

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

4-12-1842

John H. Kenzie – Indian reservations, to alienate (To accompany bill H.R. no. 349.)

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

Recommended Citation

H.R. Rep. No. 557, 27th Cong., 2nd Sess. (1842)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

JOHN H. KENZIE—INDIAN RESERVATIONS, TO ALIENATE.

[To accompany bill H. R. No. 349.]

APRIL 12, 1842.

Mr. JAMES COOPER, from the Committee on Indian Affairs, submitted the following

REPORT:

In pursuance of a resolution adopted by the House of Representatives, instructing the Committee on Indian Affairs "to inquire into the expediency of reporting a bill ceding to John H. Kenzie the reversionary interest of the United States in a certain tract of land, purchased by him from Claude Lafromboise, and which had been reserved to the said Claude by a treaty made between the United States and the Pottawatomie Indians of the Prairie, on the twentieth day of October, 1832," the committee make the following report, which will answer another resolution, and sundry cases of like character, which have been referred to them:

By treaties concluded between the United States and several Indian tribes, by which lands of the latter were ceded to the former, reservations have been made in favor of individual Indians and others. These reservations have been made for various reasons: sometimes in consequence of improvements made upon the lands by the Indian occupants, which they are unwilling to abandon; and sometimes lands have been reserved from cession by the Indians in favor of white men, who have lived amongst them as interpreters or workmen, whom they desired to compensate in this way for the services which they had rendered to the tribe.

In time, the reservees desire to sell the lands so reserved, and do frequently sell such interest in them as they possess. But the ultimate property in many of them belongs to the United States; and in such cases the purchasers of the reservees apply to Congress for private acts to vest in them the reversionary interest remaining in the United States. Private bills for this purpose have been passed from time to time for many years on the petition of the purchasers; nor has Congress, to the knowledge of the committee, ever refused to pass such bills, where the reservees, who sold the land, had such an estate in them as gave them a right to their perpetual use, though they did not possess the fee simple in the same.

Many reservations of the kind referred to have been made under treaties concluded with the Indian tribes; and a great number of these have been sold by the reservees. Sales of such reservations are becoming more numerous, and applications for private acts for the benefit of the purchasers are constantly increasing—so much so, that the consumption of

much of the time of Congress is threatened by their consideration. Some estimate of the probable consumption of time, and the expense likely to attend the consideration of these applications by Congress, may be formed from a knowledge of the fact that, under the various treaties with the Indian tribes, reservations have been made amounting to several millions of acres. Under the treaty with the Choctaws, concluded on the twenty-eighth day of September, 1830, alone, reservations have been made amounting to more than 1,500,000 acres; and most of these fall within the class for which Congress has been called on to legislate, and for which future legislation by it is sure to be invoked.

In these circumstances, the committee are of opinion that a general act will obviate the necessity of annual legislation for the benefit of individual purchasers, prevent the consumption of the time of Congress, and relieve the statute book from the burden of the numerous private acts with which it must be encumbered, if private legislation continue to be practiced, for the confirmation or completion of the titles of purchasers. Nor is it unworthy of consideration that, by the adoption of a general act, an important though unostentatious reform will be effected—a reform beneficial both to the Government and purchasers. By it the Government will be freed from the expense which would be occasioned by the consumption of the time of Congress in the consideration of private applications; and the purchasers will be relieved from the expense of completing their titles by a resort to legislation. No evil, it is believed, can result from it. A general act will furnish security to the United States, and afford the same protection to the reservee against fraud and imposition, which has been done heretofore by legislating upon each case as it has arisen, by providing that the sale and conveyance of such reservation by the reservee shall not be deemed valid until the same shall have been approved by the President of the United States.

In pursuance of these views the committee herewith report a bill.