

## MEMORIAL

OF THE

CHICKASAW NATION

to the

President of the United States

In the years 1830 and 1831 the Chickasaw emigrated to the States of Mississippi, Tennessee and Alabama to the Indian Territory, and that time the Chickasaws numbered about 4,000, and their negro slaves about 1,000, as appears from the emigration rolls on file in the office of Indian Affairs. In the second article of the treaty concluded between the United States and the Choctaw and Chickasaw Nations, on the 23rd of April, 1866, it was stipulated as follows:

"The Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery, nor involuntary servitude, otherwise than in punishment of crime, whereof the parties shall have been duly convicted, in accordance with laws applicable to all members of the particular nation, shall ever exist in said nation."

During the half-century which has elapsed since the emigration of the Chickasaws, the proportion of the colored population has been very greatly augmented in the Chickasaw nation. This has been brought about by the following causes: In the first place, their natural increase has been much greater than that of the Indians. Then regiments of United States colored troops were stationed in the Chickasaw nation after the war, and around them gathered a large number of colored people from the Choctaw nation who had formerly been slaves of the Chickasaws and Choctaws. Further-

... of the soldiers were mustered out of service after the close  
of the war, and married and settled in the country. And, finally, many  
negroes, who had been sold by the Chickasaws before the war, have returned  
since the war, and now claim all the privileges secured to the negroes who  
were emancipated by the treaty of 1830. The result is that two of the four  
counties of the Chickasaw nation, viz. Jackson and Pontotoc, the negroes  
own. It is believed that the other two counties, viz. Choctaw and  
Washington, are still in the hands of the white population.

Article III of the treaty of 1830 contains the following  
provision:

The Choctaws and Chickasaws agreed to sell and cede to the United  
States a certain tract of land, the territory west of the 98th meridian,  
known as the "leased district".

The United States agreed to hold the purchase-money (\$300,000  
in trust, at interest, for the Choctaws and Chickasaws (three-fourths for the  
former and one-fourth for the latter) until the Choctaw and Chickasaw legislatures  
respectively should make such laws, rules, and regulations as should secure  
to all persons of African descent residing in said nation at the date of  
the treaty of 1830, and their descendants, formerly held in slavery in  
said nations, all the rights, privileges, and immunities of citizens of said  
nations, (including the right of suffrage, except that they should not share in the  
annuities, moneys, and public lands of the nations, and also to secure to  
of said freedmen forty acres of land, upon the terms and in the manner pre-  
scribed.

3. The United States agree to pay over the sum of \$300,000 to the Choctaw and Chickasaw, as soon as such laws, rules, and regulations shall be made, less such part of the sum of \$300,000 as should be sufficient to pay, in full, to such of said freedmen as should within ninety days after the laws, rules and regulations were made, to remove and actual remove from the territory.

4. It is agreed that if such laws, rules and regulations were not made the Choctaw and Chickasaw nations respectively, within two years after the ratification of the treaty of April 21, 1866, said sum of \$300,000 should be held in trust for one of said freedmen to be United States and removed from the territory.

5. It was agreed that upon the failure of the Choctaw and Chickasaw to make such laws, rules and regulations within the time after the ratification of the treaty, said sum of \$300,000 from the annuities for the use and benefit of said freedmen, the United States shall remove said freedmen from the Indian territory, within ninety days after the expiration of such period of two years.

The treaty stipulation is to the following effect:

Article III. The Choctaw and Chickasaw, in consideration of sum of three hundred thousand dollars, hereby ceded to the United States territory west of the 96 west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States at an interest not less than five per cent., in trust for the said nation until the legislatures of the Choctaw and Chickasaw nations, respectively, shall have made such laws, rules and regulations as may be necessary to give all persons of African descent, resident in the said nations, at the date of the treaty of Fort Smith, and their descendants heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public lands claimed by or belonging to said nations, respectively; and also to give to such persons, who were residents as aforesaid, and their descendants, forty acres, each, of the land of said nations, on the same terms as the Choctaw and Chickasaws, to be selected on the survey of said land after the Choctaw and Chickasaw and Kansas Indians have made their selections, as herein

provided; and immediately on the enactment of said laws rules and regulations, the said sum of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw nations, in the proportion of three-fourths to the former and one-fourth to the latter, less such sum, at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent, before referred to, as, within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations, respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations, respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said territory, in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove, those remaining or returning after having been removed from said nations to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be on the same footing as other citizens of the United States in the said nations.

The third article of the Greek treaty of June 14, 1866, contained the following stipulations:

"In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Greeks hereby cede and convey to the United States, to be sold and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of the entire domain to be divided by a line running north and south."

The fourth article of the Choctaw and Chickasaw treaty of 1866, contained the following stipulation, on the part of the Choctaws and

Chickasaws:

"And they further agree that, while the said freedmen, now in the Choctaw and Chickasaw nations, remain in said nations, respectively, they shall be entitled to as much land as they may cultivate, for the support of themselves and families, in cases where they do not support themselves and families by hiring, not interfering with existing improvements, without the consent of the occupant, it being understood that in the event of the making of the laws, rules, and regulations aforesaid, the forty acres aforesaid shall stand in the place of the land cultivated as just aforesaid."

The Chickasaws did not, within two years after the ratification of the treaty of April 28, 1866, make the laws, rules, and regulations necessary to give to the freedmen either the rights, privileges, and

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they decided not to make such laws, rules, and regulations; and they surrendered all claim to said sum of \$300,000.

An act of the Chickasaw legislature, approved November 9, 1866, containing the following provisions:

Sec. 3. " Be it further enacted, that the provisions contained in article 3d of the said treaty, giving the Chickasaw legislature the choice of receiving and appropriating the three hundred thousand dollars therein named, for the use and benefit of the Chickasaws, or passing such laws, rules, and regulations as will give all persons of African descent certain rights and privileges, be and it is hereby declared to be the unanimous consent of the Chickasaw legislature that the United States shall keep and hold said sum of three hundred thousand dollars for the benefit of the said negroes. And the governor of the Chickasaw nation is hereby resaid negroes. And the governor of the Chickasaw nation is hereby requested to notify the government of the United States that it is the wish of the legislature of the Chickasaw nation that the government of the United States remove the said negroes beyond the limits of the Chickasaw nation, according to the requirements of the 3d article of the treaty of April 28, 1866."

The provisions of this act were affirmed by an act of the Chickasaw legislature approved October 22, 1865.

Upon the passage of the act of November 9, 1866, it became the duty of the United States, under the treaty, to remove the freedmen from the Chickasaw nation. But the United States have wholly neglected to ~~take~~ perform this duty, and have left all the freedmen within the Chickasaw nation; and since 1868 those residing within the Chickasaw territory have enjoyed the free use of all the land they have seen fit to cultivate, and all the rights which the Chickasaws themselves have enjoyed, except the right to vote and the right to share in the annuities, moneys and public domain of the nation.

Under the treaty the Chickasaws were free to adopt the freedmen as citizens, or to reject them, at their discretion. Their right to determine this question for themselves was not made conditional upon the approval by the United States of the reasons on which their

decision should be based.

It will have been observed that the stipulations of the treaty are only applicable to the emancipated slaves of the Choctaws and Chickasaws, and to their descendants. Other negroes, whether immigrants from the states or from other Indian nations, or soldiers mustered out of the army of the United States, were, and still are legally on the same footing, in the Chickasaw nation, as white citizens of the United States. They cannot legally reside in the nation without the consent of the Chickasaws. But the difficulties of the situation are greatly increased by the presence, in the Chickasaw nation, of large numbers of negroes who are not emancipated slaves of either the Choctaws or Chickasaws, as well as by the presence of many Choctaw freedmen and their descendants. It will be difficult if not impossible to separate these classes from each other. They have intermarried, and their relations have become so intimate that a rigorous enforcement of the right of the Chickasaws to exclude all except the freedmen and their descendants would work great hardship to the colored people. Heretofore the Chickasaws have made no discrimination between freedmen and their descendants, on the one hand, and those negroes on the other hand, who have no interest in the treaty. They have furnished both classes with all the land they have seen fit to cultivate, and have treated both classes alike with uniform kindness and justice. Although residing in the Chickasaw nation, mingled with ~~the Indians,~~ the negroes have never been subject to the civil or criminal jurisdiction of the Chickasaw nation since the treaty of 1866 was made.

The Chickasaws are friendly to the freedmen and their descendants and wish them to enjoy the privileges secured to them by the treaty of 1866. But the addition of this multitude of immigrants to the body of Chickasaw freedmen seriously imperils the welfare of the Chickasaw nation. The freedmen constituted an insignificant proportion of the Choctaw population. And the tendency of the Choctaw freedmen has been steadily towards the Chickasaw country. Their recent absorption into the body of the Choctaw citizens was, therefore, attended with no danger or inconvenience to the Choctaws. But the freedmen and colored immigrants constitute so large a part of the Chickasaw nation and increase in number so rapidly that they must soon outnumber the Chickasaws, and, if, invested with the elective franchise, will be able to take possession of the government, and ultimately to deprive the Chickasaw people of their government and country. The Chickasaws have decided, after mature deliberation, that they cannot under any circumstances, consent to adopt the freedmen as citizens. The result of this threatening condition of things must soon be to disturb the friendly relations now existing between the colored people and the Chickasaws.

In view of the considerations above set forth, the Chickasaws earnestly ask the United States to fulfil the treaty of 1866, by removing, without delay, to the leased district west of the 98th meridian of longitude, or to the Oklahoma country, ceded by the Creek treaty of 1866, or elsewhere, all the freedmen who shall consent to such removal, and by placing all those who shall refuse to go on the same footing as other citizens of the United States in the Chickasaw nation.

G. W. HARKINS  
H. F. MURRAY

Chickasaw Delegates

HON. J. RANDOLPH TUCKER

Chairman of the Judiciary

of the House of Representatives

Honorable Sir:

We, the undersigned, the duly appointed Delegates of the Chickasaw Nation of the Indian Territory, would most respectfully beg leave to say that among the other duties with which we are charged by our people, and which is embodied in our special instructions, received from the Governor of our Nation, is that of using our best endeavors to secure the passage of an act, known as the Culberson bill, which passed the last House by practically a unanimous vote, and which provided for attaching the Chickasaw, and a part of the Choctaw Nations to the Federal Judicial system of Texas, with holdings of the Courts thereunder at Houston and Paris, Texas, respectively.

In accordance therewith we beg leave to submit, for the reasons for this change are manifest and cogent. In this connection we would urge that our country has for a ~~short~~ many years been a place of refuge for the outlaws and refugees from justice from almost every State in the Union, that they have been a scourge to us, endangering our lives and property, and giving to our country in no small degree a character of lawlessness and rapine, that of right, judging our people by our own acts, should not attach to us. That by reason of the remoteness and inaccessibility of the present Federal Court that alone has criminal jurisdiction over our country, and the enormous cost attending arrests and trials,



arising from the great distance from this court, these outlaws  
and desperados can practically defy the United States authorities.  
They are further enabled to evade punishment from the fact that  
our people are to a great degree deterred from giving information  
of violations of law that come under their observation, for two  
reasons: First, because to be a witness at court with its  
great loss of time and money because of the great distance and  
the ever crowded docket of said court, which makes many continuances  
and postponements necessary, that but few of our people are able  
to be a witness except at an outlay and loss of time that involves  
almost their ruin, and secondly, because when one of our people  
appears there as a witness in a case of an importance, he is  
required to give a bond for his appearance to testify; this but  
the fewest of people are able to do, from the fact that they are  
hundreds of miles from their homes, among a strange people with  
whom they have no intercourse, commercial or otherwise, the result  
is that they are thrown into an unhealthy prison, and held until  
death, or the trial of the criminal brings them relief, the latter  
frequently not occurring for years. These penalties which apply  
fully as strongly as we put them, we submit are strong enough to  
break down the resolution of the best of citizens of any country  
however stoutly they might desire the laws enforced and its violators  
punished, but with financial ruin and incarceration both staring  
them in the face, what wonder is it that they as a rule, quietly  
submit to outrages, spoiliations and wrongs rather than brave the  
dangers that environ those that seek the punishment of the guilty.

Then as to the location of the courts under this bill, The Legislature of our people have repeatedly spoken by resolutions, and our Governor by memorials, and our people by petitions all respectfully but earnestly urging the location of the court having jurisdiction over the Chickasaws at Denison, Texas. This would put us among a people with whom we are well acquainted, near whom we have lived since our removal west of the Mississippi River, among whom many of our sons, and daughters are educated, with whom many of our sons, and daughters are educated, with whom we have always maintained the closest and most friendly relations commercially and otherwise, we feel assurance that we put voice the almost unanimous wish of our whole people when we say that Denison is for all reasons the best locality to meet in the largest possible degree the wishes and conveniences of our whole people, and would remove at once all the ills we suffer from being attached to the State of Arkansas for Judicial purposes. We submit that the location of such courts could enable the Government to more speedily, thoroughly and efficiently execute the laws, preserve order, and repress crime, and save the Government many thousands of dollars annually.

We feel that we would be direct in our duty to our people if we failed to take advantage of this occasion to protest in the most earnest and energetic manner against the proposition to carry the civil jurisdiction of the United States Courts into our country. We believe it to be unwise, inexpedient, unnecessary and fraught with evil to our people and country; so believing we in the name and in behalf of our people, humble and weak, appeal

to you the representatives of a brave, strong nation, not to subject  
us to this trial. We submit that such action would, without our  
consent, be a violation of law and subversive of our treaty obli-  
gations. At least such are the opinions of every one of the judges here,  
who have been consulted on the subject, and we submit the suggestions  
to your candid judgment as a work worthy to be done for the benefit of  
everybody over the world.

We would be further to urge that the judicial arrangements  
under the present judicial arrangement, are such as to be a source of  
our honor and glory, to see the changes in the world,  
to bring in the interests and disturbing elements, and when it is  
unnecessary in this that our laws and regulations afford adequate  
protection for the difficulties, some to be cured by carrying out  
jurisdiction, and some to be cured by our laws are sufficient to  
citizens of our country, and to some citizens, living in our country  
and to non-citizens living in our country, contracts, obligations  
to non-citizens residing in our country, and refuses to  
settle such obligations of mutuals, from a proper application,  
the resident non-citizen's license is revoked, and he is required to  
remove all property and effects out of the country, and it is our  
policy, or desire, to make our country a place of refuge for criminals  
or dishonest debtors.

In conclusion we most ardently pray, that your most dignified  
and honorable body, will bring into the house of representatives  
at the earliest day possible a report favorable to the Calhoun  
bill, as it passed the last Congress, with Courts at Denison and

Paris. And that you will crown down the attempt to violate the law, and the sanctity of our treaties, by attaching civil jurisdiction thereto, and thus relieve our people from a loss of calm and apprehension.

Yours truly, J. M. [Name]

Deputy Secretary

Washington, D. C., Jan. 20, 1891