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PAPERS

RELATIVE TO

THE CONFEDERACY OF INDIAN TRIBES

Introduced by Mr. Shanks.

JANUARY 24, 1871.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

BOARD OF INDIAN COMMISSIONERS,

Washington, January 17, 1871.

DEAR SIR: In accordance with the instruction of the Board of Indian Commissioners, I have the honor to transmit to you the accompanying resolution on the subject of the Indian Territory and Confederacy.

Hoping that the subject-matter of the resolution may meet with your approval, and that of the President of the United States.

I am, very respectfully, your obedient servant,

FELIX R. BRUNOT, Chairman.

Hon. COLUMBUS DELANO,
Secretary of the Interior.

Resolved, That this Board respectfully and earnestly solicit the President of the United States to recommend to Congress such legislation as may be deemed necessary to encourage and secure permanency to the government organized by the Indians in the Indian Territory for the benefit of themselves and their race, and also such legislation as may be deemed necessary for the absolute protection of the Indian Territory, both east and west of the 96th parallel of west longitude, from settlement by the whites, in order that it may be preserved permanently for the location of such other tribes of Indians as may, from time to time, be induced to settle thereon. And that a copy of this resolution be forwarded by the chairman, through the Secretary of the Interior, to the President of the United States.

I hereby certify that the above is a true copy of the resolution as copied from the minutes of the Board of Indian Commissioners, of this date, January 16, 1871.

VINCENT COLYER, Secretary.
The Ocmulgee council—Report of the commissioners—The President's policy—Advancement in civilization.

Hon. Felix R. Brunot, Chairman Board of Indian Commissioners:

Your committee, consisting of Robert Campbell, John D. Lang, and John V. Farwell, appointed to attend the grand council of the tribes in the Indian Territory, held under provisions of acts of Congress, beg leave to report that they met the said council at Ocmulgee after it had been in session several days. Delegates were in attendance from the following nations and tribes: Cherokees, Muskakees or Creeks, Choctaws, Chickasaws, Seminoles, Ottawas, Eastern Shawnees, Quapaws, Senecas, Wyandottes, Confederates, Peorias, Sacs and Foxes, Great and Little Osages, and absentee Shawnees.

We found that the committee on the permanent organization of the Territory into an Indian government, subject to the several treaties of the United States with the different tribes, had made a unanimous report in favor of the measure.

It was our pleasure to listen to the discussions upon the report, which were conducted with dignity and ability, after which the report was adopted by a vote of 48 to 5.

Your committee were impressed with the great importance of this council as bearing upon the execution of the humane policy of the Administration, uniting, as it does, the several civilized tribes to cooperate as a unit with the Government to effect the permanent settlement of the wild tribes, as well as for their own mutual advancement, and knowing the tenacity with which the Indians hold to their tribal relations and treaty stipulations, they were fearful that the objects of the council might not be attained without special effort on their part and by the superintendent and other true friends of the Indians. Your committee, therefore, cannot but express their belief that the hand of Providence has opened the eyes of these tribes to see this opportunity just at the time when the Government and the public sentiment of the country are especially enlisted in their behalf, and that the meeting of this council is but the beginning of an epoch in the history of the red man.

After the adoption of the report alluded to, an able committee of twelve was appointed to draft a constitution to conform to the treaties under which this council was called, the members of which are very much in earnest in the matter.

In our visits to the various tribes of Indians the present season, we are happy to say that we have witnessed much to encourage us in the belief that the present policy of the President and Congress in behalf of the Indians of the United States is showing evidence of success. It inspires courage and confidence in the Indian, and we trust will give still greater encouragement as time rolls on, by the continued fostering care of Congress and the faithful performance of the duties devolving upon its agents.

We were gratified and deeply interested in a visit to the legislature of the Cherokee Nation, convened at Tahlequah, consisting of a senate and lower house, a governor, or chief, and council. We were kindly received in a joint session of both houses, and witnessed a display of talents, ability, intelligence, and dignity in the management of business becoming any legislative body of white men. At Ocmulgee we attended the sittings of the general council, and were equally impressed with the dignity and intelligence manifested by the delegates in attendance from the various tribes. Your committee in their visit also witnessed fresh
evidences of the improving condition and advancement toward a general civilization of the Indian race under the new peace policy of Congress.

On the various important subjects claiming the attention of the council, grave deliberation, good order, cordial expressions of sense and duty, with a high tone of intelligence, prevailed.

The general interest manifested for the education of their children is very encouraging. Although they have numerous schools in operation, still we learned they were desirous of increasing the number, and needed more in order to extend to all equal advantages in this respect.

The country of the Indians is of superior quality, with an abundant supply of timber and excellent land, and is capable of sustaining a large number of the Indians now in the United States. Comparatively a small portion of the lands in the territory is at present improved, and there is a great deficiency in the roads, and a lack of facilities for reaching market, and a neglect of general internal improvements.

Your committee are particularly pleased with the exertions made by the civilized tribes for the purpose of inducing the wild tribes of the plains to come in and adopt the habits of those who have preceded them in civilization. The project of inducing these wild tribes to come under the care of the civilized tribes, through the instrumentality of the latter in connection with white people, looks already very encouraging, and your committee cannot but hope that special attention will be directed to this subject. Its success will tend greatly to solve the Indian problem and put an end to future Indian troubles on our extreme borders. In our intercourse with the assemblies we endeavored to explain the earnest wish of our Government to unite and encourage Indians in their efforts to congregate and adopt all the usages of civilization.

In all our meetings we found kindly and courteous responses to our suggestions, and we trust that before many years elapse there will be a large aggregation of the wilder tribes in the ample territory now specially occupied by Cherokees, Choctaws, Chickasaws, Creeks, and other Indians who have abandoned nomadic life and are now happy and prosperous.

In conclusion, your committee express their belief that frequent visits to the Indians and their councils by persons in authority will continue to meet with happy results, as tending to renew a general confidence in this special friendly movement of the Government and to secure the cooperation of the friends of the Indians.

ROBERT CAMPBELL, Chairman,
JNO. V. FARWELL, Chicago,
JOHN D. LANG, Maine,
Committee of board to visit Ocmulgee Council.

St. Louis, December 23, 1870.

Declaration of rights.

That the general great and essential principles of liberty and free government may be recognized and established, we declare:

SECTION 1. That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and they shall have at all times the inalienable right to alter, reform, or abolish their form of government, as may be lawfully provided for.

Sec. 2. The free exercise of religious worship and serving God, without distinction of color, shall forever be enjoyed within the limits of this
territory, provided that the liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace, safety, and good morals of this territory.

SEC. 3. No religious test shall ever be required as a qualification to any office of public trust in this territory.

SEC. 4. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of this privilege, and no law shall ever be passed curtailing the liberty of speech or of the press.

SEC. 5. The people shall be secured in their persons, houses, papers, and possessions from all unreasonable searches, seizures, and intrusions, and no warrant to search any place, or to seize any person or thing, shall be issued without describing them as near as may be, nor without good cause, supported by oath or affirmation.

SEC. 6. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury; of demanding the nature and cause of the accusation; of having the witnesses to testify in his presence, of having compulsory process to procure witnesses in his favor; of having the right to be heard by himself and counsel; of not being compelled to testify against himself, nor to be held to answer to any criminal charge but on information or indictment by a grand jury.

SEC. 7. All prisoners shall be bailable, before conviction, by sufficient surety, except for a capital offense, where the proof is evident or the presumption great.

SEC. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted; and all courts shall be open, and every person, for an injury done him in his person, reputation, or property, shall have remedy as the law directs.

SEC. 9. No person for the same offense shall be twice put in jeopardy of life or limb, and the right of trial by jury shall remain inviolate.

SEC. 10. No person shall be imprisoned for debt.

SEC. 11. The citizens shall have the right, in a peaceable manner, to assemble for their common good, to instruct their representatives, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance.

SEC. 12. The privilege of the writ of habeas corpus shall not be suspended, unless the public safety should require it.

SEC. 13. No conviction for any offense shall work corruption of blood, nor shall the general assembly have power to pass any bill of attainder, retrospective law, or law impairing the obligation of contracts.

SEC. 14. All powers not herein expressly granted by the nations parties to this constitution, are reserved by them respectively, according to the provisions of their several treaties with the United States.

AGRICULTURAL REPORT.

The committee to whom the duty was assigned of reporting upon the agricultural interests and resources of the Indian Territory, regret to say that they have no data upon which to estimate, even approximately, the quantity of land in cultivation within the limits of the Territory.

The Creeks, Cherokees, Choctaws, Chickasaws, Seminoles, Shawnees, Senecas, Quapaws, and Ottawas are an agricultural people, and rely upon the cultivation of the soil and the raising of stock for a livelihood, and the Osages, Sacs, and Foxes, and other tribes are making commendable progress in that direction. The extent of their farms varies
from a few acres to two or three hundred, and in one instance in the Chickasaw Nation, in the fertile valley of the Washita, to more than two thousand acres. While there are many farms sufficiently large, the majority of them might be increased with great advantage. The interest in this respect is growing, and since the close of the war to the present time there is a marked progress in the general improvement of the buildings and farms among the Indian people.

In these respects there is wide room for advancement, and this we confidently expect to witness whenever the constant agitations in Congress and elsewhere, which so much disturb the security of the people and discourage all their efforts for improvement, shall cease. But notwithstanding all adverse influences, the condition of the people is not stationary but progressive. The idea which obtains to a considerable extent, in even otherwise well-informed circles remote from the homes of the Indians, that they live by hunting, fishing, and trapping, is entirely erroneous, so far as applied to the nations and tribes enumerated above. They are settled and not nomadic in their habits, and rely upon the cultivation of the soil for their subsistence. Their advancement is not all that we could desire, but is an earnest of better things in the future, and shows a susceptibility for further improvement, and, with proper efforts, the native ability to reach a genuine civilization. A large area of the inhabited portion of the Indian Territory is well adapted to the use of improved agricultural implements. Their introduction as yet is limited, but perhaps equal to what should be expected, when it is borne in mind how much men are apt to do as their fathers did before them as their neighbors do around them, and as the limited means at their disposal allow. Reapers, mowers, and thrashers, of different patents, are seen in some places, while improved plows for turning prairie land and working crops are found in large numbers. We would desire to impress the people of the Territory engaged in agriculture with the importance of giving more attention to this subject than is now done. Good implements, well and timely used, lighten the burdens of labor, impart a real pleasure to employment, and largely increase results. They relieve both man and beast, and directly increase the value of time by increasing its results. The crops which can be profitably grown in the soil and climate of the Territory are very nearly all those adapted to a rich soil and temperate latitude. Corn is the staple crop, and, even under our somewhat defective plan of culture, yields upon an average from thirty to sixty bushels per acre. In favorable seasons it does well in all portions of the Territory. Wheat is not so generally grown as it should be, chiefly, we apprehend, because of the scarcity of mills for the manufacture of flour. The Cherokees, perhaps, grow more than any nation in the Territory. The average yield is about fifteen bushels. It has been known to yield as high as forty-two. But few farmers there, however, prepare the soil and seed it down with the care that the crop demands.

South of the Canadian and on the Arkansas and Red Rivers, and the upland intervening, cotton was formerly extensively cultivated, and was the most valuable crop of that region. We hope yet to see it again whitening large and well-tilled fields, and bringing in wealth and treasure to our brothers of the Choctaw and Chickasaw Nations. The Chickasaw crop this year is estimated at five thousand bales.

Of the grasses we need not say but a word; our prairies furnish all that is now to be had, and all that seems to be cared for. Clover and timothy do well, and would even now repay their cultivation. Blue-grass also succeeds well, and will be as much at home in some portions of the Territory as in Kentucky. Rye and oats do well all over the Territory as far
as your committee are advised. Beans, beets, pumpkins, upland rice, turnips, cabbage, onions, and nearly all garden vegetables, in suitable soil and with reasonable culture, grow to perfection.

In horticulture, with some exceptions, we are lamentably behind the times. So far as tested, no finer apples are grown in the United States than some we have seen from orchards in the Indian Territory north of the Canadian and Arkansas Rivers. Peaches, pears, plums, and cherries succeed, while the smaller fruits, such as strawberries, raspberries, blackberries, and grapes are to the "manor born."

Your committee would be much gratified to be the means of awakening a general interest upon the subject of stirring up the people more generally to the cultivation of the more desirable kinds of fruit. There is pleasure in the pursuit, and health and profit in the results of horticulture.

As regards the domestic animals of the Territory, we need scarcely remark that stock-raising must furnish occupation for a large number of our people. It is adapted to their habits and to our climate, and will be the source of the largest profit to those who embark in it. The number of domestic animals, and the quality of their breeds, have been sadly reduced and deteriorated by the war. Large and magnificent herds of cattle have entirely disappeared from our prairies, and the accumulations of forty years vanished into nothingness. But the grass still grows and the water runs, inviting and urging our people to untiring efforts to renew their herds of cattle, horses, and hogs, and flocks of sheep and goats. Money, food, and raiment stimulate them to start again in pastoral life, and to get the best improved breeds of all kinds of stock that may be within their means.

In conclusion, your committee beg leave to say, that as agriculture and its kindred branches, horticulture and stock-raising should and must constitute the chief pursuit of the great majority of our people, every means in our power should be adopted to foster and encourage them. Even now they have every inducement to increased care and exertion in those directions. Markets are now brought to our very doors, or soon will be, by the extension of railroads, the increase of travel through the Territory, and the teeming population that moves with resistless activity around our borders. Everything that we can produce beyond our own consumption is, and will continue to be, in demand. The country which we possess, the homes we occupy, are our own and the heritage of our children, by every right known and respected of men. Let us diligently improve and use them, remembering our own responsibility in the premises, and the duty we owe to those who may come after us. Even the log-cabin is more stable than the lodge set up of poles and covered with straw and buffalo hides. The people who have homes and cultivated fields and orchards are more secure from intrusion and aggression than those who have no fixed residence or abiding place. Here is our only home, and in it we must thrive and increase, or dwindle and perish. Either result is largely within our control. As we choose to have it, so it will be.

Respectfully submitted:

Chairman.