

3-26-1874

Sale of Kansas Indian lands

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Recommended Citation

H.R. Rep. No. 267, 43d Cong., 1st Sess. (1874)

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SALE OF KANSAS INDIAN LANDS.

MARCH 26, 1874.—Recommended to the Committee on Public Lands and ordered to be printed.

Mr. PHILIPS, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 2665.]

Your committee, to whom was referred Executive Document No. 20, from the Secretary of the Interior, beg leave to report a substitute for the draught of bill contained therein, and recommend its passage.

The bill is to provide for the sale of the remaining lands of the Kansas tribe of Indians. These Indians agreed to dispose of their lands in the vicinity of Council Grove, several years ago, and under former legislation they were partially opened to settlement, and to some extent settled. They were appraised some time ago, but did not sell, as the appraisal was too high, and have not yet been sold. Last season a fresh commission was appointed to re-appraise them, but a question arising as to the legal power to re-appraise without fresh legislation, the matter was referred to the House by the Secretary.

The lands were formerly appraised at from \$4 to \$7 per acre, averaging close upon \$5 per acre, and was much more than the commercial value of the lands.

As the Indians have been removed for some time to a reservation in the Indian Territory, it is indispensable that the matter be disposed of at once.

The bill reported directs the Secretary to inquire into the correctness of the appraisal, and, if it be found to be above its market-value, either to appoint a fresh commission to re-appraise, or to reduce the former appraisal, if that be more economical, not to exceed twenty-five per cent.

Under the recommendation of the Secretary time was given on the payments for four years, and which is increased with the approval of the Commissioner to six years, the land being held to secure payment, and the notes bearing six per cent. interest.

Bond is required to be given to protect the timber until the land is paid for. A letter of the Commissioner, accepting the modification of the substitute, accompanies this report.

Your committee recommend the passage of the bill.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 13, 1874.

SIR: I have the honor to acknowledge the receipt of a copy of the draught of a bill submitted to the honorable Secretary of the Interior by this Office, under date of November 26, 1873, providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of sale, and to which you propose certain additions and changes.

In returning the same, I have respectfully to say, that inasmuch as the changes and additions suggested by you do not materially affect the general provisions of the bill recommended by this Office under date above referred to, I shall urge no objection thereto.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Hon. W. A. PHILLIPS,
House of Representatives.

AN ACT providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of sale.

Whereas the Secretary of the Interior, in pursuance of an act approved May 8, 1872, has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Kansas, which by the terms of the treaty made by the United States and said Indians, and proclaimed November 17, 1860, were to be sold for the benefit of said Indians; which appraisal also includes all improvements on the same, and the value of said improvements; distinguishing between improvements made by members of said Indian tribe, the United States and white settlers;

And whereas said Secretary has also caused to be appraised, in the manner provided for in said act, the diminished reserve of the said Kansas Indians, including lands held in severalty and in common by them, in the manner prescribed by said act: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each bona-fide settler on any of the trust-lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisal, and the rejected claimants as bona-fide settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October 24, 1872, be permitted to make payment of the appraised value of their lands to the local land-office at Topeka, Kansas, under such rules as the Commissioner of the General Land-Office may adopt, in four equal annual installments; the first installment payable on the 1st of April, 1874, and the remaining installments payable annually from that time, and drawing interest at six per centum per annum until paid: *Provided*, That each settler on making his first payment shall enter into bond with adequate security, on condition that he will commit no waste by the destruction of timber or otherwise on said land until the last payment is made, and give his notes with adequate security for the deferred payments on the terms aforesaid.

SEC. 2. All the remainder of the trust-lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land-office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, by actual settlers, under such rules and regulations as the Commissioner of the General Land-Office may prescribe. And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each, in the following manner: One-fourth at the time the entry is made, and the remainder in three equal annual payments, drawing interest at six per cent. per annum, which payments shall be secured by notes payable to the United States, satisfactorily indorsed by responsible parties. And the person making such entry shall also be required to give bond with adequate security to commit no waste, by the destruction of timber, or otherwise, on the premises until final payment for the tract has been made; and the Secretary of the Interior shall cause patents in fee-simple to be issued to all parties who shall complete purchases under the provisions of this act: *Provided*, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment or to perform any other conditions required by the provisions of this act, or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due, or performance be required by the terms hereof, or by the rules and regulations which may be prescribed in the execution hereof, such person or persons shall forfeit all rights under the provisions of this act,

and all claim or right to re-imbusement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale as though no action had been had in regard to the same.

SEC. 3. That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory, and in subsisting them until they become self-sustaining, and the residue, not so required, shall be placed to their credit on the books of the Treasury, and bear interest at the rate of five per centum per annum, and be held as a fund for their civilization, the interest of which, and the principal, when deemed necessary by the President of the United States, may be used for such purpose.

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