

REMOVAL OF INDIANS TO THE INDIAN TERRITORY.

MARCH 10, 1880.—Referred to the House Calendar and ordered to be printed.

MR. CRAVENS, from the Committee on Territories, submitted the following

REPORT:

[To accompany bill H. R. 2674.]

The Committee on Territories, to whom was referred House bill No. 2674, report the same back to the House and recommend its passage, with an amendment striking out the concluding words, "Unless hereafter expressly authorized to do so by the Congress of the United States."

It is deemed unjust to the people of Kansas on the north and Texas on the south to settle wild and fierce tribes of Indians from distant regions in the Indian Territory. The Indians go reluctantly in the first place, and after reaching there suffer greatly from the change of climate, which produces discord and discontent and not unfrequently desperation, as in the case of the Northern Cheyennes, at whose hands forty men, women, and children of Kansas lost their lives.

It is also deemed unjust to the five civilized tribes from whom the government obtained its lands in the Territory subject to Indian settlement, besides against the letter of the treaties making the cessions, in some instances, and contrary to the spirit of them all.

The Creek treaty of cession says:

The Creeks hereby cede to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south.

The Cherokee treaty of cession, by the 15th article, provides for settlement by the United States of civilized Indians upon their unoccupied lands east of 96°, on such terms as may be agreed upon between them and the Indians so settled.

The 16th article is as follows:

The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding 160 acres for each member of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the lands conveyed in fee-simple to each of said tribes, to be held in common or by members in severalty, as the United States may decide. Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

It can be readily seen from these provisions that it was the purpose of the civilized tribes making the cessions to provide against the settlement of roving or warlike bands upon their western border.

It was designed that the Indians settled there should be civilized and friendly, and secured in permanent homes. While the intent and purpose of the treaties are perfectly clear upon these points, yet it is a fact that the United States has recently settled there tribe after tribe at the conclusion of warlike operations against them, and that some of them are now occupying a part of the Cherokee country, the jurisdiction over and the right of possession to which still remains in the Cherokee Nation. This is deemed to be wrong.

The Indians settled in that country should be of the character provided for by the treaties of cession, and no tribe of Indians can rightfully occupy the Cherokee country, especially until compensation has been made for the lands.

These wild tribes have not been thus located solely by Executive orders, but it is believed that in each instance some sort of Congressional sanction has been obtained, which sanction is to be found among the *omnium-gatherum* provisions of the annual Indian appropriation bills.

It is believed that if this bill should become a law that that kind of legislation upon appropriation bills will cease, and that if Indians hereafter are to be located in that Territory it will be upon the passage of independent bills for that purpose only, and with due regard to the peace and safety of the people of the adjoining States, and the rights, interests, peace, and security of the five civilized tribes.

○