

Copies

Washington City, D. C.

December 19<sup>th</sup> 1837.

Messrs, P. P. Pitchlynn & Others,  
Choctaw Delegates,  
Gentlemen,

As requested by you, I have carefully examined the views presented by Mr Cooper, Agent to the Choctaw Indians, in regard to the provisions of the Treaty of September, 1830. As that Treaty was made by me, for and on behalf of the United States, you solicit my opinion as to the views presented by Mr Cooper, and to which with propriety I can interpose no objection.

I am free to confess that, all the circumstances considered the views of Mr Cooper derive great force, at least to the extent of giving to the Treaty an equitable consideration. A brief narrative of matters as they then existed, will afford some light on the subject.

Seemingly a conflict of authority was manifesting itself - The States had extended their laws, and the Indians being embittered at the idea, some open hostile conflict was feared. The States right portion of the Country insisted that the duty of the General Government was non-interference with the States in the exercise of legislation within their limits; while a larger portion of the Country held that protection of Indian rights, and of their possession to the soil, were paramount to any authority over them, which a State could exercise. The preamble to the Treaty assumed this principle - that the Executive could not protect them against State Legislation; which on ratification, although in no wise material to the Treaty, was stricken out by a vote of the Senate.

So situated and embarrassed, President Jackson

But Mr Coffee and myself to conclude a treaty; with no instructions given to us except - "fail not to make a treaty". If insisted upon, I would have given to the Choctaw people the entire net proceeds of the sale of their Country, as I did a short time subsequently to the Chickasaws in 1832.

Dissensions had existed amongst the Chiefs apprehending capture. When the Treaty came to be signed dissatisfaction was manifested - The Indians commenced to drink; and even hostility was threatened to such an extent that the Commissioners, about sunset of the same evening, left the encampment.

At the concluding interview in Council, when for the second and last time, we had met for them to conclude or refuse the Treaty, perceiving the decided opposition of the Indians, I addressed them (many knew our language) and said - "The United States neither need nor want your lands, for any purpose of profit, for already they have lands enough and to spare; the only object is to have jurisdiction over your Country, and save you from the encroachments of the Whites which cannot be prevented"; I said moreover, that if a treaty were not made, the President would withdraw the Army and leave them under the State laws.

These declarations had great influence, and thereupon they hastily came forward and signed the Treaty. Thus a great gain was effected. The Choctaws were disposed of. Shortly after, the Chickasaws, following the example, yielded up their lands. The Cherokees in 1838 did the same thing; and thus in five years the perplexing question of Indian rights was disposed of, and quietude restored, to the benefit of all, or at least of four States, viz - Tennessee, Georgia, Alabama and Mississippi.

The idea that the United States ought any more

many profit from their lands, or desired anything beyond a mere jurisdiction over the country, was emphatically disclaimed in the address I made to them. Added to this was a stipulation, that the lands should remain a trust for the fulfilment of the engagements of the Treaty. These two circumstances might well have induced the Indians to believe, as they now state, that the net proceeds of the sale of their country was to enure to them.

There certainly is strong equity on their side: First. Many of the reservations secured by the Treaty, were lost which swelled to the United States the quantity of land ceded by the Treaty.

Second - The consideration of purchase was small - for while the Cherokees received five millions, and the Chickasaws the entire net proceeds of sales, the Choctaws received, for a larger and better country not exceeding half a million of dollars.

If the design be to appeal to Congress, being thereto requested, I will with pleasure appear before the Committee, for the purpose of any further explanation that may be desired.

Very respectfully &c.

John D. Catton

3

Letter of Lund John H. Belan  
to Charles DeLagatin  
Dec<sup>r</sup> 19. 1854