

IN SENATE OF THE UNITED STATES.

JANUARY 16, 1838.

Submitted, and ordered to be printed.

Mr. SEVIER made the following

REPORT:

*The Committee on Indian Affairs, to whom was referred the memorial of the Legislature of the State of Arkansas, upon the subject of the location of certain Indian reservations, upon the improvements and pre-emption rights of a portion of the settlers upon the public land in that State, report :*

That, on the 2d day of June, in the year 1825, at the city of St. Louis, in the State of Missouri, a treaty was made between William Clark, Esq., commissioner on the part of the United States, and a deputation of the chiefs, headmen, and warriors of the Great and Little Osage nation of Indians, who were duly authorized and empowered by their respective tribes for that purpose. This treaty, thus made, was ratified by the Senate on the 30th of December, 1825; and by one its provisions, the tribes aforesaid ceded to the United States all their right and title to all the lands claimed by them within the limits of the State of Missouri, and the then Territory of Arkansas, and, also, all their right and title to all the lands lying west of Missouri and Arkansas, and north and west of Red river, south of the Kansas river, and east of a line to be drawn through the Rock saline. In part consideration of this grant, the United States on their part agreed, among other things, to reserve, out of the country ceded, fifty-four sections of land, of one mile square each, to be laid off under the direction of the President of the United States, and sold for the purpose of raising a fund for the education of the Osage children, in such manner as the President of the United States might think proper. See 6th article of said treaty.

The whole of the country thus acquired, which lies *without* the limits of Arkansas and Missouri, has been granted by the United States to other Indian tribes, who are now in its possession, and are its legal owners. The residue of their cession, (and which formed originally but a very inconsiderable portion of it,) lies within the limits of the States of Missouri and Arkansas. Out of the part of their cession which lies within the limits of those States, the selections of the fifty-four sections of land, stipulated for by the 6th article of the treaty aforesaid, must now be made, if made at all, in conformity to the terms of the treaty. But to such a selection of these reservations, at this late day, there appears to the committee very great, if

not insurmountable, difficulties. These difficulties arise in part, if not entirely, from the great delay on the part of the United States in fulfilling its treaty obligation.

The part of the cession which lies within the States of Arkansas and Missouri, is now densely settled; nearly all of it has been surveyed; much of it has been sold, and on large portions of the residue of it, which is fit for cultivation, there are extensive improvements and pre-emption rights. The commissioners who were recently in that country to select the fifty-four sections were unable, after the most thorough examination, to make the selections, without taking many valuable improvements. Nearly all of their selections appear to have been of this character; and by so doing, they were still unable to select the quantity the treaty called for, on account of the vested rights by purchase of, and settlement upon, this part of the public land. The commissioners selected twenty-five sections in Missouri, and fourteen in the State of Arkansas. And hence, it appears that the selections of these fifty-four sections cannot be made in either Missouri or Arkansas, without manifest injury to the interest of the Osages, or to the settlers of that country. To avoid such a result, and to preserve the harmony and friendship which now happily exists between the Indian tribes on our southwestern frontier, and our own citizens within their vicinity, the committee recommend the passage of a resolution, requesting the President to disregard altogether the locations of the commissioners appointed for that purpose to select the Indian school lands, and that he negotiate with the Osages, through their agent; and, in lieu of the reservations, give the Indians two dollars an acre in money, to be vested in State stocks; and if the Indians be unwilling to take money, to be vested as aforesaid, to get them to take other land, to be located in tracts of one mile square, on any of the vacant or unoccupied public land of the United States to which the Indian title is extinguished, they relinquishing all claims under the treaty of 1825 to the reservations for education.

The committee propose the adoption of the following resolution:

*Resolved*, That the President of the United States be requested to disregard altogether the selections made by the agents appointed for that purpose of the Indian school lands, under the 6th article of the treaty, made at the city of St. Louis, in the State of Missouri, on the 2d of June, 1825, between William Clark, Esq., commissioner on the part of the United States, and the chiefs, headmen, and warriors of the Great and Little Osage nation of Indians; and that he be requested to negotiate, through their agent, and give them two dollars an acre for the land, in money, to be vested in State stocks; and if he finds this impracticable, that he be requested, in the manner aforesaid, to induce them to take other land, in lieu of their reservations, in tracts of one mile square each, to be located on any vacant and unoccupied public land of the United States, to which the Indian title is extinguished. The said tribes relinquishing, on their part, all claims under the treaty of 1825 to the reservations for education.