

University of Oklahoma College of Law

## University of Oklahoma College of Law Digital Commons

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

6-3-1872

**School property of Ottawa Indians. Letter from the Secretary of the Interior, transmitting report of Commissioner of Indian Affairs relative to the disposition of the school property of the Ottawa Indians in Kansas, under treaty of June 24, 1862**

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



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

---

### Recommended Citation

H.R. Exec. Doc. No. 320, 42nd Cong., 2nd Sess. (1872)

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 [Law-LibraryDigitalCommons@ou.edu](mailto:Law-LibraryDigitalCommons@ou.edu).

SCHOOL PROPERTY OF OTTAWA INDIANS.

---

L E T T E R

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

*Report of Commissioner of Indian Affairs relative to the disposition of the school property of the Ottawa Indians in Kansas, under treaty of June 24, 1862.*

---

JUNE 3, 1872.—Referred to the Committee on Indian Affairs and ordered to be printed.

---

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., May 28, 1872.*

SIR: I have the honor to transmit herewith a copy of a report from the Commissioner of Indian Affairs, dated the 27th instant, together with the correspondence relative to the urgent necessity for legislation by Congress, providing for the disposition of the school property of the Ottawa Indians in Kansas, arising under the treaty of June 24, 1862, said Indians having removed to the Indian Territory.

Accompanying said papers is the draught of a bill calculated to accomplish the end in view should the same become a law.

In view of the facts set forth, I deem it of the greatest importance to the interests of said Indians that the necessary legislation be had before the adjournment of the present session of Congress.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

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

---

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., May 27, 1872*

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of a communication from Superintendent Hoag, of date of the 21st instant, together with inclosures, in relation to the disposition of the school property of the Ottawa Indians, of Blanchard's Fork and Roche de Bœuf, in the State of Kansas, said Indians having removed therefrom to the Indian Territory.

This property has accrued under the 6th article of the treaty con-

cluded with said Indians June 24, 1862, (Stat. at Large, vol. 12, p. 1238,) and was intended for educational purposes. The Ottawas having removed to the Indian Territory, the property in question has been rendered useless for the object intended by the treaty.

I therefore concur in the recommendation of Superintendent Hoag, and the petition of the chiefs and head-men of said Indians, that Congress be requested to authorize the sale of the same, and with that intention I have caused to be prepared the draught of a bill which, in my opinion, will accomplish the end in view if it should become a law.

The papers referred by the Department are respectfully returned herewith, accompanied by the draught above referred to, which I recommend be submitted to Congress for its favorable consideration and action.

Very respectfully, your obedient servant,

F. A. WALKER,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

---

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*Lawrence, Kansas, Fifthmonth 21, 1872.*

Hon. C. DELANO,  
*Secretary of the Interior :*

In pursuance of my promise to write thee in reference to Ottawa matters, I have only to say their affairs have assumed such shape that Congress should at once authorize them to sell their interest in all their property arising from the 20,000 acres set apart by them in treaty for educational purposes. At least two parties are ready to give them \$60,000 for it when they can receive from the Ottawas a good title; but their treaty binds it. They should first be invested with power to sell, and the Department should continue guardian supervision in process of sale and investment. It would be better that they receive \$60,000 clear than to be subject to prolonged and expensive litigation, but proper competition may secure a better sale. They should first have power to sell, and avail themselves of the advantages of proper competition. I really hope they will receive the favorable aid of the Government, and be put in possession of their rightful property. Of this valuable property, so generously set apart by them in 1862 for the education of their youth, not a dollar of it has been enjoyed by them in the Indian country.

Very respectfully,

ENOCH HOAG,  
*Superintendent.*

---

AN ACT for the relief of certain Indians in the central superintendency.

Whereas the members of the tribe of Ottawa Indians, of Blanchard's Forks and Roche de Boeuf, have presented their petition, earnestly requesting that a sale be made of their lands, premises, assets, and other property in the State of Kansas, and that the proceeds thereof be distributed in severalty to the present members of said tribe, their heirs or assigns: Therefore,

*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 be, and he is hereby, directed and required to have an inventory taken of all the lands and appurtenances thereto appertaining remaining unsold, mentioned in the sixth article of the treaty between the United States and said tribe of Indians, concluded June 24, A. D. 1862, and proclaimed July 28, 1862, or acquired, held, or controlled under authority conferred by said article, including any lands, formerly trust lands, belonging to said tribe, purchased and held by the trustees provided for in said article, together also with the section of land reserved under the provisions of said article of the treaty aforesaid for the location of a school, and the appurtenances thereto appertaining; also, of all bonds, notes, mortgages, moneys, credits, assets, and other property arising from sales heretofore made of lands mentioned in the said sixth article of said treaty, or from sale of lands purchased by the trustees provided for therein; and the said lands, premises, appurtenances, bonds, notes, mortgages, credits, assets, and other property aforesaid, shall be inven-

toried and appraised by three commissioners, who shall be appointed by the Secretary of the Interior. After the inventory and appraisal of said lands, premises, appurtenances, bonds, notes, mortgages, moneys, credits, assets, and other property aforesaid, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized and required forthwith to advertise and sell the same upon such terms and conditions as he may prescribe: *Provided, however,* That no bid shall be accepted which may be less than the appraised value of such premises and other property. The said commissioners, herein provided for, shall, at the time of making the said appraisal, also ascertain, determine, and report to the Secretary of the Interior any legal or equitable interest which any person, association, or corporation may have in any part of said lands and premises, or in any of the buildings or appurtenances thereto, together with the value thereof, and from the proceeds of such sales, with the consent and concurrence of the members of said tribe, their heirs or assigns, the Secretary of the Interior shall pay over to such party, association, or corporation the value of such interest, and the balance of the said proceeds of such sales shall be paid to the several members of the said tribe, their heirs or assigns, *pro rata*, and in case any of the members of said tribe are minors, then such sums of money as are due, or coming to them from such proceeds, shall be paid to the guardian of such minors, appointed under the laws of the State of Kansas.

SEC. 2. That the commissioners to be appointed under the provisions of this act shall receive compensation for their services at the rate of eight dollars for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual travel and other necessary expenses, and the said sums and expenses shall be paid out of the funds arising from the sales of the property herein provided to be disposed of.