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Letter of the Secretary of the Interior, communicating copies of the reports of the Commissioner of Indian Affairs, Superintendent Hoag, and J. D. Lang, relative to the extension of the time of payment by settlers on the Osage Indian lands in Kansas.

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LETTER
OF
THE SECRETARY OF THE INTERIOR,

COMMUNICATING

Copies of the reports of the Commissioner of Indian Affairs, Superintendent Hoag, and J. D. Lang, relative to the extension of the time of payment by settlers on the Osage Indian lands in Kansas.

FEBRUARY 6, 1871.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 4, 1871.

SIR: I have the honor to inclose herewith a copy of a report from the Commissioner of Indian Affairs, of the 2d instant, transmitting the accompanying copies of letters from Superintendent Hoag and J. D. Lang, relative to the action of the legislature of the State of Kansas, requesting the congressional delegation from that State to procure the passage of an act extending the time of payment by settlers on the Osage Indian lands in Kansas.

Fully concurring with the Commissioner of Indian Affairs as to the expediency, indeed the gross injustice to the Indians, which an extension of the provisions of the act of April 10, 1869, would work, I submit the matter to Congress, in the hope that the Department will be sustained in its view of the question.

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

Hon. SCHUYLER COLFAX,
*Vice-President of the United States,
and President of the Senate.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 2, 1871.

SIR: I have the honor to report that I am in receipt of a communication from Superintendent Hoag, bearing date the 16th instant, inclosing a printed slip cut from the Lawrence (Kansas) Tribune, containing a copy of a concurrent resolution adopted by the legislature of that State, which is as follows:

Be it resolved by the senate, the house concurring, That the entire congressional delegation from the State of Kansas be severally requested and urged to procure the prompt

and speedy enactment of a law of Congress extending the time for the operation of and settlement and payment under the joint resolution of Congress of April 10, 1869, entitled "A resolution enabling *bona fide* settlers to purchase certain lands acquired from the Great and Little Osage tribe of Indians."

SEC. 2. That the governor be requested to transmit a copy of this joint resolution to each of our Senators and Representative in Congress.

The history of this matter, in brief, is this: By the amended second article of the treaty with the Osages, concluded September 29, 1865, said tribes ceded to the United States (to be held in trust and sold for their own benefit) "a tract of land twenty miles in width from north to south, off the north side of the remainder of their present reservation, and extending its entire length from east to west," which lands were to be sold under the direction of the Commissioner of the General Land Office, at a price not less than \$1 25 per acre.

The proceeds of the sale of these lands, after deducting the necessary expenses incident to the proper execution of the trust, were to be placed in the Treasury of the United States to the credit of the Indians, the interest thereon to be expended annually for building houses, purchasing agricultural implements, stock, animals, &c., for the use of said Indians.

Afterward, by a resolution of Congress approved April 10, 1869, it was provided—

That any *bona fide* settler residing upon any portion of the lands sold to the United States by virtue of the first and second articles of the treaty concluded between the United States and the Great and Little Osage tribe of Indians, September 29, 1865, and proclaimed January 21, 1867, who is a citizen of the United States, or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same, in quantity not exceeding 160 acres, at the price of \$1 25 per acre, within two years from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior.

The time within which payment must be made for the lands in question, under the provisions of the above resolution of Congress, will expire on the 10th of April next.

By the terms of the twelfth section of an act of Congress approved July 15, 1870, provision is made for the removal (with their consent) of the Osage Indians from the State of Kansas to lands to be provided for them for a permanent home in the Indian Territory; the expenses of such removal and of aiding in the subsistence of the Indians during the first year thereafter to be paid by the United States, but to be reimbursed "from the proceeds of the sale of the lands of said Indians in Kansas, including the trust lands north of their present diminished reservation, which lands shall be open to settlement, after survey, excepting the 16th and 36th sections, which shall be reserved to the State of Kansas for school purposes, and shall be sold to actual settlers only, said settlers being heads of families or over twenty-one years of age, in quantities not exceeding one hundred and sixty acres, in square form, to each settler, at the price of one dollar and twenty-five cents per acre, payment to be made in cash within one year from date of settlement or of the passage of this act."

The result of this act, which has been assented to by the Indians, is to extend the time within which payment shall be made for the trust lands and diminished reserve of these Indians until the 15th of July, 1871, and the object of the resolution of the Kansas legislature is to induce Congress to resort to such legislation as will still further extend the time within which such payments may be made.

Superintendent Hoag strongly protests (and I fully concur with him) against any further extension of the time of payment as a breach of faith with the Osages. They have complained long since that the proceeds of their lands had not been placed to their credit, as provided for

by the treaty of 1865, and were informed that the Government had extended the time of payment two years, but were assured that at the expiration of such period full payment would be required.

If, after occupying the lands for a long time without the burden of paying either rent or taxes, any of these settlers are unable to pay, in the face of a two years' notice, two hundred dollars for the tracts to which they are respectively entitled, it is fair to presume that they will not be able to pay within any reasonable time.

Moreover, all of this delay, while working no perceptible good to the settlers, is depriving the Indians of the use of money to which they are justly entitled, and has been the means of producing wide-spread dissatisfaction and distrust among them in their dealings with the Government.

In this connection I have the honor to acknowledge the receipt, by reference from yourself, of a communication relative to the subject-matter of this report, from Honorable J. D. Lang, one of the members of the board of Indian commissioners, in which he takes strong grounds against the further extension of time of payment for the lands aforesaid, and in whose views, as therein expressed, I fully coincide.

I therefore inclose herewith copies of the letters of Superintendent Hoag and Mr. Lang, respectively, with the recommendation (should you concur therein) that they, together with this report, be laid before Congress for consideration as embodying the views of this office relative to the subject in point.

The letter of Mr. Lang is herewith returned.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. COLUMBUS DELANO,
Secretary of the Interior.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Lawrence, Kansas, January 16, 1871.

Inclosed herewith I transmit slip from the Lawrence Tribune, of the 15th inst., informing of the action of Kansas legislature in the extension of time for payment by settlers on the selections on Osage ceded and trust lands. These payments have been two years extended by special enactment, and now an effort is to be made for further extension. This would be a breach of faith with the Osages, and of no benefit to the settlers. After occupying said selections for so long a time without paying rent or taxes, if they cannot after two years' notice raise \$200 each, they should give place to others, as the law requires. These Indians complained to the commissioner last autumn while in council for their removal that the Government had not yet paid a dollar on those ceded and trust lands, and they wanted an explanation. They were told the Government had extended the payments to the settlers *two years*, and that time would expire in *April next*, when the money would be paid by the settlers, and passed to their credit. And I would submit that any *further extension* of time would be just cause for dissatisfaction, and should not be permitted.

Respectfully,

ENOCH HOAG,
Superintendent Indian Affairs.

Hon. E. S. PARKER,
Commissioner.

DEPARTMENT OF THE INTERIOR,
BOARD OF INDIAN COMMISSIONERS,
Vassalboro, Missouri, 1st Month, 25, 1871.

MY DEAR FRIEND: Permit to say that if the bill lately passed by the legislature of Kansas should receive the sanction of Congress, postponing, for the second time,

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the payment of the sum due on the 10th of April next, to the Osages, for trust and ceded lands, &c., it will, I fear, break the last thread of their patience and confidence in our Government and our board of commissioners.

On this very point hung the result of our late satisfactory arrangement with, and removal of, said Indians to their present new homes. Enemies to the Indians, the Government, and to our arrangements with them, succeeded in making this a very tender point, and increased distrust to such an extent as almost to frustrate the great object of our mission.

Will not Government protect its own faith and our board in our honest endeavors to maintain it? I have advised several of our Senators and Representatives by letter since my return home.

I hope thou wilt excuse my freedom, believing thou wilt do all in thy power for mercy and justice.

I remain, very respectfully, thy attached friend,

J. D. LANG.

Secretary DELANO.