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Letter from the Secretary of the Interior, relative to House bill 3090, entitled "A bill for the relief of the Alabama, Cooshatta, and Muscogee tribes of Indians in Texas".

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RELIEF OF CERTAIN INDIANS IN TEXAS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

House bill 3090, entitled "A bill for the relief of the Alabama, Cooshatta, and Muscogee tribes of Indians in Texas."

FEBRUARY 25, 1873.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 11, 1873.

SIR: I have the honor to transmit herewith copy of a letter addressed to this Department, dated the 10th instant, from the Acting Commissioner of Indian Affairs, relating to House bill No. 3090, entitled "A bill for the relief of the Alabama, Cooshatta, and Muscogee tribes of Indians in Texas."

This bill contemplates legislative action intended to effect the removal of said Indians from their present location to some place in what is termed the Indian Territory; and in reference to the propriety of such legislation, the opinion of the Indian Office and of this Department is desired.

It must be borne in mind that these Indians are at present upon a reservation embracing about twelve hundred acres of land, which, I am informed, they received from the State of Texas; and it would seem proper to remark that some provision should be made in the bill which would secure to them the value of this land.

In reference to the principal object and general scope of the bill, I beg to remark that I concur generally in the observations of the Acting Commissioner of Indian Affairs, in his communication before referred to. I desire to state, however, explicitly, that in my opinion, if an effort is made to remove these Indians, the first object should be to remove them to and consolidate them with the Creeks in the Indian Territory. But no power to do this should be conferred upon the Secretary of the Interior, unless it be executed with the joint consent of the Indians to be removed, and the Creek Indians, into whose territory it is proposed to take them.

Should it be impossible to obtain the consent necessary to effect this object, then I beg to suggest that it might be proper to endeavor to remove them on to a tract of land to be selected somewhere within the

Indian Territory, not embracing in quantity more than one hundred and sixty acres per capita.

I wish also to observe that it would be improper to attempt such removal, in my opinion, except upon the condition that the consent of the Indians to be removed could be voluntarily and properly obtained.

I have taken the liberty to have prepared, and send herewith, a draught of a bill intended to empower the Secretary of the Interior, if it becomes a law, to make the removal of the Indians upon either of the alternatives herein suggested.

I do not recommend the passage of this measure, nor do I urge upon Congress its consideration. What I desire to say is, that if anything is done it should be substantially what I have proposed in the draught herein submitted; and to such a measure I will simply say that this Department will interpose no objections.

Any measure of the kind suggested should be accompanied with an appropriation of not less than \$50,000, for the purpose of enabling the Secretary of the Interior to carry it into effect.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. JAMES G. BLAINE,
Speaker of House of Representatives, Washington, D. C.

A BILL for the relief of the Alabama, Cooshatta, and Muscogee Indians in Texas and Louisiana.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be removed, with their consent, from Louisiana and Texas, the Indians in said States, known as the Alabama, Cooshatta, and Muscogee Indians, to the Creek country in the Indian Territory, and to have them settled and incorporated as members of the Creek tribe of Indians: Provided, That this shall be done with the consent of said tribe; and if the said Creek tribe shall fail to consent to such removal, settlement, and incorporation, then and in that case the Secretary of the Interior is authorized to remove and settle said Indians in some other part of the Indian Territory upon a reservation to be selected by him for that purpose, not to exceed in quantity one hundred and sixty acres for each person; and the sum of fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of removing said Indians and locating them in the Indian Territory; for providing them with necessary farming implements and provisions, and for such objects as the Secretary of the Interior may deem proper and advisable to advance said Indians in the arts and customs of civilization: Provided, however, That no removal under the last proposition herein shall be attempted until the free consent of said Indians shall have been obtained for such purpose.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 10, 1873.

SIR: I have the honor to acknowledge the receipt by reference from you of a communication addressed to the Department under date of the 5th instant by the Hon. W. S. Herndon of the House of Representatives, in closing a copy of House bill No. 3090, entitled "A bill for the relief of the Alabama, Cooshatta, and Muscogee tribes of Indians in Texas," in regard to which Mr. Herndon presents several interrogatories, and to which reply is made as follows:

1st. All the information this office has in regard to these Indians, except that contained in the communication of Mr. Herndon, is embraced

in a communication from Samuel M. Whiteside, captain Sixth Cavalry, United States Army, dated February 6, 1870, which will be found on pages 326, 327, and 328 of the report of the Commissioner of Indian Affairs of 1870. Judging from the statements, it does not appear that these Indians are in a condition to be properly recognized as citizens, and subject to taxation and entitled to franchise; and it would probably be better for them and the community at large in which they are if they were removed to the Indian Territory and cared for like other Indians.

2d. There would be no objection on the part of this office to their removal to the Indian Territory and their consolidation with the Creeks there; but it would not be proper to do this without the consent of the Creeks now resident in said Territory.

3d. I am not aware that the Creek Indians in the Indian Territory have ever consented to the removal of these scattering Indians to their country, and for their uniting with them and enjoying the same privileges that the Creeks do.

4th. As stated before, I think, in view of existing laws and treaty stipulations, it would not be proper to remove the Indians in question to the Creek country without first obtaining the consent of the Creek Nation or tribe. Should provision be made by Congress for the removal of these Indians in Texas and Louisiana to the Creek country, steps will be taken by this office to ascertain the views of the nation or tribe in regard to the matter, and in case the tribe decline to receive them upon equal terms, &c., they could be removed to some other part of the Territory and settled upon lands which have been ceded to the United States for the purpose of locating friendly Indians thereon. If this course is adopted I would respectfully suggest, in view of the number of Indians to be removed and cared for, that an appropriation of at least \$50,000 be made, in order that there may be a sufficient amount for the purpose.

The papers are respectfully returned herewith.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.