

12-12-1867

Letter from the Secretary of the Interior, relative to the sale of a certain Indian reservation

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OTOE INDIAN RESERVATION.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

The sale of a certain Indian reservation.

DECEMBER 12, 1867.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 12, 1867.

SIR: I have the honor to submit herewith a copy of a communication from the acting Commissioner of Indian Affairs, dated October 2, 1867, relative to the importance of making sale of a portion of the reservation of the Otoe and Missouri Indians, for their benefit, under treaty with said Indians concluded March 15, 1854, (Statutes at Large, volume 10, page 1038,) and supplemental treaty thereto, concluded December 9, 1854, (Statutes at Large, volume 10, page 1130;) also, a copy of a letter from the same source, dated December 11, 1867, submitting an "estimate of appropriation" required for the survey of the lands above referred to, under the sixth article of the treaty of March 15, 1854, amounting to \$7,146.

I commend the subject to the favorable consideration of Congress.

Very respectfully, your obedient servant,

O. H. BROWNING,
Secretary.

Hon. SCHUYLER COLFAX,
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs, Washington, D. C., December 11, 1867.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant, approving the recommendation of this office, that an appropriation be asked from Congress to cover the expense of the survey of the Otoe and Missouri Indian reservation.

In compliance with your request, I herewith submit an estimate of the amount required for the surveys above referred to, under authority of the sixth article of the treaty with said Indians of March 15, 1854, (United States Statutes at Large, volume 10, page 1038,) to be transmitted to Congress.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

Estimated amount required for the survey of the Otoe and Missouri Indian reservation, under authority of the sixth article of the treaty with said Indians, of March 15, 1854, (United States Statutes at Large, volume 10, page 1038.)

For survey of township lines of said reservation, 66 miles, at \$6 per mile.....	\$396 00
For survey of sectional lines and subdivision into eighty-acre lots of said reservation, 1,350 miles, at \$5 per mile.....	6, 750 00
Total.....	7, 146 00

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs, Washington, D. C., October 2, 1867.

SIR: I have the honor to state that letters have been received at this office from Superintendent H. B. Denman and Hon. John Taffe, submitting statements relative to the importance of making a treaty with the Otoe and Missouri Indians, providing for the sale of a portion of their present reservation for their benefit.

I respectfully state that by the provisions of the first article of the treaty with the confederate tribes of Otoe and Missouri Indians, concluded March 15, 1854, (Stat. at Large, vol. 10, p. 1038,) they cede to the United States all their country west of the Missouri river, except a strip of land on the waters of the Big Blue river, "commencing at a point in the middle of the main branch of the Big Blue river, in a west or southwest direction from Old Fort Kearney, at a place called by the Indians The Island; thence west to the western boundary of the country hereby ceded; thence in a northerly course with said western boundary, ten miles; thence east to a point due north of the starting point, and ten miles therefrom; thence to the place of beginning: *Provided*, That in case the said initial point is not within the limits of the country hereby ceded, or that the western boundary of said country is not distant twenty-five miles or more from the initial point, in either case there shall be assigned by the United States to said Indians for their future home a tract of land, not less than ten miles wide by twenty-five miles long, the southeast corner of which tract shall be the initial point above named," &c.

Upon exploration of the above-described reservation by the said confederate tribes, it was found that they had been mistaken as to the location thereof, much the larger portion, or nearly the entirety, of it being to the west of the Big Blue river, and without sufficiency of timber; and they being dissatisfied therewith, the United States being desirous of removing all cause of complaint, did, on the 9th day of December, 1854, conclude a supplemental treaty with said Indians, (U. S. Statutes at Large, vol. 10, p. 1130,) in which "it is agreed and stipulated between the United States and the said confederate tribes of Otoe and Missouri Indians that the initial point of their reservation, in lieu of that stated in the treaty in the caption hereof mentioned, shall be a point five miles due east thereof; thence west twenty-five miles; thence north ten miles; thence east to a point due north of the starting point, and ten miles therefrom; thence to the place of beginning; and the country embraced within said boundaries shall be taken and considered as the reservation and home of said confederate tribes, in lieu of that provided for them, and described in the first article of said treaty."

In the sixth article of said treaty of March 15, 1854, provision is made by authority of the President to survey off this reserve into lots, and assign tracts of the same as therein mentioned to such of said Indians as are willing to avail of the privilege, &c.

Provision is also made in the same article that the residue of the land so

reserved, after all the Indians shall have had assigned to them permanent homes, may be sold for their benefit under such laws, rules, or regulations as may be prescribed by the Congress or President of the United States.

Superintendent Denman and Hon. Mr. Taffe recommend that a treaty be made with these Indians providing for the sale of a part of their lands to furnish means for their support, and the cultivation and improvement of their lands. They represent that the Indians are very anxious to do this. They state that this large reservation of some of the best lands in the State of Nebraska is far beyond the needs of so small a number of Indians; that it is better for the Indians to have no more land than is absolutely necessary for cultivation and patronage; that anything beyond that stimulates the passion for the chase, a reliance which must soon be abandoned. The population of this reservation in 1866 was 511 in all.

The estimated quantity of land in the reservation, as defined in the treaty, is 153,600 acres; 119,600 acres of the same being in the State of Nebraska, and the remaining 34,000 acres in the State of Kansas. This gives a fraction over 300 acres to each individual on the reservation.

No survey of said reserve has ever been made as provided for in the treaty above referred to, and consequently there have been no allotments to said Indians; nor is there any appropriation to defray the expenses of such survey, which would have to be made prior to any allotments or sale.

It is submitted that the authority to sell a portion of said reserve, when deemed for the benefit of said Indians to do so, is ample under the existing treaty without negotiating a new one.

I approve of the suggestion of Superintendent Denman and the Hon. Mr. Taffe as to the propriety of selling the residue of the reservation for the benefit of the Indians thereon, after the allotments in severalty shall have been made as provided for under the treaty, and I respectfully recommend that an appropriation be asked of Congress to cover the expenses of the survey of said reservation.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. WILLIAM T. OTTO,
Acting Secretary of the Interior.