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MEMORIAL

OF

I. L. GARVIN,

PRINCIPAL CHIEF OF CHOCTAW NATION,

Remonstrating against the establishment of Territorial governments in the Indian Nations, Indian Territory.

JANUARY 29, 1879.—Referred to the Committee on Territories and ordered to be printed.

WHEELOCK, INDIAN TERRITORY, December 24, 1878.

To the honorable Senate and House of Representatives of the United States of America :

GENTLEMEN : On the 25th of February, 1878, on motion of the Hon. Daniel W. Voorhees, the following resolutions were passed in the Senate of the United States, viz :

Resolved, That the Committee on the Territories be instructed to ascertain what amount of money has been expended by the several Indian tribes of the Indian Territory in support of delegates to Washington during the past five years and in opposing the organization of a civil government over said Territory; and whether any of such money has been taken from the school-funds of any such tribes; and if so, what legislation is necessary to prevent in future the diversion of school funds from their legitimate purpose.

Resolved further, That said committee be instructed to ascertain whether a civil form of government cannot be organized over the Indian Territory for the better protection of life and property, and whether the lands now held in common by said Indian tribes cannot be divided in severalty among the Indians without confirming the conditional grants of lands to certain railroad corporations.

In reply to the above and foregoing resolutions, I respectfully refer you to the resolutions of the general council of the Choctaw Nation, herewith transmitted, and approved November 5, 1878. I also most respectfully refer you to article 4, treaty September 27, 1830 :

The government and people of the United States are hereby obliged to secure to said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within their limits west; so that no Territory or State shall ever have the right to pass laws for the government of the Choctaw Nation of red people and their descendants, and that no part of the land granted them shall ever be embraced in any Territory or State; but the United States shall forever secure said Choctaw Nation from and against all laws, except such as from time to time may be enacted in their own national councils, not inconsistent with the Constitution, treaties, and laws of the United States, and except such as may and which have been enacted by Congress, to the extent that Congress under the Constitution are required to exercise a legislation over Indian affairs (7 U. S. Stat., pp. 333, 334).

I again most respectfully refer you to Article 7, treaty June 22, 1855 :

The Choctaws and Chickasaws shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property within their respective limits.

I would again most respectfully refer you to article 7, treaty April 28, 1866. It says—

The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of property and person within the Indian Territory: *Provided, however,* Such legislation shall not in anywise interfere with, or annul, their present tribal organization, or their respective legislatures, or judiciaries, or the rights, privileges, or customs of the Choctaw and Chickasaw Nations respectively.

I furthermore enter my most solemn protest against the testimony taken by your committee, or the chairman thereof, as he *alone* visited our nation. The honorable Coleman Cole, ex-principal chief of the Choctaw Nation, was officially notified by your committee that it would visit the Choctaw Nation on or about the 15th of September last, preparatory to make such investigations and take such testimony as their instructions required. Full and ample preparations were made to give your committee a kind and hospitable reception, yet, from some cause unexplained, your committee failed to come at the appointed time, and did not reach the nation until late in the month of November, thereby necessitating a hurried and rapid trip in order to be at the convening of your present Congress.

The evidence taken by your committee, or rather the chairman thereof, was *ex parte* in its nature in nearly every particular. Freedmen, non-citizens, and licensed traders were, with only one or two exceptions, the only parties interrogated. The citizens and leading men were not asked for, nor was their testimony solicited. Thus your committee failed to obtain the wishes, desires and sentiments of the Choctaw people.

Your government has assumed the guardianship over the Indians; you must remember that it is a sacred and responsible trust, and as a nation you must answer to the God of nations for your faithful or unfaithful administration. The idea of destroying the Indian nationalities cannot be entertained without a violation of the plighted faith of your government. The destruction would not be maintaining the sanctity and inviolability of your numerous treaties.

The radical change contemplated in the administration of Indian affairs in the aforesaid resolutions does not commend itself to my judgment or conscience; and I certainly think a great, powerful, wealthy, enlightened, and Christian government, like that of the United States of America, would, after mature reflection, refuse to force any government upon any people they did not solicit or desire.

In making this lengthy appeal to you, gentlemen, I am but reflecting the judgment and best wishes of my people.

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

I. L. GARVIN,

Principal Chief of Choctaw Nation.

Attest:

[SEAL.]

THOMPSON M. KINNEY,

National Secretary Choctaw Nation.

Whereas a resolution of the United States Senate has instructed a committee to ascertain among other things—

1st. How much money has been expended by the several tribes of the Indian Territory during the last five years in supporting delegations to Washington and in opposing the organization of a civil government over said Territory, and whether any of such money has been taken from school funds.

2d. Whether a government cannot be organized over the Indian Territory for the better protection of life and property.

3d. Whether the lands held in common by said Indians cannot be divided in severally among the Indians without confirming land grants to railroad companies.

And whereas a portion of said committee is expected to visit the Indian Territory for the purpose of taking testimony on the subject-matter of said resolution, and of ascertaining the sentiments of the Indian people respecting so much thereof as relates to a Territorial government, and to the division of Indian lands: Therefore,

Resolved, That the general council of the Choctaw Nation assembled doth hereby declare and set forth, for the information of said committee—

1st. That the whole amount expended by the Choctaws for delegates to Washington during the time specified in the Senate resolution is \$4,500, for the expenses of three delegates sent in 1874 on a special mission for the settlement of the eastern boundary question and to protest against the organization of a Territorial government over the Choctaw Nation, no part of which money was taken from the school fund.

2d. That, so far as the opinion of the Choctaws is concerned, no one is authorized to speak for them on matters affecting their lands or their government in the Indian Territory but the general council, whose members are elected for the express purpose of attending to national business.

3d. That the general council, speaking collectively for the whole, and each individual member thereof for his constituents, declares the Choctaw people to be unanimously opposed to the formation of a Territorial government over the Indian Territory, or to any interference with the exclusive jurisdiction guaranteed in seventh article of the treaty of 1855, or with the rights, privileges, and custom secured in the treaty of 1866.

4th. That life and property are as safe and well protected in all cases coming under the jurisdiction of the Choctaw courts as they are in either of the adjoining States.

5th. That by order of the general council, at an extra session called for the purpose, the question whether their lands shall be surveyed or not was submitted in July, 1870, to the Choctaw people, who decided against the survey by an overwhelming majority, which vote was considered then, and is considered now, as having settled the question.

6th. That neither the general council as a body nor any of its members know of any one who desires to reopen the question thus settled.

7th. That it is the strong conviction of the Choctaw people that the division of the lands now held by the nation in common among its individual citizens to be held by them in severalty would inevitably lead to their ruin.

8th. That this conviction has been forced upon them by the experience of one-third of the nation which became entitled to allotments in severalty under the treaty of 1830. Their homes were sold at the United States land sales, and they have never been able to secure indemnity for their losses, though it has been repeatedly promised by the government.

9th. That the general council protest against the admission as evidence in contradiction of the foregoing declarations of the statements of unauthorized, irresponsible persons who are not of Choctaw blood.

Resolved further, That in the event said investigating committee fails to visit the general council of the Choctaw Nation at its present session, it shall be the duty of the principal chief to cause them to be furnished with a certified copy of these resolutions.

Resolved further, That these resolutions take effect and be in force from and after their passage.

Proposed by committee on relation with the United States.

WM. B. PITCHLYNN, *Chairman*,
 JACOB B. JACKSON, *Senator*,
 T. H. BYINGTON, *Senator*,
 CHARLES WINSTON, *Senator*,
 ISAAC MCCLURE, *Senator*,
 B. J. PICKINS, *Senator*,
 C. E. HARKINS, *Representative*,
 SYLVESTER WILLIAMS, *Representative*,
 ISHAM WALKER, *Representative*,
Committee.

THOS. D. AINSWORTH, *Clerk.*

Approved of November 5, 1878.

I. L. GARVIN,
Principal Chief Choctaw Nation.

I do hereby certify that the foregoing resolution is a true and correct copy taken from the original now on file in my office.

Attest:
 [SEAL.]

THOMPSON MCKINNEY,
National Secretary Choctaw Nation.