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July 12, 1866

ADDRESS OF PETER P. PITCHLYNNE

The undersigned, Peter P. Pitchlyne, Principal Chief of the Choctaw Nation, and Winchester Colbert, Governor of the Chickasaw Nation, having been present at the negotiations which terminated on the 28th of April, 1866, in the conclusion of a treaty between the United States and the Choctaws and Chickasaws, of vast importance to the interests and welfare of our people, deem it expedient to issue this address, in order that they may understand the circumstances which rendered said treaty unavoidable--the disadvantages under which it was made, and some of the more important questions and interests which it settles and secures.

It is unnecessary to recapitulate the circumstances which made our two nations allies of the late Southern Confederacy. The end of the war abrogated the treaty with it and left us under the gravest apprehension touching our relations with the United States.

The negotiations, as you are aware, began at Ft. Smith in September last, on the basis, declared by the United States Commissioners, that we were liable to a forfeiture of everything

by reason of having allied ourselves with the South, but, as a matter of humanity and mercy, the United States would only take from us the "Leased District," without compensation, and ONE-THIRD of our country east of the 98th meridian of west longitude, for a very inadequate consideration; confiscate all our back annuities, school and other funds, for the last five years, and free our slaves; requiring us to make such suitable provision for them as would meet the approval of the government of the United States; to which was added, during the negotiations here, the further exaction, that the latter should be placed on the footing of native citizens, with equality in all respects as to land, money, and political franchises. The delegations came here prepared to submit, if necessary, to these hard terms, except the cession of the third of their lands east of the "Leased District," and negro equality. They were also prepared to sell their claim to over 100,000 acres of land, now embraced within the boundaries of the state of Arkansas. Under these circumstances the negotiations were continued after their arrival at Washington City, in the month of January of the present year, and for a season excited great anxiety. The neighboring nations of the Indian territory were reported to have sold a portion of their respective lands, or had agreed to do so, and the treaty proposed by the United States Commissioners required the cession of ONE-THIRD OF OURS, to be bounded by an east and west line, from the Arkansas state line to the eastern

line of the "Leased District," at the 98th meridian of west longitude. Our claim to the "Leased District," was required to be given up without compensation, and other terms were proposed inconsistent alike with our interests and our feelings.

We feel it our duty, in this connection, to bear testimony to the zeal and ability of your delegates, assisted by able and experienced counsel, in watching over and guarding the interests of their people under these adverse and most trying circumstances. Soon after their arrival at the City of Washington a memorial was prepared and submitted by them to the Commissioner of Indian Affairs, containing a review of the circumstances under which the alliance was formed with the Confederate States, and an able legal argument, showing that the old treaties had not, as we supposed, been abrogated, but remained in full force and effect; but nevertheless recognizing the necessity of conforming to the policy of the United States government, as far as could be, consistent with the rights and interests of the Choctaws and Chickasaws.

One leading object of the United States was to provide a home for other Indians, whom the process of extinguishing the Indian title in Kansas, and elsewhere, required should be removed; and it was represented to your delegates that, with a sparse population, scattered over a large extent of territory, the Choctaws and Chickasaws would have either to receive the white population of the frontier -- as a necessity that could not be controlled--or else a homogeneous population of Indians who, uniting as fellow-

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citizens, would at last come to be as one people with us, and save us from an irruption of white settlers that must, in the end, not only destroy our nationality but exterminate ourselves.

It is needless to go over again the arguments that were made in our behalf. These will appear in a printed pamphlet, containing all the papers relating to the negotiations which ended in the conclusion of our new treaty. It is sufficient to say that the result has been the preservation, intact, of our national boundaries as they existed before the war--from the Arkansas and Canadian rivers on the north to the Red river on the south, and from the state of Arkansas on the east to the "Leased District" on the west. Our right to over (100,000) one hundred thousand acres of land, embraced within the boundaries of Arkansas, which your delegates anticipated they would be required to cede, along with the "Leased District," is also preserved.

Our national legislative councils, as well as our local judiciary, remain unimpaired. All our former treaties, as well as all acts of legislation of Congress in our behalf, not inconsistent with the provisions of the new treaty, are recognized and re-affirmed, securing all our claims, national and individual. Citizens by marriage or adoption are made subject to our laws; our right to be witnesses in any courts of the United States is allowed; no persons, other than our own citizens, are permitted to trade among us without a permit from our legislative councils; restrictions as to the

disposition of our chattel or personal property are removed; post offices are to be established as in the United States; and a general amnesty for the past is granted to all the members of both nations. The most liberal provision is made for schools and the enlargement of our educational system, upon which our civilization and advancement so materially depend. The delegates avoided giving their consent to the appropriation of our moneys accruing since 1860, to the support of Indians who adhered to the United States during the late war, retaining the full right to claim and demand them hereafter. Two hundred thousand dollars is at once loaned to us to meet present liabilities and necessities. We have also secured an object which our people have had greatly at heart for many years, viz: the right, when our lands are surveyed and a homestead allotted to each Choctaw and Chickasaw, to have our stocks and other invested funds capitalized or cashed, and paid out PER CAPITA, to enable us to improve our lands and increase our flocks and herds; provided, however, a sufficient amount shall be retained in the hands of the government to support our schools and defray the ordinary expenses of our governments until a judicious system of taxation shall be adopted for these purposes; when the same disposition is to be made of the residue of our funded moneys.

A prominent matter in our negotiations was the "Leased District." On the part of the United States it was contended that this was paid for under the treaty of 1855. Against this assumption

was urged the language of the treaty and the facts within the knowledge of the delegates. Little difficulty would have been experienced here had not the subject become complicated with another of the most exciting interest--the negro question. It was insisted that it was the duty of the United States to see that no harm came to our late slaves; that if they remained with us provision should be made for them; that if they were removed, the "Leased District" was to be their future home; and that such removal and provision for them there, must be at the expense of our nations. Hence the connection of the two questions.

The United States Commissioners presented to the delegates two alternatives. The first was to give to the negroes one hundred and sixty acres of land, in the event the country was surveyed, an equal interest in our national funds, and all the rights, privileges, and immunities of citizens, including the right of suffrage. Through the exertions of our counsel the quantity of land was reduced to forty acres, without the right to participate in either our funds or public domain. In the event of this proposition being agreed to the United States would pay (\$300,000) three hundred thousand dollars for the "Leased District." The other alternative--assuming the leased land to be required in part for the negroes--was to remove all who desired to go, within two years from the ratification of the treaty, appropriating, in that event, the whole \$300,000 for the purpose and for the future benefit of negroes emigrating. The

delegates and their counsel endeavored to obtain a modification of these terms, but within the United States, and to the feeling in Congress on the subject of the negro, you can readily understand the tenacity of the United States Commissioners in that connection. All your delegates and counsel could accomplish in this connection was to provide that the choice of the alternatives should be left to yourselves; and it will be for you to determine which of them shall be adopted--to say whether the negro shall remain as a voter and a land-holder, to the extent of forty acres, in which case the \$300,000 is to be paid to you, or whether those concessions shall not be made in favor of the negroes; in which event that sum is to be retained by the United States and used for the benefit of those who may be removed and colonized elsewhere. Those who decline to remove, or who may return after removal, are placed on the same footing as citizens of the United States who come into the Indian country.

The undersigned would have been glad if this question could have been settled at once, by making one or the other of the alternatives a positive provision of the treaty; so as to save our people from the trouble and excitement which the constant discussion of the subject for the next two years must inevitably produce. The delegates, however, doubted their authority to act definitely upon it.

A sagacious people look to practical results, laying feeling and prejudices aside; and it should be carefully considered

whether the adoption of the first alternative, giving the privileges mentioned to the negroes, besides securing us the \$300,000 for the "Leased District," may not allay excitement on this subject, and materially aid us in getting, hereafter, a larger compensation therefor, as it will undoubtedly produce a strong influence in favor of our yet unsettled claims and demands upon the United States; and whether the rejection of the first alternative, and the adoption of the other, may not lead to the colonization of the negroes in our immediate vicinity. If so, being the first colony of the kind in the United States, it will be regarded with particular interest, and will be sustained and fostered by the government, and the friends of the negro, now so numerous and powerful. Thousands of other negroes will flock there, so that it will probably assume formidable dimensions in a few years. To say the least, they will be anything but desirable neighbors as a separate community. If permitted to remain amongst us, with the concessions to them embraced by the first alternative, outnumbering them, as we do, ten to one, can they do us any harm? While their services as laborers will be of importance and value for years to come. Removed and established as a separate colony, they may do us and our brethren of the other adjacent tribes irreparable injury. Our delegates will submit to their respective councils important letters from our attorneys upon this subject, and in relation to the general policy which we should pursue under our new treaty.

There is another measure provided for at length in the treaty, which is also submitted to your decision; and, in favor of which, the undersigned most earnestly counsel you. It is the survey of our lands, on the principle adopted in the United States, with a view to our holding, hereafter, lands in severalty, and not, as now, in common. We are already, two, civilized communities; but the step in advance, which we will make when our lands are surveyed, will be greater than any which we have yet taken in this direction. The system has been carefully matured in the treaty in its application to our peculiar circumstances; and, without going into details, which you will see when you read the treaty, we commend it to you for adoption. The cost of the surveys (near two hundred thousand dollars) will be paid by the United States. This our counsel secured after the Secretary of the Interior had declared, in his ULTIMATUM, that the surveys should be made at the expense of the Choctaws and Chickasaws.

The experience of the last five years has shown us how insecure is the title to lands held in common. So long as lands are public property the title is liable to be affected by war and revolution, and may be sold by a bare majority of the people; but survey and allot them to individuals in severalty, and no power on earth can change the title or tenure, except with the consent, or by the act of the individual owner. The improvidence of such of our people as might be induced to sell their lands is carefully

guarded against by a provision that the HOMESTEAD, of 160 acres, secured by the treaty to each member of the Choctaw and Chickasaw nations, shall be absolutely INALIENABLE, for a period of TWENTY-ONE YEARS. Thus, allowing time to each child, in being at the time of the survey and allotment of lands, to be educated and arrive at years of maturity and discretion, before any one shall be invested with the right to sell the HOMESTEAD. Had we held our lands in this manner before the war, we would have been now under no necessity to have parted with an acre of them. Let us be wise and guard the future.

Among other features of the treaty is a carefully guarded one in regard to railroads, and others again relate to the organization of a territorial legislature for the whole Indian territory, in which all the nations and tribes who assent thereto are to be represented, with a delegate to Congress, to be elected by said territorial council, and the establishment of a territorial court, without prejudice, however, to existing legislative and judicial authorities of our nations; and, finally, the ingress of the Kansas Indians is to be permitted to the extent of ten thousand; ONLY IF THEY COME AS INDIVIDUAL CITIZENS, (NOT AS TRIBES OR ORGANIZED COMMUNITIES,) AND THEN WITHOUT ANY PARTICIPATION IN OUR ANNUITIES OR OTHER MONEYS, OR PUBLIC LANDS, in the event of the latter, or the proceeds thereof, being divided among us. For all that emigrate the United States agree to pay, out of the funds of the new-comers,

a sum according to the quantity of land granted to each, not exceeding one dollar per acre, as our legislatures may determine; each emigrant to have not more than one hundred and sixty acres of land as a homestead.

To conclude, the undersigned can safely say that the treaty which has been made is far in advance of anything that has yet been done in this direction by an Indian people. It is so recognized by all who have been informed of it, and the undersigned doubt not that if carried out, as they hope it will be, it will result in elevating the Indian character, demonstrating his capacities, and placing the parties to it high on the roll of honorable nationalities among civilized men.

P. P. PITCHLYNNE,

W. COLBERT.

Washington City, D. C.,

July 12th, 1866.