

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication of the 11th instant from the Secretary of the Interior, submitting draft of a bill "to provide for the issuance of patents for certain lands in the Indian Territory, occupied by the Kickapoo, Iowa, and other Indians."

DECEMBER 19, 1883.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting, with accompanying papers, draft of a bill "to provide for the issuance of patents for certain lands in the Indian Territory, occupied by the Kickapoo, Iowa, and other Indians."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 17, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, December 11, 1883.

SIR: I have the honor to submit herewith, for your consideration, a copy of report of 8th instant, from the Commissioner of Indian Affairs, recommending that patents be issued to the tribes of Kickapoo and Iowa Indians who occupy certain lands set apart for them by Executive order in the Indian Territory, with draft of bill for the object indicated.

A map of the lands in question showing their location is also furnished, with a copy of the orders reserving the same.

The report of the Indian Office recites the facts governing the case, and, concurring in the views expressed therein, I respectfully recommend that the matter may be presented for the consideration of the Congress.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 6, 1883.

SIR: In 1863 or 1864 a considerable portion of the Kickapoo tribe of Indians, then living in Kansas, being dissatisfied with the provisions of the treaty of June 28, 1862 (13 Stat., 623), left that State and migrated to Mexico, where many of their brethren had gone some years before, and with other Indians became a source of annoyance to the frontier settlements in Texas.

By an act of Congress approved July 15, 1870 (16 Stat., 359), the sum of \$25,000 was appropriated to collect bands of Kickapoo or other Indians roving on the borders of Texas and Mexico, and to locate and subsist them in the Indian Territory, and by the act of March 3, 1871 (16 Stat., 569), \$40,000 was appropriated for the removal of the Kickapoo and other American Indian tribes roving on the borders of Mexico and Texas to reservations within the Territories of the United States, and for their subsistence on such reservations.

The efforts made under these acts failed of success, and a commission was appointed to make another attempt to remove these Indians to some point within the Indian Territory, which, in 1873, succeeded in getting some 300 or 400 to remove to that Territory, where they were joined by 114 others in 1875.

In 1876 they were reported as numbering 312, while at the present time they number 418.

They were located upon the tract of country west of the Sac and Fox Reservation, and between the North Fork of the Canadian and Deep Fork, where they have continued to reside, under the care of the Sac and Fox agent.

The fact that no reservation had ever been formally assigned to them, and that they had no title to the lands occupied by them, was long a source of uneasiness to these Indians.

In a report dated April 17, 1883, Special Agent E. B. Townsend stated that unless something was done for these Indians he believed a majority of them would abandon their present location and go roaming about the country, the land question being the principal cause of their troubles, and that they claimed if they had a permanent home they would come in, settle down, and be satisfied. He also invited attention to the condition of the Iowa Indians residing north of the Deep Fork and immediately west of the Sac and Fox reservation, in the Indian Territory, who left their reservations in Iowa and Nebraska subsequent to the year 1878, and who had been permitted to remain in that Territory, and urged the importance and justice of having lands set apart for them which should be recognized as their own. He reported that they were peaceable and industrious and disposed to make for themselves permanent homes if permitted, but that the uncertainties surrounding them, as regarded their location, would inevitably discourage and demoralize them.

The foregoing facts were submitted to you in office report dated July 30, 1883, with the draught of two Executive orders, setting apart the lands occupied by these tribes respectively for their permanent use and occupation; which orders were signed by the President August 15, 1883.

The tracts assigned these Indians are described as follows:

Kickapoos.—Commencing at the southwest corner of the Sac and Fox Reservation; thence north along the western boundary of said reservation to the Deep Fork of the Canadian River; thence up said Deep Fork to the point where it intersects the Indian meridian; thence south along said Indian meridian to the North Fork of the Canadian River; thence down said river to the place of beginning.

Iowas.—Commencing at the point where the Deep Fork of the Canadian River intersects the west boundary of the Sac and Fox Reservation; thence north along said west boundary to the south bank of the Cimarron River; thence up said Cimarron River to the Indian meridian; thence south along said Indian meridian to the Deep Fork of the Canadian River; thence down said Deep Fork to the place of beginning.

The lands embraced in these reservations were ceded to the United States by the Creeks "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon," by treaty of June 14, 1866 (14 Stat., 786).

The area of the Kickapoo reservation is 196,565.38 acres, and that of the Iowa reservation 229,559.55 acres.

The number of the Kickapoos, as before stated, is 418, and it is probable that they may be increased by others of their tribe from Mexico, Kansas, and elsewhere.

The number of Iowas on the reservation is reported as 86, but it is probable that the Iowa Reservation in Kansas and Nebraska will be sold before many years, when that portion of the tribe in the Indian Territory will be joined by their brethren from those States, making the number of Iowas to be located upon the new reservation some 230. There are also some 270 Otoes and Missouriias located on this tract, who are unwilling to return to their reservation in the Indian Territory, which is undoubtedly insufficient, owing to the character of the land, and its limited area, to support a larger number than are now there. For this reason, and the fact that the

area of the proposed reservation was larger than the requirements of the Iowas demanded, a clause was inserted in the Executive order providing for such other Indians as the Secretary of the Interior might see fit to locate thereon.

These lands having been set apart for the use and occupation of these Indians by Executive order, should, I think, be secured to them by a more permanent title, that they may have the assurance that they will not be removed, except by their free consent.

To this end I have prepared the draft of a bill authorizing the President to cause patents to be issued to these tribes respectively, said patents to be of the legal effect and declare that the United States does and will hold the lands embraced within their respective reservations for the sole use and benefit of the Kickapoo tribe, and of the Iowa tribe and such other Indians as the Secretary of the Interior may see fit to locate with them, in trust for the period of twenty-five years, and that at the expiration of said period the United States will convey the same by patent to said tribes respectively in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

The third section provides that the Secretary of the Interior may cause allotments to be made to such of the Indians residing upon these reservations as may desire the same, in quantity as follows: To each head of a family one hundred and sixty acres, and to each single person over twenty-one years of age eighty acres.

The fourth section provides for the issuance of patents to such allottees, of the same effect and with the same conditions, limitations, and restrictions as the tribal patents, not to continue, however, beyond the period fixed in the tribal patent: the individual patents when issued to override the tribal patent.

I have the honor to recommend that the proposed bill be transmitted to Congress with a request for favorable action.

I inclose two copies of this report and of the draft of the bill, also two copies of the Executive orders of August 15, 1853, and maps showing the boundaries of the reservations.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

EXECUTIVE MANSION,
August 15, 1883.

It is hereby ordered that the following-described tract of country in the Indian Territory, viz, commencing at the southwest corner of the Sac and Fox Reservation; thence north along the western boundary of said reservation to the Deep Fork of the Canadian River; thence up said Deep Fork to the point where it intersects the Indian meridian; thence south along said Indian meridian to the North Fork of the Canadian River; thence down said river to the place of beginning, be, and the same hereby is, set apart for the permanent use and occupation of the Kickapoo Indians.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
August 15, 1883.

It is hereby ordered that the following-described tract of country in the Indian Territory, viz, commencing at the point where the Deep Fork of the Canadian River intersects the west boundary of the Sac and Fox Reservation; thence north along said west boundary to the south bank of the Cimarron River; thence up said Cimarron River to the Indian meridian; thence south along said Indian meridian to the Deep Fork of the Canadian River; thence down said Deep Fork to the place of beginning, be, and the same hereby is, set apart for the permanent use and occupation of the Iowa and such other Indians as the Secretary of the Interior may see fit to locate thereon.

CHESTER A. ARTHUR.

A BILL to provide for the issuance of patents for certain lands in the Indian Territory occupied by the Kickapoo, Iowa, and other Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to cause patents to be issued for certain lands in the Indian Territory as follows, namely: To the Kickapoo tribe of Indians the following described tract, viz: Commencing at the southwest corner of the Sac and Fox Reservation; thence north

along the western boundary of said reservation to the Deep Fork of the Canadian River; thence up said Deep Fork to the point where it intersects the Indian meridian; thence south along said Indian meridian to the North Fork of the Canadian River; thence down said river to the place of beginning; and to the Iowa tribe of Indians for the following described tract, viz: Commencing at the point where the Deep Fork of the Canadian River intersects the west boundary of the Sac and Fox Reservation; thence north along said west boundary to the south bank of the Cimarron River; thence up said Cimarron River to the Indian meridian; thence south along said Indian meridian to the Deep Fork of the Canadian River; thence down said Deep Fork to the place of beginning; which lands were set apart for the permanent use and occupation of the Kickapoo Indians, and of the Iowa and such other Indians as the Secretary of the Interior may see fit to locate with them, by Executive orders, dated August fifteenth, eighteen hundred and eighty-three.

SEC. 2. That the patent authorized by this act to be issued to the Kickapoo tribe of Indians 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 said Kickapoo tribe of Indians, and that at the expiration of said period the United States will convey the same by patent to said Kickapoo tribe of Indians, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and the patent authorized by this act to be issued to the Iowa tribe of Indians shall be of the 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 said Iowa tribe, and such other Indians as the Secretary of the Interior may see fit to locate with them, and that at the expiration of said period the United States will convey the same by patent to said Iowa tribe of Indians, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

SEC. 3. That whenever the Indians who may be properly residing upon either of the reservations named in this act shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians, in quantity as follows, viz:

To each head of a family, one hundred and sixty acres.

To each single person over twenty-one years of age, eighty acres.

SEC. 4. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, the President shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs, in fee discharged of said trust, and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the foregoing conditions, restrictions, and limitations shall not extend beyond the expiration of the time expressed in the patent herein authorized to be issued to the tribe in common: *And provided further*, That these patents, when issued, shall override the patent authorized to be issued to the tribe as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in each of the tribal patents.