

## SALE OF KICKAPOO DIMINISHED RESERVATION IN KANSAS.

FEBRUARY 23, 1886.—Referred to the House Calendar and ordered to be printed.

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

### REPORT:

[To accompany bill H. R. 5879.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 699) to provide for the sale of the Kickapoo diminished reservation in Kansas, having had the same under consideration, submit the following report:*

The lands belonging to the said Kickapoo Indians, in Kansas, contain 20,273 acres, and are owned in common under the fourth article of the treaty of June 28, 1862, and are located in Brown County, in said State, 5 miles north of the Union Pacific Railroad, and 40 miles from the city of Atchison. The land is fertile and valuable. It is stated that many of these Indians have comfortable houses, and have several fine bearing apple and peach orchards. Yet, notwithstanding these advantages, the Indians derive but little from these lands. There are at present only two hundred and thirty-four Indians residing upon this reservation, and while they wear the American dress and speak the English language, they are indolent and to a great extent unable to keep up with the march of civilization around them. This is not said to disparage these people, but it is believed that the same number of white people owning these lands in common would succeed no better. Their farms present a very unfavorable contrast to those of their enterprising white neighbors, who pay all the taxes and bear all the burdens of local government. This reservation standing in such marked contrast to the well-cultivated farms which surround it, seems to be a blotch on the face of the country, which it is believed would be removed by the provisions of this bill.

It is said that some of these Indians have already gone to the Indian Territory, and others spend most of their time on the Kickapoo Reservation in said Territory. This latter reservation is fully described in the fourth section of the bill, and contains 196,565.38 acres. This reservation was set apart by the President of the United States, by Executive order, dated August 15, 1883, for the permanent use and occupation of the Kickapoo Indians. That in 1883 there were four hundred and eighteen Kickapoo Indians residing on said reservation.

The committee have reported a substitute for the original bill, believing that it conforms more nearly to the views of the Commissioner of Indian Affairs than the original bill. The differences are principally these: Instead of granting a tribal patent to the Indians in the Terri-

tory, it authorizes the President to locate them there until Congress shall make provision for granting them lands in severalty. Instead of allotting lands in severalty to the Indians in the Territory, it allots them lands out of the Kansas Reservation. This is done to make the bill conform to the views expressed by the Indian Commissioner in 1884. The substitute directs that the proceeds of the sale of any improvement shall be paid to the Indian to whom such improvements belonged, instead of paying the same to the Commissioner of Indian Affairs to be expended for the benefit of such Indians, the committee believing that the Indian who had the capacity and industry to make the improvements could be safely intrusted with the disposal of the proceeds of the same.

The bill has been carefully matured so as to fully protect the Indian. Any one desiring to remain and select lands may have the same allotted to him in quantities as provided in the fifth section of the substitute, and in making such selection he may embrace his improvements, if any, within the same.

As the bill provides for the consent of the Indians before any can be removed, there can be no reasonable objection to the bill on that account.

The provisions relating to the allotment of lands in severalty are carefully guarded and conform to bills of a more general nature which have been fully discussed and settled in the House and Senate.

Public opinion seems decidedly in favor of allotting lands to Indians in severalty, with proper restrictions upon alienation for a period of twenty or twenty-five years. The committee understand this to be the policy of the present Administration as it was of its predecessor. The most intelligent friends of the Indians believe that their ultimate civilization must be accomplished by the substitution of the system of granting lands to them in severalty for the present system of tenure by tribes in common. In no other way can their desire for a nomadic life be changed. By its adoption you furnish the Indian with the strongest inducement to abandon the chase for the cultivation of the soil, and to prefer the field to the forest.

There could not be selected a better tribe of Indians than the Kansas Kickapoos for a trial of this experiment, if such it can be called.

The original bill was reported favorably in the Forty-eighth Congress (see House Report 765), and received the favorable indorsement of the Interior Department, as will appear by the letters of the Secretary of the Interior and Commissioner Price hereto appended.

The committee report the accompanying substitute for House bill 699, and recommend its passage.

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., February 15, 1884.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, dated February 5, 1884, of a communication from R. P. Toole, clerk of the House Committee on Indian Affairs, in which he incloses copy of House bill 3201, "To provide for the sale of the Kickapoo diminished reservation in Kansas," "for your consideration and report."

The first section of the bill authorizes the Secretary of the Interior, with the consent of the Kickapoo tribe of Indians, expressed in open council, to cause to be surveyed, if necessary, and sold, the reservation of the Kickapoo Indians in the State of Kansas, the lands to be appraised in eighty-acre tracts by three commissioners, one of whom shall be selected by the Kickapoo tribe, and the other two appointed by the Secretary of the Interior.

The second section authorizes the Secretary of the Interior, after the survey and appraisal of the lands, to offer the same, through the proper land office, at public sale to the highest bidder.

Where improvements have been made by any Indian or for the United States upon such lands the improvements are to be separately appraised.

It provides that no portion of the land shall be sold for less than the appraised value thereof, nor for less than \$8 per acre, and that each purchaser shall be entitled to purchase 160 acres, and no more, except in case of fractional excess in a legal subdivision; that such purchaser shall pay one-fourth of the purchase price at the time of purchase, one-fourth in one year, and the remainder in five years from the date of purchase, with interest annually on the deferred payments at the rate of 5 per cent. per annum; that when there are improvements upon the lands purchased, which shall have been separately appraised, the purchasers shall pay the appraised value at the time of purchase in addition to the amounts required to be paid for the land; that no patent shall issue until full payment shall have been made; and that on the failure of any purchaser to make payment as required, he shall forfeit the land purchased and all sums paid thereon, and the land so forfeited shall be subject to entry at the appraised value, or shall be again offered at public sale as the Secretary of the Interior may determine.

The third section provides that the proceeds of the sale of any improvements belonging to any individual Indian shall be paid to the Commissioner of Indian Affairs in trust, to be expended for the benefit of the Indian to whom they belonged; that the proceeds of the sale of any improvements belonging to the United States shall be deposited in the Treasury of the United States; and that the proceeds of the lands, after deducting the cost of the survey, appraisal, and sale, and the expense of removing the Indians to the Indian Territory, shall be placed to the credit of the Kickapoo Indians, in the Treasury of the United States, and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of the Indians, under the direction of the Secretary of the Interior.

The fourth section authorizes the President of the United States to cause a patent to be issued to the Kickapoo tribe of Indians for the lands set apart for the Kickapoo "and such other Indians as the Secretary of the Interior might see fit to locate thereon," by Executive order of August 15, 1883.

The fifth section provides the form of patent to be issued under section 4.

The sixth section provides for allotments to the Indians residing upon the Kickapoo Reservation in the Indian Territory, whenever they shall desire the same, of 160 acres to each head of a family, and 80 acres to each single person over the age of twenty-one years.

The seventh section provides for the issuance of patents to such allottees in the manner and form provided for the Omahas (act of August 7, 1882, 22 Stat., 341).

The eighth section authorizes the Secretary of the Interior, with the consent of the Indians, expressed in open council, to cause the removal of that portion of the Kickapoo tribe residing on the reservation in Kansas to the Kickapoo Reservation in the Indian Territory, and appropriates the sum of \$30,000, or so much thereof as may be necessary for the payment of the expenses of the surveys, appraisements, and sale and removal, and of such sum as may be rendered necessary for the comfort of those removed and of those already in the Indian Territory; the amounts so expended to be reimbursed to the United States out of the proceeds of the sales of lands.

The Kickapoo Reservation in Kansas contains 20,273 acres, and is owned in common, under the fourth article of the treaty of June 28, 1862 (13 Stat., 624). It is located in Brown County, Kansas, 5 miles north of the Union Pacific Railroad and 40 miles from the city of Atchison. The land is fertile and valuable. There are at present 234 Indians residing upon the reservation; they are represented as living in comfortable houses and having several fine bearing apple and peach orchards.

This office has no information relative to their wishes with regard to the sale of their lands, except that in a letter from one F. G. Adams, of Topeka, Kans., purporting to give the views of Paschal Peisineau, a prominent Kickapoo, it is stated that a considerable portion of the tribe remaining on the reservation in Kansas, desire to have lands allotted to each member of the tribe, and the remainder sold for the common benefit.

A portion of the Kickapoo tribe, including a number of Mexican Kickapoos, are residing in the Indian Territory upon a reservation set apart for them by the Executive order of August 15, 1883.

In office report of July 30, 1883, transmitting the draft of said order, it was stated that it had been recently intimated that the Kansas Kickapoos might shortly desire to sell their reservation and remove to the Indian Territory, in which event they could be located upon the proposed reservation, which, it is thought, would be ample for the requirements of these Indians in addition to the Mexican Kickapoos.

As the bill provides for obtaining the consent of the Indians before any steps are

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taken towards the sale, there appears to be no objection to it on account of the want of knowledge of their desires in the matter.

The bill appears to be carefully drawn, and provides for a tribal patent for the lands in the Indian Territory, and for the allotment and patenting of the said lands when desired, as recommended in office report of December 6, 1883. (See Senate Ex. Doc. No. 18, Forty-eighth Congress, first session.)

In view of the fact, however, that some of these Indians have valuable farms and may desire to remain, even if the tribe determines to remove, I have the honor to recommend that a new section be incorporated, providing that any members of the tribe electing to remain, and having valuable improvement, may receive patents for 160 acres each, the patents to be the same as those authorized to be issued to the Omahas, by the act already referred to.

The fourth section refers to the lands in the Indian Territory as set apart for the use and occupation of the "Kickapoo and such other Indians as the Secretary of the Interior might see fit to locate thereon." This is an error. These lands were set apart for the "use and occupation of the Kickapoo Indians" only.

I think the bill should be amended by striking out the words "and such other," and the words "as the Secretary of the Interior might see fit to locate thereon," in lines 12 and 13, in section 4, and the words "and such other Indians as the Secretary of the Interior may see fit to locate with them," in lines 6 and 7, in section 5.

I have prepared, and transmit herewith, a copy of the bill with the proposed amendments incorporated, in which form it meets my approval.

I inclose copy of this report, and return Mr. Toole's letter and inclosure.

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The SECRETARY OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,  
*Washington, February 18, 1884.*

SIR: I have the honor to return herewith H. R. 3201, entitled "A bill to provide for the sale of the Kickapoo diminished reservation in Kansas," which was received by this Department with letter from the committee requesting its consideration and report thereon under date of 5th instant.

In reply, attention is respectfully invited to the inclosed copy of letter of 15th instant from the Commissioner of Indian Affairs, to whom the subject was referred, who suggests certain amendments to said bill, which amendments are attached to a copy of the bill herewith returned.

I see no objection to the passage of the bill as amended by the Commissioner.

Very respectfully,

H. M. TELLER,  
*Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,  
*House of Representatives.*

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