

# The Indian Removal Act of 1830

COMMENTARY AND SIDEBAR NOTES BY KATHRYN WALBERT,  
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## As you read...

This act of Congress, passed in 1830, authorized President Andrew Jackson to transfer Eastern Indian tribes to the territories west of the Mississippi River. Although Jackson had described their removal as “voluntary” and this legislation promises the “aid and assistance” of the U.S. government, the Indians would be forced to trade land on which their people had lived for hundreds or thousands of years for land they had never seen. The actual relocation would culminate in the 1838 forced march known as the “Trail of Tears.”

Jackson argued that Indians should be grateful for this policy. “And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian?” he said (see <http://www.pbs.org/wgbh/aia/part4/4h3437t.html>) in 1830. “Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.”

Indians, of course, took a very different view of removal policy. In the North, Indian populations had been depleted by war, and they were gradually removed without incident. In the Midwest, however, federal troops were required to remove the Sac and Fox Indians. Southern Native Americans were perhaps most resistant — white settlers wanted the lands of the Creek, Chickasaw, Choctaw and Cherokee to establish cotton plantations and perhaps search for gold, but these well-organized groups protested federal policy. We’ll read about their resistance on the following pages.

## An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory<sup>1</sup>, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange

the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

SEC. 2. And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation<sup>2</sup>, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

SEC. 3. And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: Provided always, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.<sup>3</sup>

SEC. 4. And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements<sup>4</sup>. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

SEC. 5. And be it further enacted, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance <sup>5</sup> to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

SEC. 6. And be it further enacted, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

SEC. 7. And be it further enacted, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove<sup>6</sup>, as contemplated by this act, that he is now authorized to have over them at their present places of residence.

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## Notes

1. An “organized territory” was a piece of land owned by the federal government that did not yet have clear borders or a government. Land added to the U.S., such as in the Louisiana Purchase of 1803, was first “unorganized territory.” It was then “organized” into smaller “territories.” Eventually, the residents of a territory could petition to become a state. The U.S. still has some territories, including Puerto Rico, Guam, and the U.S. Virgin Islands.

Of course, none of this land was unoccupied — various groups of American Indians already lived there and considered themselves to be independent nations. And, of course, they were not consulted when France sold the land on which they lived to the U.S., nor when the President moved eastern Indians onto it as a result of this law.

2. The act says that Indians “claimed and occupied” their land, not that they owned it. Obviously, that was an important distinction — if they only claimed it but didn’t own it, the government could take it from them. (See “Who owns the land?” for more about differences between Anglo-American and American Indian ideas of land ownership.)
3. The Indians would not own their new land, either. They could live on it as long as they wished, but they could not sell it, and if they left, the federal government would take possession of it again. (It may seem odd that the law mentions the possibility that the Indians would become “extinct” — or not, considering the government’s later attempts to exterminate them.)
4. Indians would be compensated for any buildings on the land taken by the U.S. government, though not for the land itself.
5. The government would help people relocate. In fact, this “aid and assistance” would consist of a forced march, accompanied by the U.S. army.
6. In their new land, the Indians would still be under the authority of the President and of the federal government; they still would not be sovereign nations.

## Contributors

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