

Washington April 14. 1838

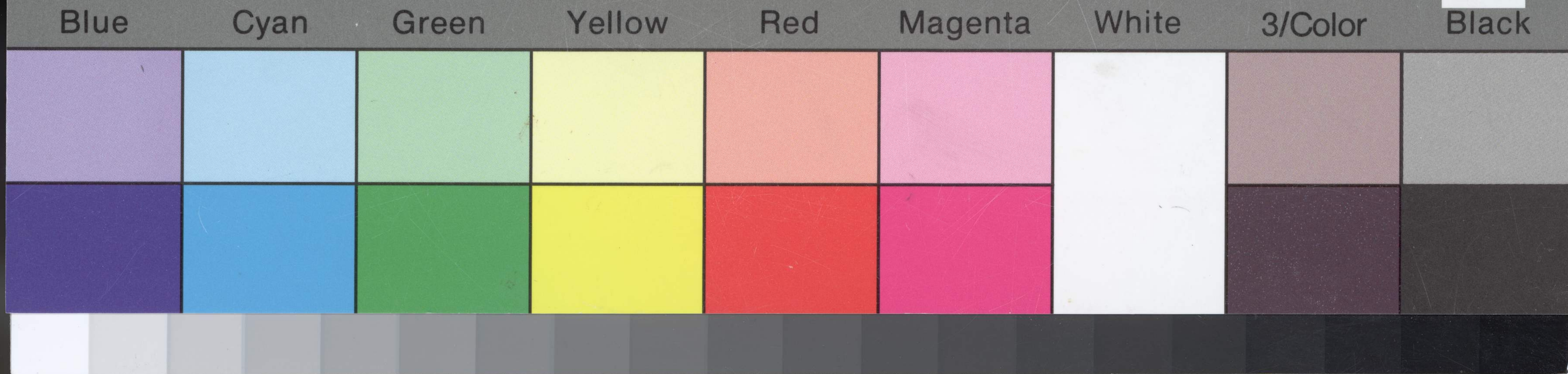
Sir

J. W. Kemmer

Sir -

Your letter of the 1st enclosed to
Hon J. P. Hatch was rec'd yesterday - Up to this time
I have not presented the case of the New York Indians
to the Com. as they had previous to my arrival,
(at the instigation of some of Genl. Clark's
friends (I suppose) called upon the Secy of the Interior
for information as to their situation &c. - He referred
the matter to Mix, (with whom after my arrival
I had consulted) who reported "that according to
the Treaty of 1838, all of the tribes mentioned therein
or any members thereof who had gone on to those
lands, were entitled to 320 acres each, & that
certain equities were still subsisting in some of
the tribes as to these lands, and he recommended
that an appropriation of not exceeding \$5,000 be
made at this session to enable the Com of Indian
Affairs, to enter into conventional articles, for
the release of all rights which any tribe might have,





that 320 acres be set apart in fee simple to all who had entered upon said lands & that then the balance be subject to pre-emption as other public lands." This you perceive covers the ground just as intended previous to my departure, this report was made the 8th inst & is now before the Secy & tomorrow I am to see him & take the subject up - I shall press the right of the Indians to a patent for the whole, and possibly he will be inclined to urge the passage of a law setting apart in fee, 320 acres to each - Mix decided the reversionary interest of the $\frac{1}{2}$ breed Kaws to the 23 sections to be in the Delawares - Weer is contending that it is in the Gov^t & thus the dead sections open to pre-emption by the settlers - The Secy does not agree with Weer at all, nor exactly with Mix, being a little strongly inclined towards the $\frac{1}{2}$ breeds themselves - To this there is no objection, provided he will provide for its sale, at a certain price the money rec'd to be for the benefit of the $\frac{1}{2}$ breeds & giving the settlers the privilege of buying at a certain price - It is to be taken up tomorrow, when the Secy will hear my views upon it - Mix has been terribly pressed with business, but as the Pawnee

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have left & the Sioux have ~~left~~, he ~~will~~ got
nearly ready to be off, he will soon have more
leisure - The matter of occupancy of land opposite
Lawrence &c for mill purposes has been discussed &
I ~~can~~ understand a permit will be granted for
that purpose - Our bill granting lands to the Missouri
& R.R. R.R. has been pretty fully discussed by the
Com on Public Lands who I have no doubt will
report favorably & if any such bill passes this
session, ours will - No one seems to oppose it
and the prospect is first rate - The Senate to day
passed the joint resolution of the House agreeing
to adjourn of the first Monday in June - And now
in case Secombe passes, can't you make a
treaty with the Kelovans & Pottowattomies out
there and have it ratified this session? It will be
a long time until next Dec, and in my opinion
we could get almost any treaty through this
session with proper representations - If you have
not the authority already, would it not be well for
you to get it at once? The House to day consented
to the Senate's request for a Com of Conference on
the Kansas bill - vote 108 to 108, Speaker withdrawing -
There has been terrible bad management by the

