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Letter from the acting Secretary of the Interior, in relation to a treaty made with the Choctaw and Chickasaw Indians April 28, 1866

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TREATY WITH THE CHOCTAW AND CHICKASAW INDIANS.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

IN RELATION TO

A treaty made with the Choctaw and Chickasaw Indians April 28, 1866.

APRIL 14, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 4, 1874.

SIR: I have the honor to invite your attention to articles second and third of a treaty made with the Choctaw and Chickasaw Indians April 28, 1866, (Stat. at L., vol. 14, p. 769.)

The second article of said treaty provides for the abolition of slavery.

The third article of the treaty provides that, in consideration of the sum of \$300,000 to be paid to said Choctaw and Chickasaw Indians by the United States, the said Indians agreed to cede to the United States that territory west of the 98th degree of west longitude, known as the leased district. Said sum of money to be invested and held by the United States at an interest of not less than 5 per cent., in trust for the said nations until the legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as might be necessary to give all persons of African descent, resident in said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain, claimed by or belonging to said nations respectively.

That treaty also provided to give to such persons who were residents as aforesaid, and their descendants, forty acres each, of the land of said nations, on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said lands, after the said Indians and the Kansas Indians had made their selections as elsewhere provided. Immediately upon the enactment of such laws, rules, and regulations by the legislative councils of the Choctaw and Chickasaw Nations, the said sum of \$300,000 was to be paid to the said Choctaw and Chickasaw Nations, in the proportion of three-fourths to the former and one-fourth to the latter, deducting therefrom such sum, at the rate of \$100 per capita, as should be sufficient to pay such persons of African descent, before referred to, who within ninety days after the passage of such

laws, rules, and regulations, should elect to remove, and actually remove, from said nations respectively.

Said article third furthermore provides that should such laws, rules and regulations not be made by the legislatures of said nations respectively within two years from the ratification of said treaty, then the said sum of \$300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said territory in such manner as the United States shall deem proper. The United States agreed in said article within ninety days from the expiration of the said two years after the enactment of said laws, to remove from the said nations all such persons of African descent as might be willing to remove.

Almost eight years have passed since the ratification of the treaty above referred to, and the legislatures of the Choctaw and Chickasaw Nations have not enacted any laws, rules, and regulations in behalf of the persons of African descent above referred to.

The ancestors of these negroes came to the Indian territory with the Choctaw and Chickasaw Nations from the State of Mississippi, and have been with them continuously since that time in the capacity of slaves. They were freed by the treaty of 1866, and have been since then enjoying the privileges of freedom. They are reported to be industrious, sober, and frugal people, desirous to learn, anxious to secure to themselves homes in severalty, and, above all, anxious to remain in the country where they now live, and which is the only home they have ever known. And, so far as the Department has been able to ascertain, none of them will ever leave that country voluntarily. They have formed strong attachments to the soil; they have acquired, as far as the peculiar laws and regulations governing the Indian nations will permit, homesteads, and have cultivated farms. A strong prejudice seems to exist against these freedmen on the part of the Choctaws and Chickasaws, which will account in some measure for the failure of these nations to provide by law for the division among them of the lands of the nations.

The Creek, Seminole, and Cherokee Nations have each adopted the freedmen into their tribes, and given them equal rights and privileges with other citizens of the nation. The Choctaws and Chickasaws, I understand, have refused to do so. The condition of these negroes strongly appeals to the United States Government for some action that will fix their status, and give them all that they are entitled to by the terms of the treaty above quoted.

I have the honor to submit, herewith, the draught of a bill which, in my judgment, will secure to these freedmen all the rights and privileges to which they are entitled under the treaty. The bill also gives them the right of suffrage, and an equal share in the annuities, moneys and public domain claimed by or belonging to said nations respectively. While this may not be exactly in accordance with the letter of the treaty, I am satisfied that it is simply a matter of justice to this class of persons who have always been residents of said nations, and who are now industrious, law-abiding, and useful citizens thereof.

I respectfully invite the attention of Congress to this subject, and trust that it may receive favorable consideration.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. JAS. G. BLAINE,
Speaker, House of Representatives.

AN ACT for the relief of certain persons of African descent, resident in the Choctaw and Chickasaw Nations, on the 28th day of April, A. D. 1866.

Whereas, by the treaty concluded April 28, 1866, and proclaimed July 10, 1866, between the United States and the Choctaw and Chickasaw Indians, it was provided that slavery and involuntary servitude should cease in said nations and that the said Indians should, and thereby did, cede to the United States certain territory west of the 98° west longitude, known as the leased district, and, in consideration thereof, the United States bound themselves to pay the sum of \$300,000, which sum was to be invested and held by the United States at interest, not less than five per cent. interest, for the said nations, until the legislatures of the said Choctaw and Chickasaw Nations should make such laws, rules, and regulations as might be necessary to give to all persons of African descent resident in the said nations at the date of the treaty of Fort Smith, (September 10, 1865,) and their descendants theretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively, and should give to each of said persons, resident as aforesaid, and their descendants, forty acres of the land of said nations on the same terms as the Choctaws and Chickasaws held the same, to be selected on the survey of said land after the Choctaws and Chickasaws and Kansas Indians had made their selections as provided in said treaty; and

Whereas it was further provided by the said treaty that, immediately after the enactment of said laws, rules, and regulations, the said sum of \$300,000 should be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter, less such sum, at the rate of \$100 per capita, as should be sufficient to pay the said persons of African descent who, within ninety days after the passage of said laws, rules, and regulations, should elect to remove and should actually remove from said nations respectively; and

Whereas it was further provided by the said treaty that, in the event that said laws, rules, and regulations should not be enacted by the legislatures of said nations respectively within two years from the ratification of said treaty, then the said sum of three hundred thousand dollars should cease to be held in trust for the said Choctaw and Chickasaw Nations, and should thereafter be held in trust for the use and benefit of said persons of African descent as the United States should remove from the said territory; and

Whereas the United States did thereby agree, within ninety days from the expiration of the said two years, to remove from said nations all of said persons of African descent who were willing to remove therefrom; and

Whereas the said sum of \$300,000 has not been paid or invested in the manner above specified, or otherwise, and the said legislatures have not, nor has either of them, made the laws, rules, or regulations hereinbefore referred to, or any of them, and the United States have not removed any of said persons of African descent; and

Whereas the said persons of African descent are now anxious to remain in the territory of said Choctaw and Chickasaw Nations and to become incorporated with the citizens thereof: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons of African de-

scents who were resident in the territory of the Choctaw or Chickasaw Nations on the 28th day of April, A. D. 1866, and who had, before that, been held in slavery among said nations, or either of them, and all the descendants of such persons, shall be entitled to all the rights, privileges, and annuities, including the right of suffrage of citizens of said nations, respectively, and the annuities, moneys, and public domain claimed by or belonging to said nations, respectively.

SEC. 2. *Be it further enacted,* That the Secretary of the Treasury is hereby authorized and required to issue bonds of the United States, payable in twenty years from date, principal and interest in gold coin, bearing interest at five per cent. per annum, payable semi-annually, for the sum of \$300,000, each of said bonds to be for the sum of \$500, or some multiple of said sum, as the Secretary of the Treasury may deem best, and to deliver the same to the Secretary of the Interior, to be by him held in trust for the use and benefit of the Choctaw and Chickasaw Nations in the following proportions, to wit: three-fourths for the Choctaw and one-fourth for the Chickasaw Nation; and, upon the same being done, the said leased district, ceded by the said nations to the United States for the sum of \$300,000, shall be deemed to have been paid for, and the United States released from any further obligation for the same.