
RIGHTS OF CERTAIN WHITE PERSONS WHO INTERMARRIED WITH CHEROKEE CITIZENS, ETC.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

RELATIVE

TO THE RIGHTS AND PRIVILEGES OF CERTAIN WHITE PERSONS WHO INTERMARRIED WITH CHEROKEE CITIZENS AND HAVE MADE PERMANENT AND VALUABLE IMPROVEMENTS ON LANDS BELONGING TO THE CHEROKEE NATION.

FEBRUARY 11, 1907.—Read; referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

The Supreme Court of the United States, in its decision of November 5, 1906, in the case of Daniel Red Bird, the Cherokee Nation, et al. v. the United States, held that "the rights and privileges of those white citizens who intermarried with Cherokee citizens subsequent to the 1st day of November, 1875, do not extend to the right of soil or interest in any of the vested funds of the Cherokee Nation, and such intermarried persons are not entitled to share in the allotment of the lands or in the distribution of any of the funds belonging to said nation, and are not entitled to be enrolled for such purpose; that those white persons who intermarried with Delaware or Shawnee citizens of the Cherokee Nation either prior or subsequent to November 1, 1875, and those who intermarried with Cherokees by blood and subsequently, being left a widow or widower by the death of the Cherokee wife or husband, intermarried with persons not of Cherokee blood, and those white men who having married Cherokee women and subsequently abandoned their Cherokee wives have no part or share in the Cherokee property and are not entitled to participate in the allotment of the lands or in the distribution of the funds of the Cherokee Nation or people and are not entitled to be enrolled for such purpose."

2 WHITE PERSONS INTERMARRIED WITH CHEROKEE CITIZENS.

I invite your attention to the urgent necessity for legislation for the relief of intermarried citizens of the Cherokee Nation adversely affected by such decision, many of whom have made permanent and valuable improvements upon lands of the nation, where they have resided for many years undisturbed in their possession under the belief that they were entitled to the same rights in the lands as native-born citizens of such nation.

In the decision of the court it was stated that as to the improvements made by these intermarried citizens "they seem to have been treated as those of a tenant who had made them under an agreement that they should remain his."

As the lands of the nation are being allotted, under the act of June 28, 1898 (30 Stat., 495), and subsequent legislation, to the other members of the tribes, these intermarried citizens will lose their improvements unless remedial legislation is had. In order to avoid serious hardship to very many of these intermarried citizens they should be given a definite time within which to dispose of their improvements to citizens of the nation entitled to enrollment. I therefore earnestly recommend the passage of an act substantially as follows:

"That for sixty-days after the approval of this act white persons who intermarried with Cherokee citizens prior to July 1, 1902, and made permanent and valuable improvements on lands belonging to the Cherokee Nation, prior to the decision of the Supreme Court of the United States in the case of Daniel Red Bird, the Cherokee Nation, et al. v. the United States (203 U. S., 76), shall have the right to sell such improvements to citizens of the Cherokee Nation entitled to select allotments, at a valuation to be approved by an official to be designated by the Secretary of the Interior for that purpose, and the vendor shall have a lien on the rents and profits of the land on which the improvements are located for the purchase money remaining unpaid and shall have the right to enforce such lien in any court of competent jurisdiction."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 11, 1907.*

