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MEMORIAL

OF

LEWIS DOWNING,

PRINCIPAL CHIEF OF THE CHEROKEE NATION,

REMONSTRATING

Against the settling of various Indian tribes on the Cherokee domain west of the 96th degree of west longitude.

MARCH 23, 1869.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the honorable the Senate of the United States :

The undersigned, principal chief of the Cherokee nation, would respectfully ask leave to call the attention of your honorable body to the fact that since 1866, as he is reliably informed, treaties have been made with various tribes of Indians, with the view of settling them on the Cherokee domain west of the 96th degree of west longitude. These treaties have been made in plain violation of the Cherokee treaty of 1866, in this, that the Cherokees, so far from having contracted with said Indian tribes for the sale of those lands, were not even consulted as to the price at which the United States has undertaken to dispose of them. In reference to these infringements upon our rights, the Cherokees, prompted by a desire to cultivate harmonious relations with their red brethren as well as with the United States, have preserved a silence and resignation characteristic of a comparatively helpless people who have reposed unbounded confidence in the integrity and good faith of the government.

The country west of the 96th degree thus proposed to be taken away from us without adequate compensation, and turned over to other Indians, has been guaranteed to us by the most sacred and solemn pledges of the United States.

The tragical history of our people cannot fail to awaken a deep interest in every American who is animated by a sincere love of liberty and of country; nor can any true American fail to appreciate the munificence of the Cherokee people, when he calls to mind the fact that the vast territory comprising the States of Maryland, Virginia, Georgia, Kentucky, North and South Carolina, Tennessee, and a part of Alabama, were once our hunting grounds. For our lands east of the Mississippi river, worth to-day, perhaps, \$200,000,000, the United States gave us about \$2,000,000, and the lands we now occupy, including the outlet west, with the sacred promise, as before stated, that we should never be disturbed in our possession of them, without our consent, while "grass grows and water runs;" and 30 odd years ago the Cherokees were removed thither,

many of them in chains and at the point of the bayonet, and placed in such possession. Notwithstanding the promises of the United States, the Cherokees with sorrowful hearts have seen their lands wrested from them, from time to time, by the strong arm of power, in disregard of law, humanity, or justice. When Kansas was organized into a State, she took from the Cherokees their "neutral lands," estimated at 800,000 acres, and also a strip of land off of our northern border, estimated at 750,000 acres; and now the United States, our guardian and protector, proposes in addition, as we learn with inexpressible pain and grief, to dispose of all our country west of the 96th degree, without our consent, and without adequate compensation, for the purpose of settling other Indians thereon. We feel this treatment the more keenly, because it has been our pride and our boast that we were under the protecting wing of your great and powerful government, whose illustrious example we have endeavored to emulate in its march of civilization, refinement, and religion. Your government asked us to become civilized, and we became so. We have adopted your form of government. We have embraced your religion. We have done everything within our power that you have asked us to do. We have watched and cherished your interests with faithful and devoted hearts. Years ago in your wars with the hostile Creeks and Seminoles we poured out our blood for your government as a child would for its parent. And in the war to suppress the late rebellion almost one-half of our people have been sacrificed upon the altar of your country. Our land is filled with helpless widows and orphans, and our country and our people, war-ridden, poverty-stricken, and stripped even to nakedness, present such evidences of devotion to your government as defy a parallel in history. Yet, notwithstanding our sacrifices and our devotion to your government, and notwithstanding the strong tenure by which we are entitled to hold our lands, (a tenure far better fortified by law than that of any other Indians on the continent,) it would seem by the tardy action of the government toward us that we are doomed to be worse treated than any other Indian tribes, however small and insignificant they may be. Your government treated and paid for the western country of the Choctaws, Chickasaws, Creeks, and Seminoles in 1866. It has treated with all the wild and warlike tribes of the western plains and mountains; and now, will it deal so unjustly and cruelly with the Cherokees, the friends of the United States in war and in peace, as to take away their lands and refuse to treat with them, so that they may be paid for them? We trust not. We shall hope for better things. We are not willing to believe that a government, whose military fame eclipses that of any nation of the globe, would stoop so low as to rob a poor Indian of his legal and moral rights.

Taking this view of our relations with your government, I would respectfully invite your attention to our pending treaty, transmitted by the executive department to your honorable body for ratification in the early part of last summer. This treaty is a necessity to the United States, since provision is therein made that the lands west of 96°, designed for the occupancy of other Indians, shall be paid for; which payment, according to treaties with the Cherokees, is a condition precedent of such occupancy.

In this connection I respectfully beg leave to state that should the government refuse to pay the Cherokees for these lands, and attempt to settle other Indians on them in disregard of the remonstrances of the Cherokees, much trouble between the Cherokees and such Indians will surely follow and possibly lead to dire results. As early as last October my attention was called to the fact that difficulties were imminent between

Indians who claimed a home on our western country and the Cherokees. These difficulties were rapidly assuming a warlike aspect when, in December last, I despatched a delegation to the scene of disturbance to restore and preserve peace until such time as the Cherokees might be able to make some satisfactory arrangement with the government whereby their western country could be occupied by those Indians legitimately and peaceably.

I would beg leave to assure the government, through your honorable body, of the earnest desire of the Cherokee people to carry out all the provisions of their treaties in the utmost good faith, and that I, as their chief, will spare no pains and lose no occasion to preserve and strengthen the happy relations now existing between the Cherokees and the government of the United States; but I deem it my duty to state, most respectfully, that I fear it will be beyond my power to restrain the Cherokees from resisting all encroachments from other Indians.

Respectfully submitted.

LEWIS DOWNING,
Principal Chief of the Cherokee Nation.

WASHINGTON CITY, March 22, 1869.