

5-17-1882

On the Relief of the Delawares

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IN THE SENATE OF THE UNITED STATES.

MAY 17, 1882.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1332.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1332) for the relief of the Delaware Indians, in accordance with treaty stipulations, have had the same under consideration, and report :

The facts are fully set forth in House report No. 557 made at this session of Congress upon a similar bill, and the same is adopted as the report of your committee.

The House report is as follows :

By the treaty of September 24, 1829, between the United States and the Delaware Indians, it was agreed by the parties that the country in the fork of the Kansas and Missouri Rivers, extending up the Kansas River to the Kansas line, and up the Missouri River to Camp Leavenworth, and thence by a line drawn westwardly, leaving a space of ten miles wide north of the Kansas boundary line for an outlet, shall be conveyed and forever secured by the United States to the said Delaware Nation as their permanent residence.

By the first article of the treaty of May 6, 1854, between the same parties, a permanent reservation was set aside for the Delawares out of the lands guaranteed to them by the treaty of 1829, and the remainder of the lands were sold for their benefit.

By the treaty of May 30, 1860, eighty acres to each member of the tribe was to be allotted in severalty out of the above reservation, and the remainder sold for their benefit to the Leavenworth, Pawnee and Western Railroad Company. The sixth article of this treaty, among other things, provides : "It is further understood that at the treaty between the Delawares and the United States made September 24, 1829, the boundary of the reservation then set apart for them included the half-breed Kansas lands, but it afterwards proved that the United States had previously set apart those lands for the half-breed Kaws, and by that means they have been kept out of the use and benefit of said lands. It is therefore hereby agreed that a fair valuation should be made by the United States upon such lands, under the direction of the Secretary of the Interior, and that the amount of said valuation shall be paid the Delawares."

By the treaty of July 4, 1866, the Delawares ceded the remainder of their lands in Kansas to the United States, to be sold to the Leavenworth, Pawnee and Western Railroad Company, the United States guaranteeing the payment to them of the full value of the same, and agreeing to sell them a tract of land, in compact form, in the Indian Territory, equal to one hundred and sixty acres for each member of the tribe, at the price per acre paid for the same by the United States, said land to be paid for by the Delawares out of moneys arising from the sale of their said lands in Kansas.

It was further provided by the fourteenth article of said treaty "that in accordance with the sixth article of the Delaware treaty of May 30, 1860, which had not yet been fulfilled," in the payment to be made by the Delawares for their lands in the Indian Territory they should "receive, without cost, from the United States, land included within their new reservation to the amount of twenty-three sections, in place of the twenty-three sections of half-breed Kaw lands referred to in said sixth section of the treaty of 1860."

By the 15th article of the treaty of July 19, 1866, with the Cherokees, it was agreed "that the United States may settle any civilized Indians friendly with the Cherokees and adjacent tribes within the Cherokees' country, on unoccupied lands east of 96°, on such terms as may be agreed upon by any such tribe and the Cherokees, subject to the approval of the President of the United States."

Accordingly, on the 8th day of April, 1867, it was agreed between the Cherokees and the Delawares that the former would sell the latter, within the territory named, a quantity of land, in the aggregate equal to one hundred and sixty acres for each individual of the Delaware tribe who had been, or might be, within one month, enrolled for removal to the Indian Territory, for which the Delawares agreed to pay one dollar per acre, authority being given the Secretary of the Interior to transfer to the Cherokees, at their market value at the date of transfer, sufficient of the United States bonds belonging to the Delawares to pay for the amount of lands necessary for the settlement of the Delawares when the number removing had been ascertained. This agreement was approved by the President April 11, 1867. It was subsequently ascertained that 985 Delawares had removed to the Cherokee country, requiring, at one hundred and sixty acres each, 157,600 acres, amounting, at one dollar per acre, to \$157,600. From the report of the Commissioner of Indian Affairs for the year 1869, page 484, it appears that payment was made for these lands by a transfer of the Delaware general trust fund, to the amount of \$157,600, to the credit of the Cherokee funds, upon the trust-fund book of the Interior Department, on the 13th day of May, 1869.

In this transaction no account was taken of the said twenty-three sections of land and its value; \$14,720 is still due the Delawares.

The United States insists upon a strict compliance of their treaty obligations on the part of the Indians, and yet in the case of this friendly and civilized tribe it has disregarded its solemn contract for thirteen years. This money is due the Delawares and ought to have been paid years ago.

Good faith demands its payment, and the passage of the bill is recommended.