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Petition of B. F. Overton, Governor, and Thomas W. Johnson and John E. Anderson, Commissioners, on behalf of the Chickasaw Nation, to the Congress of the United States

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P E T I T I O N

OF

B. F. OVERTON, GOVERNOR, AND THOMAS W. JOHNSON AND
JOHN E. ANDERSON, COMMISSIONERS,

ON BEHALF OF

The Chickasaw Nation, to the Congress of the United States.

FEBRUARY 21, 1877.—Referred to the Committee on Indian Affairs and ordered to be printed.

The undersigned, Benjamin F. Overton, governor of the Chickasaw Nation, and Thomas W. Johnson and John E. Anderson, citizens of said nation, having been constituted delegates of the said nation, pursuant to an act of the national legislature, hereinafter set forth, respectfully submit the following statement and memorial :

In the years 1832 and 1834, the Chickasaw Nation, then occupying their ancient lands in the State of Mississippi, entered into four treaties with the United States, whereby they sold to the United States all of their lands east of the Mississippi River, and agreed to emigrate to territory west of that river, and the United States agreed to dispose of the proceeds of sales of their lands in Mississippi in accordance with the following stipulation :

The funds thence resulting, after the necessary expenses of surveying and selling, and other advances which may be made are repaid to the United States, shall, from time to time, be invested in some secure stocks, redeemable within a period of not more than twenty years, and the United States will cause the interest arising therefrom annually to be paid to the Chickasaws. (7 Stat., 382, 385, 454.)

In 1852 the United States and the Chickasaw Nation entered into a treaty which contains the following provision :

ARTICLE 5. The Chickasaw Nation desires that the whole amount of their national fund shall remain with the United States in trust for the benefit of this people, and that the same shall on no account be diminished. It is therefore agreed that the United States shall continue to hold the said fund in trust as aforesaid, and shall constantly keep the same invested in safe and profitable stock, the interest upon which shall be annually paid to the Chickasaw Nation : *Provided*, That so much of said fund as the Chickasaws may require for the purpose of enabling them to effect the permanent settlement of the tribe, as contemplated by the treaty of 1834, shall be subject to the control of their general council. (10 Stat., 975.)

By the treaty entered into April 28, 1866, between the United States and the Choctaw and Chickasaw Nations, it is provided as follows :

ARTICLE 10. The United States re-affirms 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 30th of June in the year 1866.

ART. 40. All the rights, privileges, and immunities heretofore possessed by said na-

tions, 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. (14 Stat., 774, 779.)

The interest on the said trust-fund, amounting at present to \$67,967.84 per annum, has always been paid to the Chickasaw Nation by the United States, except the sum of \$297,890.25, which accrued prior to July 1, 1866, of which no part has been paid. The amount so unpaid is correctly set forth on page 170 of the report of the Commissioner of Indian Affairs for 1875, as follows:

Estimates have repeatedly been submitted to Congress for arrears of interest due the Chickasaws accruing on Arkansas and Tennessee bonds prior to July 1, 1866, amounting to \$297,890.25; but Congress has as yet failed to make the necessary appropriation. The amount of this indebtedness on the part of the United States to the Chickasaw Nation has been fully admitted by the Interior and Treasury Departments, and sustained by the opinion of the late Attorney-General Akerman. No explanation can be made to the Chickasaw people of the course of the Government in thus annually ignoring a claim concerning whose equity there is not the least dispute.

In the year 1866, a petition for the payment of said interest was presented by agents of the Chickasaw Nation to the Congress of the United States; but it came to the knowledge of Congress that the following contract had been entered into between said agents and Hon. J. H. B. Latrobe, and that the most of the money nominally stipulated to be paid to said Latrobe was, in fact, to be paid to said agents for their own use:

We, the Chickasaw delegation, having full power to act, do agree that for and in consideration of the services of the Hon. J. H. B. Latrobe, of Baltimore, Maryland, rendered us in making a treaty with the Government of the United States, that if the unpaid back annuities belonging to the Chickasaw Nation are recovered and paid to them, the said J. H. B. Latrobe shall be entitled to and be paid one-half part thereof.

We further agree to advance the said J. H. B. Latrobe one hundred thousand dollars, out of any money the Chickasaw legislature may think proper to appropriate, which may have been obtained under said treaty, so as not to interfere with the funds necessary to carry on the Chickasaw government.

The said one hundred thousand dollars agreed to be advanced to the said J. H. B. Latrobe is to be deducted from the one-half part of the back annuities due the said J. H. B. Latrobe, provided the same is recovered under said treaty; and provided also, that if the said treaty should be altered or amended so as to materially impair the interests of the Chickasaw Nation as now secured thereby, the compensation stipulated to be paid to the said Latrobe is to be reasonably modified accordingly, but the amount agreed to be advanced to the said J. H. B. Latrobe not to be less than one hundred thousand dollars. It is further agreed that one-half of the proceeds realized and coming to the Chickasaw Nation out of the sale of the leased district shall be paid to the said J. H. B. Latrobe, provided the Choctaws and Chickasaws agree to grant the freedmen the forty-acre lots, and other stipulated privileges, and receive the three hundred thousand dollars, after deducting the amount or price of the forty-acre lots allowed said freedmen, according to — article of treaty.

In testimony whereof we have hereunto subscribed our names and affixed our seals.

[SEAL.]

WINCHESTER COLBERT.

[SEAL.]

EDMUND ^{his} × PICKENS.

[SEAL.]

ROBT. H. LOVE.

[SEAL.]

HOLMES COLBERT.

[SEAL.]

COLBERT CARTER.

Witness:

W. S. MITCHELL.

EXECUTIVE OFFICE, TISHOMINGO CITY,
Chickasaw Nation, Indian Territory.

I do hereby certify that the foregoing is a true and correct copy of the Latrobe contract, (so called,) the original of which may be found on file in the office of national secretary, at the city of Tishomingo, Chickasaw Nation.

Given under my hand and seal of office this the 29th day of January, A. D. 1877.

[SEAL.]

JOSIAH BROWN,
National Secretary, Chickasaw Nation.

And the petition presented by said agents was rejected.

On the 22d of September, 1874, the legislature of the Chickasaw Nation enacted the following statute :

Whereas Robert H. Love, Holmes Colbert, Colbert Carter, Edmund Pickens, and Winchester Colbert were commissioned, in the year 1865, to visit Washington City, D. C., during the session of Congress, 1866, with full and efficient powers to reconstruct or enter into new treaties with the United States, or any authorized agents thereof, necessary and proper, in their judgment, to obtain full guarantee and securities of all the rights, interest held by the Chickasaw Nation, or individuals thereof, under former treaty stipulations with the Government of the United States, whereby the happiness and interest of the Chickasaw people may be advanced ; and

Whereas said commissioners did between themselves, with a fraudulent view, enter into an informal contract, giving to J. H. B. Latrobe, esq., of Baltimore, one-half of all moneys collected or caused by him to be paid to the Chickasaw people, then withheld by the United States Government ; also, one-half of the three hundred thousand dollars, after deducting the amount or price of the forty-acre lots allowed said freedmen, should the Choctaws and Chickasaws adopt and give each freedman forty acres of land under the treaty of eighteen hundred and sixty-six ; and

Whereas the commissioners on the part of the Chickasaw Nation did, upon false representation, obtain from the Chickasaw legislature, November the 14th, 1867, the sum of \$100,000, giving to J. H. B. Latrobe \$16,000, and divided the remainder among themselves, D. H. Cooper, and John T. Cochran, deceased, and also an equal share of the fifty per cent. of all back annuities that said Latrobe may collect on the said informal contract, one sixth of said moneys collected being J. H. B. Latrobe's share for services rendered in behalf of the Chickasaws : Now, therefore,

Be it enacted by the legislature of the Chickasaw Nation, That the informal and fraudulent contract made and entered into by and between the Chickasaw commissioners and J. H. B. Latrobe, esq., of Baltimore, Md., and all laws and parts of laws giving or granting authority to any and all contracts made by and between the Chickasaw commissioners and J. H. B. Latrobe, their agents and attorneys, are hereby repealed, repudiated, rescinded, and declared null and void.

SEC. 2. *Be it further enacted*, That the governor be, and is hereby, authorized and directed to furnish a copy of this act to the Secretary of the Interior, Secretary of the Treasury, and Commissioner of Indian Affairs, at the city of Washington, D. C., and that this act take effect and be in force from and after its passage.

Approved September 22, 1874.

B. F. OVERTON,
Governor of the Chickasaw Nation.

EXECUTIVE OFFICE,
Tishomingo City, Chickasaw Nation, Ind. T.

I do hereby certify that the foregoing is a true and correct copy of the original act of the legislature of the Chickasaw Nation, the original of which may be found on file in the office of national secretary at the city of Tishomingo, Chickasaw Nation, Ind. T. Given under my hand and seal of office this the 29th day of January, A. D. 1877.

[SEAL.]

JOSIAH BROWN,
National Secretary, Chickasaw Nation, Ind. T.

On the 4th of October, 1874, the following act of the legislature of the Chickasaw Nation was duly approved by the governor:

AN ACT repealing certain acts, appointing commissioners to visit Washington City in charge of Chickasaw interest, under any treaties existing between the United States and the Chickasaw people.

SECTION 1. *Be it enacted by the legislature of the Chickasaw Nation*, That the act appointing commissioners, Holmes Colbert and George D. James, to Washington, &c., (see Chickasaw printed law-book, page 102,) appointed and continued as commissioners, with full powers to represent the interest and welfare, under any treaties existing between the United States and the Chickasaw people, approved November 14, 1867, by Cyrus Harris, governor of the Chickasaw Nation, are hereby repealed.

SEC. 2. *Be it further enacted*, That the act appointing Holmes Colbert commissioner to settle claims at Washington, D. C., appointed commissioner for and in behalf of the Chickasaw Nation and the individual members thereof in order to carry out the object referred to in the preamble, (see Chickasaw printed pamphlet law-book, page 10,) approved October 24, 1867, by Cyrus Harris, governor of the Chickasaw Nation, are hereby repealed.

SEC. 3. *Be it further enacted*, That the act authorizing the governor to appoint a commissioner to settle up the unfinished business of Holmes Colbert, deceased, with the Government at Washington, and to take charge of and carry out the programme begun and commenced by the said Holmes Colbert, without alteration or amendment,

and fully authorize to receive and receipt the Secretary of the Treasury of the United States for all moneys and awards due, and to settle with and pay over to the widow of Holmes Colbert, or his administrators, &c., (see Chickasaw manuscript law,) passed the legislature and approved May 8, 1872, by Thomas J. Parker, governor of the Chickasaw Nation, are hereby repealed.

SEC. 4. *Be it further enacted*, That all appointments and commissions heretofore granted under the authority of the Chickasaw Nation, giving full powers to represent the interest and welfare of the Chickasaw people at Washington City or elsewhere, shall cease and be of none effect from and after the passage of this act.

SEC. 5. *Be it further enacted*, That the governor be, and he is hereby, authorized and directed to transmit a certified copy of this act, bearing the great seal of the Chickasaw Nation, to the Secretary of Interior, Secretary of Treasury, and Commissioner of Indian Affairs at Washington City, D. C., and that they be requested to reject all persons heretofore commissioned in the interest of the Chickasaw people.

Approved, October 7, 1874.

B. F. OVERTON,
Governor of the Chickasaw Nation.

EXECUTIVE OFFICE,
Tishomingo City, Chickasaw Nation, Ind. T.

I do hereby certify that the foregoing is a true and correct copy of the original act of the legislature of the Chickasaw Nation, which is now on file in the office of national secretary at the city of Tishomingo, Chickasaw Nation.

Given under my hand and seal of office this the 29th day of January, A. D. 1877.

[SEAL.]

JOSIAH BROWN,
National Secretary of the Chickasaw Nation.

On the 2d of November, 1876, the following act was duly approved:

AN ACT appointing delegates to visit Washington, D. C.

SECTION 1. *Be it enacted by the legislature of the Chickasaw Nation*, That the governor of the Chickasaw Nation be, and he is hereby, authorized and requested to appoint and commission two persons to visit Washington City, D. C., during the next session of Congress, with full and efficient power to represent the interest of the Chickasaw people in all things touching their interest and welfare under any treaties existing between the United States and the Chickasaws, wherein the interest and happiness of the Chickasaws may be advanced.

SEC. 2. *Be it further enacted*, That the governor of the Chickasaw Nation be, and he is hereby, authorized to accompany said delegation to render all assistance necessary in the prosecution of all claims held against the Government of the United States, and, if necessary, to employ counsel to assist in recovering all claims which may be justly due the Chickasaws by treaty stipulations or otherwise.

SEC. 3. *Be it further enacted*, That any and all awards by the United States on back annuities, orphans' and incompetent claims, or any other claims of a national character, shall be paid over to the national treasurer of the Chickasaw Nation, taking his receipt therefor, and giving him an exhibit and statement of the source from whence derived, together with such other items of information as may be necessary and advantageous to the Nation; and it is hereby made the duty of the national treasurer to lay all exhibits of moneys received by him before the legislature, or any authorized committee, for their information and action.

SEC. 4. *Be it further enacted*, That the said delegates are hereby required to protest against any and all territorial forms of government which may be introduced into the United States Congress for the purpose of extending the same over the Indian Territory against the express sentiments of our people; and they are further required to report the proceedings of their mission in full to the next session of the legislature. And for such services they shall each receive the sum of one thousand dollars out of any money now in the hands of the national treasurer; and the auditor of public accounts is authorized to issue his warrants accordingly.

Approved November 2, 1876.

B. F. OVERTON,
Governor of the Chickasaw Nation.

EXECUTIVE OFFICE,
Tishomingo City, Chickasaw Nation, Ind. T.

I do hereby certify that the foregoing is a true and correct copy of the original act of the Chickasaw legislature, which is now on file in the national secretary's office at the city of Tishomingo, Chickasaw Nation, Ind. T.

Given under my hand and seal of office this the 24th day of January, A. D. 1877.

[SEAL.]

JOSIAH BROWN,
National Secretary of the Chickasaw Nation.

In pursuance of said last-mentioned act the undersigned, Benjamin F. Overton, governor of the Chickasaw Nation, has commissioned Thomas W. Johnson and John E. Anderson, both citizens of the Chickasaw Nation, to perform the duties imposed by said act.

The undersigned, therefore, on behalf of the Chickasaw Nation, respectfully ask the Congress of the United States to provide for the said arrears of interest now due to the Chickasaw Nation from the United States, amounting, as aforesaid, to the sum of \$297,890.25 by an investment of the sum of \$200,000 in bonds of the United States, to be held in trust for the Chickasaw Nation by the United States, and the interest thereon to be paid semi-annually to the Chickasaw Nation; and by an appropriation of the sum of \$97,890.25 to be paid in money into the treasury of the Chickasaw Nation.

B. F. OVERTON,
Governor of the Chickasaw Nation.
THOS. W. JOHNSON,
JOHN E. ANDERSON,
Commissioners.

WASHINGTON, *February* 21, 1877.