

INDIANS—CHOCTAW CITIZENS OF MISSISSIPPI.

MEMORIAL

OF THE

CHOCTAW CITIZENS OF THE STATE OF MISSISSIPPI,

To the Congress of the United States.

DECEMBER 15, 1841.

Referred to the Committee on Indian Affairs.

Memorial of the Choctaw citizens of the State of Mississippi to the Congress of the United States.

The undersigned, Choctaw citizens of the State of Mississippi, in behalf of themselves and of many other Choctaw citizens whom they represent, most respectfully solicit the attention of Congress to the following facts, as set forth in this their memorial:

We call to the recollection of your honorable body, that, in the year 1830, the Government of the United States sent commissioners to the Choctaw nation, then residing within the chartered limits of the States of *Mississippi* and *Alabama*, for the purpose of treating for their lands, and for their removal to a district of country west of the Mississippi river. Although two attempts previous to this had already been made to form such a treaty, both of which had proved wholly unsuccessful, yet the chiefs and head men on this occasion thought proper again to call the whole nation together, to consider the propositions of the Government of the United States.

They met in general council for this purpose, at a place called Dancing Rabbit Creek, where, after many days of fruitless negotiation, the whole council was on the point of breaking up and dispersing without making a treaty, and in fact many had already returned home, supposing the council was at an end, when the commissioners came forward at the last moment, and offered a proposition which arrested the attention of that portion of the nation which yet remained on the ground, and which proposition finally led to the making of the treaty.

Before mentioning the contents of this proposition, we will state to your honorable body that many of the Choctaws were utterly opposed to selling their country *at all*, or to removing west of the Mississippi river *on any condition whatsoever*; others were willing to remove west themselves, but they were unwilling to force those to go who wished to remain at their old homes. Under this state of feeling, no treaty could be made, nor the nation removed, except by military force. To avoid this terrible alterna-

tive, and to reconcile all parties, the commissioners of the United States, as the last resort, came forward and proposed the stipulations above referred to, and which now constitute the 14th article of the treaty.

By this article, each Choctaw head of a family had offered to him the choice and option either to *go west* or to *remain at his old home*. To such as chose to go, the Government agreed to pay them for their property and improvements, and to furnish them with other lands beyond the Mississippi, &c. To such as preferred to remain at their old homes, the Government *guarantied* their possessions, with a certain amount of land to each, and a fee simple title for the same. On these terms the treaty was yielded to, and *on no terms less favorable could the consent of the nation have been obtained*. That portion of the nation who chose to go west have long since removed, and have received all the benefits promised to them by the treaty, while that portion who chose not to emigrate remain in the State of Mississippi; and, as yet, the Government of the United States *has wholly neglected and failed to secure to them the stipulations of the treaty*. The undersigned, and those whom we represent, constitute this portion. We have now for *five years* been *supplicating* Congress to carry out towards us in good faith the solemn stipulations of the treaty, *but all in vain*. We call the attention of your honorable body to the stipulations of the 14th article.

The 14th article.—"Each Choctaw head of a family, being desirous to remain and become a citizen of the United States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to half that quantity for each unmarried child which is living with them over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

This article requires the Choctaw head of a family wishing to remain at his old home to comply with certain conditions. *First*, he must "signify his intention to remain" to the agent "within six months after the ratification of the treaty;" *secondly*, he must reside on said lands (the lands reserved to him) for five years after the ratification of the treaty. Upon each Choctaw head of a family complying with these conditions, the treaty expressly guaranties to him that "in that case a grant in fee simple shall be issued" to him.

We, the undersigned, in behalf of ourselves and of those whom we represent, now *come* forward and declare that we are the individuals whose rights are guarantied by this fourteenth article.

We declare that we have strictly complied with the first-recited requisition; and, notwithstanding the obstacles thrown in the way by the agents of the Government to defeat our purpose, we have likewise, in many instances, fully complied with the second-named condition; and, in cases where we have not complied with this condition, it is owing to no fault of

ours, but to the acts of the Government itself, in having sold the lands of some of us from under us, and the white purchasers having driven us out, and taken possession of them. To prove to your honorable body that these assertions are not gratuitous, but strictly true, we refer you to the evidence taken before the commissioners of the United States at *Ben. Lestore's*, in the year 1838, and to the testimony attached to the report of the Committee on Indian Affairs, made by the Hon. John Bell, in the year 1836. From these you will see how cruelly many of us have been treated by the agents of the Government, and what sore and distressing grievances we are now suffering.

In compliance with our urgent petitions, the Congress of the United States, in the year 1837, passed an act appointing three commissioners to examine into our claims. This was what we desired, and we then hoped that justice would speedily be done us; but, before the commissioners had examined half of our claims, the time prescribed to them expired, and now three years have since then passed away, without Congress renewing the commission or taking any other steps to do us justice.

We have waited with patience and suffering for Congress either to renew the commission, or do something else for our relief; but all our hopes thus far have been blasted.

We now again come before your honorable body, and supplicate you to do us justice. We ask you for no donation or gratuity whatever—all we ask is, that you will do us *justice*—all we ask is, that you will carry out, in good faith, the stipulations of the treaty, solemnly entered into by the Government of the United States with the Choctaw nation, of which we then composed a part.

And here we beg leave most respectfully to remind your honorable body of one fact: that, although we are Choctaws, we no longer compose a *tribe* or a *nation*, but we are citizens of the State of Mississippi and of the United States; we have become such, not only by the express words of the treaty, but by the Constitution and laws of Mississippi; and it is not as a tribe or a nation that we now come before you, but as individual citizens of the Government. As such, we most respectfully protest against the scheme for settling our claims, as set forth in the report of a committee of the House of Representatives, made by the Hon. Mr. Everett, on the 22d of February, 1839; which plan proposes to give us a specific quantity of land as an *indemnity*. Ours is not the claim of a tribe, but is made up of many individual claims, different in amount, according to the number of each claimant's family; and each individual asks for nothing more or less than what he is entitled to by the treaty itself. If we are entitled to *any thing*, it is what the *treaty stipulates to give us*; if we are not entitled to this, then we are entitled to nothing; then we have no right to ask for any thing else, either as "indemnity" or as gratuity. As there were two parties to the contract, we are advised that Congress has no right to change the stipulations of the treaty, or put us off with less than what it stipulates to give. All we ask is, that the treaty may be executed in good faith, whenever it can be done without working evil to other persons; and in cases where this cannot be done, we only ask for a fair equivalent and a just remuneration.

We will state to your honorable body the cases in which the treaty cannot be executed without working much injury to others: There are many instances where the Government has sold from under us the lands on which

we lived at the time of the treaty, and which were expressly reserved for us. White men have become purchasers of our places, and in many cases have made extensive improvements on them. We know it would be ruinous to many of these persons to be turned out of their possessions. We do not ask the Government to treat them as we have been treated; that is, to drive them and their families from their homes; but we desire that the Government shall leave them in peaceful and quiet possession of their homes, and give us other lands of equal value in lieu thereof, or pay to each claimant, in such cases, a fair equivalent in money for his lands.

We further state to your honorable body, that we believe that your neglect of our humble claims has not been owing to any intent on your part to do us injustice, or to act in bad faith towards us. We believe that it has arisen from causes not necessary to be mentioned. We also know that one branch of your honorable body (the Senate of the United States) has, for several sessions, passed bills to settle our claims, which bills have not been acted on in the House. While we express our deepest gratitude to that body for thus remembering us, we must at the same time express our most respectful dissent from one of the provisions of the bill passed by the Senate at the last session of Congress. This part of the bill, should it hereafter become a law, will work great injustice to many of us. It provides that in cases where the claimant has been deprived of his reserved land, he shall take in lieu thereof the same quantity of refuse lands—that is, of lands that have been long in market, and of course have been picked over, and all the tillable parts entered up. We appeal to your honorable body, whether this would be just. The Government, through its agents, have sold the lands reserved to us by the treaty; we have been driven off from them, and now we are offered other lands so poor and steril that heretofore nobody would have them. Our reserved lands were sold by the Government; the Government has received the money, and put it into its coffers; and now is it right or just to put us off with lands which have been picked over for years, and are worth but little, if any thing at all? Inasmuch as the Government, without our consent, and to our great injury, has sold our lands, and made use of the money, we most respectfully ask your honorable body whether, in sheer justice, you ought not to give to such of us as are rightfully entitled to lands, and have been thus deprived of them, other lands of *equal value* to those taken away and sold, or to pay back the money for which our lands were sold? We might, under the stipulations of the treaty, call upon you in good faith to give each claimant the *identical lands* reserved to him; but, for reasons before mentioned, we are willing to waive this right, and say to you, either give us other lands of equal value with those taken from us, or pay back to each claimant the money for which his particular land was sold.

In conclusion, we again most earnestly pray the honorable Congress no longer to put off acting on our claims. It is of importance to the Government and to us; it is all-important that they should be settled without further delay. In thus petitioning you to settle our claims, we are not asking you to give us any thing; all we ask or desire is, that you will, without further delay, promptly carry out the treaty made by the Government with us. Send on your own officers or judges to examine our claims; if they find that there is no justice in them, then reject them at once; and, on the other hand, if they find that we have justice on our side, then no longer

withhold our just rights, but give us whatever relief we are entitled to by the treaty, and without further delay put an end to our anxieties and troubles.

ME-ISH-ANTAH,
CAN-UN-TUBBEE,
ME-HAH,
MATH-LE-CUBBEE,

In behalf of the Choctaws living in the Moglushah town.

CHAPAH-HOMAH,
TISHO,

In behalf of the Choctaws living on Sookenache.

JAMES TOBY,
TOBY CHUBBEE,
FIL-LE-CA-CHUBBEE,
NECONCHE,

In behalf of the Choctaws living on Shongolo.

TAH-NAH-PISH-UBBEE,

In behalf of the Choctaws living on Bogue-chitto.

CAPTAIN BOB,
TO-CHUBBEE,
CAN-AN-TUN-TUBBEE,
OK-LAH,
E-AT-AM-BEE,

*In behalf of the Choctaws living on Chunkie, Tully-hattah,
and Fok-le-palah.*