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Message from the President of the United States, transmitting a communication from the Secretary of the Interior, with draft of a bill, in reference to the settlement of the estates of deceased Kickapoo Indians in the State of Kansas.

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with draft of a bill, in reference to the settlement of the estates of deceased Kickapoo Indians in the State of Kansas.

JANUARY 18, 1882.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication from the Secretary of the Interior, with draft of a bill and accompanying papers in reference to the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes.

The matter is commended to the attention of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 18, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1882.

SIR: I have the honor to submit herewith for your consideration a draft of a bill to provide for the settlement of the estates of deceased Kickapoos in the State of Kansas, and for other purposes, which has been prepared in the office of the Commissioner of Indian Affairs.

The proposed legislation, which extends the provisions of Article III of the treaty with the Kickapoos of June 28, 1862, proclaimed May 28, 1863 (13 Stats., 623), also provides for relief in cases where the treaty was silent as in the rights of heirs of allottees who have died before obtaining patents and the disposals of allotted lands which have been abandoned by the allottees, or where the allottees have died without heirs and have received no patent for their allotments.

Attention is called to the subject in the last annual report of the Commissioner of Indian Affairs, and the views expressed in his letter presenting the subject, a copy of which is herewith, have the concurrence of the department.

A copy of a letter of the 14th instant, from Hon. John J. Ingalls, United States Senate, calling the attention of the department to the necessity of legislative relief upon some of the points provided for in the inclosed bill, is also furnished for your information.

Should the proposed measures meet with your approval, I respectfully request that the matter may be presented to Congress for its consideration.

I have the honor to be, sir, very respectfully, your obedient servant,
S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 11, 1868

SIR: I have the honor to acknowledge the receipt, by your reference, for report and recommendations thereon, of a letter dated the 14th ultimo, from Senator J. J. Ingalls relative to certain Kickapoo Indian lands in Kansas.

In reply, I have to state that in my annual report for the year 1861, attention is called to the condition of affairs relative to the estates of certain deceased Kickapoo Indians, to whom lands were allotted in severalty, under the provisions of the treaty made with them June 28, 1862 (13 Stat., 623), and relative to the acquirement by the adult female members of said tribe, of patents for their lands.

The amended 2d article of said treaty provides for the assignment of land to the members of said tribe, either in severalty or in common, at their option.

By the amended 3d article of said treaty it is provided that, whenever the President of the United States shall become satisfied that any of the adult members of said tribe, "*being males and heads of families,*" to whom lands were assigned in severalty in accordance with the provisions of said 2d article, are sufficiently intelligent and prudent to control their affairs and interests, he may cause patents in fee-simple to issue to them for the lands so assigned, provided said persons shall, before making application for patents, as provided in this article, appear before the United States district court for Kansas, and make the same proof and take the same oath of allegiance as is required by law for the naturalization of aliens.

No provision is made in said treaty, nor in any subsequent treaty, or act of Congress whereby female allottees under said 2d article can obtain patents for their lands; and as many of them are sufficiently intelligent and prudent to control their own affairs, it is desired that the provisions of the 3d article of said treaty be extended to them.

Many of those members of said tribe, who took lands in severalty in accordance with the provisions of the 2d article of said treaty, deceased before having obtained patents for their allotments, leaving heirs who cannot, under any existing law or treaty provision, obtain title to the same; and it is deemed desirable that the laws of the State of Kansas, applicable to the settlement of the estates of deceased citizens thereof, be extended to the estates of deceased Kickapoo Indians. The attempted settlement of white men upon these lands has been the cause of much trouble to the tribe and to this office.

Numbers of the allottees under said 2d article deceased before receiving patents, leaving no heirs, and the lands allotted to them should be sold for the benefit of the Kickapoo tribe of Indians.

For the purpose of acquiring the desired legislation relative to the matters mentioned herein, I have prepared and submit herewith a draft of a bill, which I respectfully recommend may be transmitted for appropriate Congressional action.

The letter of Senator Ingalls is herewith returned.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

A BILL to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the beneficial provisions of the amended third article of the treaty between the United States and the Kickapoo tribe of Indians of Kansas, made June twenty-eighth, eighteen hundred and sixty-two, and proclaimed May twenty-eighth, eighteen hundred and sixty-three, be, and the same hereby are, ex-

tended to all adult allottees under said treaty, without regard to their being "males and heads of families," and without distinction as to sex.

SEC. 2. Where allottees under the aforesaid treaty shall have died or shall hereafter de cease, leaving heirs surviving them, and without having obtained patents for lands allotted to them, in accordance with the provisions of said treaty, the Secretary of the Interior shall cause patents in fee-simple to issue for the lands so allotted, in the names of the original allottees, and such allottees shall be regarded, for the purpose of a careful and just settlement of their estates, as citizens of the United States and of the State of Kansas; and it shall be competent for the proper courts to take charge of the settlement of their estates, under all the forms, and in accordance with the laws of the State of Kansas, as in the case of other citizens deceased; and where there are children of allottees left orphans, guardians for such orphans may be appointed by the probate court of the county in which such orphans may reside; and such guardians shall give bonds, to be approved by the said court, for the proper care of the person and property of such orphans, as provided by law.

SEC. 3. Where allottees under said treaty shall have died, or shall hereafter de cease, leaving no heirs surviving them, and without having become citizens and received patents for their allotments, as provided in the third article of said treaty, the Secretary of the Interior shall cause to be appraised and sold for cash, in such manner as he may direct, the lands of such allottees; and after paying the expense incident to such appraisement and sale, the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of the said Kickapoo tribe of Indians, to be expended in such manner as the Secretary of the Interior may deem best for the benefit of the said tribe.

SEC. 4. The Secretary of the Interior shall cause patents in fee simple to be issued for the lands sold under the provisions of the preceding section, in the same manner as patents are issued for the public lands.