

ABSENTEE SHAWNEE LANDS.

MARCH 9, 1880.—Referred to the House Calendar and ordered to be printed.

MR. WADDELL, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1197.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1197) "for the relief of settlers upon the Absentee Shawnee lands in Kansas, and for other purposes," respectfully report the same back with amendments, and recommend that the same do pass.

In support of such recommendation, your committee beg leave to submit that, by treaty between the United States and the Shawnee Indians, proclaimed by Franklin Pierce, President, November 2, 1854, certain lands now lying in the State of Kansas were left subject to location and settlement, by certain absent Shawnee Indians, who had for years been separated from the main tribe. By that treaty the said absent Shawnees were given five years from the proclamation of the treaty in which to join their tribe and settle upon said reserved lands; and what ever portion of said reserved lands was unsettled or unoccupied by said absent Shawnees at the expiration of said five years, was, by the treaty provision aforesaid, to be sold, and the money proceeds of such sale was to be placed in the United States Treasury for the period of ten years, subject to be distributed among said absent Shawnees, or any of them, who might, within the period of ten years from the date of such sale rejoin the main tribe; and at the expiration of said ten years said money still remaining undistributed, under the treaty stipulations aforesaid, was to be invested beneficially, under the direction of the President and the consent of the Shawnees, for the common benefit of the tribe. (See Revision of Indian Treaties, pp. 792-800.)

After the expiration of five years from the proclamation of the treaty aforesaid, and in some cases, probably, before citizens of the United States, white men, settled and improved many of these reserved or Absentee Shawnee lands, and after the expiration of more than nine years after the proclaiming of said treaty, to wit, on 20th March, 1863, Abraham Lincoln, President, ordered by proclamation the sale of said reserved lands; but owing to the fact that many of the white settlers upon such lands were at that time absent in the United States Army, and could realize no benefit from such sale, the said sale was ordered to be indefinitely postponed. Afterwards Congress, by joint resolution, approved April 7, 1869,* provided that all *bona fide* settlers then occupying said lands, and who had made improvements thereon, or their heirs, should be permitted to purchase such lands as they had settled

*U. S. Stat. at Large, vol. 16, p. 53.

and improved, not to exceed 160 acres to each settler, at the price of \$2.50 per acre.

The present bill only provides for the extension of the provisions of the joint resolution of April 7, 1869, to all actual settlers at the date of the passage of this act, and gives to all such one year in which to make such purchase, and provides that at the expiration of one year from the passage of this bill all of such lands shall be subject to private entry at the minimum price.

Your committee have amended said bill as follows, beginning at last word of line 21:

Provided, however, That the proceeds of such sales shall be applied in accordance with the provisions of the treaty between the United States and the said Shawnee Indians, proclaimed November second, anno Domini 1854.

Your committee consider that the passage of this bill will secure to the settlers of said Absentee Shawnee lands the just results and proceeds of their labor and means, in preference to strangers, and therefore recommend the passage of the bill as amended.

In connection with this report, your committee present herewith letters from the Secretary of the Interior and the Commissioner of Indian Affairs, both of which recommend the passage of this bill.

DEPARTMENT OF THE INTERIOR,
Washington, January 9, 1880.

SIR: I have the honor to transmit herewith a copy of a letter dated the 7th instant from the Commissioner of Indian Affairs, together with H. R. 4258, being a "Bill for the relief of settlers upon the Absentee Shawnee lands in Kansas, and for other purposes," which was the subject of a communication addressed by you to the Commissioner under the 11th ultimo.

The Commissioner approves said bill, and his views coincide with those of the department.

Very respectfully,

C. SCHURZ, *Secretary.*

HON. D. C. HASKELL,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 7, 1880.

SIR: I am in receipt of a letter dated the 11th ultimo from Hon. D. C. Haskell, inclosing H. R. 4258, 45th Congress, 2d session, "For the relief of settlers upon the Absentee Shawnee lands in Kansas, and for other purposes," and in compliance with his verbal request for a report thereon, I have the honor herewith to submit the same, and to state in connection therewith that I have carefully examined said bill, and its provisions meet the views of this office. I therefore respectfully recommend that the said bill, together with a copy of this report (herewith), be transmitted to Mr. Haskell with a recommendation for early and favorable action thereon.

Very respectfully, your obedient servant,

E. A. HAYT, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.