



Handout 3 - "Document 4 - The Dawes Act Excerpts"

Many within the Federal Government believed that the communal lifestyles of Native Americans was preventing them from becoming "true" Americans. The General Allotment Act, also referred to as The Dawes Act after Henry Dawes, the Massachusetts Senator who sponsored it, divided the shared land of reservations and granted it back in measured lots to the individual Native Americans of those tribes. The Dawes Act granted the government permission to seize and sell reservation lots to settlers as well. The allotment process was overseen by government agents given broad power to withhold land based on included language dictating the requirement of "the habits of civilized life."

Excerpts of the Dawes Act

Forty-Ninth Congress of the United States of America;

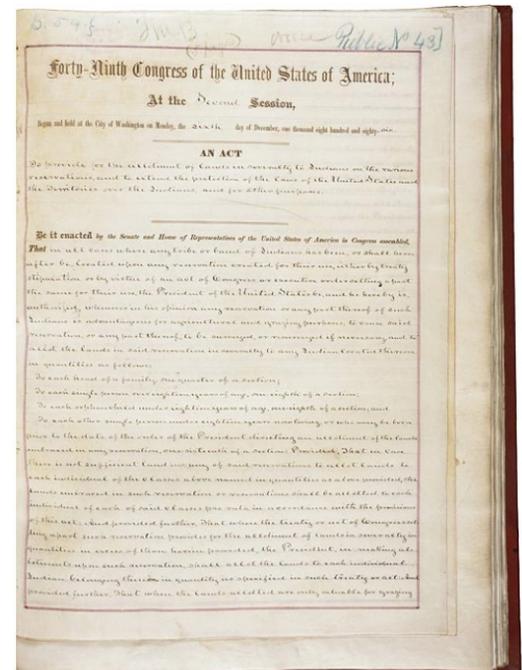
At the Second Session, begun and held at the City of Washington on Monday, the sixth day of December, one thousand eight hundred and eighty-six.

An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon.

Sec. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs.

Sec. 6. Every Indian ... to whom allotments shall have been made under the provisions of this act ... who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe



The Dawes Act



of Indians within the territorial limits of the United States without in any manner affecting the right of any such Indian to tribal or other property.

Sec. 10. That nothing in this act contained shall be so construed to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or condemn such lands to public uses, upon making just compensation.

Approved, February, 8, 1887.

Document from Ourdocs.gov, transcription courtesy of the Avalon Project at Yale Law School.