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Department of the Interior
Office Indian Affairs
April 8th 1858.

Sir,

Referring to a communication from the Hon: A. B. Greenwood of the 11th ultimo, enclosing two Memorials from Citizens of Kansas, one pertaining to lands provided for the Christian Indians, and the other respecting settlements made on the lands set apart for the New York Indians, by the 2d Article of the treaty of the 13th of January 1838, the former having been considered in letters from this Office of the 31st ultimo and 7th instant, I will now present the facts in connection with the latter, together with an expression of my views in relation to the subject.

On the 26th of December 1856, your predecessor, in answer to a resolution of the Senate calling for information on this subject, communicated to that body a report from the late Commissioner of Indian Affairs, being a "Statement of the condition of the title of the United States to all that portion of the Territory of Kansas, designated as being set apart and assigned to the New York Indians, and the nature of the authority by which said tract has been assigned." (See Vol 5 of Senate Ex: Documents No 13 - 3d Session, 24th Congress.)

It will be perceived that in view of the interests of the Indians and of the Citizens of Kansas, further legislation upon the subject of that reservation was

suggested in said report as necessary under the then existing circumstances of the case; and it may be proper to remark that the rapid influx of settlers into Kansas, and especially upon the reserve, since the date of that report, makes legislative action at this time, still more urgent and necessary, than at any former period.

Under the conviction of this necessity, your attention was called to the subject in the last annual Report of this Office, with a view to the assignment, in severalty, to such of the New York Indians as had removed upon the reservation; the 320 acres of land to which each Indian settler is entitled under the provisions of the treaty of 1838, and for the purpose of bringing the remainder of the 1.824,000 acres, "into the market for the benefit of our citizens who are so rapidly filling up the Territory."

In February 1857, the Senate Committee on Indian Affairs submitted an amendment to the Indian appropriation bill as it came from the House of Representatives, providing for the survey of the tract, and the allotment in severally, (in accordance with the provisions of the treaty of 1838.) to such of the New York Indians as had emigrated to, and settled thereon, 320 acres of land to each; and constituting the residue of the reserve a part of the public domain, subject to existing laws governing the sale and pre-emption of such lands.

The bill was also amended so as to authorize the President in his discretion, to adjust by convention or

otherwise, any right or claim of said Indians to said Country, and it appropriated the sum of $1000, for this object. These Amendments were adopted in the Senate, but the House refusing to concur, Committees of Conferences were appointed by both Houses, and they failing to agree, the amendments were finally lost. It is understood, however, these propositions were not opposed in the House upon their merits, but by reason of the incongruity of introducing such provisions in the shape of amendments to the Indian appropriation bill.

If the amendment appropriating $1000 for the purpose of negotiating a treaty with the Indians, had passed both Houses of Congress, it would have been an insufficient sum to accomplish that object, and I would now respectfully recommend, in the event of your concurrence in the views herein expressed, that Congress be asked to take such legislative action as may be deemed requisite to authorize the negotiation of Articles of Convention and agreement with the aforesaid Indians, having a due regard to the rights and interests of those who have never emigrated to the reserve, as well as to that portion of the tribe who now reside thereon, or have been driven from the lands in question; and in consideration of the fact that the Indians are dispersed through several of the States and Territories of the United States, and the great distance which must necessarily be travelled by the Commissioners who may be appointed to negotiate with them, I would suggest the