

Removal Treaty Proposed by the Choctaw Nation

Articles of a treaty between the United States of America
and the Choctaw Nation of red people.

Whereas the Choctaw Nation of red people have always lived under such laws as were judged and admitted in their national councils to be just and equitable, and suited to free men, and whereas the General Assembly of the State of Mississippi has extended all the laws of said State to all the persons and property within the chartered limits of said State, and the President of the United States has expressly told us that he cannot protect the Choctaw people from the exercise of Mississippi law, but that he will be under the necessity of sustaining said State in the exercise of her laws—Now therefore, We the Choctaw Nation of Red People in National Council assembled have determined that we never will submit to or be governed by laws in the enactment of which we are not permitted to participate, and as the Constitution of the State of Mississippi does not secure the representation of Red people in the Legislative Councils of said State, and that we may continue under our own laws in peace with the United States, and the State of Mississippi, we have further determined to propose to sell all our claim to lands East of the Mississippi River, and emigrate to the Choctaw lands West of said river on the following conditions.

Article I. The United States shall secure the said Choctaw Nation of red People the perpetual, peaceful possession of all that tract of country known and described in a treaty as the Choctaw lands West of the Mississippi River embraced in the following lines and limits, viz. beginning on the Arkansas River one hundred paces East of Forth Smith, and running up said River to the mouth of the Canadian River Fork of thence up said fork to its source, thence a due South course to Red River, then down said Red River to the point or place where a due South line from the beginning would strike said Red River, thence along said South line to the beginning on the Arkansas river which last line it is expressly stipulated shall be the perpetual, and permanent boundry line between the Territory or State of Arkansas and the Choctaw Nation, and immediately on the ratification of this treaty, a patent shall be issued by the President of the United States, Granting, and transferring to the said Choctaw Nation of red people a full and perfect title in fee simple to all the land within the before described limits, and forever warranting and defending the peaceable possession of the same to the Choctaw Nation, their decendants and citizens.

Article II. The Government and people of the United States are hereby bound and obligated, to secure to the said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within the limits pointed out in the first article so that no territory or State, or the United States shall ever have a right to pass laws for the Government of the Choctaw Nation of red people, their desendants or citizens, and that no part of the above described land shall ever be embraced in any territory or state, but that the United States shall forever defend said Choctaw Nation from and against all laws, but such as from time to time may be enacted in their own National Council of said Choctaw Nation. Provided always that nothing in this article shall be so construed as to subject the Agent of the United States, his family or property, or any other person, particularly employed by the United States, and recognised by the Chief, to the laws of said Choctaw Nation as citizens, but being in the immediate employment of the United States for the benefit of the Choctaw Nation, their persons and property shall be under the protection of the Nation, and under the protection of the United States, but in all cases where the Legislative Council of said Choctaw Nation shall complain to the President of the United States that the Agent is guilty of transgressions of the laws of the Nation, to the injury of said Nation the President shall remove him; And in all cases where other persons in the employment of the United States, shall transgress the Laws of the Nation, they shall be removed by the Agent, on the application of the Cheif and legislative Council; But as above stated, all other persons shall be subject to the laws of said Nation, and neither the United States, nor any other power, or government shall ever have a right to protect them from the laws of said Choctaw Nation if they reside within the limits pointed out in the first article

Article III. Greenwood Leflore is hereby acknowledged as the Chief of the Choctaw Nation West of the Mississippi, and shall be so recognized and respected during life, or the faithful discharge of his duties, and David Folsom is hereby acknowledged as the Supreme judge of the Choctaw Nation West of the Mississippi River, and shall be so recognized, and respected during life, or the faithful discharge of his duties. And it is moreover ~~agree~~ understood and agreed upon that but one Cheif of the Choctaw Nation shall be recognized at any one time by the United States

Article IV The United States are hereby obligated and bound to protect the Choctaw ~~Nation~~ Citizens from foreign enemies, on the same principles that the Citizens of the United States are protected, that whatever would be a legal charge upon the United States for self defence, or for spoilations committed by an enemy, shall be equally binding in favour of the Choctaws, and their

citizens; And in all cases where the Choctaws shall be called upon by ~~the~~ a legally authorized officer of the United States to fight an enemy; such Choctaws shall receive such pay and other emoluments, as the citizens of the United States receive in such cases.

Article V. Should a Choctaw or Choctaw Citizen commit any act of violence upon the person or property of a citizen of the United States, or join any war party against a neighbouring tribe of Indians without the command of his Captain, or with the authority of his Captain, except to oppose an actual or threatened invasion, such person so offending shall be delivered up to an officer of the United States, if in the power of the Choctaw Nation, that such offender may be punished as may be provided in such cases by the said United States; but if such offender is not within the controul of said Choctaw Nation, then said Choctaw Nation shall not be held responsible for the injury done by said offender.

Article VI. All acts of violence committed upon the persons and property of the Citizens of the Choctaw Nation, either by citizens of the United States, or neighbouring tribes of red people shall be refered to the Agent of the United States, who shall examine into such cases, and see that every possible degree of justice is done to said injured citizen of the Choctaw Nation.

Article VII. Offenders against the Laws of the United States, or any individual State, shall be apprehended and delivered to the Agent, or any duly athorized officer, where such offender may be found in the Choctaw country, having fled from some part of the United States: but in all such cases, application must be made to the Agent, or Chief, and the expense of his apprehension and delivery provided for.

Article VIII. Any citizen of the United States who may be ordered from the Nation by the Chief, or supreme judge, and refusing to obey, or returning to the Nation without the consent of the Chief, shall be subject to such pains, and penalties, as may be provided by the Choctaw Council in such cases.

Article IX. Citizens of the United States traveling peacably shall be under the protection of the Nation

Article X. The United States shall aid the Chief when called upon, to suppress any insurrection of any part of the Choctaw Citizens against the laws of the National Council (which council shall be composed of the Chief and the Captains of the Nation, and the laws enacted by said council shall govern and protect equally all the Choctaws and citizens of the Nation) and the United States shall be particularly obliged to assist the Chief in excluding ardent spirits from said Nation, unless for purposes of real necessity

Article XI No person shall expose goods, or other articles for sale as a

trader without a written permit from the Chief, under the penalty of forfeiting all such articles to the Nation; and the Chief shall not license any person to trade in the Nation, unless he resides in the Nation, and is subject to all the laws of the Nation.

Article XII. The United States shall immediately have Red River made navigable forty miles into, or along the Choctaw line, or at least to the mouth of Riamisha, and to the mouth of the four blues when necessary, and shall continue said stream in a navigable state; and shall improve the navigation of the Arkansas, if necessary, as high as the mouth of the canadian fork, and said rivers shall forever continue free for the navigation of the Choctaw citizens, without subjecting said citizens to pay any toll for navigating said rivers or the Mississippi. The United States are further obliged to open, and keep in repair a good road from Natchitoches to such two points in the Southren, and Northern portions of the Choctaw Nation West of the Mississippi river as the Chief shall direct, and from such point in the Northren District as the Chief may have selected to intersect some other main road leading to the City of Washington. And the United States shall establish a regular weekly Northren, and Southren mail along such road through the Choctaw Country, and shall establish at least two Post Offices, & as many others as may be necessary for the accommodation of the citizens of the Choctaw Nation.

Article XIII All persons other than Choctaws shall be removed, by the United States from the Choctaw lands West of the Mississippi, at any time when so requested to do by the Chief, after the ratification of the Treaty.

Article XIV No United States Soldiers shall be stationed in, or marched through the Choctaw lands without the consent of the Chief, and in all cases private property shall be respected, and not taken for the use of the United States soldiers, in their service, without fully compensating the rightful owner for the same.

Article XV As it is necessary that the Choctaws should have confidence in the United States Agent residing among them, and attending to the complaints of Choctaws against citizens of the United States, therefore the United States Agent shall only hold his office for four years, but may be reappointed by the recommendation of the National council, but in all cases the President of the United States shall remove the Agent and appoint some other person on the petition of the Chief and two thirds of the legislative Council of said Nation. It is further stipulated that the wish of the Chief shall be particularly attended too in the appointment of an Agent immediately on the ratification of this treaty, who shall be the only United States Agent for the Choctaw Nation for the time being, and said Agent shall fix his residence in

the Southren Section of the Nation, and all future Agents shall reside in said Southren Section, unless the contrary shall be agreed upon by the Cheif and Legislative Council. It is further stipulated that whenever a Choctaw or Choctaw citizen shall be delivered to the United States as an offender, that the United States agent shall employ counsel to defend said offender, and in the absence of the Agent the Judge before whom said accused person shall be tried, shall appoint counsel, for the accused person which counsel shall be paid by the United States

Article XVI Any and all Choctaws wishing to continue on the land where they now reside shall be secured a full section, or six hundred and forty acres of land to each family in fee simple

Article XVII All Choctaws requesting it may have the value of their improvements paid by the United States, or like improvements made for them on their future places of residence West of the Mississippi.

Article XVIII. All Choctaws wishing to make their own improvements West of the Mississippi shall be allowed six hundred and forty acres of land in fee simple to each family, and three hundred and twenty acres ~~and~~ to each man capable of serving in the defence of his country. Said land to embrace the present improvements of such families, or being subject to be located upon any unocupied land within the limits of the present residence, or lands of the Choctaws East of the Mississippi. A family shall be considered to consist of a man and his wife, or child, or children or a woman with a husband or a child or children and the men provided for as being capaple of defending their Country, are understood to be men without families, and each family of children without a parent living shall be viewed as a family. Such persons as wish it shall have a certificate or certificates issued in his, her, or their names, and shall dispose of said certificate as they may think proper, and the legal holder of said certificate shall locate, on any Choctaw lands now known as Choctaw land East of Mississippi, and the President of the United States shall issue patents to the legal holders of said certificates, for such quarter sections as shall cover the largest part of the improvements or claim of such legal holder of such certificate, provided that no certificate shall call for more than six hundred and forty acres, and every certificate shall be laid on land adjoining, so that a certificate calling for six hundred and forty acres although laid on quarter sections of different sections (when survayed) such quarter sections shall be adjoining but it is not to be understood that the location of different certificates shall be connected. But nothing in this Treaty shall secure a certificate of claim for a sale made of such claim untill the certificate has actually issued. It is further stipulated that the National Council shall appoint

commissioners for the Choctaw Nation in the West who shall receive the certificates of claims as above, for persons who wish such claims, but are not capable of affecting their sale, or are not accustomed to attend to such business, the said commissioners shall be approved of by the Agent of the United States, who shall certify that said commissioners are authorized to sell said claims, and that the legal holders of them will receive a patent from the President, then said commissioners shall sell such claims on the most advantageous terms in their power, and appropriate the proceeds, according to the medium price of the same to the improvement of the new homes of the original claimants, and should any surplus remain it shall be paid to such claimants in such property as they shall be least likely to spend. The National Council shall determine on the compensation to be allowed said commissioners. The accounts of said commissioners shall be at all times open to the inspection of the Chief, and the United States Agent, and said commissioners may be removed at any time by the national Council.

Article XIX. The United ~~Council~~ States shall pay to the National Council, through the United States Agent, at such times as may be called for by said council, the sum of fifty thousand dollars to be appropriated by said council in building school houses, purchasing books &c, and also twenty five thousand dollars to be appropriated in erecting council houses, and also twenty five thousand dollars to be appropriated in erecting places of Divine Worship.

Article XX The United States shall immediately appoint a person to issue the above certificates of claim or claims, so soon as the Agent of the United States shall ascertain who wish such certificates, and this shall be ascertained by the attendance of the agent at such places and times as may be appointed by the Chief of the Choctaw Nation. The Agent shall take down the name of each man having a wife or child, and shall ascertain whether he wishes a claim to land for to be sold, or whether he wishes his improvements assessed and like improvement put on the place of his new home, or whether he wishes his improvements paid for. The women having children, or men without families, shall likewise specify their wishes as above, but in all cases of a child, or children without parents, a certificate shall issue to the commissioners as above in favour of said orphan or orphans.

Article XXI The United States shall appoint a person or persons whose duty it shall be to assess the value of the improvements of those who wish such assessment in preference to a claim of land for sale, and the aforesaid person shall also assess the value of all furniture to be left by Choctaws or present citizens of the Nation, and shall take charge of such tools as may be delivered

to him or them at suitable places, by Choctaws or citizens (Citizens being in this place understood to be white persons married to red persons or having been so married and now residing in the Nation, and being particularly permitted to remove with the Nation by the Chief) which said furniture, and tools shall be paid for or replaced at their new residence West of the Mississippi by the United States. The above appointed persons, or others duly appointed shall take charge of all hogs and cattle that may be penned and delivered at places appointed by the Chief, or such other places as the Chief may direct and all hogs shall be paid for by the United States at the rate of two dollars ahead, or a like number furnished at their new residence in the West, at the option of individuals; and all horned cattle thus delivered shall be paid for by the United States, or a like number furnished, west of the Mississippi to the persons delivering them here, and six dollars ahead shall be the price of all those horned Cattle paid for as above. White men with red families, and permitted to remove with them as above shall be equally entitled to the above provisions as tho. they were native Choctaws, provided that all persons wishing to remove their stock shall be aided by having a supply of corn for their hogs upon an average of one bushel to every hundred head daily to be delivered.

Article XXII. The United States shall open a road from the present Choctaw Agency to the big sand Landing on the Yazoo, and from Col Leflores to the best crossing on the Mississippi, to be selected by the Agent and Chief and shall provide a suitable number of waggons to accompany such part as may remove by land, and shall furnish a sufficient supply of provisions for them from the time they shall form encampments by the direction of the Agent of the United States, untill they shall disperse to their homes, or be directed to do so by said Agent when they have arrived in the neighbourhood of said homes, in their country West of the Mississippi river. And the United States shall furnish an ample and full supply of provision for twelve months to each Choctaw and his family, or persons known as citizens of the Choctaw Nation as pointed out in the twenty first article. The United States are further obligated to furnish Steam boats to carry all those who may wish to go by water, and all such as are aged and infirm together with such females and children as would be unfit for a journey by land; said steam-boats shall carry them from the landing near Greenwood Leflores to some point on the Arkansas, and from thence shall furnish waggons to carry the sick and infirm to the vicinity of their future homes, and shall have them supplied with provisions on their passage & for one year after their reaching their new residence, as in the case of those who move by land and in all respects those

who move by water shall share equal advantages with those who remove by land and in both cases the United States Agent shall accomodate and provide for the Choctaws in their emigration with such tents as he may judge necessary for their comfort, even although not especially provided for in this article. The provisions provided for in this Article for the supply of the Choctaws and their families &c ~~and~~ shall be furnished at such places as the Agent & Chief may agree upon, and shall consist of a daily ration as allowed to a United States soldier with the exception of at least one bushel of corn per month in place of whisky and as large a supply of bacon as may be requested by the Chief in the room of beef to each individual to be delivered daily, weekly, or monthly as the Chief may request.

Article XXIII According to a former Treaty the United States are obligated to furnish every man emigrating to the West with a good rifle gun and ammunition together with a blanket and brass or copper Kettle; These articles shall be furnished to every man, and each man shall be furnished with an ax, hoe and plow, and each woman shall be furnished with a spinning wheel and cards, and each five families with a loom, so soon as their future places of residence shall be prepared for them; the United States shall also furnish two black smith shops at the expense of the United States on the principles of the shop now furnished the Nation.

Article XXIV All white men with their effects now connected with the Nation as having red families or having had such shall be removed to the future home of the Choctaws ~~as-they~~ on the same principles as though they were Choctaws, by the particular permit of the Chief, and shall be entitled to one years support as a choctaw; And all Ministers of the Gospel, and teachers of schools now labouring in the Nation, together with their families shall likewise be entitled to the removal of themselves, and their effects and a years provision as above by the request of the Chief in writing.

Article XXV To enable the Choctaws to defend themselves in their new home, each warrior shall annually be furnished for five years by the United States with a full supply of good rifle powder and lead; but while the new homes of the Choctaws are preparing and the people emigrating, or preparing to emigrate the United States shall station such troops as may be necessary in such position on or near the Choctaw line, or other situation as may be requested by the Chief so that the Choctaws may safely settle until they feel themselves sufficiently strong to protect themselves; but at all times the United States shall assist the Choctaws if invaded or threatened with an invasion. Further it is stipulated that the Chief of the Choctaw nation shall be ~~annually~~ furnished with a good six pound brass piece of Artillery well mounted, together

with a supply of powder and balls

Article XXVI As the Captains will have much trouble for the first four years of keeping their people in order and settling them, the United States shall furnish each Captain, the number of whom shall not exceed one hundred, with a good suit of Clothes, and a substantial broad sword as an outfit, and shall pay each Captain fifty dollars annually for the first four years; also the Cheif of the Nation shall appoint fifty men as rangers, who shall occupy and hold the grade of Captains, and each of them shall receive the outfit and salary of a Captain for the first four years. These rangers shall execute the orders of the Cheif and travel as messangers.

Article XXVII. Whereas the Cheif of the Choctaw Nation must be at great expense and trouble in traveling and attending to the business of the Nation for the first four or five years, therefore the Cheif shall be allowed the pay and emoluments of a Col. in the United States Army for the first four years, and whenever called into the service of the United States shall hold the grade of a Col. and receive a Col's pay and emoluments. The pay above secured to the Cheif of the Choctaw Nation shall be paid by the United States, and in consequence of the expense of a chief in the West in entertaining the large number of foreign visitors who would frequent his house, together with the number of his people who would visit on business that the Cheif of the Choctaw Nation may prove the advantages of settled homes and civilized habits to the wandering tribes of the West, it is desireable that his situation should be very comfortable, therefore the Cheif Greenwood Leflore shall make selections of ten sections of land to be located so as to embrace his pesent improvements or any other unocupied land in the Nation on the East of the Mississippi such location to be made in such body as may suit the purchasers of his claims, and to embrace in each seperate quarter section, if sold seperate the largest part of the improvement, or claim of the holder of the certificate of the claim of said quarter section; and the United States shall cause patents in fee simple to issue to the legal holders of said claim. Whereas David Folsom has made heavy sacrifices for the good of the Nation in his late responsible office of Cheif and in his new station of Supreme judge must of necessity continue to devote his time assiduously in behalf of the Choctaw Nation it is stipulated that said David Folsom shall select and sell ten sections of land on the same principles as specified in the case of the Cheif. And said David Folsom shall receive from the United States one ~~hundred~~ thousand dollars annually for the first four years. Also John Garland a late Cheif shall have five sections of Land, and Joel R. Nail, Isreal Folsom George W. Harkins & James L McDonald shall each be allowed two sections of Land, to be selected

and sold as in the case of the Cheif, for their own benefit.

Article XXVIII Whereas the United States now pay annuel amounts to the Choctaw Nation for lands heretofore sold to said United States to the Amount of about twenty four thousand dollars for the support of said Choctaw National government, and for schools, and for other purposes, a large part of which annuel sum is paid as an interest on a capital in the hands of the United States, now therefore, we the Choctaw Nation in National Council assembled do hereby relinquish all our claims for said annuities, and all claims heretofore provided for, for individuals, and sell relinquish and transfr to the United States all our claim for lands on the East side of the Mississippi except such as are provided for by liberal construction of this Treaty; and we do hereby revoke all Treaties inconsistant with the provisions of this Treaty, in consideration of which the United States are held and firmly bound to pay the Choctaw Nation, as an interest on one million of dollars the sum of fifty thousand dollars annually for twenty years, and if said Choctaw Nation shall call for the said principal of one million of dollars at the expiration of said twenty years, the said United States shall pay said Million of Dollars to said Choctaw Nation but if the said Choctaw Nation fail to call for the principal at that time, the said United States shall continue to pay the sum of fifty thousand dollars annually untill paid, and said sum of one million of dollars shall be paid at the expiration of any ten years after the first stipulated term of twenty years. Two thousand dollars shall be annually appropriated by the National Council for the support of the poor, the afflicted and aged. One thousand shall be annually appropriated by the National Council to the Comfort of the aged Choctaws who fought under General Wayne in the United States army, and for such aged warriours as fought for the United States, at any period pevious to the year eighteen hundred and ten. Two thousand shall be annually appropriated by the National Council for the comfort and support of such persons as fought in the United States armies in the last war, provided that such persons are poor and need the aid of the proposed assistance, or their Widows or orphans need such support, provided also that no warriour his widow or orphan shall receive more than twenty five dollars annually. Any surplus of said last appropriations shall be at the disposal of the National Council, and at the death of persons thus provided for the said appropriations shall constitute a part of the National founds. One thousand dollars each shall be annually paid after the first four years to the Cheif and supreme judge out of said annuity. And one thousand dols shall be annually appropriated for a secretary for the Cheif, and clerk for the supreme Court, at five hundred dollars each, who shall keep correct accounts

of all moneys received, and paid out by the Chief, and shall annually lay a correct account of the same before the National Council; the afore said Clerk shall register all laws, and do ~~other~~ such other business as the supreme judge shall direct. Also twelve thousand dollars shall be annually appropriated by the National Council for schools in the Nation under the care of said National Council, The remaining sum of thirty thousand dollars annually shall be appropriated by the National Council for the support of mechanical institutions for Blacksmiths iron and other articles of husbandry, and for the support of the National Government and other purposes

Article XXIX A liberal construction shall be given to all the articles of this Treaty in favour of the Choctaws, and in all cases of doubt the decision shall be in favour of the Choctaws. No advantage shall be taken for the want of form in any part but what shall appear to be the meaning and design of the parties shall be the governing principal in fulfilling the provisions of this Treaty ~~of the Choctaw Nation~~. The United States Agent shall have the power of appointing his sub-Agent, and removing him at pleasure. The Agent of the United States shall appoint two interpreters for the Choctaw Nation, by the recommendation of the Chief, and Supreme judge and upon complaint of said Chief and Supreme judge shall remove either of them. The United States are obligated to appoint such an agent as the Nation has confidence in, and it is felt to be an object of the first importance that the removal of the Nation should be conducted by men who will use every possible means to conduct them with as little suffering as possible. Therefore the Agent to be appointed immediately after the ratification of this Treaty shall be the principal conductor of said Nation, and shall appoint such persons as assistants as may be recommended by the Chief or supreme judge if approved of by himself and on the complaint of the Chief or Supreme judge, the said principal conductor shall remove any assistant complained of

Article XXX This Treaty is the only proposition ~~of~~ that the Choctaw Nation will ever make to the United States and proposes the only terms on which the said Nation will emigrate to the West, and it would not propose to emigrate on any terms were there hopes of living in peace and friendship with the Whites and continuing to occupy their country East of the Mississippi; but as they cannot consent to be governed by laws in the enactment of which they are forbidden to participate and as they ardently wish to live in peace the foregoing Treaty shall be binding on said Choctaw Nation if ratified by the President and Senate of the United States within three months from this date; and shall take effect from and immediately on its ratification in such cases as will prudently admit of so taking effect but the Choctaws shall not be obligated

to surrender their present country to the United States sooner than two years after the ratification of this Treaty; but any person purchasing claims herein provided for in this Treaty may remove to the lands upon which such claims may be located by the written permission of the Chief ~~and~~ or Supreme judge.

It is expressly understood that nothing in this Treaty shall bind the United States to improve the navigation of Red River within the State Louisiana, or open roads within the said State, should said state object to the fulfilment of such stipulations as are contained in the Treaty, on these subjects

For the fulfillment of all the Articles of this Treaty, we the undersigned Chief, Supreme judge, and Captains bind ourselves and the Choctaw Nation if ratified as above, in witness whereof we have hereunto set our hands this seventeenth day of March eighteen hundred and ~~twenty~~ thirty

Capt. Chilita X his mark
“ Thomas Lflore ✓ his mark
“ John Garland ✓ his mark
“ Samuel Cobb ✓ his mark
“ Is tunok hacho ✓ his mark

[Two hundred eighty-seven more signatures follow.]

We Greenwood Leflore Chief of the Choctaw Nation and David Folsom late Chief of said Nation do hereby approve of and sanction the within Treaty and do also hereby certify that the within Treaty has been duly sanctioned by the within named Captains, Headmen, and Warriours in a regularly appointed National Council, which Council was composed of all the Leading men and most of the Captains in the Nation

Greenwood Leflore
David Folsom

We the undersigned witnesses were present at the National Council, to whom the within Treaty was proposed, and we do hereby certify that the said Treaty was sanctioned by said Council, and that we saw the within Treaty signed by the within named persons

Alexander Talley
David W. Haley
Martin Sims
Robt. D. Smith