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Oklahoma Lands in Indian Territory

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IN THE SENATE OF THE UNITED STATES.

JANUARY 22, 1884.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, submitted the following

REPORT:

The Committee on Indian Affairs, to whom were referred petitions to Congress, numerously signed, praying that the "Oklahoma lands" in the Indian Territory be opened for settlement, have considered the subject, and report thereon as follows:

The country known as "Oklahoma" covers a portion of the lands ceded to the United States, by the treaties of 1866, with the Creek and Seminole Nations of Indians, respectively; the unassigned portion of which extends from the Canadian River on the south to the Cimarron River on the north, and from the country of the Cheyennes and Arapahoes on the west to the country occupied by the Iowas, Kickapoos, and Pottawatomies on the east.

The third article of the treaty of 1866 with the Creeks (14 Stat., 786), provides that—

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south * * *

The third article of the treaty of 1866 with the Seminoles (14 Stat., 756) provides that—

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their * * *

These respective articles not only show the object and purpose of the cession, but they fix the status of the land and explicitly define the purpose for which ceded and the manner of its disposition.

In a letter to the Commissioner of Indian Affairs, dated April 25, 1879, the Secretary of the Interior says:

By the intercourse act of June 30, 1834, this tract of territory, with others, was declared Indian country, and for its government the basis was enacted of the present intercourse laws as embodied in the Revised Statutes, sections 2111 to 2157. Since that period, although the boundary of the Indian country has been varied under the operation of numerous laws, the whole Indian Territory has been regarded as Indian country, subject to no State or Territorial laws, and excepted from judicial process except under special enactments providing for a limited and restricted jurisdiction, for the purposes of which it has been, by section 533, Revised Statutes, attached to the western district of Arkansas.

None of the land or general laws of the United States have been extended to any part of the Indian Territory, except as to crimes and punishments, and other provisions regulating the intercourse acts.

This being the condition of things, it is clear that no authorized settlement could be made by any person in the Territory, except under the provisions of the intercourse laws, such persons having first obtained the permission provided for in those statutes.

It may be further stated that no part of said Territory remains free from appropriation, either to a direct trust assumed by treaty, or by reservations thereon under Executive order, except that portion still claimed by the State of Texas, lying between the Red River and the North Fork of the same.

It will be seen by this letter from the Secretary of the Interior that the present legal status of the "Oklahoma lands" is that they are reserved by treaty stipulation for the purpose of settling Indians and freedmen thereon. The fact that no other disposition of them can be made except in violation of treaty stipulations is, in the opinion of your committee, a sufficient objection to granting the prayer of the petitioners.

It may be proper in this connection to state that the "freedmen" referred to in the several treaties of 1866 are held by the Interior Department to be such persons of African descent as were formerly held as slaves by the several tribes or nations in the Indian Territory.

Your committee recommend that the prayer of the petitioners be not granted, and the committee ask to be discharged from the further consideration of the petitions.

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