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RESERVATIONS OF LAND UNDER FOURTEENTH ARTICLE
OF TREATY OF 1830 WITH THE CHOCTAW INDIANS.

[To accompany bill S. No. 155.]

FEBRUARY 22, 1839.

MR. EVERETT, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to which was referred Senate bill No. 155, submit the following report:

By the 14th article of the Choctaw treaty of 1830, it was provided that "each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, (February 24, 1831;) and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner, shall be entitled to half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the United States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen; but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

The agent returned a certified register of sixty-nine applicants for the benefit of this article, a copy of which will be found in a former report of this committee at the 1st session of the 24th Congress, Doc. No. 663, page 36. Another register, in the handwriting of Ward, was found, containing the names of twenty-three applicants, a copy of which is in the same document, page 38. Certificate before given by Ward to eight other applicants, a list of whose names will be found in the same document, page 12; making, in all, one hundred applicants.

In June, 1833, an agent was appointed to make locations for reserves under the 14th, 15th, and 19th articles of the treaty, with instructions; one article of which was, "Upon application to Colonel Ward or William Armstrong, Esq., at the agency, you will be furnished with copies

of registers of the different classes of reserves in the three districts, and may obtain all the information you will require in the fulfilment of this duty. *These registers are supposed to be complete, and you will be governed by them, in the locations and assignments, in all cases, unless otherwise directed by this Department,*" (page 20.) The agent, Colonel Martin, on his arrival in the Choctaw country, found no other evidence of the applications for the benefit of the 14th article than those above stated; and from them it appeared that they contained only a part of the applications made. On this part of the subject the committee refer to the report above mentioned. On a representation of this fact, the Secretary of War, on the 13th October, 1834, directed the agent to make localities for such applicants as should prove that they gave the notice required, "*to be complete only in the event of their being confirmed by Congress,*" (page 22.) Under these instructions, the agent proceeded to make contingent locations for 520 applicants.

The subject was submitted to Congress in December, 1835; and in May, 1836, the Committee on Indian Affairs reported on the subject; to which report the committee refer for the grounds for instituting the commission which it is now proposed to revive and continue.

The commission has been executed in part only. The number of claims presented to the commissioner is 1,349, including only twelve of the one hundred cases before mentioned; so that the whole number of claims under the 14th article is now 1,437, and it is said other claims remain to be presented. Of the 1,349 cases, only 256 have been definitively acted on. Of these, 165 have been reported in favor of claimants; 65 have been rejected; and 26 recommended to the favorable consideration of Congress: leaving 1,093 to be examined. In the mean time, sales have been made by the United States of a portion of the lands claimed by the reservees, and settlers have gone on to other portions of the land, and many have acquired rights of pre-emption. Under all these circumstances, the question is now presented, on what terms and under what limitations shall the commission be renewed? The committee take it for granted that, on some terms, it must be renewed.

In consequence of the sales by the United States, and the rights acquired by settlers, and the conflicts between the claimants in regard to locations, it has become impracticable to execute the treaty. It has become a question of indemnity. It is now evident that the just amount of the claim will not be settled under the commission, on the principles on which it was instituted. There is, in effect, but one party in the controversy. It is, therefore, now proposed to offer an indemnity to the amount of the full value of all the just claims, leaving it to the claimant to contest before the commissioner who shall be entitled to share it.

They will now state the grounds upon which they have estimated the gross value of the claims. This is deduced by dividing the number of Choctaws who have not emigrated, by the average number of persons to a family, and multiplied by the average number of acres to a claim.

1. Average number of persons to a head of a family :

The whole number of Choctaws, by the census taken by Armstrong in 1831, was - - - - - 17,976

And the number of heads of families, by the same census, was - 2,665

Which gives 6.745 as the average number of a family.

2. The number of heads of families remaining east :

The whole number of Choctaws, as stated by the Indian bureau, including whites and slaves, not in the footing of Armstrong's census; and, also, an addition, to make a round number, was	18,500
And the number of emigrants, probably stated on the same principle, was	15,000
And a subsequent emigration of	177
	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 15,177
Leaves east this number	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 3,323
Which, divided by 6.7, the average number of a family, would give	496
heads of families only, that could, under any circumstances, claim reservations under the 14th article.	
From these, the one hundred claims are to be deducted, as not being subjects of dispute, so far as natives or the extent of the claim is concerned, and which are subject to a separate provision in the amendment proposed	100
	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 396
Of these, the committee estimate that at least one-fourth neither complied nor offered to comply with the treaty, say	96
	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 300
Leaving for indemnity	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 300

3. The average value of claims :

It appears that the location of 77 claims made under Ward's registers and certificates, required 102,400 acres of land; which gives 1,330 as the average number of acres to a claim; which, if the indemnity is made in land, would be acre for acre; if in money, the value to the United States would be \$1 25 per acre.

The whole value of the just claims, on these principles, then, is 1,330; multiplied by the number of heads of families, is 399,060 acres, or in round numbers 400,000 acres, and in money \$500,000.

By this calculation, the 1,337 (1,349—12) claims requiring 1,778,110 acres, are reduced to 300 claims requiring 400,000 acres; or, if the whole of the 1,337 claims should be decided favorably in the same proportion as the 256 were decided, there would then be 862 claims, requiring 1,146,460 acres, and 186 recommended to mercy, 180,680 acres.

The committee have agreed to recommend the indemnity to be made in land, and have fixed on 400,000 acres as the amount to be given in satisfaction of the 1,337 claims; leaving it to the claimants to contest among themselves as to who shall be entitled to share it. In the provision for locations, they have protected purchasers under the United States, and settlers who may have rights of pre-emption.

They have added one restriction, not contained in the former act, providing that those who took the benefit of the nineteenth section, or who were enrolled for emigration, shall not be entitled to claim the benefit of the fourteenth section. This they believe to be in conformity with the fair construction of the treaty, but they have added it to prevent miscon-

struction. It will probably operate on some of the 100 cases as well as on others.

They have made a separate provision for the 100 cases, because they deem them free from all question as to the notice having been given as required by the treaty, and, therefore, ought not to be subject to the hazard of the doubtful cases. They have not been considered as embraced in the former acts. Only twelve of these cases have been presented to the commissioners. It became necessary to provide for their location, and the same provisions have been applied to these as to the other cases.

In conformity with these views, they have proposed an amendment, which, in effect, is a substitute for the original bill.