

3-8-1870

Encroachments upon Osage Indian lands. Letter from the Secretary of the Interior in relations to the encroachment of white settlers upon the lands of the Osage Indians in Kansas

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 179, 41st Cong., 2nd Sess. (1870)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

ENCROACHMENTS UPON OSAGE INDIAN LANDS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR

IN RELATION

To the encroachment of white settlers upon the lands of the Osage Indians in Kansas.

MARCH 8, 1870.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 7, 1870.

SIR: I have the honor herewith to communicate to Congress, copies of correspondence relative to the encroachment of white settlers upon the lands of the Osage Indians in Kansas.

Concurring with the Commissioner of Indian Affairs in the views contained in his report of the 3d instant, a copy of which is also inclosed, I respectfully recommend that an appropriation of fifty thousand dollars be made "to enable this department to remove and settle these Indians in their new homes in the Indian country," until further provision can be made for them out of the proceeds of the sales of the Osage Indian lands.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 3, 1870.

SIR: I have the honor to submit herewith copies (in duplicate) of correspondence relative to the encroachment of white settlers upon the lands of the Osage Indians in Kansas. These copies embrace: First. Letter from Superintendent Hoag, dated the 20th of January last, inclosing three communications from Agent Gibson, detailing the difficulties arising from the unlawful intrusion of settlers upon said lands,

and setting forth that there was danger of an outbreak on the part of the Indians in defense of their homes. Second. A report from this office, dated January 27 last, transmitting to the department copies of the papers last mentioned, and recommending that the Secretary of War be requested to send to the Osage diminished reserve a sufficient number of troops to preserve the peace until disposition is made of the subject in controversy. Third. Letter from the Secretary of War, dated the 3d ultimo, addressed to the department, stating that a company of infantry, under a discreet officer, has been sent to the Osage Indian reservation to preserve the peace between the settlers and the Indians thereupon, with directions to encamp near the agency and co-operate with the agent in charge of said reservation. Fourth. Letter from Superintendent Hoag, dated the 25th ultimo, inclosing a letter from Agent Gibson, giving further particulars in regard to the trespasses committed on the Osage lands by white settlers; that one entire village, that furnished homes for over nine hundred Osages, had been virtually destroyed by the squatters, and detailing other outrages committed by them.

I would respectfully suggest that these papers be laid before both houses of Congress for their information, in order that they may have a full understanding of the condition of affairs in connection with these Indians, upon which to base any legislation that may be had in regard to them.

By the treaty of September 29, 1865, they made cessions to the United States from the north and east of their lands, and confined themselves to a diminished reserve.

By the provisions of the treaty of May 27, 1868, which has been recently withdrawn from the Senate, this diminished reserve was to be disposed of, and the Indians removed to a new home in the Indian territory. The reports of the superintendent show that the Indians are desirous of removing to the Indian territory, and, in view of their impoverished condition, and as affording a mode of speedy settlement of the difficulties arising from the encroachment of the whites, I would respectfully suggest that it be recommended to Congress that an appropriation be immediately made of a sufficient amount to enable this department to remove and settle these Indians in their new homes in the Indian country, that being the only place they can now go to. The sum of \$50,000, I think, would be adequate for present purposes, until further provision could be made for them out of the proceeds of the sales of the Osage Indian lands.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. COX,
Secretary of the Interior.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Lawrence, Kansas, January 20, 1870.

SIR: I have the honor to transmit herewith three communications from Agent Gibson, dated, respectively, the 8th, 10th, and 13th instants, reporting the deplorable condition of affairs upon the Osage reservation.

Very respectfully, your obedient servant,

A. C. FARNHAM,
Chief Clerk.

Hon. E. S. PARKER,
Commissioner.

OSAGE AGENCY, KANSAS,
 Montgomery P. O., 1st month, 8, 1870.

DEAR FRIEND: It appears that the treaty, not yet ratified by the Senate, made with the Great and Little Osage tribes of Indians, in 5th month, 1868, for the remainder of their reservation in the State of Kansas, was regarded by the pioneer whites as opening those lands at once for settlement. When I succeeded Agent Snow, three months since, several thousand settlers were already located, much to the dissatisfaction of the Osages; but at that time, they, with their women and children, went on their annual hunt to the plains; emigration continued, and, at this writing, the Indians are returning home to find some of their cabins, and most of their corn lands, occupied or claimed by those trespassers, who persist in holding them; numerous saw-mills, using up their timber; their rails hauled away; one of their villages nearly destroyed by fire by the whites, with the corn they had carefully stored, and numerous other depredations they bring to my knowledge daily, and ask for damages and protection, which I am unable to afford them. They are interspersed with the settlers along the valley of the Verdigris River, as it meanders nearly forty miles across their reservation, rendering it impossible for one man to protect their interest. They say "We sold our lands to the government nearly two years ago, have received no pay, but the white man came at once and took our lodges and corn patches, and he has brought a great many cattle that eat our winter food. The commissioners said we should have a new country, but you won't let us go there nor protect us here. If government don't like that treaty, why don't they let us make another? We have now no place to live. We want to live in peace with the white man, but we can't here; he robs us of our homes."

In turn the settlers make complaint that their horses are stolen to carry the Indians on the hunt, and cattle and hogs taken for food, and their hay burned; and insisting on my punishing the offenders, or they will take the law in their own hands. The Indians justify their conduct on the ground that the settlers should pay them rent until government pays for the land. Armed whites frequently, by force, take ponies from the Indians as damages for property destroyed or stolen, rendering a general conflict imminent, and only deferred by the great forbearance of the Indians. The Osages enroll about forty-four hundred, are classed among the savages, and could massacre the inhabitants of this valley in a few hours; and if they should be driven to do so this spring, I would not be surprised. I do not write this to make a sensation, but to show the true situation of affairs in this part of the Neosho agency, believing the department will, without delay, take measures to remove the Osages to a new home, or remove the whites from this diminished reserve. I am exerting myself with both parties to keep the peace, and forbear with each other until further advice is received from the government.

My decisions on land claims are not satisfactory to the settlers, for under no circumstances do I believe they have any right to take issue with an Osage on that point.

Trusting that I may be advised at an early day that relief for the Osages is near at hand, I am, very respectfully,

ISAAC T. GIBSON,
 United States Indian Agent.

ENOCH HOAG,
 Superintendent Indian Affairs, Lawrence.

OSAGE AGENCY, 1st month, 10, 1870.

DEAR FRIEND: I took some letters off last week to a private office, but can't tell when they will reach thee. Dunlap says he will go himself to-morrow to Humboldt for our mail. About all my time is taken up trying to adjust difficulties between the Osages and settlers, so that I have had no opportunity to work at my quarterly report. I want to make it up this week, and then get away next week, if I can, to the Quapaws, and then be ready for the council in second month.

Please write when and where that is to be, describing the locality or location, so we can find it, and other necessary instructions. I suppose it will take the Osages about twenty days on their ponies. The interpreter, Dunlap, and myself will probably go in a wagon. All of us go by the mouth of the Little Arkansas, Fort Wahita, where we can lay in supplies. I suppose the Osages will have to provision themselves going, and be furnished rations there and returning. All think the time selected as very unfavorable.

This is second day night; have been out till very late on a little sore-backed, half-starved pony, among about a score, in trouble on account of ill treatment of the settlers. One had his hogs driven off by two white men, and when he followed them, they drew their rifles. Another had been assaulted by a settler with an axe because he would not give up the cabin he had built, so that the man could have a home and a claim without labor or expense; some threatening to hang and some to shoot, and so it goes. I sent

Several letters by complaining Indians to the settlers giving them the law, &c., as I cannot see all of them personally. One of them said he would shoot me if I sent him another dispatch. I have never had my peace principles tried as some of those Osages have recently, and I fear I could not bear the testimony they do if I were tried in the same way. Yesterday (first day) was quiet; half day I was out till late at night, near ten miles off. Those settlers that are contending with the Indians say they will not leave their claims unless all the settlers are removed from the reservation; that I have no right to discriminate. I think I will call meetings of the settlers in different neighborhoods and explain to them the situation. Probably self-interest will induce those that are not on Indian claims to assist me in bringing some of the intruders to terms to prevent all of them from being expelled from the country.

When Dunlap returns I hope to get papers that will give some information about the treaty. Please write me when it is ratified or defeated, or anything else that transpires which affects them. The lawyers say they cannot stop settlers from cutting timber off those headright tracts until patents are issued, as they are unable to prove a title in the individual half-breed. Hence they are so anxious for their patents.

One of the half-breeds had taken from his tract this winter over four hundred saw logs, and was powerless to prevent it. If they can be hurried up, there is good reason for it.

We are in usual health; our daughter had a slight chill yesterday. Dunlap and wife have chills occasionally.

Very respectfully,

ISAAC T. GIBSON,
United States Indian Agent.

ENOCH HOAG,
Superintendent Indian Affairs, Lawrence.

OSAGE AGENCY, 1st month, 13, 1870.

DEAR FRIEND: I inclose return for fourth quarter 1869, of the Neosho agency. If it is incomplete or erroneous in any particular, I will try to right it when informed.

I also send estimate for first and second quarters of 1870, also vouchers of third quarter's pay of Interpreter Louis P. Choteau. The arrangement made by Snow in the matter, was satisfactory to him.

Have received no mail yet. I heard two days since that No-pa-wa, chief of Little Osages, had just arrived at his town on Elk River.

Two men were in last evening to see me; had come direct from the mouth of Walnut to report the threatening attitude the Osages had assumed out there.

It seems that Hard Rope and Chetopa are there, and have notified all the settlers to leave, creating much alarm. I think those men expected to obtain encouragement and protection or permission to remain; if so, they were disappointed. Hard Rope will probably settle the disputes in this valley when he returns, if something is not done before that time.

A large meeting of Indians and settlers has been called for next seventh day p. m., at L. P. Choteau's, which I trust will result in good.

If there meets with any suitable person coming down here, or even to Humboldt, please give them an order to Snow for the papers, &c., of the office that remain there in his charge yet. They might be left with Moses Neal, Humboldt, and I could get them some time.

I would be glad to get one of those tents, which, if not issued before, could be sent the same way. We will need the tent badly when we go to the general council.

If the Osage treaty is ratified, or the commissioner permits our chiefs to visit Washington early this spring—I think their removal or going to Washington is of the most importance just now, if the council time should conflict, as war is more imminent here with the whites than with the Kiowas, Arapahoes, &c.

A young, industrious half-breed was in yesterday, with two of his friends, representing that he had built a cabin and had inclosed and cultivated several acres of ground; had been there few years. Now the whites have surrounded him, and one has built within a few yards of his own house, and threatens his life if he does not leave his home; don't allow him to cut timber for rails, &c. There is not language used among Friends that fully describes the meanness and ingratitude of some of those settlers at least, I am ignorant of the terms.

I went to see another case last week. The man came last spring; found a full-blood living on a very desirable piece of ground; he told the Indian if he would let him build a cabin by him he would plow his ground for him; and do many other good things for him. The Indian took him in, and now he threatens the life of the Indian if he comes on the claim. I reasoned the case with him, but to no purpose; told him to pay the Indian a reasonable price for his improvement, or he must get off the claim.

He refused to do either. In conversation with the Indian, I asked him if he felt like taking revenge. He answered that he was trying to live a good Catholic, or he would not take such injustice.

His is a sad case otherwise, for, as they were going out to the hunt, this Indian's wife's brother—a lad—accidentally shot dead an Indian man. The lad's life was only saved by this Indian giving ten ponies, which was all he had, to the dead Indian's family. So he was unable, for the want of ponies, to continue on the hunt, and returned to find the torpid serpent he had taken in and warmed to life, ready to kill him.

Excuse this long desultory letter. About as well as usual, which we cannot feel too grateful for.

Thy friend,

ISAAC T. GIBSON,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 27, 1870.

SIR: I have the honor to inclose herewith a copy of a letter from Superintendent Hoag, by clerk, dated the 20th instant, transmitting three communications from Agent Gibson, detailing the difficulties arising from the encroachment of white settlers on the lands of the Osage Indians.

From the statements made it appears that there is danger of serious outbreaks on the part of the Indians in defense of their homes.

In view of these facts, I would respectfully recommend that the Secretary of War be requested to send to the locality referred to a sufficient number of troops to preserve the peace until disposition is made of the subject in controversy.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. COX,
Secretary of the Interior.

WAR DEPARTMENT,
Washington City, February 23, 1870.

SIR: Referring to your letter of the 29th ultimo, upon the subject, I have the honor to inform you that a company of infantry, under command of a discreet officer, has been sent to the Osage Indian reservation to preserve the peace between the settlers and the Indians thereupon, with directions to encamp near the agency and co-operate with the agent in charge of said reservation.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. SECRETARY OF THE INTERIOR.

Respectfully referred to the Commissioner of Indian Affairs February 25, 1870.

GEORGE T. METCALF,
Chief Clerk.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Lawrence, Kansas, 2d month, 25, 1870.

Inclosed herewith please find Agent Gibson's letter of 19th the instant, detailing the illegal and unwarrantable intrusion and encroachment of
H. Ex. Doc. 179—2

the white settlers, taking possession of, and removing for their own use the Osage Indian dwellings, in the absence of the latter while necessarily procuring their subsistence on the plains. Many of the settlers on the prairie lands of the reserve do not disturb the Indians, and will be permitted quietly to remain. But this reckless and aggressive class take possession of the Indian houses and improved lands, steal their corn, stock, fences, and timber, and otherwise molest and aggravate their extremely oppressed condition. It will be necessary for the department to take immediate steps to suppress the encroachments made by this latter class of outlaws. I have given Agent Gibson similar instruction to that given to Special Agent Mitchel, as reported to the department on the 21st instant, and request that I receive instruction in the case, should that prove unavailing. I shall not be surprised to hear of conflict at any moment, if some decisive measures are not adopted.

The number of these desperadoes is small compared with the great body of settlers, and Agent Gibson will do his duty in removing them, or bringing them to justice, if the department affords the necessary aid.

Respectfully,

ENOCH HOAG,
Superintendent Indian Affairs.

Hon. E. S. PARKER,
Commissioner Indian Affairs.

OSAGE AGENCY, KANSAS,
Montgomery P. O., 2d month, 19, 1870.

I wish again to call the attention of the department to the situation of the Osages.

I have had, up to the present time, some hope that, through moral suasion, they might, in some measure, be protected from the oppressive trespassers, but I have been unsuccessful, in but one instance, of effecting fair treatment in the scores of cases brought to my attention, where redress or protection was confidently asked for by the Indian, and which should have been afforded him; but I and they are here powerless, and are defied by the mob spirit.

Many of the settlers are evidently desirous of provoking some resistance from the Osages, so that they might claim justification for the extermination of the tribe, which they boastfully declare they are able to do.

The squatters have their club laws for self-protection, and treat with contempt my requests for them to vacate the cabins, claims, and improvements that they took possession of while the Indians were on the hunt. House-logs and fence-rails in the timber have also been taken and not restored, nor any compensation allowed the Indians who made them.

One entire village, that furnished homes for over nine hundred Osages, has been virtually destroyed by the squatters hauling away the materials during their absence on the hunt. Also a large amount of corn was stolen from cribs, where it had been stored for use this spring.

Believing that the department would make some provision for their protection or removal to a new home, I have thus far been able to persuade the Osages to wait for relief, and not retaliate; but I feel that my power over them in that way is about over-balanced, and I entreat the government to come to their relief in some manner without delay.

Very respectfully,

ISAAC T. GIBSON,
United States Indian Agent.

ENOCH HOAG,
Superintendent Indian Affairs.