

SALE OF LANDS BELONGING TO THE PRAIRIE BAND OF  
POTTAWATOMIE INDIANS IN KANSAS.

JULY 5, 1884.—Referred to the House Calendar and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 3622.]

*The Committee on Indian Affairs, having had under consideration bill H. R. 3622, submit the following report:*

This bill provides for the sale of the remaining portion of the once large reservation of the Prairie band of Pottawatomie Indians in Kansas, and for the removal of such as desire to migrate to such other reservation as the Secretary of the Interior may procure for them, in the Indian Territory or elsewhere.

The lands are valuable, being within from fifteen to twenty miles of the capital of Kansas, and constituting a small area in almost the center of Jackson County.

There are but 77,358 acres of the reservation, but, small as it is, it retards growth and development in the county, and is an almost constant menace and source of trouble to the communities and people adjacent to and encompassing it.

It is surrounded by finely cultivated farms, and churches and schools, and thrift and prosperity attest the culture, intelligence, and enterprise of the civilization which hedges it in, and which is prevented from occupying and beautifying it by want of capacity in the occupants to sell and dispose of the same.

It cannot be taxed, alienated, or in any manner disposed of under existing law, and is not in any way contributing to the growth, development, or material prosperity of the communities of which it constitutes an integral part.

There are 410 Indians residing upon the reservation, and they wear the American dress, speak the English language, and are quite well qualified for the duties of citizenship, and to care for their own, but they do but little to cultivate or develop the land they occupy, and derive almost nothing therefrom. In fact the land seems to be reserved for idleness, and as a reminder of the days that are gone, when the scalping-knife, the tomahawk, the vast reservation, the red man and indolence and lawlessness were some of the more marked peculiarities of the prairies of the West, instead of the garnered grain, the growing fields, the prosperous communities, and the happy homes to be found there now, contributing so much to the greatness and grandeur of our country as a whole.

This bill was referred to the honorable Secretary of the Interior for suggestions, and under date of May 2, 1884, the honorable Commissioner of Indian Affairs made the report thereon which is attached hereto and made part hereof.

Your committee are not advised of any considerable desire among the Indians for the sale of this reservation, but as the bill is carefully guarded, and with the amendment recommended by the honorable Commissioner and adopted by the committee, providing for the allotment of the land in severalty among such of the occupants as may desire to remain upon the reservation, your committee have thought the bill should pass.

The sale or breaking up of the reservation will be satisfactory to the adjacent communities, and will bring the land into cultivation and use for husbandry and intelligent homes. Or, if the Indians should elect to remain upon it and occupy it in severalty, it will in a very great degree break up their tribal organization, teach the Indians to be self-reliant and industrious, and do much for their advancement and desirable civilization.

Your committee fixed the minimum price of the land at six dollars per acre, instead of ten as recommended by the Commissioner, because of information furnished the committee which satisfied it that some of the lands were not worth such price, and would not bring it at the sale. But in the judgment of your committee the great bulk of the land is valuable, and will bring on an average more than ten dollars per acre, and will, if sold, create a fund that will enable the Indians to secure in the Indian Territory among their brethren, as much land for future occupation as they now possess, and leave them means with which to build them comfortable houses, secure stock and agricultural implements, and make themselves comfortable and independent citizens of such Territory.

The letter of the honorable Commissioner heretofore referred to explains the bill in detail, and with the amendments reported by your committee the passage of the bill is recommended.

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., May 2, 1884.*

SIR: I have the honor to acknowledge the receipt, by Department reference for report, dated April 3, 1884, of a copy of bill H. R. 3622, "to provide for the sale of the lands belonging to the Prairie band of Pottawatomie Indians in Kansas," referred to the honorable Secretary of the Interior for information and for such suggestions as he may have the kindness to make concerning the propriety of the proposed legislation, by Hon. B. W. Perkins, of the Committee on Indian Affairs, House of Representatives.

The first section of the bill provides that with consent of the Prairie band of the Pottawatomie tribe of Indians, expressed in open council, the Secretary of the Interior shall cause to be surveyed, if necessary, and sold, the remainder of their reservation in Kansas, the lands to be appraised in tracts of eighty acres each, by three competent commissioners, one of whom shall be selected by the Indians and the other two shall be appointed by the Secretary of the Interior.

The second section authorizes the Secretary of the Interior, after the survey and appraisement of the lands, to offer the same at public sale to the highest bidder, improvements made for the United States or by any Indian to be separately appraised; no portion of the lands to be sold for less than the appraised value, and in no case for less than — dollars per acre.

It provides that each purchaser shall be entitled to purchase 160 acres of land and no more, except in case of fractional excess; that such purchaser shall pay one-third of the purchase price at the time of purchase, one-third in one year, and one-third in

two years, with interest on the deferred payments at the rate of — per centum per annum; that where there are improvements upon the lands purchased which have been separately appraised, the purchaser shall pay the appraised value of the same in addition to the other amounts required to be paid; that no patent shall be issued until all payments shall have been made; and that on the failure of any purchaser to make payment as required, he shall forfeit the land purchased, and the same shall be subject to entry and sale at the appraised value thereof, or shall be again offered at public sale as the Secretary of the Interior may determine.

Section 3 provides that the proceeds of the sale of improvements belonging to individual Indians shall be paid to the Commissioner of Indian Affairs in trust, to be expended for the benefit of the Indians to whom they belonged; that the proceeds of the sale of improvements belonging to the United States shall be deposited in the Treasury to the credit of the United States; and that the proceeds of the sale of the lands, first deducting therefrom the cost of survey, appraisement, and sale, and the expense of removing the Indians to the Indian Territory, shall be placed to the credit of the Indians in the Treasury of the United States, and bear interest at the rate of 5 per centum per annum, the income to be annually expended for the benefit of the Indians under the direction of the Secretary of the Interior.

The fourth section provides that the Secretary of the Interior may, with the consent of the Indians, expressed in open council, secure other reservation lands upon which to locate said Indians, and expend such sums as may be rendered necessary by such removal and for their comfort and advancement in civilization, and appropriates the sum of \$30,000 for the payment of such expenses and for the expenses of survey, appraisal, and sale, the amounts so expended to be reimbursed to the United States out of the first proceeds of the sales of said lands.

By the treaty concluded June 5 and 17, 1846 (9 Stat., 853), with the "various bands of the Pottawatomie, Chippewa, and Ottawa Indians," thereby consolidated and recognized as the "Pottawatomie Nation," the United States granted to said united tribes of Indians a tract of land containing 576,000 acres, situated in Kansas, for which the Indians paid the sum of \$87,000.

By the treaty of November 15, 1861 (12 Stat., 1191), it was made the duty of the United States agent for the Pottawatomie tribe to take an accurate census of all the members of the tribe, and to classify them in separate lists, showing the names, ages, and numbers of those desiring lands in severalty, and of those desiring lands in common. Provision was made for the former class to receive patents for their lands and to become citizens, while to the latter class there was to be assigned a tract of land to be held in common, sufficient to allow one section to each chief, one-half section to each subchief, 160 acres for each other head of a family, and 80 acres for each other person. After those desiring to take in severalty had been satisfied, and the tract held in common selected, the remainder of the lands were to be sold for the benefit of the tribe.

The tract of land reserved in common, and which now constitutes the Diminished Reservation of such of the Pottawatomies as elected to take their lands in that manner, comprises 77,358 acres, situated in Jackson County, Kansas.

The report of the agent for last year shows that these Indians are for the most part industrious and prosperous, and, with the exception of a few, provided with comfortable houses, which they are enlarging and improving.

Their number is reported as 410. I have no information regarding the views and wishes of the Indians as to the sale of their reservation, except that contained in a communication dated February 2, 1884, addressed to Agent Liun, and forwarded by him February 11, 1884, without comment.

In this communication, which is signed by the chief and two "speakers," it is stated that the Prairie band of Pottawatomie Indians, in general council assembled, requested them to inform this office that the bill (the one under consideration) for the sale of their lands was presented without their knowledge or consent, and against the wishes of every member of the tribe; that years since their people abandoned all idea of living by other than agricultural and pastoral pursuits, and since that time have labored successfully to establish comfortable homes on their reserve; that they regard these homes as permanent, and cannot consent to the sale of any portion of the reserve; that they do not need the money that might be derived from its sale, but do require their homes and farms; and that they are now in a happier and more prosperous situation than the Pottawatomie Nation or any portion of it has heretofore ever enjoyed.

I am inclined to the opinion that the removal of these Indians would be unwise, and that they would prefer to remain.

As the bill does not contemplate the sale of the reservation and the removal of the Indians until their consent is obtained, I see no particular objection to it. It should, however, be amended by the insertion of an additional section, providing that any Indian having improvements on the reservation, and electing to remain, shall be allowed to do so, and receive a patent for his land.

I also recommend that the minimum price at which the lands are to be sold be fixed at \$10 per acre, the lands being valuable, owing to their improved condition and location. The rate of interest upon deferred payments should be fixed at 5 per centum per annum.

I also recommend that the following clause be inserted after the word "purchased," in line 23, section 2, "together with all payments made thereon," so that the sentence commencing in line 25 will read as follows: "No patent shall issue until all payments shall have been made, and on the failure of any purchaser to make payment as required, he shall forfeit the land purchased, together with all payments made thereon, and the same shall be subject to entry and sale at the appraised value thereof," &c.

I transmit herewith a draft of the proposed additional section, and inclose a copy of the protest of the Pottawatomies and of this report. I also return the bill.

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

*Proposed additional section.*

SEC. —. That if any member of said Prairie band of Pottawatomies residing at the date of the passage of this act upon any of the lands authorized to be sold by the second section of this act, and who has made valuable improvements thereon, shall elect to remain on the lands now occupied by him, such lands shall be withheld from sale, and the Secretary of the Interior shall cause a patent to issue to the person so electing, for one hundred and sixty acres of land to include his said improvement, which patent shall be of legal effect, and declare that the United States does and will hold the land thus patented for the period of twenty-five years, in trust for the sole use and benefit of the patentee, or in case of his decease, of his heirs, according to the laws of the State of Kansas, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.