
PROTEST AGAINST RAILROAD LAND-GRANTS IN INDIAN
TERRITORY.

MEMORIAL

OF THE

GENERAL INDIAN COUNCIL OF THE INDIAN TERRITORY,

ESTABLISHED

*Under the treaty of 1866, to the President and Congress of the United States,
praying for the repeal of certain land-grants to the Indian lands granted by
Congress to certain railroad companies in 1866.*

JANUARY 22, 1874.—Referred to the Committee on Indian Affairs and ordered to be
printed.

OKMULGEE, C. N., December 5, 1873.

To his Excellency the President and the Congress of the United States :

Pursuant to a resolution of the general council of the Indian Territory of the 3d instant, your memorialists, the confederated nations and tribes in council assembled at Okmulgee, would respectfully, but earnestly, call your attention to the following facts :

1st. That Congress has power to make all needful rules and regulations respecting the territory and other property of the United States. (See United States Constitution, art. 4, sec. 3.)

2d. That in May, A. D. 1830, the United States were owners of and in undisputed possession of the country now known as the Indian Territory.

3d. That on the 28th day of May, 1830, Congress authorized the President to make treaties with the various Indian nations east of the Mississippi River for an exchange of lands, giving for lands east of the Mississippi River lands situated west of said river and *outside of any organized State or Territory*, and to grant *patents* to said Indians for said lands.

4th. That by authority of said act of Congress of May 28, 1830, the exchange of lands was made, and *patents* were issued to the several Indian nations now residing upon them.

5th. That the Supreme Court, in the case of *Joy vs. Holden*, has decided that these *patents* are valid *fee-simple* titles.

6th. That after said lands were sold to the said Indian nations for a valuable consideration and *patents* issued for the same to said Indians,

the purchasers, acts were passed by Congress granting the same lands to aid in the construction of railroads, to wit, on the 25th, 26th, and 27th days of July, 1866, contingent upon the extinguishment of the said Indian titles.

Though the United States had *guaranteed* said titles *forever*, the corporations interested in the contingent land-grants have belabored Congress incessantly to take steps to break down the Indian nationalities, to which the titles of these lands were made, in order to reach the lands. The corporations claim that, as the titles are made to these nations, a destruction of their identity as organized political communities is all that is necessary to complete their (the corporations') own *inchoate* titles. If the faith of the United States should prove weak enough to give way before these attacks of these corporations, these lands would go into their hands without consideration to the Indians, and settlers would get no interest in them, save at railroad prices. Can a great enlightened and Christian nation afford to enact so great an injustice? We, your memorialists, in full view of these above-stated facts and the experience of all Indians who have lost their lands and their homes; of the pauperism, the degradation, and ruin to our people which must follow such a disaster, *appeal to your sense of honor as our only defense, and only hope in this extremity, to repeal all clauses in the acts of Congress above referred to, or any other acts making grants of lands situated in the Indian Territory to aid in the construction of railroads*, by passing House bill 1132, Forty-second Congress, second session, introduced into the House of Representatives by Hon. J. P. C. Shanks, or some bill of similar import.

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