



UNITED STATES SENATE CHAMBER

Washington July 10 1867

Hon W. G. Faylor

Corn. Ind affrs

Sir, I have the honor to transmit the enclosed Communication from J B Abbott Esq. in regard to the title to the lands conveyed by Shawnee Indians, & recommending that an investigation of the subject be authorized by your Bureau. Knowing something of the circumstances which Mr Abbott details, & having also the fullest confidence in his statements, I fully endorse his proposition, & hope that the action he recommends will be ordered by you. Otherwise great wrong might & doubtless result to many who have purchased in good faith, & have expended large sums in the improvement of the lands so purchased

Very respectfully,

Thos B Sart

E. G. Ross

De-Data July 4<sup>th</sup> 1867

Dear Sir

I desire to call your attention to the fact that a large number of conveyances of land have been made by Indians by common warrant <sup>and</sup> where valuable consideration has been paid, yet such conveyances are invalid and furnish no evidence of title in law, while some of the grantors have taken such deeds with a full knowledge that they were illegal, yet a large proportion of the purchasers bought in good faith supposing that they were getting good titles.

It will be seen by referring to the New Shawnee Treaty, that it is neither the policy of the Indian Department or of the Shawnee tribe to ignore this class of conveyances, but rather

(as shown in Articl 8) that said deed  
shall be approved ~~when~~ when upon  
investigation the Commission is  
satisfied that the Grantor has received  
a fair compensation for the land  
thus conveyed,

There are various reasons ~~why~~  
in favor of making this investigation  
at once, and thereby relieving the  
parties of the damaging suspense  
under which they are living.

In the first place many of the  
deeds were made during the  
time that the Department has sus-  
pended the making of deeds by In-  
dians, the ~~Indians~~ are now permitted  
to sell again, yet there is no record  
in the office of the Indian Agent <sup>which</sup> by  
he can know what lands have  
been conveyed by Common Warranty  
~~and~~ thus the purchaser by common  
warranty is liable to know his land  
sold and the deed approved by  
the Department notwithstanding he

may have paid a full and fair con-  
sideration for the land, and thus  
he would lose his land and  
perhaps valuable improvements  
and yet have no recourse whatever  
upon anyone.

This is but one of the forms  
of difficulty which is likely to occur  
in this condition of affairs, and  
there is probably not less than two  
hundred persons who hold deeds  
of Common Warranty. And in my  
opinion the Commission would  
do an act of mere <sup>at least</sup> mercy without doing  
wrong to any one, if he would  
instruct the Agent to investigate  
this class of deeds and if upon  
satisfactory evidence, that a fair  
price had been paid for same  
then convey the persons competent  
to sell, then such deeds to be  
approved.

There is no question as to the  
right or authority resting in the—



Secretary of the Interior to make or  
suspend any rule relating to the  
conveyance of Indian land which  
in his judgement may be wise and  
proper.

This measure would be very popular  
within this reservation and whoever  
could secure its adoption would  
not only be entitled to but receive  
the gratitude of a large portion  
of the white settlers within this  
vicinity.

Truly Yours

J. B. Atwood

Hon E. G. Ross

Sir,

Washington

D.C.