

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

7-14-1892

Eastern Band of Cherokee Indians

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



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

Recommended Citation

H.R. Rep. No. 1871, 52nd Cong., 1st Sess. (1892)

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 Law-LibraryDigitalCommons@ou.edu.

EASTERN BAND OF CHEROKEE INDIANS.

JULY 14, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TURPIN, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany H. R. 9482.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9482) for the relief of the Eastern Band of Cherokee Indians, have considered the same and make the following report:

The Eastern Band of Cherokee Indians, located in North Carolina, maintain their tribal government, having a constitution and by-laws and owning lands as tenants in common, which is subject to taxation by the State, and having no provisions for levying a tax upon the private property of individuals of the tribe for paying levies on the land held in common the said lands have been sold to satisfy accrued taxes, which divests the Indians of title to the same, and, for the purpose of redeeming the lands and providing for future taxes as they may accrue, the Secretary of the Interior and the Commissioner of Indian Affairs approve this bill, and its passage is respectfully recommended.

The following letters fully set forth the merits of the bill, which are submitted as a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, July 7, 1892.

SIR: I have the honor to transmit here with copy of a communication of 6th instant from the Commissioner of Indian Affairs and accompanying draft of a bill for the relief of the Eastern Band of Cherokee Indians in North Carolina.

This bill authorizes the Secretary of the Interior to use so much of the fund to the credit of these Indians on the books of the Treasury as may be necessary for the payment annually of taxes upon such of their lands as are held in common, and also for the payment of the taxes that have already accrued and are now due on said lands.

The necessity for this legislation is shown by the letter of the Commissioner and the matter is presented with request for the early and favorable consideration of Congress.

I have the honor to be, very respectfully,

JOHN W. NOBLE,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, July 6, 1892.

SIR: On the 16th of December, 1891, this office submitted a report upon the application of the Eastern band of Cherokee Indians, through their council, for the author-

ity of the President granting them permission to sell certain tracts of timber, on what is known as the Cathcart tract or survey, which authority was duly given by the President on the conditions stated in said report. Instructions were issued and sent to Agent Blythe February 16, 1892, informing him of the granting of said authority and of the conditions stipulated, and directing him and the other members of the committee, duly appointed by said council, to advertise the timber for sale and to invite proposals.

A form of bond and of contract to be executed by the successful bidder was prepared by this office, as well as form of advertisement, in conformity to the stipulations aforesaid and with the sanction of the Indians or their representatives, and submitted to the Department May 5, 1892, which were approved May 6, 1892.

The timber was duly advertised in the *Manufacturers' Record*, in Baltimore; the *Northwestern Lumberman*, in Chicago; and the *Waynesville Courier*, in Waynesville, N. C.

I am informed by Mr. George H. Smathers, under date of June 27, 1892, that at the time fixed for opening bids, June 23, 1892, there had not been received by Mr. Blythe, the then agent for these Indians, a single bid for the timber. On the 1st of July, 1892, Hon. H. G. Ewart reported the fact that no bids were offered for the timber, and ascribes as the only reason there were no bids the many restrictions placed on the purchasers, and suggested another method by which funds could be raised to pay the taxes and other indebtedness of the North Carolina Cherokees by permitting them to sell a limited quantity of their timber.

As the lands of these Indians have been sold for the payment of the taxes due thereon, and the time within which they may be redeemed has either expired or will expire very soon, and the Indian title therein to that extent jeopardized, I respectfully suggest and recommend that Congress be requested to authorize the use of the fund of the Eastern band of Cherokee Indians for the payment of accrued and future taxes upon the lands of said Indians, which are held in common, as well as for the purchase of agricultural implements and for educational purposes, as provided in the act of August 15, 1876 (19 Stats., 197).

These Indians have no other source of revenue from which such taxes can be paid other than this fund or the sale of their timber.

The late action taken shows that the Indians are unable to sell their timber under the authority granted by the President, and it being imperative that some means must be devised whereby the Indians may redeem their lands, the only alternative seems to lie in legislation by Congress authorizing the use of their funds for this purpose. And as it is a matter of annual occurrence, the act should apply to future taxes.

I am informally advised by Hon. Mr. Crawford, of North Carolina, in a personal interview with him to-day, that if the suggestions and recommendations herein made are approved by you, and the draft of a bill is submitted to Congress at once, that he will give it his personal attention and see that the necessary legislation is had by Congress to give the relief asked.

I therefore submit herewith the draft of a bill for the purpose, with the request that, if it meet your approval, it be referred to the Committees on Indian Affairs for appropriate action.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

THE SECRETARY OF THE INTERIOR.