demoralization in the Territory, the effect of which will be as lamentable as the acts themselves are disgraceful.

W 3.

POTTAWATOMIE AND KANSAS AGENCY,  
November 7, 1854.

SIR: I deem it my duty again to call your attention, and that of the Commissioner of Indian Affairs, to the subject of the half-breed Kansas reservations. Speculators are travelling through the Territory purchasing from the half-breeds their reservations of land; taking their deeds without any other consideration than promissory notes, payable when the President confirms the sale. In some instances the notes given for the deeds are only for four and five hundred dollars, making the consideration at the rate of sixty and seventy cents per acre, whereas the lands can be sold at any moment for six or seven dollars per acre.

Accompanying I send you, with the request that the same be forwarded to the Commissioner of Indian Affairs, two notes executed to Joseph Butler, a half-breed Kansas Indian, as a consideration for his reservation. Butler requests that they be returned to Mr. Ewing; that his deed be not confirmed, and it be returned to him. He states that he was deceived in the transaction.

There are other persons purchasing these lands of the half-breeds or their supposed heirs, and in no case has any one brought the transaction before this office, or promised half the value as a consideration. Some of the high official functionaries of Kansas Territory have also been engaged in purchasing of the half-breeds their reservations at prices far below their value, and without paying down any money, simply giving their notes, trusting, as I understand, to weighty influences at Washington city for a confirmation of the sales.

As the agent and special guardian of these poor and ignorant people, I protest against all such sales. These people are credulous and easily to be imposed upon; and if they have the right to sell their lands, they can be induced to sell them at prices far below their value. If purchasers desire to buy, they should be compelled to execute the transaction before the agent, who can see that the Indians receive at least a fair compensation for their lands. The fact of these reservations being laid along the margin of the river for twenty-three miles, a high value is set upon them. I have been called upon by respectable and responsible gentlemen since my return to this place, who state that they represent two companies that have been for some time anxious to buy these lands, but they have been waiting the action of the Indian department, and upon the government, whenever it pleased to offer these lands for sale, not desiring to enter into conflict with the policy of the government, or the Indian treaties; and now, one company offers to give six dollars per acre and take the whole twenty-three sections; the other company offers to give five dollars per acre and to take the whole twenty-three sections. Whether these lands are intrinsically worth as much or more than has been offered for them, it is not in my power to give an opinion, as value is not set upon lands in Kansas altogether according to their peculiar localities. Yet these offers exhibit the fact that these lands can be sold well; and as the Indian department is the guardian of the Indians, I pre-

sume it is the wish and intention of that department to secure to them as fair and full a consideration for their reservations as can be obtained.

I have the honor to be your obedient servant,

GEO. W. CLARKE,  
*Indian Agent.*

A. CUMMING, Esq.,  
*Superintendent of Indian Affairs, St. Louis, Mo.*

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W 4.

I promise to pay to Joseph Butler the sum of two hundred and twenty dollars in twelve months from this date, upon the condition that a certain deed for one mile square of land lying on the Kansas river, in Kansas Territory, the same reserved to said Butler, as a Kansas half-breed, by the treaty of 1825, which has this day been made and delivered to me by said Butler, shall within that time be confirmed by the President of the United States, and in case I shall receive a *patent* for the said land in my own name from the government. And it is understood that I agree to pay said sum to said Butler, or his legal heirs or representatives, and to no other person whatever, it being understood that this instrument is not in any case assignable to any other person.

GEO. W. EWING,  
Per H. W. JONES.

JULY 29, 1854.

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W 5.

I promise to pay to Joseph Butler the sum of two hundred and twenty dollars, upon the condition that a certain deed for one mile square of land, lying on the Kansas river, in Kansas Territory, the same reserved to said Joseph Butler, as a Kansas half-breed, by the treaty of 1825, which has been this day made and delivered to me by said Butler, shall be confirmed by the President of the United States, whenever the President shall so confirm said deed, and shall cause a *patent* to said land to be issued to me in my own name therefor. And I agree to pay said sum to said Butler, or his legal heirs, and to no other person whatever, it being understood that this note is not to be assigned by him to any other person.

GEO. W. EWING,  
Per H. W. JONES.

JULY 29, 1854.

## W 6.

*Extract from letter of J. W. Whitfield, Indian agent, to Commissioner of Indian Affairs, dated Westport, November 6, 1854.*

“Pardon me for meddling with, perhaps, other men’s business. Recent transactions have taken place here, that I believe, as an officer of the Indian department, it is my duty to let you know; and what I state I am willing for you to let the President see, as I shall make no statement but what can be well substantiated. Governor Reeder reached Fort Leavenworth a short time ago, remained five days, and left, as was reported, on an exploring expedition; but, instead of that, it turns out that his object was to buy land-claims and to have others made. He went to Pottawatomie nation, where he remained about a week. During that time he was engaged in purchasing Kaw half-breed claims at less than half their value, say \$2 50 per acre, taking their deeds, and giving notes payable when the President confers the title; in addition to that, he has had thirteen claims made on this land (paying \$5 for each foundation.) His having claims located, has induced others to follow the example of his excellency, and at this time I suppose every foot of this land is taken. Now, sir, the first wrong is, he is cheating the Indians out of more than \$1,500 on each claim; secondly, it is certainly a very bad example for the governor to be setting. Instead of sustaining the President in treaties that have long since been made, he is the first man to give him trouble. I desire to see those Indians get a fair price for their land, and not be swindled by any person, especially men high in authority. I have no money to buy, which you well know; but to show and prove what I have said about his not paying more than half-price, I am authorized by a company of gentlemen to say to you, and desire you to say to the President, that they will give \$5 per acre for the twenty-three sections owned by the half-breed Kaws. I do not advise you to consent to their having the land at that price—I merely want to show that men (not governors) will give each one \$1,500 more than the governor proposes.

“I presume the deeds for the land will reach Washington in a few days, and if the President is aware of the facts I have no idea he will think of confirming the contracts.”

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Y.

DEPARTMENT OF THE INTERIOR,  
*Washington, November 15, 1854.*

SIR: By the terms of the treaty with the Delaware Indians, the United States engaged to survey and sell their lands, and pay over to or invest for them the moneys received therefor, after deducting the cost of surveying and selling the same.

The lands when surveyed were to be exposed to sale at public auction, such sale being conducted in all respects in accordance with



“the laws of the United States respecting the sale of public lands.” Such as remain unsold are to be subject to private entry, in the same manner that private entries are made of United States lands. And the treaty further provides that “any or all of such lands as remain unsold after being three years subject to private entry, at the minimum government price, may, by act of Congress, be graduated and reduced in price, until all said lands are sold, regard being had in said graduation to the interests of the Delawares, and also to the speedy settlement of the country.”

The act of Congress approved July 22, 1854, creating the office of surveyor general for the Territories of Kansas and Nebraska, was supposed by some persons to have rendered all the lands in those Territories, to which the Indian title had been, or might be, extinguished, liable to the operation of the pre-emption provisions of the act of September 4, 1841. The question was submitted to the Attorney General, who rendered an opinion on the 14th of August last, (herewith submitted,) that the lands ceded by the Delaware treaty, to be sold for the benefit of that tribe, were not liable to be taken and held by right of pre-emption.

By the 16th article of said treaty, it was agreed that the provisions of the act of Congress approved March 3, 1807, in relation to land ceded to the United States, “shall, so far as applicable, be extended to the lands” therein ceded.

The Commissioner of Indian Affairs while at Fort Leavenworth, on a recent official visit to the Indians in that vicinity, and elsewhere, and also since his return, reported that persons had made, and were yet making, settlements, and had laid off a town near the fort on lands ceded to the United States by the Delawares, to be sold for their benefit; and he now recommends and urges, as you will perceive from his letter, and from an extract from his report, which I send, that those persons may be regarded as intruders, in violation of law and of treaty stipulations, and be forcibly ejected therefrom.

I also enclose you a printed copy of the opinion of the Attorney General, to which the Commissioner alludes; and will merely add that my own opinion is, that these treaty stipulations with the Delawares should be executed on the part of the government in good faith, and that every proper effort should be made to defend and protect their rights and interests.

The matter is respectfully submitted for your directions, as to what steps shall be taken in the premises.

I have the honor to be, with great respect, your obedient servant,  
R. McCLELLAND,

*Secretary.*

To the PRESIDENT.

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AA.

DEPARTMENT OF THE INTERIOR,

*Washington, November 25, 1854.*

SIR: In consequence of the recent reception by the Commissioner of Indian Affairs of advices from the Indian agents in Kansas Territory,

showing the importance of early action upon the subject of my letter to you of the 15th instant communicating his recommendation that the trespassers on the Delaware lands be forcibly removed therefrom, I am induced to recall the subject to your notice, and to add that, in my opinion, the longer the action of the government is deferred, the greater will be the evil complained of and the difficulty of the remedy.

I am, sir, with much respect, your obedient servant,  
R. McCLELLAND, *Secretary*.

To the PRESIDENT.

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BB.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 8, 1855.*

SIR: I have the honor to submit to you a letter from the Commissioner of Indian Affairs of the present date, with enclosures, alleging that settlements are being commenced upon the Shawnee lands in contravention of recent treaty provisions with that tribe.

I am of the opinion, as expressed in my letter to you of the 15th of November last in relation to the Delaware lands, that our engagements with these Indians should be executed in good faith, and that every proper effort should be made to protect the rights and interests of these Indians; and I have directed the Commissioner of Indian Affairs to warn the intruders, through the proper agents, that any settlement they may make upon those lands will be without warrant of law and in violation of treaty stipulations, and that no rights which they may expect to acquire from such illegal settlements will be recognised or in any manner countenanced by this department.

In doing this the power of this department in the premises is exhausted; and I lay the Commissioner's communication before you, in connexion with my letter of the 15th of November last, (to which I beg leave to call your attention,) for such further and other action as you may deem expedient and practicable.

I have the honor to be, very respectfully, your obedient servant,  
R. McCLELLAND, *Secretary*.

To the PRESIDENT.

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BB 1.

*Extract of a letter from the Commissioner of Indian Affairs to the Secretary of the Interior, dated Department of the Interior, Office of Indian Affairs, January 8, 1855.*

"SIR: Some time since, superintendent Cumming was instructed by me to visit the Territory of Kansas, for the purpose of investigating certain charges made against one of the Indian agents there; and I availed myself of the occasion to direct him to visit the Delaware country, and make report of the condition of things there. I

have now the honor to transmit, for your information and the consideration of the President, so much of the agent's report as relates to the character and operations of persons who have intruded on the Delaware cession, and to whose lawless conduct I have on several occasions heretofore deemed it my duty to call your attention.

"I have also the honor to transmit herewith a copy of a letter from agent Robinson, dated the 22d of December last, stating that trespassers are beginning to go on to the Shawnee reserve, and expressing the opinion that prompt action should be taken in the case.

"To the views of the superintendent and agent I respectfully call the attention of yourself and the President, and, as heretofore, earnestly urge that something be done to vindicate the faith and honor of the United States in this behalf.

"If the lawless proceedings, to which I have from time to time heretofore referred, be not soon rebuked, we may well fear the consequences to follow."

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BB.

*Extract from letter of instructions from Commissioner of Indian Affairs to Superintendent Cumming, dated 2d December, 1854.*

"From Westport you will proceed to Fort Leavenworth and its neighborhood, to inquire into matters pertaining to the Delawares, particularly as regards the excitement upon the subject of the intrusion upon their lands by citizens of the States, noticing the class of persons thus intruding and their proceedings, and if any officers of the government are implicated in any transactions violative of treaty stipulations or law.

"Having acquainted yourself with such facts upon the points specified as can be learned either by observation or inquiry, you will report them, with such views as you may deem proper, to this office, as soon after your return to St. Louis as practicable."

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BB 2.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, January 2, 1855.*

SIR: In compliance with your orders of the 2d ultimo, I proceeded to Fort Leavenworth and its neighborhood to inquire into matters pertaining to the Delawares, and particularly with regard to the excitement caused by the intrusion of citizens of the United States upon their lands.

I have now the honor to report, that notwithstanding the lawless intrusions upon their lands by citizens and others, the confidence of the Delawares in the integrity of the government remains entirely unshaken; for, accustomed to an implicit conformity on their part to

treaty stipulations, they cannot realize the probability that the government will tolerate their violation by others.

In reference to the character of the claimants on the lands of the Delawares, there are many citizens of Missouri and other States of the highest respectability, who have made claims under the expectation of a change in the late treaty with the Delawares, and the eventual sanction of the government. Others have doubtless been influenced by the misrepresentations of designing individuals; and still another, and perhaps the largest class, have been induced to locate claims by the indifference and apathy manifested by the government in relation to the violations of treaty stipulations. It may be well to suggest in this connexion, that in the event of a change in the treaty with the Delawares, it would be unjust to the community at large to establish the precedent that they who violated treaty stipulations and set law at defiance by unauthorized claims and settlement; should be protected to the exclusion of the more scrupulous and law-abiding, who would have desired to make settlements on the same lands. It must be clear to every one, that if the government tolerate these intrusions on the lands of the Delawares, the reserves stipulated in the recent treaties with the Delawares, Shawnees, and others, will soon attract the attention of those who are on the look-out for desirable locations.

In reference to that part of your instructions which directs me to report the proceedings of the intruders, and whether any officers of the government are implicated in any transactions violative of treaty stipulations or law, I have to state, that the current opinion throughout the country, sustained by admissions voluntarily made to me at Fort Leavenworth, induces the conviction in my mind, that not long after the promulgation of the Delaware treaty an officer of the Quartermaster's department U. S. A. became an efficient partner in an association which seized a certain tract of 215 acres of land lying on the Missouri, in the Delaware lands, immediately south of the military reserve known as Fort Leavenworth; and at a subsequent period the association voted in, as a member, an officer of the Pay department U. S. A., who also became a shareholder. On the 9th of October last this association proceeded to sell lots in the above-described tract of Delaware lands, in accordance with an advertisement signed by the officer of the Pay department U. S. A., who thus sanctioned the transaction by his well known and highly respected name. On the day and at the place of sale, the officer of the Quartermaster's department addressed the people assembled, and assured them of the certainty that the title, if then imperfect, would be eventually made good and confirmed by the government. At this sale, and subsequently, several other officers, both civil and military, became lot-holders by purchase. The association, and individuals interested, have cut down the hazle-bushes and some timber; excavated the ground and made an embankment; constructed houses, among which is one hotel, one saw-mill, a blacksmith's shop, a printing-office, and other buildings used as stores and dwellings. The inhabitants seem intelligent and orderly. In the rear of the so-called "city" many claims are located, one or more by officers of the army. In the attempt to build up

this establishment some timber was necessarily destroyed, and much more will be required if these settlements proceed during the ensuing spring and summer.

Before closing this part of my report, it may be well to state that Mr. John C. McCoy, a highly respectable citizen of Jackson county, Mo., who surveyed the town site for the association, stated to me that certain men employed in the Quartermaster's department, with a wagon and team belonging to the government, were employed in effecting said survey. \* \* \* \* \*

The Delawares, although manifesting no distrust of the strong arm of their Great Father in rescuing them from the grasp of the intruders, are yet rendered moody by the indifference manifested, as they conceive, when their agent has invoked the power of the government to remove the intruders from their lands; but they seem to be sober and quiet, and promise to avail themselves of their advantages; so that, in the spring, I hope they will follow the excellent example of some of their more prudent men, in building comfortable houses, and cultivating the earth more extensively than hitherto. The Delawares are a brave, honorable and generous race, and, under favorable circumstances, are as susceptible of civilization as any other tribe in this country. It seems a cruel destiny that their almost unlimited confidence in the government should be the cause of their ultimate ruin. \* \* \* \* \*

With great respect, I am, sir, your obedient servant,

A. CUMMING,

*Superintendent of Indian Affairs.*

Hon. GEO. W. MANYPENNY,

*Commissioner of Indian Affairs.*

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BB 3.

OFFICE OF SUPERINTENDENT OF INDIAN AFFAIRS,  
*St. Louis, January 2, 1855.*

SIR: I have the honor herewith to enclose a letter from agent Robinson, of the 22d ultimo, reporting the trespasses of white settlers on the Shawnee reserve.

Very respectfully, I am, sir, your most obedient servant,

A. CUMMING,

*Superintendent of Indian Affairs.*

Hon. GEO. W. MANYPENNY,

*Commissioner of Indian Affairs.*

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BB 4.

KANSAS AGENCY, *December 22, 1854.*

SIR: It becomes my duty to inform you that the whites, or emigrants, are settling upon and wasting the timber of the Shawnee reserve.

In my opinion, if measures of redress or prompt action of a decided character be not taken, the rights of the Shawnees, like those of the Delawares, will be disregarded. The *trespassers* will demand a new treaty.

Very respectfully,

B. F. ROBINSON,  
*Indian Agent.*

Col. A. CUMMING,  
*Supt. Indian Affairs, St. Louis, Mo.*

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BB 6.

DEPARTMENT OF THE INTERIOR,  
*Washington City, January 8, 1855.*

SIR: I have received and attentively considered your letter of the present date, and the papers which accompanied the same, relative to trespasses alleged to have been commenced on the Shawnee lands.

I am of the same opinion respecting these lands as that expressed in my letter to the President of the 22d of November last, in regard to the Delaware lands, viz: "That these treaty stipulations with the Delawares should be executed on the part of the government in good faith, and that every proper effort should be made to defend and protect their rights and interests."

The extent of the power of the department to effect this, is to instruct the agents to warn the intruders that they enter upon these lands as trespassers, without authority of law, and in direct violation of treaty stipulations; and that no claims of whatsoever nature which they may hereafter set up, in virtue or growing out of any settlements they may make, will be recognised as vesting in them any rights whatever.

These views you will at once convey to superintendent Cumming, and through him to the proper agents; and enjoin upon them prompt action in conformity therewith.

I have submitted your communication of the present date, with its enclosures, to the President, for such action as he may deem expedient and proper in the premises, and, as soon as possible, will furnish you with a copy of your letter from Fort Leavenworth as requested.

I am, sir, very respectfully, your obedient servant,  
R. McCLELLAND, *Secretary.*

Hon. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*



BB 5.

DEPARTMENT OF THE INTERIOR,  
Office Indian Affairs, January 16, 1855.

SIR: Your letter of the 2d instant, enclosing one from agent Robinson reporting trespassers on Shawnee lands by white settlers, has been received.

Very respectfully, your obedient servant,  
GEORGE W. MANYPENNY,  
Commissioner.

A. CUMMING, Esq.,  
Superintendent, &c., St. Louis, Mo.

BB 7.

DEPARTMENT OF THE INTERIOR,  
Office Indian Affairs, January 16, 1855.

SIR: The letter of agent Robinson, respecting the trespassers upon the Shawnee lands, which was transmitted to this office by you on the 2d instant, was made the subject of a special communication to the Secretary of the Interior as soon as received. To that communication he has replied, that the treaty stipulations should be executed on the part of the government in good faith, and that every proper effort should be made to defend and protect the rights and interests of the Indians; and that to effect this, the agents should be instructed "to warn the intruders that they enter upon those lands as trespassers, without authority of law, and in direct violation of treaty stipulations; and that no claims, of whatsoever nature, which they may hereafter set up in virtue, or growing out, of any settlement they may make, will be recognised as vesting in them any rights whatever.

"These views you will at once convey to superintendent Cumming, and through him to the proper agents, and enjoin upon them prompt action in conformity therewith."

You are, therefore, hereby directed to instruct agent Robinson to pursue, to the fullest extent, the course indicated by the Secretary, and with the least practicable delay.

Very respectfully, your obedient servant,  
GEORGE W. MANYPENNY,  
Commissioner.

A. CUMMING, Esq.,  
Superintendent, &c., St. Louis, Mo.

CC.

KANSAS AGENCY, December 12, 1854.

SIR: As regards the western or upper part of the Delaware cession, have the honor to respond that this section of territory is also being

settled by the whites; as yet, however, there is but little waste of timber.

I have instructed the chiefs not to permit their young men to sell timber; they concur with me, and, no doubt, as far as in their power, they will enforce the order. Saw-mills are being erected at Lawrence, Douglass, Tecumseh, and, I am informed, one on the lands lately purchased of the half-breed Kaws.

I am not aware that Delaware timber is wasted or used in the vicinity of these mills. The whites, however, as above stated, are making considerable settlements in this part of the cession; and I fear when these mills shall have fully gotten under way, great destruction will be made of the timber near, without regard to the rights of the parties.

The demoralizing influence exerted at Leavenworth is becoming wide-spread, and if not checked by the wholesome action and power of the federal government, it needs no profound investigation to predict the consequences. Insubordination will increase until the rights of our wards, the Indians, will be wholly disregarded, and the spring immigration will seize upon the Shawnee and every other valuable reserve similarly situated in the Territory. I trust I shall be excused in again asking the government for power and authority to drive the intruders out of the Delaware cession.

If this violation of law is permitted, the Delawares will be driven to claim damages of no inconsiderable amount; and who can say that it is just that the government should pay for the unscrupulous and lawless conduct of these settlers?

B. F. ROBINSON,  
*Indian Agent.*

Colonel G. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

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DD.

*Extract from letter of Commissioner of Indian Affairs to the Secretary of the Interior, dated December 23, 1854.*

“I have received this morning, from B. F. Robinson, esq., agent for the Indians within the Kansas agency, an official letter dated the 12th instant, from which I have the honor to make the following extract for your consideration:

“The demoralizing influence exerted at Leavenworth is becoming wide-spread, and if not checked by the wholesome action and power of the federal government, it needs no profound investigation to predict the consequences. Insubordination will increase until the rights of our wards, the Indians, will be wholly disregarded, and the spring immigration will seize upon the Shawnee and every other valuable reserve similarly situated in the Territory. I trust I shall be excused in again asking for power and authority to drive the intruders out of the Delaware cession.”

"Referring you, in connexion herewith, to former communications from this office on the same subject, I have to reiterate the opinions expressed and requests made by me, and to say that I hope that the power and authority asked by agent Robinson, who has proved himself, under most adverse influences, a faithful officer, may be at once granted to him.

"I deem it not improper on this occasion to call your attention to my letter of the 20th of October last to the acting Secretary of the Interior, in acknowledging the receipt at this office, by reference, of a letter from the Secretary of War of the 12th of October last, and addressed to you, in relation to the letter I wrote to you from Fort Leavenworth in the month of September last, respecting the actings and doings of certain army officers there, on the subject of the Delaware lands, and their violations of the stipulations of the treaty with those Indians, &c., and to respectfully request that the result of the investigations made by the commanding officer there by order of the Secretary of War, and the report in the case, which I presume has been received at the War Department, may be furnished to me."

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EE.

DEPARTMENT OF THE INTERIOR,  
*Washington, December 26, 1854.*

SIR: I am informed by the Commissioner of Indian Affairs, in a letter dated the 23d instant, that he has learned that the complaints or charges made by him against certain officers in the army stationed at Fort Leavenworth have been denied, and that he desires copies of the denials, &c.; and, in his behalf, I have the honor to request copies of the reports the War Department has received in relation to this subject, so far as it may be done consistently.

I am, sir, very respectfully, your obedient servant,  
R. McCLELLAND,  
*Secretary.*

Hon. JEFF. DAVIS,  
*Secretary of War.*

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FF.

WAR DEPARTMENT,  
*December 27, 1854.*

SIR: I have the honor to acknowledge your letter of yesterday, asking for copies of the reports received at this department in relation to the accusations made by the Commissioner of Indian Affairs against officers of the army stationed at Fort Leavenworth, Missouri, and to reply, that the answers of those officers to the allegations of the Commissioner of Indian Affairs were some time since submitted to the President, and it was my purpose, as soon as they were returned to

me, to furnish you copies of them. They have not yet been received. As soon as they have been, your request will be promptly complied with.

I am, sir, very respectfully, your obedient servant,  
JEFFERSON DAVIS.

HON. R. McCLELLAND,  
*Secretary of the Interior.*

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GG 3.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, January 10, 1855.*

SIR: I have the honor to transmit to you a copy of a letter from superintendent Cumming, dated the 4th instant, with copies of its enclosures, being a note from agent Robinson, transmitting a communication from the chiefs and councillors of the Delaware Indians, addressed to the President of the United States, in which they request him to remove the settlers from the trust lands, and referring to a petition which they understood has been forwarded to the President by the white people, asking him to cause a new treaty to be made with the Delawares.

In this communication the Delawares state that no individual has ever obtained their consent to settle upon the land, and that they sincerely hope that the President will pay no attention to said petition, as the Delawares are all satisfied with the treaty, and earnestly ask for it to be carried out and strictly complied with.

I would respectfully request that these papers be laid before the President; and further, if a petition, such as the Delawares allude to, has been, or if it be hereafter received, that it may be transmitted to this office for a report upon it. I am led to make this request from the fact that I have understood that it contains statements and allegations not sustained, in my opinion, by the truth of the case.

Very respectfully, your obedient servant,  
GEO. W. MANYPENNY,  
*Commissioner.*

HON. R. McCLELLAND,  
*Secretary of the Interior.*

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GG.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, January 4, 1855.*

SIR: I have the honor herewith to transmit a letter from agent Robinson, of the 29th ultimo, enclosing a memorial of the Delaware chiefs to the President of the United States, on the subject of the intrusions

on their ceded lands, in contravention of the stipulations of their treaty of last year, to which I beg leave to call your particular attention.

Very respectfully, I am, sir, your most obedient servant,

A. CUMMING,  
*Superintendent Indian Affairs.*

HON. GEO. W. MANYPENNY,  
*Commissioner Indian Affairs.*

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GG 1.

KANSAS AGENCY, *December 29, 1854.*

SIR: Herewith I enclose you a paper signed by the chiefs and councillors of the Delaware tribe of Indians to the President of the United States, remonstrating against permitting settlements on the lands ceded by them by treaty 6th May, 1854; also denying that they are dissatisfied with said treaty, &c.

The cession lands are being wasted by destruction of timber; something should be done to prevent this.

B. F. ROBINSON, *Indian Agent.*

Col. A. CUMMING,  
*Superintendent Indian Affairs.*

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GG 2.

*To the President of the United States:*

We, the chiefs and councilmen of the Delaware tribe of Indians in council assembled, request that our agent, Major B. F. Robinson, communicate our wishes to our Great Father.

First, the settlement on our lands by the whites is a direct violation of our treaty; and we hope that our Great Father will have all the whites that are settled upon our lands removed, and let our lands be settled according to the treaty, and then we will be satisfied, and not till that is done.

And we learn that the pale faces, or whites, have sent on a petition to our Great Father, asking him to make a new treaty with us, and stating at the same time that they have obtained our consent to do so; and they further say that they obtained our consent to settle on our lands in the first place.

Now, we pronounce both these statements false. We have never given our consent to any such thing. It is all a fabrication of their own, and there is not a word of truth in any one of their statements; and we sincerely hope that our Great Father will not pay any atten-

tion to their petition. We are all of us satisfied with our treaty, and earnestly ask for it to be carried out and strictly complied with.

## Chiefs—

Captain Ketchum,	his x mark.
Koc-ka-to-wha,	his x mark.
Ne-con-he-cona,	his x mark.
James Sacandine,	his x mark.
Sarcoxy.	

## Councillors—

Charles Jonny Cake,	his x mark.
Howard O. Ketchum,	his x mark.
George Bullett,	his x mark.
James Ketchum,	his x mark.
James Swanac,	his x mark.
Isaac Jonny Cake,	his x mark.

Signed in presence of Henry Tiblow, U. S. interpreter, and B. F. Robinson, Indian agent.

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GG 4.

## DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, January 16, 1855.*

SIR: Your letter of the 4th instant, enclosing one from agent Robinson, transmitting memorial of Delaware chiefs to the President of the United States respecting intrusions upon their ceded land, &c., has been received.

Copies of agent Robinson's letter, and the memorial, were transmitted to the Secretary of the Interior, with a report on the subject, on the 10th instant, for his information.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,  
*Commissioner.*

A. CUMMING, Esq.,  
*Superintendent Indian Affairs, St. Louis, Mo.*

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HH.

## DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, January 6, 1855.*

SIR: I have the honor to transmit, for your information and direction, a copy of a letter from superintendent Cumming, and copies of its enclosures, being a letter from agent Robinson, transmitting a copy of a contract made by C. Robinson, agent of the Emigrants' Aid Society, and Sarcoxy, a chief of the Delaware Indians.

Ex. Doc. 50—5



This contract is made without authority by Sarcoxie, and is also, in my opinion, in violation of the intercourse act; and some steps should be taken to at once put at end to such proceedings.

The lawlessness first introduced into Kansas, by the military officers at Fort Leavenworth, seems to have spread among the New England emigrants; and although they have not ventured yet to go over and settle on the reserve of the Indians, they are willing to encourage depredations upon the timber; and this being permitted, the occupation of the reserve will soon follow.

The agent suggests, that if a suit be brought, some provision should be made for the expenses; and that he should have authority to employ counsel. \* \* \* \* \*

If the trespassers who are now on the Delaware cession were removed, as the treaty provides, and as I have heretofore requested, such depredations as the one alluded to would cease; until that is done, they may be expected to increase, and the consequences, in the end, may be fearful.

Very respectfully, your obedient servant,  
 GEO. W. MANYPENNY,  
*Commissioner.*

HON. ROBERT McCLELLAND,  
*Secretary of the Interior.*

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HH 1.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*St. Louis, December 26, 1854.*

SIR: I have the honor, herewith, to submit for your consideration a letter from agent Robinson, of the 20th instant, enclosing a copy of an agreement made between Dr. Charles Robinson and Sarcoxie, a Delaware chief, whereby the latter agrees to furnish the former a certain quantity of timber.

Very respectfully, I am, sir, your obedient servant,  
 JOHN HAVERTY,  
*Clerk Indian Office.*

HON. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

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HH 2.

KANSAS AGENCY, *December 20, 1854.*

SIR: I have enclosed a copy of an agreement between Sarcoxie, one of the chiefs of the Delaware tribe, and C. Robinson, the agent of the Emigrant Aid Company.

The instrument will show at once the necessity of prompt action on the part of the guardians of the Indians, to protect them against fraud, trespass, &c., &c.

The act of Congress approved March 30, 1802, sections 15 and 16, provides a speedy remedy through the military department; but I fear the medium of redress will not be permitted. In the mean time I will do all that is in my power to protect the rights of these people.

The timber in the vicinity of Lawrence is very valuable, and if its waste is not checked, will, at some future period, in the way of depre-dations, cost the government no small sum. If I am compelled to institute suits against the wrong-doers, it becomes necessary to employ counsel, &c. Some provision should therefore be made for costs and expenses of a legal adjustment.

Very respectfully,

B. F. ROBINSON,

*Indian Agent.*

Col. A. CUMMING,

*Superintendent Indian Affairs, St. Louis.*

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HH 3.

*Memorandum of an agreement made by and between Captain Sarcoxie, chief of the Delawares, in Kansas Territory, of the one part, and Dr. Charles Robinson, agent of the Emigrant Aid Company, of the other, witnesseth :*

That the said Captain Sarcoxie, for himself and tribe, hereby agrees to deliver at the saw-mill in Lawrence city, within six months, six hundred logs, from twelve to sixteen feet in length, to square twenty-two inches; for which the said Robinson agrees to pay the sum of six hundred dollars on delivery of said logs: three hundred of it to Ira W. Ackley, whom the said Captain Sarcoxie agrees to employ to cut and deliver said logs at fifty cents each, and to give him an order on the said Robinson for the same; the other three hundred dollars to be paid in lumber at the mill in Lawrence city, at two dollars per one hundred feet, (board measure.) Three hundred of said logs to be taken from near the bluff, about two miles from Lawrence, and three hundred opposite Lawrence, all on the Delaware reserve. Said logs to be about an equal proportion of bass-wood, cotton-wood, oak, and walnut.

In witness whereof, we have hereunto set our hands and seals, this 27th day of November, A. D. 1854.

C. ROBINSON. [SEAL.]  
SARCOXIE. [SEAL.]

In presence of—

O. A. HANSCOM.

S. J. WILLES.

W. M. PECHALKER.

*Memorandum of an agreement made by and between Captain Sarcoxie, chief of the Delaware tribe of Indians, in Kansas Territory, on the one part, and C. Robinson, of Lawrence, K. T., on the other, witnesseth :*

That the said Captain Sarcoxie, for himself and tribe, agrees to deliver at the town or settlement of Lawrence, Kansas Territory, six hundred cords of wood, more or less; for which the said Robinson agrees to pay one dollar a cord on delivery: twenty-five cents in money to said Sarcoxie, and seventy-five cents to J. W. Ackley, whom the said Sarcoxie agrees to employ to cut and deliver the same.

In witness whereof, we have hereunto set our hands and seals, this the 27th day of November, A. D. 1854.

C. ROBINSON. [SEAL.]  
SARCOXIE. [SEAL.]

In presence of—

O. A. HANSCOM.  
S. J. WILLES.  
W. M. PECHALKER.

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HH 4.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 8, 1855.*

SIR: I have received your letter of the 6th instant, with its enclosures, in relation to a contract made by C. Robinson, agent of the Emigrant Aid Society, with Sarcoxie, a chief of the Delaware Indians; and approving your views and suggestions in regard to the matter, request that you will carry them into execution.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND,  
*Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

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JJ.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 11, 1855.*

SIR: I have the honor, herewith, to lay before you, in connexion with other papers previously submitted, a letter received late last evening from the Commissioner of Indian Affairs, accompanied by a copy of a correspondence relating to the recent Delaware treaty, from which it would seem that the chiefs and councillors are averse to the proposed modification of its conditions.

I am, sir, with great respect, your obedient servant,

R. McCLELLAND,  
*Secretary.*

To the PRESIDENT.

KK.

DEPARTMENT OF THE INTERIOR,  
Office Indian Affairs, January 12, 1855.

SIR: I deem it my duty to transmit the accompanying correspondence between J. B. Chapman, esq., and this office, in relation to the Kansas (Indian) half-breed lands, to you, for such action as may be judged appropriate.

When passing up the Missouri river in September last, Mr. Chapman was a passenger on the boat, and had some conversation with me about these lands, in which I stated to him that this office had always held that the part-breeds could not alienate them.

On his leaving Westport to go into the Territory to examine the lands, I requested him to give me his opinion of their value, for which he submits a claim for services, as will appear in the correspondence, with my opinion of its propriety.

His letter of the 8th instant states the reasons why he made a request for compensation. I have only to state, in relation to the subject, that I have never had any correspondence, either official or private, with Governor Reeder in relation to these or any other lands in the Territory; the only correspondence that has ever been had being my replies to notes from him asking for copies of the treaties with the Kansas and other Indians.

Very respectfully, your obedient servant,  
GEO. W. MANYPENNY,  
*Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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 KK 1.

AKRON, OHIO, December 22, 1854.

SIR: I have enclosed to you three deeds as the claim of title of one of the reserves of the Kansas half-breed No. 13. The first deed from the Indian would have been sufficient, but I forwarded you the others to show my chain of title and the interest I have in the case. I wish to get them all on my return, if practicable.

In regard to the value of the lands, as estimated by myself at your request, for the benefit of the department, I have since examined the line more accurately, and find but a slight variation from my first examination. The lines are very difficult to find, and, in consequence of the circular bends in the river, and the reserve surveyed to the cardinal points on the river, they sometimes front on the river nearly two miles, as you will perceive by the plat of the Joncas section annexed to the deed. It was a very laborious task to find the lines sufficient to determine the sections; and, just as I had finished the task, Governor Reeder came along and benefited by my examination, and has purchased several sections; but, as I understood, did not give less than my esti-

mation for any he purchased. Two of them extend over timber that was not allotted to them, and the timber is the only value attached to the great portion of them.

I suppose your department will make me a reasonable allowance for the work, which was not a very light task in the bottom brush and green brier.

My deeds and brief are enclosed in a separate envelope.

Respectfully, your obedient servant,

J. B. CHAPMAN.

HON. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

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KK 2.

AKRON, OHIO, *December 22, 1854.*

The undersigned respectfully represents and shows to your honor that he has purchased the undivided half of one section of land lying in Kansas Territory, which was granted by treaty, made the third day of June, 1825, between General W. Clarke, on the part of the United States, and the Kansas tribe of Indians, by the head men and chiefs thereof.

In the 6th article of said treaties it is stipulated that one mile square be reserved to each of the Kansas half-breeds, beginning at the Kansas lands, and to extend down the Kansas river in the order they are named in the treaty.

The undersigned here begs leave to show by what chain of title he claims one of said miles square, or sections of said reserve made to the Kansas half-breed Indians.

That on the 14th day of September, 1837, one Benjamin Ames purchased of Basil Joncas, and Therse, his wife, section No. 13 of said reserves, and was transferred by a deed of conveyance, which is here filed and marked (A,) to which reference can be had for the authentication thereof, and accompanying which deed is a plat and field-notes of the survey made of said section.

On the 23d day of August, 1843, Mr. Ames conveyed said section to Lemuel Valentine Farensworth for a valuable consideration, which will more fully appear by reference to the deed of conveyance marked (B.) On the 4th day of December, 1854, the said Farensworth conveyed the undivided half of said section to the undersigned for a valuable consideration, which will more fully appear by reference to the deed here filed, marked (C.)

The undersigned further shows to the honorable Commissioner of Indian Affairs that since the conveyance of the said section by Basil Joncas to Benjamin Ames, the said Joncas has deceased, without leaving any heirs or legal representatives. The undersigned now prays the Commissioner to sanction the sale of the said Joncas to the said Ames. All of which is respectfully submitted for the consideration of the Commissioner, &c.

J. B. CHAPMAN.

In regard to the application to confirm the title of the conveyance of Basil Joncas, a half-breed Kansas Indian, of one section of land (No. 13) reserved to him, the undersigned would observe that this sale and transfer was made about eighteen years since, at which time lands in that region or district of country could be of no comparative value whatever to their present estimate; that one hundred dollars then is equal to six hundred now. Those lands at that time could not be thought to have a greater value.

The only question with the undersigned is to determine whether any confirmation is required by the treaty; it is not so expressed. Whether there is any governing principle of law regulating the Indian affairs and relations with the government or not, the undersigned is not apprized. Should it be the opinion of the Commissioner that it does require the sanction of the department to perfect a sale, we think there is sufficient grounds to make a ratification.

All of which is respectfully submitted.

J. B. CHAPMAN.

HON. GEORGE W. MANYPENNY,  
*Commissioner of Indian Affairs.*

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KK 3.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, December 30, 1854.*

SIR: I have received your letter of the 22d instant, with the deed from Basil Joncas and wife to Benjamin Ames, and the accompanying papers, showing the sale and transfer to you of the section of land reserved to the said B. Joncas under the 6th article of the Kansas treaty of 1825; but as this department has uniformly held that the persons for whom reservations of land were made under said treaty had only a usufructuary interest in the same, and therefore could not alienate them; and as such, too, was the opinion of the Attorney General of the United States in 1833, in an analogous case, I return, without action, the deeds which accompanied your letter.

In respect to your claim for compensation for examining the Kansas half-breed lands, growing out of the conversation which we held in Westport, Missouri, last September, I regret that you should have so misunderstood the object of that conversation as to make it the basis of a claim against the government. Understanding that you purposed visiting and examining those lands for objects personal to yourself, I asked of you the favor, after you had completed your examination, of giving me your opinion of their value. I certainly had no idea of imposing any special or extra trouble by the request, and, under the circumstances, do not feel authorized to entertain a proposition for an allowance on that account.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,  
*Commissioner.*

J. B. CHAPMAN, Esq., *Akron, Ohio.*



## KK 4.

AKRON, OHIO, *January 8, 1855.*

SIR: Your note accompanying the return of the deeds for Basil Joncas's section of reserved land is duly received, and beg leave to say to the Commissioner that, in regard to the claim I preferred against the government for making an investigation of the Kansas half-breed land, your statements are correct. I did not contemplate a charge at the time, nor do I suppose you anticipated it, although I asked you if I should "*do it officially.*"

Your official answer in regard to the right of transfer by the half-breed Indians of their reserves is perfectly satisfactory to me, provided others are prohibited from purchasing them as well as myself.

The reason I preferred the charge for the investigation of the Kansas half-breed lands was simply this:

A short time after I had done it, and that at no little trouble and expense, (but for my own satisfaction it is true, as well as for the satisfaction of your department, at your request,) Governor Reeder came to the Territory, and the first inquiry almost that he made was for these same Kansas half-breed lands; and in two or three days started directly in search of these half-breed Indians, found them, and contracted for four or six sections directly. His familiar manner of comprehending the relative value of these lands, and making a direct off-hand purchase, assimilating to my valuation, induced me to believe he (Reeder) was profiting by the labor I had done.

Governor Reeder forestalled me in a purchase I was making of Jo. Yun, and who I had just prepared to sell. He took the officers with him to take acknowledgment of the deeds; he then told the Indians that no other person but *himself* and the *government* of the *United States* could purchase those lands. Envelopes showed numbers of documents from the "Indian Department." All these coincidents conspired to convince me that he had intelligence of these lands that only an investigation could give, and that I was made the *pons asinorum* for his operation. If such was the case, I wanted to know it. I was a private individual, at my own expense, and Governor Reeder was travelling round speculating, with aids and clerks, at the expense of the United States, and not doing anything for the Territory, only incurring an expense every day to the amount of what I charge for ten. I did not regard the amount I charged, but the principle. Governor Reeder, as an officer, has come in competition with a poor man in speculation, or he was engaged by the government to buy these lands. If so, he ought to act truthfully; and if speculating on his own account, he ought to be impeached, and probably may be.

I disclaim acting the knave in this charge; but let the truth prevail. It was my due if the government was benefited by the operation, whether the services were intended to be paid for or not, at the time they were requested to be done.

Very respectfully, your obedient servant,

J. B. CHAPMAN.

HON. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

KK 5.

DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, January 16, 1855.*

SIR: I have received your letter of the 8th instant, relative to the speculations of certain official functionaries in Kansas, in the half-breed reserves in that Territory, and have transmitted a copy thereof to the Secretary of the Interior for his consideration and action thereon.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,

*Commissioner.*

J. B. CHAPMAN, Esq.,  
*Akron, Ohio.*

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 LL.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,

*St. Louis, January 12, 1855.*

SIR: I have the honor to transmit herewith a letter from agent Robinson, of the 5th instant, reiterating the complaint of the Shawnees concerning intrusions on their lands, and suggesting the organization of a volunteer force to drive off unauthorized settlers.

Very respectfully, I am, sir, your most obedient servant,

A. CUMMING,

*Superintendent Indian Affairs.*

Hon. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs.*

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 LL 1.

KANSAS AGENCY,

*January 5, 1855.*

SIR: The Shawnees complain that the whites are trespassing on their reserve, making rails, boards, and hauling off saw-logs, &c.

Some are also settling on these lands. What shall I do? I can organize a volunteer force adequate to the emergency, if the President will authorize it.

Very respectfully, your obedient servant,

B. F. ROBINSON,

*Indian Agent.*

Col. CUMMING,  
*Superintendent Indian Affairs.*

## LL 1.

On the above letter of A. Cumming are the following endorsements :

Respectfully referred to the Secretary of the Interior for his information and direction.

GEO. W. MANYPENNY,  
*Commissioner.*

OFFICE INDIAN AFFAIRS, *January 22, 1855.*

Respectfully returned to the Commissioner, copies having been submitted to the President, to whom a communication was sent from the department on the 8th instant.

GEO. C. WHITING, *C. C.*

JANUARY 23, 1855.

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 MM.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, January 13, 1855.*

SIR: In compliance with your request, I have examined the contracts, memorials, and other papers, referred to me on the 10th instant, relative to the alleged sale of four of the reserves of a section of land each, under the Kansas treaty of 1825, and have the honor to report as follows :

From the papers referred, the following facts appear :

I. Joseph James, on the 28th of October, 1854, agrees to and with S. W. Johnston to sell for \$1,600 the section of land reserved to him; payment to be made after the sale has received the approval of the President. A. H. Reeder and Rush Elmore, witnesses to agreement.

II. Louis Pepin and Julia Gonvill, his wife, on the 30th of October, 1854, agree to and with S. W. Johnston to sell, for \$2 50 per acre, the section of land granted by said treaty to the said Julia; the payment to be made when the sale has been approved. C. A. Williams and Jos. Kirckendoll, witnesses.

III. Francis Aubery and Pelagie, his wife, on the 6th of November, 1854, agree to and with S. W. Johnston to sell the 640 acres of land reserved to the said Pelagie (then Gonvill) by said treaty, for \$3 per acre; the consideration payable after the sale has been approved. C. Aug. Williams, witness.

IV. Moses Belmar and Adele, his wife, on the 25th of October, 1854, agree to and with S. W. Johnston to sell, for \$2 50 per acre, 320 acres of her reserve of a section of land, being a part of the section reserved to her brother Clement, the son of Clement, (Lessert,) under the provisions of the said treaty, the affidavit of his cousin Julia Pepin, taken before Rush Elmore, (whose official character is not stated,) being adduced to prove that Adele was the only heir of the reservee, the elder Clement having married, as his second wife, a white woman, and died on the 13th of July, 1854; the consideration in this case, as

in the others, to be paid when the sale has been approved by the President.

V. On the 6th of November, 1854, Belmar and wife sold 160 acres of the same reserve to Antonio Deloir for \$1 25 per acre, the contract reciting that the land was in the possession of the purchaser, and they receipt for the sum of \$60 in part payment, in the presence of A. J. Isaacks and C. Aug. Williams, who witnessed the execution of the agreement; the balance due payable on the approval of the sale by the President. And,

VI. On the same day, they sold (a part of) the residue of the section, 100 acres, for \$150, and receipted for the purchase money in the presence of Isaacks and Williams, who also witnessed the execution of the contract.

The contracts in favor of S. W. Johnston were all acknowledged before J. Kengkendall, J. P., on the 15th of December last, and Governor A. H. Reeder, of Kansas, certifies to the official character of Mr. Kengkendall as a justice of the peace of Kansas Territory. The contracts with Deloir and Blanchard, although signed in the presence of Messrs. Isaacks and Williams, do not appear to have been acknowledged before a magistrate.

These agreements, even if, under the treaty, the Indians had a right to alienate their reserves, are not executed in accordance with the rules prescribed by President Jackson in cases of Indian conveyances. In the first place, they should have been executed before the agent of the tribe, and satisfactory proof adduced to show that the grantors had been either paid or had secured to them the consideration named in the contract, which should be shown to have been the full and fair value of the land. Proof as to the identity of the grantors as the persons for whom the land was reserved, or as the heirs of the reservees, and as to their competency to manage their affairs, should have been also adduced, as well as proof, by other evidence than the acknowledgment of the grantors themselves, of the actual payment of the sums alleged to have been paid.

It will be seen by reference to my report of the 15th of November last, transmitting a communication from the superintendent at St. Louis, and suggesting that the opinion of the Attorney General be taken upon the subject, that the Executive department has heretofore uniformly held that the Kansas half-breeds had no right to alienate their reserves under the treaty of 1825, having only a usufructuary interest therein; and that all efforts to procure the President's approval of sales thereof had been hitherto resisted by this department. That report was written with the view of eliciting your opinion upon certain points therein stated, and not to express my own. However, in my communication of the 18th of that month, submitting, for consideration, a letter from Geo. W. Clarke, the Kansas agent, in respect to the disreputable attempts of certain official functionaries to speculate in these lands, my opinion was fully and freely expressed; and recent events, instead of weakening, have strengthened the conviction therein expressed of its demoralizing tendency upon the inhabitants of the Territory, both Indian and white. I am also convinced, from the testimony of gentlemen

entitled to the fullest credit, that the consideration named in these contracts is entirely inadequate and below the true value of the reserves mentioned. Agent Whitfield, in a letter dated the 6th of November last, called the attention of this office to the attempted speculations in these lands, by which, he said, the reservees would be cheated out of \$1,500 each; and, to prove the truth of his assertion, states that he "was authorized by a company of gentlemen to say to you, (me,) and desire you (me) to say to the President, that they will give five dollars per acre for the twenty-three sections owned by the half-breed Kansas," remarking, at the same time, that he did not advise me to "consent to their having the land at that price," his object being merely to show that the Indians could get \$1,500 more than the purchaser to whom he referred proposed to pay.

I find, upon inspection of the memorials which accompany these agreements, that they are all in what appears to be the handwriting of Governor A. H. Reeder, of Kansas Territory; that Sanders W. Johnson, an associate judge of Kansas, is the purchaser of the three first-named reserves, and of one-half of the other; and that Governor Reeder, the Hon. Rush Elmore, another associate judge, and A. J. Isaacks, esq., United States district attorney, appear among the witnesses. The fact that the agreements with Judge Johnson were all acknowledged on the same day (the 15th of December last) strengthens the impression, arising from the internal evidence which they present, and from information received, that the purchases are the results of a systematic plan to forestall competition by the purchase and monopoly, at low prices, of these reserves; and that, too, by gentlemen whose official position gives them rare opportunities, which few private individuals possess, to cull the best tracts.

The impropriety and indelicacy of these transactions will be still more strikingly manifest when it is considered that, if questions growing out of the sale of one or more of these reserves should become the subject of litigation, the poor Indian might be compelled to submit, not to the arbitrament of an impartial tribunal, but of one whose members may, to a certain extent, be considered parties in interest.

The recital in the deed from Belmar and wife to Deloir discloses the fact that the grantee resides on the portion of the reserve embraced in his contract, in contravention of the revised regulations, (No. 4, adopted June 18, 1837,) which expressly provide that "no person will be permitted to settle on any lands belonging, secured, or granted to Indians," &c. And yet the United States district attorney of the Territory is a witness to the transaction.

\* \* \* \* \*

The agreements, memorials, &c., are herewith returned.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,

*Commissioner.*

HON. R. McCLELLAND,

*Secretary of the Interior.*

*Secretary's endorsement upon the foregoing letter.*

Respectfully submitted to the President, with the recommendation that the contracts *be not* confirmed, and that the conduct of the officers engaged in their procurement and execution be, at least, severely rebuked.

R. McCLELLAND, *Secretary.*

JANUARY 13, 1855.

NOTE.—The contracts which formed the subject of this paper were returned, with it, to the President, who refused to sanction them, and returned them to the parties interested therein.

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NN.

WAR DEPARTMENT,  
*Washington, January 15, 1855.*

SIR: Referring to my letter of the 14th October last, in answer to yours of the 11th of same month, communicating extracts from a report of the Commissioner of Indian Affairs respecting pre-emption claims made by certain officers of the army on the lands of the Delaware Indians, near Fort Leavenworth, you will find that orders had been given to obtain from the commanding officer at Fort Leavenworth a report of the facts of the case. I enclose a copy of the letter of the Adjutant General to him to that effect.

On the 20th November a communication was received from Major M. S. Howe, second dragoons, commanding Fort Leavenworth, transmitting the replies of Paymaster S. Maclin, Brevet Major E. A. Ogden, and Captain F. E. Hunt, fourth artillery, to the charges of the Commissioner.

These replies were at once submitted to the President, as you were informed in my letter of the 27th December, in answer to yours of the 26th, asking, in behalf of the Commissioner, for copies of them.

They have only this morning been returned by the President, and I herewith transmit copies of them.

Very respectfully, your obedient servant,

JEFF'N DAVIS,  
*Secretary of War.*

HON. R. McCLELLAND,  
*Secretary of the Interior.*

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NN 1.

ADJUTANT GENERAL'S OFFICE,  
*Washington, October 16, 1854.*

SIR: I enclose a communication from the Secretary of the Interior of the 11th instant, in relation to trespasses on the lands of the Dela-



ware Indians in the neighborhood of Fort Leavenworth; to the conduct of Major Maclin, paymaster, and Brevet Major Ogden, assistant quartermaster, in connexion with these trespasses; the employment of soldiers; the use of public property, (tents,) &c., &c.; and to the removal of intruders from the Indian lands.

The Secretary of War directs that you report to this office the facts of this case as early as practicable.

Very respectfully, your obedient servant,

S. COOPER,  
*Adjutant General.*

Captain F. E. HUNT,

*Fourth Artillery, Commanding Fort Leavenworth,  
Kansas Territory.*

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NN 2.

FORT LEAVENWORTH,  
*November 4, 1854.*

COLONEL: Your letter of date 10th October, addressed to Captain F. E. Hunt, 4th artillery, commanding officer at this post, with its enclosed, a copy of a letter from the Hon. R. McClelland, Secretary of the Interior, to the Hon. Jefferson Davis, Secretary of War, of date October 11, 1854, was handed me on the 31st ultimo. As I have been but a short time at the post, I know nothing in relation to the accusation of the Commissioner of Indian Affairs, except that on the day of sale mentioned by the Commissioner I saw that one house, two huts, one saw-mill, and some tents, had been erected on the site of what was called "Leavenworth," some two to three miles below the garrison, on the same bank of the river. I have since that time traversed the new boundary line (of that portion of the military reserve on the west side of the river) as pointed out to me by Captain Hunt, who also pointed out the corners of the old reserve (on same side of the river.) I found on the old reserve, and outside the new line, several evidences of settlements, some of which I saw on the 2d of July last. I did not suppose that it was intended the commanding officer should take testimony in the case; therefore, I thought justice required that I should give the accused parties the opportunity to meet the accusation in its present form, in the same manner it was alleged, viz: by a written communication; I therefore directed the post adjutant to furnish Major Maclin, Brevet Major Ogden, and Captain Hunt, each, with a copy of your letter; also a copy of the copy from the Hon. Secretary of the Interior to the Hon. Secretary of War, and directed those gentlemen to furnish me, as soon as practicable, with all the facts in the case within their knowledge.

I have now the honor to enclose their communications, marked A, B, and C.

I am, sir, very respectfully, your obedient servant,

M. S. HOWE,  
*Major 2d Dragoons, Commanding Post.*

## NN 3.

FORT LEAVENWORTH, K. T.,

October 31, 1854.

SIR: Your communication of to-day enclosing a communication from the Adjutant General of the army, of the date of the 16th of October, enclosing a communication from Hon. R. McClelland, Secretary of the Interior, to Hon. Jefferson Davis, Secretary of War, which communication is principally a copy of a letter from Colonel Manypenny, Commissioner of Indian Affairs, dated at Fort Leavenworth September 26, has been received, and, in obedience to the order of the commanding officer, I reply to it; restricting myself to certain parts, which attack particularly my official capacity as commanding officer of this post, leaving to Majors Maclin and Ogden the duty of replying to the attacks made on them, which, I have no doubt, they will do to the perfect satisfaction of the Secretary of War. Colonel Manypenny states, in writing of the acts of Majors Maclin and Ogden, in connexion with the town tract of 320 acres, that "the soldiers were employed to help build their pre-emption shanties, cut the brush, &c." This charge I pronounce unequivocally false and without foundation, for I was in command at the time, was responsible for the men, and know they were not so employed.

As the commanding officer of this post at that time, I was the only person who could use the military to drive off any one from their claims, and I know I never drove any one off or threatened them with the military. As regards the "urgent request that steps be taken by the War Department with a view" "to remove all the people from this town site," (Leavenworth,) and that "all the principal evidences of claims on the Delaware land near the reserve be demolished," and says that "Captain Hunt can do it without difficulty," and that "it will cure everything," I have only to say, that I presume some three thousand persons have made claims upon the Delaware lands. Whether they are protected by law or not, I, of course, am not the person to decide; but if ordered by proper authority to undertake to remove them, I certainly should use my best endeavors to do so, although I, for one, believe that blood would flow in the attempt, and that freely, notwithstanding the opinion of the Commissioner of Indian Affairs that "it can be done without the sacrifice of life or limb." As regards the limits of the military reserve, I am not aware that the Commissioner of Indian Affairs has any supervision over it, and, in my opinion, no man who is himself pure would make the charge Mr. Manypenny has made against me, that "this reduction leaves a strip of land between the Indian land and the diminished reserve, and this even before the survey had placed upon it the necessary monuments according to squatter law, to enable the military men here and their friends to have each a pre-emption claim of land worth from \$10 to \$30 per acre," "valued, under the excitement of the times, at \$50 per acre," unless he had evidence convincing and beyond doubt. I pronounce this charge false, and dare any man to the proof.

The commanding officer and Secretary of War have the informa-

tion necessary for understanding the survey of the reserve. The locations were made long before any person at this post knew where the bounds of the reserve were, and on the strip which I supposed, from the best information I could get, was entirely without the reserve. There are twenty-two of these locations, many of them made before I came in command; and instead of being my friends, I only knew three by sight prior to their making their locations. I have made no location myself, neither have I any lot or part with any one that has, either directly or indirectly.

With respect to the statement, that "neither the commandant of the post nor Major Ogden or Maclin are here at present"—that is, when the Commissioner of Indian Affairs passed—if it is intended merely as stating a fact, it is true; but if intended to cast censure, as would appear from the tone of the letter—to imply that we were neglecting our duty, this charge also is false. Major Ogden was absent on duty at Fort Riley, Major Maclin on thirty days' leave granted by General Clarke, and I on seven days' leave on a visit in the Indian country, to Fort Riley, which visit the regulations of the army require me to make, in order that I may become acquainted with the country about my post; and as I have had only twenty-seven days' leave, including this one, since 1846, (my service since that time having been in Mexico, Texas, and this Indian country,) I think you will perceive my duty has not been neglected.

I am, sir, very respectfully, your obedient servant,

F. E. HUNT, *Captain 4th Artillery.*

Lieutenant E. McK. HUDSON,

*Post Adjutant, Fort Leavenworth.*

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NN 4.

FORT LEAVENWORTH, KANSAS TERRITORY,

*November 1, 1854.*

SIR: I had the honor last night of receiving, through the post adjutant, your note, enclosing the letter of the Secretary of the Interior to the Secretary of War, directing me to give you all the information in my power relating to the matters referred to.

Colonel Manypenny, Commissioner of Indian Affairs, charges—1st, That I was one of the "prime movers in projecting the new town site of Leavenworth, some two and a half miles below the fort, and in the Delaware tract, and have enlisted with me thirty other persons."

*The above is a misrepresentation.* Some thirty persons, residing in this Territory, and in the State of Missouri, associated themselves together for the purpose of making a town. Two of the company previously located, under the squatter regulations, one hundred and sixty acres each, lying on the Missouri river, upon which they placed the town of Leavenworth. I was not aware such a project was on hand; some time after this, however, I was notified that I had been voted in as one of the association at one of their previous meetings, and requested to attend their next. This was without my solicitation or

knowledge; the charge, consequently, that *I was one of the "prime movers," has no foundation* in fact. I ask, therefore, that the charge, under the above statement of facts, be assigned such a disreputable position as all just-minded persons will say it is entitled to.

Second charge of the Commissioner: That I have been "engaging settlers to make claims adjacent to the military reserve, and for miles distant on the Delaware lands, hoping thus to make force to aid me."

I have not at any time induced individuals to settle on the Delaware lands; the settlers are, with a few exceptions, strangers to me, and I did not care where they settled—whether on the Delaware lands or not. I declare, therefore, that I have not engaged settlers to make claims on the Delaware lands.

What position shall be assigned the above charge? It cannot be insisted on that it should have a more honorable position than its predecessor; they have the same origin, the same object, and are entitled to equal credit.

Third charge of the Commissioner: That, in order to induce persons to purchase lots, I had circulated the story that "the government had made a special grant of 320 acres for the town, and that, therefore, there could be no difficulty about titles."

It was believed that the general law of 1844, in relation to town sites, would apply to this as well as to other Territories; but that a special law had been passed for the benefit of the town of Leavenworth. No one ever entertained any such idea. I never heard of it before seeing it in Manypenny's letter to the Secretary of the Interior. That I had circulated the story for the purpose of inducing persons to purchase lots is destitute of truth, and by making the charge the Commissioner has forfeited the character for veracity he may have previously sustained.

Fourth charge of the Commissioner: That "soldiers were employed to help build my pre-emption shanties, cut the brush, &c., &c., and government tents used at the time."

I am at a loss how to characterize this charge. I have not now, nor ever had, a pre-emption shanty in either of the Territories of Kansas or Nebraska. I have never used, in this or any other part of the United States, soldiers for private purposes; I have no power to use the troops for the purpose charged. But as this is more properly a charge against the commander of the post, (Captain Hunt,) and who is fully able to protect his own honor, I deem it unnecessary to examine the charge further; only to add, that if the Commissioner had been as studious in learning the workings of the military system of his country as he seems to have been in framing groundless charges, he might, perhaps, have been of some service to his government.

Fifth charge of the Commissioner: That "all the employés of any influence in the Quartermaster and Pay departments are interested in the matter."

I beg to state a fact the Commissioner seems ignorant of: that there is only one employé in the Pay department in this district, (my clerk,) who has not now, never had, and never sought to have, one particle of interest in either of the Territories of Kansas or Nebraska. Allow me to ask, sir, what ought to be done with charges of this char-

acter, and with the individual who dare make them against a person he never saw, and does not know? He has violated a great moral principle every person ought to hold sacred.

To cap the arrogance of the Commissioner, he recommends not only that I be cashiered and dismissed the service, but that Major E. A. Ogden be cashiered and dismissed the service, who doubtless has rendered more efficient and valuable service to his country every year, for the last twenty, than the Commissioner has during the whole course of his existence.

In conclusion, I will remark, that my happiness does not depend upon the success or failure of the town of Leavenworth; but the idea of turning out of house and home, in the midst of cold weather, without any other arrangements for their protection and comfort, several thousand families, is shocking to humanity, inconsistent with the action of the government for many years, and I do not entertain the thought that the Secretary of War will yield to any such recommendation.

I hope, sir, you will urge the Secretary of War to require Commissioner Manypenny to make his charges good against me, or give up a position he has shown himself unworthy to hold.

I have the honor to be, sir, your obedient servant,

SACKFIELD MACLIN,

*Paymaster U. S. Army.*

Major M. S. HOWE, U. S. A.,

*Commanding Fort Leavenworth, Kansas Territory.*

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NN 5.

ASSISTANT QUARTERMASTER'S OFFICE,  
*Fort Leavenworth, November 3, 1854.*

SIR: The Commissioner of Indian Affairs, on occasion of his last visit, prepared for his duties in the Delaware country by a protracted and close communion with those religious and official friends, south of the Kansas, whose aid, last winter, in manufacturing treaties, resulted in so much mutual benefit.

Under the potential influence of these gentlemen, who are so bitterly opposed to any arrangement that will defeat speculation in Delaware lands, the Commissioner visited the Indians only to repeat the exhortations of his agent to them against a change of treaty; and came to this post breathing threatenings and slaughter against the settlers, denouncing even the officers who sympathised with them in their trouble, as "guilty of conduct for which they ought to be cashiered."

During his brief stay here, he spent much of his time, as I understand, with persons whose animosities or whose interests rendered them likely to give the most perverted representations respecting the parties concerned in the town of Leavenworth. Under such influences, and with such "reliable information," the Commissioner wrote the scandalous libel upon Major Maclin, Captain Hunt, and myself; for a copy of which, through the commanding officer, we are indebted, not to the manly courtesy of the Commissioner, but to the justice of the Secretary of War.

The malice of one or two personal enemies, with an activity truly wonderful, has, for a year or two past, given me ample experience in being traduced; but this communication of Mr. Manypenny's excels them all in outrage, and deserves, for a reply, nothing but the shortest and most opprobrious of epithets. And the writer who thus pens, in secret, base calumnies against officers long tried and trusted in the public service, has, more than any other official, complained, in the public prints, of being slandered; and certainly—so far as popular impressions go—has, more than any other, pressing occasion to crave a charitable judgment.

Mr. Manypenny's charges may be summed up thus:

That Major Maclin and I were "the prime movers in projecting the town of Leavenworth, upon Delaware lands, having enlisted with us thirty others;" that we have "urged settlers to make claims for miles distant, hoping to make force to aid us;" that we are the "principal instigators in the lawless course of settlers;" that "soldiers were employed to build our pre-emption shanties, cut brush, &c.;" that to "induce the purchase of lots in the town of Leavenworth, we had given out that the government had made a grant of the site," &c.

And the Commissioner, animated by a special hostility against the *opposition town*, earnestly asks that it may be demolished; "which," he adds, with singular frankness, "*would cure everything.*" Sealed bids, on which the Commissioner has hitherto so much relied, he begins to fear, will not be a sufficient remedy for the difficulties in the way of land speculations, and so houses must be demolished, and hundreds of families be turned out of doors at the approach of winter, and the coveted domain be kept, by bayonets, two years tenantless, until auction sales shall effectually "*cure everything.*"

It is from no respect to the Commissioner that I force myself to notice his charges in detail. They are so utterly destitute of the smallest admixture of truth, that I can do little else than meet them with a flat and unwaived contradiction.

I say, then, 1st, that Major Maclin and I were not the projectors of the town of Leavenworth, and had nothing to do with originating the association for that purpose. We have not urged persons to settle on the ceded Delaware lands, and had no reason for doing so. The town of Leavenworth, in which, in common with two hundred others, we now own a small and subordinate interest, was started, and fifteen hundred claims made on the ceded lands, two months before the Delaware treaty was published here, and three months before the appearance of the Attorney General's opinion upon the pre-emption law of the 22d July.

2d. I can say for myself, (and it is unnecessary for me to include Major Maclin,) that I have never been—here or elsewhere—an "instigator of lawless proceedings." The settlers on the ceded Delaware lands—numerous as they are, and indignant at the extraordinary and unexpected terms of the treaty—are naturally inclined to think of some united effort for securing themselves from ruin. They will bear me witness, that I have earnestly advised against all combinations for resistance, and the avoidance of all lawless proceedings. I have heartily sympathised with them, I admit; for I know most of them as respect-



able citizens, who mind their own business, and do not slander their neighbors; who made their claims in good faith, confidently expecting the usual benefits of the pre-emption law; and, having embarked their all in their new establishment, would be utterly ruined if the measure the Commissioner proposed *could be executed*.

3d. Neither I, nor any other person connected with the town of Leavenworth, ever employed their soldiers to build pre-emption houses, cut brush, &c. For the preparation of the town site, citizens were hired at high wages, and provisions, tools, and tents purchased at an aggregate expense, as I understand, of three thousand dollars.

4th. It is equally untrue that Major Maclin or I ever sought to induce the purchase of lots, at a public sale in Leavenworth, by the deceptive statement that a grant had been made of the site from the government.

Since, then, the charges of this guardian of the "poor Indian" seem to be so utterly baseless, it is natural to ask what *could* have led him into a position where three responsible men point the finger at him as a *wilful* calumniator! Was it "his sympathy for the poor Delawares?"

Sir, in my opinion, "the poor Delawares," for whom all this virtuous indignation is assumed, are a combination of insatiable speculators and land-sharks, who are just now very much afraid of losing their prey, and my undisguised sentiments on that subject have, I presume, given me the honor of such a malignant notice from the Commissioner.

Hoping the gentleman will now turn from the army to his own department, where he can have ample employment in regulating abuses, I submit my acknowledgments of his attentions to me for the inspection of the proper authority, and remain,

Very respectfully, your obedient servant,

E. A. OGDEN,

*Assistant Quartermaster.*

Lieut. E. McK. HUDSON,

*4th Regiment Artillery, and Adjutant,*

*Fort Leavenworth.*

OO.

DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, January 20, 1855.*

SIR: I have the honor to acknowledge the receipt of the letter of the Secretary of War, addressed to you on the 15th, with its enclosures; all which were referred to me from your office on the 16th instant.

The letter of the Secretary of War covers a copy of an order from the Adjutant General of the army, dated Washington, October 16, 1854, addressed to "Captain F. E. Hunt, fourth artillery, commanding Fort Leavenworth, Kansas Territory," the report of Major M. S. Howe, dated November 4, 1854, on whom the duty assigned by the Adjutant General to Captain Hunt devolved, with copies of communications from Captain Hunt and Majors Maclin and Ogden, dated respectively the 31st October, 1st and 3d November, 1854.

The duty which the Adjutant General devolved on the commanding officer at the post, in compliance with the order of the Secretary of War, was to report all the facts "in relation to trespassers on the lands of the Delaware Indians, in the neighborhood of Fort Leavenworth, to the conduct of Major Maclin, paymaster, and Brevet Major Ogden, assistant quartermaster, in connexion with these trespasses, the employment of soldiers, the use of public property, (tents,) &c., &c., and to the removal of intruders from the Indian lands." The Adjutant General accompanies his order with a copy of a communication from the Secretary of the Interior to the Secretary of War, of the date of October 11, 1854, to the contents of which he does not specifically allude; but which, it is understood, contains extracts of a letter from me to the Secretary of the Interior, dated at Fort Leavenworth, on the 26th September, 1854, having express reference to the subject-matter of the trespasses on the Delaware lands, and the participation of Majors Maclin and Ogden in those lawless proceedings.

Since the receipt at Washington of the "replies" of Captain Hunt and Majors Maclin and Ogden, the superintendent of Indian affairs at St. Louis had occasion to visit Kansas Territory and Fort Leavenworth; and, had they been in my possession, notwithstanding their insufficiency as a full report of all the facts in the case, I would have availed myself of the occasion of his visit there to ascertain whether any of the charges made by me in my letter of the 26th of September last were unfounded; and if so, it would have been my pleasure, as well as duty, to make the proper correction. But from the character of these "replies," and their evasion of known facts, I shall want other testimony before I am prepared to change or vary any statement made by me, even though based on "reports."

I do not perceive that the parties to whom this investigation and report were intrusted have attempted, in the least particular, to carry out the order addressed to them.

The Secretary of War, in his letter to you of the 14th of October last, recognised the obligation and duty resting on his department in the premises, and he will doubtless, in the end, see that these are fully met, when it will be shown whether I was justified in addressing you as I did on the occasion referred to or not.

I gave the "reports" of the country, and said I had the best reasons to believe them.

On the morning of the day that I wrote that letter, I saw in the back room of the quartermaster's office, at the fort, the unfinished map or plat of the town of Leavenworth in the hands of the surveyor, John C. McCoy, esq., who had finished the survey of the town lots, and was completing the map or plat of the same, to have it ready for the sale of the 9th and 10th of October. He also had upon the same table, in the same room, the map or plat of the reduction of the military reserve, made by him "in conformity with the instructions of the Secretary of War," which last named map or plat is now, I presume, in the War Office. This plat of the survey of the reduced military reserve was made "under the direction of Captain F. E. Hunt, 4th artillery;" and while, under his "direction," the town of Weston, on the opposite side of the river, in Missouri, and the adjacent islands in the river, were

placed on the plat, the new town of Leavenworth, laid out adjoining the reserve, and on the Delaware land, was, I cannot doubt, intentionally omitted. On the same morning I observed on the door of the large stone warehouse at the fort a printed handbill, signed by Major Maclin, Amos Rees, and Lorenzo D. Bird, "trustees," headed "*Town of Leavenworth.—Great sale of lots.*" The advertisement said, "There will be a great sale of lots at this new and promising town, adjoining Fort Leavenworth, on Monday, the 9th day of October, 1854." It spoke in glowing terms of the surrounding country, of the prospects of this city in embryo, and promised the greatest liberality in the sales to those who first try their fortune in "the great city of the west." And purchasers were assured that the "proceeds of sale, after paying all expenses incurred by the association, are to be deposited in St. Louis until title is assured, through us or otherwise, to the purchaser, and in default of which the money to be refunded." This handbill was dated the 22d September, 1854. I also saw another advertisement, signed by Major Maclin and his two colleagues, "trustees," informing the public that the sale would continue two days, and that the steamers Polar Star and Clara would be at the town landing, for the purpose of accommodating persons attending the sale, and that the money derived from the sale would be deposited at St. Louis, with good security, until a perfect title was insured from the United States. I also saw the card of "F. Hawn" in a Weston, Missouri, paper of the 14th of September, headed "*Delaware squatters, beware of the military,*" in which he stated, that on the Saturday previous, Major Maclin had ordered him not to continue building on his claim on Three Mile creek, as his house would be torn down; that the Major afterwards threatened to put one of his workmen in the guard-house; and that his house was afterwards torn down by this officer's orders, "in the presence of Major Ogden," &c. Copies of each of these papers are now in this office, and they, with what I observed in the quartermaster's office, and the statements made to me in the country, were, I think, of such a character as to warrant my statement, that I had the best reason to believe the truth of the "reports;" and in the discharge of my duty I could not have done less than to call your attention to the condition of things at Fort Leavenworth, as I did in my letter of the 26th of September.

I have not now, and shall not hereafter have, cause to regret that I warned the government, from the very headquarters of these lawless proceedings, of the acts of Major Maclin and Major Ogden, and of the absolute necessity for at once adopting efficient measures for executing the treaty stipulations and protecting the rights of the Delaware Indians.

I respectfully call your attention to the "replies" of these officers, who evince in them, in my judgment, little regard for duty and great facility in the use of epithets.

Captain Hunt admits that twenty-two claims were made on the land excluded from the military reserve, by his reduction of the same; but denies that his friends made any of them. I did not say that they did; and, indeed, I made no charges against this officer. Neither the Secretary of War nor the Adjutant General thought so, as is very apparent from the letter of the latter to the commanding officer, requiring a report

of the facts in the case. Indeed, when I returned to Washington, I stated, in a conversation with the Secretary of War, that Captain Hunt was not implicated, as far as I knew. The indignation manifested on his part was, therefore, gratuitous. But, if he knew there were twenty-two claims there, could he not state the names of the claimants, and then others could judge whether any of them were army officers or their friends? As Captain Hunt has volunteered to defend himself against charges I never made, I now state that I am led to believe that he has, from his own admissions now in the possession of this office, much of the responsibility of the unlawful attempts to settle the Delaware trust lands resting upon him.

On the 17th of July last, Messrs. Stringfellow, Miller, McHolland, and Gillispie, a committee appointed by a meeting of the citizens of Platte county, Missouri, and others, wrote a letter to Captain Hunt, accompanied by certain resolutions of the meeting, in which they expressly state that the general impression was, that no person would be permitted to occupy any portion of the Delaware lands, and asking information from him. The meeting seems to have been called because of certain "reports" that some of the army officers, employés, &c., about the fort, were engaged in getting up this town, the site of which the Missourians thought was on the military reserve. Captain Hunt, in reply, admits that a town "has been or is about being laid out, by persons in Weston and *two officers of the army stationed here*, near the mouth and north of Three-Mile creek, which is off the reserve and on Delaware land. You will perceive from my instructions I cannot interfere." When the Missourians received Captain Hunt's reply, the same committee issued a card, headed "Delaware lands open to settlement," in which they say: "We have the pleasure of laying before the people the gratifying intelligence that the officer in command at Fort Leavenworth does not feel it to be his duty to prevent settlements upon the Delaware lands. And we feel *authorized to urge* the immediate occupation of all those lands, except the small strip on Kansas river intended for the permanent occupation of these Indians. \* \* \* \*

We annex a correspondence with Captain Hunt, containing the orders of General Clark, and take pleasure in saying that he *will give all information on which any [person] may rely.*" The instructions of General Clark do not prohibit Captain Hunt from interfering; and I submit to you that herein is a grave matter, and here is the beginning of this lawless conduct, and at this point it is due that the most thorough investigation should be had. That there were early designs on ~~this~~ country, looking to its unlawful occupation, there cannot be the least doubt; and I am unable to believe that Captain Hunt gave the proper construction to his orders when he stated that he could not interfere in such a case as that presented to him. Under the law organizing Kansas Territory, there was abundance of land for emigrants to occupy and settle on, without attempting to intrude on the Indian trust lands or reservations.

Captain Hunt states in his reply that he is not the proper person to decide whether the persons who have made claims on the Delaware lands are protected by law or not; and yet it seems, from the card of the Missouri committee, that he kindly undertook to give them such

reliable information in the month of July, as induced some three thousand persons to make claims there.

In relation to the reply of Major Maclin, I have only to say, that the activity displayed by him in causing Hawn's house to be torn down, getting up handbills, chartering boats, &c., to promote the interests of the new town, are hardly consistent with his ignorance of the initiatory and unlawful proceedings connected with that speculation. If he had favored us with the date of the meeting at which he says he was "voted in" to the association, it might have been of some service in enabling others to judge of his true character and connexion therewith.

With regard to Major Ogden's reply, I have only to remark, that if ever an opportunity is presented, I believe I shall be able to make it appear that he was one of the original and prime movers in getting up this town, in pressing it forward, and in urging and encouraging settlements on the Delaware lands; and that from the position he has occupied, as a large disburser of public moneys among the people, his opinions and action have had a most pernicious influence.

He became the defender of the projected city from the assaults of the Missouri meeting before referred to, and closed a long communication for the press in this behalf thus: "If the persons interested in this scheme are violating any public or private right, they will deservedly lose the money they are freely investing in the enterprise. If proceeding, on the contrary, according to law and precedent, they improve their claims, secure their possessory right, and pursue, as I am very sure they will, a fair and liberal course in the disposition of their town property, all generous persons will heartily wish them success." In his published defence of the enterprise, he attempts to explain why this new town was permitted to have a start or beginning, on what the Missourians supposed to be the military reserve. He states that they had no definite knowledge of the military limits; that their boundary was fixed by a kind of tradition, and that while it was an Indian country it was not material; but that since the organization of the Territory, "and especially since the Delawares, by a change in their policy, have invited settlements upon their ceded lands (which will soon probably become subject to pre-emption,) this southern boundary of the military reserve has become an object of great interest. A Virginia gentleman, who commenced researches upon this subject some months since in Washington, succeeded in discovering the original plat and field-notes of the survey of the Delaware boundary, and, aided by the Delawares, readily found the landmarks of the initial point, on the Missouri river, nearly a mile north of Three Mile creek. Marking out and recording a claim upon this discovery of his, according to the rules established by the settlers generally, his example was soon followed by others, who made claims in the vicinity, both north and south of the creek in question. As other squatters have done, they soon met for the purpose of adjusting their limits peaceably, and, in the absence of law and civil government, formed an association for mutual protection and the preservation of order."

Such is the manner in which this officer wrote and published on the 20th of July last, in "reply" to the arraignment of the Missouri meeting; and yet, in the face of all this, he has had the assurance to write



one of the extraordinary "replies" which the Secretary of War transmitted to you. Such contradictory statements as these two "replies" present, in relation to the same subject, leave no room for surprise that the individual who is the author of both should enter into an unlawful enterprise to appropriate the property of others to his own use.

His statement in relation to the discovery by the Virginia gentleman, of "the original plat and field-notes of the Delaware boundary," while it connects him with a very early knowledge of the enterprise, may be construed to involve the official integrity of myself and the gentlemen in the Indian Office. If such paper was obtained here, it was a surreptitious act; and I desire to know the author of it.

I may add that this same officer (Major Ogden) attended a meeting of "squatters" at Leavenworth, on the 29th of September, was on the committee on resolutions, and was appointed chairman of a committee to prepare a memorial to the President of the United States, for a modification of the Delaware treaty; and on the day of the sale of the lots at Leavenworth, made a speech, and assured the people that if the title was then imperfect, it would eventually be made good and confirmed by the government.

Two of these officers, who were placed at this important post to protect the rights of the Indians and preserve peace on the frontier, it will be observed, admit themselves to have participated in proceedings which, in the opinion of the Attorney General, are unlawful; and one of them (Major Ogden) has the assurance to speak of the "*unexpected and extraordinary terms of the treaty.*" Now this modest assurance is known to you to be a direct attack upon yourself and all the officers of the government who took an interest in that treaty; for the "*extraordinary terms*" were not only acquiesced in by, but were inserted under the express sanction of, the President and yourself. And the bill introduced at the last session of Congress, by the Hon. Mr. Orr, chairman of the Indian committee of the House of Representatives, contained the same principle, and was endorsed, as I am informed, by the unanimous judgment of that committee.

Major Ogden commences his before-mentioned reply in the following words: "The Commissioner of Indian Affairs, on occasion of his last visit, prepared for his duties in the Delaware country by a protracted and close communion with those religious and official friends south of the Kansas, whose aid last winter in manufacturing treaties resulted in so much mutual benefit." I shall never regard it as a grave charge, that religious people are my associates in Kansas or any other place. The insinuation in all its parts is as untrue as it is unmanly; and if Major Ogden will make any charge of collusion on my part, in a form so specific that I can meet it, or allege any act I have ever done, inconsistent with a faithful and disinterested discharge of my duties to the government and the Indian tribes, I will prove such charge or allegation false.

In conclusion, I have to remark, that if military officers or others, on the frontier and in the Indian country, are permitted to organize themselves into courts to review the laws and treaties of the government, and the opinions of the Attorney General in relation thereto, and excite rebellion against them, it will be in vain for this department to attempt



to exercise any salutary control over the important interests which, by the laws of the land, are especially committed to its charge.

I respectfully request that this communication may be laid before the President for his consideration.

Very respectfully, your obedient servant,  
GEO. W. MANYPENNY,  
*Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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PP.

*Extract from the "Weston Reporter," No. 43, volume 5, published at the city of Weston, Mo., Thursday morning, September 14, 1854.*

DELAWARE SQUATTERS, BEWARE OF THE MILITARY.

On Saturday last, Major Maclin, of the United States army, ordered me not to continue my building on my claim on Three Mile creek, as my house would be torn down, supposing that he referred to interfering with the town site of Leavenworth, he being a trustee of the company. I afterwards found I was mistaken, as one of my workmen was threatened by him to desist building, or he should be put in the guard-house. My house has since been torn down by his orders, in the presence of Major Ogden, whilst I was absent.

This is to warn you that it would be as well, before you put up valuable buildings on those lands, to obtain the consent of the military at Fort Leavenworth.

F. HAWN.

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QQ.

*Extract from the "Kansas Weekly Herald," No. 2, volume 1, dated "Leavenworth, K. T., September 22, 1854."*

SALE OF LOTS AT LEAVENWORTH.

At the sale of lots in the town of Leavenworth, which will commence on Monday, the 9th of October, and continue two days, the steamers Polar Star and Clara will be at the town landing for the accommodation of persons attending the sale.

The money derived from the sale of lots is to be retained on deposit, with good security, in St. Louis, until a perfect title is insured from the United States; in default of which, the money will be refunded to the purchaser.

AMOS REES,  
SACKFIELD MACLIN, } *Trustees.*  
L. D. BIRD,

SEPTEMBER 22, 1854.

RR.

*Hand-bill.*

"TOWN OF LEAVENWORTH."—GREAT SALE OF LOTS.

There will be a great sale of lots at this new and promising town, adjoining Fort Leavenworth, on Monday, 9th day of October, 1854.

It is scarcely necessary to speak of the beauty of Fort Leavenworth or the surrounding country, for its peculiar advantages for a great commercial city have been known by all who have ever ascended the Missouri river to this ancient fort.

The town joins the military reserve about one mile and a half from the fort, and has a rock-bound front on the river, with a gradual ascent and gentle undulation for miles around.

That this beautiful location is destined to be the capital and metropolis of the rich and fertile soil of Kansas, no one who knows anything of its geographical position, or of the country surrounding it, can doubt. It will be the starting-point for the caravans of emigrants and merchandise to New Mexico, Utah, California, and Oregon, for centuries, or until a railroad is constructed to those destined States, the eastern terminus of which must be at Leavenworth.

Private sales will be made after the first of September, 1854, at which time our survey will be completed, to all persons desirous of making immediate improvement. Having in view the necessity of a great commercial centre for the rapidly accumulating citizens of Kansas, we promise the greatest liberality to those who first try their fortunes in the great city of the west.

Terms of sale—cash in hand.

Proceeds of sale, after paying all expenses incurred by the Association, to be deposited in St. Louis until title is assured, through us or otherwise, to the purchaser; and in default of which, the money to be refunded.

LORENZO D. BIRD,  
AMOS REES,  
SACKFIELD MACLIN, } Trustees.

LEAVENWORTH, K. T., *September 22, 1854.*

[Western Reporter print.

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GENERAL LAND OFFICE, *January 26, 1855.*

SIR: In reply to that portion of the enclosed "copy of a resolution of the House of Representatives of the 23d instant," received from the department on the 25th, which calls for information as to "what steps have been taken to carry out the stipulations of the treaty with the Delaware Indians of May 6, 1854, as far as relates to the lands ceded in trust to the United States," I have the honor to state that instructions were sent to the surveyor general of Kansas and Nebraska on the 31st October for the survey of the lands in those Territories, including, of course, the lands which were ceded by the Delawares on May 6, 1854;

and, by advices from that officer, it appears that due diligence has been exercised under those instructions, though but little progress has yet been made, owing to the care required in establishing the standard lines, which necessarily delay the work at the commencement.

In answer to the inquiry touching the "unlawful occupation of portions of the Delaware cession in Kansas Territory;" also, "what participation any army officers at Fort Leavenworth have had in making claims and settlements on the said cession," I have to reply that the attention of this office was first called to the fact that certain officers of the army, with others, were making claim to a "town site," on the Missouri river, within the Delaware cession, by the receipt of a letter from one F. Hawn, under date of September 13, 1854, which will be found herewith.

This letter was immediately submitted to the department, (with my communication of the 4th October, copy herewith;) to which a reply was received under date 13th same month, in which I was informed that the Secretary of War had been fully advised on the subject by the department, in letter of 11th October, covering a report made in relation thereto by the Hon. G. W. Manypenny, Commissioner of Indian Affairs.

I also enclose a copy of my letter of 20th September last to Messrs. Bird, Ogden, and others, giving the reasons why, in my opinion, the "town site" therein mentioned could not be entered under the law of 1844.

With great respect, your obedient servant,

JOHN WILSON,  
*Commissioner.*

HON. R. McCLELLAND,  
*Secretary of the Interior.*

P. S.—The foregoing is all the information in this office called for by the resolution aforesaid.

J. WILSON, *Commissioner.*

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GENERAL LAND OFFICE, *January 31, 1855.*

SIR: I have the honor to enclose herewith copies of the letters referred to in my communication of the 20th September last to Messrs. Bird, Ogden, and Maclin, trustees, &c., in reference to their application to enter, under the act of May 23, 1844, a certain town site, adjoining the military reservation of Fort Leavenworth.

With great respect, your obedient servant,

JOHN WILSON,  
*Commissioner.*

HON. R. McCLELLAND,  
*Secretary of the Interior.*

WESTON, PLATTE COUNTY, MISSOURI,  
*July 14, 1854.*

SIR: The undersigned, appointed trustees for the purpose by an association of thirty-two settlers in the Territory of Kansas, beg leave to advise you that, in accordance with the enclosed certificate and sketch, they have taken proper preliminary steps for laying out in town lots a tract of 315.40 acres south of the Fort Leavenworth military reservation and adjacent to it. The undersigned have reference in these arrangements to the act of Congress approved May 23, 1844, which they desire should apply to the tract they have surveyed, as indicated by the enclosed papers, and solicit the sanction of the department under your direction thereto.

Respectfully, &c.,

LORENZO D. BIRD,

E. A. OGDEN,

SACKFIELD MACLIN,

*Trustees.*

Hon. JOHN WILSON,  
*Commissioner General Land Office.*

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GENERAL LAND OFFICE,

*August 2, 1854.*

GENTLEMEN: Your letter of the 14th ultimo, with its enclosures, stating that you have been appointed trustees for an association of thirty-two persons, who have caused to be surveyed a tract of 315.40 acres of land south of, and adjacent to, the Fort Leavenworth reservation, with a view of its being laid off into town lots, so as hereafter to have the act of 23d May, 1844, apply to the same, has been received.

You request the sanction of this office to your proceedings. There is no authority of law empowering this office to give to any individual, or company of individuals, any special privileges, in the mode or manner of their settlement on the public lands; but if, when the said lands are surveyed by the government and prepared for public sale, there should appear to be individual or joint rights thereto by virtue of any other existing law, all the protection of such law will be afforded, as a matter of course, by this office, and by the subordinate officers thereof, in the proper district office which may be hereafter established.

Very respectfully, your obedient servant,

JOHN WILSON,

*Commissioner.*

Messrs. LORENZO D. BIRD,  
 E. A. OGDEN,  
 SACKFIELD MACLIN,  
*Weston, Platte Co., Mo.*

## FORT LEAVENWORTH, KANSAS TERRITORY,

August 19, 1854.

SIR: We had the pleasure, last mail, of receiving yours of the 2d instant in answer to ours of the 14th ultimo, and for your courteous attention please accept our profound acknowledgments.

We hope we may not be deemed troublesome for asking an extension of your kindness, as it is important for us and those we represent to be informed whether the 4th section of the act of Congress approved the 22d ultimo, extending the pre-emption law of 1841 over this country, in connexion with the act of 23d May, 1844, are sufficient to protect lot-holders in the town we are now establishing, joining the military reservation of Fort Leavenworth? If not, what further legislation will be necessary? We are proceeding under the belief that those laws are sufficient, but the importance of the subject to those we represent urges us to ask your construction of those acts of Congress.

We have the honor to be, &c.,

SACKFIELD MACLIN,

E. A. OGDEN,

LORENZO D. BIRD,

*Trustees.*

HON. JOHN WILSON,

*Commissioner General Land Office, Washington, D. C.*

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GENERAL LAND OFFICE,

September 20, 1854.

GENTLEMEN: I have received yours of the 19th ultimo, in which you ask to be informed whether the 4th section of the act of Congress approved 22d July last, extending the pre-emption law of 1841 over Kansas Territory, in connexion with the act of 23d May, 1844, "are sufficient to protect lot-holders in the town we (you) are now establishing, adjoining the military reservation of Fort Leavenworth," which "town" is more particularly described in your letter of the 14th July, to which letter a reply was given by this office on the 2d ult.

Having examined, with much care, the whole subject, I am clearly of the opinion that the said act of 1844 has no applicability to the land in question, for the reasons hereinafter given.

The tract which you propose to lay out in town lots contains 315.40 acres, and is situated, as per "sketch" received with yours of the 4th July, on the Missouri river, immediately south of, and adjacent to, the military reservation at Fort Leavenworth. From the treaty and map of Kansas Territory in this office, this land is within the "cession" from the Delaware Indians, concluded and signed May 6, 1854, and ratified by the Senate July 11, 1854.

By this treaty the lands ceded (with the exception of the "Outlet") are to be sold at *public auction* for the benefit of the Indians, they paying the cost of surveying, managing, and selling the same, and the United States, after deducting this amount, to account for the proceeds of the sales. In view of this treaty stipulation, it has been held by the Attorney General of the United States (in an opinion of the 14th ulti-

mo,) that pre-emption claims, under the law of 1841, cannot attach to any of the lands thus ceded by the Delawares, with the exception of the "Outlet," (it not being of the lands to be surveyed and *sold for the benefit of the Indians.*)

To allow pre-emptions on this body of land would, in his *emphatic* language, "be a violation of the treaty, a breach of trust, a fraud upon the Indians."

"The legal title, domain, and jurisdiction, are in the United States, but the equitable, beneficiary interest in the proceeds of sales is in the Indians."

Therefore, and in view of the foregoing, the law of 1844 can have no applicability to the case in point.

Respectfully, &c.,

JOHN WILSON,  
*Commissioner.*

MESSRS. LORENZO D. BIRD,  
E. A. OGDEN,  
SACKFIELD MACLIN,  
*Trustees, Weston, Platte County, Missouri.*

---

NEAR FORT LEAVENWORTH, K. T.,  
*September 13, 1854.*

DEAR SIR: Some short time since I was called on to survey a town site on the Missouri river, on the Delaware lands, below and adjoining the military reserve at Fort Leavenworth, by a company composed of several citizens of Missouri and others; among these L. D. Bird, esq., of Weston, Missouri, and Majors E. A. Ogden and S. Maclin, of Fort Leavenworth. When making the survey I discovered there would be a fraction left between the town tract and Three Mile creek; and at the suggestion of the president of the town company, I laid claim to the portion and erected thereon a house, intending to hold the same by pre-emption, or in any other manner that citizens of the United States could hold the Delaware lands; and thinking, too, that I had as much right to take possession as Majors Ogden and Maclin and the town company had to the town site.

Greatly to my surprise, on day before yesterday my house was torn down by order of Majors Maclin and Ogden. A plat of this town site, as surveyed by me, has been sent to your office by this town company for file or record, and I understand that one of the officers of the company—perhaps L. D. Bird—will immediately start to Washington for the purpose of securing the title to the town site, and also the little claim I made.

My object in addressing you is to learn why it is that this town company, including these officers of the U. S. army at Fort Leavenworth, are entitled to more privileges than other citizens of the United States; and to say that the foregoing facts I am prepared to prove at any moment; and as a citizen of the United States I protest against this company, and the government officers being granted exclusive privileges, &c.



I have no disposition to interfere with the claim of the company to the town site laid off by them, but I do protest against any action by the department which can in any way take from me the land which I had improved, and give it to Majors Ogden and Maclin and their associates.

I would refer you to my brother-in-law, John Calhoun, surveyor general of Kansas and Nebraska, Hon. Stephen A. Douglas, and the governor of the State of Missouri, (under whom I have now the honor to hold a commission in the geological corps,) for my credibility.

With high considerations, I am, your obedient servant,

F. HAWN.

The COMMISSIONER OF THE GENERAL LAND OFFICE,  
*Washington City, D. C.*

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GENERAL LAND OFFICE,  
*September 25, 1854.*

SIR: I have received yours of the 14th instant, and herewith enclose you a copy of a letter addressed Messrs. Bird, Ogden and Maclin, on the 20th instant, in reference to the "town site" on the Missouri river, alluded to in your said letter.

From it you will perceive that the law of the 23d May, 1844, has no applicability to the case in point, and that none of the lands ceded by the Delawares, with the exception of the "Outlet," are liable either to its provisions or those of the law of 4th September, 1841.

Therefore, you can have no right of pre-emption to the "fraction" mentioned in your letter.

Respectfully,

JOHN WILSON, *Commissioner.*

F. HAWN,  
*Near Fort Leavenworth, Mo.*

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GENERAL LAND OFFICE,  
*October 4, 1854.*

SIR: I have the honor to submit herewith a communication received at this office from F. Hawn, esq., dated near Fort Leavenworth, Kansas Territory, 13th September, 1854, in relation to a survey recently made by him of a "town site" on the Missouri river, on the Delaware lands, below and adjoining the military reserve at Fort Leavenworth, by a company composed of several citizens of Missouri and others; among them Majors E. A. Ogden and S. Maclin, of the United States army, at Fort Leavenworth.

I also enclose a copy of my reply, under date 25th ultimo. The subject-matter is submitted in order that the attention of the Department of War may be called thereto if deemed necessary.

I remain, very respectfully,

JOHN WILSON, *Commissioner.*

HON. ROBERT McCLELLAND,  
*Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
October 13, 1854.

SIR: In reply to your letter of the 4th instant, enclosing one from F. Hawn in relation to the action of certain officers of the army, and others, in regard to a small fraction of land in the immediate vicinity of Fort Leavenworth, I have to state, that the Secretary of War was fully advised on the subject by letter from this department, dated the 11th instant, covering a copy of a report made in relation thereto by the Hon. Geo. W. Manypenny, Commissioner of Indian Affairs.

Very respectfully, your obedient servant,

GEO. C. WHITING,  
*Acting Secretary.*

COMMISSIONER OF THE GENERAL LAND OFFICE.

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MEMORIAL.

*To the President of the United States:*

The undersigned, on behalf of the settlers upon lands in Kansas Territory ceded to the United States in July last by the Delaware Indians, submit to the President of the United States this their respectful memorial.

Since the great overland emigration to the Pacific first made us familiar with the country now embraced in Kansas and Nebraska, we have, in common with multitudes upon the frontier, earnestly desired its Territorial organization, not only as a measure of national importance, but one likely to afford us, as poor men, the opportunity or the hope of improving our condition.

We took it for granted that this organization would remove the obstacles which had long obstructed the flow of our population to this portion of the West, and that we who should endure the toil and hardship of initiating civilization into these uncultivated wastes, would have, as heretofore, the fostering care of the government, and the encouragement of its liberal legislation.

Leading statesmen long ago told us that large portions of this region had been, since the purchase of 1829 and 1830, public domain, and were open to settlement. But we respected the will of the government, and, desirous not to become trespassers even by a doubt, awaited the expected day when every difficulty would be removed, and access to the country would be unobstructed and free.

This delay we trusted would not be long; for the gathering force of public sentiment, bringing together great assemblies to consult upon the favorite project with which newspapers teemed and the halls of Congress began to be agitated, gave assurance that the national will would soon open to us the gates of the Territory.

Then came the appropriation for treaties with the Indians, the consequent visit to them of the Commissioner of Indian Affairs, and of their delegation to Washington, with the protracted discussions in Congress upon the Kansas and Nebraska bill, making the country mad with excite-

ment, and especially the masses gathering upon the frontier, who stood tiptoe watching eagerly every telegraphic flash of news from Washington.

Through all this—restrained by nothing but our respect for law and order—we invaded no Indian lands; we violated no treaties; we disregarded no expressed wish of the government; but, with business suspended, and wasting means, we wearily waited upon the banks of the Missouri for the formula of the predestined act which should permit us legally to cross the slight barrier between us and this long-closed domain.

At last, letters came to us from members of Congress, informing us that the passage of the long-expected bill was just at hand; that the Indians were treating for the sale of their lands; and that the prairies of Kansas invited our occupancy.

The accumulated multitude, so long stopped by the great river, then burst into the country, and we came with it. Carefully ascertaining, as far as possible, from the Indians, the limits of their proposed reservations, and aided by them in our selections, we proceeded, in the confidence of men who exercised an acknowledged right, to build our cabins, and gather round us the rude appliances of a settler's home.

We thought, at last, our wanderings were over; that we had reached "the west;" and that, renouncing change and removal for the future, we should, through a few years of isolated struggle with poverty and privation, achieve for our children the better destiny, denied to us, of the advantages of social life, education, independence, and ease.

Our hands, however, were soon weakened by the strange report that only the desert lands, far west of us, which these emigrant Indians of Kansas would not receive in the apportionment of 1830, were open to the white settlers, and that those we occupied were to be held in reserve for a sale, at a distant day, under such arrangement as left no chance of a home here for the poor.

We were delightfully encouraged and reassured soon after, however, by the passage of the act of July 22, making the pre-emption law of 1841 applicable to all the lands "to which the Indian title had been or should be extinguished" in this Territory.

Not being profound lawyers, we, in our simplicity, received this law in its plain and obvious sense, as confirming the past policy of the country, and giving us the hardly earned and customary privilege of securing our little homesteads on terms adapted to our slender means.

The Delaware treaty, which appeared in the public prints soon after the law, seemed to be at variance with the latter; but the treaty-making power, which had confirmed them both, we did not doubt, would find a way to reconcile the difficulty, and see that Congress tendered us no deceptive terms when it invited us to settle on and purchase these ceded lands under the conditions of the law of 1841.

To our great distress we find, from the recently-published opinion of the Attorney General, that the contract with us is repudiated, and that we are considered by the government as trespassers, and liable to the violent expulsion with which the Commissioner of Indian Affairs has recently threatened us.

We do not presume to argue the legal question against such high authority, but present to you our earnest appeal for such action on your part as shall avert ruin from us, and at the same time promote the best interests of the Delawares and our young Territory.

We ask for such a modification of the present treaty with the Delawares as shall place a fixed price upon their lands, and, giving full force and effect to the law of the 22d of July last, leave us, without being crushed by the government, to bear as best we may the weight of unusual difficulties while striving to secure subsistence and a shelter.

The Delawares do not desire our expulsion. Their policy favored our settlement upon these lands; and while here, as their neighbors, we have never had a collision or difficulty with them.

They would have been satisfied with the assured price of one dollar and twenty-five cents an acre from the settler, whose presence and improvements they conceived would be more likely to induce ready sale for the unoccupied portions.

The remonstrance against our stay, which appeared in their names a short time since, never originated with themselves; and if it ever had their assent, it was reluctantly conceded, on repeated applications, to an influence they are not accustomed to resist.

These Indians are willing to make a new treaty; and, though earnestly exhorted by would-be speculators and parties in their interest to adhere to that of July, readily see that they would be the gainers by funding a fixed sum as the price of their lands, instead of waiting for the indefinite and protracted results of the system of valuation and payment required by the present treaty.

That price which the Indians have already offered to receive, and which the United States can pay without loss on sales made at the government minimum to pre-emptioners, if funded with other dues from the United States, would give an annuity of about forty dollars to each man, woman, and child in the Delaware nation, and leave every family on their present magnificent reserve in possession of five times as much land as our pre-emption laws allow to each of us.

Under their present treaty, they will receive in a few days the large sum now due them, and what their necessities or recklessness have not consumed by anticipation will be wasted by most of them in a week's debauch; leaving them, for the two years which must intervene before they can receive the proceeds of sales of their lands, to wait in idleness and destitution, as they are now doing, the next contribution from government of too liberal means for their further degradation.

Such a process wastes, by a rapid consumption, their vast capital, and will hasten the ruin and extinction of this remnant of the proudest and bravest of all our Indian tribes. Certainly a change in the treaty, which shall give them fixed homes, inducements to industry, and a well-regulated and uniform system of pecuniary aid, is important, not to say essential to their preservation.

But what will be the effects, upon the interests of the Territory, of that mode which the Commissioner of Indian Affairs proposes of executing the present treaty?

The white settlers, who came here in good faith, are to be driven from the ceded lands at the point of the bayonet; their cabins given to

the flames; and their families left homeless and destitute. The region thus vacated is to be waste and unoccupied, both by the Indian and white man, for two years; while surveys are going on, and all the necessary arrangements proceed for the first great sale of Delaware lands.

The expelled squatter, too poor to await such a remote opportunity, or to make it available, will be out of the way of capitalists, who will buy up the choicest portions of the land, and curse them by non-resident ownership, while waiting for the time when the progress of the surrounding country, which they have impeded, shall force the actual settler to pay a price to suit their greed, and make their investment a "great speculation."

The injury which the Territory will sustain, by this state of things, is not to be estimated by the loss of the limited area thus withheld from early settlement. It is the peculiar geographical relation of these ceded lands to the Territory which will render the exclusion of the settler from them disastrous to its prosperity. They lie at its most convenient entrance, and where the emigrant population, arriving by the natural route of the Missouri river, could most easily obtain supplies from the adjacent State; and, from the nucleus thus formed, rapidly extend along the great military road to the mountains.

It must be remembered that very little of the front of the Territory and of its best soil is really open to settlement.

South of the Kansas river the State of Missouri intervenes between the Territory and the Missouri river, and the best of that portion, both on the Kansas and south of it, is absorbed by Indian reserves.

North of the Kansas the Wyandotts, Delawares, Half-breeds, and Pottawatomies have a wide belt extending west, on the fine valley of the river, for one hundred miles from its mouth.

On the Missouri the Wyandott, Delaware, Munsee, and military reserves occupy half the river front of the Territory. And, in the recent opinion of the Attorney General, with the exception of a limited tract on the northeast corner of the Territory, the naked prairies, forty or fifty miles back, are the nearest lands vouchsafed for the home of the white settler. Such a disheartening arrangement as this is already turning back the tide of emigration to States where valuable lands are offered, at prices from twelve and a half to fifty cents an acre.

We have not now half the population we might have had, if settlements could have had a proper basis and support upon these Delaware lands. With our present clouded prospects, the addition of the Kansas star to the national galaxy seems likely to be very long deferred.

Since, then, a rigid adherence to the present Delaware treaty will benefit none but speculators; will be so ruinous to us, and so fatal to the best interests both of the Delawares and of the Territory, we earnestly hope you will regard our appeal for a new treaty that shall remove every obstruction to the occupation of these ceded lands; and return to us our retreating population.

Charles B. Norris  
Thos. Horndon  
W. C. Remington  
J. W. Freelove

John Ferrier  
R. J. Fyffe  
J. N. Bradley  
James E. Bruce

James M. Mulkey	Gustavus H. Hale
Jesse Morin	E. Green
Wm. H. Spratt	H. Hulbert
B. S. Richards	John Downey
James Bayaston	H. N. Jenks
Bart. Harrison	S. W. Tuder
N. F. Aubry	J. F. Baker
Jeremiah Mahaney	Lewis Nendorff
W. M. Payton	Louis Otto
N. E. Wilkinon	Lewis Mayers
Granville Adkins	F. Mayers
G. M. Hale	H. Buhman
John Suany	Saml. McHays
Alexander Baker	William H. Kerr
Edwin Gairny	G. W. Crobarger
David S. Kirnsey	John Herndon
Galatia Sprague	G. J. Oliver
R. S. Walle	K. Triplett
William A. Fox	Patrick Cooper
Thompson T. Jones	Hugh Fulton
R. S. Jones	H. B. Callahan
B. F. Bradley	D. J. Moore
George Jones	David McCollum
Samuel A. Hust	Rufus McCollum
M. N. Jack	Ruben Williams
James M. Churchill	Wm. K. Hodge
P. J. Collins	John D. Murry
James Frost	John Y. Cooper
E. O. Sayle	John Zeeck
A. Johnson	Daniel Cary
Wm. J. Norris	Philip Luty
H. Clay Cockerill	David R. Atchison
A. N. Chian	James A. Headley
Jonathan Kirnsey	Benjamin R. Morton
Wm. B. Fulton	E. W. Brown
G. L. Brightwell	Wm. Cannon
Isaac House	John Bane
Geo. Quimby	Joseph Coons,
Jacob Baker	Nelson Christison
Jefferson Walls	Lewis Jones
James S. Townsend	J. B. Gentry
Green L. Robinson	M. Christison
David P. Lewis	M. Coile
W. Christison	H. Hucute
H. B. Wallace	L. C. Christison
Larken Fleshman	T. Christison
J. C. Hughes	F. Hucute
R. M. Johnston	S. Coyle
William Hartman	S. P. Yocarn
W. C. Hatton	David Clarkson
R. J. Fulton	Cor. McKinney



Mitchel Kelkins	William Stewart
John A. Justis	Gibson M. Sullivan
Joseph Hackles	John W. Drew
Joseph Davis	John H. Denicks
Isaac Brewer	Joseph Carlton, M. D.
Patrick Barrett	Eli Little, jr.
Thos. Blakley	Henry Burezf
H. Rich	Philip Watson
Jas. W. Rich	E. H. Downs
John G. S. Foss	Noah Hudson
S. R. Darling	Archibald Stinehoff
Lewis H. Ogee	Edward Temple
F. J. Marshall	George W. Daniel
B. Newland	R. S. Merchant
B. H. Foote	H. McGilton
Isaac Cady	Chas. Cook
William D. Noble	A. S. Wheuben
William T. Copeland	J. P. Dudley
P. M. Thomas	Jno. Daily
Jas. P. Wiggins	R. C. Thompson
Wm. McKoun	D. K. Chappell
S. R. Pharr	Thos. Kirnsey
R. Y. Baker	Benjamin F. Kirnsey
Thos. Barrett	J. W. Golden
C. McCrea	J. S. V. Thompson
E. M. Williams	Samuel D. Pitcher
Daniel O'Harea	John McGuire
Richmond Denyon	Coloman Lukacs
Mitchell Lafountain	Christian Beck
Head. Mills	George Leanhart
Jeremiah Massie	Pgnuts Stirtich
R. S. Thompson	Levi Wilson
Robt. Holloway	Alex. Majors
Robt. L. Ream, jr.	J. F. Royalt
David Mann	F. E. Burt
Jesse Friley	Michael Kelly
J. W. Whitfield	Samuel R. Trower
E. M. McGee	Hillsman Jarratt
A. B. Earle	John Long
Lewis H. Kennerly	A. G. Reed
Wm. Kearney	B. G. Freyier
Wm. Cummings	P. H. Bradley
J. A. Lindsey	G. A. Miltower
A. A. Crain	James C. Brown
F. Gwinnel	Flemon S. Thompson
Axford Bowlby	Preenorll M. Thompson
John O. Carr	James T. Bradley
Max. Webset	William Riggs
T. W. Tunnell	Franz Geisen
Adam Linhart	Jacob Gerssen
Renf. Boydton	Thomas Cass

John Sperry	F. A. Baugher
Jonny Gowbom	R. P. Briggs
Edward Tel	W. H. Bohart
Lars Abraham	Wm. Tennial
Israel Peirce	O. T. Dougherty
William Blurns	Clayton Telleny
Henry Bernze	Lester Tennial
Carl Streilick	Charles Sexton
John Backer	James Marr
Joseph Tinops	Joseph Douglass
Abner Hoyt	Dan'l B. Vanbroclin
S. Maclin	Jacob Zest
Chas. Byers	Jacob McMendes
Samuel M. Lyon	J. P. Richardson
Henry Rollipp	S. B. Vansycker
James M. Iddings	H. Gaines
William Wilkinson	Thomas Dobson
James A. Pickett	J. W. Johnson
James Kirkpatrick	Taylor Sullivan
J. C. Thompson	Robert Wilson
Jas. A. Culbertson	T. S. Abney
Russel Williams	Isaac Conner
Cornelius Beals	A. F. Nichols
Pleasant Chitwood	John Herricks
Samuel Lamb	J. McGuire
Robert C. Miller	D. T. Tracy
G. B. Van Arsdale	George Parsons
D. A. M. Grover	Aaron Smith
Jno. Lusk	O. P. Bowers
C. E. Dunham	Elm. Dutton
Geo. W. Wood	M. T. Brodrick
Isaac Henderson	Adam G. Campbell
E. Golden	John Suvallan
J. W. Markam	Peter Well
Henry Walker	B. Wakeman
George Mason	Joseph Bennett
Zachariah Rodgers	Elias Harvey
John Silvester	E. J. Harvey
Daniel Lordon	W. L. Blair
Nathan Ames	Wm. B. Lyon
Daniel C. Ames	Wm. L. Large
Jno. Dougherty, (20 years Indian agent.)	Marshall T. Polk
Edward H. Mix	Oliver Deifendorff
G. B. Pauton	Jno. S. Mitchell
Francis G. Hunt	Chas. Munder
J. J. Hodgers	Jacob Bishop
H. Steele	G. B. Van Arsdale
J. V. Rily	Benjamin C. Card
R. H. Phelan	J. E. Grant
F. A. Roberts	John Sneider
	Abraham Moss

John Callahan	A. D. Jones
John Ruffner	W. A. Gabbert
Fritz Lewzinger	James Hitchings
David Robinson	C. C. Linville
John Fanphornel	John Maxwell
John Kelly	Lewis Sumpter
J. H. Snyder	Elisha Towel
Thos. Barrett	Christopher E. Horn
James O'Sullivan	Avon Lancaster
Beverlin Beck	Christopher Horn
John Enz	John Belcher
Andrew McConnell	Benjamin Eailley
Hiram H. Lewis	W. Van Beaks
Edward H. Smith	James M. Powel
John Y. Price	John Powell
Robert K. Wade	D. H. McMickle
John Riley	Salem Pittman
Isaac Dyer	John Large
William Horner	H. Large
Henry Wills	John Wilfley
Jacob Peterson	Joseph Hicks
Julius Setelkea	Jas. S. Moore
Joseph Hart	Geo. Gabbert
Daniel Smith	C. M. Burgess
Thomas Brogan	Miles Shamon
Michael Gorman	Jesse Ruddick, jr.
Lafayette Mills	Isaac S. Boardman
N. G. Evan	Jas. J. Gabbert
Edwd. McK. Hudson	Geo. Edwards
E. A. Ogden	Jeremiah Edwards
Wm. B. Simmons	Elias A. Davis
A. Duyon	Stephen Sparks
John Moore	John Sparks
P. H. James	Moses Sparks
Thomas Whipple	Amasia Sparks
D. J. Thomas	Zackariah Sparks
Samuel Morgan	O. N. Twither
George Laub	John Trait
Ths. A. Minard	Thomas Trait
Rob. B. Woodard	Martin Thomas
Joseph Glazebrooks	Geo. W. Tabbs
E. J. Harvey	Obed C. Noland
H. T. Green	O. B. Tebbs
Wm. Curry	D. F. Tebbs
John P. Smith	L. R. Darling
Donald McNesh	L. H. Ogee
John W. Stewart	Aquilla Phy
Simeon W. Simms	Wm. Rose
William Sparks	David Rose
Sidney Wiley	Caswell Rose
Thos. H. Gabbert	John Willfley

Geo. H. Edward, jr.  
 James Lonellen  
 J. Halles  
 J. Haul  
 John Wadle  
 Wm. A. Singleton  
 George W. Cooper  
 J. H. Browning  
 H. B. Gale  
 Mebzor Cole  
 C. C. Coronet  
 Samuel Hudson  
 Henry C. Gale  
 Daniel Willing  
 Jesse Sailsbury  
 James Plank  
 Wm. Downing  
 E. Downing  
 John Downing  
 S. Downing  
 Andrew Downing  
 P. Norvell  
 J. W. Williams  
 Joseph Langley  
 H. Ready  
 Jacob Adams  
 James Bradley  
 B. H. Wilson  
 John Wilfley  
 John McBee  
 Samuel D. Fulton  
 R. Parks  
 Wm. S. Yone  
 Joseph Setteken  
 Francis Zimmerman  
 Conrad Safers  
 D. V. L. McDowell  
 Franz Lenna  
 Frederick Weaver  
 Henry Kreenar  
 G. Gulbrad Seno  
 O. Lallingman  
 Joseph C. Anderson  
 John Pierce  
 John Higgins  
     <sup>his</sup>  
 Francis x Markenow,  
     <sup>mark</sup>  
 Nills Thorpson  
 Thomas Cass  
 Math. Anderson

D. H. Holladay  
 Martin Hafferlin  
 David Gentry  
 Balaam Buzbee  
 John Buzbee  
 A. Pototaski  
 Hugh McCafferty  
 Travis Brown  
 Thomas Vananda  
 Charles Jordan  
 Wm. M. Jordan  
 John S. Freeland  
 William Donovan  
 William Maginnis  
 Asburn Nalor  
 A. W. Mason  
 Wilsard H. Fox  
 Jeremiah Stiles  
 R. F. Mason  
 John Robinson  
 Elijah C. Powell  
 Wm. Zabrisky  
 Peter Boyle  
 James Moore  
 Thomas Basqe  
 Henry Webster  
 John Q. A. Stiles  
 Jeremiah Johnson  
 Thomas Canter  
 John Wesley, sen.  
 F. S. Coal  
 Thomas Ouble  
 Samuel Findley  
 John Burket  
 N. C. Ellis  
 William Hammond  
 Edward Cigger  
 John H. Burt  
 George W. Starns  
 Thomas Starns  
 John Allen  
 Thomas Allen  
 John Vanbranken  
 Byron Hague  
 Tarret Todd  
 Samuel Norton  
 A. Maranty  
 Amos Rees  
 Andrew Tribber  
 Green L. Todd

James Saunders	Abel Gillet
H. C. Dunn	J. T. Vance
John J. Benz	Robert Ware
Jonathan Hall	H. Brown
Godfrey Gnase	David Gregg
Geo. Dun St. Evenson	J. R. Burckhartt
Wm. Engelsmann	William Wills
F. Engelsmann	Daubin R. Walker
John Owens	N. A. Kirk
Jones Nreech	Jos. J. Wiggin
Thomas W. Duffield	John Riley
Lucian J. Eastin	J. T. Roberts
John C. Gist	William Freeburn
Wm. T. Owen	James H. Luvitt
Wm. S. Murphy	Riley Todd
J. H. Day	Hugh Archer
Alfred Cunningham	R. E. Lunder
Samuel France	Wm. McDowell
Jeremiah Clark	J. P. Rogers
C. R. Hobbs	S. H. Spears
G. W. Rechman	L. H. Summers
B. H. Twombly	M. France
John Harris	C. D. Elliott
John White	J. S. Burgess
James M. Arnold	R. E. Stuttwel
Joseph L. Evans	James H. Hall
Jeremiah Rice	Franklin Roak
John Williams	John W. Park
N. A. Trice	B. M. Crust
Wm. H. Purn	John H. McClintock
T. E. Kinney	J. Vinegard
Joel T. Hooe	John G. Owens
George Brasfield	Simpson Goble
George Leigan	John Dunham
W. E. Cunningham	F. H. Rasdale
Francis McClain	George W. Walker
George Yate	H. Basqe
Thomas Cuning	J. M. Guttorio
John Ely	J. D. Harper
Jno. Smith	Joseph Graham
Franz Geisen	Wm. English
John L. Thompson	Jas. Foster
Elijah Hampton	R. Garrett
Littleton Jeter	J. T. Hook
David Milne	G. B. White
Joseph J. McLelan	J. M. Danill
B. Brassuld	William H. T. Parker
John Thomas	Wm. H. Lang
Guesley Field	G. H. Keear
T. R. Murson	J. F. Gregg
Ed. M. Dobson	Sanford Leach

Shother Hay  
 T. A. Gregg  
 Lewis Shipp  
 J. Vancaup  
 J. H. Mize  
 Ellis Henshaw  
 Geo. Young  
 Geo. W. Burgess  
 Franklin Kurzs  
 J. W. Martin  
 Garson Long  
 Thos. J. Haggins  
 J. B. Wylie  
 A. T. Pattie  
 A. Wilson  
 A. J. Bowers  
 H. T. Dagley  
 C. F. Bredow  
 W. A. Guthrie  
 P. Fleming  
 R. D. Mahon  
 M. F. Conway  
 R. Coates  
 R. H. Higgens  
 D. S. Davis  
 Francis May  
 Martin P. Thomas  
 John Karvis  
 Alonzo Parry  
 J. Orandleg  
 Meril Smith  
 Asa Smith  
 N. Bullard  
 Udolpho Wolfe, jr.  
 D. Leo H. Boyle  
 Wm. G. Mathias  
 Ulyson Marshall  
 Wm. A. Marshall  
 H. Holder  
 Chas. Rodd  
 Wm. C. Tillotson  
 M. D. Beeding  
 P. Flemming  
 John Miers  
 Elijah Harding  
 James Smith  
 Holman Banfield  
 Danl. M. Railey  
 C. P. Beeding  
 G. M. Dyer  
 Alexander Rode

John De Roche  
 C. B. Tebbs  
 Danl. F. Tebbs  
 Conner J. Reager  
 Jas. H. Telinston  
 Silas M. Gordon  
 Henry C. Cockerill  
 William E. Daniel  
 Archibald Clarke  
 Chas. Rodd  
 A. Sidney Tebbs  
 Richard Chandler  
 Baruch Pratho  
 John Pate  
 Thomas P. Chandler  
 Galatia Sprague  
 W. W. Dyer  
 A. D. McMeekin  
 Alonzo Yocon  
 Arn. Yocon  
 George Reed  
 William Handix  
 B. F. Palut  
 Saml. Johnson  
 James Dykes  
 J. E. Haddix  
 Hewly Haddix  
 S. G. Scanland  
 D. R. Clark  
 Wm. Gean  
 James Lewis  
 James Henderson  
 Thomas S. Owens  
 Philip Smith  
 George Fellmann  
 Ludwig Veix  
 Tekal Merynen  
 Marion Todd  
 John Flint  
 Jeremiah Frazier  
 Jno. S. Lightburn  
 John Martin  
 George T. Sikenberg  
 Henry Batrisky  
 L. P. Stiles  
 Solomon Buxton  
 Josiah Farby  
 Samuel Trindley  
 D. T. Skelton  
 F. M. Johnson  
 J. H. Blessingame



Myron Phillips	M. L. Young
John M. Bowman	K. H. Norris
B. A. Trent, late of Ky.	J. H. Kraum
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Ch. Jacquemin	Richard Dunlap
Robert King	Jedediah Buntry
Charles Starns	Obadiah Brown
J. K. Faulkner	Benjamin L. Senors
Jonathan Dowdell	H. L. Kirkpatrick
German Trent	J. W. Johnson
John Cole	D. Dodge
Joseph Kelley	B. W. Magen
Thomas Smith	Newton J. Bateman
George Jones	James Noble
Alonzo King	John Horn
John Wrin	J. E. R. Howard
Charles M. Bingly	Hiram Waller
W. W. Conner	E. M. Alexander
Jacob Pitts	David Hunt
Philip Maltsberger	R. P. Flenniken
James F. Pitts	A. A. Patterson
Charles Meritt	William Wallace
Rulun Snelyror	Thomas C. Bishop
Nathan Roberts	George Fleming
William Moore	Simpson Park
James H. Timberlake	James Fowler
Israel Blevins	Bladiah Brown
Armstead Blevins	Elijah P. Pierce
Abraham Vanvrankin	William Willis
J. Marion Alexander	John Ussan
John A. Halderman	W. M. Edwards
Thomas Johns	Robert L. Ream
Samuel F. Few	Frederick Vront
William Maloy	W. G. Noble
William Atchison	Dagan Fonts
William Maloy	E. Jenkins
George H. Reich	James Davidson
David H. Mitchell	G. H. Burgett
David Luntor	G. B. Redman
Zachariah Mills	W. H. Adams
Aaron Groom	W. Motherean
Barnabas Lobber	William Chandler
M. S. Johnston	Thomas T. Sloum
John W. Ellis	Samuel Paul
H. H. C. Harrison	Carrington Harris
A. B. Owens	Samuel Park
Samuel Cumming	Wesley S. Davidson
Samuel J. Finch	John Dunn
A. S. Betty	Daniel Kennedy
L. A. Neale	Thomas Beaumont
W. J. Norris	Madison West

K. G. Earl	Aderson Dilz
Charles Hunt	Andrew Tate
James Adams	Jakob Rehm
James S. Wheatley	S. Phillips
D. T. Wallingford	Naly Harrington
Stephen Friley	M. R. Roe
A. H. Scott	George W. Marston
William Hoy	Thomas Bishop
Joel Rice	F. B. Silkman
Henry Stoddart	S. L. Graham
E. K. Adamson	R. C. Gillespie
William Borden	William L. Graham
John R. Wells	A. Payne
John Lusk	Richard C. Dunn
Abner Dean	Charles Lert
J. Crabb	M. Pierce Rively
James Pennock	J. M. Tyner
Charles H. Pennock	Charles H. Allen
Ruel B. Brooks	Joel Hintt
S. T. Johnson	Nathaniel Henderson
Thomas B. Calmer	William O. Webster
William Sparks	James Heck
Benjamin H. Foster	C. F. Hammond
John B. Mise	H. B. Kelly
David Goble	John Argabright
Robert Maddux	Alexander Russell
C. Tolson	J. V. Chance
H. W. Hoak	William Boyd
H. Lindsey	John Boyd
J. P. Dunelson	Jesse G. Henderson
W. G. Carson	John H. Henderson
T. S. Brown	William Coram
John Daily	G. W. Walker
C. C. Harrison	William Bohart
Zinphim Vanden	G. Z. Brown
H. Nolen	Benjamin McCrary
F. Shanon	David Creek
R. Coakley	Hudson Noland
John B. Battin	Solomon K. McCrary
N. Sargle	Houston Long
F. E. Bird	A. H. Scott.

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*Extract from the last Annual Report of the Secretary of the Interior, dated December 4, 1854.*

“Within the year fourteen treaties have been entered into with the Indian tribes. The most important have been concluded with the Omahas; Otoes and Missourias; Sacs and Foxes of Missouri; Iowas, Kickapoos, Delawares, Shawnees, Kaskaskias, and others; Miamies,

and the Menomonees. Vigorous efforts have been made, and are still being made, to execute in good faith all the provisions and stipulations to be performed on the part of the government, and the Indians seem desirous of strictly conforming to their respective engagements. The appropriations to carry these treaties into complete effect were made at so late a period that it was found impracticable to accomplish all that was designed. In these treaties the government adopted a liberal policy towards the Indians; and if it is pursued and prosecuted efficiently, it must lead to most beneficial consequences. The principal thing to be feared is, that the poor, ignorant, unlettered, and inexperienced Indians may be brought into too close contact with the whites, which generally degrades them, because they seem inclined to contract their evil habits, instead of imitating their virtues.

“The annuities are abundantly sufficient for all legitimate purposes. A large portion of them should be devoted to the improvement of their moral condition. Ample provision should be made for educational purposes. The missionary establishments among them, which have been very successful in converting many to Christianity and reforming and civilizing them, should be fostered and encouraged.

“There is a provision, in some of these treaties, of grave importance, and requires prompt attention. One of the stipulations with the Delawares, as well as Iowas, and the confederate band of Kaskaskias and others, requires that the land ceded by them (except the Delaware Outlet) shall, after survey, be offered at public sale, and sold to the highest bidder; and such portions as may not be sold at public sale shall be subject to entry at one dollar and twenty-five cents per acre, for the term of three years; after which, Congress may reduce the price of the residue unsold. The expense of surveying, managing, and selling the land, is to be deducted from the proceeds of the sales, and the balance paid to the Indians.

“The government is bound to preserve these lands from all such trespass and intrusion as will interfere with a *bona fide* compliance with this treaty stipulation. If, as is now the case, intruders occupy these lands, and more especially with a view of making permanent settlements, and effectually preventing the governmental authorities from executing this stipulation, they should be promptly ejected. The duty of the government is clear, and justice to the Indians requires that it should be faithfully discharged. Experience shows that much is gained by sacredly observing our plighted faith with these poor creatures, and every principle of justice and humanity prompts to a strict performance of our obligations.”