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Memorial of the Choctaw nation of Indians remonstrating against the enactment into laws of the following bills, now under consideration in the House of Representatives, entitled "A bill to provide for the consolidation of the Indian tribes, and to organize a system of government in the Indian Territory;" and "A bill to incorporate the Kansas, Indian Territory and Gulf Railway Company, and to enable the Missouri River, Fort Scott, and Gulf and the Leavenworth, Lawrence and Galveston Railroad Companies to unite upon and construct a single track through the Indian Territory and to reach the Gulf."

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MEMORIAL
OF THE
CHOCTAW NATION OF INDIANS

REMONSTRATING AGAINST

The enactment into laws of the following bills, now under consideration in the House of Representatives, entitled "A bill to provide for the consolidation of the Indian tribes, and to organize a system of government in the Indian Territory;" and "A bill to incorporate the Kansas, Indian Territory and Gulf Railway Company, and to enable the Missouri River, Fort Scott, and Gulf and the Leavenworth, Lawrence and Galveston railroad companies to unite upon and construct a single track through the Indian Territory and to reach the Gulf."

MARCH 18, 1870.—Referred to the Committee on the Judiciary and ordered to be printed.

REMONSTRANCE, APPEAL, AND SOLEMN PROTEST OF THE CHOCTAW NATION, ADDRESSED TO THE CONGRESS OF THE UNITED STATES.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The Choctaw nation of Indians, oppressed with the fear of a great calamity, addresses this its remonstrance, appeal, and solemn protest, against the enactment into laws of the bills now under consideration in the House of Representatives, entitled "A bill to provide for the consolidation of the Indian tribes, and to organize a system of government in the Indian Territory;" and "A bill to incorporate the Kansas, Indian Territory and Gulf Railway Company, and to enable the Missouri River, Fort Scott and Gulf and the Leavenworth, Lawrence and Galveston railroad companies to unite upon and construct a single track through the Indian Territory and to reach the Gulf."

Choctaw nation, not supplicating for favor but claiming justice and right, and relying upon the most solemn guarantees, remonstrates and protests against the measures which these bills propose, because, being prompted and their adoption urged by a combination of railroad speculators who hope, at the expense of the broken faith and lost honor of the United States, to possess themselves for a nominal consideration of immense quantities of the fertile lands owned in fee by the Cherokee, Creeks, Choctaws, and Chickasaws, they propose to violate rights of all these nations, as sacred and as indefeasible as any human rights can be; and which rights of the Choctaw nation, even the very least of which, all the legislative power of the United States could not lay a finger on to violate or to lessen, if the United States, again and again guaranteeing these rights in all the solemn modes and by all the solemn forms known among

civilized nations, had not, at the same time, withheld from the Choctaw nation and every one of its citizens, the right to assert and vindicate these rights before the great judicial tribunals of the republic.

The Choctaw nation remonstrates and protests against the said bill, because they propose the bold wickedness of violating and utterly holding for nought, without provocation, justification, or excuse, the solemn stipulations and guarantees of right, estate, and immunity, and of the privileges of self-government, made and given, not gratuitously nor out of grace and favor, but for valuable consideration, by assurances and pledges of the Chief Magistrate of the United States, by act of Congress, and by treaties solemnly made and as solemnly ratified by the Senate of the United States; and because the Constitution of the United States, by which alone they exist and act as a nation, contains a solemn pledge, given before these treaties were made, to all nations and peoples and tribes with whom the United States might contract by treaty, that every such treaty should be a part of the supreme law of the land, and that any legislation by Congress contrary to the same should be null and void.

The Choctaw people, holding for their title-deeds solemn treaties, part of that supreme law of the land, come to the bars of the House of Representatives and Senate, and ask to be heard in vindication of their rights, not as petitioners, but as allies, as an independent people, who have accepted the protection of the United States.

They are aware that the cry for justice, and for forbearance from wrong, of a weak and small people to a great and powerful one, is rarely heard, and if heard, rarely heeded; and that the public opinion of the world rarely concerns itself with the wrongs done by power to the defenseless. But the Congress of the United States has, in some cases, heretofore heard our Christian Indian nations patiently, and decided their controversies with the United States justly, and we do therefore hope that it will so hear us and so again decide. For when it has not thus listened patiently it has denied justice, and grievous wrong not honorable to the United States has been the result. Two examples of this, out of many, will suffice for full proof. The treaty of 1855 with the Choctaw nation renewed the provision of the treaty of 1830, by which the line between the country sold to the nation and the Territory of Arkansas was to commence at a defined point, capable of ascertainment, near Fort Smith, and run due south to Red River. The surveying officer by whom the line was run under the treaty of 1830 had, in order to include certain salt springs within the Territory of Arkansas, run not a straight line due south, but a crooked line to the westward of the true line from the proper point near Fort Smith, thus including in the Territory of Arkansas a triangular tract of country, with its apex at the point near Fort Smith and Red River, for a length of several miles for its base, which was as much the land of the Choctaw nation as any tract of land conveyed by patent or granted by act of Congress to an individual. For forty years that land, against the continual protest of the Choctaw nation, has been included in and a part of the Territory and State of Arkansas, and most of it has been sold or granted by the United States for money to individuals, or as swamp land and otherwise to the State of Arkansas. But the tribunals which dispense justice to others were closed against the Choctaw nation, so that it could not claim, but only petition for its rights.

By the treaty of 1855 the same line was stipulated and guaranteed; and officers, selected by the United States, the State of Arkansas, and the Choctaw nation, proceeded to ascertain the initial point and to run

the line in accordance with the treaty. But so soon as it was ascertained that the result would be to restore to the Choctaw nation the land of which it had been unjustly deprived for twenty-five years, positive instructions were sent by the Secretary of the Interior to run the old erroneous line, in violation of the treaty, and it was accordingly run and re-marked, the surveyor on the part of the State of Arkansas resigning in disgust. Fifteen years more have since passed away, and the claim of the Choctaw nation for the land in question, or for its value, remains utterly unheeded.

By the treaty of 1855, also, the Choctaw nation consented that it should be submitted to the Senate of the United States to *adjudicate* whether the Choctaws were entitled to, or should be allowed, the proceeds of the sales of the lands ceded by them to the United States in 1830, after certain deductions therein specified; and, if so, what price should be allowed them for the lands remaining unsold, or whether they should be allowed a gross sum, and the *adjudication* of the Senate was to be an *award*.

The whole case thus submitted was argued at large, upon the law and the facts, by learned counsel before the Committee on Indian Affairs of the Senate, of which, among others, Senators Clarke of New Hampshire, and Doolittle of Wisconsin, were members, and after long, careful, and patient consideration by the committee and full discussion in the Senate, the Senate of the United States, did, on the ninth day of March, A. D. 1859, *adjudicate* and *award*, by judgment and award as final as a final judgment of a court of last resort, that the Choctaws should be allowed the proceeds of the sale of the said lands after the deductions specified, and for the residue of the lands ceded by them, twelve and a half cents per acre; and the Secretary of the Interior was directed to cause an account to be stated showing the amount due the Choctaws according to the principles of settlement so prescribed, and to report the same not to the Senate for confirmation, but to Congress.

This direction was obeyed, and the account reported to Congress; but, except for the sum of \$250,000, the moneys due under the said judgment and award remain unpaid; the Congress of the United States refuses to pay the judgment of the Senate against the United States, rendered by it as arbitrator under a treaty, and a law of Congress expressly excludes all claims under Indian treaties from the consideration of the Court of Claims. And the said Choctaw nation, for cause of remonstrance and protest against the said bill for the creation of a territory and a territorial government, do represent that, by article 7 of the treaty of 1866, the Choctaws and Chickasaws agreed to such legislation as Congress and the President might deem necessary for the better administration of justice, and the protection of the rights of person and property within the Indian territory; but with an express proviso, that such legislation should in no wise interfere with or annul their existing tribal organization, or their respective legislatures or judicatures, or their rights, laws, privileges, or customs.

But for the purpose of effecting a confederation of the different nations and tribes in the Indian territory, with reference to their inter-tribal relations exclusively, they did by the 8th article agree that a council of delegates from each tribe might be annually convened, each nation and tribe being represented therein according to population, according to a census to be taken under the direction of the Superintendent of Indian Affairs. The matters in regard to which the said council might legislate were defined by section 4 of the said article, and such as pertain to the mutual relations and intercourse of the said nations and tribes, the construction of works of internal improvement, and their common defense and safety, with express limitations in accordance with article 7.

Over which council the superintendent should preside, or, in his absence, a person appointed by the Secretary of the Interior; the superintendent should appoint a secretary of the council; courts of the United States might be established not to interfere with the local judiciary, and the council should elect a delegate to Congress, whenever it should be authorized by Congress.

And it was provided that the superintendent should be the executive of the territory, with the title of governor, and a secretary of the territory be appointed by him; the said superintendent to see executed the laws that the council was authorized by the treaty to enact, and the council to consist of an upper and lower house, whenever a majority of the tribes or nations should desire, or Congress should so prescribe.

But the bill against which the Choctaw nation remonstrates is essentially different from these provisions of the treaty in question, in the most important particulars; especially in regard to the legislative powers of the proposed council, and in every case, the addition or variation is intended to interfere injuriously with the rights of the different nations and tribes, to enlarge the powers of the council, and to make it a legislature for a territory, instead of a council of delegates of a confederation.

Thus, the bill extends the jurisdiction of the council, not only to the intercourse and relations of the tribes and nations themselves, but to those of their individual members; to the administration of justice between members of any of the tribe of the said territory, and all other persons, while the treaty gives it only between members of the several tribes and persons other than Indians and members of said tribes or nations; to the creation of corporations with adequate powers for the construction and operation of works of internal improvements, which is wholly unwarranted by the treaty, and under which the whole country may be sold out or given away to foreign adventurers and financial rogues; and to the civilization and improvement of the people; whereas the said nations and tribes do not constitute and are not a people, but are distinct nations—tribes and fragments of tribes—speaking ten or twelve different languages, having no more resemblance to each other than French and Arabic; and the said word, people, is craftily used in the indefinite phrase, “the punishment of crimes, and the civilization and improvement of the people,” to be availed of hereafter as a broad general grant of power, under which the simple confederation to which the Choctaw nation consented shall bloom out and be developed as a consolidated territorial government over one people.

Moreover, the provision that no law shall be in force for the sale, taxation, or incumbrance of real estate by an ordinary rule of law, implies that the said council may levy duties, imposts, excises, and taxes on personal property and incomes, which would give it all the essential attributes of sovereign power, especially with the provision that makes the governor, appointed by the President, the commander-in-chief of the militia; neither of which is warranted by the treaty, nor ever was nor ever will be agreed to by the Choctaw nation. The militia of the Choctaw nation is its own, and it has not consented to a power of taxation, such as the bill in question proposes to give a council of Indians of many confederated tribes, and a power which experience in the United States has proved to be utterly without limit or restraint.

The Choctaw nation also represents that it did not consent by the said treaty to confer upon the Superintendent of Indian Affairs the veto power proposed to be conferred by the 6th section of the said bill.

And it also remonstrates and protests against the provision of the said bill which requires the members of the said council, chiefs or delegates, of itself, and the other of the said Indian tribes and nations, to take an oath to support the Constitution of the United States.

And this, not because of any hostility on their part to the Constitution, but because they are not entitled to enjoy its benefits, cannot vindicate their rights in the courts of the United States, and are not citizens of the United States. The Choctaw people are well aware that it is already questioned in Congress whether the 14th amendment of the Constitution has not made them citizens, and abrogated all treaties made with them. They see that there are those whom no proposition, however monstrous, would shock; but they find it impossible to imagine that the Congress of the United States will gravely decide that all the Indians in the United States have, without their consent, and for the most part against their will, been made citizens of the United States, and all treaties with them annulled and effaced by an amendment of the Constitution to which they are no parties.

The Choctaw nation remonstrates and protests against the said crafty and ingenious bill, in detail and in its entirety. And chiefly it does so, because the territory proposed to be created thereby is to be a thing totally and radically different from the confederation, for limited purposes, provided for by the said treaty, with its council of conciliation and narrow powers of legislation; and because they can plainly foresee that when such a territorial government has once been established their country will be filled up with white men, their people defrauded out of and robbed of their lands, as they were in Mississippi, with the connivance of the officers of the government; that the jurisdiction and powers of their local legislature and judiciaries will be encroached on, and these themselves be soon swept away; and that at no distant day the Choctaw people will have disappeared, and the tongue of their ancestors have become a dead language.

The removal of the Choctaw nation to the west side of the river Mississippi, then wholly a wilderness, commenced in 1820.

President Monroe, in his message to Congress in 1825, urged the acquisition from the native tribes of "a sufficient tract of country west of the State of Missouri and the Territory of Arkansas, in order to establish permanent settlements, in that quarter, of the tribes which were proposed to be removed;" and the Secretary of War in his report recommended that "the strongest and most solemn assurances" should be given, "that the country given to them should be theirs as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens."

President Jackson, in his message of December, 1829, recommended the removal of the Choctaws, and other Indians to the country west of the river Mississippi, and said, "As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district, west of the Mississippi and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it; each tribe having a distinct control over the portion designed for its use. There they may be secured in governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes."

And on the 30th May, 1830, an act of Congress was passed, providing for an exchange of lands with the Indians residing in any of the States

or Territories, and their removal west of the Mississippi. This act provided that, "in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guarantee to them, their heirs or successors, the country so exchanged with them; and if they prefer it, the United States will cause a patent or grant to be made and executed to them for the same. *Provided, always, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.*"

In September, 1830, induced by the solemn guarantees contained in this act of Congress, coupled with menaces and threats on the part of the State of Mississippi, and to preserve their nationality as a people whose tongue is spoken by no other in the world, (except the Chickasaws, who are their brethren of the same blood,) the Choctaw people ceded to the United States the entire country owned by them east of the Mississippi, and agreed to remove from it. And in consideration of this cession and agreement, the United States thereby promised to "cause to be conveyed to the Choctaw nation a tract of country west of the Mississippi River, in fee simple to them and their descendants to enure to them while they shall exist as a nation and live on it," describing it by boundaries. And the said treaty also stipulated that "the government and people of the United States are hereby obliged to secure to the said Choctaw nation of red people the jurisdiction and government of all the persons and property that may be within their limit west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw nation of red people and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State; but the United States shall forever secure said Choctaw nation from and against all laws except such as from time to time may be enacted in their own national councils, not inconsistent with the Constitution, treaties, and laws of the United States; and except such as may, and which have, been enacted by Congress, to the extent that Congress, under the Constitution, are required to exercise a legislation over Indian affairs.

In 1829, the Secretary of War suggested in his report whether an Indian territory might not be advantageously created. This subject engaged the attention of Congress in various forms, until May, 1834, when a bill to create an Indian territory was reported and failed. A new bill was introduced in February, 1836, and in June, 1848, a bill was reported embracing the general principles of the bill of 1834. By this bill, dictated altogether by a sincere desire for the benefit and improvement in civilization of the Indian tribes and nations, and not intended to subserve the purposes of private greed, all the rights of every tribe and nation under existing treaties were solemnly guaranteed, and although a confederation and a council were provided for, each tribe and nation was at liberty to decline to unite in the confederation, or to withdraw from it at pleasure; and it was declared that nothing in it should be construed as authorizing the violation of any existing treaty, or as changing the relations then existing between the United States and any tribe within the territory which should not become a member of said confederacy.

The report of the Committee on Indian Affairs of the Senate of the United States, made on the 15th of February, 1859, upon the memorial of the delegates of the Choctaw nation, admits and proves the gross, signal, and shameful injustice with which the Choctaw people were treated by the legislation of Congress and the action of executive officers

of the government after the treaty of 1830, and that report is prayed to be taken as part of this remonstrance, appeal, and protest.

The fourteenth article of that treaty, recognizing the right of the Choctaws to their lands east of the river Mississippi, to which by the treaty of 1820, as modified by that of 1825, the Choctaw nation had, as the committee expressly decided, a title in fee, affirmed the right of every Choctaw head of a family in the nation to remain and become a citizen of the United States, by simply signifying their intention to do so to the agent, within six months. When that intention was signified, each such head of a family became entitled to a reservation of six hundred and forty acres of land for himself, three hundred and twenty for each unmarried child over ten years of age, and one hundred and sixty acres for each under ten, living with him or her. Every one had the right to remain.

But the emigrating agents discouraged their intention to remain, and unscrupulously resorted to coercive and violent measures to compel them to emigrate. Five or six thousand desired to remain and form a sort of colony, but the plan was abandoned, in consequence of the threats of the government officers and emigrating agents, who caused nearly every family embraced in the scheme to emigrate, through fear of personal violence; and of all these persons not more than fifteen or twenty remained long enough to secure grants in fee simple.

In 1844 seven thousand Choctaws were still in the ceded country, composing nearly one thousand six hundred families. Of these only sixty-nine were reported by the government agent as entitled to land. Ultimately seventy-four families more succeeded in securing reservations. The unfortunate Choctaws were robbed of their lands, in part from the violent means used to coerce emigration, but chiefly from the refusal of the agent to permit them to signify their intention to remain. They were to do this within six months; but the treaty was ratified on the 24th of February, 1830, and no instructions were sent to the agent to receive their notices of intention to remain until May. Then he refused to receive nearly all of them, two hundred at one time. Consequently, their rights were not recognized by the government, and their lands were sold by it. The agent played into the white speculators' hands. Acts creating commissions to examine into these claims were passed in 1837, 1842, and subsequently, under which the claims of over one thousand five hundred families were adjudicated. Of these only one hundred and forty-three obtained their own lands. One thousand one hundred and fifty were ascertained to be entitled, having in all respects and in due time complied with the requisites of the treaty; but in the mean time their improvements had been sold, and Congress gave them scrip, by the act of 1842, but provided that only one-half should be delivered to the Indian, until after he should have removed to the Choctaw country west of the Mississippi. But the Secretary of War made the emigration of the claimants a condition precedent to the delivery of any part of the scrip. At first he only required evidence that the Indian was about to set out. Afterwards he prohibited the delivery until after the arrival of the claimant in the Choctaw country west.

The effect of this law and the unlawful instructions of the Secretary of War was to give to speculators and swindlers a magnificent harvest. Never had greed a more profitable field. Instead of \$1 25 per acre, the par value of the scrip, the miserable victims of cupidity and bad faith realized, on an average, about seventeen cents for 700,080 acres. This quantity of scrip represented so much land owned by the claimants in fee, on which there were valuable improvements, lands worth five,

ten, fifteen, and even twenty dollars per acre; to which they had an absolute right by the treaty, and which they lost, because the government deliberately nullified the treaty stipulation, interposed obstacles and imposed conditions in violation of the treaty, and permitted them to be by force and fraud deprived of their rights, deprived of their lands, and driven from their homes. The treaty made them citizens of the United States at their option, and the subsequent action of Congress refused to recognize that right and force them to emigrate. The act of 1842 required every party claiming a reservation to show that he had "had and owned" an improvement.

The treaty did not require this, and so the Attorney General properly decided. The other respects in which that act went beyond the treaty, and thus violated it, are stated in detail by the committee; by which all these facts are verified.

Nothing was allowed any of the Indians for improvements. They received only scrip at \$1 25 an acre. Eight hundred and forty-nine families were entitled to specific reservations of lands, on which they had from two to twelve acres in cultivation.

These lost 338,240 acres. The government was bound, also, under a convention ratified on the 24th of March, 1837, to invest \$500,000 for the Choctaws, in safe and secure stocks. The government transferred to the credit of the Choctaw nation, in February, 1841, five hundred Alabama bonds of \$1,000 each, when \$500,000 would have purchased in the market \$750,000 of those bonds.

It also refused to pay, of interest on scrip positively stipulated for, \$150,989 70, upon an illegal decision of the Indian Office.

And while the act of 1842 required an Indian claiming a reservation to show that he lived on it the full term of five years after the treaty, in most of the cases where the parties had not done so they had been driven from their homes by the emigrating agents of the government.

Compelled thus to emigrate, their personal property to an immense amount was lost or sacrificed for a fraction of its value. A poor, wretched, impoverished people, they were then removed, in part, by contract, and a new swarm of voracious speculators fattened and thrived upon their miseries.

A multitude died in consequence of the cruel hardships of removal; and, poor, miserable, sickly, emaciated, impoverished, they reached their new home in the wilderness.

Of the sum which the Senate awarded them, in part satisfaction of these just claims, one-tenth part only has been paid, and at the last session of Congress a speech full of errors and mis-statements, made in the House of Representatives by one utterly and lamentably ignorant of the facts and history of the claim, was sufficient to defeat it.

And yet the people of the United States claim the great charter as their inheritance, by which a king of England promised for himself and his successors that they would sell justice to none, deny it to none, delay it to none.

The Choctaw people in general can judge of the intentions of Congress and the government, and of the motives that actuate them, only by their action or inaction, and the results. As a consequence, they have no faith in the pledges of the government or in the guarantees of acts of Congress or of treaties. Many are living who remember the scenes of the years that followed 1830. One who signs this remonstrance remembers them well. None ever forgot them; and this all the more, because no Choctaw had ever shed the blood of a white man, and hundreds of them had shed their blood for the United States. From the day when

the first Choctaw exiles pitched their tents in the wild country west of Arkansas, until this day, none in the States that adjoin their country have ever complained of any wrong or injury done them by the Choctaws.

Remembering the past, and especially how they were by force and fraud, and unwarrantable legislation and illegal instructions from the Secretary of War, deprived of their lands, and how many were dispossessed by forged conveyances made by Indians bribed for the purpose to personate others, they are now anxious, agitated, and alarmed by the introduction of the bills against which the whole Choctaw nation hereby remonstrates and protests.

Having no personal knowledge of the legislators of the United States, a simple people needs no excuse for its ill opinion and want of confidence. Those of them who have had such personal knowledge are not so irrational as not to know that there have never been any large number of members of any Congress who would deliberately violate the pledged faith of their country, falsify its promises made by solemn treaties, or refuse or delay to pay a just claim, upon which no just judicial tribunal would hesitate to give judgment. But also, those who represent here the Choctaw and Chickasaw people know by bitter experience how slowly the wheels of justice move in all great assemblies charged with the interests of a republic; how difficult it is to obtain a hearing; how impossible even to procure the reading of an argument by more than a few of the whole number; how little sympathy is felt for the remnants of our race, which has so diminished in numbers that it may with truth be said that wherever a white man sets his foot from the Mississippi to the Atlantic he treads on an Indian's grave.

And knowing these things, and how potent are the influences, worthy of a sinister fame, that are now urgent for the violation of treaties, to the end that the shameful scenes enacted in Mississippi may be re-enacted in the country which is ours by every title that the faith, the promise, the bond, and the honor of a republic can create and sanctify; he who for his nation signs this remonstrance, is also alarmed and anxious.

On the 22d of June, 1855, another treaty made with the Choctaw and Chickasaw nations, who own the same country in common, was ratified by the Senate, by which all the country embraced within the limits thereby defined was forever secured and guaranteed to the members of those nations, and the guarantees of the treaty of 1830, in regard to their rights as a people, were renewed in these words:

So far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits, * * * * * and all persons not being citizens or members of either the Choctaw or Chickasaw tribe found within their limits, shall be considered intruders, and removed from and kept out of the same. * * * * *

And by the tenth article of the treaty with the Choctaws and Chickasaws, ratified on the 10th day of July, 1866, all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw nations, entered into prior to the late rebellion, and in force at that time, not inconsistent with that treaty, were reaffirmed; as, also, by article 45, all the rights, privileges and immunities theretofore possessed by the said nations or individuals thereof, or to which they were entitled under the treaties and legislation theretofore made and had in connection with them, were declared to be in full force, so far as they were consistent with the provisions of that treaty.

Wherefore, those who here, as delegates, represent the Choctaw nation, seeing how soon after the ratification of this treaty the said ter-

ritorial bill, inconsistent in many important respects with its provisions, has been introduced into Congress, as well as the railroad bill above mentioned, and mischievous resolutions declaring the abrogation of treaties, do share the alarm and anxiety of their people; for they foresee that if the said bills pass and become laws there will be neither safety nor rest nor peace for their people, but their country will be invaded by an army of speculators, and by means of the council provided for, and of the sinister influences that will be brought to bear upon it, and under the vague and dangerous grant of undefined powers to it, the rights of their own legislatures will be continually encroached upon, their nationality disappear, and their people plundered and despoiled by the vultures that already hover over their country as over a legitimate prey—will become wanderers over the surface of the earth; and that the treaty of 1866, which cannot be violated without abrogation of an integral part of the Constitution, will by degrees become a worthless and despised paper.

And they also know how difficult, if not impossible, it will be to obtain redress for their wrongs from a Congress occupied with what will seem to it matters of more moment, and which will, after a time, weary of their complaints, and refuse even to consider their grievances; perhaps, by way of punishment for what it may deem turbulence and causeless discontent, depriving them by ill legislation of the last vestige of their rights as a people.

In the case of *Worcester vs. Georgia*, 6 Peters, 556, the Supreme Court of the United States decided that the Cherokee nation was a distinct political community, having territorial boundaries, within which its authority was exclusive; a distinct independent, political community, ranking among powers capable of making treaties, and which had not surrendered its independence, its right to self-government by associating with a stronger nation and taking its protection. In the same case the court held that a treaty with an Indian nation was the supreme law of the land; in *Meigs vs. McClung*, 9 Cranch, 11, that such a treaty was the contract of both parties; and in *The Kansas Indians*, 5 Wallace, 737, that rules of interpretation favorable to the Indian tribes are to be adopted in construing treaties with them.

The Choctaw people, driven into the wilderness, made themselves a home there. They established for themselves a republican government, and became a state, with a written constitution, a legislature of two houses, and an independent judiciary. They built school-houses, academies, and churches, and devoted ample means to their maintenance. They builded themselves houses, and made for themselves cultivated fields. They devoted themselves to husbandry, were obedient to the laws, abandoned polygamy, and became a civilized, Christian people. They are not of a nature different from the white man, but of a kindred race, subject to the same influences, actuated by the same motives, and capable of like achievements.

They had always seen the government of the United States yield to the imperious demands of single States, and violate the most solemn obligations entered into with Indian nations, when those States demanded cessions of land or removal from their borders. They erroneously supposed that the United States yielded because the State had the right to demand it, and that their Union was but a confederation. When the Southern States, in 1861, pronounced the Union at an end, they supposed that these States had a right to assert their independence. A war between them and their immediate neighbors would have been their utter ruin. The troops of the United States withdrew from the

Indian country, the flag of the confederacy entered it, and with the sword in one hand and the olive branch in the other the Confederate States offered to treat with them. They naturally allied themselves to the States on whose soil their fathers and so many of themselves were born. As a chief of a neighboring tribe said, after signing the treaty, "We do not know which is in the right. When the parents separate, the children must decide with which they will go or remain. The North is our father; the South is our mother; of her bosom we were born, and we will share her fortunes."

While the war lasted, the Choctaws were faithful to their new engagements. They do not know how to break their faith. When they did so in that case, they did it ignorantly, and when the war ceased, they cheerfully placed themselves again under the protection of the United States, which generally condoned their offense, and the treaty of 1866 followed.

The Choctaw nation also remonstrates and protests against the bill which proposes to consolidate into "The Kansas, Indian Territory and Gulf Railway Company" the corporations therein named, for the following reasons:

That by the said treaty of 1866 the Choctaw and Chickasaw nations granted a right of way to any company or companies that might be duly authorized by Congress, or by the legislatures of the said nations, to construct railroads through their country, from north to south and from east to west, compensation therefor to be made as the President might direct; but it was also provided, and the said grant was made upon the condition, that the nation through which such road or roads might pass might subscribe to the stock of the company or companies such amount or amounts as they might be able to pay for, in alternate sections of unoccupied lands for a space of six miles on each side of such road or roads, at a price to be agreed upon between the said nations and the said company or companies; and it was also provided that said lands so subscribed should not be sold or demised to or occupied by any one not a citizen of the Choctaw or Chickasaw nations, according to their laws and recognized usages, the occupancy of the officers, servants, and employes of the companies being permitted under the intercourse laws and the rules and regulations provided for; and the stock so subscribed for to have the force and effect of a first mortgage bond on the part of the road within the said nations, and be a perpetual lien on the same; and the said nations, having the right to elect, to receive dividends or interest on the par value.

But the said railroad bill makes no provision for such subscription for stock in lands by the Choctaw and Chickasaw nations, but by legal construction permits subscriptions for stock in money alone, and authorizes the said company to acquire lands from the said nations without the restrictions provided in said treaty, thus opening wide a door, in connection with the said territorial bill, for the acquisition by the said companies, through the use of such means and appliances with unscrupulous legislatures, composed of men purchased for the purpose, of an unlimited quantity of land, to be sold by them to white men, and thus to plant colonies of white men in the Choctaw and Chickasaw country before the salutary provisions of the said treaty for securing homes inalienably to the Choctaws and Chickasaws themselves can be carried out, and contrary to the stipulations of all the treaties with them, by which no white men can settle in their country; where always heretofore, and even during the war, there has been more peace and order,

and less crime, vice, and intemperance, than anywhere else in the world.

Wherefore, and knowing by long and bitter experience at how small a crevice encroachments on their rights can creep in, and being willing to open their country to settlement only in the manner provided for by the said treaty, and when they have a delegate in Congress to make their complaints heard, and courts of justice of the United States in which their citizens may be protected in their rights and titles, and relieved against frauds, the said Choctaw nation, believing that the said Chickasaw nation shares its convictions, doth hereby remonstrate and protest against the said railroad bill also, unless the provisions of the treaty in regard to railroads shall in the very words be incorporated therein, by which they are content to abide.

And the said Choctaw nation doth also solemnly appeal to the sense of justice and honor of the Congress of the United States, sacredly to observe the faith of treaties and to guard and to preserve their guarantees and that of the Constitution which makes them the supreme law of the land, and especially it appeals to Congress to protect its loyal and obedient people against the rapacity and craft of those who desire and hunger, by crooked means and seemingly just legislation, to possess themselves of their lands, to invade their country like locusts, and to devour their substance.

The Choctaw nation of red people.

By P. P. PITCHLYNN,

Delegate with plenary powers to represent the nation.

CITY OF WASHINGTON, *March 17, 1870.*