

GREAT AND LITTLE OSAGE INDIANS.

MAY 8, 1880.—Referred to the House Calendar and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 6112.]

The Committee on Indian Affairs, to whom was referred the petition for the passage of a bill to carry into effect the second and sixteenth articles of the treaty between the United States and the Great and Little Osage Indians, proclaimed January 21, 1867, have had the same under consideration, and report as follows :

The State of Kansas was admitted into the Union by an act of Congress approved January 29, 1861.

In 1867, January 21, a treaty, before that time negotiated between the United States and the Great and Little Osage Indians, was duly proclaimed by the President of the United States. By the second article of said treaty the said Osage Indians ceded to the United States "a tract of land twenty miles in width from north to south off the north side of the remainder of their" [then] "present reservation," to be held in trust for said Indians, and to be surveyed and sold for their benefit "under the direction of the Commissioner of the Land Office, at a price not less than one dollar and twenty-five cents per acre." The proceeds of such sales were, after deducting the expenses in surveying and selling, to be "placed in the Treasury of the United States to the credit of said tribe of Indians."

But Congress, disregarding the provisions of this treaty, by a joint resolution, approved April 10, 1869 (Session Laws, vol. 16, page 1869), provided "that the sixteenth and thirty-sixth sections in each township of such lands shall be reserved for school purposes, in accordance with the act of admission of said State of Kansas."

Thus the Congress of the United States has withdrawn from sale to purchasers and donated to the State of Kansas two sections, *i. e.*, 1,280 acres, of these lands, in every township, in direct violation of the treaty. This is without a shadow of justification, and the Indians are entitled to be credited for the lands so given to the State of Kansas at such price as was realized for the lands adjacent to the sections so reserved, or at least to the minimum price of \$1.25 per acre mentioned in the treaty, less the expense of surveying and selling.

In reply to a letter from this committee the Commissioner of Indian Affairs, wrote under date of January 7, 1880, as follows:

I have carefully examined the said bill, and have to state that its provisions meet the views of this office, and that justice to the Indians demands its passage.

The Secretary of the Interior in transmitting said letter on January 12, 1880, said :

The Commissioner approves the measure proposed in the bill, as will be found by his letter; and his views, as expressed in his letter, have the approval of the department.

In view of the foregoing facts, the committee believe that the bill which accompanied the petition will carry out the provisions of said treaty and preserve our faith plighted to the Indians. They therefore report back said bill to the House, with the recommendation that it pass.

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