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Washington DC June 18th 1872

Hon C Delano

Secretary of the Interior

Sir

On Saturday last I received a dispatch from the Treasurer of the Ottawa University Kansas, calling my attention to Senate Bill No 1175, which I find has in modified form, become a law, under the title of:an Act for the relief of certain Indians in the Central Superintendency; approved by the President on the 10th instant.

Those portions of said act, by which it is proposed to vacate and declare at an end trusts in property, heretofore created and now existing, and in course of faithful administration are clearly unconditional and void; and the authority given the Commissioners to take possession, for the United States and advertise and sell “ the property of said trustees, so held in trust, without the existence of law emergency requiring such seizure for public use and without the existence of provisions of law for making compensations for such property are likewise unconstitutional —and their execution ought not to be attempted.

I deem it proper to state that it is ended from the history of the said act of Congress as given in The Daily Globe” that the trustees of the University did not have ~~the~~ an opportunity to know of the pending of the bill in time to present the facts and their remonstrance to Congress before its adjournment.

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Under existing circumstances, it becomes my duty as attorney for the Treasurer and Trustees of the Ottawa University, Kansas, respectfully to protest against execution of the unconstiitutional portions of said Act; and hereby to give notice (before Commissioners, have been appointed or any thing done under the law) that my clients will claim the protection of the Constitution of the United States, and will demand full compensation for any and all unlawful injuries and seizures of their trusts property that may be made or attempted by commissioners that may be appointed under said Act.

And before such commissioners are appointed or instructed, I respectfully request that you will refer said Act to the Hon Attorney General of the U.S. for his opinion thereon --what parts and provisions thereof are unconstiitutional, and should not be executed—and what parts and provisions are constitutional and can be carried out.

Department of Interior

Washington DC June 20th, 72

Sir

Referring to your communication of the 18th inst, direction my attention to the provisions of an Act of Congress, approved the 10th inst; entitled an Act for the relief of certain Indians in the Central Superintendency and requesting that the same may be refered to Attorney General of the U.S. for his consideration; you are informed that I deem it my duty to proceed with the execution of the law and there I must very respectfully decline making the as proposed by you,

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Communication

R Atkinson

J. 18th 1872