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**Chickasaw Indians. Message from the President of the United States, transmitting a report from the Secretary of War relative to the claims of the Chickasaw tribe of Indians, in compliance with a resolution of the House of Representatives of the 19th of December last.**

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CHICKASAW INDIANS.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A report from the Secretary of War relative to the claims of the Chickasaw tribe of Indians, in compliance with a resolution of the House of Representatives of the 19th of December last.*

APRIL 27, 1846.

Read, and laid upon the table.

*To the House of Representatives:*

I transmit herewith a report of the Secretary of War, and accompanying papers, containing the information called for by the resolution of the House of Representatives of December 19th, 1845, relating to certain claims of the Chickasaw tribe of Indians.

JAMES K. POLK.

WASHINGTON, April 27, 1846.

WAR DEPARTMENT, April 25, 1846.

SIR: I have the honor to lay before you the papers called for by the resolution of the House of Representatives of the 19th of December, relative to the claims of certain Chickasaw Indians.

Very respectfully, your obedient servant,

W. L. MARCY,

Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT,  
Office Indian Affairs, April 24, 1846.

SIR: The papers described on the accompanying list are herewith submitted, in compliance with the direction of the President of the United States, endorsed on a resolution of the House of Representatives of the United States of December 19, 1845, requesting him to cause to be com-

municated to that House "all the information on the files and records of the several departments touching and relating to the claims of Chickasaw Indians, who applied through the Chickasaw agent for lands in pursuance of the provisions of the Chickasaw treaty, made at Washington in the year 1834, since the date of the removal of said tribe west of the Mississippi river; the number of claimants; the lands requisite to satisfy their demands; the number rejected, and the number approved; and the names of the assignees of those Indians who obtained lands; and the action, if any, had by the department in reference to those lands which had been previously sold at the land office at Pontotoc, and afterwards confirmed to individual reserves."

Very respectfully, your obedient servant,

W. MEDILL.

Hon. W. L. MARCY,  
Secretary of War.

*List descriptive of the papers accompanying the report of the Commissioner of Indian Affairs on a resolution of the House of Representatives of the United States, of date December 19, 1845, on Chickasaw matters.*

- A. Letter of Benj. Reynolds to Commissioner of Indian Affairs, October 22, 1838, (papers adverted to accompany document marked G.)
- B. Letters of A. M. M. Upshaw, of date May 4, 1839, and Ish-ta-ho-to-pa, and others, January 16, 1839.
- C. Extracts from the annual reports of the Commissioner of Indian Affairs to the War Department, dated November 25, 1839, November 28, 1840, November 25, 1841, November 16, 1842, and November 25, 1843.
- D. Letter of Jacob Thompson, bearing date January 25, 1840.
- E. Letter of Pitman Colbert, dated May 14, 1840, to the Secretary of War.
- F. Communication of Joseph Bryan and Alfred Iverson to the Secretary of War, of March 6, 1841, and P. P. Pitchlynn to Gen. J. B. Clements, of date February 26, 1841, accompanied with a report upon the same from the Commissioner of Indian Affairs, of date April 12, 1841.
- G. T. Hartley Crawford to Major Wm. Armstrong, dated June 16, 1841, the papers adverted to the same as lists of claimants under the 4th article of the treaty of 1834, and the evidence upon which they are based.
- H. Letter of H. L. Turney to Secretary of War, of February 1, 1842.
- I. Letter from Wm Armstrong to T. Hartley Crawford, of 28th October, 1842, enclosing the proceedings of Chickasaw council of 26th October, 1842, with reference to claims for land under Chickasaw treaty.
- J. Letter of H. L. Turney, of February 2, 1843, enclosing letter of Benj. Clements of 24th January, 1843.
- K. Letter of J. Thompson and Wm. M. Gwin of February 28, 1843, to T. Hartley Crawford.
- L. Decision of the Secretary of War of 3d March, 1843.
- M. Letter of T. Hartley Crawford to Commissioner of the General Land Office of 3d March, 1843, accompanied by letters from the Commis-

- sioner of the General Land Office of October 5, 1839, November 11, 1839, and March 30, 1840, and lists of locations.
- N. Letter of T. Hartley Crawford to Commissioner of the General Land Office, 3d March, 1843.
- O. Report of Commissioner of Indian Affairs to the Secretary of War, of July 17, 1843, and the decision of the Secretary thereon, accompanied by letters of Joseph Bryan of July 6 and 7, 1843, and Commissioner of the General Land Office of April 24, 1843, and May 3, 1843, upon which the above report was founded.
- P. Letter of Commissioner of the General Land Office to Commissioner of Indian Affairs, of date February 6, 1844, enclosing letter of J. B. Clements, of date February 5, 1844, and the reply of Commissioner of Indian Affairs to the same.
- Q. Letter of T. Hartley Crawford to Secretary of the Treasury of 7th March, 1844.
- R. Letter of T. Hartley Crawford to Secretary of the Treasury of 16th March, 1844.
- S. Letter of A. M. M. Upshaw to Commissioner of Indian Affairs, of date November 5, 1844, enclosing papers which accompany document marked U.
- T. Letter of T. Hartley Crawford, of date 3d December, 1844, to Commissioner of the General Land Office, enclosing papers referred to in document marked U.
- U. Report of Commissioner of Indian Affairs to Secretary of War, of date December 11, 1844, accompanied by letter of J. B. Clements to President of the United States of 22d May, 1844; list of claims under treaty of 1832-'34; communication from Chickasaw commissioners in reference to said claims, October 30, 1844; letters of Commissioner of General Land Office, of date 9th December, 1844, May 4, 1844, and June 21, 1844, and of the register and receiver at Pontotoc, Mississippi, of date June 5, 1844, and July 17, 1844, and list of sales conflicting with claims for reservations.
- V. Letter of Thomas H. Blake, Commissioner of the General Land Office, to the Secretary of War, of date December 30, 1844, and the report of the Commissioner of Indian Affairs thereon of January 4, 1845, and of the Secretary of War transmitting the same.
- W. Report of the Commissioner of Indian Affairs to the Secretary of War of March 14, 1845, transmitting letter (marked A) of R. W. Roberts, J. Thompson, T. H. Tucker, W. H. Hammett, and R. J. Walker, of January 6, 1845, and the enclosed from Wm. M. Gwin, agent for Chickasaws; memorandum for Mr. Crawford from Secretary of War, (marked B;) letter from Joseph Bryan to Secretary of War, (marked C,) and communication of A. M. M. Upshaw, C. A., of 8th March, 1845, (marked D;) letter from Daniel Saffarrans of April 9, 1845, to Secretary of War; report of T. Hartley Crawford to Secretary of War of 14th April, 1845, and letter of Wm. M. Gwin to D. Saffarrans: the last three letters were forwarded to the Indian office upon the return of the report by the Secretary of War.
- X. Letter of T. Hartley Crawford to Secretary of War, of date 22d April, 1845, submitting deeds for approval of the President.
- Y. Letter of Commissioner of General Land Office to Commissioner of Indian Affairs, of May 3, 1845, and reply to the same, May 15, 1845.



Z. Communications from T. Hartley Crawford to the President of the United States, June 10, 1845.

A a. Letter of T. Hartley Crawford to the Secretary of War, of date August 28, 1845.

B b. Statement showing the number of claims, the quantity of land requisite to satisfy claimants, number rejected, number approved, and names of the assignees of Indian claimants.

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A.

CHICKASAW AGENCY, *October 22, 1838.*

SIR: Enclosed herewith are sheets 1, 2, and 3, containing locations of reservations under the fifth article of the treaty of May 24, 1834; also, sheets 1, 2, 3, and 4, containing locations of reservations under the sixth article of the same. I also enclose the testimony of the Chickasaw and Choctaw chiefs, taken west of the Mississippi, and the two chiefs Henry and Benjamin Love, (on this side;) from which testimony I believed that it was my duty to admit them to be enrolled and located. In making out the western list, they neglected to give the district to which they belonged, as well as the ages of those under the sixth article; which omission I am unable to correct.

You will perceive from the rolls that numbers 1,269 and 1,295, under the 6th article, are not yet located, as well as numbers 605, 718, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 721, 722, 723, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, and 746, under the sixth article. As early as possible they will be made and forwarded.

I cannot attach the usual certificates to those rolls, but am satisfied that many of the Chickasaws emigrated with the earliest Choctaw emigrants.

Very respectfully, sir, your obedient servant,

BENJ. REYNOLDS, C. A.

C. A. HARRIS, Esq.,

*Commissioner of Indian Affairs.*

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B.

MEMPHIS, TENN., *May 4, 1839.*

SIR: I have the honor herewith to transmit to you a petition of all of the Chickasaw commissioners who are now west, requesting that their people who are entitled to land under the fifth and sixth articles of the treaty of May 24, 1834, be permitted to have their claims located on any land in their old country that has not been disposed of, whether it has been offered for sale or not. This communication I received to day, and hasten to lay it before you, and, through you, to the President of the United States.

I see nothing, myself, in the treaty, to prevent them locating their claims on the lands above described; but I am unwilling to take the responsibility of permitting them to do so, without your orders. I respectfully

ask early attention to this business. I do so on account of the situation of the Chickasaws at this time.

With high regard, your most obedient servant,

A. M. M. UPSHAW, C. A.

Hon. T. H. CRAWFORD,

Commissioner of Indian Affairs.

CHOCTAW NATION WEST,

January 16, 1839.

DEAR SIR: We are informed that very little of the land now remaining subject to location "and not offered for sale" is fit for cultivation; and, as many of our people now residing with us have not yet disposed of their reservations, to which they are entitled under our treaty of May 24, 1834, we have to request and urge that they be allowed to take any land now vacant, whether it has been offered or not. We have also been informed that some of the locations of some of our people, who have not yet disposed of their reserves, and now residing with us, have been interfered with by other claims or reservations equally established. If so, we would particularly request that they be allowed to take any unappropriated land, "whether offered or not," as we can see no other mode of doing them that justice that they expect, and are entitled to, at our hands.

We are, respectfully, your obedient servants,

ISH-TA-HO-TO-PA, his X mark.

ISAAC ALBERTSON, his X mark.

GEORGE COLBERT, his X mark.

JAMES COLBERT.

JOSEPH DUKES.

JAS. DALLURHIE.

DANL. M. OVERTON.

C.

*Extract from a report to the War Department from the office of Indian Affairs, November 25, 1839.*

"The sales of Chickasaw reservations under the treaties of 1832 and 1834 have been extensive. They have yielded \$3,446,412 92, which (according to the reports of the agents) have been paid to the several owners thereof, and \$396,857 12 belonging to those who were not esteemed competent to the care of their own interests, and for orphans \$146,610 55. The investments on the last two accounts have been large. It was thought from the reports of Colonel Benjamin Reynolds, prior to June, 1838, that land had been appropriated for all the Indian reserves; subsequently, however, as well that agent as Colonel Upshaw, his successor, reported a considerable number of claimants under the several provisions made for them, for many of whom selections have been made, which conflict, it is stated at the land office, in numerous instances, with sales by the register at Pontotoc. These locations have not been

approved; and this office, as a measure of indispensable precaution, determined to suspend all action on them until registers, showing the names and qualifications of the claimants, should be received. Such a guide was ordered by the regulations adopted by the late President for executing the treaty provisions. It has been called for through the proper agent and superintendent; but the chiefs named in the fourth article of the treaty of 1834, who, in virtue of a provision of the treaty of 1832, were required by the regulations, with the assistance of the agent, to furnish it, have not yet done so. By the fourth article of the treaty of May, 1834, sales of reservations could be made, provided the President of the United States, or such person as he might designate, approved thereof. Under this clause a commissioner acted until December last, when it was thought unnecessary longer to incur the expense of such an agency, as the conveyances of the then unsold reservations, which were few, should they be purchased, could be submitted to the President of the United States through this office, one of the government officers at Pontotoc certifying to the necessary facts."

*Extract from a report to the War Department from the office of Indian Affairs, November 28, 1840.*

"The department has not proceeded to act upon the unappropriated Chickasaw locations of reservations, because the registers referred to in my report of last year, which ought to show the names and qualifications of the claimants, have not been received."

*Extract from a report to the War Department from the office of Indian Affairs, November 25, 1841.*

"The registers of Chickasaw reservations, and of the reservees, required by the regulations adopted by President Jackson for carrying out the treaty stipulations which the chiefs mentioned in the 4th article of the treaty of 1834 ought, with the advice and assistance of their agent, to have furnished, according to the 14th article of the treaty of 1832, have not been received, although called for; but a measure equally, if not more effective, is in a course of execution. It will be recollected that, from the reports of Colonel Benjamin Reynolds, the Chickasaw agent, prior to June, 1838, it was believed that reservations had been allotted to all those entitled to land. Afterward, however, the agent named, and his successor, Colonel Upshaw, reported that many claims had been preferred under the treaty provisions, the allotments for which frequently conflict, it has been stated at the land office, with sales made by the register at Pontotoc. The chiefs and commissioners under the treaty of 1834 communicated their anxious desire, through the acting superintendent, to have the claims made since June, 1838, investigated in general council of the nation. They state their belief that, although some of them may be valid, there must be many which have no foundation, and are fraudulent. Lists were accordingly prepared and forwarded to the acting superintendent, a late report from whom states that the investigation will be had during the month of November, the result of which will be communicated to this office. It was my opinion that the report of the Chickasaw chiefs and commissioners, of the conclusion to which the tribe had come in council,

should be final ; but your predecessor thought it should be reviewed here, and such determinations made as the facts would justify. The whole Chickasaw cession, except the reservations, it is provided, shall be sold for the benefit of the nation ; by so many tracts, then, as are declared to belong to individuals, will the general stock be reduced. It struck me there was, therefore, no risk of the chiefs and commissioners, or the tribe in council, reporting in favor of a claim not well founded. If there is no good ground for such an apprehension, especially when it is recollected that many of the leading men among these Indians are quite intelligent, and capable of transacting business, much contention and delay in settling these reservation claims would be avoided by regarding their decision as conclusive."

*Extract from a report to the War Department from office Indian Affairs, November 16, 1842.*

"The claims to Chickasaw reservations that have been preferred since June, 1838, were submitted to the chiefs and commissioners under the treaty of 1834, as stated in my last annual report. They expressed the opinion and belief that many of them were fraudulent, and a strong desire that they should be examined by their national council. To this desire I acceded, because the Chickasaw nation is to receive the proceeds of all the land ceded that shall not be absorbed by reservations ; and, as a party deeply and exclusively interested, they had a just claim to look into the matter, because these claims were presented at a late day, and required a thorough investigation ; and because the Chickasaw nation, whose members, or others in their right, preferred the claims, was well qualified to make that investigation, and to shed light upon the path of duty at Washington. Their report has not yet been received ; but the acting superintendent for the western territory has informed me that the examination of the claims was postponed until the joint Chickasaw and Choctaw national council should assemble. It met in October, and it will probably be some time before the report will be received. When Chickasaw reservations, to which no objection was known, were sold, and the deeds have been properly executed and proved, they have been reported for approval, and confirmed by the President of the United States."

*Extract from a report to the War Department from office Indian Affairs, November 25, 1843.*

"The claims to reservations by Chickasaws, which have been referred to in several annual reports from this office, have been examined by the chiefs and commissioners appointed by and under the treaty of 1834, in conjunction with the acting superintendent of the Western territory, who reported the result of that examination on the 28th October, by letter received here on the 26th November, 1842.

"The decision was adverse, except as to four of the claimants. It was confirmed by the late Secretary of War, and the Commissioner of the General Land Office has been informed of it, and that the tracts of land which had been reserved from sale to satisfy the foregoing claims, if approved, might again be thrown into the market. The effect of the above determination is to make the land, or its proceeds, tribe property, which, in a different event, would have belonged to individual Chickasaws."

D.

WASHINGTON CITY, January 25, 1840.

SIR: I deem it my duty to bring to your notice a subject in which my constituents feel a large and deep interest. It is one in which everything depends upon your action; and the people will, and rightfully too, hold you and your friends responsible for the course pursued.

By the treaty of 1834 with the Chickasaw Indians, certain reservations of land were allowed each Chickasaw Indian. No location or sale of these reservations was held to be valid without the approval of the President of the United States. For the last four years I have resided at Pontotoc, where the whole of the Chickasaw lands have been sold, and the following facts have fallen within my observation.

In 1835, the former Chickasaw agent, Colonel Benjamin Reynolds, went into that country, accompanied with the chiefs of the nation, to assign lands to the Chickasaw Indians entitled thereto under the treaty stipulations. He was surrounded by a legion of land dealers, who had in their employ scores of shrewd, active, energetic, and intelligent interpreters, well acquainted with the country and the Indians. A census of the nation was taken with great diligence, and then retaken, added to, and corrected. Every portion of the nation underwent a lynx-eyed search for Indians. And, after all living east of the Mississippi river had been hunted up, brought forward, counted, and located on suitable lands, that could be found, different traders went over west of the Mississippi river into the Choctaw nation, under the belief that, owing to the friendly relation which had long existed between the Chickasaw and Choctaw tribes, they would there find many entitled to land under the treaty. They traversed that whole nation. Chickasaws and the descendants of Chickasaws were the special objects of search and inquiry. Here one single statement will exhibit to you in bold relief the incentives which impelled these men. At one time speculation ran so high that Indian claims *not located*, commonly called *floats*, sold readily for \$800 per section premium. Interpreters, well acquainted with the Indians and their families, received \$1,000 per month. Indian countrymen and half-breeds were taken in as partners. Under such circumstances, I cannot doubt the Choctaw nation was winnowed, and sifted, and searched, as with a lighted candle, for new Indian claims. Under such strong and powerful inducements, with such facilities, most assuredly every Chickasaw Indian was found that lived in the Choctaw nation. Batch after batch of western claims has been received and acted on. Last summer it was a subject of general remark among my constituents that a new and large assortment of these floating claims had been brought in from the west. They were located on the sixteenth section, which had been reserved from public sale by your predecessor, wherever these sections were valuable, and then upon the best unsold land in the Chickasaw country. These locations, no doubt, have been brought up for your consideration and action. What disposition you have made of them I know not; but I am informed from undoubted authority that another and still larger lot of western claims have been introduced, amounting to more than 1,200. It is rumored that about 700 sections of land have been located in the Chickasaw nation, with the consent and approval of Colonel Upshaw, the present Indian agent.

Many of my constituents believe these claims wholly unfounded. And



in their names, and as your friend, I request that you will not permit a few men to deprive the Indian nation of a fund jointly belonging to them under the treaty, without the strongest evidence of right and justice. The desire of my constituents as well as myself is, that this land, at a fit time, may be sold in fair open market, where they can have an opportunity of purchasing settlements, without being constrained to buy of those who have, as they suppose, no just claims. If they believed these claims just, however great the inconvenience to them to have their school lands swept away, and the valuable lands of the country engrossed, yet no murmur would escape their lips.

It is not without reluctance that I address you this letter. Some of the men engaged in this transaction are my personal and political friends. But I feel assured that I have the confidence of that community who feel the deepest interest in this subject; and they believe that I have the nerve to meet any responsibility which may be cast upon me by my station. Having preferred this subject for your consideration, in whom is vested the power and the discretion, duty requires *me* to go no further.

Yours, with due respect,

J. THOMPSON.

[This letter was referred to the War Department by the President of the United States.]

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E.

TUSCUMBIA, ALABAMA, *May 14, 1840.*

DEAR SIR: I entertain much fears, from what a rumor I have heard since I have been in this States, that a design of fraudulent going on all unbeknown to us west of Mississippi, by the land speculators. I have verbally understood that there has been five hundred claims have gotten up and sign by Isaac Alberson and others west, and sent on to the War Department for ratification. If it so, I would say to you that Isaac Alberson never sign his name. If he did, he must of understood not land claims; and I would request of you not approve them until you can send the copy of them to us for examination at Fort Towson, with the settlers' and purchasers' names to them; and also upon the receipt of a letter from the Commissioner of the Indian Affair, handed it to us by Captain W. Armstrong. The chiefs and the head men of the Chickasaw tribe in council determined the incompetent fund should remain in the hands of government, and the owners should annually receive the interest.

This letter will be handed you by my friend Mr. Thomas H. Benton, which I request you early attention to, which will place me and my nation people under many additional obligation to you, and much oblige

Your friend and obedient servant,

PITMAN COLBERT,  
*Of Chickasaw nation.*

To the Hon. SECRETARY WAR.

The above is a correct copy, save its orthography.

G. R. H.

The letter of which the preceding is a copy was transmitted to the War Department on the 3d June, 1840, with the following endorsement: "This letter is from Mr. Pitman Colbert, a Chickasaw, son of Judge Colbert, and is a very respectable man."

T. H. BENTON.

F.

WASHINGTON, *March 6, 1841.*

SIR: We have the honor to submit, for your consideration and action, the claims of a number of Chickasaw Indians, who have been enrolled as reservees entitled to locations under the treaty between the United States and the Chickasaw nation of Indians, made and concluded at the city of Washington on the 24th day of May, A. D. 1834. The just claims of these Indians have, as we contend, been long delayed, and are now presented to you for your decision. And, in order that the matter may be fully understood, and the grounds upon which they claim may be properly appreciated, we trust we shall be pardoned for trespassing upon your time in giving a brief and succinct history of the matter, so that it may be brought fairly before you. There seems to us to be no difficulty in the case other than that which has been created by the delay which has attended its settlement. All that the claimants ask is, that their several cases may be fairly and dispassionately considered, and that they may stand or fall upon their own intrinsic merits.

It is known to you, sir, that a treaty was concluded between the United States and the Chickasaw Indians, at Pontotoc, on the twentieth day of October, 1832, by which the Chickasaw nation ceded to the United States all the land which they owned on the east side of the Mississippi river. By the 4th article of that treaty, certain reservations were to be selected by the Chickasaws for every family in the Chickasaw nation, which reservations were to be reserved from sale so long as any portion of the nation remained east of the Mississippi, or until they found a country, and obtained it, suited to their wants and condition. On the 24th day of May, 1834, another treaty was made and concluded at the city of Washington by the Chickasaw nation of Indians and the United States. By the 5th article of this latter treaty, the possessory right by which the reservees were to hold the lands reserved and allotted to them under the treaty of Pontotoc was changed from a possessory into a fee simple title: no change was made in the character of the reserves; but every one there who was entitled to a reservation or reservations by the treaty of Pontotoc was in like manner, and to the same extent, entitled under the treaty of Washington. By the 14th article of the treaty of Pontotoc, power is given to the Chickasaw chiefs to cause a list of all reservations provided for in the 4th article to be made out and filed with the register of the land office, to prevent him from offering any of said tracts of land for sale. With the making of this list, or in deciding who were entitled to land under the treaty of Pontotoc, the United States had nothing to do. They had not even a supervisory power. Everything in relation to reservations was to be directed by the chiefs of the Chickasaw nation. To account for this unlimited power over the matter being left entirely to the management of the Chick-



asaw chiefs, it is only necessary to remark, that the Chickasaw nation, although professing to cede all their lands to the United States, yet it was so done that the United States became the trustee for the benefit of the Chickasaw nation, authorized and required to dispose of such lands, and such lands only, as they were informed by the Chickasaw chiefs had not been reserved. Such lands as had not been reserved were to be sold on certain prescribed conditions, and the money arising therefrom was to be invested from time to time for the benefit of the nation. And as the reservations and improvements were abandoned, the chiefs were to give notice to, and the United States were to sell the places so abandoned for the same uses. No discretionary power was given to the United States. They could by no possibility be benefited by a sale of the Chickasaw lands. Under this view of the case, the United States made no objection to a change in the 4th article of the treaty of Pontotoc when it was desired by the Chickasaws. It was a matter of no consequence to the United States whether these reservations were held by a possessory or a fee simple title. When, therefore, the Chickasaws desired to change the tenure by which these reservations were held, the United States acceded to it, as is evidenced by the treaty of Washington, thereby acknowledging the right of the Chickasaw nation to determine what portion of the lands embraced in the treaty should be considered as private individual property, and what portion should be sold for the benefit of the whole Chickasaw nation.

Having premised thus much, we come to the questions, Who were entitled to reservations under the Chickasaw treaty of the 24th May, 1834? and what was necessary to be done to entitle one to a reservation? To this first question we answer, that all such as the chiefs designated, whether they were Chickasaws or not, if the chiefs recognised and reported them as such, were entitled to reservation, and the United States had no right, under the treaty, to go back and inquire into the accuracy of their return. The treaty prescribed the qualifications of the reservees for the government of the chiefs and commissioners; when they decided upon the right, there was no supervisory power which could say that they had erred. In the treaty of Pontotoc the power of deciding upon a right to reservation was given to the chiefs of the Chickasaw nation. In the treaty of Washington the right of decision is given to seven persons therein named, who are, in truth and in fact, nothing more than the same chiefs of the Chickasaw nation. To the second question we answer, that when the seven persons, or a majority of them above referred to, had decided upon the claim of an individual, his or her name was to be entered on a list, and, within a reasonable time, filed with the agent, upon whose certificate of its *believed* accuracy the register and receiver were required to make the location. This was all that was necessary to be done; and here we would beg to call your attention to the form of expression used. The agent was to give a certificate of its "*believed accuracy*," showing conclusively that he was to rely on the report of these seven commissioners, and that in the preliminary examination he was neither required nor expected to take any part.

If this view of the subject which we have taken be correct—and we think it will bear the test of the severest scrutiny—we deem it wholly unnecessary to go into an argument, or to adduce secondary proof, to show that these applicants were really Chickasaw Indians, or that they were residents of

the Chickasaw nation at the date of the treaty of Pōntotoc. That was a proper inquiry before the chiefs or commissioners. It was a proper subject of inquiry for them as to what tract of country constituted the Chickasaw nation, and by what tenure allegiance to the Chickasaw nation was held; what rights she had, under the laws, usages, and customs of her people, to call upon, and exercise authority over, her citizens, and under what given state of facts and circumstances the allegiance of the citizen was dissolved, and the power of the nation over him lost. Having passed upon all these questions, as we presume they did, and, after a full examination, having decided that these claimants were entitled to reservations—having caused a list of their names to be filed with the agent, and he having given the certificate required; the register and receiver having acted upon them, and reserved the locations from sale—we ask, where is the authority to be found, either in the treaty of Washington or in the treaty of Pōntotoc, which authorizes the United States to institute an inquiry into the legality of the proceedings of the commissioner? nor, as we humbly contend, is there any power given to the commissioners themselves to revise, or correct, or reverse a report, after it has been made to the agent, and by him certified and filed with the register and receiver, and by them located. When all this has been done, the power of the commissioners, and the power of the United States, to annul the location, was at an end. The right of the reservee became vested, and it could not be divested by any power under the treaty. As analogous to this, we might refer to a variety of decisions made during the administration of Gen. Jackson, with regard to reservations under the Creek treaty of March, 1832. Then the government became the absolute owners of the land, subject to reservations which were to be granted to the “heads of families.” An agent was appointed by the President to make out a roll of such as were entitled. This roll was placed in the hands of agents to make the locations, and they were instructed to be particular in inquiring into the qualifications of those enrolled. When the locations were completed, and the returns made, frequent applications were made to have a location set aside, because the person located was not the head of a family, and, consequently, not entitled under the treaty. Here was a strong case, because a fraud had been perpetrated against the government. But the answer of the government uniformly was, that, having complied with all the preliminary regulations, and having been located, the right became vested; and no act of the government could divest that right. And Congress has even gone so far as to pass an act of relief for all those who were entitled under the treaty, but who failed, no matter from what cause, to secure a location.

The locations, too, already confirmed to Chickasaws by the United States, show that this is the true construction—that the whole matter of deciding upon who was entitled should be left to the commissioner. Numerous locations have already been confirmed to western Chickasaws. The Hon. Mr. Hubbard states, in a letter which is herewith submitted, that he knows of near forty sections of land confirmed to western Chickasaws; and that the commissioner did determine to give land to every Chickasaw west as well as eastward. The letter of Captain Wm. Armstrong, general superintendent of western Indians, which is also submitted, shows the same fact with regard to the intention of the commissioner in the distribution of the lands. Colonel Pitchlynn, whose character for

intelligence and veracity is vouched for by the late Vice President of the United States, Colonel R. M. Johnson, in his letter (also herewith submitted) states that, at the time of the treaty of Pontotoc, the Chickasaws and Choctaws, although living on a dividing line, and settled promiscuously on both sides of the imaginary line, still retained all the privileges as citizens of their respective nations; that many of them emigrated subsequent to the treaty of Pontotoc, and before the treaty of Washington, in ignorance of their rights; that these were discovered by certain delegates sent out by the Chickasaws in 1837, and, being informed of their rights under the treaty of Washington, applied to the commissioners, and were enrolled, and obtained locations. He states, further, the accuracy and authenticity of the lists marked 2, 3, 4, 5, 8, 9, 10, and 11, now on file in the War Department.

These lists, to wit, 2, 3, 4, 5, 8, 9, and 11, we ask you now to take up. They will be found, on examination, to have been made in strict compliance with the treaty, and are, as we think, fully and fairly entitled to confirmation. The certificates of the commissioners, and the reports of the agent, in regard to lists Nos. 2, 3, 5, 8, 9, 10, 11, will be found among the papers on file in your office. And we ask leave herewith to submit two papers, marked A and B, which are copies, certified by Col. A. M. Upshaw, Chickasaw agent, of papers in regard to the locations of these claimants, turned over to him by his predecessor in office, Col. Benjamin Reynolds.

Among the papers on file will be found the certificates not only of the Chickasaw, but also of the Choctaw chiefs, that these claimants are, in truth and in fact, Chickasaw Indians, known and recognised as such both by the Chickasaw and Choctaw nations, and entitled to all the benefits conferred upon Chickasaw Indians by the treaty of Washington. These papers were transmitted to the Commissioner of Indian Affairs by Col. Reynolds, accompanied by a letter, under date of October 22, 1838, which letter, as we conceive, contains a virtual, if not a literal, compliance with the requisition of the treaty which required the agent, upon the presentation of a list, to certify to its "*believed accuracy.*" In the letter Colonel Reynolds says: "I also enclose the testimony of the Chickasaw and Choctaw chiefs, taken west of the Mississippi river, and the two chiefs Henry and Benjamin Love, (on this side;) from which testimony *I believed that it was my duty to admit them to be enrolled and located.*" If we have given the true construction to this letter of Colonel Reynolds—and we believe that we have given it the only rational construction of which it is susceptible—we think that we have shown such a full compliance with the spirit of the treaty as will insure to these claimants the ratification of their locations, and the acknowledgment of their just rights.

In addition to the claims contained in the lists numbered 2, 3, 5, 8, 9, 10, 11, before referred to, we beg to submit for your consideration the claims marked on the census roll of double locations from 1306 to 1374 inclusive, and on the single roll from 749 to 776 inclusive. The evidence in support of these claims is full and conclusive, the identity of the Indian claimants being fully established by the certificates of the Choctaw chiefs and the Chickasaw commissioners. These locations were made by Col. Upshaw, the agent, and returned to the office in due form.

The papers now presented and brought to your notice contain, so far as we know or believe, all the unsettled land claims growing out of the treaty

of the 24th May, 1834, with the Chickasaw Indians; and we repeat again that they have been fully recognised by the authorities of the Chickasaw nation, who are alone interested in the matter, and over whose decision the United States have no power farther than to carry into execution their expressed wishes. The whole of these claims stand upon the same ground with others which have been heretofore allowed and settled without objection, and we ask for them the same measure of justice which has been awarded to others. By doing this, the views and wishes of the Chickasaw nation will be complied with, the rights of these claimants under the treaty respected and confirmed, and no injury done to the United States.

With entire respect, we have the honor to be your obedient servants,

JOSEPH BRYAN.

ALFRED IVERSON.

Hon. JOHN BELL,  
*Secretary of War.*

WASHINGTON CITY, February 26, 1841.

DEAR SIR: In accordance with your request to furnish you with such information as may be in my power in relation to the validity of the claims now pending before the War Department, in favor of certain persons claiming to be Chickasaw Indians, and as such entitled to reservations under the Chickasaw treaty of May, 1834, I proceed to make the following statement of facts upon the various points embraced in your inquiry.

I am a Choctaw Indian, and have always lived among their people. I am acquainted with the laws and habits both of the Choctaw and Chickasaw nations, having been on terms of familiar and friendly intercourse with the Chickasaws for many years. I am personally acquainted with the chiefs and commissioners of the Chickasaws, and have seen and conversed with them frequently and fully upon the subject of the claims above referred to.

Before the treaties of 1832 and 1834 with the Chickasaws, the line between that tribe and the Choctaws was unsettled and undefined, and was only a dry line, and imaginary. Choctaws and Chickasaws resided promiscuously in and about the line, and, indeed, for many miles on either side of it; some supposing that they were amongst the Choctaws, and others that the country belonged to the Chickasaws. As is customary with all contiguous Indian tribes, the people of the two nations had for many years intermarried and intermingled with each other, not only near the supposed line, but in the two nations generally, and at large. Agreeable to the universal custom and well settled usage and law of both tribes, this intermarriage and intermingling did not deprive the individuals of the rights, privileges, and immunities of citizens of their respective nations. Although resident in another country, and amongst a different people, they were nevertheless distinctly known and recognised as belonging to their original nation or tribe, and were as easily marked, traced, and identified, as if they had lived amongst their own people: neither tribe considered this temporary residence as alienating their people, or depriving them of their original rights and character. There is no custom, law, or usage of these nations more firmly established, or more generally known

and recognised, than this. Hence it has been universally considered and admitted by the supreme authority, as well as by the common people in both nations, that these brethren, no matter where resident, were entitled to the benefits conferred by treaty upon the citizens of the nation generally.

Chickasaws residing or intermarrying with or amongst the Choctaws have uniformly been held as enjoying all the rights of Chickasaw citizens, and Choctaws living amongst the Chickasaws have been allowed, without dispute, the benefits conferred generally upon their brethren under treaties with that tribe. The only question ever investigated is the question of their identity. Is he a Chickasaw Indian, deriving his existence from Chickasaw ancestry? If so, then he has the same rights that appertain to any other Chickasaw Indian; and such rights have never, within my knowledge, been doubted or disputed.

I am personally acquainted with the fact, and so state, that, both before and since the emigration of the Choctaws west, there were a considerable number of Chickasaws residing amongst them. Some of those persons had intermarried with the Choctaws, and had resided amongst them several years before their removal, and accompanied the Choctaws in their movement to the west, in the years 1832, 1833, and 1834. Other Chickasaws, who resided within the doubtful limits in dispute between the two nations, also accompanied the Choctaws, and some who lived in the Chickasaw nation proper went with or followed their friends and relatives who resided amongst the Choctaws. Many of these persons were known to me personally, and I know them to be Chickasaws, and they were generally recognised as Chickasaws by the Choctaw chief and people. These are the persons, then, and their heirs, who, as I understand the matter, are now claiming reservations under the Chickasaw treaty of 1834.

I have also to state that these people removed to the west along with the Choctaws in ignorance of their rights as to reservations. Indeed, most of them had gone off prior to the treaty of 1834, and were found and recognised by John McClish, John Perry, Pitman Colbert, and those persons who were sent west by the Chickasaw nation, in the year 1837, to look out a permanent home for their people, and were then and there told and informed of their rights to have reservations. This information I derived from the said John McClish, Perry, and others, who went for the purpose of looking out a permanent home, as above; and this was the commencement of the applications for reservations under said treaty. It is within my own knowledge that some of the people who had gone west returned to the Chickasaw nation east and obtained locations; and others, who still remained west, applied for and were allowed locations by the Chickasaw commissioners and the then agent, Colonel Benjamin Reynolds.

In 1838, I was, while among the Choctaws and Chickasaws west, called upon to witness several lists which were made out by both the Choctaw chiefs and the Chickasaw chiefs, and commissioners, accompanied by their certificate as to the identity of these claimants and their right to locations. These lists are now on file, I am informed, in the office of the Commissioner of Indian Affairs, and are marked 2, 3, 4, 5, 8, 9, 10, and 11. These lists were made out with great care, and after full examination by the chiefs and commissioners as to the identity and rights of the claimants. I conversed freely with the Chickasaw commissioners at the



time, who all agreed upon the right which these persons had to reservations under the treaty of 1834 ; no doubt or hesitation was manifested by them either as to their identity as Chickasaws or their titles to locations, and it was then and there admitted and stated by all parties that there were many more of their tribe who had not received locations, and who were then residing west, but whose identity and rights had not then been fully established.

In conclusion, I would state that I have conversed several times with the Chickasaw commissioners upon the subject of these claims, and they have uniformly spoken of them as good and valid, and expressed their hope that they would be allowed by the President.

I am, very respectfully, your obedient servant,

P. P. PITCHLYNN.

Gen. J. B. CLEMENTS, *Gadsby's Hotel.*

I do certify that I have been acquainted personally with Colonel P. P. Pitchlynn, of the Choctaw nation, for upwards of twelve years, and do certify that he is a man of intelligence and education, and well informed, moral, and faithful, and he stands as high as any man for honor, integrity, and veracity. Given under my hand this 28th day of February, 1841.

RH. M. JOHNSON.

WASHINGTON, *February 27, 1841.*

SIR: In reply to your note of this morning requesting that I would state "whether, within my knowledge, any reservations have been allowed under the Chickasaw treaty of the 24th May, 1834, to Indians who had emigrated west prior to that treaty, and to what extent such claims had been approved, so far as the same are known to me," I beg leave to reply that the chiefs or commissioners, for the purpose of making allotments of land under the treaty, did determine to give land to every Chickasaw west as well as eastward, as I was informed, on the principle that such Chickasaws who had gone off with the Choctaws, being frequently connected, had received nothing under the Choctaw treaties, and were by them still considered as part of their people. I know personally of the allowance of nearly forty sections of land to western Chickasaws; I do not remember the exact number. I never heard of the rejection of any claim on account of the claimant being a western Chickasaw, provided he *was proven to be* a Chickasaw—such as would have been entitled to land had he lived on the east of the Mississippi.

I am, respectfully, &c.

DAVID HUBBARD.

Gen. J. B. CLEMENTS.

WASHINGTON, *February 27, 1841.*

SIR: I have received yours of the 24th, asking for such information as I can give to enable you to present for settlement certain Chickasaw claims for reservations under the treaty of 1834.

I removed the Choctaws, under their treaty, from the east of the Mississippi to their present location in the west, and know that the line between the tribes was nominal; that when the line was determined by the government of the United States, a considerable portion or slip of land fell on the Choctaw side that the Chickasaws expected would have been theirs. Upon this slip of land a number of Chickasaw heads of families resided.

The Choctaws and Chickasaws speak the same language; they were always friendly, and had intermarried with each other. In the Choctaw emigration, I knew of many families of Chickasaws who had intermarried with the Choctaws, and removed west, and received land under the Chickasaw treaty.

I was present in the west when the negotiation was made between the Choctaws and the Chickasaws, by which the latter obtained a country from the former. At this meeting I saw a number of Chickasaws, who previously removed, make application to the Chickasaw chiefs, who were commissioners under the treaty, for land. Their names were taken down, and they were promised land by the commissioners, who exercise, under the treaty, great control in relation to reservations. I know nothing in relation to any particular claim, but that it is the wish of the chiefs west that all their people should participate in the benefits of the treaty. It is common, however, among Indians, that their people should enjoy such privileges.

Respectfully, your obedient servant,

WM. ARMSTRONG.

A. IVERSON, Esq.

WAR DEPARTMENT,  
Office Indian Affairs, April 12, 1841.

SIR: I have the honor to report, in compliance with your direction, on the communication of J. Bryan and A. Iverson, esquires, of the 6th ult., "submitting for your consideration and action the claims of a number of Chickasaw Indians, who have been enrolled as reservees entitled to locations under the treaty between the United States and Chickasaw nation of Indians, made and concluded at the city of Washington on the 24th day of May, A. D. 1834."

The claims presented amount, in number, to 524—316 under the fifth article, and 208 under the sixth article.

By the first article of the treaty of Pontotoc, (concluded 20th October, 1832, and ratified 1st March, 1833,) the Chickasaws ceded to the United States, "for the consideration hereinafter expressed, all the land which they own on the east side of the Mississippi river."

In the second article, the United States agree to have the whole ceded tract surveyed, prepared for sale, and then offered at public auction. The third article provides that, "as a full compensation to the Chickasaw nation for the country thus ceded," the United States will pay over to the Chickasaws all the money arising from the sale of their land, after deducting the necessary expenses of sale, &c.

The fourth article stipulates that every family in the Chickasaw nation are to select out of the surveys a comfortable settlement, in the event of a failure of the effort to obtain a country to remove to the west; such



settlement to be taken by sections, and to be allotted as follows: To a single man, who is twenty one years of age, one section; to each family of five, and under that number, two sections; to each family of six, and not exceeding ten, three sections; and to each family over ten in number, four sections; and to families who own slaves, there shall be allowed one section to those who own ten or upwards; and such as own under ten, there shall be allowed half a section." And when they shall determine to remove from said tracts of land, the Chickasaw nation will notify the President of the United States of their determination to remove; and thereupon, as soon as the Chickasaw people shall remove, the President will proclaim the said reserved tracts of land for sale at public auction and at private sale, on the same terms and conditions as is provided for in the second article of this treaty, to sell the same, and the net proceeds thereof to be paid to the Chickasaw nation."

The fourteenth article provides that "it shall be the duty of the chiefs, with the advice and assistance of the agents, to cause a correct list to be made out of all and every tract of land which shall be reserved for the use and benefit of the Chickasaw people for their residence;" which list will designate the sections of land which are set apart for each family or individual in the nation, showing the precise tracts which shall belong to each and every one of them; which shall be returned to the register of the land office, "to prevent him from offering any of said tracts of land for sale, and also as evidence of each person's lands. All the residue of the lands will be offered by the President for sale."

Before any definitive action was had by the Chickasaws or the United States, in carrying into effect the provisions and stipulations of the articles above referred to, intimations were made to the Executive, as appears from the correspondence of this office, that the Chickasaws desired an amendment to the above treaty, and that, in relation to the reservations and those intimations, resulted in a treaty concluded at Washington 24th May, 1834, and styled "Articles of convention and agreement proposed by the commissioners on the part of the United States, in pursuance of the request made by the delegation representing the Chickasaw nation of Indians, and which has been agreed to."

By the 4th article of the last treaty, "the Chickasaws desire to have within their own direction and control the means of taking care of themselves. Many of their people are quite competent to manage their affairs, though some are not capable, and might be imposed upon by designing persons; it is therefore agreed that the reservations hereinafter admitted shall not be permitted to be sold, leased, or disposed of, unless it appears by the certificate of at least two of the following persons, to wit: Ish-ta ho-to-pah, the king, Levi Colbert, Geo. Colbert, Martin Colbert, Isaac Alberson, Henry Love, and Benjamin Love, of which five have affixed their names to this treaty, that the party owning or claiming the same is capable to manage and take care of his or her affairs; which fact, to the best of his knowledge and information, shall be certified by the agent; and furthermore, that a fair consideration has been paid; and thereupon the deed of conveyance shall be valid, provided the President of the United States, or such other person as he may designate, shall approve of the same, and endorse it on the deed, which said deed and approval shall be registered at the place and within the time required by the laws of the State in which the land may be situated; otherwise to be void."

By the 5th article, "it is agreed that the fourth article of the treaty of Pontotoc be so changed that the following reservations be granted in fee." Then follows the allotment to heads of families in regard of the number in each, and to Chickasaws not heads of families, alluded to in fourth article above quoted. The sixth article provides that a list of the latter description "shall be made out by the seven persons hereinbefore mentioned, and filed with the agent, upon whose certificate of its believed accuracy the register and receiver shall cause said reservations to be located upon lands fit for cultivation, but not to interfere with the settlement rights of others." Those provided for under the sixth article are to be excluded from the estimated number contained in any family enumeration under the 5th article. The seventh article secures rights to reservations to those who have intermarried with the Chickasaws and are residents of the nation, and the eighth article grants land to males and females below the age of twenty-one years, whose father being dead, the mother again has married, or who have neither father nor mother, half a section of land each, to be located under the supervision of the Secretary of War.

The foregoing is a brief, but it is believed to be a correct recital of those articles of the two treaties having special reference to reservations.

To carry into effect those treaties, regulations were prescribed by President Jackson, and in one of them, that of December, 1834, the mode of locating the reservees is particularly pointed out, and the fourteenth article or subdivision thereof declares that the title to the selected tracts shall not be vested in the reservees until their location shall have been approved by the President. It is presumed that that regulation or injunction has been one of the causes of the presentation to this department of the claims now the subject of consideration, for I do not perceive that in any portion or part of either treaty authority has been reserved to the President to control the location of the reservations. This view is fortified by the twelfth article, which declares that "when any portion of the country is fully surveyed, the President may order the same to be sold, but will allow six months from the date of the first sale, and three months' notice of any subsequent intended public sale, within which periods of time those who can claim reservations in the offered ranges of country shall file their applications and entries with the register and receiver, that the name of the owner or claimant of the same may be entered and marked on the general plat," &c.

These claims were submitted to this department originally in 1838 and 1839, but action thereupon was held up on the ground that the list or census of the Chickasaws referred to by the fourteenth article of treaty of 1832, and that required by regulations of December, 1834, had not been transmitted to this office, by which it was supposed that all the Chickasaws entitled to land could be ascertained and identified. But it has been represented to me, by persons connected with the execution of those treaties, that the census never was correctly taken, because of the wandering and erratic life of a great portion of the nation; and that as the Indians were found, the agent would enter their names on his list, and provide land accordingly; and that owing to the frequent use made thereof, it has been completely "thumbed out," but that the lists transmitted from time to time to this office are substantially copies, &c.

The agent who transmitted a list of a portion of the claims in October, 1838, remarks: "Enclosed herewith are sheets 1, 2, and 3, containing locations of reservations under the 5th article of the treaty of May, 1834;

also, sheets 1, 2, 3, and 4, containing locations of reservations under the 6th article of the same. I also enclose the testimony of the Chickasaw and Choctaw chiefs taken west of the Mississippi, and the two chiefs Henry and Benjamin Love, (on this side;) from which testimony I believed that it was my duty to admit them to be enrolled and located." On the 4th May, 1839, Colonel Upshaw, the present Chickasaw agent, transmitted "an original roll of Chickasaw Indians who emigrated west some time since, who are entitled to land under the treaty." The roll is signed by all of the commissioners who are west, and is accompanied with proof from the Choctaw chiefs, captains, and judges, that these claimants are Chickasaws.

The claimants migrated to the west before the treaty of 1834 was concluded. Are they entitled to its provisions, if it shall be proved that they are Chickasaws?

1st. With reference to the proof in regard to the identity of the claimants as Chickasaws. Document No. 1, referred to by Messrs. B. and I., is dated 8th April, 1838, and signed by Benjamin Love, Henry Love, and Ish-ta-ho-to-pah, the king, and represents as follows:

"It appears to us, whose names are hereunto subscribed, as chiefs and commissioners for the Chickasaw tribe of red people, that the following persons are clearly Chickasaws, and have not heretofore obtained or applied for reservations of land by virtue or under the late treaty made at the city of Washington, in 1834, between our people and the United States; that they may now be enrolled by our agent, and locations proposed by their representatives agreeably to their number of family, so that entire justice may be done each individual Indian belonging to our said nation."

Then follows the designation of the names, &c.

Other testimony submitted is of the following import:

That, after minute examination, and satisfactory proof having been produced, the Chickasaw chiefs and commissioners have come to the firm conclusion that there are many of their people that have removed west of the Mississippi river without having had the benefit of the treaty, and certify that the names designated on the lists now presented are of their tribe, and request that the agent have their names enrolled, so that they get equal justice and the rights that are guaranteed to them; that since they, the commissioners aforesaid, have removed west of the Mississippi, they have found a number of their people who are clearly entitled to their reserves under their treaty of the 24th May, 1834, and who are not provided for; and a wish is expressed that they should participate in the benefits that others derived in the sale of their country, and a request made that they may be enrolled, and the circumstances stated to their great father at Washington, that no injustice may be done to any of their people.

The chiefs and captains of the Choctaw nation designate a large number of the claimants as Chickasaws, and certify that they emigrated and have resided with them a number of years.

2d. Are they entitled to its provisions?

Peter P. Pitchlynn, a prominent Choctaw, states "that the fact of the members of one tribe or nation intermarrying and intermingling with a conterminous tribe or nation, does not deprive the individuals of the rights, privileges, and immunities of citizens of their respective nations; that Chickasaws residing and intermarrying with or amongst the Choctaws

have uniformly been held as enjoying all the rights of Chickasaw citizens; and Choctaws living amongst the Chickasaws have been allowed, without dispute, the benefits conferred generally upon their brethren, under the treaties with that tribe." Mr. Pitchlynn states that he is personally acquainted with the fact that both before and since the emigration of the Choctaws, there were a number of Chickasaws residing amongst them: some had married Choctaws and resided with them several years, and accompanied them west. Other Chickasaws, who resided within the doubtful limits, in dispute between the two nations, also accompanied the Choctaws; and some who lived in the Chickasaw nation proper went with and followed their friends and relations who resided amongst the Choctaws. Many of those persons were known to him to be Chickasaws, and were recognised as such by the Choctaw chiefs and people. These are the people who, he understands, are claiming reservations. He states, also, that these people removed in ignorance of their rights to land, and were found and recognised by John McLish, John Perry, Pitman Colbert, and others, who were sent west by the Chickasaw nation, in 1837, to seek out a permanent home for their people, and were then and there told and informed of their rights to reservations. Mr. P. states that it is within his own knowledge that some of the people who had gone west returned to the Chickasaw nation east and obtained locations, and others, who still remained west, applied for and were allowed land. Mr. P. further states that he conversed several times with the Chickasaw chiefs upon the subject of these claims, and they uniformly spoke of them as good and valid, and expressed their hope that they would be allowed by the President.

Major Wm. Armstrong, acting superintendent of the western territory, states that he removed the Choctaws under the treaty of 1830, and knows that the line between them and the Chickasaws was nominal; that when the line was determined by the government of the United States, a considerable portion or slip of land fell on the Choctaw side that the Chickasaws expected would have been theirs, and that upon this strip a number of Chickasaw heads of families resided.

Major Armstrong says that the Choctaws and Chickasaws speak the same language, were always friendly, and had intermarried with each other; and that in the Choctaw emigration he knew of many families of Chickasaws who had intermarried with the Choctaws, removed west, and received land under the Chickasaw treaty.

Major Armstrong was in the west when the Chickasaw delegation purchased land for their people from the Choctaws; at that time he saw a number of Chickasaws, who had previously removed, make application to the Chickasaw chiefs, who were commissioners under the treaty, for land, and their names were taken down and land was promised them.

Major Armstrong further states that he knows nothing in relation to any particular claim, but that it is the wish of the chiefs west that all their people should participate in the benefits of the treaty; it is common among Indians that their people should enjoy such privileges.

A letter from the Hon. David Hubbard has been submitted, in which it is stated that "the chiefs and commissioners, for the purpose of making allotments of land under the treaty, did determine to give land to every Chickasaw west, as well as eastward, on the principle that such Chickasaws who had gone off with the Choctaws, being frequently connected,

had received nothing under the Choctaw treaties, and were by them still considered as part of their people." Mr. Hubbard states that he knows personally of the allowance of nearly forty sections of land to western Chickasaws, and has never heard of the rejection of any claim on account of the claimant being a western Chickasaw, *provided he was proven to be a Chickasaw*, such as would have been entitled to land had he lived on the east side of the Mississippi.

The treaty itself, singly considered, would lead at least to doubt and hesitation whether the reservation rights were not intended to be confined to residents of the Chickasaw nation in 1834; but taking the provisions of that instrument in connexion with the evidence and the acts of the authorities of the nation; these conclusions seem to follow:

1st. That it was the intention of the Chickasaw nation that every Chickasaw should participate in the benefits intended to be conferred by the granting of reservations; and it is reasonable to infer that the idea of making those grants originated on the ground that similar provisions had been inserted in treaties made with the Creeks and Choctaws but a short time anterior to that with the Chickasaws. The stipulation for reservations was an incentive, no doubt, to the negotiation of that treaty; the only interest that the United States had in negotiation with the Chickasaws, on the terms prescribed by that instrument, was to rid the States in which the Chickasaws resided of an Indian population.

2d. That according to a well settled and long established rule of practice amongst the Chickasaw Indians, their brethren, whenever resident, are not considered as expatriated by such residence amongst other tribes, but are held and recognised as Chickasaws, and entitled at all times to return to their original people and claim all the rights, privileges, and immunities of Chickasaw Indians.

3d. That this rule has been acted upon under the treaties of 1832 and 1834, and that many Chickasaw Indians who resided amongst the Choctaws at the date of said treaties, and who removed to the west with the Choctaws, have actually been allowed reservations under said treaties by the commissioners, and have enjoyed the full benefits thereof.

4th. That many of the present claimants are Chickasaw Indians, who, prior to the treaty of 1834, had intermarried, or otherwise intermingled with the Choctaws, and removed west along with the Choctaws.

5th. That although they resided amongst the Choctaws, they were distinctly marked and known as Chickasaws, and were always held and considered as belonging to the latter nation.

6th. That the claimants are identified and proved by the Chickasaw king, chiefs, and commissioners, to be Chickasaw Indians; and under their decision, and that of their agent, locations have been made for them. One or more of the said chiefs, through the acting superintendent of the western territory, (Major Wm. Armstrong,) have suggested that frauds may exist in the claims "made within the last year or two," and requested that lists of claimants may be submitted to them for examination. Under these circumstances, as the unreserved lands belong to the Chickasaw people, and are to be sold for their common benefit, it is but reasonable and just that the proper authority of that nation should have the opportunity of scrutinizing the lists of claimants before any final action upon them, that the good claims may be recognised and allowed, and the fraudulent, if any, detected and rejected. I therefore recommend that lists of



all the claimants referred to be made out and delivered to Major Armstrong, with instructions to submit the same to the Chickasaw commissioners agreeably to their request, and that he be authorized and requested to aid them in the examination of their correctness; and that those claims admitted by the Chickasaws be considered as valid, and the locations made for the respective admitted claimants be regarded as approved, unless it be made to appear that they conflict with the paramount prior rights of some other Indian, or that by some oversight a purchaser from the United States may have fallen on the same land, in which case the government to determine between them, as in other contested titles; and that all claims or registers heretofore made of claims or locations of those embraced in the letter of Major Armstrong, on behalf of the chiefs, dated 17th October, 1840, (of which a copy is hereto annexed,) which shall be pronounced by the Chickasaw chiefs to be fraudulent, shall be rejected, unless when a sale has been made by the Indian, when the government will determine upon it as to right and equity may appear to belong.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

HON. JOHN BELL,

*Secretary of War.*

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CHOCTAW AGENCY, October 17, 1840.

SIR: In a conversation to-day with Captain Albertson and several of the Chickasaw chiefs, they expressed great uneasiness about a number of applicants for land, made within the last year or two. They think that there may be some entitled to land, but the number is few. The applicants not entitled to land must be Choctaws, and induced by land speculators to make the attempt. They wish no titles to pass, even if the names of the Chickasaw commissioners are to a deed, until they can see the names of the new applicants. If these suspicions are correct, there must be a fraud in getting up those names, and I would be pleased to have a list of the applicants as early as possible.

Very respectfully, your most obedient servant,

WM. ARMSTRONG,

*Acting Superintendent W. T.*

T. HARTLEY CRAWFORD, Esq.,

*Commissioner of Indian Affairs, Washington City.*

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*Endorsement of the Secretary of War.*

The recommendation of the Commissioner of Indian Affairs, that the lists of unconfirmed Chickasaw locations be sent to the committee provided for in the 4th article of the treaty of 1834 with that tribe, for their revision, as requested by them, is approved. The locations of which they may approve cannot, however, be sanctioned in advance. The revision and correction of the lists by the committee, assisted by Major Armstrong, the acting superintendent, must first take place; the department will then

consider the propriety of confirming the cases which they have approved, and will do what may appear to be right and proper therein.

J. B.

DEPARTMENT OF WAR, *May 4, 1841.*

G.

WAR DEPARTMENT,  
*Office Indian Affairs, June 16, 1841.*

SIR: I transmit herewith a copy of my report to the Secretary of War, on the communication of Joseph Bryan and Alfred Iverson, esqs., in relation to certain claims of Chickasaws for land under the treaty of 1832 and that of 1834, and of the endorsement of the Secretary thereupon. The Secretary says:

“The recommendation of the Commissioner of Indian Affairs, that the lists of unconfirmed Chickasaw locations be sent to the committee provided for in the 4th article of the treaty of 1834 with that tribe for their revision, as requested by them, is approved. The locations of which they may approve cannot, however, be sanctioned in advance. The revision and correction of the list by the committee, assisted by Major Armstrong, the acting superintendent, must first take place. The department will then consider the propriety of confirming the cases which they have approved, and will do what may appear to be right and proper therein.

“J. B.

“DEPARTMENT OF WAR, *May 4, 1841.*”

The report from this office will give you full information of its views upon the character of the claims and their validity, and the endorsement by the Secretary will acquaint you of his action and the course directed for you to take in the examination by the Indians.

The accompanying papers embody all the facts deemed to be material to submit to the commissioners named in the 4th article of the treaty of 1834, concluded at Washington. The papers purporting to be evidence of the indentity of the claimants as Chickasaws are originals, sent here by Colonels Reynolds and Upshaw; the lists indicating the locations are copies of those forwarded here by the same gentlemen. The testimony and lists of locations are put up in packages corresponding to the letter transmitting them to this office, viz:

Those marked R, 304, will be found with a letter from Mr. Reynolds of 22d October, 1838; and those marked U, 92, with a letter from Mr. Upshaw, of date 10th December, 1839, &c. I have been particular in this matter to insure early action by you in preparing the documents for the consideration of the Indians.

The magnitude of the claims in the aggregate requires that the department should proceed with due deliberation and caution to ascertain the merits of the claims *en masse*, and of each individual. You are requested, therefore, to lay the whole subject before the proper Chickasaws, and explain to them the purport of my report, and the decision of the Secretary, and inform them of the number and extent of the claims.



It is desirable that, so far as is practicable, your report should embody a statement showing the circumstances of each case, *i. e.*, as to identity, number in family, if any, when he, she, or they left the country east for their residence west, &c., &c.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Major Wm. ARMSTRONG,

*Acting Superintendent Western Territory.*

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CHICKASAW AGENCY, *October 22, 1838.*

SIR: Enclosed herewith are sheets 1, 2, and 3, containing locations of reservations under the 5th article of the treaty of the 24th of May, 1834; also sheets 1, 2, 3, and 4, containing locations of reservations under the 6th article of the same. I also enclose the testimony of the Chickasaw and Choctaw chiefs, taken west of the Mississippi, and the two chiefs Henry and Benjamin Love, on this side, from which testimony I believe that it was my duty to admit them to be enrolled and located. In making out the western list they neglected to give the district to which they belonged, as well as the ages of those under the 6th article, which omission I am unable to correct.

You will perceive from the rolls that numbers 1,269 and 1,295, under the 6th article, are not yet located, as well as numbers 605, 718, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 721, 722, 723, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, and 746, under the 6th article: as early as possible they will be made and forwarded.

I cannot attach the usual certificates to those rolls, but am satisfied that many of the Chickasaws emigrated with the earliest Choctaw emigrants.

Very respectfully, your obedient servant,

BENJ. REYNOLDS, C. A.

C. A. HARRIS, Esq.,

*Commissioner Indian Affairs, Washington.*

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No. 1.

CHICKASAW NATION,  
*State of Mississippi, April 8, 1838.*

It appears to us, whose names are hereunto subscribed as chiefs and commissioners for the Chickasaw tribe of red people, that the following persons are clearly Chickasaws, and have not heretofore obtained or applied for reservations of land by virtue or under the late treaty made at the city of Washington, 1834, between our people and the United States; that they may now be enrolled by our agent, and locations proposed by their representatives agreeable to their number of family, so that entire justice may be done each individual Indian belonging to our said nation, there appearing to be twenty-three families and two single persons, as per list herewith sent.

BENJAMIN LOVE,  
HENRY LOVE,  
ISH-TA-HO-TO-PAH, his x mark.

Te-yah-pa, six in family—located (proposed) sections 5, 6, 7, township 11, range 7 east; Coo-cho-tubby, three; Puth-ka-cha, single man, forty-five years old; Oke-lah-ma ho-na, seven; Muth la-tubby, three; Ah-tish-ka, three; Te-wah-la-cha, two; Ho-tin-tubby, seven; Shatim-mah, five; Toni-yea, two; To-she-cah, two; Il-lah-wah-to-na, five; Ho-chubby, three; Tush-qui-qua, single; A-la-ho-ka, three; Kah-lau-tah, three; Cut-te-mon-tubby, four; Pah-ka-moby, four.

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No. 2.

CHOCTAW NATION WEST, *May 6, 1838.*

We, the undersigned chiefs and captains, do hereby certify that the names that are herein mentioned are Indians of the Chickasaw tribe, and are personally known to us, and have remained amongst us for a number of years, and are still with us; they are from the house of Mon-tah no-hah, McGilbrie's district:

Oke-chi-yea, James Carnes, Shock-ho-yea, Ish-tap-pah-ka, Ah-to-bo-tubby, Me-ah-sho-nubby, Pis ah-ho-ka, She-mah, Stee mah-la-la, Ah-took-lah, Ho-yo-po-nubby, Lah-po-to-nubby, Can chee-tah, Ah-pah-ho-ta, Cun-ea-tubby, Un-ti-me-la, Te-ho-yea, Bah-no-yah, Shah-tubby, Pa-ha-la-chas, Eah-ho-tona, Ah-un tah-zubby, Yoka, Car chee, Pe-ho-ka, Phil-e-mah, Ho-yeah, Pah-cah-mo-la, Cah-poe-nubby, Che-she-hokety, Immo-ho-yea, Pah-un-tubby, Te-ah-la mah, Wa-tubby, Sho-yea cah-tubby, Che-ho-yea, Ish te-cah-ta, Com pe-lah-to-nah, Ish-tah ti-yea, Oke lah-in-tah, Ex sho-hubby, O-pah-ka-to-na.

Col. THOMAS LEFLORE, <i>Chief,</i>	his x mark,	[SEAL.]
OKE-CHI-YEA,	his x mark,	[SEAL.]
Captain JOHN WAID,	his x mark,	[SEAL.]
Captain JAMES GARDNER,	his x mark,	[SEAL.]
NATTUCKAI-CHEE,	his x mark,	[SEAL.]

Test:

DANL. SAFFARRANS, *Speaker.*  
 BENJ. CLEMENTS,  
 P. P. PITCHLYNN,  
 JOS. DUKE,  
 Captain SAML. SEALY, his x mark.  
 GEORGE HUDSON,  
 JOHN M. NAIL.

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No. 3.

MAY 12, 1838.

We, whose names are hereunto annexed, do certify that the following names are people of the Chickasaw tribe, and have been personally known to us for several years; and have resided with us since our first acquaintance with them, and they are still with us: Tam by, Ish kun ah-tubby, Jim-bun-nar, O-lubby, Suckey Folsom, Shut-ho-yea.

Witness our hand and seal :

NIT-TUK-A-CHEE, his x mark, [SEAL.]  
 CHU-WAR-HOOM, his x mark, [SEAL.]  
 NUK-ISH-TON UK HOOM, his x mark, [SEAL.]

Witness :

SAMUEL GARLAND,  
 P. P. PITCHLYNN.

No. 4.

CHOCTAW NATION WEST, *May 12, 1838.*

DEAR SIR: We, the undersigned, chiefs and commissioners of the Chickasaw tribe of Indians, after minute examination, and satisfactory proof having been produced, have come to the firm conclusion that many of our people have removed west of the Mississippi river, without having had the benefit of the treaty made between the United States and our nation. We, therefore, request that you have the following names enrolled, so that they may get equal justice, and receive the rights that said treaty guaranties to them: *i. e.*, Tam-by, Ish-kun-ah-tubby, Jim-bun-nar, O-lubby, Stickey Folsom, Shut-ho-yea.

Respectfully, yours,

JAMES COLBERT,  
 ISAAC ALBERSON, his x mark,  
 GEORGE COLBERT, his x mark.

Test :

BENJAMIN CLEMENTS,  
 P. P. PITCHLYNN,  
 THOMPSON MCKENNEY.

CHICKASAW NATION, MI., *June 7, 1838.*

SIR: From the evidence brought before us, and an examination of the same, we, the chiefs and commissioners of the Chickasaw nation, wish you to have the above names enrolled, so that they may be located, and receive equal justice, and the rights that are guarantied to them by the treaty made between our nation and the United States.

Respectfully, yours. Given under our hand and seal :

BENJAMIN LOVE, [SEAL.]  
 ISH-TA-HO-TO-PAH, his x mark, [SEAL.]  
 HENRY LOVE.

Test: JOHN L. MIZELL.

Colonel BENJAMIN REYNOLDS.

No. 5.

CHOCTAW NATION WEST, May 8, 1838.

We, the undersigned, chiefs and captains, do hereby certify that the names that are herein mentioned are Indians of the Chickasaw tribe, and are personally known to us, and have been residing among us for a number of years, and are still with us; that is to say: Tar-she-ka, Tush-qui-yea, Um-mo-mo-sho-tubby, To-ni-yea, Te-wah-la chah, Con-she-ho-yea, Ah-tah-ho-ka, Sho-hah-la chah, Ho tai-kee, Shah-tim-ah, Wy-o-ka, Ah-cah-nubby, To-sho-wah, Won-tubby, Slo-fah-chubby, Ah no la-chubby, Ah-to-ca, Ho-ti yea, Chuf-fah tubby, No-wah-ho-nah, Win-ni-yea, Ho-yan-no, Shah-lubby, Ah-foh-ma-tubby, Stema-non-sha she-mah-ka, E-to-ti-yea, Ho-wah-ta, Cah ne-yea-tubby, Che quah-tah-ka, U-quah-tubby, Ah-no-ah-tubby, Pe-lee-che, Nancy, Te-yah-pah, Coo-chah tubby, Gilbert, Puf-cah-chah, Oke-lah-ma-ho-nah, Muth-la-tubby, Eliza, Ah-tish-ka, Ho-tin-tubby, Wesley, Il-lah-nah-to-na, Ho-che-tubby, Ta-shil-ka, Ka-lan-tah, Cut-ti-mun-tubby, Pah com-moby, Billy-ho-mah, Fa-lum-ma-tubby, Im-ma-ho-ya, Che-cha-ho-ka, E-la ho umby, E-yeh-nubby, Pish tub-by, Tah-lun-to.

As witness our hands and seals the day and year above mentioned.

*Chiefs.*

THOMAS LEFLORE, his x mark, [SEAL.]  
NITTUKAICHEE, his x mark, [SEAL.]

*Captains.*

GEORGE OK-CHAY, his x mark, [SEAL.]  
JOHN WADE, his x mark, [SEAL.]  
BENJAMIN JAMES, [SEAL.]  
GEORGE HUDSON, [SEAL.]  
JOEL H. NAIL, [SEAL.]  
TO-BE-LAH, his x mark, [SEAL.]  
AH-CHUCK-MUBBY, his x mark, [SEAL.]  
JAMES GARDNER, his x mark, [SEAL.]

Test:

Captain SAMUEL SAILLY, his x mark,  
JOHN M. NAIL,  
GEORGE HUDSON,  
JOS. DUKES,  
Judge JOHN GARLIN, his x mark.  
P. P. PITCHLYNN.

No. 6.

We, Isto-ho-to-pah, the king, and Isaac Albertson, having known and some recollection of O-lah-in-tah, and his brother, Im-mubby, and their two sisters, Oke-lah-hokē-ta, and Hi-to-cha, who are truly Chickasaws by birth, and have emigrated beyond the Mississippi, and are living among the Choctaws, having intermarried, and partly raised their families; that is to say:

O-lah-in-tah, six in family.

Im-mubby, five in family.

Oke-lah-hoke-ta, seven in family.

Hi-to-cha, eight in family.

We are of opinion this family are clearly Chickasaws, and are entitled to reservations of Chickasaw lands under our treaty, and hereby recommend them to be enrolled as of Albertson's district, and located so that justice may be done; such, at least, as have reasonable claims, among the many applications that have been made heretofore at Pontotoc.

IS-TA-HO-TO-PAH, (the king,) his x mark.

ISAAC ALBERTSON, his x mark.

JAMES COLBERT,

HENRY LOVE.

Test:

D. VANDERSLICE,  
JOHN L. MIZELL.

\_\_\_\_\_  
No. 7.

MAY 25, 1838.

I am well acquainted with E-bah-che-qua-tubby, and am satisfied that he should have land; he was raised close to me; he is a son of Wah-ho-cha; belongs to Tish-Amingo's district. James Colbert, Albertson, and myself agreed for him to have land a long time ago.

ISH-TA-HO-TO-PAH, his X mark.

BERNARD McLAUGHLIN.

\_\_\_\_\_  
JUNE 16, 1838.

I have conversed with the king on the subject of the within E-bah-che-qua-tubby, and agree with him that he should have one section of land. You will please have him enrolled and located.

Yours,

HENRY LOVE.

Col. BENJAMIN REYNOLDS.

\_\_\_\_\_  
No. 8.

CHOCTAW NATION WEST, May 8, 1838.

DEAR SIR: We, the chiefs and commissioners of the Chickasaw tribe of Indians, after minute examination, and satisfactory proof having been produced, have come to the firm conclusion, that there are many of our people that have removed west of the Mississippi river without having had the benefit of the treaty made between our nation and the United States. We therefore certify that the following names are of our tribe, and request that you (the agent of our people) have their names enrolled, so that they get equal justice and the rights that are guaranteed to them. The names are as follows: Tar-she-ka, two in family; Tusk-qui-ya, two in family; Um mo mo-sho-tubby, single; To-ni-yea, two in family; Te-

wah-la-cha, two in family ; Con-she-ho-yea, four in family ; Ah-tah-ho-ka, three in family ; Sho-hah-la-chah, single ; Ho-tai-kes, two in family ; Sah-tim ah, single ; Wy-o-ka, four in family ; Ah-cah-nubby, four in family ; To-sho-wah, three in family ; Won-tubby, two in family ; Sho-fah chubby, three in family ; Ah-no-lah-chubby, four in family ; Ah-to-ca, four in family ; Ho-li-yea, three in family ; Chuf-fah-tubby, four in family ; No-wa-ho-nah, four in family ; Win-ni-yea, three in family ; Ho-yan-no, two in family ; Shah-tubby, single ; Ah-fah-mah-tubby, two in family ; Ste-mo-non-sha, three in family ; She-mah-ka, four in family ; Elo-ti-yea, three in family ; Ho-wah-ta, four in family ; Cah-ne-yea-tubby, three in family ; She-quah-tah-ka, three in family ; U-qua-tubby, three in family ; Ah-no-ah-tubby, two in family ; Pe lee-che, single ; Nancy, single ; 'Te-yah-pah, six in family ; Coo-chah-tubby, three in family ; Gilbert, single ; Puf-cah-chah, single ; Oke-lah-ma-ho-nah, seven in family ; Muth-la-tubby, three in family ; Eliza, single ; Ah-tish-ka, three in family ; Ho-tin-tubby, seven in family ; Wesley, single ; Il-lah-wah-to-na, seven in family ; Ho-che-tubby, three in family ; Ta-shil-ka, single ; Koh-lon-tah, single ; Cut-ti-mun-tubby, four in family ; Pah-com-mo-by, four in family ; Billy Homah, six in family ; Fah-lum-ma-tubby, six in family ; Im-ma-ho-ya, single ; Che-chah-ho-ka, five in family ; Elah-ho-umby, three in family ; E-yeah-nubby, three in family ; Pish-tubby, three in family ; Tah-lun-to, three in family.

Respectfully yours, &c. Witness our hands and seals:

JAMES COLBERT, [L. s.]  
 ISAAC ALBERTSON, his × mark. [L. s.]  
 GEORGE COLBERT, his × mark. [L. s.]

Test:

P. P. PITCHLYNN,  
 THOMPSON MCKENNEY,  
 BENJAMIN CLEMENTS.

Col. BENJAMIN REYNOLDS.

CHICKASAW NATION,  
 Mississippi, June 7, 1838.

SIR: From the evidence brought before us, and an examination of the same, we, the chiefs and commissioners of the Chickasaw nation, wish you to have the above names enrolled, so that they may be located, and receive equal justice and the rights that are guarantied to them by the treaty made between our nation and the United States.

Respectfully yours. Given under our hands and seals:

BENJAMIN LOVE. [L. s.]  
 ISH-TA-HO-TO-PAH, his × mark. [L. s.]  
 HENRY LOVE. [L. s.]

Test: JOHN L. MIZELL.

Col. BENJAMIN REYNOLDS.



No. 9.

CHOCTAW NATION WEST, *May 8, 1838.*

DEAR SIR: We, the chiefs and commissioners of the Chickasaw tribe of Indians, after minute examination, and satisfactory proof having been produced, have come to the firm conclusion that there are many of our people that have removed west of the Mississippi river, without having had the benefit of the treaty made between our nation and the United States. We therefore certify that the following names are of our tribe, and request that you have their names enrolled, so that they get equal justice and the rights that are guaranteed to them by said treaty. The names that we wish enrolled are as follows: Oke-chi-yea, two in family; James Carnes, single; Shock-ho-yea, single; Ish-tah-pah-ka, single; Ah-to-bo-tubby, single; Me ah-sho-nubby, single; Pis-ah-ho-ka, single; She-mah, single; Stee-mah-la-la, single; Ah-took-lah, single; Ho-yo-po-nubby, single; Lah-po-to-nubby, single; Con-chee tah, single; Ah-pah-ho-ta, single; Cun-ea-tubby, single; Un-ti-me-la, two in family; Te-ho-yea, single; Bah-no-yah, single; Shah-tubby, single; Pa-ha-la-chah, single; E-ah-ho-to-na, single; Ah-un-tah-yubby, single; Yo-ka, single; Car-chee, single; Pe ho-ka, single; Phil-e mah, single; Ho-yeah, single; Pah-cah-mo-la, single; Cah-lun to, single; Cun in-tu-nah, single; Chick-a-ma-ho-ka, single; Lah-pah-nubby, single; Che-she-ho-ke-ty, single; Im-mo-ho-yea, single; Pah-un-tubby, single; Te-ah-la-mah, single; Wa-tubby, single; Sho-yea-cah-ubby, single; Che-ho-yea, single; Ish-te-cah-ta, single; Com-pe-lah-to-nah, single; Ish-tah-ti-yea, single; Oke-lah-in-tah, single; Ex-sho-hubby, single; O-pah-ka-to-na, single.

Respectfully yours. Witness our hands and seals:

JAMES COLBERT.

[L. s.]

ISAAC ALBERTSON, his  $\times$  mark.

[L. s.]

GEORGE COLBERT, his  $\times$  mark.

[L. s.]

Test:

P. P. PITCHLYNN,  
THOMPSON MCKENNEY,  
BENJAMIN CLEMENTS.

Col. BENJAMIN REYNOLDS.

CHICKASAW NATION,  
*Mississippi, June 7, 1838.*

SIR: From the evidence brought before us, and on an examination of the same, we, the chiefs and commissioners of the Chickasaw nation, wish you to have the above names enrolled, so that they may be located, and receive equal justice and the rights that are guaranteed to them by the treaty made between our nation and the United States.

Respectfully yours. Given under our hands and seals:

BENJAMIN LOVE.

[L. s.]

ISH-TA-HO-TO-PAH, his  $\times$  mark.

[L. s.]

HENRY LOVE.

[L. s.]

Test: JOHN L. MIZELL.

Col. BENJAMIN REYNOLDS.



CHOCTAW NATION WEST, *May 8, 1838.*

We, the undersigned, chiefs and captains, do hereby certify that the names that are herein mentioned are Indians of the Chickasaw tribe, and are personally known to us, and have resided amongst us for a number of years, and are still with us, to wit: We-tubby, Shoh-yar-kubby, Ish-tek-ah-te, To-war-ke, Che-ho-ya, Kam-pillar-tona, Pan-ya-hona, Lucy, Pokey, E-yar-hon-tubby, In-tubby, Arunkarly, Ish-te-tar-ye, Po-shan-tubby, In-char-lar, Sal, Solomon, Marfield, Me-ka-chi, Yo-ka-tubby, Ar-no-war-tubby, Ho-yar-ti, Pis-ar-ho-hey, On-ar-ho-chy, Ar-che-lar-tah, E-lar-fanar, Ar-yim-min-tar, Tunupamly, Tum-ul-la-char, Ar-ak-ful-lar, Pis-tim-mar-ho-na, Elar-par-ho-hey, Tul-lo-ma-chy, Ul-la-ho-key, Hith-lar-ta-chy, Hochy, Koon-shar-koom-mar, Ho-yar-ty-yel-o-nar, Yo-hey, Shul-la, Emarly, May-hubby, E-lar-pin-tubby, Che-nan-tar, Ho-shi-hoom-mar, In-chuf-far-tubby, Shee-wih, Ok-u-pah, Me-shar-ho-nar, Hanah, Ho-yo-tum-mar, Ma-ta-chah, Ar-no-har-chy, Fa-ny, Ben Allen, Peggy Carney, Arta Carney, Robert Hancock, jr., Nat. Grayham, Joseph Mc-kin-tosh, Alcy Hancock, Onar-tam-by, In-cho-thlar, Che-a-na-nar, Hudson, Ulh-ko-tubby, Ar-lo-mar, Wan-ka ho-yo, Wy-yo-ka, Ar-kar-nar-ly, Ar-har-lar-tubby, Ish-mah-yubby, Tish-o-war, Ish-tim-mullar, No-war-ho-nar, Ish-tim-mo-nan-chy, Win-nar-ya, Ho-yar no, Ar-far-mar-tim-mar, Shu-ko-ya, Ann Hancock, Mary Mc-kin-tosh, E-yan-tubby, Im-mil-la-ho-nar, E-mar-ho-yo-ho-nar, Choom-pa, Lo-shoom-mi.

Chiefs.	{	THOMAS LEFLORE,	his x mark.	[SEAL.]
		NITTUK-AI-CHEE,	his x mark.	[SEAL.]
Captains.	{	GEO. OK-CHA-YA,	his x mark.	[SEAL.]
		JOHN WADE,	his x mark.	[SEAL.]
		BENJAMIN JAMES.		[SEAL.]
		GEORGE HUDSON.		[SEAL.]
		JOEL H. NAIL.		[SEAL.]
		TO-BE-LAH,	his x mark.	[SEAL.]
		AH-CHUCK-MUBBY,	his x mark.	[SEAL.]
		Col. JOHN GARLAND,	his x mark.	[SEAL.]

Test:

GEORGE HUDSON.

P. P. PITCHLYNN.

Capt. JAMES SAILLEY, his x mark.

Capt. JOHN GARLAND, his x mark.

JOS. HUKES.

JOHN M. NAIL.

[SEAL.]  
[SEAL.]  
[SEAL.]

Test: John L. Merrill

Col. Benjamin Reynolds

No. 11.

CHICKASAW NATION, MISSISSIPPI,  
June 7, 1838.

Col. BENJAMIN REYNOLDS :

SIR: From the evidence brought before us, and on an examination of the same, we, the chiefs and commissioners of the Chickasaw nation, wish you to have the within names enrolled, so that they may be located, and receive equal justice, and the rights that are guarantied to them by the treaty made between our nation and the United States.

Respectfully, yours. Given under our hand and seal :

BENJAMIN LOVE, [SEAL.]  
ISH-TA-HO-TO-PAH, his x mark. [SEAL.]  
HENRY LOVE. [SEAL.]

JOHN L. MIZELL.

CHOCTAW NATION WEST,  
May 8, 1838.

Col. BENJAMIN REYNOLDS :

DEAR SIR: We, the chiefs and commissioners of the Chickasaw tribe of Indians, after minute examination and satisfactory proof having been produced, have come to the firm conclusion that there are many of our people that have removed west of the Mississippi river, without having had the benefit of the treaty made between our people and the United States. We, therefore, certify that the following names are of our tribe, and request that you have their names enrolled, so that they get equal justice done them, and the rights that are guarantied to them by said treaty. The names that we wish enrolled are as follows: We-tubby, single; Shah-yar-kubby, single; Ish-te-kah-te, single; To-war-ke, single; Che-ho-ya, single; Kam-pil lar-to na, single; Pan-ya-hon-ar, single; Lucy single; Po-key, single; E-yar-hon-tubby, single; In-tubby, single; Ar-nuch-arley, single; Ish-te-tar-ye, single; Po-shon tubby, single; In-char-lar, single; Sal, single; Solomon, single; Marfield, single; Me-ka-chi, single; Yo-ka-tubby, single; Ar-no-war-tubby, single; Ho-yar-ti, single; Pis-ar-ho-key, single; On-ar-ho chy, single; Ar-che-lah-tah, single; E-lar-fa-nar, single; Ar-yim-min-lar, single; Tun-up ann-by, single; Tum-ul-la-char, single; Ar-ok-ful-lar, single; Pis tim mar ho-na, single; E-lar-par-ho key, single; Tul-lo wa-chy, single; Ul-la ho-key, single; Heth-lar-la-chy, single; Ho chy, single; Koon-shar-hoom mar, single; Ho-yar-ty-ye, single; Yo-nar, single; Yo-key, single, Shul-la, single; E mar-ly, single; May-tubby, single; E lar-pin-tubby, single; Che-nan-tar, single; Ho-shi-hoom-mar, single; In-chuf-far-tubby, single; Shee wih, single; O-kun-hah, single; Me-shar-ho-nar, single; Hanah, single; Ho-za tim-mar, single; Ma-ta-chah, single; Ar-no-har-chy, single; Say-my, single; Ben Allen, single; Peggy Carney, single; Ar-ta Carney, single; Robert Hancock, jr., single; Nat. Graham, single; Joseph McIntosh, single; Alcy Hancock, single; O-nar-tamby, single; In-cho-thlar, single; Che-a-nanar Hudson, single; Ulh-ko-tubby, single; Ar lo-mar, single; War-ka-ho-yo, single; Wy-yo-ka, single; Ar-kar-nar ly, single; Ar bar lar-tubby, sin-

gle ; Ish mar-yubby, single ; Tish-o-war, single ; Ish-tim-mul-lar, single ; No-war-ho-nar, single ; Ish-tim-mo-nan-chy, single ; Win-nar-ya, single ; Ho-yar-no, single ; Ar-far-mar-tin-mar, single ; Shuk-o-ya, single ; Ann Hancock, single ; Mary McIntosh, single ; E-yar-tubby, single ; Im-mil-la-ho-nar, single ; E-mar-ho-yo-ho-nar, single ; Choom-pa, single ; Lo-shoom-mi, single.

Yours, respectfully. Witness our hand and seal :

JAMES COLBERT, [SEAL.]  
ISAAC ALBERTSON, his x mark. [SEAL.]  
GEORGE COLBERT, his x mark. [SEAL.]

Test :

BENJAMIN CLEMENTS.  
P. P. PITCHLYNN.  
THOMPSON MCKENNEY.

Reservations under the 6th article of the treaty of May 24, 1834.

No.	Date of location.	Reservees.	Sex.	Age.	Entitled.	Tracts located.			Remarks.	
						Section.	Township.	Range.		
598	July 12, 1838	Um-mo-misho-tubby,	x	Male	-	1	33	10	7 W.	This section was formerly located to I-ah-ho-tubby, No. 844, 5th article, and found not entered.
599	do	Sho-hah-la-chah,	x	Female	-	1	6	6	2 E.	
600	do	Shah-tim-mah,	x	Female	-	1	16	4	4 E.	
601	do	Shah-lubby,	x	Male	-	1	16	5	6 E.	
602	do	Pe-le-che,	x	-	-	1	14	8	4 W.	
603	do	Napoy,	x	Female	-	1	16	4	1 W.	
604	do	Gilbert,	x	Male	-	1	16	7	5 W.	
605	do	Pus-cah-chah,	x	-	-	1	-	-	-	
606	do	Elizer,	x	Female	-	1	16	8	3 W.	
607	do	Wesley,	x	Male	-	1	16	2	10 E.	
608	do	Tah-shil-ka,	x	-	-	1	16	4	6 E.	
609	do	Kah-lon-tah,	x	-	-	1	16	8	7 W.	
610	do	Im-mah-ho-yea,	x	Female	-	1	2	10	8 W.	
611	do	James Caones,	x	Male	-	1	16	11	1 W.	
612	do	Shock-ho-yea,	x	-	-	1	27	10	7 W.	
613	do	Ish-tah-pah-ko,	x	-	-	1	11	10	6 W.	
614	do	Ah-to-bo-lubby,	x	Male	-	1	16	2	6 E.	
615	do	Me-ah-sho-nubby,	x	Male	-	1	E. 1/2 of 16	3	1 E.	In lieu of a whole section. Choctaw surveys. Choctaw surveys.
616	do	Pis-ah-ho-kah,	x	-	-	1	20	25	7 E.	
617	do	She-mah,	x	-	-	1	33	24	8 E.	
618	do	Stu-mah-la-la,	x	-	-	1	16	5	5 W.	
619	do	Ah-took-la,	x	-	-	1	16	14	5 E.	
620	do	Ho-yo-po-nubby,	x	Male	-	1	16	9	5 E.	
621	do	Lah-po-to-nubby,	x	Male	-	1	16	15	3 E.	
622	do	Con-shu-tah,	x	-	-	1	16	7	5 E.	
623	do	Ah-pah-ho-ta,	x	-	-	1	16	5	4 E.	
624	do	Cuu-ne-ah-tubby,	x	Male	-	1	14	11	7 W.	
625	do	To-ho-yea,	x	-	-	1	16	3	4 E.	
626	do	Bah-no-yah,	x	-	-	1	16	7	4 E.	

## RESERVATIONS—Continued.

36

No.	Date of location.	Reservees.	Sex.	Age.	Entitled.	Tracts located.			Remarks.	
						Section.	Township.	Range.		
627	July 12, 1838	Shah-lubby,	x	Male	-	1			Choctaw surveys.	
628	do	Pah-ha-lu-chah,	x	-	-	1	S. $\frac{1}{2}$ of 7	23		9 E.
629	do	E-ah-ho-to-nah,	x	-	-	-	W. $\frac{1}{2}$ of 8	10		6 W.
630	do	Ah-nu-tah-yubby,	x	Male	-	1	15	16		3 E.
631	do	Yo-ka,	x	-	-	1	23	16		3 E.
632	do	Cah-che,	x	-	-	1	16	2		8 E.
633	do	Pe-ho-kah,	x	-	-	1	12	8		9 W.
634	do	Phil-le-mah,	x	-	-	1	6	10		8 W.
635	Aug. 15, 1838	Pah-cah-no-la,	x	-	-	1	1	1		5 W.
636	Aug. 29, 1838	Cah-lun-ta,	x	-	-	1	16	2		4 W.
637	July 12, 1838	Cun-in-te-nah,	x	-	-	1	E. $\frac{1}{2}$ of 16	2		5 W.
638	Aug. 24, 1838	Chicka-mah-ho-kah,	x	-	-	1	7	4		11 W.
639	July 12, 1838	Lah-pah-umby	x	Male	-	1	Fract'l 2	7		12 W.
640	do	Che-shah-hoke-ty	-	-	-	1	11	7		12 W.
641	do	Im-mah-no-yea	x	-	-	1	10	7		12 W.
642	do	Pah-nu-tubby	-	-	-	1	15	7	12 W.	
643	do	Te-ah-lah-ma	x	-	-	1	Fract'l 22	7	12 W.	
644	do	Wah-tubby	x	-	-	1	9	7	12 W.	
645	do	Sho-yea-cah-umby	x	Male	-	1				
646	do	Che-ho-yea	x	-	-	1				
647	do	Ish-te-kah-cha	x	-	-	1				
648	do	Com-pe-lah-to-nah	x	-	-	1				
649	-	Ish-tah-ti-yez	x	-	-	1				
650	-	Oke-lah-in-tah	x	-	-	1				
651	-	Ex-sho-hubby	x	-	-	1				
652	-	Oh-pah-kah-to-nah	x	-	-	1				
653	-	Tam-by	x	-	-	1				
654	-	Ish-con-ah-tubby	x	-	-	1				

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655	-	-	Im-lun-nah	x	-	-	1			
656	-	-	O-lubby	x	-	-	1			
657	-	-	Suckey Fulsom	x	Female	-	1			
658	-	-	Shut-ho-yea	x	-	-	1			
659	July 12, 1838	-	We-tubby	x	-	-	1	16	4	7 E.
660	do	-	Shah-ah-yah-cubby	x	Male	-	1	20	4	7 E.
661	do	-	Ish-te-kah-ta	x	-	-	1	29	11	6 W.
662	do	-	To-wah-ka	x	-	-	1	19	11	6 W.
663	do	-	Che-ho-yea	x	-	-	1	21	10	6 W.
664	do	-	Kam-pil-lah-to-nah	x	-	-	1	26	4	9 W.
665	do	-	Pan-yah-hou-ah	x	-	-	1	16	3	6 W.
666	do	-	Lucy	x	Female	-	1	16	13	3 E.
667	do	-	Po-kah	x	-	-	1	20	10	6 W.
668	do	-	E-yah-hon-tubby	x	Male	-	1	16	7	1 W.
669	do	-	In-tubby	x	Male	-	1	3	3	10 E.
670	do	-	Ash-muckah-ly	x	-	-	1	16	8	5 E.
671	do	-	Ish-to-lah-yea	x	-	-	1	15	2	9 W.
672	do	-	Po-shaw-tubby	x	Male	-	1	23	4	9 W.
673	do	-	In-chah-lah	x	-	-	1	16	4	6 W.
674	do	-	Sal	x	-	-	1	16	5	6 W.
675	do	-	Solomon	x	Male	-	1	32	4	9 W.
676	do	-	Mah-feld	x	-	-	1	16	4	3 E.
677	do	-	Me-kah-chi	x	-	-	1	11	9	6 W.
678	do	-	Yock-ah-tubby	x	-	-	1	31	4	9 W.
679	do	-	Ah-no-wah-tubby	x	-	-	1	24	3	10 E.
721	Sept. 12, 1838	-	In-cho-thlah	x	-	-	1			
722	-	-	Che-ah-nah-na Hudson	x	-	-	1			
723	-	-	Uith-ko-tubby	x	-	-	1			
724	Sept. 12, 1838	-	Ah-lo-mah	x	-	-	1	16	8	2 W.
725	Sept. 28, 1838	-	Wah-kah-hi-yeen	x	-	-	1	16	14	1 E.
726	-	-	Wy-o-key	x	-	-	1			
727	-	-	Ah-kah-nah-la	x	-	-	1			
728	-	-	Ah-bah-lah-rubby	x	-	-	1			
729	-	-	Ish-mah-tubby	x	-	-	1			
730	-	-	Tish-o-wah	x	-	-	1			
731	-	-	Ish-tim-nl-lah	x	-	-	1			
732	-	-	No-wah-ho-nah	x	-	-	1			
733	-	-	Ish-tim-o-nan-chy	x	-	-	1			
734	-	-	Win-ni-yea	x	-	-	1			
735	-	-	Ho-yah-ne	x	-	-	1			
736	-	-	Ah-fah-man-tem-oh	x	-	-	1			
737	-	-	Shuck-o-ya	x	-	-	1			

RESERVATIONS—Continued.

No.	Date of location.	Reservees.	Sex.	Age.	Entitled.	Tracts located.			Remarks.
						Section.	Township.	Range.	
738	-	Ann Hancock	x	-	1				
739	-	Mary McIntosh	x	-	1				
740	-	E-yah-tubby	x	-	1				
741	-	Im-mul-lah-ho-nah	x	-	1				
742	-	E-mah-hi-yo-nah	x	-	1				
743	-	Choom-pa	x	-	1				
744	-	Lo-shoom-mi	x	-	1				
745	-	Ah-yem-ni-ia-ta	x	-	1	9	21	11 E.	Choctaw surveys, Son-in-law of James Wolf, passed—good.
746	Sept. 28, 1838	E-bah-chick-wah-tubby	x	-	1				
747	do	Ho-yea	x	-	1	1	15	1 E.	

CHICKASAW AGENCY, October 22, 1838.

BENJ. REYNOLDS, Chickasaw Agent.

Reservations under the 5th article of the treaty of May 24, 1834.

No.	Date of location.	Reservees.	Number in family.			No. of slaves.	Entitled.	Tracts located.			Remarks.
			10 and over.	5 and over.	Under 5.			Section.	Township.	Range.	
1252	July 12, 1838	Oh-lah-in-tah, x	-	6	-	-	3	31 32 33	10 " " " "	6 W. " " " "	
1253	do	Im-mubby, x	-	5	-	-	3	24 25 26	10 " " " "	7 W. " " " "	
1254	do	Oke-lah-hoke-ta, x	-	7	-	-	3	21 22 23	10 " " " "	7 W. " " " "	
1255	do	Hi ta-cha, x	-	8	-	-	3	13 14 15	10 " " " "	7 W. " " " "	
1256	do	Te-yah-pä, x	-	6	-	-	3	5 6 7	11 " " " "	7 E. " " " "	
1257	do	Coo-cha-tubby, x	-	-	3	-	2	17 18	25 " "	6 E. " "	Choctaw surveys.
1258	do	Oke-lah-mah-honah, x	-	7	-	-	3	8 17 18	23 " " " "	9 E. " " " "	Do. Do. Do.
1259	do	Muth-la-tubby, x	-	-	3	-	2	23 24	25 " "	6 E. " "	Do. Do.
1260	do	Ah-tish-ka, x	-	-	3	-	2	15 22	25 " "	6 E. " "	Do. Do.
1261	do	Te-wah-la-chah, x	-	-	2	-	2	26 27	10 " "	6 W. " "	Do. Do.
1262	do	Ho-tin-tubby, x	-	7	-	-	3	8 9 16	25 " " " "	6 E. " " " "	Do. Do. Do.
1263	do	Shah-tim-mah, x	-	5	-	-	3	26 34 35	2 " " " "	6 W. " " " "	

## RESERVATIONS—Continued.

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No.	Date of location.	Reservees.	Number in family.			No. of slaves.	Entitled.	Tracts located.			Remarks.
			10 and over.	5 and over.	Under 5.			Section.	Township.	Range.	
1264	July 12, 1838	To-ni-yea, x	-	-	2	-	2	15	4	9 W.	Choctaw surveys. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
1265	do	To-she-cah, x	-	-	2	-	2	22	4	7 E.	
1266	do	Il-lah-wah-to-nah, x	-	7	-	-	3	23	4	6 E.	
1267	do	Ho-chubby, x	-	-	3	-	2	26	4	6 E.	
1268	do	Ah-lah-ho-ka, x	-	-	3	-	2	21	25	6 E.	
1269	do	Kah-lau-ta, x	-	-	3	-	2	27	25	6 E.	
1270	do	Cut-tim-au-tubby, x	-	-	4	-	2	28	25	6 E.	
1271	do	Pah-ka-moby, -	-	-	4	-	2	4	10	6 W.	
1272	do	Tush-qui-ya, x	-	-	2	-	2	5	10	6 W.	
1273	do	Con-che-ho-yea, x	-	-	4	-	2	14	10	6 W.	
1274	do	Ho-li-ka, x	-	-	2	-	2	15	10	6 W.	
1275	do	Wi-o-ka, x	-	-	4	-	2	4	25	5 E.	
1276	do	To-sho-wah, x	-	-	3	-	2	9	25	5 E.	
1277	do	Won-tubby, x	-	-	2	-	2	2	25	7 E.	
1278	do	Sho-fah-chubby, x	-	-	3	-	2	3	25	7 E.	
								20	4	9 W.	
								21	4	9 W.	
								22	10	6 W.	
								23	10	6 W.	
								24	23	8 E.	
								19	23	8 E.	
								12	23	8 E.	
								13	23	8 E.	
								6	23	9 E.	
								7	23	9 E.	
								22	23	8 E.	
								23	23	8 E.	
								1	24	7 E.	
								12	24	7 E.	

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1279	do	Ah-no-lah-chubby,	x	-	-	4	-	2	2	24	7 E.	Do.
1280	do	Ah-to-kah,	x	-	-	4	-	2	11	22	10 E.	Do.
1281	do	Ho-ti-yea,	x	-	-	3	-	2	20	11	8 E.	Do.
1282	do	Choh-fah-tubby,	x	-	-	4	-	2	29	15	1 E.	
1283	do	No-wah-ho-nah,	x	-	-	4	-	2	3	23	10 E.	Choctaw surveys.
1284	do	Win-no-yen,	x	-	-	3	-	2	16	17	10 E.	Do.
1285	do	Ho-yan-no,	x	-	-	2	-	2	22	22	10 E.	Do.
1286	do	Ah-fah-mah-tubby,	x	-	-	2	-	2	27	11	9 E.	Do.
1287	do	Sti-mo-non-sha,	x	-	-	3	-	2	14	5	8 E.	Do.
1288	do	She-mah-ka,	x	-	-	4	-	2	6	23	8 E.	Do.
1289	do	E-to-ti-yen,	x	-	-	3	-	2	35	24	8 E.	Do.
1290	do	Ho-wah-ta,	x	-	-	4	-	2	12	22	9 E.	Do.
1291	do	Kah-ni-ah-tubby,	x	-	-	3	-	2	13	7	8 E.	Do.
1292	do	Che-quah-ta-ka,	x	-	-	3	-	2	8	24	8 E.	Do.
1293	do	U-quah-tubby,	x	-	-	3	-	2	4	21	12 E.	Do.
1294	do	Ah-no-ah-tubby,	x	-	-	2	-	2	9	21	12 E.	Do.
1295	do	Oke-che-yen,	x	-	-	2	-	2	5	16	3 E.	Do.
1296	do	Billy-ho-mah,	-	-	6	-	-	3	6	16	3 E.	Do.
1297	do	Fah-lah-mo-tubby,	x	-	6	-	-	3	7	16	3 E.	
1298	do	Che-chah-ho-ka,	x	-	5	-	-	3	8	11	7 W.	
									4	5	7 W.	
									5	11	7 W.	
									1	10	6 W.	
									2	12	6 W.	
									12	10	6 W.	
									3	10	6 W.	
									9	10	6 W.	
									10	15	7 E.	Choctaw surveys.
									15	24	7 E.	Do.
									22	23	7 E.	Do.
									23	23	7 E.	Do.



RESERVATIONS—Continued.

No.	Date of location.	Reservees.	Number in family.			No. of slaves.	Entitled.	Tracts located.			Remarks.
			10 and over.	5 and over.	Under 5.			Section.	Township.	Range.	
1299	July 12, 1838	E lah-ho-umby, x	-	-	3	-	2	12 13	25 "	5 E. "	Choctaw surveys. Do.
1300	do	E-yea-nubby, x	-	-	3	-	2	2 3	25 "	6 E. "	Do. Do.
1301	do	Pish-tubby, x	-	-	3	-	2	3 10	25 "	5 E. "	Do. Do.
1302	do	Tah-lun-tah, x	-	-	3	-	2	25 36	4 "	5 W. "	
1303	do	Ah-coh-nubby, x	-	-	4	-	2	14 15	23 "	8 E. "	Choctaw surveys. Do.
1304	-	Unti-me-lah, x	-	-	2	-	2	27 28	4 "	11 W. "	

CHICKASAW AGENCY, October 22, 1838.

BENJ. REYNOLDS, C. A.

U. 69.

CHICKASAW AGENCY, April 5, 1839.

SIR: Accompanying herewith are some locations of Indian reservations under the fifth and sixth articles of the treaty of the 24th of May, 1834.

I am informed by Col. Reynolds that those names, and the testimony upon which the claims are based, have been forwarded to your office. There are yet remaining eight or ten sections to locate; as soon as they can be located; they will be forwarded.

Very respectfully, sir, your obedient servant,

A. M. M. UPSHAW, C. A.

T. HARTLEY CRAWFORD, Esq.,  
Commissioner of Indian Affairs.

Section	Location	Remarks	Acres	Notes
101	...	...	...	...
102	...	...	...	...
103	...	...	...	...
104	...	...	...	...
105	...	...	...	...
106	...	...	...	...
107	...	...	...	...
108	...	...	...	...
109	...	...	...	...
110	...	...	...	...
111	...	...	...	...
112	...	...	...	...
113	...	...	...	...
114	...	...	...	...
115	...	...	...	...
116	...	...	...	...
117	...	...	...	...
118	...	...	...	...
119	...	...	...	...
120	...	...	...	...
121	...	...	...	...
122	...	...	...	...
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This document is a copy of the original document on file in the office of the Commissioner of Indian Affairs.

Reservations under the 6th article of the treaty of the 24th of May, 1834.

Date of location.	No.	Names.	Sex.	Age.	Entitled to.	Tracts located.			Remarks.
						Section.	Township.	Range.	
Oct. 11, 1838	645	Sho-ye-cah-ubby,	x Male	-	1	4	24	8 E.	
Do	646	Che-ho-yea,	x Female	-	1	21	24	8 E.	
Do	647	Ish-to-kah-cha,	x do	-	1	17	24	7 E.	
Nov. 30, 1838	648	Com-pe-lah-to-nah,	x do	-	1	1	7	12 W.	
Do	649	Ish-tah-to-yah,	x do	-	1	17	4	11 W.	
Do	650	Oke-lah-in-tah,	x do	-	1	23	4	11 W.	
Do	651	Ex-sho-hubby,	x Male	-	1	33	4	11 W.	
Dec. 4, 1838	652	Oh-pa-kah-to-nah,	x -	-	1	35	4	10 W.	
Do	653	Tam-by,	x do	-	1	16	6	2 W.	
Do	654	Ish-con-ah-tubby,	x do	-	1	16	7	12 W.	
Mar. 27, 1839	655	Im-lun-nah,	x -	-	1	16	9	2 E.	
Do	657	Sucky Folsom,	x Female	-	1	16	3	14 W.	Of Huntsville.
Do	658	Shul-ho-yea,	x do	-	1	3	8	2 W.	
Aug. 20, 1838	718	Joseph McIntosh,	x Male	-	1	E. ½ of 16	2	8 W.	In lieu of a whole section.
Do	721	In-cho-thla,	x -	-	1	17	21	11 E.	
Do	722	Che-ah-nah-na Hudson,	- Female	-	1	16	21	11 E.	
Do	723	Ulh-ko-tubby,	x Male	-	1	15	21	11 E.	
Do	726	Wy-o-ka,	x -	-	1	4	21	11 E.	
Do	727	Ah-kah-nah-la,	x -	-	1	6	21	11 E.	
Nov. 12, 1838	728	Ah-bah-la-tubby,	x do	-	1	5	23	8 E.	
Do	729	Ish-mah-tubby,	x -	-	1	16	8	1 W.	
Do	730	Tish-o-wah,	x -	-	1	35	11	8 E.	
Do	731	Ish-tun ullah,	x -	-	1	16	8	8 E.	
Do	732	No-wah-ho-nah,	x -	-	1	16	8	1 E.	
Do	733	Ish-tin-o-nan-chy,	x -	-	1	8	4	12 W.	
Do	734	Win-ni-yea,	x -	-	1	34	4	11 W.	
Do	735	Ho-yah-nah,	x -	-	1	3	21	11 E.	
Do	736	Ah-fah-man-tim-mah,	x -	-	1	4	4	11 W.	
Do	737	Shock-o-yea,	x -	-	1	6	8	10 W.	
Do	738	Anne Hancock,	x -	-	-	10	8	10 W.	
Dec. 4, 1838	746	Ah-yem-min-ta,	x do	-	1	9	21	11 E.	

Do	746	E-bah-chook-wah-tubby,	-	Male	1	16	5	1 W.
Do	747	Ho-yah,	x	-	1	1	15	1 E.
Do	748	O-nah-mah-umby,	x	do	1	16	3	10 E.

Son of Pah-le-che, proven—good.

APRIL 3, 1839.

A. M. M. UPSHAW, C. A.

*Reservations under the 5th article of the treaty of the 24th of May, 1834.*

Date of location.	No.	Names.	No. in family.	Entitled to.	Tracts located.			Remarks.
					Section.	Township.	Range.	
Dec. 4, 1838	1269	Hah-luq-tah,	x 3	2	26 27	4	10 W. 10 W.	
Nov. 20, 1838	1295	Oke-chi-yah,	x 2	2	5 6	4 4	11 W. 11 W.	

CHICKASAW AGENCY, April 3, 1839.

A. M. M. UPSHAW, C. A.

U. 79.

MEMPHIS, TENNESSEE, *May 4, 1839.*

SIR: I have the honor herewith to transmit to you, for your examination, and for the examination of the President of the United States, an original roll of Chickasaw Indians who emigrated west some time since, who are entitled to land under the treaty. The roll, you will discover, is signed by all of the commissioners who are west; I presume they have examined the claimants strictly, and are perfectly satisfied of the justness of their claims. I send, also, proof from the Choctaw chiefs, captains, and judges, that those claimants are Chickasaws.

All of these papers I received this day, and hasten to lay them before you for prompt action, as I know it is very important for the business to be closed as soon as possible on this side of the river, that I may be enabled to go west. I have kept copies of the petition and roll.

With sentiments of the highest regard, your most obedient servant,  
A. M. M. UPSHAW, C. A.

HON. T. H. CRAWFORD,  
*Commissioner of Indian Affairs, Washington City, D. C.*

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CHOCTAW NATION WEST, *June 24, 1838.*

DEAR SIR: Since we removed west of the Mississippi, we have found a number of our people who are clearly entitled to their reserves under our treaty of May 24, 1834, and who are not provided for. As it is our wish that they should participate in the benefit we derived in the sale of our country, you will oblige us by having them enrolled, and stating the circumstances to our father at Washington, that no injustice may be done to any of our people through us.

We are, respectfully, your obedient servants,

ISH-TA-HO-TO-PA, his x mark.

ISAAC ALBERTSON, his x mark.

GEORGE COLBERT, his x mark.

JAMES COLBERT.

ALEXANDRIA HENRY,  
JOSEPH DUKES,  
JAS. DOLLARHIDE,  
DANIEL M. OVERTON.

Col. BENJ. REYNOLDS,  
*Chickasaw Agent.*



*Families entitled to reservations.*

Reservees.	Family.	Entitled.	Reservees.	Family.	Entitled.
<i>Double roll—1306.</i>			<i>Double roll—1306.</i>		
Unstuc-chubby - - -	3	2	Clun-oo-chee - - -	3	2
Le-whi-ka - - -	3	2	Fah-lah-mer - - -	2	2
Tim-a-hoth-la - - -	3	2	Chuf fah-tubby - - -	2	2
Mo-mah-tubby - - -	4	2	Ho-to-shu-ubby - - -	2	2
Ho-to-sha - - -	3	2	Tus-ca-ar-comby - - -	6	3
Tus-she-ka-ar-ka - - -	2	2	Char-lar-ka - - -	2	2
Steim-mo-no-letty - - -	2	2	Shu-ta-tubby - - -	5	3
Te-fah-mah - - -	3	2	Fah-lah-mo-tubby - - -	3	2
To-ni-ah - - -	6	3	Oke-char-le-homer - - -	5	3
I-o-na-tubby - - -	2	2	Tush-shu-ma-tubby - - -	3	2
Mat-tah - - -	7	3	Shoom-a-cher - - -	2	2
Tom - - -	8	3	Mo-ho-lo-tubby - - -	6	3
Pis-tal-lubby - - -	3	2	Fo-la-cher - - -	3	2
Stim-mul-lut-te - - -	2	2	Mat-al-a-cher - - -	4	2
Shu-let-ker - - -	3	2	Cle-tah - - -	3	2
Took-a-loo-ars-tubby - - -	3	2	Stim-mo-hothle - - -	6	3
Ar-che-ubby - - -	2	2	To-wah-kah - - -	6	3
Oke-lish-tubby - - -	3	2	E-las-pin-ubby - - -	3	2
Stick-i-o-ka-tubby - - -	2	2	Stah-ah-tubby - - -	6	3
Ish-to-ni-ah - - -	2	2			
Shim-me-ni-yea - - -	3	2	<i>Single roll.</i>		
O-kah-lah-pomby - - -	2	2	Ish-tah-tubby - - -	1	1
Kata Ward - - -	2	2	It-te-ho-mas-tubby - - -	1	1
On-che-tubby - - -	2	2	Ish-tah-chubby - - -	1	1
Ish-to-hoth-le - - -	3	2	O-kah-ho-yea - - -	1	1
Ka-tah - - -	2	2	I-ack-key-yeah-ubby - - -	1	1
Fah-lah-mo-tubby - - -	3	2	O-kah-pah - - -	1	1
Stim-i-ho-pah-nah - - -	5	3	Par-sham-o-ubby - - -	1	1
Is-tim-ah-ho-na - - -	3	2	E-ar-ki-ubby - - -	1	1
Poc-con-o-la - - -	6	3	O-shoc-te-ho-nah - - -	1	1
Poc-cum-ma - - -	4	2	I-e-ki-ubby - - -	1	1
Cun-na-chu-na - - -	5	3	E-o-chee - - -	1	1
Chick-a-ma-ho-ka - - -	5	3	Pis-tom-by - - -	1	1
Sho-nubby - - -	4	2	Oke-lish-tubby - - -	1	1
Ish-tup-ar-ka - - -	3	2	Ar-chee-ubby - - -	1	1
Hul-la-tubby - - -	3	2	Shoom-pah - - -	1	1
Tus-car-no-ubby - - -	8	3	Tus-ca-ar-ka - - -	1	1
Ah-le-nah - - -	5	3	To-nubby - - -	1	1
Ca-na-ho-na - - -	3	2	Kil-lun-to - - -	1	1
Mul-la-la-ho-yea - - -	3	2	Sho-ho-ke-tubby - - -	1	1
O-qua-cun-na-ubby - - -	6	3	O-na-chubby - - -	1	1
Stim-mal-la-chee - - -	7	3	Lop-pish - - -	1	1
Stim-mul-leech-ee - - -	3	2	Pay-tubby - - -	1	1
Un-chee-tubby - - -	4	2	Te-fah-ma-tubby - - -	1	1
Tat-too-lo-tubby - - -	6	3	Ish-til-la-chee - - -	1	1
Ish-tup-po-hah - - -	5	3	Mo-nah-tomby - - -	1	1
Fil-lee-tomby - - -	6	3	Lah-sin-tah-umby - - -	1	1
Took-a-loo-ars-tubby - - -	3	2	Chah-can-nubby - - -	1	1
Oquah-lah-pomby - - -	5	3	Bah-a-nah-tubby - - -	1	1
Stim-ah-ho-pah-nah - - -	5	3			

ISH-TA-HO-TO-PA, his x mark.  
 ISAAC ALBERTSON, his x mark.  
 GEORGE COLBERT, his x mark.  
 JAMES COLBERT.

ALEXANDRIA HENRY, [seal.]  
 JOSEPH DUKES, [seal.]  
 JAS. DOLLARHIDE, [seal.]  
 DANIEL M. OVERTON, [seal.]

## CHOCTAW AGENCY WEST, June 24, 1838.

We, the undersigned, chiefs and captains of the Choctaw nation, residing west of the Mississippi, do hereby certify that the following-named persons, claiming reservations under the articles of "treaty" made and concluded at Washington on the 24th day of May, 1834, between the United States and Chickasaw tribe of Indians, are Chickasaws, and that they emigrated, and have resided with us for a number of years:

Reservees.	Family.	Entitled.	Reservees.	Family.	Entitled.
<i>Double roll.</i>			<i>Double roll.</i>		
Nus-tue-chubby -	-	3 2	Chen-oo-chee -	-	3 2
Le-whi-ka -	-	3 2	Fah-lah-mer -	-	2 2
Tim-a-hath-la -	-	3 2	Chuf-fah-tubby -	-	2 2
Mo-mah-tubby -	-	4 2	Ho-to-shu-ubby -	-	2 2
Ho-to-sha -	-	3 2	Tus-ca-ar-comby -	-	6 3
Tus she-ka-ar-ka -	-	2 2	Char-lar-ka -	-	2 2
Steirn-mo-ho-letty -	-	2 2	Shu-la-tubby -	-	5 3
Te-fah-mah -	-	3 2	Fah-lah-mo-tubby -	-	3 2
To-ni-ah -	-	6 3	Oke-char-le homer -	-	5 3
I-o-na-tubby -	-	2 2	Tush-shu-ma-tubby -	-	3 2
Mat-tah -	-	7 3	Shoom-a-cher -	-	2 2
Tom -	-	8 3	Mah-al-a-cher -	-	4 2
Pis-tal-hubby -	-	3 2	Cletah -	-	3 2
Stim-mul-lut-te -	-	2 2	Stim-mo hothle -	-	6 3
Shu-let-ker -	-	3 2	To-nah-kah -	-	6 3
Took-a-loo-ars-tubby -	-	3 2	E-lap-pin-ubby -	-	3 2
Ar-che-ubby -	-	2 2	Stah-ah-tubby -	-	6 3
Oke-lish-tubby -	-	3 2	Mo-ho-la-tubby -	-	6 3
Stik-i-o-ka-tubby -	-	2 2	Fo-la-cher -	-	3 2
Ish-to-mi-ah -	-	2 2			
Shim-me-ni-yea -	-	3 2	<i>Single roll.</i>		
O-kah-lah-potm-by -	-	2 2	Ish-tah-tubby -	-	1 1
Kata Ward -	-	2 2	It-te-ho-mas-tubby -	-	1 1
On-che-tubby -	-	2 2	Ish-tah-chubby -	-	1 1
Ish-to-hoth-le -	-	3 2	O-kah-ho-yea -	-	1 1
Kle-tah -	-	2 2	I-ak-ke-yeah-ubby -	-	1 1
Fah-lah-mo-tubby -	-	3 2	O-kah-pah -	-	1 1
Stim-i-ho-pah-nah -	-	5 3	Par-sham-ubby -	-	1 1
Is-tim-ah-ho-na -	-	3 2	E-ar-ki-ubby -	-	1 1
Poc-con-o-la -	-	6 3	O-shoc-te-ho-mah -	-	1 1
Cun-na-chu-na, x	-	5 3	I-e-ki-ubby -	-	1 1
Chick-a-ma-ho-ka -	-	5 3	E-o-chee -	-	1 1
Sho-nubby -	-	4 2	Pis-tomby -	-	1 1
Ish-tup-ar-ka -	-	3 2	Oke lish-tubby -	-	1 1
Hul-la-tubby -	-	3 2	Ar-chu-ubby -	-	1 1
Tus-car-no-ubby -	-	8 3	Shoom-pah -	-	1 1
Ar-le-mah -	-	5 3	Tus-ca-ar-ker -	-	1 1
Ca-na-ho-na -	-	3 2	To nubby -	-	1 1
Poc-cum-ma, x	-	4 2	Kil-lun-to -	-	1 1
Mul-la-la-ho-yea -	-	3 2	Show-ho-ke-tubby -	-	1 1
O-quah-cun-na-ubby -	-	6 3	O-na-chubby -	-	1 1
Stim-mul-la-chu -	-	7 3	Lop-pish -	-	1 1
Stim-mul-luch-u -	-	3 2	Pary-tubby -	-	1 1
Un-chee-tubby -	-	4 2	Te-fah-ma-tubby -	-	1 1
Tat-too-lo-tubby -	-	6 3	Ish-til-la-chee -	-	1 1
Ish-tup-po-hah -	-	5 3	Mo-nah-tomby -	-	1 1
Fil-lee-tomby -	-	6 3	Lah-pin-tah-umby -	-	1 1
Took-a-loo-ars-tubby -	-	3 2	Chah-can-mubby -	-	1 1
O-quah-lah pomby -	-	5 3	Bah-o-nah-tubby -	-	1 1
Stim-ah-ho-pah-nah -	-	5 3			

THOMAS LAFLORE, his x mark,  
 Chief of Red River District.  
 Capt. OKE-CHI-AH, his x mark.

JOHN GARLAND, his x mark,  
*Judge of Red River District.*  
 JOHN McKINNIE, his x mark,  
*Chief of Arkansas District.*  
 NIT-TUCK-A-CHA, his x mark,  
*Chief of Kiamesha District.*  
 Capt. TU-SU-LAT-TER, his x mark.  
 Capt. NOOCKE-FELLAH, his x mark.

JOSEPH DUKES,  
 JAMES DOLLERHIDE,  
 DANIEL M. OVERTON.

U. 85.

MEMPHIS, TENNESSEE, June 17, 1839.

SIR: In obedience of orders communicated to me in your letter of the 23d ultimo, requiring of me to "make a condensed statement of all my doings in regard of this branch of the service," I have the honor to inform you that all deeds that I have acted upon have been sent and will be sent to you with this communication. I have transcribed from the books that I received from the ex-agent all the lands that have been located, both on the double and single rolls, that have not been paid out, with all the remarks that were on the books relative to the locations, &c. I have also transcribed all the reservations that have been located since I have had the books, and have forwarded them to the register at Pontotoc, Mississippi; therefore he will be in possession of all the claims that will have to be acted on. I determined that it was not your wish for me to give him the books; but, should that be your wish, he can certainly get them. I shall leave instructions for him to take possession of them on your or his order. I have also the honor to forward to you a list of reservations that have been located since the first of June; they have been located on lands that have been offered at public sale, but were not sold, and are not claimed by any one else. I have also the honor to forward to you two communications from the Chickasaw commissioners, for your approval. I will here take the liberty to observe to you that Col. Benjamin Love, in his letter to me, which I sent to you, did not wish the sales of the land stopped; he informed me that it was his wish, and also the wish of all the chiefs, that those Chickasaws that were entitled to reservations might locate on lands that had been offered, and, after it had been located, that the register should not be permitted to sell the lands thus located, as there was no part of the treaty that forbid the Chickasaws from locating their reservations on land that was not claimed by another; and I presume, from your letter to me of the 23d ultimo, that you have the same opinion that the commissioners have.

This communication would have been forwarded to you some five or six days sooner, but I have had considerable inflammation in my eyes; so much so, that I have been for a short time that I could neither read nor write. I shall leave to-day for the west.

With sentiments of high regard, your most obedient servant,  
 A. M. M. UPSHAW, C. A.

Hon. T. HARTLEY CRAWFORD,  
 Commissioner Indian Affairs, Washington City.

*Transcript of the reservations claimed under the 6th article of the treaty of Pontotoc Creek, between the Chickasaw tribe of Indians and the United States, concluded on the 21th May, 1834, at Washington, enrolled and located at this office the — day of —.*

No.	Reservees.	Sex.	Age.	Tracts located.		
				Section.	Township.	Range.
749	Ish-tah-lubby,	x	-	25	4	9 W.
750	It-te-ho-mas-lubby,	x	-	34	4	10 W.
751	Ish-tah-tah-chubby,	x	-	36	4	10 W.
752	O-kah-ho-yea,	x	-	24	4	11 W.
753	I-ah-key-yeah-ubby,	x	-	36	4	11 W.
754	O-kah-pah,	x	-	9	4	11 W.
755	Par-sham-o-ubby,	x	-	22	6	12 W.
756	E-ar-ki-ubby,	x	-	36	6	12 W.
757	O-shoc-te-ho-nah,	x	-	8	7	12 W.
758	I-e-ki-ubby,	x	-	25	7	12 W.
759	E-o-chee,	x	-	36	9	9 W.
760	Pis-tom-by,	x	-	9	9	9 W.
761	Oke-lish-tubby,	x	-	12	4	12 W.
762	Ar-chee-ubby,	x	-	29	6	11 W.
763	Shoom-pah,	x	-	28	6	12 W.
764	Tus-ca-ar-ker,	x	-	18	7	10 W.
765	To-nubby,	x	-	28	7	11 W.
766	Kil-lun-to,	x	-	7	7	11 W.
767	Shon-ho-ree-tubby,	x	-	2	7	11 W.
768	Ona-chubby,	x	-	24	3	10 W.
769	Sop-pish,	x	-	23	3	11 W.
770	Pay-tubby,	x	-	10	3	10 W.
771	Te-fah-mah-tubby,	x	-	33	3	11 W.
772	Ish-til-la-cher,	x	-	28	5	11 W.
773	Mo-nah-tomby,	x	-	35	4	11 W.
774	Lah-pin-tah-umby,	x	-	7	6	11 W.
775	Chah-can-umby,	x	-	10	5	11 W.
776	Bah-o-nah-tubby,	x	-	23	5	11 W.

A. M. M. UPSHAW.

JUNE 17, 1839.

*Located at this office since the 1st of May, 1839.*

No.	Reservees.	Sex.	Age.	Tracts located.			Remarks.	
				Section.	Township.	Range.		
594	Puth-ka-cha,	x	Male	45	23	21	11 E.	Passed by the commissioner. Blotter to Tal-o-son of Tom (only).
595	Tush-qui-qua,	x	-	-	26	21	11 E.	
596	Toh-kah-che-ho-yea,	x	Female	22	14	21	11 E.	
597	Ho-yah-na-cha,	x	-	-	16	5	9 E.	

JUNE 17, 1839.

A. M. M. UPSHAW, C. A.

Know'all men by these presents, that we, the undersigned chiefs and commissioners, having authority vested in us by virtue of the treaty made between the chiefs and head men of the Chickasaw nation and the United States, on the 24th day of May, in the year of our Lord eighteen hundred and thirty-four, to designate those of the Chickasaw Indians that are entitled to land under the provisions of the aforesaid treaty, and to apportion to each individual and head of family the number of sections of land that each or either may be entitled to, in accordance with the provisions of the above mentioned treaty: Now, be it fully known, that, after a full and fair investigation of the evidence which has been given to us, in addition to our own knowledge, and which has also been explained and examined by the chiefs and captains of the Choctaw nation west, and been signed by them before respectable witnesses, we, the undersigned chiefs and commissioners, are well satisfied that the persons, individuals, and heads of families, whose names are hereinafter given, have the number in family placed opposite their names, and are entitled to land under the treaty of 1834; for the same, therefore, we now, by these presents, do apportion and guaranty to the following persons, heads of families, land, in accordance with the treaty stipulations:

Number.	Reservees.	No. in family.	Sections entitled to.	Number.	Reservees.	No. in family.	Sections entitled to.
777	Ar-to-thea	1	1	788	Ah-shoh-mou-tubby	1	1
778	Te-nubby	1	1	789	Is tim-ma-lutchah	1	1
779	Jim Fry	1	1	790	Un-chee-tubby	1	1
780	Ho-tish-sha	1	1	791	Ish-tup-po-hah	1	1
781	Tor-luse McClure	1	1	792	Phil-la-torm-by	1	1
782	Eliza Collins	1	1	793	Jah-ki-ubby	1	1
783	Gilbert Collins	1	1	794	Ish-ti-kuh-iy	1	1
784	Ah-to-no-was-tubby	1	1	795	Tan-in-tubby	1	1
785	Shah-wa-ho-mah	1	1	796	Tarm-by	1	1
786	Hannah	1	1	797	Con-cha-tubby	1	1
787	She-mi-yea	1	1				

We, the undersigned commissioners, believing that the aforesaid persons are justly entitled to land under the stipulations of the Chickasaw treaty of 1834, do sincerely hope and trust that our old and faithful friend and agent, Colonel Benjamin Reynolds, will grant them land, see justice done to our people, and have their claims located upon the best land unincumbered by other claims, whether said lands have been offered for sale or not.

Given under our hands and seals this 28th day of May, 1839.

ISH-TA-HO-TO-PAH, his x mark,  
 ISAAC ALBERTSON, his x mark,  
 GEORGE COLBERT, his x mark,  
 JAMES COLBERT,  
 BENJAMIN LOVE,  
 HENRY LOVE,

[SEAL.]  
 [SEAL.]  
 [SEAL.]  
 [SEAL.]  
 [SEAL.]  
 [SEAL.]

JUNE 15, 1839—Enrolled.



We, the undersigned, chiefs and commissioners of the Chickasaw nation, after receiving the testimony of the chiefs and captains and head men of the Choctaw nation, and from our own knowledge, are satisfied that the names herein given, with the number of those families, are of the Chickasaw nation of Indians, and came away from the Chickasaw nation east of the Mississippi river, in the years 1833 and 1834, after the Choctaw Indians, and settled amongst them, and are still living here with them; and when we came over here and settled, we found them, and know the most of them, and are satisfied they have not received the benefits of the treaty of the 24th of May, 1834, between the United States and the Chickasaw nation of Indians; they are from Captain Ceiley's and McGilbrie's districts, and were all of lawful age, with the number of family as given, when they left the old nation. We hope our good and faithful agent will cause these names to be enrolled, and have these claims located on the best lands possible by their representatives. We also wish our agent to use his influence to have those claims located on the lands that are vacant, which have been offered for sale, as well as that which has not been offered for sale, as we believe they are justly entitled to the benefits of the treaty as we were, and have not received anything; and it is our wish that our agent will see justice done them, as far as possible. Their names and number of families are as follows:

No.	Reservees.	Number in family.	Sections entitled to.
798	On-ti-ah.		
799	Two-wi-a cher.		
800	Robert.		
801	Shah-le-verry.		
802	Ho-yea-ti.		

Given under our hands and seals.

ISH-TA-HO-TO-PAH, his x mark,

[SEAL.]

ISAAC ALBERTSON, his x mark,

[SEAL.]

JAMES COLBERT,

[SEAL.]

BENJAMIN LOVE,

[SEAL.]

HENRY LOVE,

[SEAL.]

CHOCTAW NATION WEST, May 28, 1839.

We, the undersigned, chiefs and commissioners of the Choctaw nation, after receiving the testimony of the chiefs, and captains, and headmen of the Choctaw nation, and from our own knowledge, are satisfied that the names herein given, with the number of their families, are of the Chickasaw nation of Indians, and came away from the Chickasaw nation east of the Mississippi river in the years 1833 and 1834, after the Choctaw Indians, and settled amongst them, and are still living here with them; and when we came over here and settled, we found them, and know the most

of them, and are satisfied that they have not received the benefits of the treaty of the 24th of May, 1834, between the United States and the Chickasaw nation of Indians; they are from Captain Ceiley's and McGilbrie's districts, and were all of lawful age, with the number of family as given, when they left the old nation. We hope our good and faithful agent will cause these names to be enrolled, and have these claims located on the best lands possible, by their representatives. We also wish our agent to use his influence to have those claims located on the lands that are vacant which have been offered for sale, as well as that which has not been offered for sale, as we believe they are justly entitled to the benefits of the treaty, (as we were,) and have not received anything; and it is our wish that our agent will see justice done them, as far as possible. Their names and number of families are as follows:

No. of location.	Names of reservees.	No in family.	Sections entitled to.	No. in location.	Names of reservees.	No. in family.	Sections entitled to.
1450	Ho-mah-har-ke	3	2	1490	Okee-lah-ho-ke-lah	7	3
1451	Yock-ar-ta	3	2	1491	She-mah-ke	10	4
1452	Ear-tubby	4	2	1492	She-mo-ni-ah	3	2
1453	Im-ma-ho-yea	6	3	1493	Oke-la-mo-nah	11	4
1454	Che-mo-tah	2	2	1494	Chee-quah-lah-ka	3	2
1455	Me-ar-to-shubby	2	2	1495	Ho-yo-pah	3	3
1456	Te-law-a-tubby	7	3	1496	J-e-ken-tubby	5	3
1457	E-law-to-chubby	3	2	1497	E-ah-rah-ye-ah	4	2
1458	Ish-tim-a-la-ha-ka-ta	4	2	1498	Fus-ta-chee	3	2
1459	Ah-no-to-ho-yo	6	3	1499	Ho-to-nah	3	2
1460	Ah-no-ti-ah	5	2	1500	Cun-ne-ho-yea	8	3
1461	Ab-pah-hoc-ta	3	2	1501	Chuck-lah-sho	2	2
1462	Te-ho-yea	4	2	1502	Un-nah-hah-she-mah	3	2
1463	Tick-ah-bah-ho-to-nah	6	3	1503	Mot-ta-chee	4	2
1464	Yah-ho-to-nah	5	3	1504	Ste-oc-ka	4	2
1465	Ho-to-shee	7	3	1505	Te-wah-ho-ka	7	3
1466	Chu-nubby	3	2	1506	She-mul-li-ah	6	3
1467	To-no-wah	4	2	1507	Wi-ni-ah-chee	3	2
1468	No-ah-tim-mer	2	2	1508	Chi-yea-ah	2	2
1469	Ti-ki-yea	2	2	1509	Yea-ho-pa-chee	5	3
1470	Sten-kin-na-ti-ly	3	2	1510	I-h-ter-ta-chee	4	2
1471	Oke-lin-tubby	5	3	1511	Pen-ah-saw	4	2
1472	Tah-ne-tubby	3	2	1512	On-tow-tah-ho-kah	4	2
1473	Ha-cha	2	2	1513	To-fah-mah	3	2
1474	Hq-pah-ka-to-nah	2	2	1514	To-mubbee	4	2
1475	Ish-coe-mo-ti-ah	8	3	1515	Ah-hah-a-chee	2	2
1476	Ah-a-ho-cah	6	3	1516	Mi-hah-to-nah	3	2
1477	Ah-to-na-mah-tubby	7	3	1517	Sa-bell	5	3
1478	E-ho-ah-tom-by	5	3	1518	Com-shee	2	2
1479	Chee-co-ah-tubby	3	2	1519	Ho-ti-o-ha	5	3
1480	Ste-my-ah	6	3	1520	Tish-oke-chi-yea	4	2
1481	I-o-ko-mo-tubby	5	3	1521	Susan	3	2
1482	E-yah-mon-tubby	7	3	1522	Hokey	4	2
1483	To-mah-le-shah	6	3	1523	Po-shubby	3	2
1484	Ish-my-tubby	7	3	1524	Ah-ni-me-cut-tah	4	2
1485	Pah-sho-e-onah	11	4	1525	Pis-cha-he-mah	3	2
1486	Oake-e-mah-shah	12	4	1526	Rachel	3	2
1487	He-tubby	5	3	1527	Marcey	5	3
1488	Co-sho-nah	6	3	1528	Sitas	4	2
1489	Sho-not-tah	2	2	1529	Yar-mon-tubby	3	2

TABLE—Continued.

No. of location.	Names of reservees.	No. in family.	Sections entitled to.	No. of location.	Names of reservees.	No. in family.	Sections entitled to.
1530	Ah-tark-lah-tubby -	5	3	1550	Ho-ti-kah -	4	2
1531	Mi-ah-sho-tubby -	3	2	1551	Ke-zi-a -	2	2
1532	Sho-ho-la-chee -	2	2	1552	Ah-to-no-tubby -	2	2
1533	Te-my-le-chee -	2	2	1553	It-it-ho-yea -	6	3
1534	Ah-bah-lah-tubby -	4	2	1554	Cop-es-ho-yea' -	6	3
1535	No-wah-ho-nah -	5	3	1555	Stam-po-cha-ah -	7	4
1536	Win-ni-yea -	7	3	1556	Ub bet-tah -	4	2
1537	Sho-wah -	10	4	1557	Yeah-war-tah -	2	2
1538	She-mo non-cha -	3	2	1558	Ah-to-no-tubby -	7	3
1539	Ish-ste-ti-yeah -	4	2	1559	Ish-ta-ti-ah -	5	3
1540	Wy-o-key -	3	2	1560	Im-ab-ley -	3	2
1541	Oth-ho-e-ah -	6	3	1561	Tish-yo-nah -	4	2
1542	Shim-i-ho-te-ly -	7	3	1562	So-phi-a -	2	2
1543	Ish-lock-a-fee -	3	2	1563	O-nah-hi-ka -	8	3
1544	Stam-pa-chee -	5	3	1564	Pis-lar-ho-nah -	6	3
1545	Stimp-e-yah-ka -	3	2	1565	O-quap-pat -	6	3
1546	Ul-li-chi-cha -	2	2	1566	O-nah-tubby -	3	2
1547	Oc-o-ti -	3	2	1567	Ches-quah-nah-to -	4	2
1548	Co-e-ah-chee -	5	3	1568	Ish-to-ak-ka -	2	2
1549	E-lah-pen-tomby -	4	2				

Given under our hands and seals, Choctaw Nation west, May 28, 1839.

ISH-TA-HO-TO-PAH, his x mark, [SEAL.]  
 ISAAC ALBERTSON, his x mark, [SEAL.]  
 JAMES COLBERT, his x mark, [SEAL.]  
 BENJAMIN LOVE, [SEAL.]  
 HENRY LOVE, [SEAL.]

Know all men by these presents, that we, the undersigned chiefs and commissioners, having authority vested in us, by virtue of the treaty made between the chiefs and head-men of the Chickasaw nation and the United States, on the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and thirty-four, to designate those of the Chickasaw Indians who are entitled to land under the provisions of the aforesaid treaty, and to apportion to each individual and head of family the number of sections of land that each or either may be entitled to, in accordance with the provisions of the above-mentioned treaty: Now, be it fully known, that after a full and fair investigation of the evidence which has been given to us, in addition to our own knowledge, and which has also been explained and examined by the chiefs and captains of the Choctaw nation west, and been signed by them before respectable witnesses, we, the undersigned chiefs and commissioners, are well satisfied that the persons, individuals, and heads of families, whose names are hereinafter given, have the number in family placed opposite their names, and are entitled to land under the treaty of 1834 for the same. Therefore, we now, by these presents, do apportion and guaranty to the following persons and heads of families lands, in accordance with the treaty stipulations:

No. of location.	Names of reservees.	No. in family.	Sections entitled to.	No. of location.	Names of Reservees.	No. in family.	Sections entitled to.
1374	E-yah-kah-te	4	2	1412	With-in-yea	3	2
1375	Ho-yea	6	3	1413	Titch-by-yea	4	2
1376	Mon-to-nah	8	3	1414	Ho-yea-ah-no	3	2
1377	Nie-let-tah-chee	8	3	1415	Ab-phah-ma-tim-mah	2	2
1378	E-yah-tubby	5	3	1416	To-sho-wah	10	4
1379	Billy Fry	5	3	1417	Is-tim'ah-lah	3	2
1380	Ah-took-ah-loos-mubby	2	2	1418	Is-tim-ah-nah-cha	3	2
1381	Molly Fry	3	2	1419	O-lah-kin-tubby	5	3
1382	Nancy Fry	3	2	1420	Yem-mubby	5	3
1383	Pe-lah-hoke-ta	2	2	1421	He-to-ke-ka	8	3
1384	Ah-nook-phil-la	5	3	1422	Cha-o-na-nah	5	3
1385	Sophy	6	3	1423	Nancy Collins	4	2
1386	Phah-lah-me-chah-ho-yea	4	2	1424	Ho-ti-nah	2	2
1387	Chee-ho-yea	2	2	1425	Nah-ho-tim-mah	2	2
1388	Ish-tim-mah-ha-tubby	4	2	1426	E-ah-to-nah-tubby	3	2
1389	Im-mah-wa-hah	2	2	1427	Too-co-ly	3	2
1390	Tal-loo-ah-ho-nah	7	3	1428	O-ah-le-nao-nah	8	3
1391	Fish-or	2	2	1429	He-o-to-nah	2	2
1392	Hah-nubby	3	2	1430	Ho-pah-hok-ty	3	2
1393	Hi-ah-tubby,	3	2	1431	E-ah-ho-to-nah	6	3
1394	No-wat-to-nubby	3	2	1432	Ho-te-o-ky	4	2
1395	Betsey	3	2	1433	Car-cha	4	2
1396	Ī-o-ah-tem-ah	6	3	1434	Catherine McKinney	4	2
1397	Sas-sa	2	2	1435	Jessee McKinney	2	2
1398	Pi-in-nah	5	3	1436	Te-ho-a	4	2
1399	E-ah-ha-tubby	3	2	1437	Pe-ah-hok-ty	5	3
1400	Kah-ly	4	2	1438	E-mish-tubby	4	2
1401	A-lo-nah	2	2	1439	Ste-lo-ti-ah	4	2
1402	E-cho-no	5	3	1440	Ha-chah	4	2
1403	Min-ta-ho-yea	4	2	1441	Sha-lubby	4	2
1404	Ish-mi-ubby	5	3	1442	Tal-lo-ah	5	3
1405	Ti o-nah	2	2	1443	Viney McKinney	6	3
1406	Tah-no-wah	5	3	1444	Delilah McKinney	3	2
1407	No-wah-tim-ah	2	2	1445	Won-key	7	3
1408	Ah-kah-nah-tubby	9	3	1446	To-wah-kah	7	3
1409	Ah-lah-lah-tubby	4	2	1447	Yah-hon-tubby	6	3
1410	Ah-chaf-fa-tubby	3	2	1448	Oke-la-ho-nah	4	2
1411	No-wah-ho-nah	4	2	1449	Me-ah-to-shubby	6	3

We, the undersigned commissioners, believing that the aforesaid persons are justly entitled to land under the stipulations of the Chickasaw treaty of 1834, do sincerely hope and trust that our old and faithful friend and agent, Colonel Benjamin Reynolds, will grant them land, see justice done to our people, and have their claims located upon the best lands unincumbered by other claims, whether said lands have been offered for sale or not.

Given under our hands and seals this 28th day of May, 1839.

ISH-TA-HO-TO-PAH, his x mark, [SEAL.]  
 ISAAC ALBERTSON, his x mark, [SEAL.]  
 GEORGE COLBERT, his x mark, [SEAL.]  
 JAMES COLBERT, [SEAL.]  
 BENJAMIN LOVE, [SEAL.]  
 HENRY LOVE, [SEAL.]

JUNE 15, 1839—Enrolled.

*Reservations under the 5th article of the treaty of May 24, 1834.*

No.	Reservees.		Entitled.	Section.	Township.	Range.
1336	Cun-na-chu-na,	-	2	21 22 28	4 4 4	10 west. 10 west. 10 west.
1337	Chick-a-ma-ho-ka,	-	3	1 11 12	4 4 4	11 west. 11 west. 11 west.
1338	Sho-mubby,	x	2	11 14	7 7	10 west. 10 west.
1339	Ish-tup-ar-ka,	x	2	29 32	7 7	10 west. 10 west.
1340	Hul-la-tubby,	x	2	27 26	7 7	10 west. 10 west.
1341	Tus-car-no-ubby,	x	3	31 32 33	6 6 6	12 west. 12 west. 12 west.
1342	Ah-le-noh,	x	3	10 11 12	6 6 6	12 west. 12 west. 12 west.
1343	Ca-na-ho-na,	x	2	15 22	7 7	10 west. 10 west.
1344	Mul-la-la-ho-yea,	x	2	3 10	7 7	11 west. 11 west.
1345	O-qua-cun-na-ubby,	x	3	25 26 35	6 6 6	12 west. 12 west. 12 west.
1346	Stein-mul-la-chee,	x	3	4 5 6	7 7 7	12 west. 12 west. 12 west.
1347	Stein-mul-leechee,	x	2	14 23	7 7	12 west. 12 west.
1348	Un-chee-tubby,	x	2	11 12	7 7	11 west. 11 west.
1349	Tal-to-lo-tubby,	x	3	12 13 24	7 7 7	12 west. 12 west. 12 west.
1350	Ish-tup-po-kah,	x	3	4 5 9	8 8 8	9 west. 9 west. 9 west.
1351	Fill-lee-tomby,	x	3	21 22 27	5 5 5	11 west. 11 west. 11 west.
1352	Took-a-loo-ars-tubby,	x	3	15 16 22	8 8 8	9 west. 9 west. 9 west.
1353	O-quah-lah-pomby,	x	2	26 35	8 8	10 west. 10 west.
1354	Stein-ah-ho-pah-nah,	x	3	1 2 3	8 8 8	10 west. 10 west. 10 west.
1355	Clun-o-chee,	x	3	20 21 22	8 8 8	10 west. 10 west. 10 west.
1356	Fah-lah-mer,	x	2	24 25	8 8	10 west. 10 west.
1357	Chuf-fah-tubby,	x	2	9 16	6 6	10 west. 10 west.
1358	Ho-to-shee-ubby,	x	2	21 28	6 6	10 west. 10 west.
1359	Tus-ca-ar-comby,	x	2	4 5	6 6	10 west. 10 west.

## RESERVATIONS—Continued.

No.	Reservees.		Entitled.	Section.	Township.	Range.
1360	Char-lar-kar,	x	3	17	8	10 west.
				18	8	10 west.
				19	8	10 west.
1361	Shu-la-tubby,	x	2	11	6	11 west.
				14	6	11 west.
1362	Fah-lah-mo-tubby,	x	3	4	9	9 west.
				5	9	9 west.
				8	9	9 west.
1363	Oke char-le-homer,	x	2	23	6	11 west.
				26	6	11 west.
1364	Tush-sheer-ma-tubby,	x	3	23	4	12 west.
				25	4	12 west.
				26	4	12 west.
1365	Shoom-a-cher,	x	2	33	6	11 west.
				32	6	11 west.
1366	Mo-ho-lo-tubby,	x	2	3	7	10 west.
				4	7	10 west.
1367	Fo-la-cher,	x	3	2	6	11 west.
				3	6	11 west.
				4	6	11 west.
1368	Mat-at-a-cher,	x	2	35	3	10 west.
				36	3	10 west.
1369	Cle-toh,	x	2	11	3	10 west.
				12	3	10 west.
1370*	Stein-mo-hoth-la,	-	2	13	5	11 west.
				24	5	11 west.
1371	To-wah-kah,	x	3	16	6	11 west.
				21	6	11 west.
				28	6	11 west.
1372	E-lap-pin-ubby,	x	3	16	7	11 west.
				17	7	11 west.
				21	7	11 west.
1373	Steah-ah-tubby,	x	2	25	5	11 west.
				36	5	11 west.

\* Passed by commissioners: half brother of Ille-pom-ber; good.

JUNE 17, 1839.

A. M. M. UPSHAW, C. A.

U. 92.

MEMPHIS, December 10, 1839.

SIR: I have the honor herewith to enclose for your approval a list of locations. I also enclose to you the original papers sent to me by the chiefs or commissioners of the Chickasaw Indians relative to the claimants of the locations which I now send you. I am of the opinion that I sent to you, on the 17th day of June last, copies of them, but I concluded to send the original to you in the precise shape as they came to me; you will observe that all the commissioners have signed them.

Agreeably to your letter to me last spring, I returned to this place some short time since for the purpose of taking my family west. I shall start west in a few days; that is, I shall start on the first boat, and am looking for one daily.



I have thought proper to communicate directly to you instead of through Captain Armstrong, as these papers would have to go west, and then return through this place, to Washington.

With sentiments of high regard, your most obedient servant,

A. M. M. UPSHAW,  
*Chickasaw Agent.*

Hon. T. H. CRAWFORD,  
*Commissioner of Indian Affairs.*

CHOCTAW NATION WEST,  
May 28, 1839.

We, the undersigned, chiefs and commissioners of the Chickasaw nation, after receiving the testimony of the chiefs and captains and headmen of the Choctaw nation, and from our own knowledge, are satisfied that the names herein given, with the number of their family, are of the Chickasaw nation of Indians, and came away from the Chickasaw nation east of the Mississippi river in the years 1833 and 1834, after the Choctaw Indians, and settled amongst them, and are still living here with them; and when we came over here and settled we found them, and know the most of them, and are satisfied that they have not received the benefits of the treaty of the 24th May, 1834, between the United States and the Chickasaw nation of Indians; they are from Captain Ceiley's and McGilbrie's districts, and are all of lawful age, with the number of family as given when they left the old nation. We hope our good and faithful agent will cause their names to be enrolled, and have their claims located on the best lands possible by their representatives. We also wish our agent to use his influence to have their claims located on the land that is vacant, which has been offered for sale, as well as that which has not been offered for sale, as we believe they are justly entitled to the benefits of the treaty as we were, and have not received any thing, and it is our wish that our agent would see justice done them as far as possible. Their names and number of families are as follows, to wit: Hornah-har-ka, three in family; Yock-ar-ta, three do.; Car-tubby, four do.; Jim-a ho-yea, six do.; Che-mo-ta, two do.; Me-ar-to-shabby, two do.; Te-law-a-tubby, seven do.; E-law-to-chubby, three do.; Ish-tim-a-la ha-ke-ta, four do.; Ahno-le-hoyo, six do.; Ah no-ti-ah, five do.; Ah-pah-hoi-ta, three do.; Te-ho-yea, four do.; Tick-ah-bah-ho-to-neh, six do.; Yah-ho-to-nah, five do.; Ho-to-shee, seven do.; Chee-mubby, three do.; To-no-wah, four do.; No-ah-tim-mer, two do.; Ti-ti-yea, two do.; Stin-kin-na-ti ly, three do.; Oke-lin-tubby, five do.; Tah-ne-tubby, three do.; Ha-cha, two do.; Ho-pah-ka-to-nah, two do.; Ish-coe-no-ti-ah, eight do.; Ah-a-ho-cah, six do.; Ah-to-na-mah-tubby, seven do.; E-ho-ah-toun-by, five do.; Che-ah-tubby, three do.; Sle-my-ah, six do.; I-o-ko-mo-tubby, five do.; E-yah-mon-tubby, seven do.; To-mah-le-shah, six do.; Ish-my-tubby, seven do.; Pa sho E-o-nah, eleven do.; O-ake E-mah-sha, twelve do.; He-tubby, five do.; Co-sho-nah, six do.; Sho-nat-tah, two do.; O-kee lah-ho-kee, seven do.; Shee-mah-ka, ten do.; She-mo-ni-ah, three do.; Oke-la-mo-nah, eleven do.; Che-quah-lah-ka, three do.; Ho-yo-pah, three do.; Jen-ken-tubby, five do.; E-ah-ka-ye-ah, four do.; Fus-ta-chee, three do.;

Ho-to-nah, three do. ; Cun-ne-ho-yea, eight do. ; Chuck-lah-sha, two do. ; Un-nah-hah-she-mah, three do. ; Mat-ta-chu, four do. ; Ste-or-ka, four do. ; Ish-to-ak-ka, two do. ; Te-wah-ho-ka, seven do. ; She-mal-li-ah, six do. ; Wi-ni-ah-chu, three do. ; Chi-ye-ah, two do. ; Ye-a-ho pa-chur, five do. ; Ish-ter-ta-chee, four do. ; Pen-ah-saw, four do. ; On-ton-tah-ho-ka, four do. ; To-fah-mah, three do. ; To-mub-bee, four do. ; Ah-hah-a-chee, two do. ; Mi hah-to-nah, three do. ; La-bell, five do. ; On-ti-ah, single, two ; Wi-a-cher, single ; Cam-shee, two do. ; Ho-ti-o-ha, five do. ; Tish-oke-che-yea, four do. ; Susan, three do. ; Ho-key, four do. ; Po-shubby, three do. ; Ah-pi-me-cut-tah, four do. ; Pish-cha-he-mah, three do. ; Rachel, three do. ; Marcey, five do. ; Silas, four do. ; Yar-mon-tubby, three do. ; Ah-tark-l ah-tubby, five do. ; Me-ah-sho-tubby, three do. ; Sho-ho-la-chee, two do. ; Te-my-lo-chee, two do. ; Ah bah-lah-tubby, four do. ; No-wah-ho-nah, five do. ; Win-ni-yea, seven do. ; Sho-wah, ten do. ; She-mo-non-cha, three do. ; Ish-ste-li-yeah, four do. ; My-o-key, three do. ; Oth-ho-e-ah, six do. ; Shim I-ho-te-ley, seven do. ; Ish lock-a-fee, three do. ; Stam-pa-chee, five do. ; Shap e-yah-ka, three do. ; Ul-le-chi-cha, two do. ; Oc-o-ti, three do. ; Co-e-ah-chee, five do. ; E-lah-pen-tom-by, four do. ; Ho-ti-kah, four do. ; Ke-zi-a, two do. ; Robert, single ; Ah-to no-tubby, two do. ; Shah-le-verry, single ; It-ho-yea, six do. ; Cop-ez-ho-yea, six do. ; Stam-pa-cha-ah, seven do. ; Ub-bet-tah, four do. ; Yeah Wartah, two do. ; Ah-to-no-tubby, seven do. ; Ish-ta-te ti-ah, five do. ; Im-ah-ley, three do. ; Tish yo-nah, four do. ; Sophia, two do. ; O-nah-ho-cha, eight do. ; Pis-sar-ho-nah, six do. ; Ho-yah-ti, single ; O-quap-pah, six do. ; O-nah-tubby, three do. ; Chis-quah-nah-ta, four do., &c. Given under our hands and seals the day and date above written, &c.

ISH-TA-HO-TO-PAH, his X mark, [L. s.]  
 ISAAC ALVERSON, his X mark, [L. s.]  
 JAMES COLBERT, [L. s.]  
 BENJAMIN LOVE, [L. s.]  
 HENRY LOVE, [L. s.]

J. L. DOLLERHIDE,  
 BENJAMIN CLEMENTS.

Know all men by these presents: That we, the undersigned chiefs and commissioners, having authority vested in us by virtue of the treaty made between the chiefs and head-men of the Chickasaw nation and the United States, on the 24th day of May, in the year of our Lord eighteen hundred and thirty-four, to designate those of the Chickasaw Indians who are entitled to the land under the provisions of the aforesaid treaty, and to apportion to each individual and head of family the number of sections of land that each or either may be entitled to, in accordance with the provisions of the above-mentioned treaty: Now be it fully known that, after a full and fair investigation of the evidence which has been given to us, in addition to our own knowledge, and which has also been explained and examined by the chiefs and captains of the Choctaw nation west, and been signed by them before respectable witnesses, we, the undersigned chiefs and commissioners, are well satisfied that the persons, individuals, and heads of families, whose names are hereinafter given, have the num-

ber in family placed opposite their names, and are entitled to land under the treaty of 1834 for the same. Therefore we now, by these presents, do apportion and guaranty to the following persons and heads of families land, in accordance with the treaty stipulations.

E-yah-kah-te, four in family; Ho-yea, six in family; Ar-te-thea, one in family; Man-to-nah, eight in family; Nu-sit-ta-che, eight in family; Te-nubby, one in family; E-yah-tubby, five in family; Billy Fry, five in family; Ah-took-ah-loos-nubby, two in family; Jim Fry, one in family; Molly Fry, three in family; Nancy Fry, three in family; Pe-sah-hoke-ta, two in family; Ah-nook-phil-la, five in family; Sophy, six in family; Phah-lah-me-cha-ho-yea, four in family; Chee-ho-yea, two in family; Ish-tim-mah-ha-lubby, four in family; Im-mah-wa-hah, two in family; Tal-loo-ah-ho-nah, seven in family; Fisher, two in family; Hah nubby, three in family; Hi-ah-tubby, three in family; No-wat-to-nubby, three in family; Betsev, three in family; Jo-ah-tim-ah, six in family; Sus-sa, two in family; Pi-ni-nah, five in family; Eah-ha-tubby, three in family; Kah ly, four in family; Alo-nah, two in family; Echo-no, five in family; Min-ta-ho-yea, four in family; Ish-mi ubby, five in family; Ti-o-nah, two in family; Yah-no-wah, five in family; No-wah-tim-ah, two in family; Ho-tish-sha, one in family; Forbuse McClure, one in family; Ah-kah-nah-tubby, nine in family; Ah-bah-lah-tubby, four in family; Ah-chaffa-tubby, three in family; No-wah-ho-nah, four in family; With-ni-yea, three in family; Titch-by-yea, four in family; Ho-yea-ah-no, three in family; Ah-phah-ma-tim-mah, two in family; To-sho-wah, ten in family; Istim-ah-lah, three in family; Istim-ah-nah-cha, three in family; Olah-kiq-tubby, five in family; Yem-nubby, five in family; He-toke-ka, eight in family; Cha-o-no-nah, five in family; Nancy Collins, four in family; Eliza Collins, one in family; Gilbert Collins, one in family; Ho-to-nah, two in family; Nah-ho-tim-mah, two in family; Eah-to-nah-tubby, three in family; 'To-co ly, three in family; Ah-to-no-mas-tubby, one in family; Shah-wa-ho-mah, one in family; Hannah, one in family; She-mi-yea, one in family; Ah-sho-mon-tubby, one in family; Istim-mah-lut cha, one in family; Un-chee-tubby, one in family; Ish-tup-po hah, one in family; Phil-la-tom ly, one in family; Ish-ki-ubby, one in family; Oak-le-mon-ah, eight in family; He-o-ta-nah, two in family; Ish-ti-kah-ty, one in family; Ho-pah-hokty, three in family; Eah-ho-to-nah, six in family; Ho-te-o-ky, four in family; Car-cha, four in family; Catharine McKinney, four in family; Jesse McKinney, two in family; Te-ho-a, four in family; Pe-ah-hokty, five in family; Emishi tubby, four in family; Sti-bo-ti-ah, four in family; Ha-chah, four in family; Sha-lubby, four in family; Tallo-ah, five in family; Viney McKinney, six in number; Delilah McKinney, three in family; Tan-in-tubby, one in family; Taun-ly, one in family; Con-cha-tubby, one in family; Won-key, seven in family; To-wah-kah, seven in family; Yah-hon-tubby, six in family; Oke-lah-ho-nah, four in family; Me-ah-to-shubby, six in family.

We, the undersigned commissioners, believing the aforesaid persons are justly entitled to land under the stipulations of the Chickasaw treaty of 1834, do sincerely hope and trust that our old and faithful friend and agent, Colonel Benjamin Reynolds, will grant them land, see justice done our people, and have their claims located upon the best lands unincum-

bered by other claims, whether said lands have been offered for sale or not. Given under our hands and seals this 28th of May, 1839.

ISH-TA-HO-TO-PAH, his x mark, [SEAL.]  
 ISAAC ALBERTSON, his x mark, [SEAL.]  
 GEORGE COLBERT, his x mark, [SEAL.]  
 JAMES COLBERT, [SEAL.]  
 BENJAMIN LOVE, [SEAL.]  
 HENRY LOVE, [SEAL.]

Test:

S. J. PITCHLYNN.  
 J. L. DOLLERHIDE.

*Abstract of land located at the Chickasaw agent's office, on the 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, and 24th of November, 1839.*

No. of location.	Names of reserves.	Sections entitled to.		Township.	Range.	Remarks.
		Sections.	Sections.			
1374	E-yah-kah-te	x	2	8	7	11 west.
				9	7	11 west.
1375	Ho-yea	x	3	1	6	11 west.
				12	6	11 west.
				13	6	11 west.
1376	Mon-to-nah	x	3	24	6	11 west.
				25	6	11 west.
				36	6	11 west.
1377	Nie-sit-lah-chee	x	3	4	7	11 west.
				5	7	11 west.
				6	7	11 west.
1378	E-yah-tubby	x	3	13	7	11 west.
				14	7	11 west.
				15	7	11 west.
1399	Billy Fry	x	3	25	7	11 west.
				26	7	11 west.
				27	7	11 west.
1380	Ah-look-ah-loos-mubby	x	2	33	7	11 west.
				34	7	11 west.
1381	Molly Fry	x	2	35	7	11 west.
				36	7	11 west.
1382	Nancy Fry	x	2	4	8	11 west.
	Fract'l 5—for whole section	x	1	5	8	11 west.
1383	Pe-lah-hoke-ta	x	2	3	8	11 west.
	Fract'l 10—for whole section	x	1	10	8	11 west.
1384	Ah-nook-plui-ta	x	3	29	7	11 west.
	Fract'l 31—for whole section	x	1	31	7	11 west.
				32	7	11 west.
1385	Sophy	x	3	13	8	11 west.
	Fract'l 14—for whole section	x	1	14	8	11 west.
	Fract'l 24—for whole section	x	1	24	8	11 west.
1386	Phah-lah-me-cha-bo-yea	x	2	1	8	11 west.
				12	8	11 west.
1387	Chee-ho-yea	x	2	5	11	6 west.
				6	11	6 west.

## ABSTRACT—Continued.

No. of location.	Names of reservees.	Sections entitled to.		Township.	Range.	Remarks.
			Section.			
1388	Ish-tim-mah-ha-lubby x South $\frac{1}{4}$ and NW. $\frac{1}{4}$ , in lieu of whole of section 32.	2	33	11	8 east.	
		-	32	11	8 east.	
1389	Im-mah-wa-hah, fractional x	2	26	6	10 west.	
1390	Tal-oo-ah-ho-nah x	-	27	6	10 west.	
		3	34	10	7 west.	
1391	Fish, or Choctaw Lege x		35	10	7 west.	
		2	36	10	7 west.	
1392	Hah-mubby x		1	25	7 east.	
		2	12	25	7 east.	
1393	Hi-ah-lubby x		4	25	7 east.	
		2	9	25	7 east.	
1394	Na-wat-to-mubby x		5	25	7 east.	
		2	8	25	7 east.	
1395	Betsey x		7	25	7 east.	
		2	18	25	7 east.	
1396	I-o-ah-lun-ah x		19	25	7 east.	
		3	30	25	7 east.	
1397	Las-sa x		10	25	6 east.	
		2	11	25	6 east.	
1398	Pe-in-nah x		14	25	6 east.	
		3	16	25	7 east.	
1399	E-ah-ha-lubby x		17	25	7 east.	
		2	26	25	6 east.	
1400	Kah-ly x		34	25	6 east.	
		2	35	25	6 east.	
1401	A-lo-nah x		31	25	6 east.	
		2	32	25	7 east.	
1402	E-leho-no x		33	25	7 east.	
		3	34	25	7 east.	
1403	Min-ta-ho-yea x		35	25	7 east.	
		2	36	25	7 east.	
1404	Ish-mi-ubby x		1	25	6 east.	
		3	12	25	6 east.	
1405	Ti-o-nah x		13	25	6 east.	
		2	1	24	6 east.	
1406	Toh-no-wah x		2	24	6 east.	
		3	2	25	5 east.	
1407	No-wah-lim-ah x		11	25	5 east.	
		2	14	25	5 east.	
1408	Ah-kah-nah-lubby x		10	23	8 east.	
		3	11	23	8 east.	
1409	Ah-tah-lah-lubby x		1	22	9 east.	
		2	12	22	9 east.	
1410	Ah-chaf-fa-lubby x		13	22	9 east.	
		2	3	23	8 east.	
1411	No-wah-ho-nah x		4	23	8 east.	
		2	2	22	9 east.	
			3	22	9 east.	
			4	22	9 east.	
			8	23	8 east.	
			9	23	8 east.	
			6	22	10 east.	
			7	22	10 east.	
			8	22	10 east.	
			9	22	10 east.	

ABSTRACT—Continued.

No. of location.	Names of reservees.		Sections entitled to.			Range.	Remarks.
			Section.	Township.			
1412	With-ni-yea	x	2	10 22	10 east.		
				11 22	10 east.		
1413	Titch-ly-yea	x	2	14 22	10 east.		
				15 22	10 east.		
1414	Ho-yea-ah-no	x	2	26 22	10 east.		
				23 22	10 east.		
1415	Ah-phoh-ma-lim-mah	x	2	24 22	10 east.		
				25 22	10 east.		
1416	To-sho-wah	x	4	21 7	11 west.		
				22 7	11 west.		
				23 7	11 west.		
				24 7	11 west.		
1417	Is-lim-ah-lah	x	2	29 21	13 east.		
				30 21	13 east.		
1418	Is-tim-ah-nah-cha	x	2	12 21	11 east.		
				13 21	11 east.		
1419	O-lah-hin-lubby	x	3	1 21	11 east.		
				2 21	11 east.		
				11 21	11 east.		
1420	Yem-mubby	x	3	5 21	11 east.		
	Fractional		-	7 21	11 east.		
				8 21	11 east.		
1421	He-to-ke-ka	x	3	3 24	7 east.		
				4 24	7 east.		
				5 24	7 east.		
1422	Cha-o-no-nah	x	3	6 24	7 east.		
				7 24	7 east.		
				8 24	7 east.		
1423	Nancy Collins	x	2	26 24	7 east.		
	Fractional		-	27 24	7 east.		
1424	Ho-ti-nah	x	2	35 24	7 east.		
				36 24	7 east.		
1425	Nah-ho-lim-mah	x	2	1 24	8 east.		
				2 24	8 east.		
1426	Eah-to-nah-lubby	x	2	3 24	8 east.		
				10 24	8 east.		
1427	Too-co-ly	x	2	9 24	8 east.		
				16 24	8 east.		
1428	Oak-le-mo-nah	x	3	18 24	8 east.		
				19 24	8 east.		
				20 24	8 east.		
1429	He-o-to-nah	x	2	11 24	8 east.		
				12 24	8 east.		
1430	Ho-pah-hok-ty	x	2	29 24	8 east.		
				30 24	8 east.		
1431	E-ah-ho-to-nah	x	3	13 24	8 east.		
				14 24	8 east.		
				15 24	8 east.		
1432	Ho-le-o-ky	x	2	22 24	8 east.		
				23 24	8 east.		
1433	Car-cha	x	2	31 24	8 east.		
				32 24	8 east.		
1434	Catharine McKenney	x	2	22 11	10 east.		
				23 11	10 east.		
1435	Jesse McKinney	x	2	20 10	10 east.		
				21 10	10 east.	1 section.	



## ABSTRACT—Continued.

No. of location.	Names of reservees.	Sections entitled to.	Sections entitled to.			Range.	Remarks.
			Section.	Township.	Range.		
1436	Te-ho-a	x	2	9 23	9 east.		
1437	Pe-ah-hok-ty	x	3	10 23	9 east.		
				27 24	8 east.		
1438	E-mish-tubby	x	2	28 24	8 east.		
				34 24	8 east.		
1439	Sh-to ti-ah	x	2	15 23	9 east.		
				16 23	9 east.		
1440	Ha-chah	x	2	20 23	9 east.		
				21 23	9 east.		
1441	Sha-lubby	x	2	22 23	9 east.		
				27 23	9 east.		
1442	Tal-lo-ah	x	3	29 23	9 east.		
				30 23	9 east.		
1443	Viney McKinney	x	3	25 24	8 east.		
				26 24	8 east.		
1444	Deliloh McKinney	x	2	36 24	8 east.		
				22 10	10 east	Lewis's wife.	
1445	Nan-key	x	3	23 10	10 east.		
				24 10	10 east.		
1446	To-wah-kah	x	3	26 10	10 east	Jesse Wales's wife is provided for with Catharine McKinney.	
				27 10	10 east.		
1447	Yah-hou-lubby	x	3	1 23	9 east.		
				11 23	9 east.		
1448	Oke-lah-ho-nah	x	2	12 23	9 east.		
				13 23	9 east.		
1449	We-ah-to-shubby	x	3	24 23	9 east.		
				23 23	9 east.		
1450	Ho-mah-har-kee	x	2	25 23	9 east.		
				26 23	9 east.		
1451	Yock-ar-ta	x	2	36 23	9 east.		
				34 23	9 east.		
1452	Ear-tubby	x	2	39 23	9 east.		
				3 23	9 east.		
1453	Im-a-ho-yea	x	3	4 23	9 east.		
				5 23	9 east.		
1454	Che-mo-ta	x	2	8 4	9 west.		
				17 4	9 west.		
1455	Me-ar-to-shubby	x	2	13 8	9 west.		
				14 8	9 west.		
1456	Te-law-a-lubby	x	3	17 8	9 west.		
				18 8	9 west.		
1457	E-law-to-chubby	x	2	18 8	9 west.		
				19 8	9 west.		
1458	Ish-tim-a-la-ha-kee-tee	x	-	20 8	9 west.		
				21 8	9 west.		
				23 8	9 west.		
				24 8	9 west.		
				25 8	9 west.		
				26 8	9 west.		
				27 8	9 west.		
				28 8	9 west.		
				29 8	9 west.		
				30 8	9 west.		
				31 8	9 west.		
				32 8	9 west.		
				33 8	9 west.		

ABSTRACT—Continued.

No. of location.	Names of reserves.	Sections entitled to.	Section.	Township.	Range.	Remarks.
1459	Ah-no-le-ho-yo	x	34 35 36	8	9 west.	
1460	Ah-no-ti-ah	x	1 2	9	9 west.	
1461	Ah-pah-hoc-la	x	3 10	9	9 west.	
1462	Te-ho-yea	x	6 7	9	9 west.	
1463	Tick-ah-bah-ho-to-nah	x	11 12 13	9	9 west.	
1464	Yah-ho-to-nah	x	16 17 21	9	9 west.	
1465	Ho-to-she	x	1 2 3	5	10 west.	
1466	Chee-mubby	x	14 15	9	9 west.	
1467	To-no-wah	x	25 26	9	9 west.	
1468	No-ah-lim-mer	x	2 3	4	10 west.	
1469	Te-ki-yea	x	10 15	4	10 west.	
1470	Sten-kin-na-ti-ly	x	24 25	4	10 west.	
1471	Oke-tin-lubby	x	31 32 33	4	10 west.	
1472	Tah ne lubby	x	20 29	4	10 west.	
1473	Ha-cha	x	30 31	5	10 west.	
1474	Ho-pah-ka-to-nah	x	32 33	5	10 west.	
1475	Ish-le-oe-mo-li-ah	x	2 3 11	6	10 west.	
1476	Ah-a-ho-cha	x	6 7 8	6	10 west.	
1477	Ah-to-na-mah-lubby	x	17 18 19	6	10 west.	
1478	E-ho-ah-tom-by	x	20 29 30	6	10 west.	
1479	Che-a-ah-tubby	x	34 35	5	10 west.	
1480	Ste-my-ah	x	1 2 12	7	10 west.	
1481	Jo-o-k-me-tubby	x	5 6 6	7	10 west.	

## ABSTRACT—Continued.

No. of location.	Names of reservees.		Sections entitled to.	Location.			Remarks.
				Section.	Township.	Range.	
1482	E-yah-mow-tubby	x	3	8	7	10 west.	
				17	7	10 west.	
				20	7	10 west.	
1483	Fo-mah-le-shah	x	3	19	7	10 west.	
				30	7	10 west.	
				31	7	10 west.	
1484	Ish-my-tubby	x	3	21	7	10 west.	
				28	7	10 west.	
				33	7	10 west.	
1485	Pah-sho-e-o-nah	x	4	4	5	10 west.	
				5	5	10 west.	
				6	5	10 west.	
1486	O-ake-e-mah-shah	x	4	8	5	10 west.	
				9	5	10 west.	
				10	5	10 west.	
1487	He-lubby	x	3	7	8	10 west.	
				8	8	10 west.	
				9	8	10 west.	
1488	Co-sho-nah	x	3	1	9	10 west.	
				2	9	10 west.	
				12	9	10 west.	
1489	Sho-not-hah	x	2	10	6	10 west.	
				15	6	10 west.	
				1	14	1 east.	
1490	Okee-tah-ho-ke-lah	x	3	2	14	1 east.	
				3	14	1 east.	
				17	5	10 west.	
1491	She-mah-ka	x	4	19	5	10 west.	
				20	5	10 west.	
				21	5	10 west.	
1492	She-me-ni-ah	x	2	22	6	10 west.	
				23	6	10 west.	
				27	5	10 west.	
1493	Oke-la-mo-nah	x	4	22	5	10 west.	
				28	5	10 west.	
				29	5	10 west.	
1494	Chee-quah-lah-ka	x	2	31	6	10 west.	
				32	6	10 west.	
				4	14	1 east.	
1495	Ho-yo-pah	x	3	5	14	1 east.	
				6	14	1 east.	
				7	14	1 east.	
1496	Je-ker-lubby	x	3	8	14	1 east.	
				9	14	1 east.	
				33	6	10 west.	
1497	E-ah-ka-ye-ah	x	2	34	6	10 west.	
				25	7	10 west.	
				36	7	10 west.	
1498	Fus-la-chee	x	2	34	7	10 west.	
				35	7	10 west.	
				10	14	1 east.	
1499	Ho-to-nah	x	2	11	14	1 east.	
				12	14	1 east.	
				12	14	1 east.	
1500	Can-ne-ho-yea	x	3	11	14	1 east.	
				11	14	1 east.	
				12	14	1 east.	

ABSTRACT--Continued.

No. of location.	Names of reserves.		Sections entitled to.		Township.	Range.	Remarks.
				Section.			
1501	Chuck-lah-sho	x	2	4	8	10 west.	
1502	Un-nah-hab-she-mah	x	2	5	8	10 west.	
				15	8	10 west.	
1503	Mot-ta-chee	x	2	16	8	10 west.	
				13	15	1 east.	
1504	Ste-oc-ka	x	2	22	15	1 east.	
				27	15	1 east.	
1505	Te-wah-ho-ka	x	3	13	14	1 east.	
				14	14	1 east.	
				15	14	1 east.	
1506	She-mal-ti ah	x	3	16	14	1 east.	
				17	14	1 east.	
				18	14	1 east.	
1507	Wi-ni-ah-chee	x	2	23	15	1 east.	
				24	15	1 east.	
1508	Chi-ye-oh	x	2	25	15	1 east.	
				26	15	1 east.	
1509	Yea-ho-pa-chee	x	3	19	14	1 east.	
				20	14	1 east.	
				21	14	1 east.	
1510	Ish-ter-ta-chee	x	2	1	14	2 east.	
				2	14	2 east.	
1511	Pen-ah-saw	x	2	4	14	2 east.	
				5	14	2 east.	
1512	On-ton-lah-ho-ka	x	2	6	14	2 east.	
				7	14	2 east.	
1513	To-fah-mah	x	2	8	14	2 east.	
				9	14	2 east.	
1514	To-mubba	x	2	10	14	2 east.	
				11	14	2 east.	
1515	Ah-hah-a-chee 1/4 of sec. 13 for whole section, SW. 1/4 off.	x	2	12	14	2 east.	
				13	14	2 east.	
1516	Ili-hoh-to nah N. 1/2 for whole section	x	2	31	14	2 east.	
				6	15	2 east.	
1517	La-bell	x	3	22	14	1 east.	
				23	14	1 east.	
				24	14	1 east.	
1518	Corn shee NE. 1/4 of section 4 taken; 1/2 for a whole section.	x	2	4	15	2 east.	
				5	15	2 east.	
1519	Ho-ti-o-ha	x	3	25	14	1 east.	
				26	14	1 east.	
				27	14	1 east.	
1520	Tish-oke-chi-yea	x	2	1	15	2 east.	
				12	15	2 east.	
1521	Susan	x	2	1	16	3 east.	
				2	16	3 east.	
1522	Ho key	x	2	3	16	3 east.	
				4	16	3 east.	
1523	Po-shubby	x	2	12	16	3 east.	
				13	16	3 east.	
1524	Ah-ni-me-cut-tah N. 1/2 and SE. 1/4, in lieu of whole section.	x	2	10	16	4 east.	
				15	16	4 east.	

ABSTRACT—Continued.

No. of location.	Names of reserves.		Sections entitled to.	Section.			Range.	Remarks.
				Section.	Township.	Range.		
1525	Pish-cha-he-mah	x	2	19 16	4 east.			
				30 16	4 east.			
1526	Rachiel	x	2	24 21	11 east.			
				25 21	11 east.			
1527	Marcey	x	3	23 14	1 east.			
				29 14	1 east.			
				30 14	1 east.			
1528	Silas	x	2	17 1	6 east.			
	$\frac{3}{4}$ for whole section	-	-	18 1	6 east.			
1529	Yar-mon-lubby	x	2	21 1	6 east.			
				22 1	6 east.			
1530	Ah-tach-lah-lubby	x	3	34 14	1 east.			
				35 14	1 east.			
				36 14	1 east.			
1531	Mi-ah-sho-lubby	x	2	14 1	6 east.			
	$\frac{3}{4}$ for whole section	-	-	15 1	6 east.			
1532	Sho-ho-la-cha	x	2	9 1	7 east.			
				10 1	7 east.			
1533	Te-my-to-chee	x	2	14 1	7 east.			
				15 1	7 east.			
1534	Ah-bah-lah-lubby	x	2	2 1	7 east.			
				27 1	7 east.			
1535	No-wah-ho-nah	x	3	16 14	2 east.			
	$\frac{3}{4}$ for whole section, NE $\frac{1}{4}$ of	-	-	17 14	2 east.			
	16; sections taken.			18 14	2 east.			
1536	Win-ni-yea	x	3	34 15	1 east.			
				35 15	1 east.			
				36 15	1 east.			
1537	Sho-wah	x	4	10 15	1 east.			
				11 15	1 east.			
				14 15	1 east.			
				15 15	1 east.			
1538	She-mo-non-cha	x	2	31 1	6 east.			
				32 1	6 east.			
1539	Ish-sti-ti-yeah	x	2	23 1	9 east.			
				24 1	9 east.			
1540	Wy-a-key	x	2	21 1	9 east.			
	$\frac{3}{4}$ for whole section	-	-	22 1	9 east.			
1541	Oth-ho-e-ah	x	3	21 14	2 east.			
				22 14	2 east.			
				28 14	2 east.			
1542	Shim-i-ho-te-ly	x	3	9 16	3 east.			
				10 16	3 east.			
				11 16	3 east.			
1543	Ish-lock-afee	x	2	23 1	10 east.			
				26 1	10 east.			
1544	Ham-pa-chu	x	3	16 16	3 east.			
				17 16	3 east.			
				18 16	3 east.			
1545	Shup-e-yah-ka	x	2	21 1	10 east.			
				28 1	10 east.			
1546	Ul-li-chi-cha	x	2	18 22	10 east.			
	Fractional	-	-	19 22	10 east.			
1547	Oe-o-ti	x	2	20 22	10 east.			
	Fractional	-	-	29 22	10 east.			
1548	C E-ah-chee	x	3	19 16	3 east.			
				20 16	3 east.			
				21 16	3 east.			

ABSTRACT—Continued.

No. of location.	Names of reservees.	Sections entitled to.		Section.	Township.	Range.	Remarks.
1549	E-lah-pen-tomby	x	2	34	22	10 east.	
				35	22	10 east.	
1550	Ho-ti-rah	x	2	21	22	10 east.	
	Fractional	-	-	28	22	10 east.	
1551	Ke-zi-a	x	2	1	21	10 east.	
	Fractional	-	-	2	21	10 east.	
1552	Ah-to no-tubby	x	2	21	3	10 west.	South $\frac{1}{2}$ for whole.
				22	3	10 west.	NE. and S. $\frac{1}{2}$ for whole.
1553	Ir-it-ho-yea	x	3	28	16	3 east.	
				29	16	3 east.	
				30	16	3 east.	
1554	Cap-as-ho-yea	x	3	31	16	3 east.	
	Fract'l for whole section.	-	-	32	16	3 east.	
	Fract'l for whole section	-	-	33	16	3 east.	
1555	Ham-pe-cha-ah	x	3	27	16	4 east.	
				28	16	4 east.	
				29	16	4 east.	
1556	Ub-bet-tah	x	2	11	5	10 west.	N. $\frac{1}{2}$ and SW. $\frac{1}{2}$ for whole.
				14	5	10 west.	W. $\frac{1}{2}$ for whole.
1557	Yeah-war-tah	x	2	23	5	10 west.	N. $\frac{1}{2}$ and SW. $\frac{1}{2}$ for whole.
				26	5	10 west.	W. $\frac{1}{2}$ for whole.
1558	Ah-to-no-tubby	x	3	33	16	4 east.	
	Fractional in lieu of whole.						
	S. $\frac{1}{2}$ and NW. $\frac{1}{2}$ for whole	-	-	34	16	4 east.	
	section 35.	-	-	35	16	4 east.	
1559	Ish-ta-ti-ti-ah	x	3	28	23	9 east.	
	Fractional	-	-	32	23	9 east.	
				33	23	9 east.	
1560	Im-ah-tay	x	2	3	6	12 west.	S. $\frac{1}{2}$ for whole.
				4	6	12 west.	S. $\frac{1}{2}$ for whole.
1561	Tish-yo-nek	x	2	15	9	10 east.	
				16	9	10 east.	
1562	So-phi-a	x	2	30	3	11 west.	
	E. $\frac{1}{2}$ and SW. $\frac{1}{2}$ for whole	-	-	25	3	11 west.	
1563	Oh-nah-ho-ka	x	3	10	16	2 east.	
				11	16	2 east.	
				12	16	2 east.	
1564	Pis-lar-ho nah	x	3	13	16	2 east.	
				14	16	2 east.	
				15	16	2 east.	
1565	O-quap pah	x	3	23	16	2 east.	
				23	16	2 east.	
				24	16	2 east.	
1566	O-nah-tubby	x	2	25	16	2 east.	
				26	16	2 east.	
1567	Ches-qnah-noh-ta	x	2	27	16	2 east.	
				34	16	2 east.	
1568	Ish-to-ak-ka	x	2	35	16	2 east.	
				36	16	2 east.	

MEMPHIS, December 8, 1839.

I certify that the above locations were located in my office the dates above.

Respectfully, your most obedient servant,

A. M. M. UPSHAW, Chickasaw Agent.

Hon. T. H. CRAWFORD,  
Commissioner of Indian Affairs,



H.

WASHINGTON, *February 1, 1842.*

SIR: May I call your attention to the report of the Commissioner of Indian Affairs to your predecessor, of the 13th April, 1841, upon Chickasaw claims for reservations of land under the treaty of 1834, together with the decision or endorsement thereon of the then Secretary of War, with a view of a revision and correction of what I regard an error in the decision of the late Secretary, and the importance of a speedy correction to the Chickasaw nation, the claimants, and to the department. The decision to which I refer is in the following words, to wit: "The locations of which they may approve cannot, however, be sanctioned in advance. The revision and correction of the list by the committee, assisted by Major Armstrong, the acting superintendent, must first take place. The department will then consider the propriety of confirming the cases which they have approved, and will do what may appear to be right and proper therein."

The Commissioner in his report recommended that the claims adjudged to be valid, and admitted by the Chickasaw commissioners, should be considered by the department as valid, and that the locations made for the respective admitted claimants be regarded as approved. Now, sir, I submit to you to determine whether the report of the Chickasaw chiefs and commissioners, of the conclusion to which the tribe had come in council, is not final and conclusive, at least on your department. In the treaty of 1832 it is provided that the whole Chickasaw cession, except the reservations, shall be sold for the benefit of the nation. By so many tracts, then, as are declared to belong to individuals, will the general fund be reduced. It is clear there is, therefore, no risk of the chiefs and commissioners, or the nation in council, reporting in favor of a claim not well founded; but if there should be any doubt on this subject, that doubt, as it seems to me, must be removed by the 4th article of the treaty of 1834. By reference to this article, it will be seen that the Chickasaw nation reserved, or intended to reserve, the right and power of having within their own direction and control the means of taking care of themselves. They, therefore, provided in this article what they believed to be effective means to protect their nation against fraudulent claims for reservations of land, and at the same time of securing to their citizens, who had just claims, their rights. This they did in this article, by submitting these claims to the final decision of the commissioners in council of the Chickasaw nation. Would it be reasonable or just to oust them of this right and power now, even if it could be done by a fair construction of the treaty? This government would gain nothing by it. The Indians would have just ground to complain for the usurpation of a power manifestly intended to be reserved to them, by which the general fund accruing to them from the sale of their lands had been wasted and applied to the satisfaction of what they had adjudged to be fraudulent claims, when they had intended to have within their own direction and control the means of protecting and preserving this fund against any attempt to waste or destroy it.

In this article, among other things, in providing for the claims for reservations, will be found the following provision, to wit: "And when such certificate is not obtained upon the recommendation of a majority of the delegation, and the approval of the agent at the discretion of the President

of the United States, the same may be sold; but the consideration thereof shall remain, as a part of the general Chickasaw fund, in the hands of the government, until such time as the chiefs in council shall think it advisable to pay it to the claimant, or those who may rightfully claim under said claimant, and shall so recommend it."

Now, sir, suppose the decision of the late Secretary was to prevail; what would be the inevitable consequence in practice? Would it not be not only destructive of the rights of the claimants, but also of those of the Chickasaw nation? For an illustration, let me suppose that, of the 524 claims for reservations of land, the commissioners in council were only to allow 100 and reject the balance as fraudulent, you, under this decision, would have to re-examine and allow or reject not only the 100 claims which he had allowed, but also the 424 rejected claims. For, if their decision, in allowing a claim, is not final, of course their rejection is not. Suppose, then, that in carrying out this decision, you were to enter upon the examination of these claims, and, upon a full investigation of the evidence before you, should come to the conclusion that the 100 claims admitted by the council were fraudulent, and that the 424 rejected claims were just, of course you would allow the 424 rejected claims and reject those that had been admitted. What would be the effect of all this? The 100 claims thus rejected by you would be sold, and the proceeds would go to the general Chickasaw fund in the hands of the government. The Chickasaw nation, feeling indignant at what they regarded as an act of usurpation and of injustice in this government in rejecting these claims which they, in council, had admitted, would call a council and recommend that the proceeds of the sales should be paid to the claimants, or to those who might rightfully claim under said claimants, and thus in effect overrule and reverse your decision in rejecting the claims. But, what would become of 424 claims which they had rejected as fraudulent and you had admitted as just, and the value of which was thus abstracted from their general fund? They would not contentedly submit to a loss which they believed was produced by a usurpation of power and an act of gross injustice on the part of this government. It is believed, therefore, that they would petition Congress to pay them for these lands; and I confess I can see no good ground of defence against such a petition; but this is not all.

If these claims are to be re-examined here, with a view to their confirmation or rejection by the department, it will be the labor of the department for years to come; the consequence will be, that, residing as they do, at a great distance from this place, and being either unable or unwilling to waste their time or spend their money in attending here, or by employing agents or counsel to attend and prosecute their claims before the department, they would either abandon, or sell them for a trifle to speculators, rather than be longer harassed and perplexed about them.

If, however, it should be believed that I am in error in my construction of this treaty, still I would insist that such ought to be the practical effect, as it would be more satisfactory to the Chickasaw tribe, to the claimants, and to all concerned, except those whose claims had been rejected as fraudulent; and, sir, I am gratified to learn, from the last annual report of the Commissioner of Indian Affairs, that such has been the practice of the government down to this time. He says: "It was my opinion that the report of the Chickasaw chiefs and commissioners, of the conclusion to which the tribe had come in council, should be final; but

your predecessor thought that it should be reviewed here, and such determinations made as the facts would justify. The whole Chickasaw cession, except the reservations, it is provided, shall be sold for the benefit of the nation; by so many tracts, then, as are declared to belong to individuals, will the general stock be reduced. It struck me there was, therefore, no risk of the chiefs and commissioners, or the tribe in council, reporting in favor of a claim not well founded. If there is no good ground for such an apprehension, especially when it is recollected that many of the leading men among these Indians are quite intelligent, and capable of managing business, much contention and delay, in settling these reservation claims, would be avoided by *regarding their decisions as conclusive*. The reservations which have been made under other treaties, and require the attention of the department, *have received it from time to time*, as they were presented and prepared for consideration and decision." I concur, in this view, with the Commissioner of Indian Affairs, and I confess that I cannot perceive the ground upon which the late Secretary acted. By adopting the course recommended by the Commissioner of Indian Affairs, the claimants and those claiming under them would be left to the cheap, expeditious, and impartial decision of the Chickasaw nation in council, who are upon the spot, and possess all the means of information within themselves necessary to a full and satisfactory decision of the claims, without further cost, delay, or trouble to the claimants in prosecuting their claims before the department; and at the same time the Chickasaw council would have exercise and control over the means of guarding and protecting themselves against fraudulent claims, and of protecting and preserving the fund arising from the sale of their lands—as, I must insist, was manifestly intended to be secured to them by the treaty aforesaid.

I am, sir, very respectfully, yours, &c.,

H. L. TURNEY.

Hon. J. C. SPENCER,

Secretary of War.

I.

CHOCTAW AGENCY, *October 28, 1842.*

SIR: After paying the Choctaw annuity for 1841, I returned home by the way of Boggy Depot, and attended a council of the Chickasaws, convened for the purpose of investigating the claims of individuals for land under the Chickasaw treaty. This business has been delayed unusually long, owing to the fact that an arrangement was made with the Chickasaws a year ago to make the investigation immediately after the annuity of 1841 should be paid the Choctaws. This was considered a proper time to give notice to all concerned; the annuity, you are aware, has not been paid until lately; this is the reason of the delay.

In making an examination, I was as particular as I could be. I first read your report to the Secretary of War, and also your instructions authorizing the investigation. The whole business was well understood and explained; the council was large, and I observed the oldest and most respectable Chickasaws were present. Some of the individuals whose names were on the roll appeared and endeavored to satisfy the Chickasaw commissioners that they were really Chickasaws, entitled to land under the treaty. This they were unable to do, except the following names:

Onah-mah-um-by, No. 748, one section; Sti-mo-hoth-ka, No. 370, two sections; Ebah-chuck-way-tubba, No. 746, one section; Tush-qui-qua, No. 595, one section of land. In this I concurred. There might have been a few others that could have produced evidence of their being Chickasaws, had they been present. This is, however, doubtful; as I am well satisfied that the claimants are generally Choctaws, who have been prevailed upon by land speculators to make the attempt to obtain land as Chickasaws.

It will be observed that none of the applicants were ever before me. I was in the nation as agent all the time, and if the claimants, and those who purchased their lands, were satisfied of the justice of the claims, it might fairly be presumed that they would have been proved up before me. It is said that deeds have been obtained and registered in the county in which the land lies in Mississippi; nothing has ever been paid, so far as I have ever heard or believe, for these lands. The manner of proceeding in investigating the claims is stated in a communication from the Chickasaws who were present. A fair opportunity was given to claimants to come forward. I saw no indisposition on the part of the Chickasaw commissioners to pass the claims of such as were really entitled to land. Many of the names I knew, myself, to be Choctaws; such, at least, I have considered them ever since their emigration.

I have, therefore, no hesitation in stating that the claimants rejected were not entitled to land—with a bare possibility that, out of such a large number, there might have been some two or three others, that, could they have been present, might have satisfied the commissioners that they were entitled to land.

I enclose the rolls and other papers upon which I acted, being the same sent to me by the department.

Very respectfully, your obedient servant,

WM. ARMSTRONG,

*Acting Supt. W. T.*

T. HARTLEY CRAWFORD, Esq., *Washington city.*

BOGGY DEPOT, *October 26, 1842.*

SIR: At a council of Chickasaws, began and held this day, for the purpose of examining certain land claims forwarded to William Armstrong, acting superintendent, by the War Department, being the land claims submitted by Joseph Bryan and Alfred Iverson; in accordance with the requirements of the War Department, we proceeded to business by first calling the name of each claimant from the roll. This was done in the presence of three commissioners and a number of the oldest Chickasaws in the nation. Inquiry was made, if the individual was not present, whether he was a Chickasaw or not, and entitled to land. Notice had previously been given that a council would be held to examine their land claims. After a careful and full examination, as above stated, we can only find four individuals that we consider entitled to land. Their names are, Onah-mah-umby, No. 748, one section; Stimo-hoth-ka, No. 370, two sections; Ebah-chuck-way-tubby, No. 746, one section; Tush-qui-qua, No. 595, one section.

We felt convinced that there could not possibly be such a number of Chickasaws yet entitled to land. In this we were not mistaken; and as a large tract of country has been reserved from sale to satisfy these claims,

we now hope the government of the United States will have these lands sold for the benefit of the Chickasaw people, to whom they of right belong. The manner of getting up these land claims bears the impress of injustice. We are desirous to see every Chickasaw entitled to land provided for, but after a fair and open investigation, in the presence of Captain Armstrong, acting superintendent, and a large number of Chickasaws, embracing some of the oldest and most respectable citizens of the nation, we certainly have a right to expect that no further attention will be paid to these claimants, and that the lands may go into the Chickasaw funds, as other lands have. These claims are got up by those claiming to reside west. If they were really Chickasaws, it would show that a very large portion of our nation emigrated before the treaty of 1834. We repeat again our wish to do justice to every Chickasaw; but to sanction these land claims would be an act of injustice to our people, and giving land to those who have no claim. The four names mentioned as entitled to land we know to be Chickasaws who have never been provided for. We wish them to have land. All others we most earnestly and solemnly protest against receiving land. We have forbore to say anything in relation to the magnitude of the claims. We leave it to others to determine whether the whole affair does not show an attempt at speculation at our expense. We look to the government to do us justice, by setting aside these claimants.

ISH-TE-HO-TO-PU KING, his x mark.

ISAAC ALBERTSON, his x mark.

SLONE LOVE,

JAMES WOLF,

JAMES GAMBLE,

WM. MCGILVEY, his x mark.

ISH-STONE-HO-SET-KNU, his x mark.

LAH-POM-BU, his x mark.

ISH-TICK-E-U-KU-TUBBY, his x mark.

SHUK-POW-WAY, his x mark.

BAH-KAH-TUBBY, his x mark.

THOMAS SEALY, his x mark.

IN-KI-YEA, his x mark.

SKIT-TU-HA, his x mark.

YU-ME-TUBBY, his x mark.

NUR BORRY, his x mark.

IM-MAH-HO-TO-TUBBY, his x mark.

TICK-IN-TUBBY, his x mark.

WE-NI-PA, his x mark.

IM-MIN-NO-HUBBY, his x mark.

BAH-MO-HUBBY, his x mark.

MUSH-SHU-TUBBY, his x mark.

TETH-LI-E, his x mark.

YESH-TUH-TUH-HUBBY, his x mark.

LEWIS, his x mark.

Witnesses:

PITMAN COLBERT,

JOSEPH COLBERT, his x mark.

CHARLES JOHNSON.

T. HARTLEY CRAWFORD, Esq.,

Commissioner of Indian Affairs, Washington city.



J.

WASHINGTON, February 2, 1843.

SIR: Enclosed I send you the letter of Mr. B. Clements, of Tennessee, on the subject of Chickasaw claims for reservations of land, desiring that said claims may be recommitted, which I have no doubt justice and equity require should be done. If, however, you should entertain doubts on this subject, then it is hoped you will afford Mr. Clements time and opportunity to produce satisfactory evidences of the expediency and propriety of such recommitment, which I have no doubt he can and will produce.

I am, sir, very respectfully, yours, &c.,

H. L. TURNEY.

Hon. J. C. SPENCER.

FAYETTEVILLE, TENN., January 24, 1843.

DEAR SIR: I take the liberty of addressing a few lines, making some inquiry of you relative to the result of my Chickasaw land claims which Jesse was attending to while he was at Washington. The claims were sent back to the Chickasaw commissioners west for a re-examination under the superintendence of Major William Armstrong. In October last the commissioners made a little examination of the claims, without any one being there to attend to the matter. Neither myself, Jesse, nor Mr. Saffarans, was present. We all have an interest in them, and they set them aside, or, in other words, rejected them, and, as such, Major Armstrong of course has reported the case to the department of Indian Affairs at Washington. I have lately returned from the Chickasaw nation west; and the Chickasaws who claim the right to have land under the treaty with the United States, are very much dissatisfied with the decision, as there were only three of the young chiefs in the council at the time, who knew but little about the matter. And now, sir, our object is to get them sent back again for another hearing, with a full council, and the old chiefs present. Mr. Saffarans is or has been at the city, but what he has done we are not as yet able to learn. We are of the opinion (Jesse and myself) that, with attention, there will be no difficulty in getting them again sent back, to be again laid before the chiefs; and, if so, Jesse or myself will be there at the council certain, and then no danger of their passage sure. I ask the favor of you to go to Mr. Crawford's office, and see what has been done with the report of Major Armstrong, of the decision of the Chickasaw chiefs on the subject of those claims which were by them rejected in the latter part of October last, and please try to have them sent back for another hearing; or, at least, if you cannot get them sent back without proof of the case, try to get any action on them by the department suspended until proof of the facts can be made at the department of Indian Affairs, which I can, with time, procure—proof which I believe will be sufficient to enable Mr. Crawford, or any other in his stead, to send the claims back.

Sir, your attention to the above will oblige your obedient servant,

BENJA. CLEMENTS.

Hon. H. L. TURNEY.



SIR: Please let me hear from you on the receipt, of your intentions—  
will much oblige yours, &c.,

BENJA. CLEMENTS.

Hon. H. L. TURNEY.

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K.

HOUSE OF REPRESENTATIVES,  
February 28, 1843.

SIR: The decision in the case of the Chickasaw floats which have originated since the removal of that nation west of the Mississippi river, has been on hand a great while, and we are very anxious to have the whole matter disposed of; more particularly as these claims have delayed the settlement of the country, and have created some dissatisfaction among our constituents. We would be glad if you would submit, as early as it can be done, the papers upon the whole case, and cause the same to be laid before the Secretary of War for his final action.

With respect,

J. THOMPSON.  
WM. M. GWIN.

To Hon. T. HARTLEY CRAWFORD,  
*Commissioner of Indian Affairs.*

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L.

*Decision of the Secretary of War of 3d March, 1843.*

In the matter of certain claimants to reservations under the treaties of Pontôtoc and Washington, representing themselves to be Chickasaws, the list of their names having been transmitted to the committee as provided in the 4th article of that treaty for examination, they have reported against the claimants, that, excepting a few named, they are not Chickasaws entitled to reservations; and this report is concurred in by the agent and superintendent, who represents the circumstances, under which the decision of the committee was made, to have been peculiarly favorable to a full and fair investigation. Without now saying that this report, under the provisions of the treaty, is conclusive, although I am very much inclined to that opinion, yet it commands the highest confidence. The interest of the State of Mississippi requires that this question, which has been so long depending, should be settled, and the large tracts of land necessary to meet their claims should be relieved from this contingent incumbrance, or that it should be made final. As there is no probability that a more full and satisfactory investigation can be had, under all the circumstances, the report of the committee aforesaid, concurred in by the Indian agent, is approved, the claims recommended by them are admitted, and those disallowed by them are rejected.

If, however, they have reported in favor of any Chickasaw who emigrated prior to the treaty of Washington, of 1834, such claims cannot be

allowed, as the utmost liberality of construction cannot extend the provisions of the treaties aforesaid beyond the date mentioned.

It is obvious that, by the treaty of 1834, the reservations become the individual and absolute property of the reservees, and that the proceeds of all sales made pursuant to the provisions of the treaty belong to the reservees respectively, and not to the Chickasaw nation.

J. C. SPENCER.

MARCH 3, 1843.

M.

WAR DEPARTMENT,  
Office Indian Affairs, March 3, 1843.

SIR: Referring you to various letters from this office in relation to the claims of Chickasaws for reservations, the locations of which have been suspended for some time, I have now to inform you that the Secretary of War has determined to affirm the decision of the Chickasaw commissioners, who rejected all the claims, commencing with No. 1252, under the 5th article, and with No. 594, under the 6th article, excepting those designated in my letter to you of the 17th ultimo. A portion of those claims were referred to in letters from your office of 5th October, and 11th November, 1839, and 30th March, 1840.

As soon as practicable, I will furnish you with a list designating the locations that have been made for the claimants aforesaid—so far as they have been reported to this office—although I am confident that your register at Pontotoc has been informed of the same.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

THOMAS H. BLAKE, Esq.}

Commissioner General Land Office.

GENERAL LAND OFFICE, October 5, 1839.

SIR: I enclose, herewith, a copy of a letter, dated the 5th ultimo, from the register at Pontotoc, Mississippi, with copies of the transcripts therein referred to, viz:

1st. A copy of a letter, dated June 17, 1839, to the register, from Colonel A. M. M. Upshaw.

2d. A copy of a transcript of the register's receipt, dated the 5th September, 1839, to Colonel Upshaw, for certain papers therein described.

3d. A copy of "a list of locations conflicting with lands that had been entered at Pontotoc."

4th. A copy of a transcript of locations made "since the 1st May, 1839."

5th. A copy of a transcript of reservations (three pages) claimed under the 5th article of the treaty of 1834.

6th. A copy of a transcript of reservations (one page) claimed under the 6th article of the treaty of 1834.

I also enclose, herewith, a statement, prepared at this office, of conflicts, being the result of a comparison of the transcripts of locations referred

to, with the books of this office, extending to the end of June last. I beg leave to invite the special attention of the department to the subject of the third paragraph of the register's letter, above mentioned, in connexion with the statements relative to the same matter in his letter of the 25th of June last, a copy of which I enclosed to you on the 13th of the following month.

As to the subject alluded to, viz: *the location of reservations on lands that have been offered at public sale*, I have to state that I concur in the objections of the register only so far as his remarks may be applicable to lands that have been offered and *actually sold* prior to the location of the Indian reserves.

I am, sir, very respectfully, your obedient servant,

JAS. WHITCOMB, *Commissioner.*

T. HARTLEY CRAWFORD, Esq.,

*Commissioner of Indian Affairs.*

PONTOTOC, September 5, 1839.

SIR: From the tenor of your letter of the 24th May, I feel authorized to forward to your department transcripts of the returns of Col. Upshaw, Chickasaw agent, transmitted to this office on the 17th of June last, and received 21st, then instant.

Your department will perceive that no location bears any particular date; that locations have been made on lands that had been offered for sale, and in many instances on lands that had been entered at this office. Herewith please find a list of such conflicts.

I am unapprized of what instructions the agent may have received from the department, relative to locating Indians on lands that have been offered for sale; but none having been received at this office, I humbly conceive these will not be permitted to stand. I would, with due deference, respectfully observe that such a procedure would be attended, if carried out, with great detriment and inconvenience to innocent purchasers at this office, and incalculable confusion in the business, and would hope that all locations made on offered lands will be ordered to be changed.

I also forward a duplicate receipt for all the papers transmitted by the agent, and a copy of his letter to me on the subject.

I am, very respectfully, sir, your obedient servant,

ROBERT TINNIN, *Register.*

Hon. JAMES WHITCOMB,

*Commissioner General Land Office, Washington city.*

No. 1.

MEMPHIS, TENNESSEE, June 17, 1839.

SIR: I herewith transmit to you, agreeably to orders received from the Commissioner of Indian Affairs, a list of all the lands on the agent's books that have not been sold; also a list of reservations that have been located since the first of June, and also a list that were located during the month of May.

I have left orders, should you order the books of the agent upon an order from the department, for them to be handed over to you upon your receipt for the same. I have also sent you a list of unlocated claims, which are subject to location; also some papers of J. Bradford and Mr. Buford, which are all the documents in my office, except the roll books.

Very respectfully, your obedient servant,

A. M. M. UPSHAW, C. A.

ROBERT TINNIN, Esq.,

Register Land Office, Pontotoc, Mississippi.

No. 2.

Received of Col. A. M. M. Upshaw; Chickasaw agent, three sheets, purporting to be "a list of reservations that have been located since the 1st of June" under the 5th article of the treaty, numbering from 1306 to 1373, both inclusive; one sheet containing reservations purporting to be located "since the 1st May, 1839," numbering from 594 to 597, both inclusive; one sheet containing reservations located under the 6th article of the treaty, "since the — day of —," numbering from 749 to 776, both inclusive; also two sheets purporting to contain "unlocated claims under the 5th article of the treaty," numbering from 1374 to 1568, both inclusive; one sheet purporting to contain "unlocated claims under the sixth article of the treaty," numbering from 777 to 802, both inclusive; also twelve sheets purporting to contain "all the lands on the agent's books that have not been sold," numbered promiscuously, this 5th September, 1839.

[Signed duplicates.]

ROBERT TINNIN,

Register, Pontotoc, Mississippi.

No. 3.

A list of locations conflicting with lands that had been entered at Pontotoc.

Reserve No.	Article	S.	T.	R.	W.	Notes
1307	5th	30	4	9	W.	S. E. $\frac{1}{4}$ sold.
Do 1317	do	35	2	10	"	W. $\frac{1}{4}$ sold.
Do 1322	do	14	5	11	"	E. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ sold.
Do 1322	do	11	5	11	"	S. E. $\frac{1}{4}$ sold.
Do 1323	do	33	5	11	"	S. $\frac{1}{4}$ sold.
Do 1323	do	34	5	11	"	N. E. $\frac{1}{4}$ sold.
Do 1325	do	12	5	11	"	S. $\frac{1}{4}$ sold.
Do 1326	do	28	5	11	"	W. $\frac{1}{4}$ sold.
Do 1326	do	35	5	11	"	N. W. $\frac{1}{4}$ sold.
Do 1351	do	21	5	11	"	All sold.
Do 1351	do	22	5	11	"	All sold.
Do 1351	do	27	5	11	"	All sold.
Do 1370	do	13	5	11	"	N. $\frac{1}{4}$ sold.
Do 765	6th	22	6	12	"	E. fr. of S. E. $\frac{1}{4}$ sold.
Do 761	do	12	fr. 4	12	"	N. W. $\frac{1}{4}$ sold.
Do 768	do	24	3	10	"	S. E. $\frac{1}{4}$ sold.
Do 775	do	10	5	11	"	W. $\frac{1}{4}$ sold.

A. M. M. UPSHAW, C. A.

No. 4.

Located at this office since the 1st May, 1839.

Number.	Reservees.	Sex.	Age.	Section.	Township.	Range.
594	Puth-ka-cha -	Male	45	23	21	11 E.
595	Tush qui-qua -	-	-	26	21	11 E.
596	Yoh-kah-che-ho-yea -	Female	22	14	21	11 E.
597	Ho-yaah-na-cha -	"	-	16	5	9 E.

A. M. M. UPSHAW, C. A.

JUNE 17, 1839.

No. 5.

*Transcript of reservations claimed under the 5th article of the treaty of Pontotoc Creek, between the Chickasaw tribe of Indians and the United States, concluded on the 24th May, 1834, at Washington, enrolled and located at this office since the 1st day of June.*

Location.	Names of reservees.	Sections entitled to.	Section.	Township.	Range.
1306	Nus-tu-chubby - - -	2	7	4	9 west.
			18	4	9 west.
1307	Le-whi-ka - - -	2	19	4	9 west.
			30	4	9 west.
1308	Tin-a-hoth-la - - -	2	6	4	10 west.
			7	4	10 west.
1309	Mo-moh-ubby - - -	2	19	4	10 west.
			30	4	10 west.
1310	Hq-to-sha - - -	2	13	4	11 west.
			14	4	11 west.
1311	Tus-she-ka-at-ka - - -	2	27	8	10 west.
			34	8	10 west.
1312	Stein-mo-hq-lettey - - -	2	28	8	10 west.
			29	8	10 west.
1313	Te-fah-mah - - -	2	22	9	9 west.
			27	9	9 west.
1314	I-ong-tubby - - -	2	23	9	9 west.
			24	9	9 west.
1315	Mat-tah - - -	3	1	4	10 west.
			11	4	10 west.
			12	4	10 west.
1316	Tom - - -	3	13	4	10 west.
			14	4	10 west.
			23	4	10 west.

No. 5—Continued.

Location.	Names of reservees.	Sections entitled to.	Section.	Township.	Range.
1317	Pis-tol-lubby	2	35 36	2	10 west. 10 west.
1318	Stim-mut-lut-te	2	23 26	2	10 west. 10 west.
1319	Shu-let-ks	2	31 32	3	10 west. 10 west.
1320	Took-a-loo-ars-tubby	2	26 27	3	10 west. 10 west.
1321	Ar-che-ubby	2	28 33	3	10 west. 10 west.
1322	Oke-lish-tubby	2	11 14	5	11 west. 11 west.
1323	Slick-i-o-ka-tubby	2	33 34	5	11 west. 11 west.
1324	Ish-to-in-ah	2	2 3	5	11 west. 11 west.
1325	Shin-me-in-yea	2	1 12	5	11 west. 11 west.
1326	O-ka-h-loh-pimby	2	26 35	5	11 west. 11 west.
1327	Ka-ta-ward	2	22 27	6	11 west. 11 west.
1328	On-che-tubby	2	34 35	6	11 west. 11 west.
1329	Ish-to-hoth-le	2	2 11	8	11 west. 11 west.
1330	Kle-toh	2	20 29	6	9 west. 9 west.
1331	Fah-lah-mo-tubby	2	13 24	7	10 west. 10 west.
1332	Stin-i-ho-pah-nah	3	4 5 8	4	10 west. 10 west. 10 west.
1333	Is-tim-ah-ho-na	2	19 20	7	11 west. 11 west.
1334	Poc-con-la	3	9 16 17	4	10 west. 10 west. 10 west.
1335	Poc-cum-mu	2	9 16	7	10 west. 10 west.
1336	Cun-na-chau-na	3	21 22 28	4	10 west. 10 west. 10 west.
1337	Chick-a-ma-ho-ka	3	1 11 12	4	11 west. 11 west. 11 west.
1338	Sho-mubby	2	11 14	7	10 west. 10 west.
1339	Ish-tup-ar-ka	2	29 32	7	10 west. 10 west.
1340	Hue-la-tubby	2	27 26	7	10 west. 10 west.
1341	Tus-car-mo-ubby	3	31 32 33	6	12 west. 12 west. 12 west.



## No. 5—Continued.

Location.	Names of reserves.	Sections entitled to.	Section.	Township.	Range.
1342	Ah-le-noh	3	10 11 12	6 6 6	12 west. 12 west. 12 west.
1343	Ca-na-ho-na	2	15 22	7 7	10 west. 10 west.
1344	Mul-la-la ho-yea	2	3 10	7 7	10 west. 10 west.
1345	O-qua-ctm-na-ubby	3	25 26 35	6 6 6	12 west. 12 west. 12 west.
1346	Stim-mul-la-chu	3	4 5 6	7 7 7	12 west. 12 west. 12 west.
1347	Stim-mul-lu-chu	2	14 23	7 7	12 west. 12 west.
1348	Un-chu-tubby	2	11 12	7 7	11 west. 11 west.
1349	Tat-too-ho-tubby	3	12 13 24	7 7 7	12 west. 12 west. 12 west.
1350	Ish-tub-po kab	3	4 5 9	8 8 8	9 west. 9 west. 9 west.
1351	Fill-le-tim-by	3	21 22 27	5 5 5	11 west. 11 west. 11 west.
1352	Took-a-ho-ars-tubby	3	15 16 22	8 8 8	9 west. 9 west. 9 west.
1353	O-qua-h-fah-pimby	2	26 35	8 8	10 west. 10 west.
1354	Stim-ah-ho-pah-nah	3	1 2 3	8 8 8	10 west. 10 west. 10 west.
1355	Clun-o-o-chu	3	20 21 22	8 8 8	10 west. 10 west. 10 west.
1356	Fah-lah-mer	2	24 25	8 8	10 west. 10 west.
1357	Chuf-fah-tubby	2	9 16	6 6	10 west. 10 west.
1358	Ho-to-sha-ubby	2	21 28	6 6	10 west. 10 west.
1359	Tus-ca-ar-comby	2	4 5	6 6	10 west. 10 west.
1360	Char-lar-ka	3	17 18 19	8 8 8	10 west. 10 west. 10 west.
1361	Shu-la-tubby	2	11 14	6 6	11 west. 11 west.
1362	Fah-lar-ho-tubby	3	4 5 8	9 9 9	9 west. 9 west. 9 west.
1363	Oke-char-le-homer	2	23 26	6 6	11 west. 11 west.

No. 5—Continued.

Location.	Names of reservees.				Sections entitled to.	Section.	Township.	Range.
1364	Tush-sheer-ma-tubby	-	-	-	3	23	4	12 west.
						25	4	12 west.
						26	4	12 west.
1365	Shroom-o-cher	-	-	2	3	3	6	11 west.
						32	6	11 west.
						3	7	10 west.
1366	Mo-ho-lo-tubby	-	-	2	4	4	7	10 west.
						2	6	11 west.
1367	Fo-la-cher	-	-	3	3	3	6	11 west.
						4	6	11 west.
						35	3	10 west.
1368	Mat-a-la-cher	-	-	2	36	3	3	10 west.
						11	3	10 west.
1369	Oie-toh	-	-	2	12	3	3	10 west.
						13	5	11 west.
						24	5	11 west.
1370	Stim-mo-hoth-la	-	-	2	16	6	6	11 west.
						21	6	11 west.
						28	6	11 west.
1371	To-wah-hah	-	-	3	16	7	7	11 west.
						17	7	11 west.
						21	7	11 west.
1372	E-lap-pin-ubby	-	-	3	25	5	5	11 west.
						36	5	11 west.
1373	Steah-a-lubby	-	-	2	25	5	5	11 west.
						36	5	11 west.

JUNE 17, 1839.

A. M. M. UPSHAW, C. A.

A. D. WAINSBURY, M. M. A.

1839, JUN 17

*Transcript of reservations claimed under the 6th article of the treaty of Pontotoc creek, between the Chickasaw tribe of Indians and the United States, concluded on the 24th of May, 1834, at Washington; enrolled and located at this office since*

No.	Reservees.	Sex.	Age.	Section.	Townshp.	Range.
749	Ish-ta-lubby	-	-	25	4	9 west.
750	It-te-mo-mar-lubby	-	-	34	4	10 west.
751	Ish-ta-tah-chubby	-	-	36	4	10 west.
752	O-kah-ho-yea	-	-	24	4	11 west.
753	I-ah-key-yeah-ubby	-	-	36	4	11 west.
754	O-kah-pah	-	-	9	4	11 west.
755	Par-sham-o-ubby	-	-	22	6	12 west.
756	E-ar-ki-ubby	-	-	36	6	12 west.
757	O-shoc-te-ho-nah	-	-	8	7	12 west.
758	I-e-ki-ubby	-	-	25	7	12 west.
759	E-o-chu	-	-	36	9	9 west.
760	Pis-tom-by	-	-	9	9	9 west.
761	Oke-lish-tubby	-	-	12	4	12 west.
762	Ar-chu ubby	-	-	29	6	11 west.
763	Shoom-pah	-	-	28	6	12 west.
764	Tus-ca-ar-ker	-	-	18	7	10 west.
765	To-nubby	-	-	28	7	11 west.
766	Kil-lun-to	-	-	7	7	11 west.
767	Show-ho-ku-tubby	-	-	2	7	11 west.
768	O-nu chubby	-	-	24	3	10 west.
769	Lop pish	-	-	10	3	10 west.
770	Pay-tubby	-	-	23	3	11 west.
771	Te-fah-ma-tubby	-	-	33	3	11 west.
772	Ish-til-la-cher	-	-	28	5	11 west.
773	Mo-nah-tomby	-	-	35	4	11 west.
774	Lah-pin-tah-umby	-	-	7	6	11 west.
775	Chah-cun-mubby	-	-	10	5	11 west.
776	Bah-o-nah-tubby	-	-	23	5	11 west.

JUNE 17, 1839.

A. M. M. UPSHAW, C. A.

Result of a comparison of certain locations with the books of the General Land Office.

No. of location.	Article of treaty.	Names of reservees.	Tracts located.			Portion sold.	To whom sold.	Date of sale.	No. of certificate.	Date of location.
			Section.	Township.	Range.					
1307	5th	Le-whi-ka	19	4	9 W.	-	Wm. Hubbert Bayliss & Henry Fauntleroy Samuel	May 14, 1839	11,811	Since June 1, 1839.
1317	5th	Pis-tol-labby	30	4	9 W.	SE. $\frac{1}{4}$ s. 30, t. 4, r. 9 w.	-	-	-	-
			35	2	10 W.	W. $\frac{1}{4}$ s. 36, t. 2, r. 10 w.	Charles Judson	June 22, 1839	12,228	do
			36	2	10 W.	NE. $\frac{1}{4}$ s. 14, t. 5, r. 11 w.	John Caruthers	June 11, 1839	12,174	do
1322	5th	Oke-lish-tubby	11	5	11 W.	S. $\frac{1}{4}$ s. 14, t. 5, r. 11 w.	Christopher Orr	June 18, 1839	12,215	do
1323	5th	Slick-i-o-ka-tubby	14	5	11 W.	SE. and SW. $\frac{1}{4}$ s. 33, t. 5, r. 11 w.	Robert Andrew Pickens Miller.	June 17, 1839	{ 12,214 12,142 }	do
			34	5	11 W.	NE. $\frac{1}{4}$ s. 34, t. 5, r. 11 w.	James Lawrence Orr	do	12,210	do
1325	5th	Shim-mi-in-yea	1	5	11 W.	-	-	-	-	-
			12	5	11 W.	S. $\frac{1}{4}$ s. 12, t. 5, r. 11 w.	John Caruthers	June 11, 1839	12,171	do
1326	5th	O-kah-loh-pimby	26	5	11 W.	SW. $\frac{1}{4}$ s. 26, t. 5, r. 11 w.	James Lawrence Orr	June 17, 1839	12,207	do
			35	5	11 W.	NW. $\frac{1}{4}$ s. 26, t. 5, r. 11 w.	Christopher Orr	do	12,213	do
1351	5th	Fill-le-tim-ley	21	5	11 W.	Whole of s. 21, t. 5, r. 11 w.	Do	do	12,198	do
			22	5	11 W.	Whole of s. 22, t. 5, r. 11 w.	Do	do	12,206	do
			27	5	11 W.	W. $\frac{1}{4}$ & NE. $\frac{1}{4}$ s. 27, t. 5, r. 11 w.	Do	do	{ 12,211 12,212 }	do
						SE. $\frac{1}{4}$ s. 27, t. 5, r. 11 w.	James Lawrence Orr	do	12,209	do
1370	5th	Stim-mo-hoth-la	13	5	11 W.	N. $\frac{1}{4}$ s. 13, t. 5, r. 11 w.	John Caruthers	June 11, 1839	12,172	do
			24	5	11 W.	-	-	-	-	-
755	6th	Par-sham-o-ubby	22	6	12 W.	South fraction of SE. fractional $\frac{1}{4}$ .	Malcolm Gilebrist	Jan. 15, 1838	9,104	-
761	6th	Oke-lish-tubby	12	4	12 W.	NW. $\frac{1}{4}$ s. 12, t. 4, r. 12 w.	Do	Jan. 16, 1838	9,105	-
768	6th	O-nu-chubby	24	3	10 W.	SE. $\frac{1}{4}$ s. 24, t. 3, r. 10 w.	Charles Judson	June 22, 1839	12,227	-
775	6th	Chah-cun-mabby	10	5	11 W.	W. $\frac{1}{4}$ s. 10, t. 5, r. 11 w.	Christopher Orr	June 17, 1839	12,199	-

GENERAL LAND OFFICE, *November 11, 1839.*

SIR: With my letter to you of the 5th ultimo, I enclosed with other papers relative to certain Chickasaw locations "a statement, prepared at this office, of conflicts," &c.

In connexion with these papers, I request that the department will consider the enclosed statement, which exhibits three other cases of conflicts.

Very respectfully, your obedient servant,

JAS. WHITCOMB, *Commissioner.*

T. HARTLEY CRAWFORD, Esq.,  
*Commissioner of Indian Affairs.*

GENERAL LAND OFFICE, *March 30, 1840.*

SIR: On the 5th October last, I addressed you a communication accompanied by a copy of a letter of the 5th of September last, from the register at Pontotoc, Mississippi, with copies of the transcripts therein referred to, among which was a copy of a transcript or "list of locations conflicting with lands that had been entered at Pontotoc." I transmitted to you at the same time "a statement, prepared at this office, of conflicts, being the result of a comparison of the transcripts of locations referred to, with the books of this office," and on the 11th of November last, submitted a statement of three other cases of conflicts.

On this subject I have received a letter dated the 10th instant, from the register at Pontotoc, calling my "attention to the propriety of an early decision of the department on the validity of those Indian locations which conflict with lands sold at his "office," and submitting his views relative to the same. I beg leave, therefore, respectfully to request the early decision of the department as to the validity of the locations mentioned, and for the opinion of this office as to "the location of reservations on lands that have been offered at public sale." I refer to my letter to you of the 5th October last, above adverted to.

Very respectfully, your obedient servant,

JAS. WHITCOMB, *Commissioner.*

T. HARTLEY CRAWFORD, Esq.,  
*Commissioner of Indian Affairs.*

N.

WAR DEPARTMENT,  
*Office Indian Affairs, March 3, 1843.*

SIR: I transmit herewith, at the request of Hon. Jacob Thompson, a copy of locations made for Chickasaw Indians, who claimed reservations under the fifth and sixth articles of the Chickasaw treaties of 1832 and 1834, viz: under the fifth article, from No. 1354 to 1568, both inclusive, and under the sixth article, from No. 777 to 802, both inclusive. These are a portion of the claims referred to in another communication from this office to you of this date.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

THOS. H. BLAKE, Esq.,  
*Commissioner General Land Office.*

O.

WAR DEPARTMENT,  
Office of Indian Affairs, July 17, 1843.

SIR: I have the honor to submit the following statement, as a report on the letter of Joseph Bryan, esq., to you of the 6th instant, in relation to sundry claims for Chickasaw reservations:

These claims were originally presented to this office in the summer and autumn of 1838, but no action had thereon until the spring of 1841, except to require from the agent for the Chickasaw tribe of Indians a copy of the census of the tribe required to be taken by the treaty of 1832, and the regulations prescribed to carry into effect the treaty of 1834. Repeated efforts were made by this office to obtain that census, but without avail.

On the 6th of March, 1841, the claims were brought to the notice of the then Secretary of War, (Hon. John Bell,) who called for a report upon them. My report, in which I went at length into the subject, and which is submitted herewith as part of this statement, was presented to the Secretary on the 12th April, 1841, who returned it to me on the 4th May following, with an endorsement, as follows:

"The recommendation of the Commissioner of Indian Affairs, that the lists of unconfirmed Chickasaw locations be sent to the committee provided for in the 4th article of the treaty of 1834 with that tribe, for their revision, as requested by them, is approved. The locations of which they may approve cannot, however, be sanctioned in advance. The revision and correction of the lists by the committee, assisted by Major Armstrong, the acting superintendent, must first take place. The department will then consider the propriety of confirming the cases which they have approved, and will do what may appear to be right and proper therein."

On the 16th of June, 1841, I sent to Major Armstrong a copy of my report, and of the endorsement by the Secretary of War, accompanied by the necessary papers, with instructions "to lay the whole subject before the proper Chickasaws, and explain to them the purport of my report, and the decision of the Secretary, and inform them of the number and extent of the claims."

On the 26th of November last I received the report of Major Armstrong, together with a communication addressed to me by five of the Chickasaw commissioners and other Indians, stating the result of the examination of the claims, and indicating the rejection of them, with but four exceptions. The report and the paper accompanying it are submitted herewith.

On the 1st of March, 1843, I submitted the papers having reference to those claims to the then Secretary of War, (Hon. John C. Spencer,) who returned them to me on the 3d of the same month, with his decision thereon, as follows:

"In the matter of certain claimants to reservations under the treaties of Pontotoc and Washington, representing themselves to be Chickasaws, the list of their names having been transmitted to the committee, as provided in the 4th article of that treaty, for examination, they have reported against the claimants that, excepting a few named, they are not Chickasaws entitled to reservations; and this report is concurred in by the agent and superintendent, who represents the circumstances under which the decision of the committee was made to have been peculiarly favorable to a full and



fair investigation. Without now saying that this report under the provisions of the treaty is conclusive, although I am very much inclined to that opinion, yet it commands the highest confidence. The interest of the State of Mississippi requires that this question, which has been so long depending, should be settled, and the large tracts of land necessary to meet these claims should be relieved from this contingent incumbrance, or that it should be made final. As there is no probability that a more full and satisfactory investigation can be had, under all the circumstances, the report of the committee aforesaid, concurred in by the Indian agent, is approved, the claims recommended by them are admitted, and these disallowed by them are rejected.

"If, however, they have reported in favor of any Chickasaw who emigrated prior to the treaty of Washington of 1834, such claim cannot be allowed, as the utmost liberality of construction cannot extend the provisions of the treaties aforesaid beyond the date mentioned.

"It is obvious that, by the treaty of 1834, the reservations become the individual and absolute property of the reservees, and that the proceeds of all sales made pursuant to the provisions of the treaty belong to the reservees respectively, and not to the Chickasaw nation."

In accordance with Mr. Spencer's decision, the Commissioner of the General Land Office was informed that, with four exceptions, the claims located on lands designated on certain lists transmitted to him had been rejected; and that officer, on the 3d day of May last, sent to this office a copy of the instructions dated 24th April last, which he had in consequence issued to the register and receiver of the land office at Pontotoc, Mississippi, which accompanies this report.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. M. PORTER,

*Secretary of War.*

I consider that Mr. Spencer's decision in this case covers the whole ground; and upon the principles long settled, and from which I have never intentionally departed, that decision of my predecessor cannot be disturbed.

J. M. PORTER.

WAR DEPARTMENT, July 27, 1843.

GENERAL LAND OFFICE, May 3, 1843.

SIR: For your information, I herewith enclose a copy of my communication of the 24th ultimo to the register and receiver at Pontotoc, Mississippi, with a view of bringing into market certain Chickasaw lands that have been released from Indian reservation claims.

Very respectfully, your obedient servant,

THOS. H. BLAKE, *Commissioner,*

T. HARTLEY CRAWFORD, Esq.,

*Commissioner of Indian Affairs.*

GENERAL LAND OFFICE, *April 24, 1843.*

GENTLEMEN: Herewith I transmit a document of 16 double, or 32 single foolscap pages, containing a list of Chickasaw lands that had been offered at public sale, subsequently withdrawn from market in consequence of having been selected as Indian locations, which locations have been set aside and annulled. This list indicates, in each case, the number, name of reservee, location now set aside, when located, when offered for sale, part sold, part subject to sale after public notice; when withdrawn from market, and price when withdrawn.

According to the opinion of the Attorney General, concurred in by the Secretary of the Treasury, it has been settled—

1st. That these lands cannot be entered until after public notice of at least thirty days that they will be liable to private entry.

2d. That, at the time fixed by such public notice for their entry, they may then be entered by the first applicant at the *price to which they had graduated* at the time the invalid locations were made, and at which they were withdrawn from market.

3d. The graduation process having ceased at the time these lands were withdrawn from market, (by location,) the complement of the period of graduation will be made up by commencing with the expiration of the time which may be fixed by the public notice for the entry of these lands.

You are, therefore, instructed to advertise these lands for sale, and give public notice that, from and after thirty\* days from the date of the first advertisement, these lands will be subject to entry.

Should two or more persons apply at the same time for the same tract, it will of course be put up to the highest bidder.

After the expiration of the period fixed for their entry, such of these lands as may not then be entered will come under the graduating process according to the principle laid down in the foregoing.

You will take care to consult the list, herewith sent, in every case where you make a sale; and, in addition to your *usual returns which should embrace the sales of these lands*, you will make a supplemental list at the end of each month of such of these lands as you may sell from time to time, so that a summary will be always at hand showing at once the progress of the sales of these lands until they are all disposed of.

Very respectfully, your obedient servant,

THOS. H. BLAKE, *Commissioner.*

REGISTER AND RECEIVER,  
*Pontotoc, Mississippi.*

WASHINGTON, *July 6, 1843.*

SIR: On the sixth day of March, one thousand eight hundred and forty-one, I had the honor, in conjunction with Alfred Iverson, esq., to submit to the Hon. John Bell, then Secretary of War, the case of certain Chickasaw Indians claiming reservations under the treaties of Pontotoc and Washington, and to ask that the locations which had been made for them

\*If you have reason to think that this period is not long enough to give sufficient notice, you can extend the period of notice for entry not to exceed sixty days.

under the sanction and authority of the United States agent and the Chickasaw commissioners might be approved by the President of the United States. At the time that these claims were presented and this request made, I was well aware that there was nothing in either of the treaties above referred to which made it necessary, to the validity of a location, that it should be submitted to the ceremony of a formal approval by the President; but, inasmuch as a rule prescribed by the department and sanctioned by President Jackson, declaring "that the title to the selected tracts shall not be vested in the reserves until their locations shall have been approved by the President," was in existence, neither my colleague nor myself thought it necessary, under the circumstances of the case, to ask for the rescinding of the rule. The claims presented by us were sanctioned by the same authority upon which all the other locations made by virtue of the Chickasaw treaty had been confirmed and approved. The character of the claimants was vouched by the Chickasaw commissioners as required by the treaty, and certified by the Chickasaw agent. Knowing these facts, we were not unwilling that the claims presented by us should take the course which other claims of a similar character had taken; and, therefore, in our letter, we stated "that these claimants stand upon the same ground with others which have been heretofore allowed and settled, and we ask for them the same measure of justice which has been awarded to others." I now ask leave to refer you to the argument in support of the right of these claimants to locations, as contained in the letter of the 6th March, 1841, before referred to, and to the papers therewith submitted. The then Secretary of War referred the matter to the Commissioner of Indian Affairs for a report, which, together with his decision thereon, dated May 4, 1841, will be found in the Indian bureau attached to the War Department. To carry out the decision of the Secretary of War, the lists which had been submitted by Judge Iverson and myself were delivered to Major William Armstrong, the superintendent west, for the revision and correction of the Chickasaw committee, assisted by him. These papers were delivered to Major Armstrong in the month of May, 1841. They remained in his possession unacted upon until the 26th day of October, 1842, when they were read to the council of Chickasaws; and, on the 28th day of the same month, when he wrote to the Commissioner of Indian Affairs, enclosing the original papers together with a report signed by the Chickasaw commissioners and by various other Indians, who had no authority under the treaty or under the instructions founded on the decision of the Secretary of War to act in the matter, rejecting all the claims with the exception of three or four, and a statement by him of what had been done, and how the claims had been taken up and disposed of: and I desire to call your attention particularly to the fact that the report expressly says that the investigation was held in the presence of three of the commissioners, which did not constitute a majority of them. When these reports were received at the Indian office justice, if not courtesy, would seem to have required that those who presented and were prosecuting the claims should have been notified, so that they might have had an opportunity of being heard before they were finally acted upon by the Secretary of War. Many reasons might be urged showing the propriety of such a course, and particularly as the statement made by the commissioners was so diametrically opposite to the one which they had previously given when the lists were sent by them to

the agent, Colonel Reynolds, in order that locations might be made, and the lands, to which a portion of these claimants were entitled, reserved from sale. Had such a course been adopted, and copies of the papers furnished to the counsel for the claimants, they could, at any rate, have filed their objections to them, and have urged the discrepancy between the two reports, and have asked that such a direction should have been given to the claims as would have insured justice to the claimants and justice to the Chickasaw nation; for I still insist it is a matter in which the United States has no interest, that it is solely a question between the individual Chickasaws and the Chickasaw nation, over which the United States can exercise, legally, no other control than such as is conferred upon them by the specific terms of the treaty under which the locations were made. But no such thing was done. Upon the return of the papers we were not informed thereof, but heard it by accident. Upon asking to see them, we were informed that this had been forbidden, and that the reports, so far as we were concerned, were considered and regarded as a *sealed book*. No opportunity was then afforded to the claimants to say anything in support of their claims, or to protest against the action of a body not authorized by the treaty, nor by the department, to sit in judgment on their rights. I have said that the two statements made at different times by the Chickasaw commissioners in relation to these claims were wholly irreconcilable with each other. To prove this, I ask you to compare the report of the commissioners made to Col. Reynolds with the report now recently made by them to T. Hartley Crawford, esq., Commissioner of Indian Affairs, and you will find that the charge is not lightly made; you will find the two reports at variance in every essential particular. You will find, too, the remarkable fact, that not only is the latter report contradicted by the former, but also the statement of Major Armstrong, the acting superintendent, accompanying the latter report, is altogether inconsistent with the facts related by him when the claims were first presented. Had an opportunity been then presented, I think it could have been conclusively shown, on the part of these claimants, that manifest and gross injustice would be done them by adopting, without reserve, as conclusive against them, this unjust and one-sided report. It could have been shown, further, that if there was, in the letter of the Chickasaw commissioners to Colonel Reynolds, but the semblance of truth, that, then, the latter report is but a tissue of misrepresentation and falsehood. The last report charges that these claims were originated by speculators, who sought to obtain the lands at the expense of the Chickasaw nation. It is not stated who were the speculators by whom they were gotten up. But if it be true, as charged, that they were originated by speculators at all, then were these Chickasaw commissioners, who now seek to repudiate them, the speculators who sought to obtain these lands at the expense of the Chickasaw nation; for in their letter to the agent, Col. Reynolds, which may be called the origin, as it is the first that is ever heard of these claims or these claimants, they say: "Since we have removed west, we have found a number of our people who are clearly entitled to their reserves," &c. Major Armstrong says, too, in corroboration of the statement made by the Chickasaw commissioners, in a letter addressed to A. Iverson, esq., on the 27th February, 1841, the original of which was filed with our letter to Mr. Bell: "I was present. &c., and at this meeting I saw a number of Chickasaws who previously removed, make application to the Chickasaw chiefs who were commissioners under the treaty, for

land; their names were taken down, and they were promised land." The charge of speculation is also reiterated by Major Armstrong. He says: "I am well satisfied that the claimants are generally Choctaws, who have been prevailed upon by land speculators to obtain land as Chickasaws." This is not only at variance with his previous statement above quoted, but it is positively contradictory of the statements made by both the Chickasaw and Choctaw chiefs; for the Choctaw chiefs certify that these claimants "are Chickasaws." But there is one other fact which is established by the report of the commissioners made to Mr. Crawford, to which I respectfully call your attention, and which I think will go far to satisfy you that no opportunity was afforded to a large majority of these claimants to appear before the commissioners and to introduce evidence in support of these claims. You will perceive that the report commences thus, "At a council of the Chickasaws, began and held this day," &c. Now, sir, I ask you in all confidence, is it possible that all these claims, and the rights of these claimants, could have been examined and adjudicated in one day? Does not the simple statement of this fact justify the belief, if it does not show conclusively, that there was a settled design to repudiate these claims, so far as the decision of these commissioners could effect the object, without any regard to their justice or equity? When was the fair opportunity given to the claimants, as stated by Major Armstrong? He says, in writing to Mr. Crawford, "I first read your report to the Secretary of War, and also your instructions authorizing the investigation;" "some of the individuals whose names were on the roll appeared," &c. In another place he says: "There might have been a few others that might have produced evidence of their being Chickasaws, had they been present," &c. Who those individuals were who appeared, and who were absent, nowhere appears. The reasons why they were not present are not stated, nor do the commissioners give any reason why those persons whom they reported to Colonel Reynolds in 1838 to be Chickasaws, and entitled to land, were not Chickasaws in 1842, nor entitled to their portion of the inheritance bequeathed to them by their fathers. Nor does Major Armstrong anywhere satisfactorily account for the absence of the whole number of Chickasaws that he saw when he was present at the meeting between the Choctaw and Chickasaw chiefs; who made application to the Chickasaw chiefs who were commissioners, for land; whose names were taken down, and who were promised land. What has become of all those whom Major Armstrong saw, whom the Chickasaw commissioners enrolled and promised land and who the Choctaw chiefs certified were Chickasaws? Not one of them appeared. But the report of Mr. Crawford to the Secretary of War and the instructions authorizing the investigation, were read, "some of the individuals whose names were on the roll appeared," &c.; and this so far as can be learned from the superintendent or the commissioners, is all that was done, except to make out the report transmitted, by which, at one dash of the pen, they reject every claim, and charge that they were originated by speculators.

Now, sir, I submit it to you to say whether, according to the account given by the superintendent, and by the Chickasaw commissioners themselves, this investigation has been made in good faith and with a desire to arrive at the truth. If these claimants have any rights at all, they are rights conferred upon them and guaranteed to them by solemn treaty, and



they are entitled to ask at your hands, as the representative of the government, a fair and impartial examination into the justice of their claims.

A large number of these claimants, as the records will show, have complied fully with all the requirements of the treaty. They were enrolled, they were located, they were certified by the commissioners to be entitled to locations, and their locations were reserved from sale; and all that they now ask is, that a fair opportunity may be afforded them to substantiate their claims. Others of the brethren, having no greater rights, and no stronger evidence to support them, have been permitted years ago to sell their reservations, and these claimants can see no good reason why the same measure of justice should not be meted out to them. What, then, I ask in their behalf, is certainly not unreasonable; and when, by withdrawing all that portion of the claims located upon lands which had been offered at public sale, I avoid the infliction of any injury upon the State of Mississippi—to protect whose interest seems to have been the only inducement which actuated the late Secretary of War, the Hon. John C. Spencer, to make any decision at all in the case—I cannot believe that you will hesitate or refuse to grant my request.

I, therefore, in behalf of the claimants whom I represent, and who are located upon lands which have never yet been offered for sale, but which have been reserved, most respectfully ask that their claims be recommitted to the Chickasaw commissioners, and that they be notified to attend and exhibit the proofs necessary to establish and substantiate their claims. By adopting this course, justice will be done to the claimants, and no delay or injury can accrue to the State of Mississippi; for, under a recent decision made at the treasury, these lands are not subject to private entry, and must be advertised before they can be sold.

With great respect, your most obedient servant,

JOSEPH BRYAN.

HON. JAMES M. PORTER,  
*Secretary of War.*

P. S.—The claims to which your attention is now called, will be found on the lists marked 2, 3, 4, 5, 8, 9, 10, and 11. I ask leave, further, in case I should deem it necessary before any decision is finally made, to be heard on the point made by the Hon. Mr. Spencer: Whether this report, under the provisions of the treaty, is conclusive?

J. B.

WASHINGTON CITY, July 22, 1843.

SIR: On the 6th instant I had the honor of submitting for your consideration my views in relation to certain Chickasaws, who claimed reservations and had been regularly located, under the provisions of the treaty of Washington, supplemental to the treaty of Pontotoc, made and concluded between the United States and the Chickasaw nation of Indians. In that communication I assigned the reasons why these claims should be again referred to the Chickasaw commissioners for their action, and asked that they might be so referred. In the conversation which you did me the honor to hold with me on the subject yesterday, I understood from you that the reasons assigned were satisfactory to you, and that you were



willing to take the course which I had indicated if you could be satisfied that your predecessor, the Hon. J. C. Spencer, had not made a *final decision* in relation to the claims; and upon that point, alone, you desired that I would express my views in writing. When I wrote my former letter I was well aware of the rule prevailing in the department in relation to the review of former decisions; and I made no allusion to it, because I did not for a moment believe that you would consider the decision expressed by your predecessor as at all concluding the matter. Had I so considered it, knowing, as I do, the just estimate in which Mr. Spencer's decisions are deservedly held, I should have entirely despaired of obtaining your favorable action; and, hard and unjust as the decision would have been against these claimants, I should have been hopeless of redress. Fortunately for them, however, the course which I have asked may be adopted without running counter, in the slightest degree, to the decision, or rather the *opinion*, of Mr. Spencer. If this can be satisfactorily shown, I shall have obtained my object, and the way will be clear for you to act in the matter in such a manner as will insure justice to these claimants, and justice to the Chickasaw nation. To do this, it will be necessary for me to call your attention briefly to the facts of the case, as it was first presented to the department—to trace its progress, and the reasons operating upon Mr. Spencer to induce him to make the report of March 3, 1843. The facts, as I shall state them, will be established by an examination of the papers on file, and the reasons operating on Mr. Spencer are to be inferred from the whole tenor of his report.

By reference to the letter of Judge Iverson and myself, dated March 6, 1841, you will perceive that there were two distinct classes of claims presented by us. The first were the claims of individuals who, upon the certificate of a majority of the Chickasaw committee, had been enrolled and located before the lands upon which they were located were brought into market, and, when the lands were proclaimed, these reservations were recognised and even withheld from sale. Another portion of the claims were those of Chickasaws who did not make their applications for reservations until after the land sale, and who were subsequently located upon lands which had been proclaimed and offered at public sale, but which did not sell, the minimum price not having been offered. It was to this latter class of claimants, without doubt, that Major Armstrong, the acting superintendent west, alluded, in his letter of October 17, 1840, to the Commissioner of Indian Affairs. No other conclusion can be arrived at if you compare that letter with the statement of Capt. Albertson and three other of the Chickasaw commissioners, made in their letter to the Chickasaw agent, Col. Reynolds, dated June 24, 1838. The latter claims found their way to the Indian office long after the first list had been presented. The first list had been supervised—had been certified and approved by the same Captain Albertson, who expressed great "uneasiness" to Major Armstrong, and induced him to write this letter. The very words used by Albertson and the other Chickasaw chiefs to Major Armstrong, and by him communicated to Mr. Crawford, show conclusively that all their fears were in relation to the last list of applicants. The claimants in the first list were enrolled by Albertson and the other chiefs, who state to Colonel Reynolds that they know them to be Chickasaws; and yet those of whom they speak to Major Armstrong, they say are "Choctaws, and induced by speculators to make the attempt," &c. The letter of Major Armstrong

being, however, general in its terms, we did not object to all the claims being sent back, although at the time we were satisfied that his letter could not, if properly construed, be made to apply to the first class of claimants, for it nowhere refers to the first list, or to two lists, but is expressly confined to "the list" of applicants for land made within the last year or two. When the lists were returned they remained unacted upon for a considerable time, until Mr. Spencer was induced to take them up upon the representation of the delegation from the State of Mississippi, who alleged that this matter ought to be settled, and that a delay in its settlement would operate injuriously to the interests of that State. Now what interest had the State of Mississippi in the matter, and how far did Mr. Spencer go in his report to protect that interest? If the State of Mississippi had an interest which was paramount to the vested rights of these reservees, as guaranteed to them by the treaty, then I admit that Mr. Spencer's report covers the whole ground, and that under the rule these claimants are remediless. If, however, the interest of Mississippi was but contingent interest, and if it were confined solely to the lands which had been offered at public sale, then Mr. Spencer's report was not final, but the case, as it is now presented, is legitimately within your control. Now the interest of Mississippi in this question was twofold: First, an indirect interest in getting her territory populated. A portion of these lands had been proclaimed for such a length of time that if the lien of these reservees were removed, they were subject to entry at private sale at the very lowest minimum price. This would have a tendency to encourage emigration, and in this Mississippi was interested. Again, she had a direct interest in the settlement of the question, so far as these same lands were concerned. A bill had been introduced, and was subsequently passed, authorizing the State of Mississippi to invest the two per cent. fund to which she was entitled, in any lands lying within her limits, which were subject to sale at private entry. These lands were of this character, and having been selected out of the mass of offered lands, it was but fair to presume that they were of a better quality than those which had for years been subject to entry. In this view of the case, Mississippi had a direct interest in seeking to have these claims rejected. These locations, then, which had been made upon "offered lands," it was clearly the interest of Mississippi to have decided. With regard to the locations which were made previously, and which were presented by me for your consideration, none of these reasons exist which would induce Mississippi to desire action upon them, and it is perfectly manifest from what I have said, that she had no interest, either direct or indirect, in the matter. They were not subject to private entry, even if the locations were set aside, and therefore no part of her two per cent. fund could be invested in them. By the treaty, if the locations were rejected, the lands were required to be proclaimed, and she could not enter the market as a purchaser.

Having given you a full history of the case, and drawn the distinction which I think exists between the two classes of cases, I now ask your attention to the report of Mr. Spencer, which, as I understand, presents the only difficulty. And here I would premise, that this report must be taken as a whole, and that you are bound to give it such an interpretation as will give force and effect to every part thereof. If you have doubts as to its true construction, these claimants are entitled to the benefit of such doubts; but I trust that I shall be enabled to make the case

so clear that you will have no room for doubt, but will be fully satisfied that if Mr. Spencer intended to make a report which should be finally decisive of any of these claims, he only extended his decision so far as to make it applicable to such locations as had been made upon offered lands. What, then, is Mr. Spencer's report? After stating the case, the late Secretary remarks: "Without *now* saying that this report, under the provisions of the treaty, is conclusive," &c. The Secretary goes further and says, that he is inclined to the opinion that it is conclusive, but yet that does not make it conclusive. I may be inclined to the opinion that you will decide the case in my favor, but that does not make it so until you have absolutely so decided. The Secretary might, had he chosen so to have done, have made his decision final, but he says expressly, that he will not *now* express an opinion as to the conclusiveness of this report. Again, if this report, made under an investigation, when only three of the Chickasaw commissioners were present, is conclusive, how much more ought the first report to have been considered final, which was made by a majority of them, and which stood unimpugned for more than four years? It is evident, then, if the word "*now*" means anything at all, that the Secretary did not, on the 3d of March, 1843, decide that the report of the commissioners was conclusive against these claimants. Up to this point in his report the late Secretary was considering both classes of the claims, and upon them he made no decision. He then speaks of the interest which the State of Mississippi has in the settlement of this question; and, with regard to these cases, I admit that he intended to make final his decision—such an one as would relieve the land from the lien created by these locations, and which would enable her or her citizens to enter the lands at the lowest graduated price; against these his decision operates, and knowing this, all the claims which had been located upon offered lands were formally given up in my letter to you of the 6th instant, and the claims now before you are wholly such as were located before any public offering of them took place.

But the concluding paragraph in the report of the late Secretary is absolutely conclusive of the point for which I contend. Its addition to the report can be accounted for in no other way, for there is a meaning in all that Mr. Spencer says or does. He remarks: "It is obvious that, by the treaty of 1834, the reservations become the individual and absolute property of the reservees." Now when do they become the absolute property of the reservees? When the locations are sanctioned by the President? The treaty says no such thing. And where is the right, or who has the right, to change the express provisions of the treaty? Has the Secretary of War, or has the President of the United States? The right exists nowhere except in the joint action of the treaty-makers. There can be no doubt of the truth of Mr. Spencer's remark; and, if it be true, he certainly never could have attempted to divest these claimants of a right which was solemnly guaranteed to them by treaty, and which by the joint action of the Chickasaw commissioners and the United States agent had become absolutely vested in these reservees. For, in these claims, both the letter and spirit of the treaty had been complied with, and nothing was left undone which the treaty required to render them valid, and to vest in these claimants the right and title to these reservations.

I do hope, sir, that I may have succeeded in satisfying you, that you may, without the infringement of any rule of your department, take up

these claims, and so decide them as will insure to these claimants their just rights.

With much respect, your most obedient servant,

JOSEPH BRYAN.

Hon. JAMES M. PORTER,  
*Secretary of War.*

P.

GENERAL LAND OFFICE,  
February 6, 1844.

SIR: For the consideration of the War Department, I herewith enclose a copy of a protest, dated the 5th inst., from J. B. Clements, against the sale of Chickasaw lands embraced in the President's proclamation of the 20th ult. I also enclose a copy of my reply.

Very respectfully, your obedient servant,

THOS. H. BLAKE,  
*Commissioner.*

T. HARTLEY CRAWFORD, Esq.,  
*Commissioner of Indian Affairs.*

[Enclosed.]

WASHINGTON CITY, February 5, 1844.

SIR: I have seen in the "Madisonian," a newspaper published in this city, the proclamation of the President of the United States, under date of the twentieth day of January, 1844, making known that a public sale would be held at the land office at Pontotoc, in the State of Mississippi, on the second Monday of May next, for the disposal of certain lands ceded to the United States by the Chickasaw Indians, in pursuance of a treaty made and concluded between the United States and the Chickasaw Indians, at Pontotoc creek, on the 20th day of October, 1832; and also of a treaty between the same parties, made and concluded at the city of Washington, on the 24th day of May, 1834.

The lands described in the proclamation before referred to were selected and located for certain Chickasaw Indians, who claim as reservees under the 5th and 6th articles of the treaty of Washington; and having been so selected and located, they became the individual property of the respective reservees, and are not, in the opinion of the undersigned, rightfully proclaimed for sale by the President of the United States, inasmuch as the treaty before referred to, under which the reservees claim title, points out a different mode in which transfers of reservations shall be made.

The undersigned, in connexion with various other individuals, whom he now represents having become the purchasers of the reservations, which were assigned to certain Chickasaw Indians, and which are embraced by the said proclamation of the President of the United States, does in his own name, as well as on behalf of the individuals associated with him,

hereby respectfully but most solemnly protest against the sale of the lands embraced in said proclamation, because he alleges that he and his said associates are legally the owners of said land under the provisions of the treaty aforesaid.

With great respect, I have the honor to be, your most obedient servant,  
J. B. CLEMENTS.

Col. THOMAS H. BLAKE,  
*Commissioner of the General Land Office.*

GENERAL LAND OFFICE, February 6, 1844.

SIR: I have received your letter of the 5th instant, referring to the President's proclamation of the 20th ultimo, for the sale of certain Chickasaw lands, stating that "the lands described in the proclamation, before referred to, were selected and located for certain Chickasaw Indians, who claimed, as reservees, under the 5th and 6th articles of the treaty of Washington; and, having been so selected and located, they became the individual property of the respective reservees, and are not, in" your opinion, "rightfully proclaimed for sale by the President of the United States," &c.; that you, "in connexion with various other individuals whom" you now represent, "having become the purchasers of the reservations which were assigned to certain Chickasaw Indians, and which are embraced by the said proclamation of the President of the United States," do, in your "own name, as well as on behalf of the individuals associated" with you, "protest against the sale of the lands embraced in said proclamation," &c.

The War Department is the branch of the executive which has cognizance of such claims as you refer to, and that department, as this office has been advised, having decided the *locations* to be *invalid*, which covered land embraced in said proclamation, it only remained for this office to recommend, as has been done, the public sale of these lands.

The claims alluded to by you, having then, as stated, been decided against by the War Department, and not being within the jurisdiction of this office, I cannot allow your protest to influence the action of this office in the premises, but will send a copy of it to the Commissioner of Indian Affairs for the consideration of the War Department.

Very respectfully, your obedient servant,

THOS. H. BLAKE, *Commissioner.*

J. B. CLEMENTS, Esq., *Present.*

WAR DEPARTMENT,

*Office Indian Affairs, February 12, 1844*

SIR: Your letter of 6th instant, in which you submit for the consideration of the War Department, a copy of protest from J. B. Clements, against the sale of Chickasaw lands, embraced in the President's proclamation of the 20th ultimo, and a copy of your reply to him, has been received and referred to the Secretary of War, who has returned it to me with an endorsement by him, of which the following is a copy:



"No further action by the department necessary; see decision of 27th July, 1843."

The decision referred to is as follows:

WAR DEPARTMENT, *July 27, 1843.*

I consider that Mr. Spencer's decision in this case covers the whole ground; and upon the principle long settled, and from which I have never intentionally departed, that decision of my predecessor cannot be disturbed.

J. M. PORTER.

The decision of Mr. Spencer was communicated to you in March, 1843.

Very respectfully,

T. HARTLEY CRAWFORD.

THOS. H. BLAKE, Esq.,

*Commissioner General Land Office.*

Q.

WAR DEPARTMENT,

*Office Indian Affairs, March 7, 1844.*

SIR: I had the honor duly to receive your communication of 22d ultimo, with its enclosures, respecting the application of Mr. Jesse B. Clements, for the postponement of the sale of certain Chickasaw lands.

With reference to your request, that I will give you what information I have upon the subject, and particularly any communication made to me by Major Armstrong when he was last in Washington, and whether it is probable the mistake alluded to by Mr. Clements occurred, I now reply.

I have no recollection of having had any conversation with Major Armstrong upon the subject adverted to, although it is probable, I think, that he might have spoken generally of the mode and manner in which the examination of these claims was conducted. The accompanying papers, viz: copy of my instructions requiring the investigation, and transmitting all the papers having reference to the claims, and copy of Major Armstrong's report of the result of the examination, show that both classes of claims were before the Chickasaws. I send, also, a copy of my report to the Secretary of War, in May, 1841, and of his endorsement thereupon, indicating the views of the department at that time upon these claims.

We intended to send, and did send, the list of both Reynolds and Upshaw to Major Armstrong—the former being marked R, and the latter U—as specially set forth in the instructions. They were both before the Chickasaw council, for you will find cases allowed on both. Major Armstrong, in his report on the subject, says the "whole business was well understood and explained," and that the council was large and respectable; he is of opinion that justice was done by it, and that the "claimants rejected were not entitled to land."

Very respectfully, yours,

T. HARTLEY CRAWFORD.

HON. J. C. SPENCER,

*Secretary of the Treasury.*



R.

WAR DEPARTMENT,  
Office Indian Affairs, March 16, 1844.

I have the honor to submit the following statement, respecting the subject adverted to in my conversation with you and the Secretary of War this morning.

1st. With reference to the allegation that the claimants (purchasers) had no notice of time and place of holding council, I have to state that in the argument of Messrs. Bryan and Iverson first made upon the subject, and on which my report to the Secretary of War, of 12th April, 1841, was made, is the following language: "We have the honor to submit, for your consideration and action, the claims of certain Chickasaw Indians, who have been enrolled as reservees entitled to location under the treaty between the United States and the Chickasaw nation of Indians." No mention is made of the claims of *purchasers* from the reservees, unless it is in the latter part of my aforesaid instructions, when, speaking of cases rejected by Chickasaw commissioners, I say "unless where a sale has been made by the Indians, when the government will determine upon it as to right and equity may appear to belong." But no evidence of a sale, in the form of a deed, has been submitted to me. It is known that General Clements and others alleged an interest in the result from the origin of these claims, because action upon them was frequently urged before the report aforesaid. But no deed was, or has up to this day, in a single case, been presented to the office for any reservation.

When the report of the present agent and the accounts of the commissioners arrived here, it is alleged they were kept a secret from the purchasers, and disposed of without any opportunity of contesting the report. I have to state that application was made by Judge Bryan to see the report, but he was informed that I had not examined it myself; and that, until I did so, it could not be exhibited to him or others interested in it. The report was received here just on the eve of the commencement of a session of Congress, when I was much engaged in preparing business to be submitted to it, and afterwards in answering calls made by it, or those connected with it; so that, in fact, I did not examine the report, or the papers accompanying it, until a day or two before they were submitted to you, at the earnest solicitation of the honorable Messrs. Gwin and Thompson, of Mississippi. The above is the recollection of one of the gentlemen in my office, with my own; and of course was stated by me this morning to you. The idea, however, of General Clements being in the dark about what was done by the Chickasaw council, and that there was no opportunity to contest the report, is distinctly repelled by a letter from Hon. H. L. Turney, of Tennessee, to you, of February 3, 1843, enclosing one of January 24, 1843, to him from Benjamin Clements, the father of General Jesse Clements, detailing the decision of the Chickasaw council as accurately as you or I would do. It was contested, as these papers (of which I send you copies) show. There is a memorandum in your own handwriting on Mr. Turney's letter. It was the one from him to Mr. Clements, enclosed to you when you made the decision on the Chickasaw report on the 3d March, 1843. To complain of a want of notice, although there was really no claim to receive it, seems to be, after all this, a little unaccountable.

P. S. Monday, 18th.—I should have sent this letter to you on Saturday; but the letter of Messrs. Turney and Clements, which I had forgotten, came to my recollection too late to enable me to have copies made before this morning.

Very, &c.

T. H. C.

HON. JOHN C. SPENCER,  
*Secretary of the Treasury.*

S.

CHICKASAW AGENCY, November 5, 1844.

SIR: I herewith enclose you a letter, and a list of Chickasaws and locations, which was sent to me by the Chickasaw commissioners, with a request that I should forward it to you as early as convenient. I will observe that I am well acquainted, personally, with several of them, and have no doubt but the facts set forth in the letter of the commissioners are correct.

With high regard, I have the honor to be, your most obedient servant,  
A. M. M. UPSHAW, C. A.

HON. T. HARTLEY CRAWFORD,  
*Commissioner of Indian Affairs.*

T.

WAR DEPARTMENT,  
*Office Indian Affairs, December 3, 1844.*

SIR: On the 30th ultimo I received a letter from the Chickasaw agent, enclosing a communication, addressed to me by the Chickasaw commissioners, in behalf of certain Indians who claim reservations under the treaties of 1832 and 1834 with that tribe of Indians. A copy of their communication, and of the list designating the claimants, and the tracts of land assigned to them respectively, is enclosed. With reference to the land, I have to request that you will inform me whether it is vacant; and if not, when it was taken up, and under what circumstances?

Very respectfully, your obedient servant,  
T. HARTLEY CRAWFORD.

THOS. H. BLAKE, Esq.,  
*Commissioner General Land Office.*

U.

WAR DEPARTMENT,  
*Office Indian Affairs, December 11, 1844.*

SIR: In 1832 the Chickasaw tribe of Indians, resident in Mississippi, made a cession of all their lands to the United States, on the condition

that the tribe should have the proceeds of the sale of the land, and that each individual of the nation should have an occupancy until such time as they were prepared to leave their homes for a new location west of the Mississippi.

In 1834 the tenure of the reservations of occupancy was changed, so that every head of a family was to receive land in proportion to the number in his family, whether children or slaves. Each and every single person above the age of twenty-one years, not enumerated in a family, under the 5th article, was to receive one section of land; and, by the 8th article, each orphan child was to receive one-half section. These respective grants could be sold under the restrictions imposed by the treaty.

It was apparent, from the tenor of the two treaties, that the government did not seek to speculate on the Indians, but to rid a State of its aboriginal population; and hence the benign provision that each person of the nation should have an individual interest in the land, by a reservation, as well as a common interest in the fund to be created out of the proceeds of the sales of the unreserved lands. After the treaty of 1834 measures were taken to cause the reservations to be located anterior to a general sale; and up to the spring of 1838 a large number of private grants had been bestowed, when it was supposed that all the Indians entitled had been provided with land. In the summer of that year, and the spring of 1839, the respective agents of the tribe had adduced to them the claims of a large number of Indians, who, it was alleged, were Chickasaws, but had removed west with the Choctaws, prior to the treaty of 1834. On the testimony submitted to them, the agents caused land to be selected for the said claimants, and sent the claims to the War Department for its action upon them. The large number of the claimants, and the remote period of their presentation, induced this office to act with great caution and circumspection respecting them, and induced me to call for a census of the tribe, directed to be taken by General Jackson in 1834, and in its absence to suspend any action upon the subject until the 6th March, 1841, when the attention of Mr. Secretary Bell was directed to the claims, and a report required from this office upon them. In my report, which was very voluminous, I recommended, on the then existing state of facts, that the several claims, with the testimony in support of them, be referred to the Chickasaw authorities, (some of whom had charged frauds in the claims, and requested a hearing,) who, in connexion with Major Armstrong, the acting superintendent of the western territory, should be charged with the duty of investigating them, and that all the claims allowed by them should be confirmed, and those rejected should be set aside by the department. Mr. Secretary Bell did not approve of my suggestion in full, but left the matter of confirmation, &c., to be decided when the report of the agent and chiefs should be received.

The agent and chiefs, owing to various causes, did not make the investigation until the month of October, 1842. Their report, in which they rejected all the claims but four, was received at the department on the 26th November, 1842, and on the 3d March, 1843, following, was approved by Mr. Secretary Spencer. Owing to the report, and its confirmation, the several locations, with but four exceptions, were set aside, and the Commissioner of the General Land Office was informed that the land embraced by them could be offered for sale. Repeated but ineffectual attempts have been made to induce the department to send the claims back to the chiefs

for a further hearing; and attempts were also made, with the same view, but like effect, to get the President to postpone the sale of the lands advertised to take place at Pontotoc in May last. Those claims, therefore, stood rejected, and the proposed sale was not to be disturbed.

With further reference to this subject, I deem it proper to submit a communication received here from J. B. Clements, esq., to the President of the United States, under date of 22d May, in which he protested against the confirmation of the claims hereinafter referred to, on the grounds that those represented by him, and which form the subject of the foregoing statement, have not been finally disposed of. No action has heretofore been taken by this office on his protest, 1st, because none was ordered by the President; and 2d, because I considered that, as the claims had been rejected by the Chickasaw authorities, and their act confirmed by Mr. Secretary Spencer, as a request made to refer them back to the Indians for a re-examination had been refused by your immediate predecessor, and by the President also, in declining to postpone the sale of the lands, no further measures would be taken upon them by the Executive.

The claims of Chickasaw Indians for reservations, designated on the accompanying list, were sent to me on the 5th November, 1844, by their agent, accompanied by a communication from all the Chickasaw commissioners but one, provided by the treaty, and elected by the general council of the nation, to attend to the business of the people in behalf of the claimants. That paper I submit herewith, marked (a), from which you will perceive that these claimants are represented as Chickasaws entitled to land under the treaty of 1834, that they have never received any, and that they are not of the number referred to above, whose claims have been passed on and rejected.

From a statement and accompanying papers received by me from the Commissioner of the General Land Office, under date of 9th instant, which are herewith submitted, it would appear that the lands described on the list herewith "are of the class which were embraced by claims heretofore adjudged invalid," but that the claimants to whom they are now allotted are other Indians than those for whom the lands were originally selected. It appears also that the sales commenced on the 13th May last, and that on the 17th, while in a state of progression, application was made to the register and receiver at Pontotoc, in behalf of the Chickasaw commissioners, to reserve the said lands from sale for the claimants; that the register and receiver had no special instructions in regard of them from the General Land Office, and therefore did not feel authorized to suspend them from sale, but felt it to be their duty to give public notice of the fact of application, so that if a sale was made, and the locations applied for by the Indians should be confirmed by the department, (the application having been made before the sale,) the purchaser might not get a title. The register and receiver, in reply to inquiries, stated "that if the locations were confirmed, so that the purchaser did not procure a title, the money paid would be returned." Those officers also state that "the persons present appeared to be satisfied with this assurance, and some of the tracts applied for were bid off when offered, the purchasers relying upon their money being returned if the locations were confirmed."

The information obtained from the General Land Office shows the several sales to have been made by the officers at Pontotoc, after the date when application to reserve for the Indian was made. But if the Indian

claim is a good one, it is the better title, and the sale must be set aside, and the money be refunded to the purchaser according to the understanding at the time.

The United States have no pecuniary interest in this matter. It is solely between individual members of the Chickasaw tribe and the tribe collectively. The authorities of the nation say that the claimants are entitled to land, and that it is their wish that they should get it; and we have no means, if we had the inclination, to gainsay it. Other claims of similar character have been reported and confirmed since the rejection of those first above designated.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. WILLIAM WILKINS,

*Secretary of War.*

PONTOTOC, MISSISSIPPI, *May 22, 1844.*

In pursuance of your proclamation of the 20th of January last, the Chickasaw land sale commenced at this place, on the second Monday of the present month, and is now nearly over. During the progress of the sale a large number of reservations arrived here from the Chickasaw nation west of the Mississippi river, which have been located by the register and receiver at this place upon the lands heretofore located to certain other Chickasaw Indians as early as June, 1838, and have been for some time before the War Department, for confirmation by the President. During last winter the Hon. A. V. Brown and myself were prosecuting these claims before Judge Spencer, Secretary of the Treasury, to whom your excellency had referred the case, upon my memorial of the 13th of February last, asking a postponement of the sale of the Chickasaw lands, in consequence of the unsettled condition of these locations, so as to enable the claimants in the case to have a full and fair opportunity of vindicating their rights to this property. You declined a postponement of the sale of the lands embraced in your proclamation of the 20th January, upon the grounds, as I understood you, that the judiciary was the proper department of this government, by whom the merits of these claimants' rights to reservations located to them should be investigated; and you suggested this as the most speedy and certain way of bringing this matter to a final close. You suggested to me the propriety of retaining the possession of a portion of these lands after they were sold, and that you would cause suit to be immediately brought against me for their possession, when the whole matter would come up before the court, and the case tried upon its real merits; and that you would abide the decision of the court, be it what it might; and that one case should be sufficient to determine the whole. I have retained the possession of a portion of the property, and invite an investigation as you suggested. The precise tracts of which I hold possession you shall be advised of in a short time, so as to enable you to commence the suit as agreed upon by you and myself. The object of this communication is to enter my solemn protest against the confirmation of those late locations made by the register and receiver at this place upon a portion of the lands for which I am contending; and your excellency surely cannot think of confirming one set of locations lately made by the



register and receiver at this place upon lands claimed by another class of reservees, before the rights to the former claimants are determined, as to whether they are entitled or not.

The means are in the War Department as to whether I am correct or not as to the lands having been relocated.

My residence is at Fayetteville, Tennessee, at which place I would like much to hear from you upon the subject of these locations.

The sales of the lands here have been very small, first, on account of these incumbrances under which they are placed, on account of the claims in which I am interested; and secondly, on account of the embarrassment of these newly-created claims, which caused settlers to be fearful of purchasing, fearing that they would not be able to hold the land even if they did purchase.

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

J. B. CLEMENTS,  
*Of Fayetteville, Tennessee.*

To his Excellency the PRESIDENT OF THE UNITED STATES.

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*

E. HARTSHORN

JOHN TYLER

Approved December 11, 1844



List of claims for land under Chickasaw treaties of 1832 and 1834, which have been recommended for confirmation by six of the seven Chickasaw commissioners, and the location of which was applied for at Pontotoc, Miss., May 17, 1844, on the lands designated herein.

Names.	No. in family.		Section.	Township.	Range.
	Indians.	Slaves.			
O-nah-chubby - - -	1	-	32	3	4 west.
Ish-tah-ho-ka - - -	3	-	25 and 36	4	5 west.
Ah-co-to - - -	1	-	20	4	9 west.
In-loo-ma-tubby - - -	6	1	31, 32, and 33	10	6 west.
To-nubby - - -	1	-	16	4	1 west.
Yock-ho-pa-cha - - -	1	-	29	11	6 west.
li-like-a-tubby - - -	1	-	9	10	6 west.
Shim-mah-ho-yea - - -	1	-	16	7	1 west.
Sho-lut-ka - - -	1	-	16	6	1 west.
Im-mah-ho-mah - - -	1	-	23	4	9 west.
E-fin-ho-tubby - - -	1	-	9	7	5 west.
Ish-tup-ka - - -	1	-	24	9	5 west.
Ah-bah-ma-hubby - - -	1	-	16	4	6 west.
Ish-ta-tubby - - -	1	-	11	9	6 west.
No-wah-tubby - - -	1	-	19	11	6 west.
Win-ni-yea - - -	1	-	14	8	4 west.
Ho-yoch-no-tubby - - -	1	-	16	7	5 west.
Chuch-wah-tubby - - -	1	-	16	5	9 west.
We-hah-tubby - - -	3	-	20 and 21	10	6 west.
Ho-yah-tim-mah - - -	1	-	13	10	7 west.
Sho-tim-kah - - -	4	-	15 and 22	10	6 west.
O-nah-tumby - - -	1	-	33	10	7 west.
Wah-ka-ho-yea - - -	1	-	6	10	8 west.
Shu-ah-ya-tubby - - -	1	-	16	22	10 east.
Ish-tah-hoth-la - - -	1	-	13	23	9 east.
To-wi-kah - - -	1	-	24	23	9 east.
We-ah-tubby - - -	1	-	9	21	11 east.
Pan-na-ho-yea - - -	1	-	4	21	11 east.
Pa-kah - - -	1	-	W. $\frac{1}{2}$ & SE. $\frac{1}{2}$ of 8	25	6 east.
Chi-o-tubby - - -	1	-	5	23	8 east.
Kam-pil-lah - - -	1	-	17	24	7 east.
Lucy - - -	1	-	3	22	10 east.
Yo-hah-nah - - -	1	-	5	22	10 east.
Elah-fin-tubby - - -	1	-	16	21	11 east.
Mah-ho-to-chubby - - -	1	-	17	21	11 east.
Ish-to-i-hoth-la - - -	1	-	15	21	11 east.
Ah-ha-lo-wah - - -	1	-	19	23	9 east.
Ah-kah-wah-tubby - - -	4	-	E. $\frac{1}{2}$ & SW. $\frac{1}{2}$ of 21	25	6 east.
Ish' chuffa - - -	1	-	28	25	6 east.
To-ni-yea - - -	1	-	24	23	8 east.
E-mut-to - - -	3	-	6	21	11 east.
I-jo-mo-tubby - - -	2	-	14 and 15	23	8 east.
Tam-mul-la-chah - - -	1	-	1 and 12	24	7 east.
Lut-ka - - -	1	-	22	22	10 east.
Sho-tim-kah - - -	1	-	4	22	10 east.
Bul-la-chah - - -	2	-	12 and 13	23	8 east.
In-thli-ka - - -	4	-	1 and 2	22	10 east.
My-ho-tubby - - -	1	-	22	23	8 east.
Ish-tim-ma-cha - - -	1	-	2	24	7 east.
	1	-	11	24	7 east.

Respectfully submitted to the Secretary of War, to be laid before the President of the United States for approval.

T. HARTLEY CRAWFORD.

OFFICE INDIAN AFFAIRS, December 11, 1844.

Respectfully laid before the President of the United States for approval.

WM. WILKINS, Secretary of War.

Approved December 21, 1844:

JOHN TYLER.

(a.)

CHICKASAW DISTRICT, C. N., October 30, 1844.

**FRIEND AND BROTHER:** We send herewith a list showing the names of our people whom we wish to have the benefit of the stipulations of our treaties of 1832 and 1834 with the United States. They are entitled, according to the enumeration of their families, to the quantity of land set opposite to their names. They have not heretofore been provided with land, nor have their claims to it before been acted upon. It is our wish, and that of all our people, that all the Chickasaws who come within the meaning of the treaties of 1832 and 1834 should be treated alike, according to the number of souls in a family, because all the land was owned in common, and every family had an interest therein in proportion to the number in the family. We know, brother, that a great many claims have been set up for land by persons calling themselves Chickasaws, and we also know that it would lessen the funds belonging to the nation at large. We also know that it is our duty to look to the good of our nation and to guard its interests, but at the same time the Great Spirit tells us that we must do justice to every one of our people. Our great father, as well as yourself, knows that about two years ago we acted on a large number of claims to land, and that we passed the most of them over as bad; those we thought to be good we allowed, and you approved of our proceedings. The claims we now send have been rigidly examined by us, and we know that they are right, and that the claimants are justly entitled to land under the treaties of 1832 and 1834; and so well satisfied were we of their merits, that we requested one of our friends who was going to Pontotoc to make the selections of land for them during the late sale of our lands in Mississippi. This he did, and we now send the selections to you, and ask you to have them confirmed by our great father the President. We know that we ought to have got your consent to do so before we took any steps in the matter, but when you remember the distance between us and the short time that we had to do what was done, we hope you will not think our course improper under the circumstances. We know, brother, that we have been troublesome to you, but it was due to our people that this should be done; and as these are all that were entitled who have not got land, and as this is the last time that we shall trouble you in regard to locations, we hope that you will not refuse our request, but that you will approve the claims and the selections of land that have been made for them.

We are, most respectfully, your friends and brothers,

ISAAC ALBERTSON, his x mark.

ISH-TO-HA-TO-PA, his x mark.

BENJAMIN LOVE.

SLONE LOVE.

JOSEPH COLBERT, his x mark.

JAMES WOLF.

To Hon. T. HARTLEY CRAWFORD,  
Commissioner of Indian Affairs.

GENERAL LAND OFFICE, *December 9, 1844.*

SIR: I have received your letter of the 3d instant, enclosing a copy of a communication to you, dated 30th October last, from the Chickasaw commissioners, in behalf of certain Indians who claim reservations under the treaties of 1832 and 1834; also a copy of the list designating the claimants (49 in number) and the tracts of land assigned to them respectively, and requesting me to inform you whether the land "is vacant, and if not, when it was taken up, and under what circumstances."

On examination of said list, certain sales are found in conflict therewith, a statement of which (No. 1) is herewith sent, showing the date of each sale. As to the "circumstances" under which these lands were sold, I have to state that, in the first instance, the tracts were embraced in a list sent to your office August 24, 1843, in order that if any objections existed to their being offered for sale, this office might be so advised. The list was returned by you on the 19th December following, without objection as to these tracts, and they were accordingly embraced in the President's proclamation of 20th January, 1844, under which they were offered for sale in May last.

This office, understanding that apprehensions existed that the sale might be interrupted, despatched instructions, dated 4th May last; to the register and receiver at Pontotoc, (copy No. 2,) herewith. Subsequently I received the letter of 5th June last (copy No. 3) from the register and receiver, representing that on the 17th May Messrs. Anderson and Saffrans applied to the land officers "to locate certain lands proclaimed for sale, as reservations for said Indians, and presented a communication from the Chickasaw commissioners," &c. That they did not feel authorized to suspend the sale of the lands, but stated to those present at the sale that those tracts had been so applied for.

To this communication I responded under date of 21st June last, (copy No. 4,) stating that I was reluctant to infer that officers charged with a specific duty had "interfered in any way to prevent proper competition at the public sales, or to arrest the sale of any tract under the President's proclamation, by throwing a cloud upon the title, in regard to any lands not covered by a valid reserve, or which were heretofore covered by Indian claims adjudged to be invalid by the War Department," &c., and requested them to report to this office the description of *all* the tracts in regard to which they felt it to be their duty to make the statement referred to by them. To this the register and receiver replied under date of 17th July, (copy No. 5,) and in the lists accompanying their reply, all the tracts are included which are embraced in the list of locations received with your letter of 3d instant, except sections 6, 10, 7 W., and 22, 23, 8 E.

Very respectfully, your obedient servant,

THO. H. BLAKE, *Commissioner.*

T. HARTLEY CRAWFORD, Esq.,  
*Commissioner Indian Affairs.*

*Sales conflicting with claims for reservations, per list received from Office Indian Affairs, December 3, 1844.*

Section, or part of section.	Township.	Range.	When sold.
S. $\frac{1}{2}$ 32	3	4 W.	July 19, 1844.
NE. $\frac{1}{4}$ & SW. $\frac{1}{4}$ 25	4	5 W.	Aug. 2 & 8, "
NE. $\frac{1}{4}$ & SW. $\frac{1}{4}$ 36	4	5 W.	Aug. 2 & 8, "
N. $\frac{1}{2}$ 31	10	6 W.	June 3, "
NW. $\frac{1}{4}$ & SW. $\frac{1}{4}$ 16	4	1 W.	July 31, "
NE. $\frac{1}{4}$ 29	11	6 W.	October 26, "
SW. $\frac{1}{4}$ 16	7	1 W.	May 17, "
NE., NW., & SW. $\frac{1}{4}$ 16	6	1 W.	May 17, "
SE. $\frac{1}{4}$ 9	7	5 W.	July 12, "
NE. $\frac{1}{4}$ 16	4	6 W.	October 24, "
NW. $\frac{1}{4}$ 16	4	6 W.	August 5, "
SW. $\frac{1}{4}$ 16	4	6 W.	May 27, "
NW., SE., & SW. $\frac{1}{4}$ 14	8	4 W.	May 17, "
NE. $\frac{1}{4}$ 16	7	5 W.	July 12, "
NE. $\frac{1}{4}$ 21	10	6 W.	July 1, "
NW. $\frac{1}{4}$ 21	10	6 W.	October 17, "
N. $\frac{1}{2}$ 13	10	7 W.	July 12, "
NW. $\frac{1}{4}$ 22	10	6 W.	July 1, "
Section 6	10	7 W.*	
CHOCTAW SURVEY.			
NW. $\frac{1}{4}$ 16	22	10 E.	July 8, "
S. $\frac{1}{2}$ 16	22	10 E.	July 12, "
Whole 9	21	11 E.	May 21, "
NW., SE., & SW. $\frac{1}{4}$ 4	21	11 E.	May 21, "
SE. $\frac{1}{4}$ 8	25	6 E.†	May 21, "
SW. $\frac{1}{4}$ 8	25	6 E.†	July 27, "
SE. $\frac{1}{4}$ 17	24	7 E.	May 20, "
NW. $\frac{1}{4}$ & SW. $\frac{1}{4}$ 3	22	10 E.	May 21, "
NE. $\frac{1}{4}$ & NW. $\frac{1}{4}$ 5	22	10 E.	May 21, "
Whole 16	21	11 E.	May 21, "
NE. $\frac{1}{4}$ 17	21	11 E.	May 21, "
NW. $\frac{1}{4}$ 17	21	11 E.	June 14, "
NW. $\frac{1}{4}$ 19	23	9 E.	July 1, "
SW. $\frac{1}{4}$ 21	25	6 E.†	May 20, "
NW. $\frac{1}{4}$ & SW. $\frac{1}{4}$ 28	25	6 E.†	May 20, "

\* Approved location, article 5, No. 1074. List B, with register's letter of 17th July, 1844, says, "6, 10, & w." (vacant).

† NE.  $\frac{1}{4}$  not proclaimed, a portion having been sold by land officers in Choctaw cession.

‡ NW.  $\frac{1}{4}$  not proclaimed, a portion having been sold by land officers in Choctaw cession.

## No. 1 → Continued.

Section, or part of section.	Township.	Range.	When sold.
NE. $\frac{1}{4}$ 24 - - -	23	8 E.	October 15, 1844.
NW. $\frac{1}{4}$ 4 - - -	22	10 E.	May 21, "
NE. $\frac{1}{4}$ 13 - - -	23	8 E.	May 20, "
NE. $\frac{1}{4}$ 1 - - -	22	10 E.	May 21, "
SW. $\frac{1}{4}$ 1 - - -	22	10 E.	July 30, "
NW., SE., & SW. $\frac{1}{4}$ 2 - -	22	10 E.	May 21, "
SE. $\frac{1}{4}$ 11 - - -	24	7 E.	May 20, "

## No. 2.

GENERAL LAND OFFICE, *May 4, 1844.*

SIR: Herewith I enclose a copy of a letter to me, of the 2d inst., from the Hon. J. Thompson, from which it appears that he has learned "that some apprehensions are entertained by the register at Pontotoc, that the claimants of lands heretofore located for certain Indians, and rejected by the Indian department, will endeavor to interrupt the sales which have been ordered of Chickasaw lands;" and Mr. Thompson desires me to "issue such instructions as will require" the register "to proceed with the sales, irrespective of all such claims."

The instructions to you respecting such claims are distinct and positive, leaving no ground to justify you in failing or hesitating to do your duty in the premises.

You are requested to offer all the lands at public sale embraced in the proclamation, except in the cases in which you have been specially instructed by this office, or where the land may be covered by valid and recognised reservations.

Very respectfully, your obedient servant,

THOS. H. BLAKE,

*Commissioner.*

REGISTER OF THE LAND OFFICE,

*Pontotoc, Mississippi.*

## No. 3.

REGISTER AND RECEIVER'S OFFICE,

*Pontotoc, Miss., June 5, 1844.*

SIR: On Friday, the 17th ultimo, Henry Anderson and Daniel Saffarans, esqrs., on behalf of certain Chickasaw Indians, applied to us to locate certain lands, proclaimed for sale, as reservations for said Indians, and presented a communication from the Chickasaw commissioners requesting that they might be reserved from sale. This communication of the commissioners was forwarded from the west by A. M. M. Upshaw, agent.

We did not feel authorized to suspend the sale of the lands designated, but felt it to be our duty to state in a public manner to the persons present

at the sale, that the designated tracts had been so applied for, and that, if the locations were confirmed, the purchaser here might not get a title; and, in reply to inquiries, stated, that if the locations were confirmed, so that the purchaser did not procure a title, the money paid would be returned. The persons present appeared to be satisfied with this assurance, and some of the tracts applied for were bid off when offered—the purchasers relying upon their money being returned if the locations were confirmed.

We were also advised that this application had been presented to the department at Washington; and, from the fact that some locations had been approved since the lands were proclaimed for sale, and we had been instructed to reserve them, and thinking it possible that those embraced in this application might also be confirmed, we felt it to be our duty to make the above statement, that purchasers might not be disappointed if a conflict of title should grow out of it. As it is, they have purchased with notice, and with the understanding that the purchase money is to be returned if the locations are confirmed.

Your communication of May 4, in anticipation of the sale being interrupted by the presentation of Indian claims, requiring us to “offer, irrespective of all such claims, all the lands at public sale embraced in the proclamation, except in the cases in which we have been specially instructed by your office, or where the land may be covered by valid and recognised reservations,” did not reach our office until the afternoon of the day on which the sales closed.

We hope the course pursued by us will meet the approbation of your department.

Very respectfully, your obedient servants,

ANDR. J. EDMONDSON, *Register.*

JNO. F. WRAY, *Receiver.*

HON. THOMAS H. BLAKE,

*Commissioner General Land Office.*

—  
No. 4.

GENERAL LAND OFFICE, June 21, 1844.

GENTLEMEN: Your communication of the 5th instant has just come to hand, from which I learn that, on the 17th ultimo, application was made to you on behalf of certain Chickasaw Indians “to locate certain lands proclaimed for sale;” that you “did not feel authorized to suspend the sale of the lands designated, but felt it to be” your “duty to state in a public manner to the persons present at the sale, that the designated tracts had been so applied for, and that, if the locations were confirmed, the purchaser here might not get a title,” &c.; and that “some of the tracts applied for were bid off when offered, the purchasers relying upon their money being returned if the locations were confirmed,” &c.; and you express a hope that “the course pursued by” you “will meet the approbation of” the “department.”

Reluctant to infer from the tenor of your communication, or to suppose that officers of the government, charged with a specific duty, under explicit instructions, have interfered in any way to prevent proper competi-



tion at the public sales, or to arrest the sale of any tract under the President's proclamation, by throwing a cloud upon the title, in regard to any lands not covered by a valid reserve, or which were heretofore covered by Indian claims adjudged to be invalid by the War Department, and so reported to you, I desire, before responding to your implied call for the opinion of this office as to your proceedings in this matter, that you will report to me the description of *all* the tracts in regard to which you "felt it to be your duty" to make the statement to which you refer.

You are desired to report the description of such of them as have been sold, the price in each case, and the number of certificate; also the description of such of them as were not bid off at public sale; whether or not these lands are of the class which were embraced by claims adjudged to be invalid; and to send on a copy of the application made to you for their reservation, with a copy of the showing in support of it.

Very respectfully, your obedient servant,

THO. H. BLAKE,  
Commissioner

REGISTER AND RECEIVER,  
Pontotoc, Mississippi.

No. 5.

REGISTER AND RECEIVER'S OFFICE,  
Pontotoc, Mississippi, July 17, 1844.

SIR: In compliance with the instructions in yours of the 21st June, that we would "report to you the description of all the tracts in regard to which we felt it to be our duty to make the statement," referred to in our letter of the 5th June, we herewith send a descriptive list of such said tracts as were sold, with the price of each, and the number of certificate, marked A; it embraces the land that was disposed of by entry as well as public sale.

Also a descriptive list of such of said tracts as were not bid off at the public sale, nor since entered at private sale, marked B.

These two lists embrace all the tracts in relation to which the statement above referred to was made. We also send a list of the tracts that were embraced by claims heretofore adjudged to be invalid, together with the names of the Indians then claiming to be located on them, marked C.

We likewise send copies of the applications made to us, marked D and E; and also a copy of a communication from the chiefs to the Secretary of War, marked F, sent here by A. M. M. Upshaw, Chickasaw agent, a duplicate of which we were informed had been forwarded to Washington city, which was the only showing in support of the application, except the representations of Mr Henry Anderson and Daniel Saffarrans.

By a comparison of the list marked C, with the copy marked D, and the lists of tracts marked A and B, it will be seen that these lands are of the class which were embraced by claims heretofore adjudged invalid, but by reference to the names you will discover that the application to us was made on behalf of other Indians than those whose claims had been adjudged invalid. The enclosed papers would have been sent with our letter of the 5th June, but for the belief that the application and letter of

the chiefs were already laid before the department by the applicants. We might here close this communication, but a duty we owe to ourselves requires us to make a statement of the facts connected with this matter.

Our reason for stating, in ours of the 5th June, "that we hoped the course pursued by us would meet with the approbation of the department," was this:

It has been the uniform practice of our predecessors in this office, at any time during the progress of the public sales, on the suggestion of the agent, or of his clerks, or other responsible persons who were known to be dealing in reservations, that any tract, about to be offered for sale, had been applied for as a reservation, to withhold the same from sale. At the public sale in 1839, section 16, township 4, range 9 west, was so withheld from sale on the suggestion of Colonel Felix Lewis, and is so marked on the map in this office. These acts, in every instance, received the sanction and approbation of the department; and we know that the late register, on retiring from office, received from the department a letter approving of the manner in which he had discharged his official duties.

In the absence of special instructions, we have felt bound to observe the usages and customs of the office, sanctioned and approved by your department. Had we pursued the usual course in this instance, we would have withheld the lands applied for from sale; but, knowing the anxiety of the government to dispose of these lands, (in order to have the Chickasaw business finally closed,) and being aware of the recent difficulties growing out of similar applications, we felt justified in deviating from the usual course by offering the lands for sale.

Some short time after the proclamation for the land sale was issued, the Hon. Jacob Thompson, one of our members in Congress, and from the Chickasaw district, wrote the register that he was acquainted with the views of the department in relation to the sales; if there was any point on which the register thought he would need instructions, to point it out, and he would endeavor to have him *specifically* instructed on it. Consequently, he wrote Mr. Thompson requesting to be instructed as to his duty, should such application be made. Knowing the wishes of the government, and the course formerly pursued at the office and sanctioned by the department, the application for the instructions would have been made to the department direct, but for the letter of Mr. Thompson! They did not reach us until the close of the sale.

Having departed from the usual course, and Messrs. Saffarrans and Anderson having complained that injustice was done by such departure, we (under the circumstances) expressed the hope that our course would meet with the approbation of the department.

Messrs. Anderson and Saffarrans, whose high character appears to be known to your department, were here pressing the application; and, if we had not made the statement we did, would have, by themselves, or through their attorneys, made a statement to the persons present that would have cast a darker cloud on the title than the statement made by us. With a view of preventing this and avoiding excitement, we made the statement referred to.

We were also receiving by almost every mail instructions to withhold some sections, embraced in the proclamation, from sale, and even one of the sections embraced in this application, and for the same Indian, at the suggestion of Henry Anderson, and another section for Chi-ah-ho-ka, on

the application of the king. Messrs. Anderson and Saffarrans insisted, but for the irregularity of the mails, we would certainly have received instructions from the department to withhold lands for these Indians from sale.

Very respectfully, your obedient servants,

AND. J. EDMONDSON, *Register.*

JOS. F. WRAY, *Receiver.*

HON. THOMAS H. BLAKE,

*Commissioner General Land Office.*

V.

GENERAL LAND OFFICE, *December 30, 1844.*

SIR: Mr. Mix, of the Indian office, having to-day orally communicated to me your request that the action of this office be suspended until you are further heard from in regard to the opposed Chickasaw Indian locations designated in the copy list, which accompanied a letter to this office of the 24th instant, from the Commissioner of Indian Affairs, I have the honor to inform you that definitive proceedings in the premises will be suspended accordingly.

As the unsold portions of the lands covered by these locations are liable to sale, I beg leave to request that you will inform me whether this office shall direct the land offices at Pontotoc, Mississippi, in the Chickasaw session, to withhold them from sale, and await further orders.

With great respect, your obedient servant,

THO. H. BLAKE, *Commissioner.*

The Hon. WM. WILKINS,

*Secretary of War.*

WAR DEPARTMENT,

*Office Indian Affairs, January 4, 1845.*

SIR: The letter of the Commissioner of the General Land Office to you of 30th ultimo, in relation to certain locations of Chickasaw reservations, has been referred to this office. Respecting the request of that office to be informed whether he shall direct the land officers at Pontotoc, Mississippi, to await further orders, and in the mean time withhold from sale the portion of those lands which were regarded as unsold at the time of the approval of the locations, I have the honor to state that, in my opinion, it is expedient at once to apprise that officer that this department regards the approval of the location of the tracts, not interfered with by the sales indicated by the Commissioner of the General Land Office, in his letter to this office of 9th ultimo, as absolute, and that he can give the requisite instructions to the proper land officers accordingly. This course will alone, I apprehend, prevent further interferences by sales.

Very respectfully,

T. HARTLEY CRAWFORD.

Hon. WM. WILKINS,

*Secretary of War.*

WAR DEPARTMENT, *January 6, 1845.*

SIR: Your letter of the 30th ultimo has been referred to the Commissioner of Indian Affairs, and I now transmit his report, in which this department concurs.

Very respectfully,

WILLIAM WILKINS.

THOS. H. BLAKE, Esq.,

*Commissioner of the General Land Office.*

W.

WAR DEPARTMENT,  
*Office Indian Affairs, March 14, 1845.*

SIR: On 11th December last I had the honor to submit to your immediate predecessor for his approval, and that of the President of the United States, sundry claims of Chickasaws to land under the treaty with that tribe of Indians of 1832, and that of 1834. Those claims were accompanied by a statement from me respecting them, together with other papers in relation to them, and a list of locations for approval. The several papers submitted at that time are sent herewith, marked from 1 to 4 inclusive. On 21st December the documents above referred to were returned to this department from the President of the United States, with the evidence that he had approved the claims and their location on that day.

On same day the Chickasaw agent was apprized of what had been done by letter of that date. On 6th January last a communication (a copy of which and its enclosure, marked A, I send herewith) from Messrs. Roberts, Tucker, Hammett, and Thompson, of the Mississippi delegation, was addressed to the Secretary of War, in which they oppose the claims—first, because they interfered with sales made to private individuals by the register at Pontotoc, after application had been made for the land by the Indians; and, second, because it was alleged that the claimants had before preferred their claims which had been rejected.

The communication was respectfully considered by the Secretary of War, who on 13th of that month desired me to enclose to the Chickasaw agent copies of certain papers designated by him in his memorandum sent herewith, marked B, and to call the agent's attention to the subject, and require from him a written report in reference to it.

On 21st of January I forwarded a copy of the Secretary's direction, and copies of the documents referred to by him, to the Chickasaw agent, and urged upon him an immediate compliance with the Secretary's order.

On 17th February ultimo the accompanying paper, marked C, was referred to this office. It has reference to the subject, and is a protest against a reconsideration of the claims.

Early in this month Colonel Upshaw arrived in Washington, having left his agency before my letter of 21st January arrived there. He was verbally informed of what had been done, and expressed his readiness to report upon the subject here. I accordingly sent to him the requisite papers, and a copy of his report made thereon is herewith sent, marked D.

The question now arises whether, under all the circumstances, the approval of the location of the claims by your immediate predecessor and the President of the United States shall be regarded as final, or whether it shall be set aside, and new locations ordered to be made.

The reply of the agent seems to meet the questions put by the late Secretary of War, and is respectfully submitted for your consideration in connexion with the other papers belonging to the question, which having been brought before you, not formally but substantially, by way of appeal from what has been heretofore done, I will only remark that the action of the department in the premises appears to me to be fully justified by the report of the agent to whom the matter was referred.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. W. L. MARCY,  
Secretary of War.

(A.)

HOUSE OF REPRESENTATIVES,  
January 6, 1845.

SIR: Enclosed we send you the letter of a gentleman who has accepted the appointment of agent for the Chickasaw nation, to guard their interests at Washington, and to protect their rights. This letter deserves, and we hope it will receive, the careful consideration of your department.

From the facts detailed, two questions arise, and, in the decision of the pending cases, we want them both settled, so that the community at large may understand the nature of the Chickasaw business.

First. Will your department, after the lapse of nearly eleven years since the ratification of the treaty with the Chickasaws, and after Indians who were entitled to reservations have been hunted up, and all that could be found enrolled, their claims allowed, their deeds of transfer confirmed, and six or seven hundred claims, brought forward after these Indians were enrolled, and which formed the subject matter of investigation before the War Department for three or four years, were finally rejected,—will your department, we say, allow any and all future claims, without further recommendation or proof in their behalf than that the chiefs, in a letter evidently not written by themselves, (and there is no proof that it was ever correctly translated to them,) recommend them for approval? We are not in favor of a monopoly in this Indian business, and the rules which the department shall prescribe to itself ought to be known.

Second. Is an Indian who does not show that he was incorporated with, and formed a part of, the Chickasaw nation in the year 1834, entitled to land by virtue of the provisions of the Chickasaw treaty?

It is important for the department to settle this principle, inasmuch as the Choctaws and Chickasaws were neighboring tribes, closely allied by the ties of relationship depending both upon blood and marriage; and before the year of 1834, the Choctaw tribe removed from Mississippi to their western homes, and with them must have emigrated a large number who more properly belonged to the Chickasaw tribe of Indians.

These points are suggested, and not argued at length, because, when the large batch of claims heretofore rejected was pending before your predecessors, they were fully discussed.



The whole delegation earnestly protest against the confirmation of these claims, as now located, because they cover sixty-two quarter sections of land which this government has already sold to our constituents, and on which, no doubt, they have their homes and improvements. If these dilatory Indians, who have so long slept upon their rights, must have land, let them take it where it is unoccupied.

Hoping this matter may be so decided as to subserve the ends of justice, and conduce to the quiet of the country, we are, dear sir, your obedient servants,

R. W. ROBERTS,  
J. THOMPSON,  
T. H. TUCKER,  
W. H. HAMMETT.

I most fully concur in opposing the location of these reservations.

R. J. WALKER.

[Enclosure.]

GENTLEMEN: As the agent of the Chickasaw Indians, appointed to look after their interests at Washington, I desire to call your attention to a subject now pending before the War Department.

The Chickasaws ceded their lands to this government in 1832, on the condition that the proceeds of the same should be kept for their especial benefit. By a supplemental treaty in 1834, reservations were allowed each Indian and each orphan of the tribe. In the years of 1835, 1836, and 1837, the Chickasaw agent, aided by the chiefs, made out a list of the Indians, and located them severally upon appropriate tracts of lands, and in this way about 2,400,000 acres of the common inheritance was reserved for individual uses. Every Indian that could be found anywhere was brought forward by persons interested, and was regularly enlisted. In the years of 1837, 1838, and 1839, these Indians were removed west of the Mississippi river to their present homes. After their removal, a large class of new claimants were found, by persons interested, on the west side of the river. They applied in the regular way (numbering in all between six and seven hundred) for reservations of land. From the year 1839 to the year 1843, the lands claimed were suspended from sale, and thereby the settlement of the country greatly retarded, and the general Chickasaw fund greatly impaired. In 1843, the Secretary of War rejected the whole of these six or seven hundred claims, with the exception of some five or six. The suspension of the sale of the lands was removed in May, 1834. The Commissioner of the General Land Office, by order of the President, brought all or nearly all of the remaining lands into market; and so troublesome had been the persons interested in the rejected claims, in their repeated attempts to arrest the sale of these lands, that instructions were given to the register and receiver at Pontotoc to go on and sell the land, disregarding all new claims; which order was obeyed by the officers. But about forty-nine of these claims, embracing some sixty sections of land, made their appearance at the land sales. They were rejected at Pontotoc, and the question of their confirmation is now pending in the War Department. These claims cover sixty-two quarter sections



of land already sold to individual citizens of Mississippi, for which they have paid about \$12,400; and if they are confirmed, they deprive those citizens of the use of the lands they have bought and paid their money for, or there will be withdrawn from the Chickasaw national fund the sum of about \$12,400, and upwards of thirty thousand acres of land to be appropriated to individual purposes. I feel well assured that the commissioners of the Chickasaw nation could not have contemplated, in any action they may have had upon these claims, that any portion of the national fund actually in the treasury of the United States would be withdrawn and applied to individual purposes.

I therefore feel constrained, under the obligations I am under to the nation, to guard and protect its interests, to resist the confirmation of these claims; and I invoke your aid, inasmuch as a portion of your constituents in common with the Chickasaw nation, will be injured by their confirmation.

With great respect, I remain your obedient servant,

WM. M. GWIN.

To the MISSISSIPPI DELEGATION in Congress.

(B.)

*Memorandum for Mr. Crawford.*

He will enclose to Mr. Upshaw, the Chickasaw Indian agent, a copy of the application, by the board of Chickasaw commissioners, for certain tracts of land to individual claimants, under their treaties of 1832 and 1834; and also copies of the two papers dated January 6, 1845, protesting against those grants, &c.

Call Mr. Upshaw's attention to this subject, and require from him, without delay, a written report in reference to it. Let him state all he knows as to the integrity and fairness of the transaction, and the justice of those claims, the manner of proceeding by the board of Chickasaw commissioners, and the manner in which those claims were got up and brought before that board, and the cause of the delay, and whether any of those claims have been included in those heretofore presented and rejected.

WM. WILKINS.

JANUARY 13, 1845.

(C.)

WASHINGTON CITY, January 8, 1845.

SIR: After the final action of the President of the United States, giving his approval to certain locations made by the register and receiver of the land office at Pontotoc, Mississippi, for certain Chickasaw reserves under the treaty of Washington of the 24th day of May, 1834, I had supposed that the rights of these reserves was settled, and that no attempt would be made to interfere with them; or that if any such attempt was made, it would not for a moment be entertained, inasmuch as, upon the ap-

approval of the locations by the President, the reservees acquired a vested right to their several locations, of which they could not be divested, without their consent, by any power known to the constitution or to the laws of the country.

Having understood that an application had been made to you by the Hon. Jacob Thompson, of Mississippi, to reconsider and set aside the approval made by the President on the 21st of December last, on behalf of the reservees, and acting under the authority of the Chickasaw commissioners, I most respectfully protest against any action, by the department, tending to interfere with the rights of these reservees acquired under said treaty, by their location by the register and receiver at Pontotoc, and by the subsequent approval of the President of the United States; and further, if the Secretary should consider that he was authorized to reopen the matter and set aside the approval of the President, I respectfully ask that, before proceeding to act in the final determination of the matter, he would inform me and give me an opportunity of being heard.

With entire respect, your most obedient servant,

JOSEPH BRYAN.

Hon. Wm. Wilkins,

*Secretary of War, Washington city.*

(D.)

WASHINGTON CITY, March 8, 1845.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, together with the documents enclosed therewith. Your letter of the 21st January had not reached my agency when I left for Washington; but having been furnished with a copy, I have the honor to state, in reply, that I have carefully examined the letter of Dr. Wm. M. Gwin to the Mississippi delegation in Congress, and also their letter to the Hon. Secretary of War. I have also examined the memorandum made by the late Secretary of War; all of which you enclosed to me. And I feel as fully prepared to give a satisfactory answer here, as I could do were I in the Chickasaw nation.

Before I proceed, however, to answer the questions which the Secretary directed in his memorandum should be propounded to me, I feel bound, in justice to myself, to take notice of a remark made in the letter of the Mississippi delegation. They say, referring to the letter of the Chickasaw commissioners which was transmitted to you in my letter of the 5th November, 1844, "in a letter evidently not written by themselves, and there is no proof that it was ever correctly translated to them." This, sir, is a charge upon me that I feel bound to repel. The letter referred to was signed by six of the Chickasaw commissioners, four of that number intelligent men, who speak the English language as well as any one; four of them can read, and three of them can write; and they are men of as good judgments and principles as any men. Ish-te-ho-ta-pa and Colonel Isaac Alberson neither speak English. Alberson can understand some little of our language; but, sir, he is a man of good mind and judgment, and all who know him would say that he had few equals, and no superior; and he never gives his assent to a paper without understanding it

well. These are facts well known to the department, and certainly so to every one who has had any business to transact with the Chickasaw commissioners, and will at once do away the imputation that they did not what they did. It is known to you that, as soon as the Chickasaws were informed that the remaining lands had been proclaimed for sale in May last, they commenced immediately to send on the names of individuals whom they knew were entitled to land under the treaty of 1834. In fact, you, sir, received the letters, or the President did, from Chickasaws from different parts of the nation, requesting that the land sales might be postponed. This was done because they knew these people were there, and they intended to provide for them. These persons were notified by the commissioners to come forward, and they would see that they should have their just rights. The first applications, as before remarked, were sent direct to Washington, after having ascertained all that they supposed were entitled; and, fearing that there would not be time for the list to get to Washington, if the sales were not postponed, they sent a copy of the list to the register and receiver at Pontotoc, asking them to make locations, and reserve the locations, when made, from sale. Another list was sent me, with the request that it should be forwarded on to Washington. The claims were strictly investigated by the commissioners. Some of the claimants, as I stated in my letter transmitting the list, were personally known to me. I am perfectly satisfied that the commissioners would not give land to any Indian that was not justly entitled to it. As to the cause of delay in making applications for land, the only reason is that they know as little about time as if they had never to die. Papers have been sent to you, sir, by the Chickasaws, that have been lying over since 1832; but, still, the Indians thought it was time enough to send them. I am not aware that any of these claims have heretofore been presented to the department and rejected. On the contrary, the commissioners expressly state in their letter that these claims to land have not been acted on before; and they also refer to their action upon certain claims which had been submitted to them for adjudication, most of which they say they "passed over as bad." From the statements of the chiefs, and from my own knowledge of several of the claimants, I am satisfied that no one of these claims has ever before been presented to the department.

I have now, sir, as I conceive, fully answered the inquiries of the Secretary of War as communicated in your letter; and, in conclusion, I have only to say that it was, and is, the desire of the commissioners and Chickasaw people that all who are entitled to the benefit of their treaties with the United States should enjoy it.

With high regard, I have the honor to be, sir, your most obedient servant,

A. M. M. UPSHAW, C. A.

HON. T. HARTLEY CRAWFORD,

Commissioner of Indian Affairs.

NOTE BY INDIAN OFFICE.—The foregoing report, accompanied by the following papers, was returned to the Office of Indian Affairs, with the following endorsement by the Secretary of War: "The previous decision in these cases by the Secretary of War and the President is confirmed."

April 16, 1845.

W. L. MARCY.

WASHINGTON CITY, April 9, 1845.

SIR: In my interview with you yesterday, I found it impossible to call your attention to a report of the Commissioner of Indian Affairs, on the subject of certain locations recently made at the request of the Chickasaw commissioners, for the benefit of some of their people who were entitled to reservations, and who had not previously obtained them, without encroaching too much upon your time. This report has been lying on your table for several weeks, and as it is a matter of great importance to all the parties in interest that it should be settled, I ask, most respectfully, that you would act upon it without delay. The papers submitted show the case to be so plain a one that I feel the less reluctance in calling your attention to it, for I am satisfied that a perusal of them will fully establish the correctness of their approval by the late President of the United States. An inspection of the report of Mr. Crawford, and the papers on file, will show the case to be briefly this: Under the treaties of Pontotoc and Washington, the Chickasaw Indians were entitled to reservations. The locations for the reserves were to be made by the land officers at Pontotoc on the certificate of the Chickasaw commissioners. After the President proclaimed the lands which had not previously been offered for sale, in May last, the Chickasaw commissioners forwarded to the register and receiver at Pontotoc a list of reserves, with a request that locations might be selected for them. These locations were selected, and a list of them forwarded to the department at Washington. They were reported to the then Secretary of War, who laid them before the President of the United States, and by him the locations were approved. A list of the locations, as approved, was made out and forwarded to the Chickasaw agent, in order that the reserves might be notified that their locations had been confirmed, and that they were at liberty to sell under the regulations which had before been prescribed. Some days after the list was thus forwarded, Dr. William M. Gwin addressed a letter to the Mississippi delegation in Congress, who sent it, with a letter of their own, to the Secretary of War. It is unnecessary to recapitulate the contents of these letters, as they are on file with the papers. On the receipt of these letters, the Hon. Wm. Wilkins, then Secretary of War, directed the Commissioner of Indian Affairs to transmit copies thereof to Col. Upshaw, the agent, and to direct him to report the manner in which these claims were gotten up, and the reasons why they had not been before presented. Col. Upshaw being in this city, has answered the interrogatories and fully reported upon the subject, as he was required to do. This report fully establishes, as I conceive, the correctness of the President's action. Dr. Gwin, at whose request the matter was suspended, has become satisfied, and now interposes no objection to the President's approval being made final. If this statement of the case be true, I respectfully ask, is there any necessity for further delay? All the parties in interest, as before stated, are anxious for its settlement, and I most respectfully ask your action upon it.

With great respect, your obedient servant,

DANIEL SAFFARRANS.

Hon. Wm. L. MARCY,  
Secretary of War, Washington.

WAR DEPARTMENT,  
Office Indian Affairs, April 14, 1845.

SIR: The deeds which accompanied Judge Bryan's letter to you, which you referred to this office on the 11th instant, have been carefully examined. They are certified by Chickasaw chiefs and agent, according to the stipulations of the 4th article of the Chickasaw treaty of 1834, and the regulations prescribed by President Jackson. The land embraced by them is designated on the approved list, which accompanied my communication to you of 14th ultimo, but is not regarded as claimed by any purchaser from the government, there being no report of its sale; consequently, it does not come within the late Secretary's order of supervision. Perceiving no objection to the deeds, I will cause them to be prepared for the approval of the President, if it meets your approbation.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. WM. L. MARCY,  
Secretary of War.

Approved, April 16, 1845.

W. L. MARCY.

WASHINGTON CITY, April 16, 1845.

SIR: I am in receipt of your letter of 11th instant. In reply, I have to state that I have no authority from the Chickasaw nation to continue the opposition commenced by me in January last to the reservations to which you allude. That opposition originated with me principally from a statement made to me, that a portion of these reservations had been located upon lands which the government had previously sold to actual settlers. My object was, first, as the agent of the Chickasaw nation, to protect the national Chickasaw fund from the spoliation that would inevitably result from the confirmation of claims of private citizens of the Chickasaws to land that had been sold prior to the location of these reservations; and, secondly, by thus protecting the Chicksaw fund, for which nation I was acting as agent, also to protect my fellow-citizens of the State of Mississippi from being ousted from their homes. But it appears from the statement made to me as being true, upon which I based my action, it is represented as being directly the reverse of truth; that the locations were all made before any of the land was sold, and full notice of the fact given on the day of sale. I had not examined a single paper appertaining to the whole concern; but if I am in error, as it is stated the papers on file in the War Department will show, I fully and freely retract the allegations thus made against the claims, as the error was unintentional on my part; and if one, it was occasioned by false information, derived from others. Since the period of my communication in January last, to which you allude, the Chickasaw agent has been here, and was ordered here for the express purpose of explaining this transaction. What explanation he may have made I know not, for I conceive all authority I may have had to have ceased upon his arrival, and have so stated to the Secretary of War.

Very respectfully, your obedient servant,

D. SAFFARRANS, Esq.

WM. M. GWIN;



X.

WAR DEPARTMENT,  
Office Indian Affairs, April 22, 1845.

SIR: The accompanying thirty deeds in favor of H. Anderson and D. Saffarrans, for certain Chickasaw reservations, were submitted to this office on the 17th instant. They embrace the lands the selection of which was approved by the late President of the United States, and which formed the subject of your decision of the 16th instant. They have been examined by me, are certified by Chickasaw chiefs and the agent, according to the terms of the 4th article of the Chickasaw treaty of 1834 and the regulations prescribed by President Jackson. They are, therefore, respectfully submitted, to be laid before the President of the United States for approval.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. W. L. MARCY,  
Secretary of War.

Y.

GENERAL LAND OFFICE, May 3, 1845.

SIR: Herewith I enclose for your consideration and action a communication dated the 20th ultimo, at Pontotoc, Mississippi, from J. D. Bradford, esq., addressed to the President, on the subject of certain sales in which he states he is interested, and has improved the lands, but which lands, he represents, are covered by Indian locations that have received your favorable action, but since suspended.

You will perceive, from the President's endorsement on the letter, (which you will please return to me,) that he desires you consulted, and the facts in the case ascertained, &c.

I have, therefore, to request that you will communicate to me all the information in the premises in your power touching the locations, &c., to the end that Mr. Bradford, who will be advised of this reference, may be fully answered.

Very respectfully, your obedient servant,

JAS. SHIELDS, *Commissioner.*

T. HARTLEY CRAWFORD, Esq.,  
*Commissioner of Indian Affairs, War Dept.*

WAR DEPARTMENT,  
Office Indian Affairs, May 15, 1845.

SIR: I have received your letter of 3d instant, enclosing for my consideration and action a communication respecting certain Chickasaw reservations, addressed by J. D. Bradford, esq., to the President of the United States, who made thereupon the following endorsement:

"Referred to the Commissioner of the General Land Office, who will consult the superintendent of Indian affairs, ascertain the facts in the case, and give an answer to Mr. Bradford's letter."



The claims referred to by Mr. Bradford are those which were sent to this office by the Chickasaw agent on 5th November, 1844. A copy of them, and of a communication from the Chickasaw commissioners, was sent to your office on 3d December following, with a letter from me requesting certain information respecting them, which was furnished by letter of 9th same month, and the papers accompanying it. On 11th December I submitted a list of the claims and a report upon them to the Secretary of War. That list was returned to this office on 21st December, bearing evidence that the Secretary of War had recommended them to the President for approval, and that they had been approved on that day; a copy of that report is sent herewith, marked A. A copy of the approved list was sent to your office on 24th December.

On, or about, 30th December, your predecessor was requested, by a verbal message communicated to him by direction of the Secretary of War, to suspend all action in regard of those claims; that message was acknowledged by letter from your office to the Secretary of War, on which a report was made by me on 4th January, in which I recommended a qualified suspension which would only affect the claims to the lands which had been sold. That report, with evidence of concurrence on the part of the Secretary, was sent to your office on 6th of that month.

On 13th January, this office received instructions from the Secretary of War to transmit to the Chickasaw agent copies of certain papers, and to call upon him to make a written report in reference to the claims. A copy of the order of the Secretary is sent herewith, marked B. The agent made his report on 8th March, a copy of which, marked C, will be found herewith. This report of the agent having met the various points of inquiry put by the late Secretary of War, I, on 14th March, submitted the subject to the present Secretary of War in the form of a report, in which I briefly recapitulated the action that had been had upon it, and sent with the report the documents referred to in it. The report and accompanying papers were returned to this office on 16th April, with the decision of the Secretary of War confirming the approval of the claims. A copy of that report, and of the decision of the Secretary of War, is sent herewith, marked D.

Subsequently to that decision, and in accordance with it, deeds executed by the resurveyors for the land respectively allotted to them were submitted to the Secretary of War and President of the United States, and, with one exception, have been approved, of which you have before been informed.

Mr. Bradford's letter is returned herewith.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

JAMES SHIELDS, Esq.,

Commissioner General Land Office.

Z.

WAR DEPARTMENT,

Office Indian Affairs, June 10, 1845.

SIR: I have the honor to submit herewith the accompanying papers in compliance with your direction, as a report on the communication addressed to you by Hon. Jacob Thompson, late a member of Congress from Mississippi, in which reference is made to certain claims of Chickasaw Indians which have been finally confirmed by the government. It is proper that the facts attending the action had on those claims should be stated.

The claims referred to by Mr. Thompson were, for the first time, received at this department on the 30th of November last. The report of this office thereupon was submitted to the Secretary of War on the 11th of December, 1844. A copy of that report, and of the documents which accompanied it, are sent herewith, marked A. The report and accompanying papers were returned to this department by the President of the United States on the 21st of the same month, with evidence, that the Secretary of War had recommended the confirmation of the claims, and that the President had confirmed them. The facts, as elicited from the letters of the register of the land office at Pontotoc to the Commissioner of the General Land Office, show that the application for the location of the claims, on behalf of the Indians was made *before* the sale of the land by the government officers, and that the purchasers were informed, *before* they purchased, of the existence of these claims, and that they would have their money returned to them if the claims were confirmed. The land was the property of the Chickasaw nation, and not of the United States; consequently, if it had been occupied by the purchasers at the time of sale, the occupation was without authority of law, and could not therefore give the settlers any priority of right or the semblance of a claim to it. The pre-emption laws do not touch it. The treaty, alone, provides for its disposition.

A copy of my report of the 14th of March last to the Secretary of War, sent herewith, (marked B,) will acquaint you of the action subsequently had upon these claims. The endorsement of the Secretary thereupon shows that he confirmed the approval. I submit, also, papers marked C and D, which are copies of the originals that accompanied the decision last referred to, viz: letter from D. Saffarrans, esq., to the Secretary of War, of 9th April, and from Hon. Wm. M. Gwin to D. Saffarrans, of 16th April. When the decision of the Secretary of War of the 16th of April was communicated to this office, deeds for the land covered by the claims were, with his approbation, prepared to be submitted for your approval. They were approved by you with but one exception, and that one was returned by you unapproved, for the reason that the consideration expressed in the agent's certificate did not correspond with that indicated in the deed.

On the 3d of last month the Commissioner of the General Land Office enclosed, for my consideration and action, a communication addressed to you by J. D. Bradford, esq., on which you made an endorsement as follows: "Referred to the Commissioner of the General Land Office, who will consult the superintendent of Indian affairs, ascertain the facts in the case, and give an answer to Mr. Bradford's letter."

The action of this office thereupon is indicated by the accompanying copy of my letter to the General Land Office of the 15th ultimo.

Very respectfully, your obedient servant,

**T. HARTLEY CRAWFORD.**

To the PRESIDENT OF THE UNITED STATES.

A a.

WAR DEPARTMENT,  
*Office Indian Affairs, August 28, 1845.*

SIR: On the 17th April last I had the honor to submit to you, to be laid before the President of the United States for approval, several deeds in favor of Saffarrans & Anderson for certain Chickasaw reservations.

Those deeds were approved, with but one exception, which was returned by the President, he having detected an error in the certificate of the Chickasaw agent, who, in certifying to the payment of the consideration money, designated it at eight hundred dollars, whereas that expression in the deed was sixteen hundred.

The deed was accordingly returned to the agent for correction or explanation, as the circumstances of the case required. It has been again received at this office, bearing evidence that the sum of \$800 was inserted through inadvertence, instead of \$1,600, which was the true sum paid to the reservee. The objection to the approval having been removed, the deed is accordingly again submitted, to be laid before the President for confirmation.

Very respectfully, your obedient servant,

**T. HARTLEY CRAWFORD.**

Hon. WM. L. MARCY,  
*Secretary of War.*

The recommendation of the Secretary of War is on the deed within.

**W. L. MARCY.**

*August 29, 1845.*

The approval of the President is endorsed on the deed within.

**JAMES K. POLK.**

*August 30, 1845.*

B b.

*Statement showing the number of claims presented for land under Chickasaw treaty of 1834, since the date of the removal of the tribe west of the Mississippi river ; the quantity of land requisite to satisfy the demands; the number rejected ; the number approved; and the names of the assignees of those Indians who obtained lands.*

- 1st. The number of claimants, 573.
- 2d. The quantity of land requisite to satisfy claims, 1,016 sections, or 650,240 acres.
- 3d. The number rejected, 520.
- 4th. The number approved, 53.
- 5th. The names of the assignees, Henry Anderson and Daniel Saffarans.

MAY 2, 1844

NAVY DEPARTMENT, MAY 2, 1844

The report received the resolution of the House of Representatives of 1844, requesting the Secretary of the Navy to furnish the House with detailed statement showing the amount of pay and allowances for the several field officers and staff of the marine corps of the United States; also, the number of officers and men now in the service of the United States; the number at each post; the position of each; and that he report whether in his opinion the good of the service requires the number of officers and the grades now in the pay of the government, and whether any reform, and, if any, what reform, is required in the said corps; and that he accompany his report with any remarks and pertinent by himself.

In reply, I transmit to the House tabular statements prepared by the War and Navy Departments, and by the proper officers of the war and navy, under the direction of the colonial superintendent.

The statement submitted by the Fourth Auditor, and marked A, shows the amount of pay and allowances paid to each of the several field officers and staff of the marine corps during the two fiscal years ending respectively on the 30th of June, 1844, and the 30th of June, 1845. The second statement of the Fourth Auditor, marked B, shows the list of pay and allowances of the several field officers and staff of the marine corps during the last two fiscal years.

The statements in regard to the various movements which the several companies have made, were prepared by the statements of pay and allowances of the several officers reported by the quartermaster and paymaster of the marine corps, under the direction of the colonial superintendent. They are marked C and D.