

2-1-1869

## Resolutions of the Legislature of Kansas, in favor of the passage of laws for the protection of bona fide settlers on the Cherokee neutral lands

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## RESOLUTIONS

OF

# THE LEGISLATURE OF KANSAS,

IN FAVOR OF

*The passage of laws for the protection of bona fide settlers on the Cherokee neutral lands.*

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FEBRUARY 1, 1869.—Ordered to lie on the table and be printed.

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Whereas by the recent supplemental treaty made between the Cherokee Indians and the government of the United States, ratified by the Senate June 10, A. D. 1868, the tract of land lying in the State of Kansas known as the Cherokee neutral lands was conveyed to one man, James F. Joy, of the city of Detroit, Michigan, without stipulations compelling him to construct any works of public improvements through said lands; and whereas the 20,000 bona fide settlers now living on this tract were led to believe by assurances from senators, representatives, the President of the United States, as well as by the establishment of post routes, post offices, courts of justice, and the organization of counties, that when the Indian title should be extinguished they would be permitted to purchase their claims at at least the minimum price of government land; and whereas by the provisions of the above said treaty no reservation is made of the 16th and 36th sections for school purposes, thus defrauding the State to the amount of 45,000 acres of land, and in clear violation of section 34 of the organic act by which this State was received into the Union; and whereas the Cherokee Indians obtained title to said lands by the treaty of A. D. 1835, New Echota, Georgia; and whereas the Senate alone ratified said treaty, and the power of Congress was never invoked or exercised in said sale and cession of said lands; and whereas the legal title to said lands did not pass to said Indians in the government of the United States by virtue of said treaty, the Constitution of the United States providing in section 3 of article 4 that "the Congress has power to dispose of and make all needful rules and regulations respecting the territories or other property belonging to the United States," but remain in the government, and should be held subject to the rights of the bona fide settlers under the homestead and pre-emption laws of Congress; and whereas the treaty of August, A. D. 1866, assumed to convey said lands to the United States in trust for the Cherokee Indians, and provides who shall be trustee of said tract on the part of the United States, when the power of creating said trustee belongs exclusively to Congress, and cannot be rightfully exercised by the treaty-making power: Therefore,

*Be it resolved by the house of representatives of the State of Kansas, (the senate concurring therein,) That we respectfully but earnestly request the*

Congress of the United States to pass such laws as may be necessary in the premises to fully secure the rights of the bona fide settlers upon the said Cherokee neutral lands under the homestead and pre-emption laws, and the rights of the State to the 16th and 36th sections for the support of common schools.

2d. That the representatives be requested, and our senators in Congress be instructed, to use their entire influence to secure the passage of the necessary legislation to secure the above object.

3d. That the secretary of state is hereby instructed to furnish a copy of these preambles and resolutions to the President of the Senate and Speaker of the House of Representatives of Congress, and to each of our senators and representatives from the State of Kansas.

Adopted by the house of representatives January 20, 1869.

HENRY C. OLNEY,  
*Chief Clerk House of Representatives.*

Concurred in by the senate January 22, 1869.

GEORGE C. CROWTHER,  
*Secretary of the Senate.*

I, Thomas Moonlight, secretary of state, do hereby certify that the foregoing is a true and correct copy of the original on file in this office.

In testimony whereof, I have subscribed my name and affixed the great seal of the State this 26th day of January, A. D. 1869.

[SEAL.]

THOMAS MOONLIGHT,  
*Secretary of State.*