

An act authorizing the appointment of three Commissioners to treat with U.S. Commissioners in reference to the "Liazed district" and for other purposes

Whereas by act of Congress May 28<sup>th</sup> 1830 <sup>President of the</sup> United States was authorized to set apart a certain country now the Indian Territory and solemnly assure the tribes to whom it was assigned that they, their heirs, or successors might forever possess and occupy it; and whereas pursuant to this act of Congress the President of the United States the following September did make a treaty with the Choctaw Nation assigning to it a tract including their present country which was subsequently patented to them; and whereas the Choctaws by treaty of 1837 sold to the Chickasaws <sup>repealed</sup> a one fourth interest in all of their lands; and whereas by the 9<sup>th</sup> article of the treaty of 1855 the Choctaws and Chickasaws leased to the United States all that portion of their common territory west of the 98<sup>th</sup> degree of west longitude for the permanent settlement of the Wichita and such other tribes or bands of Indians as the government might desire to locate thereon, reserving however the right to the Choctaws and Chickasaws to settle thereon; and whereas on the 9<sup>th</sup> of September 1865 Hon D. N. Cooley, Commissioner of Indian Affairs Hon Elijah Sells Superintendent Southern

Superintendence : Thomas Wistar of the Society of Friends ; Brigadier General W.S. Harney United States Army, and Colonel Ely S. Parker of Genl Grant's Staff appointed by the President of the United States as a Board of Commissioners, did, as the declared and acknowledged representatives of the President of the United States duly empowered, declare to the Commissioners of the Choctaw Nation that the new treaty must contain among other things the following stipulations : to wit ;

5<sup>th</sup> that a portion of the lands hitherto owned and occupied by the Choctaws and Chickasaws must be set apart for the friendly tribes then in Kansas and elsewhere, and on the further stipulation :

7<sup>th</sup> that no white person except officers, agents and employees of the government, or of any internal improvement authorized by the government would be permitted to reside in the territory unless formally incorporated with some tribe according to the usages of the band, and whereas on the further representation of the said Board of United States Commissioners that the lands west of the 98<sup>th</sup> degree of West longitude on which the Choctaws and Chickasaws had still the right to settle, would all be needed for the use of friendly Indians and the colonization of the negro freedmen in the Choctaw and Chickasaw Nations unless otherwise adopted by the Choctaws

and Chickasaw, the Choctaw and Chickasaw Nations did by the 3<sup>rd</sup> article of the treaty of 1866 cede the land west of the 98<sup>th</sup> degree of west longitude to the United States in trust for the purposes aforesaid, and under the conditions of the existing laws and treaties of the United States herein-before mentioned:

And whereas by act of Congress of March 1<sup>st</sup> 1889 the United States departed from the long established policy of holding the lands of the Indian Territory for Indian settlement by purchase of the lands of the Creeks and Seminoles which had been sold to the United States for the same purposes as in the case of the Choctaw cession of the lands west of the 98<sup>th</sup> degree of west longitude; and whereas the United States by act of Congress of March 2<sup>nd</sup> 1889 in pursuance of this new line of policy authorized the President of the United States to appoint three Commissioners to negotiate with all Indians owning or claiming lands lying west of the 96<sup>th</sup> degree of West longitude in the Indian Territory, for the cession to the United States of all of their title, claim or interest of every kind or character in and to said lands; and whereas the Choctaw people recognize the changes which have taken place in the policy of the United States, and the desire of the government to establish a Territorial government in the western part of the Indian Territory, and the need to use the lands west of the 98<sup>th</sup> degree of west longitude

for a different purpose than the holding in trust  
for friendly Indians as by the cession of 1866;

and whereas the Choctaws have ever been willing  
and anxious to conform to the wishes of the  
United States consistently with the interests of their  
own people, now therefore

Sec 1.

Be it enacted by the General Council of  
the Choctaw Nation assembled that the Principal  
Chief of the Choctaw Nation is hereby authorized  
and directed to appoint by and with the advice  
of the Senate three competent sober men who  
shall constitute a Commission to represent the  
Choctaw Nation in reference to the rights of the  
Nation in the lands lying between the 98<sup>th</sup> and  
100<sup>th</sup> degrees of west longitude, and between the  
Red and Canadian Rivers comprising an area of  
7,713.239 acres.

Sec 2.

Said Commissioners are hereby authorized  
and directed to conduct negotiations with the  
United States Commissioners in accordance with  
the Act of Congress of March 2<sup>nd</sup> 1889, or with other  
proper authorities of the United States, for the absolute  
cession to the United States of all the claim, interest  
and title of the Choctaw Nation in and to the lands  
lying west of the 98<sup>th</sup> degree of west longitude.

Said Commissioners are hereby instructed to ac-  
tively and strenuously oppose and resist any at-

tempt to include these lands within the limits  
of the proposed Oklahoma Territory until the  
Choctaw Nation shall have their rights therein  
properly recognized and secured

Sec 3. Said Commissioners are also hereby instructed  
to invite the cooperation of the Chickasaw  
Nation in the purposes of this act, and to re-  
port at once to the Principal Chief any agree-  
ment arrived at with the authorities of the United  
States; provided however that no agreement of  
the said Commission shall be binding until duly  
ratified by the General Council, and it shall  
be the duty of the Principal Chief to immediately  
convene the General Council on receiving notice  
that an agreement has been reached by the  
Commission herein provided for.

Sec 4. Said Commissioners shall be allowed for  
their services Six Dollars per day, and mileage  
of ten cents per mile while on this national busi-  
ness payable on their own certificates, approved  
by the Principal Chief, and a sum sufficient  
to defray such expenses is hereby appropriated  
out of any money in the treasury not otherwise  
appropriated.

Be it further enacted, That this act shall  
take effect and be in force from and after  
its passage - Proposed by S. E. Neolena

Bill No. 54  
An act authorizing the  
President of the  
unions to treat  
the U.S. Commission  
reference to the lead-  
ing and other  
purposes.

Laid over for further  
consideration 4 Nov. 1889

S. E. Hootma  
Speaker

Passed the Senate  
Nov 5<sup>th</sup> 1889  
Chas. Wm. Wilson  
President Pro tem

Passed the House  
Nov 5 1889  
as in as in  
William  
Speaker Pro tem

Referred to the  
Senate ~~on~~<sup>May</sup>  
5<sup>th</sup> 1889  
as in William  
Speaker Pro tem

Approved Nov 5<sup>th</sup> 1889  
R. D. Smallwood  
principal chief of the  
Choctaw Nation

J. B. Jackson  
Nat Secetary  
C. N.