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Letter from the Secretary of the Interior, in answer to a resolution of the House of the 28th instant, relative to the Cherokee neutral lands in Kansas

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CHEROKEE NEUTRAL LANDS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN ANSWER TO

*A resolution of the House of the 28th instant, relative to the Cherokee neutral lands in Kansas.*

JANUARY 30, 1868.—Referred to the Committee on Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 29, 1868.*

SIR: In reply to the House resolution of the 28th instant, I have the honor to transmit herewith a copy of a communication addressed by the department on the 7th instant to the House of Representatives, giving the required information in regard to the sale of the Cherokee neutral lands in Kansas.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

DEPARTMENT OF THE INTERIOR,  
*Washington, January 7, 1868.*

SIR: On the 12th ultimo this department received, and referred to the Commissioner of Indian Affairs, for immediate report, a resolution of the House of Representatives of the 11th December, 1867, in the following words, viz:

*Resolved,* That the Secretary of the Interior be directed to inform this House whether the title to all Indian lands in the State of Kansas has been extinguished, or what part thereof; when the same was so extinguished; who purchased said lands; at what price; whether the sale thereof was publicly advertised, or in what manner were they disposed of; also, if any were sold by contract, to furnish copies of the same.

I now transmit herewith a copy of the report of the Acting Commissioner of Indian Affairs on the subject, dated the 4th instant, and the papers therein referred to.

In respect to the sale of the Cherokee neutral lands, I deem it proper to remark that by the terms of the treaty it is optional with the Secretary of the Interior to sell them in separate tracts at not less than an average of \$1 25 per acre, or in a body at not less than \$1 per acre.

The provision of the treaty for the sale in separate tracts is, that after the lands shall have been surveyed they shall be appraised at an average of not less than \$1 25 per acre, exclusive of improvements, and after advertising for sealed bids shall be sold to the highest bidder for cash, in parcels not exceeding one hundred and sixty acres, and not less than the appraised value.

Another provision of the treaty authorizes the Secretary of the Interior to sell the whole of said lands, not occupied by actual settlers, in a body to any responsible party for cash, for a sum not less than \$1 per acre.

The sale in separate parcels on sealed bids is subject to the disadvantages of requiring years of time, and of leaving all the refuse lands in the hands of the Indians unsold. I did not doubt that an immediate sale, in a body, at \$1 per acre would be greatly more to the interest of the Indians than a tardy sale of the choice lands in separate tracts at the appraised value, with the inferior lands left undisposed of for years, and have consequently been desirous to find a purchaser who would take them all, good and bad together, at \$1 per acre.

With this view I suggested and urged, at the last session of Congress, that the United States should become the purchaser, at \$1 per acre, and issue bonds in payment thereof. Such a proposition was, I believe, submitted to Congress, but not accepted. After the adjournment of Congress I authorized an unofficial statement to be made in newspapers that proposals for the purchase of said lands in a body would be received at the department until the 1st of October.

Early in October Mr. James F. Joy, of Detroit, Michigan, proposed to take the lands in a body at \$1 per acre, and pay the cash for them.

No other offer was made. I accepted Mr. Joy's, and concluded a contract with him, from which all lands occupied by actual settlers at the date of the ratification of the treaty were excluded.

A copy of the contract is herewith furnished.

The money would have been paid by Mr. Joy and the lands conveyed at the time of the contract had the number of acres sold been known. But as all the lands occupied by actual settlers were excluded from the sale, it was necessary to ascertain the quantity thus occupied to determine how many acres remained to be paid for by Mr. Joy. Commissioners are now engaged in estimating and appraising the improved tracts. As soon as they shall have completed their labor and reported, the contract will be consummated by accepting the purchase money, and causing the land to be patented to the purchaser.

Very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. SCHUYLER COLFAX,

*Speaker of the House of Representatives.*