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Choctaw and Chickasaw Indians. (To accompany bill H.R. no. 370.)

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Recommended Citation

H.R. Rep. No. 1, 40th Cong., 3rd Sess. (1868)

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CHOCTAW AND CHICKASAW INDIANS,

[To accompany bill H. R. No. 370.]

DECEMBER 8, 1868.—Ordered to be printed.

Mr. CLARKE, from the Committee on Indian Affairs, made the following

R E P O R T .

The Committee on Indian Affairs, to whom was referred Senate joint resolution No. 18, for the sale of certain stocks held in trust for the Choctaw and Chickasaw Indians, respectfully report :

That in reply to a call for information concerning the awards referred to in said resolution, the chairman received a letter from the Secretary of the Interior, dated the 12th of December, 1867, in which he says that "the testimony accompanying the award under the 49th article is very voluminous. Soon after it was laid before me by the commissioners I referred it to the Commissioner of Indian Affairs for examination and report. That report has not yet reached me." He also says: "The award under the 50th article of the treaty was approved by the Choctaw nation, admitted by them to be just, and its approval and payment by the Secretary of the Interior urged by the representatives of the nation then in this city. No objections were made by the Choctaws or their representatives to this award. It seemed to be in all respects fair and just, and I accordingly approved it. The only payment made upon it is that mentioned in the letter of the Commissioner of Indian Affairs. The whole amount would have been paid had there been a fund subject to my control applicable to its payment. I believe the sums awarded to be honestly due to the parties in whose favor the award was made. They are entitled to and ought to have the money; and I trust an appropriation will be made adequate to its payment."

The letter from the Commissioner of Indian Affairs referred to by the Secretary states "that under the 50th article, which applies to the Choctaws only, the commissioners awarded the full amount specified in said article, as follows: To Joseph G. Heald \$69,458 72, and Reuben Wright \$20,541 28. These awards have been approved, and the sum of \$10,000 has been paid to said parties from trust-fund interest due the Choctaws."

In view of the facts stated by the Secretary that he had not acted upon the awards under the 49th article of the treaty, the committee determined to consider separately the awards under the 50th article, and had instructed their chairman to report in favor of their payment, when Messrs. Folsom and Battice, duly authorized representatives of the Choctaw nation, appeared and filed a protest against any payment to Heald and Wright, in whose favor the awards were made.

In order, therefore, to give the contesting parties an opportunity to be heard, the committee reconsidered its former action. The material facts ascertained in the course of its investigations are these:

The 50th article of the treaty with the Choctaw and Chickasaw Indians of April 28, 1866, is in the following words:

Whereas Joseph G. Heald and Reuben Wright, of Massachusetts, were licenced traders in the Choctaw country at the commencement of the rebellion, and claimed to have sustained large losses on account of said rebellion, by the use of their property by said nation, and that large sums of money are due them for goods and property taken or sold to the members of said nation, and money advanced to said nation; and whereas other loyal citizens of the United States may have just claims of the same character, it is hereby agreed and stipulated that the President of the United States shall within three months from the ratification of this treaty appoint a commission to consist of one or more discreet persons to investigate said claims and fully examine the same; and such sum or sums of money as shall by the report of said commission, approved by the Secretary of the Interior, be found due to such persons, not exceeding \$90,000, shall be paid by the United States to the persons entitled thereto out of any money belonging to said nation in the possession of the United States: *Provided*, That no claim for goods or property of any kind shall be allowed or paid in whole or part which shall have been used by said nation, or any members thereof, in aid of the rebellion, with the consent of said claimants: *Provided, also*, That if the aggregate of said claims thus allowed and approved shall exceed said sum of \$90,000, then that sum shall be applied *pro rata* in payment of the claim so allowed.

Under the provisions of this article, in connection with the 49th, as required by the amendment of the Senate, a commission was appointed and four claims were presented for adjudication, which were carefully investigated and examined by the commission in the presence of attorneys duly authorized to represent the Choctaw nation. Their report shows that the delegates who made the treaty at Washington had ascertained and admitted that \$70,288 80 was due to Joseph G. Heald and \$20,786 76 to Reuben Wright, and their written request that those sums should be paid was produced. Notwithstanding this admission and request the commission carefully scrutinized the evidence upon which the claimants relied and found that it fully justified the action of the delegates. The other claims not being fully or satisfactorily established were rejected. The report of the commission awarding \$69,459 13 to J. G. Heald and \$20,540 87 to Reuben Wright, being to each his *pro rata* share of \$90,000, as provided by the treaty, was approved by the Secretary of the Interior, and \$10,000 paid to the claimants, as shown by the letters before referred to, of the Secretary and the Commissioner of Indian Affairs. The committee, though, doubting their authority to go behind the treaty by opening the report of the commission after it had been approved by the Secretary of the Interior, yet being desirous of affording the Choctaw nation, through its authorized representatives, the fullest opportunity of presenting and making known their objections, have given the whole case a full, laborious, and protracted examination, which resulted in the conclusion that the complaints of the parties now representing the nation in this matter are without any foundation in equity, justice, or reason.

The committee, therefore, seeing no ground whatever to disturb or interfere with the action of the commission and of the Secretary, even if they had the power to do so, respectfully recommend as a substitute for Senate joint resolution No. 18 the passage of the resolution herewith submitted, which is restricted in its application to the awards heretofore approved by the Secretary of the Interior under the 50th article of the treaty and to the sale of the bonds of the United States.