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Confirmation of certain conveyances

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CONFIRMATION OF CERTAIN CONVEYANCES.

DECEMBER 13, 1878.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FENN, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3512.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3512) to confirm certain conveyances executed by the guardians appointed by the courts of the Territory and State of Kansas, submit the following report:

The bill validates all conveyances of land heretofore made by a guardian for any incompetent member or members of the Shawnee tribe of Indians, when such guardian was appointed by the courts of the Territory or State of Kansas (except of land on the Black Bob Reservation), when said conveyances have received the approval of the Secretary of the Interior, and when such conveyances have been made in accordance with the rules and regulations prescribed by the Secretary of the Interior for the conveyance of said lands duly authorized by law.

By the second article of the treaty with the Shawnees, of May 6, 1854, United States Statutes at Large, volume 10, page 1054, provisions are made for allotments of land in severalty to the amount of two hundred acres to each person of the tribe, except such as by treaty provisions are to hold their land in common. It is further provided in the same treaty, as follows: "And all minor orphan children of Shawnees, and of persons who have been adopted as Shawnees, who shall not have received their shares with any family, and all incompetent persons shall have selections made for them adjacent, or as near as practicable, to their friends and relations, which selection shall be made by some disinterested person or persons appointed by the Shawnee council, and approved by the United States Indian agent."

It appears that in some cases guardians have been appointed by the courts of Kansas for minors and incompetents, and conveyances have been made by such guardians, with the approval of the Secretary of the Interior. Under that provision of the treaty, it has been decided that the courts of Kansas have no jurisdiction over the lands of the Shawnee Indians. (See case of Kansas Indians, 5 Wallace, 737.) And as it further appears that the Shawnee council have made no objection to the exercise of the power to appoint guardians by the courts, and that no adverse rights have accrued or will be affected by the provisions of the bill, and that it will remove all clouds from titles which have already received approval from the proper department, your committee

recommend an amendment in the sixth line by inserting the word *otherwise* after the word "been," and before the word, "made," so as to provide that in all other respects, except the one for which the bill is a remedy, the conveyances shall have been made in accordance with the rules and regulations prescribed by the Secretary of the Interior. With this amendment we recommend the passage of the bill.