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Washington D.C. 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 unconstitutional 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 an

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emergency requiring such seizure for public uses and without the existence of provisions of law for making compensation for such property and likewise unconstitutional—and their execution ought not to be attempted.

I deem it proper to state, that it is evident, from the history of said act of Congress, as given in the “Daily Globe,” that the trustees of the University did have an opportunity to know of the pendency of the bill, in time to present the facts, at their remonstrance, to Congress, before its adjournment.

Under existing circumstances, it becomes my duty, as attorney for the Treasurer and Trustees of Ottawa University, Kansas respectfully to protest against the execution of the unconstitutional portions of said act and hereby to give notice (before Commissioners have been appointed, or anything done under said 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 seizure of their trust property that may be

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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. Atty. General of the U. S. for his opinion thereon—what parts and provisions thereof are unconstitutional, and should not be executed—and what parts and provisions are constitutional and can be carried out.

With very Great respect

I am Sir, Your Obt. Servant

Henry Beard.