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Message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to the sale of certain land of the Sac and Fox Indians in Nebraska.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior relative to the sale of certain land of the Sac and Fox Indians in Nebraska.

MARCH 3, 1886.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication of 26th ultimo from the Secretary of the Interior, with inclosures, requesting legislation to provide for the reappraisal and sale of a small tract of land in the State of Nebraska belonging to the Sac and Fox Indian Reservation.

The matter is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1886.*

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1886.

The PRESIDENT:

I have the honor to submit herewith copy of a report of 24th instant, from the Commissioner of Indian Affairs, presenting, with accompanying papers, a draft of a bill providing for the reappraisal and sale of a tract of land, comprising 33.70 acres, situated within that portion of the Sac and Fox Indian Reservation in the States of Kansas and Nebraska which was authorized to be sold under the provisions of the act of August 15, 1876 (19 Stat., 208). The balance of the lands authorized to be sold under said act have already been disposed of, and the Commissioner states that, owing to the high price, \$50 per acre, at which this tract was erroneously appraised, it has not been possible to sell it under said act, which provides "that no portion of said land shall be sold at less than the appraised value thereof."

Concurring in the recommendation of the Commissioner, I respectfully request that the matter may be presented to Congress for the consideration and action of that body.

I have the honor to be, very respectfully, your obedient servant,

L. Q. C. LAMAR,

Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 24, 1886.

SIR: The act of August 15, 1876 (Stat. 19, p. 208), authorized the Secretary of the Interior, upon certain stated conditions and terms, to appraise and sell a portion of the Sac and Fox Reservation in Kansas and Nebraska, not exceeding in quantity ten sections of land, to be taken from the western portion thereof.

Under said authority all the lands offered, 6,398.20 acres, have been sold, save only a tract containing 33.70 acres, which, on account of the high valuation placed upon it by a mistake on the part of the appraisers, has not been disposed of, although the other lands were sold three or four years ago. The unsold tract is lot 8, of southeast quarter of section 19, township 1 north, range 17 east, appraised at \$50 per acre.

The attention of this office was called to the matter by Special Agent W. H. Robb, in a communication dated October 9, 1884. He reported that Mr. Margrave, one of the commissioners who appraised the lands in 1877, called his attention to the subject, and stated to him that it was the intention of the appraisers to appraise a small portion of said lot 8, which was supposed to afford a site for a mill, at \$50 per acre, and the remainder at a much lower valuation, but that the entire lot was by mistake returned at a valuation of \$50 per acre.

Upon receipt of Special Agent Robb's report, the General Land Office was requested to inform this office as to the facts in the case, the lands having been offered for sale through that office.

Reply was made December 11, 1884, to the effect that an examination of the records showed that out of the 6,398.20 acres offered, only 33.70 acres remained unsold, being lot 8, southeast quarter section 19, township 1 north, range 17 east, the tract herebefore described, thus confirming the statement of Special Agent Robb.

It appears that about 20 acres of the unsold lot is covered with timber, which the whites are cutting and hauling away without profit to the Indians who are the rightful owners of the land.

A new appraisement should be made at a just and reasonable valuation, in order that the tract in question may be disposed of as contemplated in the act of August 15, 1876; but there is no provision of law by which the land can be reappraised. In view of which fact, I have the honor to recommend that Congress be asked to provide the needful legislation, and to that end I have prepared, and herewith transmit, a draft of a bill (in duplicate) which I think will meet the purpose.

The land should be sold to the highest bidder for cash at not less than its appraised value. The tract is so small that it would be too much to expect that a purchaser could be found who would be willing to settle on the tract for the sake of buying it, and pay its full value for it besides. The Indians have given their consent to its sale, and it would be more advantageous to them to sell for cash to the highest bidder.

Two copies of this report, and copies of Special Agent Robb's report and of the General Land Office letter of December 11, 1884, are also inclosed.

Very respectfully, your obedient servant,

A. B. UPSHAW,
Commissioner.

The SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
Pottawatomie, &c., Agency, October 9, 1884.

SIR: I am told by Mr. Margrave that in 1874, by act of Congress, ten sections of the Sac and Fox lands at Great Nemaha were sold, except a fraction of 37 acres, which was appraised by a mistake at \$50 per acre, and by reason of the high appraisement it was not sold. There was supposed to be a mill-site on the 37 acres, and it was the intention to appraise $7\frac{1}{2}$ acres of this tract at \$50 per acre and 30 acres at a lower valuation, but by mistake the whole 37 acres were appraised as above. It is reported that about 20 acres of this are covered with timber and that it is being wasted by white men. The Indians ask if they can be permitted to cut the timber for their own use and take it away. I advised that a new appraisement be asked and the land sold. Please advise what is best to do.

Respectfully,

W. H. ROBB,
Special Indian Agent.

Hon. H. PRICE,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 11, 1884.

SIR: I am in receipt of your letter of the 19th ultimo, transmitting and inviting my attention to a copy of a communication from W. H. Robb, special United States Indian agent, in relation to the Sac and Fox lands sold, act August 15, 1876 (Stat. 19, 208). It appears from Mr. Robb's report that he was informed by Mr. Margrave, one of the appraisers, that the ten sections offered were all sold except a fraction of 37 acres, which was appraised by a mistake at \$50 per acre, and by reason of the high appraisement it was not sold; and that there was supposed to be a mill-site on the 37 acres, and that it was the intention to appraise $7\frac{1}{2}$ acres of this tract at \$50 per acre and the balance at a lower valuation, but by mistake the whole of it was appraised as above.

You state in your letter, "if it is a fact that the tract has not been sold, it is no doubt owing to the excessive valuation placed upon it, and according to the information given Agent Robb it was not the intention of the appraisers to appraise the whole tract at \$50 per acre, but only a small portion of it where it was supposed there was a good mill-site; and further, that it will be impossible to take any steps in the matter until it is known definitely just what quantity of land remains unsold, and the description of the same," and you also ask for any other information that would be likely to be of value in the adjustment of the case.

In reply I have to inform you that upon examination of the records of this office it is shown that out of the 6,398.20 acres offered, only 33.70 acres remain unsold, which is lot 8 of southeast quarter of section 19, township 1 north, range 17 east, appraised at \$50 per acre.

This is no doubt the tract Mr. Robb refers to in his report, as it is the only land in the reservation that was appraised at \$50 per acre, but if you will notice the area of said lot is 33.70 acres, instead of fractional 37 acres as he states.

I can give you no further information on the subject but that there is no provision by law by which the land can be reappraised.

Very respectfully,

L. HARRISON,
Assistant Commissioner.

The COMMISSIONER OF INDIAN AFFAIRS.

A BILL for the reappraisal and sale of a certain tract of land of the reservation of the Sac and Fox of the Missouri tribe of Indians in the State of Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall inquire into the correctness of the appraisement made under authority of an act approved August 15, 1876, of lot 8, of the southeast quarter of section 19, township 1 north, range 17 east, Sac and Fox Reservation lands in the State of Nebraska, and if he be satisfied that said lot was appraised at more than its actual value, he may cause the same to be reappraised and sold to the highest bidder for cash, at not less than the appraised value, and under such rules and regulations as he may see fit to prescribe, and the proceeds arising therefrom shall be used for the benefit of said tribe as the Secretary of the Interior may direct.

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