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RATIFIED TREATY NO. 85

DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF OCTOBER 24, 1816, WITH THE CHOCTAW INDIANS

To John M. Kerr. Esq. Choctaw
Agent - 20th May. 1816.



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Dept. of War 2
20th May 1816.

Sir

Inclosed you will receive instructions for holding a treaty with the Choctaw Nation for the purpose of adjusting the limits of the Creek cession as far as it interferes with the Choctaw boundary. You are required to adopt the measures necessary to convene the Chiefs of that Nation with the least possible delay, and to give the earliest information of the time and place of the Convention to your Colleagues. The President expects that you will use your best exertions to prepare the Choctaws to make the relinquishment which is desired. Considering the nature of Indian title in general, & the benefit which they derive from their lands the sum which you are authorized to give is deemed liberal, but when the doubtful nature of the claim of that Nation to the land in question is taken into view, the sum may appear rather extravagant. The President is desirous of erring if it is necessary to err, on the side of liberality to the Indians, who have been our auxiliaries in the late war, and in the event of future wars, may be rendered more useful to the United States. Every effort must be used to convince them that we require nothing of them but what is compatible with their rights and consistent with

their Interests. The factors will be instructed to
furnish you with the merchandise necessary for
making presents to the principal Chiefs. A liberal
judicious distribution of these presents, among
the most influential Chiefs may have the most ben-
eficial effects upon the Negotiation.

I have the honor to be your
Most Obedt. & Very Humble Servant

Signed

William H Crawford

John M^{re} Esq^r
agent for the Choctaw
Nation of Indians.

To Messrs John Coffee, Jas. Rhea,
& John M. Ker - Commrs to
treat with the Choctaw nation.

20th May. 1816.

[Handwritten signature]

[Handwritten mark]

J. A. C.

(copy)

Department of War
20th May 1816.

General

John Coffee

John Rhea

John M^{rs}. McEguire

Gentlemen

The Choctaw and

Chickasaw Nations having set up claims to a part of the lands supposed to have been ceded to the United States by the Treaty concluded with the Creek Indians at Fort Jackson, in the year 1814, the President has deemed it expedient to enquire into, & decide upon their validity, or to obtain a relinquishment of them, for a valuable consideration, before the lands are surveyed and offered for sale.

To attain this object with the least possible delay, it has been determined to appoint Commissioners, who in conjunction with the chiefs of the Choctaw nation, shall have authority to investigate the conflicting claims of the two parties and to decide upon them definitively. Confiding in your judgment, discretion and patriotism, the President has selected you for the discharge of this important trust.

In all our transactions with the Indian tribes in amity with the United States, the appearance of force or menace should be scrupulously avoided. Whilst the claims of the

Government are distinctly presented, and asserted with firmness. Theirs should be heard with patience and respect.

Considering the uncertainty which is generally found in the definitions of Indian boundaries, it is not surprising that the claims of the United States, under the treaty with the Creek Indians, should be contested by all the tribes whose hunting grounds are continuous with the lands acquired by that treaty. The cause which produces these contentions necessarily renders the testimony upon which they are to be decided, vague and unsatisfactory. Under these circumstances it is deemed advisable not to scrutinize with too much rigidity, the evidence which shall be produced in support of their claims, provided that the Relinquishment of their title can be obtained for a fair consideration. In fixing the sum which shall be given to them, due regard will be had to the extent of country claimed & to the nature of the title which they shall establish, which in no case shall exceed an annuity of dollars, and dollars in presents to the principal Chiefs.

For this sum a full Relinquishment of title to the lands claimed by the Choctaws, lying east of the Tombigby may reasonably be required of them. The possession of

The left bank of this river, is so important to the United States, that their right to it under the cession cannot be relinquished by treaty. The importance of having a natural boundary such as the Tom Bigby river from one end of their country to the other cannot be overlooked by them. Its advantages should be explained and enforced upon every suitable occasion.

If after hearing the testimony which shall be produced, the claim of the United States to the lands on the East bank of that river should appear to be doubtful, & the Choctaw Nation shall refuse to relinquish their title for the consideration which you are authorized to give them, you must terminate the negotiation without entering into any Convention upon the subject. The claims of both parties will remain unimpaired, until under more favorable auspices the controversy shall be amicably adjusted. With a view to this adjustment, you are authorized to distribute presents among their principal Chiefs as in your opinion will tend to hasten the attainment of that object. Col. M^r. See one of your colleagues will be charged with convening the Chiefs of the Choctaw Nation, and will give you timely notice of the time & place of the Negotiation. As a Compensation for your services you will receive 8 dollars a day for the time you are

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actually employed in the negotiation I'm going to and
returning from the treaty, besides your necessary expenses.
Your Secretary will be allowed five dollars a day & his
necessary expenses. - Have the honor to be your

Most Ob. & very humble Servant

Signed, William H. Crawford

To Messrs John Coffee, An. Allen,
& John A. McKee - Commissioners to
treat with the Choctaw nation.

20th May. 1830.

D. 30

Extract from the minutes
of a conference held with
the Choctaw at the
Choctaw Factory by the
Commis^{rs} of the U.S.

Oct. 24 1816.

Nov

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Extract from the Minutes of a conference
held with the Choctaws at the Choctaw factory
by the Commissioners of the United States.

Thursday October 24. 1816

David Folsom as the organ of the Choctaw
Commissioners. stated that it was unanimously
agreed to cede the land lying east of the Tombigby
river, that the Choctaws were always anxious to
please their father the President of the U. States who
had on so many occasions manifested his
kindness towards his old children. - Was sorry to
learn that the Creek claimed the country in
question as being within their original boundary -
that the claim was unjust, that the land belonged
to the Choctaws, who were now willing to cede it to
the U. States, because there seemed to be some diffi-
-culty about the title, which they were anxious to
remove, and above all were desirous by their
complying with the President's wishes to afford a
strong demonstration of their respect for and attach-
-ment to him. He was instructed he said to urge
some points in favor of the Nation before the negotiations
were brought to a close, which he proceeded to
state as follows.

1st That the purchase money for the land about to be ceded should be paid in hand, or if that was inadmissible that the annual payments should remain in the hands of the Government and the nation draw interest thereon. The object of this plan was to create a fund for the rising race, to defray the expense of schools and other plans for their improvement.

2nd That the present system of peddling in the nation be prohibited.

3rd That the Choctaw Agency be removed to the Eastern part of the Nation for the purpose of having the Agents attention more particularly directed to the prevention of irregularities between the new settlers on the ceded territory & the Indians - That on the other frontier borders they were already acquainted with the whites and lived in harmony.

4th That the Indians have the option of receiving the annual payments in money or merchandize and that in either case the expense of exchange to be on the part of the United States.

5th That the new as well as the old annuity be paid or distributed in future at the trading house or Factory.

6th That as many old people are now settled on the western bank of the Tombigby who cultivated lands on the east side, that some indemnity should be given for this

improvements in clearing and fencing their fields.

4 That as it had been usual in Indian treaties to make reserves in favor of individuals, the Chiefs of the Choctaws in this instance wished to stipulate for reserves East of Tombigby in favor of some halfbreeds.

8 That the Choctaw Nation in the proposed cession do not mean to give up the reserve made at Ficketcheepoonta by the Treaty of 1805. — He then concluded by inquiring whether the Choctaws would be deprived of the use of the Navigation of the Tombigby.

General Coffee in behalf of the U.S. States Commissioners replied extemporaneously, and in substance as follows.

With respect to the prompt payment beyond the sum of ten thousand dollars stated in the proposition, or that the U.S. should retain in their hands the annual payments and pay the Indians an interest were equally inadmissible.

In relation to new regulations with respect to Trade, to removal of the Agency, the option of receiving the payments in goods or money, and the place where to be received or distributed, were questions within the control of the President, who would no doubt on the representations of the Agent, take such measures as were best calculated to promote the interest and gratify the reasonable wishes of the Choctaws.

Choctaw Trading House

Oct 25th 1816.

3574

John Coffee

John Rhea &

John McFee

transmitting a treaty made
with the Choctaw Indians

23

Dec 1816

(Duplicate)

Chatawa Trading House

Sir,

October 25. 1816

We have the honor to transmit
you herewith, a Treaty concluded
with the Chatawa Indians, on the
24th instant, which we hope will
meet the approbation of the
President.

We have the honor to be
very respectfully
Your Most Ob. Serv^t

In Office
John A. Nea
John M. Mc


The Hon^{ble}
William H. Crawford
Secretary of War.

24 Oct

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Package No. 4

Treaty made with the Choctaw Indians by Gen
Coffee, John S. Reed & John A. Rhea & instructions
& documents relating to said treaty.

1816-

