

3-25-1874

## Report on Osage Indian Lands

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S. Rep. No. 204, 43d Cong., 1st Sess. (1874)

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IN THE SENATE OF THE UNITED STATES.

MARCH 25, 1874.—Ordered to be printed.

Mr. OGLESBY submitted the following

REPORT :

[To accompany bill S. 558.]

*The Committee on Indian Affairs, to whom was referred the bill (S. 558) authorizing the Secretary of the Interior to use funds from the sale of lands for the benefit of the Osage Indians, report :*

That the fund from which the bill seeks to appropriate \$200,000 annually, for four years, is set aside by treaty stipulations with the Osages, for their benefit, in trust, in the custody of the United States, the interest arising upon which may be annually expended by the Government for the benefit of those Indians. It is now sought by the bill to take from the principal of the fund \$800,000 and apply it under the discretion of the Secretary of the Interior for the support and civilization of those Indians. The committee do not deny the object is commendable and worthy, nor that the amount, if judiciously and honestly expended, would greatly benefit the Indians; perhaps no better use could be made of the permanent fund, if it shall be touched by the Government for any purpose different from the original one expressed in the treaty with said Indians. But the committee doubt the right, and certainly question the propriety, of taking any portion of a fund sacredly set aside by treaty stipulation for a special purpose, without consent or authority expressed in any manner from those Indians, and using it for another and essentially different purpose. There is not so much as a verbal request from those Indians that this amount of their trust-fund may be so disposed of by the Government. We feel, therefore, that it would be unwise to make the appropriation provided for in the bill, or to authorize the expenditure gratuitously by the Government of any portion of the permanent trust-fund, even for the benefit of those Indians, or such portions of them under our administration of it as might be disposed to be favored by it. There ought to be some authority presented here from those Indians, either from the tribes or their commonly recognized councils or head-men, expressed in due form, before Congress should undertake to appropriate any portion of the trust fund. If no such authority shall be given, and this fund, without the consent of those Indians, shall be trenched upon, it is by no means certain that a claim in the future may not be set up and insisted upon, and we think with much force, that the United States shall make good to them the amount now sought to be appropriated for their benefit. Certainly those portions of the Indians who may not or will not be benefited by its expenditure can, and it may be safe to assume will, at some future day,

set up a claim to whatever amount may be taken from the trust-fund by this proposed legislation; and, doubtless, good and well-intentioned people will be found to present and insist upon such claim. In the absence of any demand, authority, or desire of those Indians to thus apply the trust-fund held by the Government for their benefit, we recommend the indefinite postponement of the bill.

