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Letter of the Secretary of the Interior to Hon. James Harlan, in relation to the absentee Shawnee Indian lands in Kansas.

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L E T T E R
OF
THE SECRETARY OF THE INTERIOR
TO HON. JAMES HARLAN,

IN RELATION TO

The Absentee Shawnee Indian lands in Kansas.

FEBRUARY 1, 1871.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 31, 1871.

SIR: In reply to your communication of the 11th instant, inclosing copy of joint resolution (S. R. No. 272) in relation to the "Absentee Shawnee lands" in Kansas, I have the honor to transmit herewith, as expressing my own views upon the subject, a copy of the report of the Commissioner of Indian Affairs, dated the 19th instant, to whom your letter was referred.

I am, sir, very respectfully, your obedient servant,
C. DELANO,
Secretary.

Hon. JAMES HARLAN,
Senate of the United States.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 19, 1871.

SIR: I have the honor to acknowledge the receipt by reference from yourself of a communication dated the 11th inst., from the Hon. James Harlan, chairman of the Senate Committee on Indian Affairs, inclosing a copy of Senate Resolution No. 272, in relation to the Absentee Shawnee Indian lands in Kansas, and asking for certain information relative to said lands, as well as inviting any suggestions this Department may desire to make relative to the provisions of said resolution, upon which subject you desire a report from this office.

In pursuance of such directions I have the honor to report that by a resolution of Congress approved April 7, 1869, provision was made for the sale at two and one-half dollars per acre of the tract known as "Absentee Shawnee" lands, in quantities not exceeding one hundred and sixty acres to "each bona fide settler now occupying said lands and having made improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such."

These lands are the residue of the tract of two hundred thousand

acres ceded to the Shawnee Indians by the United States, by the provisions of the treaty with those Indians concluded May 30, 1854, (Stat. at Large, vol. 10, p. 1053,) after deducting from such tract the quantity set aside to individual members of the tribe to hold in severalty, and to the members of Black Bob's band to hold in common, and to all other persons or for all other purposes therein named.

Some of said lands not having been occupied at the date of said resolution by actual settlers, the resolution transmitted with Mr. Harlan's letter as above set forth contemplates the relief of certain persons who have settled on said lands since the date of the resolution of April 7, 1869.

Although such is evidently the intent and purpose of the pending resolution, yet it is a matter of doubt whether the language is sufficiently explicit to cover the desired object.

The resolution as offered reads as follows: "That the residue of the tract known as the Absentee Shawnee lands in Kansas remaining unsold, as provided by the terms of the joint resolution for the relief of settlers on the Absentee Shawnee lands in Kansas approved February 7, 1869, shall be subject to entry and settlement on the same terms as provided in the joint resolution aforesaid."

One of the terms of the "joint resolution aforesaid" was that each bona fide settler occupying said lands and having made improvements thereon at that date (April 7, 1869, and not February 7, 1869, as set forth in the present resolution) should be entitled to purchase, &c., so that if the lands covered by the present resolution are to be subject to entry and settlement as provided by the first resolution, it might be considered to exclude from its benefits all such persons as have settled thereon since the 7th day of April, 1869, they being the persons whom it was designed to benefit. The resolution, before the question is put upon its passage, should therefore be amended in the particular named.

It is respectfully submitted, in the consideration of the subject of the disposition of these lands, that the price at which it is proposed to dispose of the same is not entirely commensurate with the value thereof. Other lands belonging to the same tribe and which adjoin the "Absentee" lands and are of the same general character have been sold from time to time, under the approval of this Department, at prices varying from three to fifty dollars per acre, a large quantity of the same averaging more than ten dollars per acre. In view of such facts it is my opinion that the ends of justice would be best subserved and the interests of the Indians more thoroughly protected by disposing of these lands upon sealed proposals to the highest bidder for cash.

The sale of these lands, under the provisions of the resolution of April 7, 1869, having been conducted entirely under the direction of the Commissioner of the General Land Office, this Office possesses no official information of the quantity remaining undisposed of, but upon unofficial inquiry at that office I learn that it amounts to $971\frac{40}{100}$ acres.

I am in possession of no data which will enable me to state or even to estimate the number of settlers likely to be affected by the passage of the proposed resolution.

The letter of Mr. Harlan, together with the inclosed resolution, are herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. COLUMBUS DELANO,
Secretary of the Interior.

ABSENTEE SHAWNEE LANDS IN KANSAS.

List of Absentee Shawnee lands unsold up to January 1, 1871.

Tract.	Section.	Town-ship.	Range.	Acres.
Northeast quarter of southwest quarter	24	14	20	40.00
Southwest quarter of northeast quarter	35	14	20	40.00
Southeast quarter of southwest quarter	35	14	20	40.00
Southwest quarter	25	13	20	160.00
Southwest quarter	26	13	20	132.28
Southwest fractional quarter	6	14	21	159.44
Northwest quarter of northeast quarter	8	14	21	40.00
Northeast quarter of southwest quarter	18	14	21	40.00
Southwest quarter of southwest quarter	18	14	21	39.68
Southeast quarter of southwest quarter	18	14	21	40.00
Southwest quarter of northwest quarter	32	14	21	40.00
Southeast quarter of northwest quarter	32	14	21	40.00
Southwest quarter	29	13	21	160.00
				971.40

GENERAL LAND OFFICE, January 23, 1871.