

IN SENATE OF THE UNITED STATES,

MAY 6, 1830.

The following message was read, and, with the accompanying documents, ordered to be referred to the Committee on Indian Affairs.

A.

To the Senate of the United States:

GENTLEMEN: The accompanying propositions, in the form of a treaty, have been recently sent to me by a special messenger from the Choctaw Nation of Indians; and since it was received, a protest against it has been forwarded. Both evince a desire to cede to the United States all their country East of the Mississippi, and both are here submitted. These measures are the voluntary acts of the Indians themselves: the Government was not represented in the councils which adopted them; nor had it any previous intimation that such steps were in contemplation. The Indians convened of their own accord; settled and executed the propositions contained in the treaty presented to me, and agreed to be bound by them, if, within three months, they should receive the approbation of the President and Senate. The other measure is equally their own.

It is certainly desirous, on various and very pressing accounts, as will appear from the accompanying documents, that some agreement should be concluded with the Indians, by which an object so important as their removal beyond the territorial limits of the States may be effected. In settling the terms of such an agreement, I am disposed to exercise the utmost liberality, and to concur in any which are consistent with the Constitution, and not incompatible with the interests of the United States and their duties to the Indians. I cannot, however, regard the terms proposed by the Choctaws, to be, in all respects, of this character; but, desirous of concluding an arrangement upon such as are so, I have drawn up the accompanying amendments, which I propose to offer to the Choctaws, if they meet the approbation of the Senate. The conditions which they offer are such as, in my judgment, will be most likely to be acceptable to both parties, and are liable to the fewest objections. Not being tenacious, though, on the subject, I will most cheerfully adopt any modifications, which, on a frank interchange of opinions, my constitutional advisers may suggest, and which I shall be satisfied are reconcileable with my official duties.

With these views I ask the opinion of the Senate upon the following questions: Will the Senate advise the conclusion of a treaty with the Choctaw Nation, according to the terms which they propose? or will the Senate advise the conclusion of a treaty with that tribe, as modified by the alterations suggested by me? If not, what further alteration or modification will the Senate propose?

I am fully aware that, in thus resorting to the early practice of the Government, by asking the previous advice of the Senate, in the discharge of

this portion of my duties, I am departing from a long, and, for many years, an unbroken usage in similar cases. But being satisfied that this resort is consistent with the provisions of the Constitution; that it is strongly recommended in this instance by considerations of expediency; and that the reasons which have led to the observance of a different practice, though very cogent in negotiations with foreign nations, do not apply with equal force to those made with Indian Tribes; I flatter myself that it will not meet the disapprobation of the Senate. Among the reasons for a previous expression of the views of the Senate, the following are stated as the most prominent:

1st. The Indians have requested that their propositions should be submitted to the Senate.

2d. The opinion of the Senate, in relation to the terms to be proposed, will have a salutary effect in a future negotiation, if one should be deemed proper.

3d. The Choctaw is one of the most numerous and powerful of the Indian Tribes within our borders; and, as the conclusion of a treaty with them may have a controlling effect upon other tribes, it is important that its terms should be well considered. Those now proposed by the Choctaws, though objectionable, it is believed are susceptible of modifications which will leave them conformable to the humane and liberal policy which the Government desires to observe towards the Indian tribes, and be at the same time acceptable to them. To be possessed of the views of the Senate on this important and delicate branch of our future negotiations, would enable the President to act much more effectively in the exercise of his particular functions. There is also the best reason to believe that measures, in this respect, emanating from the united counsel of the treaty making power, would be more satisfactory to the American people and to the Indians.

It will be seen that the pecuniary stipulations are large; and in bringing this subject to the consideration of the Senate, I may be allowed to remark that the amount of money which may be secured to be paid, should, in my judgment, be viewed as of minor importance. If a fund adequate to the object in view can be obtained from the lands which they cede, all the purposes of the Government should be regarded as answered. The great desideratum is the removal of the Indians, and the settlement of the perplexing question involved in their present location—a question in which several of the States of this Union have the deepest interest; and which, if left undecided much longer, may eventuate in serious injury to the Indians.

ANDREW JACKSON.

May 6, 1830.

The following documents accompany the President's Message of the 6th May, 1830, marked A.

- B. Letter of the principal chiefs presenting a treaty executed by the chiefs.
- C. Treaty executed in full council.
- D. Protest against said treaty by the real Indian chiefs.
- E. Proposed amendments to the Choctaw treaty by the President.
- F. Col. Wright's letter of State of Mississippi.
- G. Secretary of War to the President of the United States.
- H. Statement of annuities from Indian Bureau.

B.

COUNCIL GROUND, CHOCTAW NATION,
March 18, 1830.

To our Father the President of the United States:

Your red children of the Choctaw Nation have heard the talk of their Father the President. We were told that the State of Mississippi would extend her laws over us, and we are not permitted to look to our Father for protection. We are distressed—we see among us the aged warriors who fought for our white brothers many years ago; they tell us that our Great Father Washington promised them that our Great Father the President would always be the friend of the red people, and we see among us the widows and orphans of warriors, who fought for our white brothers under our present Father the President, and many of our warriors yet feel the brotherly hand of our Father, when he told them that our white brothers loved us: our warriors were glad. Our white brothers have lived many years very near to your Choctaw children, and when our white brothers told us that they were many in number, and wished land to make bread for their children, our fathers heard the talk of their white brothers, and let them have land. Again, our white brothers wanted land, and our fathers heard them, and let them have land. Our white brothers told us that they were increasing, and wanted land; we heard our Father's talk, but our land was small; most of our land we already had given up to our white brothers: where we now live, is the place of our fathers' homes. Here the bones of our fathers rest. We said we cannot sell our fathers' homes, and leave the place of our birth. Our present Father the President told us that his white children would put their laws upon us. They have done so. Our Father tells us that we had better leave our land, and go to a land where he can protect us; and that he cannot protect us upon our present land. We love our land, but we cannot suffer our council fire to be extinguished, by submitting to the laws of our white brothers; but to stain our hands with the blood of our white brothers, we cannot consent. We never have done so. We know that our warriors are too few to defend ourselves; but our Father knows that Choctaws are not afraid to die. Many of them have fought and bled by the side of our Father the President. We ardently wish to live in peace with our white brothers. Many among them love us. We could not think of injuring them, were it in our power.

Most of our people have heard, and are trying to obey the talk of the Great Spirit. This tells us to love even those who injure us; and that we may live in peace with our white brothers, we have determined to leave our homes, and the land of our fathers, and go to the land where our Father promises to protect us. We have sent a talk to our Father the President, by our brother, David W. Haley; we hope our Father will not think we ask too much of him. It is not the hope of money that influences us to sell our country, but that we may live in peace, and under our own laws. We hope that our Father will send our brother Haley back in haste, to tell us that our Father still loves his Choctaw children; and that he will do all that we ask of him; and also, that he will appoint our brother Haley to go with us to our new home, and live among us as an agent. We wish soon to hear, as we wish and assure our Father, that, in two years, we will all, or most of us, be in our new homes, if he sanctions our talk sent by our brother Haley.

Signed in behalf of the National Council

GREENWOOD LEFLORE,
DAVID FOISON

C.

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 freemen: 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 to 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 Fort Smith, and running up said river to the mouth of the Canadian Fork; 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 boundary 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 descendants, 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 descendants, 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 Chief 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 recognised 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 recognised and respected during life, or the faithful discharge of his duties. And it is moreover understood and agreed upon that but one Chief of the Choctaw Nation shall be recognised at any one time by the United States.

ARTICLE IV.

The United States are hereby obligated and bound to protect the Choctaw 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 spoliations committed by an enemy, shall be equally binding in favor of the Choctaws, and their citizens. And in all cases where the Choctaws shall be called upon by 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 neighboring 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 control 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 neighboring tribes of Red People, shall be referred 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 authorized 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 travelling peaceably, 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 Southern and Northern portions of the Choctaw Nation, West of the Mississippi river, as the Chief shall direct, and from such point in the Northern 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 Northern and Southern mail along such road through the Choctaw country, and shall establish at least two post offices, and 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 re-appointed 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 to, 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 Southern section of the nation, and all future Agents shall reside in said Southern section, unless the contrary shall be agreed upon by the chief 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 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 unoccupied 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 capable of defending their country, or 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 the 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 improvement 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 surveyed) 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 until 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 effecting 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 houses 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 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 to be sold, or whether he wishes his improvements assessed, and like improvements 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 favor 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 a head, 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 a head shall be the price of all those horned cattle paid for above. White men with red families, and permitted to remove with them as above, shall be equally entitled to the above provisions, as though 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 Colonel Lefflore's to the best crossing on the Mississippi, to be selected by the agent and chief, and shall provide a suitable number of wagons 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, until they shall disperse to their homes, or be directed to do so by said agent, who they have arrived in the neighborhood of said homes, in the country West of the Mississippi river. And the United States shall furnish an ample and full supply of provision for twelve months to such Choctaw and his family, or persons known as citizens of the Choctaw

taw 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 Leflore's to some point on the Arkansas; and, from thence, shall furnish wagons to carry the sick and infirm to the vicinity of their future homes, and shall have them supplied with provisions on their passage, and 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 have equal advantages with those who remove by land; and, in both cases, the United States' Agent shall accommodate 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. shall be furnished at such places as the agent and 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 whiskey, 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 a brass or copper kettle; these articles shall be furnished to every man, and each man shall be furnished with an axe, hoe, and plough, 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 blacksmith shops, at the expense of the United States, on the principles of the shop now furnished in 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, on the same principles as though they were Choctaws, by the particular permit of the chief, and shall be entitled to one year's support as a Choctaw; and all ministers of the Gospel and teachers of schools, now laboring in the nation, together with their families, shall likewise be entitled to the removal of themselves and their effects, and a year's 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 furnished with a good six pound brass piece of artillery, well mounted, together with a supply of powder and ball.

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 Chief 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 chief, and travel as messengers.

ARTICLE XXVII.

Whereas the Chief of the Choctaw Nation must be at great expense and trouble in travelling and attending to the business of the nation for the first four or five years, therefore the chief shall be allowed the pay and emoluments of a colonel in the United States' army for the first four years; and, whenever called into the service of the United States, shall have the grade of a colonel, and receive a colonel's pay and emoluments. The pay above secured to the Chief 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 Chief of the Choctaw Nation may prove the advantages of settled homes and civilized habits to the wandering tribes of the West, it is desirable that his situation should be very comfortable, therefore the chief, Greenwood Leflore, shall make selections of ten sections of land, to be located so as to embrace his present improvements, or any other unoccupied 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 separate quarter section, if sold separate, 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 Chief, 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 chief; and said David Folsom shall receive from the United States one thousand dollars annually for the first four years: also John Garland, a late chief, shall have five sections of land; and Joel R. Neil, Israel Folsom, George St. Haskins, and James L. McDonald shall each be allowed two sections of land, to be selected and sold as in the case of the chief, for their own benefit.

ARTICLE XXVIII.

Whereas the United States now pay annual annuities 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 annual 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 transfer to the United States, all our claims 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 inconsistent 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, until 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 warriors as fought for the United States, at any period previous 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 warrior, 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 the persons thus provided for, the said appropriations shall constitute a part of the National funds. One thousand each shall be annually paid, after the first four years, to the Chief and Supreme Judge, out of said annuity; and one thousand dollars shall be annually appropriated for a Secretary for the the Chief, 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 aforesaid clerk shall register all laws and do 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 favor of the Choctaws; and in all cases of doubt, the decision shall be in

favor 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 principle in fulfilling the provisions of this treaty. 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 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 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 of 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 fulfilment 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 thirty.

Chilita	his x mark.	James Shield	his x mark.
Thomas Leflore	his x mark.	Lewis Willson	his x mark.
John Garland	his x.mark.	Isaac James	his x mark.
Samuel Cobb	his x mark.	Halon-tobi	his x mark.
Is-tunok-bacho	his x mark.	Mintoli	his x mark.
Is-tim-iliehi	his x mark.	Lau-wa-chobi	his x mark.
Ok-chi-ah	his x.mark.	Ma-tobi	his x mark.

Tobilanchihobi	his x mark.	Hopaii Menko	his x mark.
John Washington	his x mark.	Wishashi-mastobi	his x mark.
Lan-in-tobi	his x mark.	Opaii Iskiteni	his x mark.
Molelitobi	his x mark.	Opaii-humma	his x mark.
Toshka-himeita	his x mark.	Chapta-mintaha	his x mark.
Na-sho-ba-nowa	his x mark.	Opi-huma	his x mark.
Achu-kinobi	his x mark.	Jerry Tolsom	his x mark.
Anish:kama	his x mark.	Notak-a-chi	his x mark.
Yo-kochi	his x mark.	Joel H. Vail	
James Pikin	his x mark.	Israel Tolsom	
Mi-ashan-shihobi	his x mark.	Koshunlola	his x mark.
Ai-kana	his x mark.	Jack Hay	his x mark.
Yoka-tobi	his x mark.	David Saxton	his x mark.
Anthony Turnbull		Kolash-obi	his x mark.
Willis Strull	his x mark.	Nukfilli	his x mark.
Man-chobi	his x mark.	James Cann	his x mark.
Haksa-chi	his x mark.	Oli-tanchi-hobi	his x mark.
We-shakshi-homa	his x mark.	Wm. McEY	his x mark.
Unnahobi	his x mark.	James Dangen	
Ai-ka-chi	his x mark.	Hlakofa-chobi	his x mark.
Si-ta-homma	his x mark.	Nu-kow-a-humma	his x mark.
Oshishi-im-ottaka	his x mark.	Meachobi	his x mark.
Nathan-thiel	his x mark.	Tisher-paii	his x mark.
Tokotobi	his x mark.	Ofi-nowa	his x mark.
Toti-homma	his x mark.	Isaac Leflore	his x mark.
Pash-tobi	his x mark.	Saki	his x mark.
Onobi	his x mark.	Tonup-ocha	his x mark.
Tikba-huma	his x mark.	Teshu Robi	his x mark.
Molh-ta-hobi	his x mark.	Teshu-himita	his x mark.
Yakamin-tobi	his x mark.	Dan Durant	his x mark.
Miaahota	his x mark.	Silita	his x mark.
Nalakobi	his x mark.	James Jones	his x mark.
Olla-chu-kma	his x mark.	Benj. Matiese	his x mark.
Holita-homa	his x mark.	Pashlunobi	his x mark.
Pi-sa-tobi	his x mark.	Pisa-tambi	his x mark.
Nakishuma	his x mark.	James Fletcher	his x mark.
Thepinahuma	his x mark.	Hikitambi	his x mark.
Tunaholobi	his x mark.	Shukha-huma	his x mark.
Tobii-chobi	his x mark.	Apela-tobi	his x mark.
Chesha-huma	his x mark.	Is-tim-a-heka	his x mark.
Nash-tobi	his x mark.	Na-hambi	his x mark.
Nakpolli	his x mark.	Ishkeholahita	his x mark.
Pasa-tanchi-hobi	his x mark.	Lan-o-nobi	his x mark.
Untikohacho	his x mark.	Machakoa	his x mark.
Menko-himta	his x mark.	Poina	his x mark.
Lewis Perry	his x mark.	Mela	his x mark.
Sillimna	his x mark.	Anoli-hambi	his x mark.
Opia-huma	his x mark.	Milli	his x mark.
Ush-tan-tobi	his x mark.	Ishta-hono	his x mark.
Charles Vaughn	his x mark.	Mosho-lanshi-hobi	his x mark.
Na-lun-sa-bi	his x mark.	Pisa-tobi	his x mark.
Wi-shaksi-huma	his x mark.	Mishin-tobi	his x mark.

Yotisi	his x mark.	Ja-he-tobi	his x mark.
Tish-huma	his x mark.	Flema	his x mark.
Monshi-hobi	his x mark.	Tu-wutta	his x mark.
Silas McKenney	his x mark.	Wan-tobi	his x mark.
Oshe-tik-i-na	his x mark.	Ba-obi	his x mark.
Ai-anin-tobi	his x mark.	Thomson Willson	his x mark.
Han-a	his x mark.	Daniel McKertin	his x mark.
Ocha-ka	his x mark.	Ar-in tobi	his x mark.
Mak ambi	his x mark.	No-ha-cho	his x mark.
Tus-a-ha	his x mark.	In-chobi	his x mark.
Ikanobi	his x mark.	Mishambi	his x mark.
Swaney	his x mark.	Chin-tobi	his x mark.
Itobi	his x mark.	Lewis Frasier	his x mark.
Joseph	his x mark.	Ai-hli-pa	his x mark.
Um-olla-hobe	his x mark.	Ai-hli-pa	his x mark.
Sholata	his x mark.	A-wan-tobi	his x mark.
Moses	his x mark.	Na-ponubi	his x mark.
Pala	his x mark.	Ti-mambi	his x mark.
Nuk-huma	his x mark.	Min-tobi	his x mark.
Im-me-chobi	his x mark.	Fllisom-tobi	his x mark.
Nak-a-chukma	his x mark.	Ok-humma-hacho	his x mark.
Mosho-a-ka	his x mark.	Olk-pu-tak-huma	his x mark.
Immi-tobi	his x mark.	Ai-ho-ponni	his x mark.
Wm. Akchara	his x mark.	Thos. Tubela	his x mark.
Ona-ho-chobi	his x mark.	Anumpuli	his x mark.
Ish-wan-tobi	his x mark.	Ila-tobi	his x mark.
Man-chi-tobi	his x mark.	David	his x mark.
William	his x mark.	Tili	his x mark.
Tushka-himito	his x mark.	Hoka	his x mark.
Tushka-heka	his x mark.	Yakanun-tobi	his x mark.
James	his x mark.	Li-tobi	his x mark.
Wm. Hommo	his x mark.	Sim	his x mark.
Aroto	his x mark.	In-na-huma	his x mark.
William Leflore		Pisa-wouna	his x mark.
Posho-hu-kubi	his x mark.	Tushka-no-paii	his x mark.
John Hommo	his x mark.	A-bo-tobi	his x mark.
Joseph Aka	his x mark.	Sale-tobi	his x mark.
Ushi-humma	his x mark.	Ham-bi	his x mark.
Benj. Leflore	his x mark.	Ishne-he-ka	his x mark.
Na-huma	his x mark.	Pisen Chambi	his x mark.
Ish-to-he-ka	his x mark.	Wechan-chi-hobi	his x mark.
Shulush-humush-tubi	his x mark.	Shotobi	his x mark.
Man-chobi	his x mark.	Na-pan-chi-hobi	his x mark.
La-homma	his x mark.	Ola-to-he-kobi	his x mark.
Keyn-kobi	his x mark.	Nakni-oke-tobi	his x mark.
Nusi-ka	his x mark.	La-hi-nobi	his x mark.
Isaac Perry	his x mark.	Ta-no-obi	his x mark.
Shaki	his x mark.	Nak-umo-hacho	his x mark.
Yushki-homma	his x mark.	Toblich	his x mark.
Minchobi	his x mark.	Lapai-ya	his x mark.
Olin-tubi	his x mark.	Tonop-ambi	his x mark.
Olk-tan-tubi	his x mark.	Teshu	his x mark.

Yaka-min-tobi	his x mark.	Eden Ware	
Sampson	his x mark.	Pak-ama	his x mark.
Pishuk-chaia	his x mark.	Billy Ahli	his x mark.
Mosh-a-chi	his x mark.	Tik-opa-cha	his x mark.
Chi-to	his x mark.	Tash-taia	his x mark.
Hli-tobi	his x mark.	Ta-muchobi	his x mark.
Olbachi	his x mark.	Tah-hin-tobi	his x mark.
Ish-komeha	his x mark.	Im-ai-onobi	his x mark.
Tik-vot-ah	his x mark.	Sho-mitta	his x mark.
Hopaish tai-a	his x mark.	Nowa	his x mark.
Lewi Jones	his x mark.	Ia-ma-tobi	his x mark.
Ahan-o-chobi	his x mark.	Ha-ta-tobi	his x mark.
Iho-tobi	his x mark.	John	his x mark.
Ona-tobi	his x mark.	Konin-chi	his x mark.
Pisa-to-nobi	his x mark.	Anoti	his x mark.
Mik-hah-tobi	his x mark.	Olai-obi	his x mark.
Ia-tambi	his x mark.	Yah-huma	his x mark.
Mahoba-tobi	his x mark.	William	his x mark.
Ati-obi	his x mark.	Topa	his x mark.
Luak-huma	his x mark.	Achu-kena-tobi	his x mark.
La-tobi	his x mark.	Ish-wan-cha-hobi	his x mark.
Hocha	his x mark.	Polowa	his x mark.
Timahontobi	his x mark.	Lan-ok-a-tobi	his x mark.
Ano-chobi	his x mark.	Amaia	his x mark.
No-wa	his x mark.	Nukfilli	his x mark.
Saki	his x mark.	Ta-he-kobi	his x mark.
Pilobi	his x mark.	Pak-na	his x mark.
Is-timichobi	his x mark.	Kolatesa	his x mark.
Limor-oa	his x mark.	Mik-ha-tobi	his x mark.
Konimon-tobi	his x mark.	Shampaii	his x mark.
Ya-shobi	his x mark.	Sobishlaro	his x mark.
Sunni	his x mark.	Ilambi	his x mark.
Fillitaia	his x mark.	I mai-ya	his x mark.
Illa-tobi	his x mark.	Chofot-ok-chai-a	his x mark.
Lewis Durant	his x mark.	Lan-a-chi	his x mark.

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, Head-men, and Warriors, 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 N. HALEY,
MARTIN SIMS,
ROBERT D. SMITH.**

CHOCTAW NATION, *March 25th, 1830.*

To the Hon. JOHN H. EATON, *Secretary of War:*

FRIEND AND BROTHER: The subject on which we would wish to address you, is one of the utmost importance to the welfare and happiness of the Choctaw Nation. At no period with the Choctaws has there been so much distress and dissatisfaction existing among the people as there are evidently felt at this time, with at least more than two-thirds of the community, and we know not to whom we could better point forth our grievances, than to our Great Father the President, the fountain head of power, where all his red children can, if they speak, be heard and listened to. Friend and brother, we would wish you to open to us your ears, and attentively listen to what we shall say in behalf of our afflicted and distressed country. We are sorry we are distressed, and this is owing to the late proceedings of some of our head-men in the nation, at a council held in the upper towns. The result of this council was made known to us but three sleeps ago, and which is, that a proposition has been made to the government for the soil of all our country East of the Mississippi river. We have no objection to sell our country, and go West of the Mississippi river, for there we know we can live unmolested as long as we are a nation, and where we shall be out of the jurisdiction of all the States in the Union, and where we know our Great Father the President can, and will protect us. This you have told us, and we believe it to be true; but we have a serious objection to any treaty being made, when it does not meet the full approbation of at least one-half of the nation, and most particularly, when it is done entirely unknown to the people, and understood only by a few individuals, and when it will be made to give to those same individuals ten sections of land to each, who have done more injury to the nation than good. The persons to whom we allude is Folsom and Leflore, and other designing half-breeds, who have got themselves into office by management and intrigue. Why should Folsom and Leflore receive ten sections of land each, and our beloved Mingo Mushulabbee, who served his nation more than sixteen years, and who at all times was the true friend of the Americans, in time of peace as well as in war, should not receive no more than a common warrior of the land, which he alone can say, as his father the beloved Mingo said—this land is mine; all this country is mine; and why is it, that the half-breeds alone are to be benefitted more by a treaty than the real pure Choctaws? Is it because we are ignorant, and because we are poor, that we should be neglected? If any people in the world can call any portion of the land of this world their own, we, the real Choctaws, can truly say, that this is our own land—this is our own country. Therefore, if this country is to be treated away, who but the real Choctaws should have the honor of selling it? Our right to the soil we live on is paramount to all others. Let, then, the Government treat with us, your children, who are the true inheritors of all this country, and who alone have the right of selling or disposing with it as they may think proper. We say, we are your children. You have acknowledged us as such. It was a full-blooded Choctaw that first gave his hand to the great and good Washington, and called him father. It was no proud and conceited half-breed. As children, we have been dutiful towards you; we have not been unruly and fractious at no time, as many of your other red children

have been, and done you injury. No! we have at no time ever done you any injury, but we have done you good whenever we had it in our power so to do. We ask of our Great Father, the war chief Jackson, who was it that fought by his side in the late war? Was not it our Pushmataha and Mushulatubbee, and their brave warriors? Let him remember the good deeds we have rendered for the United States, and for our Great Father. Let him remember our unchangeable friendship, and above all, remember us as a poor, helpless, and distressed people. If there is a treaty made between the Government and the Choctaws, let all, the full-blooded as well as the half-breeds, be equals in the profits arising from the treaty. This will be the only way to give satisfaction to all. We say we are willing to sell our country; but never, under any conditions, wherein it will make a few very rich. Five sections, it seems, has been allowed Garland, two for Joel R. Neil, and the same to J. L. McDonald, Israel Folsom, and George Hawkins. Here you see, in this proposition, which has, no doubt, been presented to you by David W. Haley, as being from the whole nation, and which, if it is agreed to, will make only the half-breeds rich. Israel Folsom and Neil have never done any thing for the nation, in no way whatever; but there are many others who have spent the whole of their time in the service of their country, and been, the means of doing a great deal of good; and yet, they are no more benefitted by this treaty than a common warrior, and the reason is, they are no relations to the chiefs who have made this proposition; and they are not half-breeds is another cause of this. You have, no doubt, been also informed that Greenwood Leflore has been made the principal chief of the whole nation, in consequence of the resignation of Folsom, of this district, (Northeast) and Garland, of the Southern District. But we will inform you, that Folsom had no office to resign; he had lost it some time since, at an election. And it was through disappointed ambition that made him act as he has in this respect. Mushulatubbee is the only chief in this district, as he was re-instated by a large majority of the people, and is now considered as in full office. The reason why Garland, of the Six Towns, resigned, as he said himself, in Council, (as Folsom did also) that his warriors were all forsaking him. Folsom and Garland, in this situation, gave themselves up to Leflore, with a few of their warriors and relations, and acknowledged him as the principal chief of the whole nation; but Leflore cannot be the principal chief, unless he is elected by a majority of the people in the whole nation. The people in this district, and also in the other districts, have ever had the privilege of selecting and making who they please as their chief, and removing them from office whenever it suited them; but never have there been, as yet, a single instance where the chief had the power of transferring his warriors into the hands of any other chief, or Mingo, at their own option. But, however, Folsom and Garland have assumed a privilege and a power that never was placed in the hands of any chief in the Choctaw nation, and we therefore warn you in time, not to agree to the proposition which was made at the late Council by Leflore and his party, for we assure you it is not a general understanding among us; and we are fully determined to never agree to it, let the consequences be as it may. Some of us were at the Council where the proposition for the soil of our country was made. It was formed by Folsom and Leflore, in a secret apartment, without the consideration of any other individual, except two or three missionaries, and when they had finished it, the people were called together at a late hour of the night, when it was read to them. We were displeased with it, and we

found others to be, also; even those who signed their names to the talk to be sent to our Great Father. But what was more displeasing to us, and truly disgusting, was, when we saw those individuals (Folsom and Leflore) so uncommonly anxious for the people to sign this talk. Every thing was urged and done in a hurry, and not even a moment's time was allowed for deliberation. If you have a mind to do justice by us, I know you will not agree to any treaty made with our nation, unless it is with the whole nation, and where it will give satisfaction at least to all the full-blooded Choctaws. Therefore, in order that this may be the case, we would be glad, if it is the wish of your Government to treat for our lands, that you would send commissioners to the nation, and we will show them that we have the power, and will sell our country. But we will make a fair and an honest treaty with them, and not under such considerations as that which is proposed by Leflore and Folsom. When we make a treaty we do not want the missionaries to be present. Let them attend to their proper vocations, and meddle not with the concerns of the nation. The missionaries, we are sorry to inform you, that they are a meddlesome set, and have not done much good among us. No! but they have been the cause of a great deal of injury to the nation, and also to the Government: for they are the very set that has ever operated against the policy of your Government towards the Choctaws, and thereby deprived us of those advantages and those blessings which it has been the wish of your Government to bestow on us. We have always been confident that your Government would not wrong our people, nor recommend us to nothing but what would tend to our happiness and prosperity; but, nevertheless, your views as respects the removal of our nation to the West, have heretofore been disappointed by missionary counsel and intrigue. I wish our Father the President but knew these people as well as we do. We would not wish you to think, because we do not like the missionaries, that we do not wish to encourage among our people the habits of civilized life; that we do not wish our youths to be educated and brought up as white people. As a people, that we are disposed to the reverse of this, we will present to you as an instance of it, our cherished institution in Kentucky, the Choctaw Academy. Mushulatubbee was the founder of that academy, and sent his sons there to be educated.

Friend and brother: In consequence of the iniquitous proceedings of the half-breed chiefs and their party, a great many of the people, from most every section of the country, have met together and joined in making you this communication. They have, at the same time, appointed a General Council, to take place on the 16th of April, where every man is to attend with guns and deadly weapons. We are determined to die, or have justice done us, and never to consent or agree to any treaty that is made in the dark, by designing and avaricious men, such as Leflore and Folsom.

We have the honor of subscribing ourselves your friends and brothers.

Mingo Mushulatubbee, x
 Mingo Nittukaichee, x
 Mingo Eyarhokatuhty, +
 General Talking Warrior, x
 Captain J. Kincaid, x
 Captain Red Tiger, x
 Captain Yatchopiah, x
 Captain Hopiatubbee, x

Levi Pickins, x
 Charles Lucas, x
 Oklabbee, x
 Captain Tishomengo, x
 Shunno, x
 Tescannoonkauchee, +
 Ostambe, x
 Tyonah, x

Chowalahomah, ×
 Hetooglabbetescan, ×
 Captain W. Wade, ×
 James Mackey, ×
 Pesamootubbee, ×
 Opolo, ×
 Teskemastubbee, ×
 James King,
 Peter King,
 Gilus D. Pitchlynn,

James Lucas, ×
 Tyamootubbe, ×
 Thomas James, ×
 Contubbee, ×
 Fallamenche, ×
 Ahoolloo, +
 Barney Kelley, ×
 Atonocche, ×
 Samuel Garland.

We do certify that the above is a true interpretation.

JOHN PITCHLYNN,

M. MACKEY,

United States' Interpreters.

E.

Proposed 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 freemen, 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 to 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 Fort Smith, and running up said river to the mouth of the Canadian fork; thence, up said fork, to its source; thence a due South course to Red river; then down said Red river until it reaches the Western boundary of Arkansas Territory; and thence North with said line to the beginning, on the Arkansas river; which last line, it is expressly stipulated, shall be the perpetual and permanent boundary line between the Territory or State

of Arkansas and the Choctaw nation. And so soon after the ratification of this treaty as Congress shall authorize it, 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 and their descendants.

ARTICLE II.

And in consideration of the provisions contained in the several articles of this treaty, the Choctaw Nation of Indians consent and hereby cede to the United States, the entire country which they own and possess, within the state of Mississippi, as is defined within their recognised limits and boundaries; and agree, within two years from the date of this instrument, to remove beyond the Mississippi river; and will so arrange their removal, that as many as possible of their people, not exceeding one half of the whole number, shall depart during the spring of 1831, while the waters and rivers are in order for their transportation—the residue to follow during the succeeding Spring, whereby a better opportunity will be afforded the Government to extend to them the aid and care which it is so desirable should be extended, in conveying them to their new homes.

ARTICLE III.

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 shall ever have a right to pass laws for the government of the Choctaw Nation of Red People, and their descendants; 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, except such as from time to time may be enacted in their own National Council, not inconsistent with the constitution, treaties, and laws, of the United States; and except such as may be, and which have been, enacted by Congress, to the extent that Congress, under the Constitution, are required to exercise a legislation over Indian affairs.

ARTICLE IV.

The United States are hereby obligated and bound to protect the Choctaws from foreign enemies, on the same principles that the citizens of the United States are protected; that whatever would be a legal demand upon the United States for self defence, or for spoliation committed by an enemy on a citizen of the United States, shall be equally binding in favor of the Choctaws; and in all cases when the Choctaws shall be called upon by 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: provided no war shall be undertaken, or prosecuted by said Choctaw Nation, but by declaration made in full Council, and to be approved by the United States, unless it be in self defence, against an enemy marching into their country, in which case, they shall defend themselves until the United States are advised thereof. It is furthermore

agreed that the United States will acknowledge such persons as Principal and Subordinate Chiefs of the Nation, as by the constituted authorities of the Nation may be appointed.

ARTICLE V.

Should a Choctaw commit any act of violence upon the person or property of a citizen of the United States, or join any war party against a neighboring tribe of Indians, without the authority in the preceding article, and 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 laws of the United States; but if such offender is not within the control 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 persons and property of the people of the Choctaw nation, either by citizens of the United States or neighboring tribes of Red People, shall be referred to the Agent, by him to be referred to the President of the United States, who shall examine into such cases, and see that every possible degree of justice is done to said injured party 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 authorized 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 Agent and constituted authorities of the nation, and refusing to obey, or returning to the nation without the consent of the aforesaid persons, shall be subject to such pains and penalties as may be provided by the laws of the United States in such cases. All citizens of the United States travelling peaceably and under the authority of the laws of the United States, shall be under the care and protection of the nation.

ARTICLE IX.

The United States will aid the Choctaw nation, when called upon, to suppress any insurrection of any part of the Choctaws against the constituted authorities of said nation, so that peace and harmony may be preserved amongst them, and the United States shall be particularly obliged to assist in excluding ardent spirits from said nation, unless for purposes of real necessity.

ARTICLE X.

No person shall expose goods or other articles for sale as a trader without written permit from the constituted authorities of the nation, or authority

derived from the United States, under the penalty of forfeiting all such articles; and the said constituted authorities shall not license any person to trade in the nation, unless he resides in, and is subject to, all the laws of the nation.

ARTICLE XI.

It is understood and agreed that the navigation of Red river and Arkansas shall remain free to the Choctaws, and that they shall be subject to no higher toll or rate of duty than citizens of the United States may be at any time subject. The United States agree further, that they will establish one or more post offices within the territory of the Choctaws, and may establish such military and post roads as shall be considered necessary.

ARTICLE XII.

All intruders shall be removed, by the United States, from the Choctaw lands West of the Mississippi, at any time when so requested to be done by the constituted authorities of said nation, after the ratification of this treaty. Private property shall be always respected, and not taken for the use of the United States, without fully compensating the rightful owner for the same.

ARTICLE XIII.

As it is necessary that the Choctaws should have confidence in the United States' Agent 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, if not sooner removed; but may be re-appointed. In all cases the President of the United States shall remove the Agent, and appoint some other person, on the petition of the constituted authorities of the nation, he being satisfied that there is sufficient cause therefor. It is further consented that the wish of the constituted authorities shall be respected, 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 nation; and all future agents shall reside at the agency, so long as the United States shall conceive it advisable to keep one. It is further stipulated that, whenever a Choctaw 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 XIV.

Any and all Choctaws wishing to continue on the land where they now reside, shall be secured in a full section, or six hundred and forty acres of land, to each family in fee simple. But this provision shall not attach except to such as shall continue to reside on the same for five years from the ratification of this treaty, and who shall have signified a determination to become citizens of the State of Mississippi.

ARTICLE XV.

The United States, to afford to the Choctaw Nation of Indians an earnest of their good feelings, and, at the same time, to enable them the better to

settle themselves to the West, agree, that, as full compensation for such improvements abandoned, as may add increased value to the land, which shall be assessed by one or more commissioners, to be appointed by the President, they will pay, for the term of three years, by which time it is hoped they will be enabled to render their farms productive, \$75,000 annually, to commence from the date of removal, which said annuity shall be apportioned amongst those who shall leave improvements, and agreeably and in proportion to the respective value of the same. The United States agree further to pay the sum of \$10,000 for the purpose of erecting one or more houses of public worship; also, \$10,000 for erecting school houses; \$5,000 for a council house; \$2,000 for a house for the principal chiefs of the nation; and 10,000 annually, for ten years, to be applied under the direction of the President, for the purpose of educating the children of the Choctaws. And, as it is hoped that the Chickasaw Nation will be disposed to unite to the West with their Choctaw neighbors, in which event, it will be desirable to place them near to the homes of their ancient friends and neighbors, the Choctaws, it is hereby agreed, that, on their consenting to remove, the United States shall have authority to assign to them a home within the limits of the Choctaw country, West of the Mississippi, not exceeding the quantity of acres owned by them in the State of Mississippi; and as consideration for this, the United States will pay the Choctaw Nation the sum of \$15,000 for twenty years; and will extend the Choctaw West boundary directly West, over any land they now own, and may have a right to convey, to the extreme Western limits of the lands of the United States; or, if preferred by both Nations, the Chickasaws to be adopted into the Choctaw Nation, with all the rights and privileges which belong to the people of the Choctaws.

ARTICLE XVI.

It is agreed that the United States shall support the Indians with sound and wholesome food, while they shall be encamped by the agent of the United States, previous to their departure for their new homes; also, during the time they may be engaged in removing, and for twelve months after their arrival; and to enable the Government the better to comply with this article, they stipulate to purchase, at valuation price, the hogs and cattle of the Indians, which they may be able to supply for this purpose. Such as may not be wanted, may be traveled to their new homes, to be supported on their way, as far as may be practicable to obtain supplies, at the expense of the United States. The tools and personal property of Indians left behind, if deposited at one or two designated points by the Agent, shall be sold by the Agent, or some authorized persons, and the proceeds thereof be hereafter paid over for the benefit of the Indians who may have left them. The United States consent to furnish, at proper points, such wagons and steam boats as the President may conceive necessary for the removal.

ARTICLE XVII.

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 warrior; and each farmer shall be furnished with an axe, hoe, and plough; and each family 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 will also furnish one blacksmith's shop, at the expense of the United States, on the principle of the shop now furnished the nation, for a period of 20 years.

ARTICLE XVIII.

To enable the Choctaws to defend themselves in their new home, each warrior shall, annually, be furnished for four years, by the United States, with a reasonable 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 troops on or near the Choctaw line, or other situation, as the President may designate, 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 Choctaw Nation shall be furnished with a good four or six pound piece of artillery, well mounted, together with a supply of powder and ball.

ARTICLE XIX.

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 constituted authorities 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 as aforesaid, and also the salary of a captain as aforesaid, for the first four years. These rangers shall execute the orders of the chiefs, and travel as messengers; they shall also be liable to be called into the service of the United States by the President, and when thus employed, shall receive at the rate of one hundred dollars additional per annum. The principal chief, when in the military service of the United States, by authority of the President, shall have the rank and pay of a colonel.

ARTICLE XX.

All annuities heretofore secured to the Choctaw Nation, and which have not already become due and payable, shall cease from the date of the ratification of this treaty, with the exception of 6,000 dollars, secured under the 2nd article of the treaty of the 20th of January, 1825, concluded at Washington, which shall continue for ten years from the date of the ratification of this treaty, and no longer. It is also covenanted and agreed, that, for the purposes and objects secured by the provisions of this treaty, and with a view fully to satisfy the Choctaw Nation of the kind feelings entertained towards them, in addition to other sums herein stipulated for, the United States agree to pay to the Choctaw Nation 50,000 dollars annually, for 40 years, of which 7,000 a year shall be applied to the use and purposes of a common school or schools, to be established West of the Mississippi, under the direction of the Secretary of War; 1,500 dollars annually, under the same direction, for two or more teachers of the christian religion, of different denominations, and the residue to be apportioned by the Agent amongst the different families of the Indians, for their particular use and benefit, except 1,250

dollars, which shall be paid annually to the principal chiefs. It is agreed further, that, in all matters of doubtful construction under this treaty, it shall be construed most favorably towards the Choctaws; it is further agreed, that no one shall be disturbed or interrupted on account of his religious opinions.

ARTICLE XXI.

Of the land ceded East of the Mississippi river, the United States will cause 50 sections to be laid off and surveyed, of which of said sections shall be sold, and the proceeds paid to Greenwood Leflore and David Folsom; also, to be surveyed and disposed of as aforesaid, sections of the same, for the benefit of Mushulatubbee, and John Pytchlynn, also, sections in manner as aforesaid, to be disposed of for the benefit of each of the following persons: John Garland, Joel R. Neil, Middleton Mackey, Israel Folsom, George Harkins, and James L. McDonald; the residue to be disposed of, and the proceeds given to such persons of the Choctaw Nation, as may be agreed upon in national council, at the ratification of this treaty. Said surveys shall, in all cases, include the improvements of the persons entitled; and where no improvement is had, the United States shall designate where the survey shall be made, the proceeds whereof shall be paid so soon as sales of the land so reserved are made, or the United States shall take them by paying, within three months from the ratification, \$1 25, if the parties entitled shall consent to it. Said surveys shall be made to conform to sectional lines, and shall not interfere with other previous rights under this treaty.

ARTICLE XXII.

So soon as this treaty shall be ratified by the parties making it, the United States shall have authority to survey and prepare the Choctaw country for sale, free of interruption, and said lands, thus ceded, shall remain as a fund pledged for the payment and satisfaction of the different sums stipulated herein to be paid; but the Indians shall not be interrupted in the possession of their country until the expiration of two years from the 15th of May ensuing, though it is agreed that they will remove earlier if practicable. But by that period, to wit: the 15th May, 1832, it is stipulated they shall remove. It is also understood and agreed, that all white persons, who, at the date of this treaty, are identified with, and who are members of the Choctaw Nation, by virtue of existing laws, or Indian regulation, shall be considered as included under the general term "Choctaws," used and employed in this treaty.

F.

HAMILTON, *April 11th*, 1830.

DEAR JUDGE: This morning I received a communication from Major Pitchlynn, of the Choctaw nation, requesting me, in behalf of himself, Mushulatubbee Hihagotoba, the Talking Warrior, and the headmen and captains of the Northern and Southeastern districts of the nation, to address the President on the subject of, what they call, their distressed situation.

As my acquaintance with the President was at a period of my life when my years were few in number, it is possible he may not now recollect me;

and as I have heretofore written to you on the subject of Indian Affairs in our State, I deem it most prudent to address you, and to make their communication to you; and if you, in your discretion, may think it worth presenting to the President, you can do so.

You will recollect that Major Pitchlynn has been interpreter for the United States, in the Choctaw nation of Indians, for more than forty years; and that, although he is a white man resident among them with an Indian family, he has ever, both in and out of the nation, sustained a fair and reputable character.

I will give you their communication *verbatim*, with the exception of adding a word or two to make it read intelligible.

They request me to say to the President that they are a distressed people, and want the help of their Great Father the President, who has never told them a lie. That a few half-breed chiefs, and the missionaries, have robbed them of their rights and happiness. That they are all, except the Major, full blooded Indians. That they understand Greenwood Leflore, David Folsom, and John Garland, three half-breed chiefs, have sent on by Major Haley propositions to the President to treat away their country without their consent or knowledge, and without hardly any of the Indians knowing any thing about it; and, as they have heard, upon such terms as will not benefit the common Indians, and give them justice. That they have always had chiefs of their own until now, and have never been compelled to serve a chief without their own consent; and that they are now determined not to do it; for, they understand Folsom and Garland, the former chiefs of their district, have resigned in favor of Leflore, who is to be the only chief for life. This, they say, they cannot bear.

They say the persons, before named, are the headmen of the Northern and Southeastern districts, and their captains and warriors speak as they do. That they are ready, if the President will send Commissioners on, to treat with them for their two districts. That they will give the Government a better treaty than the half-breeds and missionaries have offered them, and that they will go West of the Mississippi river, or any where the President may think best for them to go, &c.

I set out by stating that I would give the communication *verbatim*, but when I came to transcribe it I found that I had best give it in substance, as it is made in the true Indian style of communicating ideas.

Thus, you see the condition of the Choctaws, and it is now in the power of the Government to make a favorable treaty with them, and which will enable the Government to show its magnanimity towards those persons; for they are at this time entirely at the mercy of the Government, their own internal dissensions producing the effect.

I have no doubt those two districts, *en masse*, will conform to the policy of the Government, and the other will be compelled to come into the measure.

You will pardon me, when I give it to you as my opinion, that the earliest action on the part of the Government, in this respect, will be most sure to effect the object of the Government, and the interest of the Indians; as, also, it may prevent the effusion of blood by those poor deluded and misguided people: for, from what I can learn, there is every probability that the 16th instant will date the commencement of a civil war among them. This fact, I believe, I mentioned to you in my last letter.

I shall set out on Wednesday next for Madison court, and shall stay on the night of the 16th in the neighborhood of the council; so soon as I hear the result of their meeting I will inform you

I am, with sentiments of great respect,
Your friend,

D. W. WRIGHT.

P. S. Col. Pruett, who passed through the nation the other day, says, he understood the Talking Warrior had beat his war drum, and was performing the Indian ceremonies usually preceding war, &c.

Hon. P. ELLIS, *U. S. Senate.*

G.

WAR DEPARTMENT, *April 27th, 1830.*

To the President of the United States:

SIR: The Choctaw treaty which is offered for consideration, proposes a repeal of former annuities, and to substitute new and enlarged ones. Those which now exist, and are chargeable upon the United States, amount to \$24,300, as will appear by the enclosed statement from the office of Indian Affairs. This schedule will show the amount, the duration, and under treaties of what date those annuities have been stipulated for.

The amended proposals offered by you, and which are intended to be submitted to the Senate for their consideration, propose, in reference to the permanent annuity of \$6,000, to retain it for the present, but to determine it in 10 years. (Article 21.)

The reason for retaining this \$6,000 of permanent annuity, for the time specified, to wit: 10 years, is, that a school in Kentucky, which is responsible to the War Department, was, in the year 1826, established under the superintendence and direction of the Rev. Thomas Henderson, and a board of trustees. Considerable expense has been incurred, and now, to arrest the operations of the school, would involve injury to this individual enterprise, which was undertaken for the benefit of the Indians, and at their request. Besides, it is believed, that greater advantages will result to the Indians, by having the education of their children attended to in the States than by placing the funds exclusively to be applied within the limits of their own country. More enlarged means for securing an advance in mind, morals, and manners, will be afforded by the one mode, than by the other.

Very respectfully,
JOHN H. EATON.

H.

DEPARTMENT OF WAR,
Office of Indian Affairs, April 17th, 1830.

The following table shews the annuities due the Choctaw Indians under the various treaties which have been entered into between them and the United States, to which the accompanying treaty refers.

Date of treaty.	Amount provided for	
November 16, 1805,	3,000	Annuity, permanent.
October 24, 1816,	6,000	Do for 20 years.
October 18, 1820,	600	Support of Light Horse.
Do do	150	Annuity to Chief for life.
	*2,400	Do permanent.
January 20, 1825,	6,000	Do do.
Do do	16,000	Do for 16 years, schools.
Do do	150	Do to Chief for life.
Dollars	24,300	

The six thousand dollars perpetual annuity has been allotted for twenty years, by treaty, and, at the instance of the Choctaws, made a school fund for the education of their children, and appropriated by them to be expended under the direction of the President of the United States, at the Choctaw academy, in Kentucky. In pursuance of this provision of the treaty, and of the direction of the Choctaws, rules for the government of that school were prepared and approved by both the Choctaws and President of the United States. The school is in successful operation, on the faith of this arrangement.

THO. L. McKENNEY.

* See act of 7th May, 1822.

† This annuity by the proposed treaty to be retained for reasons stated in my communication to the President, which leaves \$18,300 discharged, of which 11,400 are permanent.