

6-22-1846

American Indian Mission Association. (To accompany bill H.R. no. 490).

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

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 751, 29th Cong., 1st Sess. (1846)

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 darinfox@ou.edu.

AMERICAN INDIAN MISSION ASSOCIATION.

[To accompany bill H. R. No. 490.]

JUNE 22, 1846.

Mr. BENTON, from the Committee on Indian Affairs, made the following

REPORT :

The Committee on Indian Affairs, to whom was referred the memorial of "The Board of Managers of the American Mission Association," of the city of Louisville, in the State of Kentucky, report :

That the memorialists, having associated themselves for "the promotion of the spiritual and temporal interests of the aborigines of America," ask Congress to lend the aid of its power and means in furtherance of that object. They desire—

First. That "Congress will carry out the design which led to the settlement of the fourteen or sixteen tribes" of Indians west of the States of Missouri and Arkansas.

Secondly. "That appropriations for purposes of education among the tribes within the Indian territory may be increased;" and,

Thirdly. "That measures may be adopted preliminary to the establishment of another Indian territory west of the Rocky mountains."

The memorialists proceed to discuss the points here presented; but as their memorial has been printed by the order of the House, and laid on the tables of the members, the committee beg leave to refer to these general propositions merely, without attempting to recapitulate the representations or reasons of the memorialists in this report.

For the attainment of the object just mentioned, the committee understand that it is desirable that "the country between the Puncah and Red rivers, and southwest of the Missouri river, and west of the States of Missouri and Arkansas, to the distance of two or three hundred miles," "be set apart exclusively for the use of the Indians, excepting the amount necessary for military posts, roads, and public highways, and for the residences of such persons as may be allowed to reside in the Indian country by the laws regulating intercourse with the Indian tribes." Other matters are also specified; but it is understood that such provision of law as will preserve, if possible, the integrity of the Indian territory, and carry out the expressed designs of this government in removing the Indian race from the old States beyond the Mississippi river, will be entirely satisfactory to the memorialists, as well as to the tribes interested for the present.

That these designs may be clearly understood, the committee will embody in this an extract from the report of the Committee on Indian Affairs, made during the 1st session of the 23d Congress, which contains

Ritchie & Heiss, print.

references to the treaties with the remaining tribes, and other authentic papers, made previous to 1834. It is believed that all treaties made subsequent to that period are of the same import:

“The project for removing the eastern Indians west of the Mississippi may be referred for its origin to a proposition of a part of the Cherokee tribe in 1808, ‘to remove across the Mississippi river on some vacant lands of the United States,’ and there ‘to continue *the hunter life*,’ in consequence of which, in 1817, they exchanged their lands east for lands west of that river.

“The Choctaw treaty of 1820, made ‘to promote the civilization of the east Choctaw Indians by the establishment of schools among them, and to perpetuate them as a nation, by exchanging for a small part of their land a country beyond the Mississippi river, *where all who live by hunting, and will not work, may be collected together*,’ grants them a tract of land west of the river for that purpose. Neither of these cessions looked to the civilization of the Indians west of the Mississippi; and it is worthy of remark, that this emigration, for the purpose of continuing the *hunter life*, has, contrary to all thought or expectation, laid the foundation for Indian civilization; those who were thus sent off having far outstripped those they left behind in the arts of civilization and in the comforts of life.

“In 1825, the plan for the removal and civilization of the Indian tribes was officially pressed on the attention of Congress by the President’s (Mr. Monroe’s) message, and the report of the Secretary of War (Mr. Calhoun) of that year. The plan then proposed was ‘to acquire a sufficient tract of country west of the State of Missouri and Territory of Arkansas, in order to establish permanent settlements in that quarter of the tribes which were proposed to be removed.’ To give them ‘the strongest and most solemn assurances that the country given them should be theirs as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens.’ ‘To add to such assurances a system, by which the government, without destroying their independence, would gradually unite the several tribes under a simple but enlightened system of government and laws.’

“In 1826 the Committee on Indian Affairs reported a bill (S.) in accordance with the views of the Secretary of War, (Mr. Barbour.) This bill proposed to establish a territorial government, under the jurisdiction and laws of the United States; not an Indian government.

“This bill, however, was not acted on by the House, nor was there any act indicating the form of the government to be established, or the nature of the obligations that should be assumed by the United States, until 1828.

“The treaty with the Cherokees of the 6th of May, 1828, is the first act that restricted the power of the government, and imposed on it the obligations on which our present policy has grown up. The preamble recites, ‘Whereas, it being the anxious desire of the government of the United States to secure to the Cherokee nation of Indians, as well those now living in the Territory of Arkansas, as those of their friends and brothers who may reside in States east of the Mississippi, and who may wish to join their brothers in the west, a *permanent* home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever—a home that shall never in all future time be embarrassed by having around it the lines, or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of our existing territory.’

“By the second article ‘the United States agree to possess the Cherokees, and to guaranty it to them forever,’ (7,000,000 of acres, bounded, &c.); and, ‘in addition to the 7,000,000 of acres thus granted, the United States further guaranty to the Cherokee nation a perpetual outlet to the west, and a free and unmolested use of all the country lying west of the western boundary of the above described limits, and as far west as the sovereignty of the United States and their right of soil extend.’ By the sixth article ‘it is moreover agreed by the United States, whenever the Cherokees may desire it, to give them a set of plain laws suited to their condition.’

“The President (Jackson) in his message to Congress of the 8th of December, 1829, after recommending the removal of the Indians, proceeds to say, ‘As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guarantied to the Indian tribes as long as they shall occupy it; each tribe having a distinct control over the portion designed for its use. There they may be secured in governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.’

“In pursuance of this recommendation, the act of the 30th May, 1830, to provide ‘for an exchange of lands with the Indians residing in any of the States or Territories,’ and ‘for their removal west of the Mississippi,’ enacts ‘that, in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, their heirs or successors, the country so exchanged with them, and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always,* That such lands shall revert to the United States if the Indians become extinct, or abandon the same.’ ‘That it shall and may be lawful for the President to cause such tribe or nation to be protected at their new residence against all interruption and disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.’ ‘And that it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided,* That nothing in this act shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.’

“Since this act, several treaties have been concluded with emigrating tribes. The committee will only notice two of them in reference to our existing relations.

“By the Choctaw treaty of 27th September, 1830, it is stipulated that ‘the United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw nation a tract of country west of the Mississippi river, in fee simple, to them and

their descendants, to inure to them while they shall exist as a nation, and live on it, beginning,' &c. 'That the government and people of the United States are hereby obliged to secure to said Choctaw nation of red people the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw nation of red people, and their descendants, and that no part of the land granted them shall ever be embraced in any Territory or State; but the United States shall forever secure said Choctaw nation from and against all laws except such as from time to time may be enacted in their own national councils, not inconsistent with the constitution, treaties, and laws of the United States; and except such as may, and which have been enacted by Congress to the extent that Congress under the constitution is required to exercise a legislation over Indian affairs.' But the Choctaws 'express a wish that Congress may grant to the Choctaws the right of punishing, by their own laws, any white man who shall come into their nation, and infringe any of their national regulations.' And 'the United States are obliged to protect the Choctaws from domestic strife and foreign enemies, on the same principles that the citizens of the United States are protected,' &c.

"By the Cr ek treaty of the 24th March, 1832, it is stipulated that 'the Creek country west of the Mississippi shall be solemnly guaranteed to the Creek Indians; nor shall any State or Territory ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves, so far as may be compatible with the general jurisdiction which Congress may think proper to exercise over them. And the United States will also defend them from all unjust hostilities of other Indians, and will also, as soon as the boundaries of the Creek country west of the Mississippi are ascertained, cause a patent or grant to be executed to the Creek tribe, agreeably to the third section of the act of Congress of May 2d, 1830.'"

It is sufficiently evident to the committee, from a contemplation of our existing relations with the Indian tribes referred to, resulting from the rapid growth and progress of our population, that we have approximated the point when this government must decide whether existing guarantees of treaties with those tribes shall be maintained in the spirit which dictated them; whether those guarantees are sufficient for the avowed object of providing a home for the red man forever in the country assigned him; or, whether those treaties are to be set at naught, the experiment of civilization arrested, and the red race again be driven and dispersed into the wilderness. If those guarantees are sufficient, it is only necessary that they shall be faithfully observed to carry out the benign policy of President Jackson; and the executive government has no need of the interposition of Congress. It is not to be disguised, however, that a feeling of distrust and alarm is getting abroad on this subject among those who have long proved themselves the sincere and disinterested friends of the Indian, and of the policy adopted for the amelioration of his social condition.

The committee will neither assert nor deny that this feeling has any just foundation in the existing condition of our relations with the Indians. It is sufficient for their purpose that it exists, and that it paralyzes, and will, until removed, continue to paralyze the efforts of good men, having for their object the cultivation and elevation of the moral attributes of the aboriginal race.

From their position they are free to admit their strong sympathies for this race; that they would sacrifice much while there is yet a hope for its enfranchisement from the bondage of ignorance, superstition, and violence; in a word, they would ask for it a fair trial—a full experiment, which, though covered with doubt to-day, will not despair of a better day to-morrow. In the life of a race, years are but moments, centuries but years. To change the nomadic savage into an intellectual, reasoning, and social being; to cultivate and develop his moral sentiments; in short, to revolutionize his nature, is not the work of an hour. And with all the fearful admonition of past experience, that the red race withers under the vertical rays of the sun of civilization, we dare not yet acknowledge, much less declare, the judgment of its irretrievable doom. The colored races of Asia, the wandering Arab, and the nomadic tribes of the north of Europe, the Goth, Vandal, Scythian, Hun, and Saxon, have realized a high degree of civilization. And shall it be said that our American wanderer shall form an exception, while we have that rich promise of our religion “of peace and good-will to men,” through whose instrumentality all nations, kindreds, and tongues are to be blessed? We are not prepared, notwithstanding the foreboding of evil to the Indian, to shut him out from the brotherhood of humanity; but we are prepared to maintain that the experiment contemplated by the policy of removal and settlement beyond the Mississippi *has not failed*.

The present condition of the country assigned to the Indian tribes, in pursuance of that policy, will, we think, sustain the committee in this position. Are smiling farms, teeming with harvests and pastures covered with flocks and herds, and the church and the school-house, evidences of failure? Are the hunting path effaced by the ploughshare, the hum of industry, the aggregation of comfortable homes, and the exercises of religion, the preludes of desolation?

We need not pause to answer these questions. Although evidences of success such as these exist in the Indian country, yet we admit that the prospect is not entirely free from unsightly shoals and other impediments of successful progress, produced mainly by the corrupting system of annuities, and the demoralizing traffic of ardent spirits. There is no adequate reason, however, why we should declare by our act, or failure to act, to these people advancing from the gloom of savage life, that their struggle is a vain one, their redemption hopeless. Rather say to them, move on, with high hope; for God and humanity will that you shall not fail, if true to yourselves.

While the friends of these tribes are tortured with the apprehension that the red men must soon quit their present homes, that the policy of the government is to be abandoned, they will have little heart, little encouragement, to devote their time and means to efforts of amelioration. These efforts will cease. Contributions of money will fail, and thus deprive the experiment of the auxiliary aids of voluntary benevolence.

Impressed with such like convictions, the committee do not hesitate to express their opinion that the policy of this government, as indicated by treaties with the removing tribes, so far as relates to the integrity and inviolability of territory, ought not to be abandoned, and that the guarantees of a home by those treaties should be maintained in good faith.

The committee are not quite certain that they can offer an adequate remedy for the existing difficulty. With a view to that object, however,

they propose to define the exterior boundary of the territory west of the States of Arkansas and Missouri, now chiefly in the possession of the removing tribes, and for that purpose they introduce a bill.

Having said thus much upon the first point presented by the memorialists, the committee have proceeded quite as far in favorable response as they feel themselves warranted in going at present. They therefore ask to be discharged from the further consideration of the other matters referred to them in the memorial. Those matters can be left with great propriety to the consideration and judgment of the future, in full confidence that what shall from time to time be deemed expedient, necessary, and just in the premises, will receive the careful attention of this government.