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Letter from the Secretary of the Interior, relative to a claim by the Choctaw Nation of Indians against the United States, growing out of treaty stipulations

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CLAIM OF CHOCTAW NATION.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

A claim by the Choctaw nation of Indians against the United States, growing out of treaty stipulations.

FEBRUARY 1, 1868.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., January 31, 1868.

SIR: Herewith I transmit a copy of a communication addressed by this department to the Hon. Thaddeus Stevens, chairman of the Committee on Appropriations of the House of Representatives, on the 5th day of February, 1867, relative to "a claim of the Choctaw nation of Indians against the United States, growing out of treaty stipulations," and most respectfully but earnestly invite the attention of Congress to a consideration of the subject.

If, upon examination of the matter by Congress, the United States shall be found to be justly indebted to the Indians, under existing treaty stipulations, it is hoped that an appropriation adequate to the payment of such indebtedness may be made.

The interests of the government and the Indians alike require that definite action shall be had in the premises.

Very respectfully, your obedient servant,

O. H. BROWNING,
Secretary.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 5, 1867.

SIR: I have the honor to invite the attention of the Committee on Appropriations to a claim of the Choctaw nation of Indians against the United States, growing out of treaty stipulations, and to the necessity of an appropriation to meet it.

By the eleventh article of the treaty, concluded at the city of Washington, on the 22d of June, 1855, between the United States and the Choctaw and

Chickasaw tribes of Indians, (Statutes at Large, vol. 11, p. 613,) it was stipulated and agreed as follows :

"The government of the United States, not being prepared to assent to the claim set up under the treaty of September the twenty-seventh, eighteen hundred and thirty, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States :

"First. Whether the Choctaws are entitled to, or shall be allowed the proceeds of the sale of the lands ceded by them to the United States, by the treaty of September the twenty-seventh, eighteen hundred and thirty, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments, under the provisions of said treaty ; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected. Or,

"Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States ; and if so, how much ?"

Pursuant to this treaty stipulation, the Senate, on the 9th of March, 1859, made their award in the form of a resolution in the following words, viz., (Senate Journal, 2d session 35th Congress, 1858-'59, p. 493 :)

"Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians, provides that the following questions be submitted for decision to the Senate of the United States : First, whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments, under the provisions of said treaty ; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected. Or, second, whether the Choctaws shall be allowed a gross sum, in further and full satisfaction of all their claims, national and individual, against the United States ; and if so, how much ?

"Resolved, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the first day of January last, deducting therefrom the costs of their survey and sale, and all proper expenditures and payments under said treaty, excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of one dollar and twenty-five cents per acre ; and further, that they be also allowed twelve and a half cents per acre for the residue of said lands.

"Resolved, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above prescribed principles of settlement, and report the same to Congress."

(See Report Senate, No. 374, 2d session 35th Congress, 1858-'59.)

In obedience to the direction contained in this resolution, the Secretary of the Interior caused an account to be stated, and found that, according to the principles of settlement prescribed by said resolution, there was due to the Choctaw nation the sum of \$2,981,247 30.

This account was transmitted to Congress on the 8th of May, 1860. In the Senate it was referred to the Committee on Indian Affairs, who revised the account and reduced the amount thus reported to be due the Choctaws to \$2,332,560 85. (Senate Doc. No. 283, 1st session 36th Congress, Senate Reports, vol. 2.)

Congress, by act of 2d March, 1861, (Statutes at Large, vol. 12, page 238,)

made an appropriation of \$500,000 on account of this claim, in the following form :

“ For payment to the Choctaw nation or tribe of Indians, on account of their claim under the eleventh and twelfth articles of the treaty with said nation or tribe, made the twenty-second of June, eighteen hundred and fifty-five, the sum of five hundred thousand dollars; two hundred and fifty thousand dollars of which sum shall be paid in money; and for the residue the Secretary of the Treasury shall cause to be issued to the proper authorities of the nation or tribe, on their requisition, bonds of the United States, authorized by law at the present session of Congress: *Provided*, That in the future adjustment of the claim of the Choctaws, under the treaty aforesaid, the said sum shall be charged against the said Indians.”

Soon after this appropriation was made the sum of \$250,000 was paid the Indians in money, as directed, and the \$250,000 provided to be paid in bonds having been drawn from the treasury and used according to the direction contained in the sixth section of the act of March 3, 1865, (Statutes at Large, vol. 12, p. 563,) there is still due the Indians, under the award made by the Senate, the sum of \$1,832,560 85.

By treaty concluded with the Choctaws and Chickasaws on the 28th of April, 1866, it was stipulated and agreed as follows, viz., (Acts 1st session 39th Congress, pp. 90, 95:)

“ARTICLE 10. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw nations entered into prior to the late rebellion, and in force at that time, not inconsistent herewith; and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation, from and after the close of the fiscal year ending on the thirtieth of June, in the year eighteen hundred and sixty-six.”

“ARTICLE 45. All the rights, privileges, and immunities heretofore possessed by said nations or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had in connection with them, shall be, and are hereby, declared to be in full force, so far as they are consistent with the provisions of this treaty.”

These Indians are represented as being in a very destitute and necessitous condition, and are urgent in their request for an appropriation of the balance of the amount awarded to them, but which remains unpaid. It is believed that it could not be made available to them at a more opportune occasion than at the present, as it would afford relief from their present sufferings and wants, and furnish them the means of repairing to a great extent the losses to which they have been subjected during the past few years.

The balance claimed by the Choctaw nation is clearly due them, and for the payment of which the faith of the government is solemnly pledged. I therefore recommend that the necessary appropriation be made to enable this department to pay the amount as soon as practicable, being satisfied that it will be of more value to them now than at any future period.

I have the honor to be, very respectfully, your obedient servant,

O. H. BROWNING,
Secretary of the Interior.

Hon. THADDEUS STEVENS,
*Chairman Committee on Appropriations,
House of Representatives.*