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RATIFIED TREATY NO. 160
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF SEPTEMBER 27, 1830, WITH THE CHOCTAW INDIANS

8th December 1830
From Gen
John Coffee
Forwards the Journal
of the proceedings at the
Chickasaw & Choctaw
treaties

The Hon John H Baker
Duty of Mrs
Washington

Done
29th Dec 1831

Florence 8th Decr 1830.

Dr Sir

Herewith I send you, the book of journals, of the proceedings had with the Chickasaw & Choctaw Indians, at the late treaties - I have just recd it from Doctor Brantlett for my signature, and to be forwarded to you.

The latest accounts from the Choctaws, say that the discontent of them, have become much better reconciled to the treaty; demagogues have failed in their attempts to excite them to acts of hostility among themselves, and I hope all will go on well.

The Legislature of our State have been trying ever since they met near a month ago, to elect a senator, but as yet have failed, and doubtless will be had if they will agree during the present session. Gov. Moore opposes Mr. Keiligher is supported by the opposition to the administration, and some doubts are entertained of him, that if elected he would also

be found on that side of the question, he is still
displeas'd with the President for not having ap=
=pointed his Nephew Marshal of North Alabama,
and has complain'd of his friends in the senate, for
not having oppos'd the nomination of Patterson, when
before that body for their approval - this looks very
like he would oppose any thing that did not com=
-port with his own private wishes, or that of his
friends - we have no news here

with very great respect

Dear your obt. servt.

W. L. G.

The Hon John A. Eaton }
Secy of War }

Original

Journal of Proceedings
Succoring Rabbit Court
Sept 1830

(Pages 1 to 78 incl)

2/25/32 Copies hereof sent
Attorney General with letter
relative Case No. N-37..

C. C. S.

see

file # 78613-1925
Fair taken 1752.

4/5/32
Copies hereof sent
General with letter
relative Case No. H-37
C. C. Me # 78613-1925
June 175-3

~~This day 23rd August 1830 at the town of Franklin, the
President of the United States and James M. Smith and
John H. Johnson appointed by the late President of the
United States and James M. Smith and John H. Johnson
and the late President of the United States and James M. Smith
and John H. Johnson~~

Franklin Tennessee

Monday 23rd of August 1830

Friends and brothers

Your Great Father is rejoiced once again to meet and shake
you by the hand and to have it in his power to assure you of his
continued friendship and good will. He can cherish none but the
best feelings for his red brethren many of whom during our late war
fought with him in defence of our country.

By a communication from your elder brethren and neighbors the
Cherokees during last winter your Great Father learned that in conse-
quence of the laws of Mississippi being extended over them they were
in great alarm and of their own free will and without any application
from him they asked to leave their country and retire across the
Mississippi river. The treaty sent by them to him was laid before
the Senate of the United States and they refused to approve it.

In order to avoid any act the tendency of which might be to de-
base or impose upon his red children he laid the treaty
which was presented to him before the Senate with the protest which
had been forwarded against it by the opposite party of the Chero-
kee nation that all the circumstances might be fully known. It

was rejected. Of these things, their confidential agent, Major Haley
was advised, and he was requested to make them known to the
Chickasaw ^{Chickasaw} ~~Chickasaw~~. Understanding from him that they were desirous to
~~be and converse with their Great Father on their important subjects;~~
~~in accordance with that desire, he agreed to meet them at this~~
~~place, with respect he now leaves they have declined their engage-~~
~~ment.~~

By an act of Congress it was placed in his power to extend
to the Indians, to pay the expenses of their removal to support
them for twelve months and to give them a grant for lands
which should endure "as long as the grass grows or water runs".
A determination was taken immediately to advise his red children
of the means which were thus placed at his disposal to render
them happy and preserve them as nations. It was for this that he
asked his Chickasaw and other friends to meet him here. You have
come and your Great Father rejoices to see you, and face to face
to tell you ^{through his commissions} the truth and point you to a course which cannot
fail to make you a happy and prosperous people. Hear and de-
liberate well on what he shall say, and under the canopy of your
own reason and mature judgment determine what may appear to
you best to be done for the benefit of yourselves and your children.

Brothers, - you have long dwelt upon the soil you occupy, and in
early times, before the white man kindled his fires too near to yours,
and by settling around, narrowed down the limits of the chase, you
were, through unobstructed yet, a happy people. Now your white broth-
ers are around you. They compass you about, every where, States have
been created within your limits, which claim a right to govern and
control your people as they do their own citizens; and to make them ans-
werable to their civil and criminal codes. Again Great Father has
the authority to prevent this state of things, and he now asks if

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you are prepared and ready to submit yourselves to the laws of Mississippi
make a surrender of your ancient laws and customs, and peacefully and
quietly live under those of the white man.

Brothers, listen, the laws to which you must be subjected are not of
oppression, for they are those to which your white brothers conform, and are
happy. Under them you will not be permitted to seek private revenge,
but in all cases where wrong may be done, you through them to de-
mand redress. No taxes upon your property or yourselves, except such
as may be imposed upon a white brother, will be assessed against
you. The courts will be open for the redress of wrongs, and had men
will be made answerable for whatever crimes or misdemeanors may be
committed by any of your people, or our own.

Brothers, listen, to these laws, when you are, you must submit, there
is no alternative. Your Great Father cannot, nor can Congress prevent
it. The States only can. What then? Do you believe that you can live
under those laws? That you can surrender all your ancient habits and
the forms by which you have been so long controlled? If so, your Great
Father has nothing to say, or to advise. He has only to hope that you
may find happiness in the determination you shall make, whatever
it may be. His earnest desire is that you may be perpetuated, and pro-
sperous as a nation, and this he believes can only be done and secured
by your consent to remove to a country beyond the Mississippi, which
for the happiness of our red friends was laid out by the government, a
long time since, and to which it was expected, ere this they would have
gone. Where you are, it is not possible you can live, contented and
happy. Besides the laws of Mississippi, which must operate against you, and
which your Great Father cannot prevent, white men continually intruding
are with difficulty kept off your lands, and every day, inconveniences
and difficulties continue to increase around you.

Brothers, - The law of Congress usually called the "Intercourse Act" has

been resorted to to afford relief, but in many instances has failed of success. Our whole population has so clustered around in every direction that difficulties and troubles are to be expected. Can not this state of things be prevented? Your firm determination only can do it.

Brothers, listen. The only plan by which this can be done, and tranquillity for your people obtained, is that you pass across the Mississippi to a country in all respects equal, if not superior to the one you now have. Your Great Father will give it to you forever, that it may belong to you and your children while you shall exist as a nation, free from all interruptions.

Brothers, there is no unkindness in the offers made to you, no intention or wish is had, to force you from your lands, but rather to intimate to you what is for your own interests. The attachment you feel for the soil, which encompasses the bones of your ancestors, is well known. Our forefathers had the same feeling when a long time ago, to obtain happiness they left their lands beyond the great waters, and sought a new and quiet home in those distant and unexplored regions. If they had not done so, where would have been their children? and where the prosperity they now enjoy? The old world would scarcely have afforded support for a people, who by the change their fathers made, have become prosperous and happy. In future time, so will it be with your children. Old men, ardent to energy, and lead your children to a land of promise and of peace, before the Great Spirit shall call you to die. Young chiefs! forget the prejudices you feel for the soil of your birth, and go to a land, where you can possess your people as a nation. Peace invites you there, annoyances will be left behind. Within your limits, no state or territorial authority, will be permitted. Intruders, traders, and above all, ardent spirits, so destructive to health and morals, will be kept from among you, only as the laws and ordinances of your nation may sanction their admissions. And that the weak may not be assailed

by their stronger and more powerful neighbors, care shall be taken, and stipulations made, that the United States, by arms if necessary, will preserve and maintain peace amongst the tribes and guard them from the assaults of enemies of every kind, whether white or red.

Brothers, listen. These things are for your serious consideration, and it behoves you well to think of them. The present is the time, you are asked to do so. Reject the opportunity which is now offered to obtain comfortable homes and the time may soon pass away when such advantages as are now within your power reach, may not again be presented. If from the course you now pursue, this shall be the case, then call not upon your Great Father, hereafter to relieve you of your troubles, but make up your minds conclusively to remain upon the lands you occupy, and be subject to the laws of the State, where you now reside, to the extent her own citizens are. In a few years by becoming amalgamated with the whites, your national character will be lost, and then, like other tribes who have gone before you, you must disappear and be forgotten.

Brothers, if you are disposed to remove, say so, and state the terms you may consider just and equitable. Your Great Father is ready, and has instructed his commissioners to admit such, as shall be considered liberal, to the extent that he can calculate the limits of the United States will admit, and terms of any other character, it would be useless for you to insist upon, as without their consent and approval, no arrangement, to be made, could prove effectual. Should you determine to remain where you are, candidly say so, and let us be done with the subject, no more to be talked of again. But if disposed to contract your true interests, and to remove, then present the terms on which you are willing to do so, to my friends and your friends, the Secretary of War and General John Coffee, who are authorized to confer with you, and who in the arrangements to be made, will act candidly, fairly and liberally towards you.

Andrew Jackson

Which having been in like manner read and interpreted to the Chickasaw delegates, they acquiesced to the request of the agents of the commissioners retired into private councils for the purpose of examining and deliberating upon the propositions therein submitted to their consideration.

On Thursday, 26th August 1830 at 10 o'clock A.M. the commissioners again met the delegates in full council, when after a few preliminary remarks relative to the importance and solemnity of the occasion, the delegates by the hands of Mr. M. C. Coker their secretary delivered the following response to the talk of the President.

Franklin, Tennessee August 25th 1830

Friends & brothers.

We the chiefs & head men of the Chickasaw Nation of Indians have, by the request of our great father the President of the U. States met him at this place shook hands with him and our hearts was glad, and that we were permitted once more by the Great Spirit, to see his face and shake him by the hand. The kind reception that we met with from our father, the President, and hospitable treatment that we have received from the Secretary of War (Mr. Geo. Eaton) and the citizens of Franklin generally, have kindled in our bosoms a lively sense of gratitude, which never can be erased, until by a termination of our existence.

Friends & brothers. Our father the President has communicated to us through you, Major Eaton & Genl. Coffee his earnest desire to us a happy prosperous & happy people, and to accomplish this great object, that is to us is desirable, he proposes to give to us a country West of the Mississippi in exchange for the

country we now possess, in fee simple (or to use his own words) as long as the grass grows and water runs.

Friends & brothers. This subject is of the greatest importance to us as a nation. We approach it with fear and trembling, for on this occasion our fate will be sealed. We will be either a happy and prosperous people, or a poor miserable race of beings. But we trust in the Great Spirit, that he will continue to bless and comfort us, as he has done from the earliest period of our existence.

Friends & brothers. We, the Chickasaws, have occupied the country, not only where we now live, from time immemorial; but a large portion of the rich and fertile lands of Tennessee & Alabama, where is now is covered with large farms, flourishing cities & villages. We have from time to time sold pieces after pieces of our country, to our white brothers, to suit their views and interests, until we have had a small home left, that is barely sufficient to subsist upon while living, and to bury our bones when we are dead.

It is acknowledged that we were the first to build fires upon the land we now occupy. Yes, our fire side has been sought for by our white brothers, they saw it. We saw them approach with timidity, we met them, took them into our wigwams, warmed them, fed them and treated them like brothers. And now we think it extremely hard, at this advanced period of our lives, to be informed that we must, from necessity, if we wish to preserve ourselves as a nation, that we must seek a home in an unknown region of the West.

Friends & brothers. We are informed by our father the President of the U. States, that a state has been formed around us and now claim the right of extending her laws throughout her territorial limits, consequently subject us to her civil and criminal laws. Should we

find it expedient to remain where we are, and the States of Mississippi & Alabama extend their laws over us, we would view it as an act of usurpation on their part, unwarranted by the Constitution of the U. States and the treaties that now exist, unparalleled in history, and in many instances the greatest grievances & hardships would be imposed upon us.

Our father the President informs us that we will be subjected only to such laws as govern the whites, and that courts will be open for the redress of wrongs that will be done to us as well as for wrongs that the Indians may do to the white men. This may at the first view appear fair and just, and in fact would be provided that our people possessed an equal education & intelligence, that is diffused amongst our white brothers.

Fathers, Your red children view this state of things with feelings of the deepest regret, and are strongly impressed with a belief that you sincerely feel a desire to make us happy, also that the citizens of the State of Mississippi & Alabama, are perfectly aware that by the extension of their laws over us, it would not benefit them one cent, but effect an object so desirable to themselves, that is, to drive us from our homes and take possession of our lands.

Fathers, You call us your children, whom you profess to have the highest regard for. We know you are sincere in your professions, and it creates in our bosoms the highest feelings of affection towards you, as the greater father and protector of your white & red children. But we humbly beg leave to represent to you, that we now conceive that we have now arrived to the age of maturity, and that we may continue to act on this important occasion as will be best calculated to obtain so desirable objects,

peace, quietness, and a perpetual home. And at the same time, we feel a disposition to accommodate the views of our father, in exchange of country, as you have proposed, if you will let us receive your country, and we can find one that you have not already disposed of, that will be equal to the one we now occupy, we will then talk in earnest about an exchange. Candour towards you, and justice to ourselves, compels us to say to you, that we cannot consent to exchange the country where we now live, for one that we never have seen.

J. M. Sesh,
Secretary
for the station.

Major Levi^{his} Colbert
Col G. ^{marks} Colbert
Major Jas Colbert
Capt Wm McIlroy
Capt Jas Brown
Isaac Allison

To pul ka
Ish ta ya tubbe.
Ah to ko wa.
Kash ta ta be
In ne wa ka che.
Oak la na ya ubbe.
O he ka ubbe.
Im mo la tubbe
Im mo hoal ta tubbe.
Ish te ki yo ka tubbe.
Ish ta he a cha.
In hi yo che tubbe.
Ken hi che.

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At 5 o'clock on the evening of the same day (26th Augt.)
the council again assembled, when the commissioners delivered
another talk, which is as follows:-

Franklin, 26th Augt. 1830.

Friends & Brothers,

We have received your talk. It is candid. It is such
as we had expected our Chickasaw brothers to make to us. We
have shown it to your Great Father, and, with his approval
obtained, we ask you to listen to what we shall say.

Brothers.- It is not the fault of your Great Father, that the
laws of Mississippi are extended over you. A long time ago be-
fore the U. States government existed, Georgia created a state,
and owned jurisdiction over all the lands which lie in your coun-
try. When the king of Great Britain lost all this country by the
right of conquest, Georgia became entitled to all her privileges of
government, as it does with each state in the Union. Afterwards,
all united and formed one government, called the Federal Govern-
ment, over which your Great Father now presides. Each state gave
up a portion of its rights, but not all of them. Those which they
did not give up, still belong to them. Georgia did not surrender
to the General Government, any jurisdiction over the soil of her ter-
ritory. She retained the right to manage her lands, and the people,
no matter whether red or white, who live on them, and to make
them answerable for crimes, - to punish them for wrongs committed,
to make them pay taxes, - to attend musters, - to keep the roads in
repair, and contribute to the support of government, when called
upon to do so. All these are rights which Mississippi & Alabama,
being parts of what Georgia was, can enforce, without the leave,
consent, or interference of the President, or Congress. Blame not your

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Great Father then, for he cannot help it. You must submit to the
laws.

Brothers.- Your Great Father is anxious to protect you, and to
ward off injury from you. He knows you cannot live under
those laws. To do so will make you a miserable and unhappy
people. A few of you might do so, who have the advantages of
experience and education, but the great body of the Indians cannot.
Why, then, not consent to remove to some other place, and save your people
from a state of things under which it is evident you cannot live?
What interest can your Great Father have? He very well knows
that the laws will come upon you, - laws, which prohibit any
Indian, under heavy penalties from ever acting as a chief. He
knows that all your ancient usages will be broken down, and con-
stant interruptions trouble and difficulties be felt. Presently, you
will call upon your Great Father to relieve you, and then, it
may not be in ^{his} power. He may not be able, hereafter,
to save you.

Brothers.- Last winter, Congress gave a large sum of money
to pay the expenses of such Indians as might choose to remove.
No any member were opposed to it, and the act passed by a very
few votes. Congress may not be willing hereafter, to give any more
money, nor could your Great Father ask it, after so repeatedly (and
without success) advising his red children to their interests. Brothers,
if this should be the case, you must stay where you are, and
submit to the laws, and when you cannot do it, go West, and
pay your own expenses. This, a few of you may do, but the poor
Indians cannot. Think of this, and preserve your people while
it is in your power, for very soon you may lose the opportunity,
and then, misery and wretchedness will be the consequence. It is
to avoid this - to save you from ruin, that your Great Father is

tenderness to his red children, now advises them to act, and to act speedily.

Brothers, - Are any of you willing to remain, to live as the white man, and submit to his laws? Then, take, as reservations, comfortable homes and farms, and become citizens of the States, - which lands, so reserved, shall be yours and your childrens in fee simple forever. And let the unfortunated Indians, if he chooses, go West, and rid himself of the operation of laws, under which he is assured, he can never, never live, and be happy.

Brothers, - We wish to give you, a pleasant country, of good soil, good water and climate, and in extent, sufficient for all your wants, and when you are gone, for the wants of your children.

We feel a high and weighty responsibility - we are advising our red brothers for their own prospects sake, to remove, that they may settle in a country, free from the white man's interruption, and be happy. In effecting this desirable end, we are answerable to our own feelings, and to our beneficent father, the Great Spirit above, who rules and governs the universe; we will not practice towards you, wrong or deception - we will not impose upon you. Your Great Father would not, if were willing, suffer us to do so. Beyond the Mississippi, is an extensive, valuable, & fertile country, where a home, and a happy one, can be selected. Express it now, to receive it, or the opportunity may soon be lost to you forever. Other tribes wish to remove, and they may select the lands, which now, you have the opportunity to obtain for your children, but which, presently, may be gone from your reach.

Brothers, - Some of the Indians in Ohio wish to remove. They have tried, and find that they cannot live amongst the whites. Since your Great Father's talk to you, they have written, asking to exchange their lands, and to be permitted to remove. The Indians of

New York, after many years of unsuccessful trials, have found themselves unable to live, and be happy, and at their own expense, have purchased land upon Lake Michigan, and are moving to settle it. The tribes living in the North Western States, are manifesting a desire to leave their homes, and live by themselves. They are not happy - they cannot live amongst the whites. - When they shall apply, their Great Father must take care of, and provide them a country. If they select that which you would prefer, it will then be out of the power of your Great Father to assist you, as he is desirous to do.

Brothers, - act, and act at once. Let it be stipulated (for we are willing to do so) that a country of equal extent, soil and extent, shall be laid off for you, where other tribes do not interfere, and if on going there, it shall not be found suitable to your wants and expectations, an amount for a limited time, shall be stipulated to be paid you, or additional lands, if to be obtained from neighboring tribes, provided, you shall prefer it, shall be purchased for you.

We ask you then, to reconsider the last part of your talk, and let us go forward, and see if we cannot come to some arrangement, with which you will be satisfied, and your people made happy.

Enough has been said to you. Think, and act, and act at once. This is an important crisis in your affairs. Meeting or happiness meet, and will follow on the decision, you shall make. Consider and act, then, before it be too late.

Your friends & brothers.
Geo. H. Eaton,
Geo. Coffee

When the foregoing talk had been read and interpreted,

the chiefs expressed their confidence in the sincerity of their Great Father the President, their conviction that he proposed what he believed calculated to promote their happiness and prosperity. They said that they had never known him to speak with two tongues, and that they would venture further to consider of his talk, and that of the commissioners.

On Friday 27th Aug. the President, having received a communication, informing him that the chiefs desired to see him before his departure from Franklin, met them in their council room, and they received from them the following address.

Franklin Dec. Aug. 27th 1830.

To our Great Father the President.

Your red children, the chiefs and head men of the Lohickasaw, have had under consideration, the talk of our father and also the talk delivered to us by the commissioners, Major Eaton and Genl. Coffee.

The subject submitted for our consideration, is to us of great importance to us. The decision we this day make and declare to you and to the world, depends our fate as a nation, and as a people.

Father; - You say that you have travelled a long way to talk to your red children. We have listened, and your words have sunk deep into our hearts. And as you are about to set out for Washington City, before we shake our father's hands, perhaps with many of us the last time we have requesting this meeting to tell you that after sleeping upon the talk you sent us, and talks delivered to us by our

brothers, Major Eaton & Genl. Coffee, we are now ready to enter into a treaty based upon the principles, as communicated to us by Major Eaton & Genl. Coffee.

Your friends & brothers.

- J. A. Lish
- Secretary for the nation
- G. Colbert
- L. Colbert
- Jas. Colbert
- Wm. A. Williams
- Jas. Brown
- J. A. Almonson

To you ha
 I sh to ya tabbe
 Ah to ho wa
 Hush ta ya be
 In na wa ha cha
 Oke ha na ya abbe
 O ha ha abbe
 Im mo ta dubbe
 Im mo hoal ta tabbe
 I sh to ki yo ke tabbe
 I sh to hi e cha
 In hi yo cha tabbe
 Kin hi cha

To this the President replied, verbally, that it was true, he had travelled a long distance, that he might see them face to face, and desire to what he believed their best interests required. Important business he said, required his presence at Washington, and he could no longer remain with them. He therefore he said, confided the conduct of the business, to his friends the com-

missioners who had his instructions to act liberally towards them. He then took his leave.

On Saturday 28th August. The commissioners received from the chiefs through the hands of Col. Reynolds the agent, the following written proposals.

That each head of an Indian family shall be entitled to a reservation of 160 acres, and the like quantity of acres for each one of his family, so that each individual shall have 160 acres, title to be made in fee simple.

That each head of a family, not choosing to take a reservation for himself and family, shall be entitled to _____ dollars in lieu thereof.

That each person emigrating shall be paid for their improvements and stock of all kinds, and for household and kitchen furniture, which may not be removed.

To these proposals, the commissioners returned, through the agent, a verbal answer, stating that reservations to women and children could not be thought of, that they never had been usual, and that new principles could not be introduced.

Two hours afterward, the commissioners received from the Indians a second proposal, communicated through Col. Reynolds, the agent, the substance of which is.

That twenty dollars a head be paid to each man, woman and child of the nation, annually, for ten years, to be taken in lieu of reservations.

The commissioners, estimating the whole number of souls in the nation at five thousand, which at the rate proposed, would make the annuity amount, in ten years, to one million of dollars, returned for answer, that the demands asserted, what they considered liberal, and could not be admitted. That they could not think of providing them a country equal to that, which they should leave, such as them, removing them, supporting them for one year, compensating them for their improvements and stock, and then having to pay them, besides, so large an amount, by way of annuity. That if they desired to treat, they must make their propositions reasonable, but not exorbitant. That it was useless to conclude a treaty upon principles other than those, which it might be inferred the Senate would be disposed to agree.

On Sunday 29th August, the commissioners were informed verbally, through the agent, that the delegation, having made two propositions, both of which had been rejected, had nothing more to present for consideration, and requested that some proposal might be submitted to them.

Whereupon, in the evening of the same day, the commissioners communicated to the delegation, in council, the following terms, as the basis of a treaty.

Each warrior, or widow who has a family, shall have a reservation of half a section of land (320 acres), to be surveyed and bounded by legal subdivisions, and lying together. If they shall reside on it five years, at the expiration of that time they shall receive a grant in fee simple, or if they prefer to remove, they may relinquish their claim to the United States, and receive therefor one

dollar and a half an acre, to be paid in ten annual instalments.
It is agreed that the whole number of warriors and widows with families shall not exceed five hundred, and that both together shall not exceed six hundred.

500 at 320 acres at $\frac{1}{100}$ is \$200,000.
100 at 160 $\frac{1}{100}$ 20,000
\$220,000

2. In consideration of the long and true friendship to the whites, and their fidelity and services to the people of their own nation, to conform to the wishes of the President, and that kindness and justice may be practised towards some of these good and old men, whom he has known so long, the commissioners of their own accord, and without any suggestion, even from any of said persons do hereby agree, that Levi Colbert, George Colbert, Saml. Lerby, Wm. McElbery and Tessoningo, shall each be entitled to a reservation of four sections, to be surveyed and bounded by sectional lines, upon it to remain, or with the approbation of the President, to sell and convey it in fee, and remove. Also, after the same manner, there shall be reserved two sections, as aforesaid, to Capt. James Brown, James Colbert and James Welsh.

3. To each of the following persons to wit,

There shall be reserved one section of land, to be surveyed and bounded as before. If disposed to remain.

Who's names are to remain, to wit, to be kept, whose claims and merits entitle them to receive it.

they may reside upon it, and at the end of five years from the ratification of the treaty, having resided upon and cultivated it, shall receive a grant in fee simple, or if disposed to remove, may remove, their claim, and the United States shall pay for the same.

in one thousand and one hundred dollars an acre.
1. The President, after the treaty shall be concluded, will use his good offices with the Governor and Legislature, to prevent the operation of the laws for ten years, giving time for a removal.

Amnesty
In fixing this reference, must be had to reservations given. Their value and other stipulations made. The treaty of 1818 gave \$20,000 for 15 years. That treaty surrendered as large and as fine a country as the present, but land was given in exchange, no reservations were made, and no pay for any removal and supports.

Signed J. H. Eaton
J. H. Coffey

Which proposition having been submitted to the delegation in council, for their consideration, on the next day (30th August), they communicated to the commissioners the following written reply.

30th August 1830.

Brothers,

We have considered over your propositions. The Reservations. We wish to add Isaac Albinson in the two section reservation, and two in the section reservation.

Amnesty.

\$25,000 for 20 years. We think this would not be unfair. The country in new country is surrounded with navigable streams, good ranges for our stock &c.

Blacksmiths for 20 years, - wheel and mill rights.

We hope you will not think us ungrateful, for we love the country of our nativity. Should we find a country better of than this, we think that those advantages which surround our country we shall not find in the new one. Genl. Coffey well

knows the situation of our country. Also one section to be added to our beloved friend, Levi Hallbert.

On the same day, the commissioners in answer to the foregoing communicated through the agents the following proposals.

Brothers,

We have received your talk of to day. To some parts we consent; to others we cannot agree.

1. We agree to comply with your request as to our black smith. Being well supplied with implements of husbandry, we will be self sufficient. One is all that you have heretofore had.

2. We will agree to furnish you a millwright to fix your grist and saw mills for five years, until your mills can be built.

3. We will take pleasure in acceding to your request, that the beloved chief and friend of your nation, Levi Hallbert, shall have an additional section of land.

4. We agree that Isaac Robinson shall have two sections, and two more may be added to the number 16.

But to an increase of the annuity, we cannot agree. We thought the offer made you was too great, but desirous to be liberal and candid, we determined at once to tell you how far we could go, and to go to the extent that we believed the Senate would approve.

Farther we cannot, through a well founded apprehension, that the Senate would not agree. We have already gone as far as farther than the President had expected. Looking to what we have offered, you cannot say, that we have not acted openly and liberally.

Your friends & brothers

J. H. Eaton
Jno Coffey

On the same day, the commissioners met the delegation in council, and having been informed that their last propositions in relation to reservations were acceded to, they read and explained to them the following further propositions;

Annuities of
\$15,000 for 20 years to commence after the removal is made, but to cease if the Chickasaw nation at any time become enemies of the United States.

For erecting a school house and two churches, which also may be used for the purposes of schools \$1000.

\$20,000 per year for 10 years for common schools and the supports of teachers under such direction as the Sec. of War of War from time to time shall make - \$20,000.

To educate for 20 years 20 Chickasaw children within the States under the direction of the Sec. of War - \$10,000.

Removal, and all expenses for one year of moccasins and bread stuffs to be paid.

In lieu of those articles of fanning which cannot be removed, a suitable supply of those articles for one year.

Stock except horses to be taken at valuation of one or more commissioners.

Wheels and cards to be furnished to each family, and a loom to each six families.

To each of the foregoing several propositions the delegation assented, and agreed to sign a treaty embracing those terms and stipulations.

24
August 31st On this day at 8 o'clock A.M. the commis-
sioners met the Chickasaw delegation in council, and presented
for their approval and execution, the draft of a treaty. Which
having been read and carefully interpreted and explained by
Mr. Benjamin ^{Love} who throughout the whole negotiation had acted
the part of interpreter, the delegates observed, that so far
as the provisions of the treaty would extend they approved, and
were willing to sign it, but that there were some matters
not comprised in it, for which they wished to provide by
treaty. The commissioners informed them, that the President
was about to take his departure for Washington, and that
it was desirable he should be informed of the result of
their deliberations, before he did so, and therefore requested,
that the treaty as then framed, might be signed, stating,
that any other matters for which they might wish to provide,
should be comprised in articles supplementary to the treaty,
then presented them. With this understanding the treaty
was signed, and is as follows.

Treaty
11

Articles of a treaty entered into at Franklin Tennessee, this
31st day of August 1830, by John A. Eaton, Secretary of War,
and General John Coffee, Commissioners appointed by the Pres-
ident, on the part of the United States, and the chiefs and head
men of the Chickasaw nation of Indians, duly authorized by
the whole nation to conclude a treaty.

Art. 1. The Chickasaw nation hereby cede to the United States, all the
lands owned and possessed by them, on the East side of the Missis-
sippi river, where they at present reside, and which lie North of the
following boundary to wit: beginning at the mouth of Quattubby Run,
(or Tibbee) creek; thence upon the same to a point, being a marked

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tree on the old Hatchey road, about one mile Southwardly from Wall's
old place, thence with the Choctaw boundary, and along it, Westwardly
through the Tunica old fields, to a point on the Mississippi river,
about twenty eight miles by water, below where the St. Francis river
enters into said stream on the West side. All the lands North and
North East of said boundary, to latitude thirty five North, the South
boundary of the State of Tennessee being owned by the Chickasaws are
hereby ceded to the United States.

Art. 2. In consideration of said cession, the United States agree to fur-
nish to the Chickasaw nation of Indians, a country West of the terri-
tory of Arkansas, to lie South of latitude thirty six degrees and a half,
and of equal extent with the one ceded, and in all respects, as to
timber, water and soil, it shall be suited to the wants and condition
of said Chickasaw people. It is agreed further, that the United States
will send one or more commissioners to examine said ceded country
of the description stated, who shall be accompanied by an interpreter
and not more than twelve persons of the Chickasaw ^{to be} chosen by the
nation, to examine to examine said country, and who for their expens-
es and services, shall be allowed two dollars a day each, while so
engaged. If, after proper examination, a country suitable to their wants
and condition cannot be found, then it is stipulated and agreed, that
this treaty and all its provisions, shall be considered null and void.

But if a country shall be found and approved, the President of the
United States shall cause a grant in fee simple to be made out, to be
signed by him as other grants are usually signed, conveying the coun-
try to the Chickasaw people and to their children, so long as they shall
continue to exist as a nation, and shall reside upon the same.

Art. 3. The Chickasaws being a weak tribe, it is stipulated, that the United
States will at all times extend to them their protection and care, against ene-
mies of every description, but it is at the same time agreed, that they

shall not peacefully and never make war nor resort to arms except with the consent and approval of the President unless in cases where they may be invaded by some hostile power or tribes -

Art. 4. As further consideration, the United States agree that each warrior and widow having a family and each white man having an Indian family shall be entitled to a half section of land and if they have no family to half that quantity. The delegation presents having full knowledge of the population of their country stipulate that the first class of cases (those with families) shall not exceed five hundred and that the other class shall not exceed one hundred persons. The reservations granted under this article shall be granted in fee simple to those who choose to remain and become subject to the laws of the whites, and who having recorded such intention with the agent before the time of their removal shall continue to reside upon and cultivate the same for five years at the expiration of which time a grant shall be issued. But should they prefer to remove and actually remove then the United States in lieu of such reservations will pay for the same at the rate of one dollar and a half per acre the same to be paid in ten equal annual instalments to commence after the period of the ratification of this treaty, if at that time they shall have removed.

Art. 5. It is agreed that the United States as further consideration will pay to said nation of Indians fifteen thousand dollars annually for twenty years the first payment to be made after their removal shall take place and they be settled at their new homes West of the Mississippi.

Art. 6. Whereas Gen. Scott, Gen. Kellum, Tassounga, William M. G. Perry and Samuel Seely Sr. have been long known as faithful and steady friends of the United States and respectful of the interests of their own people - to afford them an earnest of our good feeling now that they are about to seek a new home the commissioners of

their own accord and without any thing of solicitation or request on the part of said persons have proposed and do agree that they have reservations of four sections each to include their present improvements as nearly as may be or if they have improvements at any other place than one then equally to divide said reservations so that two sections may be laid off at one place of improvements and two at another or the whole at one place as the party entitled may choose. They shall be entitled to the same in fee simple to be resided upon; or if they prefer it they may with the consent of the President sell and convey the same in fee. And it is further agreed that upon the same terms & conditions a reservation of two sections to be surveyed together and to include the improvements of the party entitled shall and the same is hereby declared to be secured to Capt. James Brown, James Kolbert, John McLeish and Isaac Allerton.

Art. 7. The delegation having selected the following persons as worthy their regard and confidence to wit: Ish. te yo pe, Topulka, Ish. te kei yo kav tubbe, Ish. te kei cha, E. le paum be, Pis. te ke tubbe, Ish. tem mo lat ka, Pis. ta tubbe, Im. mo houl. te tubbe, Ba. ka tubbe, Ish. te ya tubbe, Ah. to ka wa, Oak. la. na. ya. abbe, In. he. yo. che. tubbe, Thomas Seely, Lem. ma. sheek. ah, Im. mo. ka. subbe, Oren. be. mi. ya. tubbe, Benjamin Love & Malcomb M. Lee. - it is consented that each of said persons shall be entitled to a reservation of one section of land to be located in a body to include their present improvements and upon which intending to become resident citizens of the country they may continue and at the end of five years shall receive a grant for the same, or should they prefer to remove they shall be entitled in lieu thereof to receive from the United States one dollar and twenty five cents per acre for the same to be paid in two equal annual instalments to commence after the ratification of this treaty and after the nation shall have removed.

Art. 8. No person receiving a special reservation shall be entitled to claim

any further reservation, under the provisions of the fourth article of this treaty.

Art. 9. At the request of the delegation, it is agreed that Levi Colbert shall have an additional section of land to that granted him in the 6th article to be located when he may prefer, and subject to the conditions contained in said sixth article.

Art. 10. All the reservations made by this treaty shall be in sections, half sections or quarter sections agreeably to the legal surveys made, and shall include the present houses and improvements of the residents as nearly as may be.

Art. 11. It is agreed, that the Chickasaw people, in removing to their new homes shall go there at the expense of the United States, and that when they shall have arrived at their new homes the United States will furnish to each one for the space of one year meat and corn rations for himself and his family, that thereby time may be afforded to clear the ground, and prepare a crop.

And the better to effect this object, it is agreed, that one half the nation shall remove in the fall of 1831 and the other half the following fall. The supplies to be furnished by the United States are to be delivered at one or two places in the nation which shall be as convenient to the body of the people as may be practicable, having regard to the position or places where the supplies may be had or deposited, with the greatest convenience, and least expense to the United States.

Art. 12. The United States at the time of the removal of each portion of the nation, at the valuation of some respectable person to be appointed by the President, agree to purchase all the stock they may desire to part with (except horses), and to pay them therefor at their new homes as early as practicable, after the ratification of this treaty. Also to receive their agricultural and farming utensils

and to furnish them with the best, with saws and ploughs suited to their wants respectively. Also to furnish each family with a spinning wheel and cards and b looms to each six families.

Art. 13. A council house, and two houses of public worship, which may be used for the purpose of schools, shall be built by the United States, and the sum of four thousand dollars shall be appropriated for that purpose. Also one blacksmith, and no more, shall be employed at the expense of the government, for twenty years for the use of the Indians, and a mill-wright for five years to aid them in erecting their saw & grist mills.

Art. 14. The sum of two thousand dollars a year shall be paid for ten years for the purpose of employing suitable teachers of the Christian religion, and superintending common schools in the nation, and it is further consented that twenty Chickasaw boys of promise from time to time for the space of twenty years shall be selected from the nation, by the chiefs to be educated within the States, at the States, at the expense of the United States under the direction of the Secretary of War.

Art. 15. A desire having been expressed by Levi Colbert, that two of his younger sons, Abijah Jackson Colbert, and Andrew Morgan Colbert, aged seven and five years, might be educated under the direction and care of the President of the United States, and George Colbert having also expressed a wish that his grand-son, Andrew J. Frazer, aged about twelve years might have a similar attention: it is consented, that at a proper age, as far as they may be found to have capacity, they shall receive a liberal education, at the expense of the United States, under the direction and control of the President.

Art. 16. The United States shall have authority after the ratification of this treaty, by the chiefs, to survey and prepare the country for sale, but no sales shall take place, before the fall of 1832, or until they shall remove. And that every clause and article herein contained may be strictly fulfilled, it is stipulated and agreed, that the lands herein ceded shall be, and the

same are hereby assigned for the payment of the payments of the
social debts which are secured and directed to be paid under
the several provisions of this treaty.

Art. 17. The United States and the Chickasaw nation of Indians
have stipulated that perpetual peace and amity and lasting
friendship shall be maintained between them.

It is agreed that the President of the United States will use his
good offices and kind mediation and make a request of the Gov-
ernor and Legislature of the State of Mississippi not to inter-
fere with the Chickasaws or to suspend their operations until
they shall have time to remove as limited in this treaty.

In witness of all and every thing herein determined between
the United States and the Delegation representing the whole Chick-
asaw nation the parties have hereunto set their hands and seals
at Franklin Tennessee within the United States this thirtieth
first day of August one thousand eight hundred and thirty

- Geo. H. Eaton
- Secy. of War
- Gov. Coffee
- Levi Leebert his + mark
- George Leebert his + mark
- James Leebert his + mark
- Wm. McIlhenny his + mark
- James Brown his + mark
- Grace Johnson his + mark

- Ta-pul-ke his + mark
- Ish-te-ke-ya-ka-tubbe his + mark
- Ish-te-he-cha his + mark

Signed in presence of us
Austin Day Secretary
Benj. Reynolds U.S. Agent

- Im-ome-hoal-te-tubbe his + mark
- Im-hie-ya-cha-tubbe his + mark
- Ish-te-ya-tubbe his + mark

- Benjamin Love as interpreter
- R. M. Brooks
- R. P. Leavin
- Samuel Smith
- Levi Leebert
- Gov. H. Fry
- James H. Wilson
- J. R. Davis

- Ah-ya-ke was his + mark
- Ok-la-na-ya-ubbe his + mark
- Im-ome-hoal-te-tubbe his + mark
- Mush-te-take his + mark
- Im-ya-wa-ke-cha his + mark
- Ok-he-cha his + mark
- Kim-hi-cha his + mark
- J. McLeish

On the next day September 1st the commissioners again met the Chick-
asaw delegation in council, when the four first articles of a supplemental
treaty which had been previously discussed were agreed to and concluded
to be signed.

The following letter from R. P. Leavin received the preceding evening was then
read and interpreted to the Indians.

Major Lewis and myself have been at an expense of three thousand
dollars to feed both on the Chickasaw reserve. We have failed to find
water after repeated trials. We offer to pay the nation before they shall
remove in the fall of 1832, two thousand dollars and to execute a note
to them for that amount with good security. R. P. Leavin
Hon. J. H. Eaton & Gov. Coffee 31st August 11 o'clock
Commissioners & P. M. 1830"

Levi Leebert one of the trustees remarked (James Brown the other being
also present) that he and Mr. Leavin had discussed upon the subject of the
lease that after the treaty of October 1818 he and James Brown as trustees
had given a lease as stated to Major William P. Lewis but he had
understood he had made no sale. He was informed by the commissioners
now that the nation had ceded all their lands and were about to remove to
a new country it would be preferable to make some arrangement satisfactory

to them by which to have all their business closed. He understood that such was their desire; that they had talked the matter over and were willing to take two thousand dollars in full and at the time proposed, except that they wished five hundred dollars more to be paid, and inquired whether Messrs. Linn and Lewis would do through this. Mr. Linn being satisfied for agreed that he would do so. Whereupon an agreement was made out by the Secretary to be signed by the parties, and which being signed was the fifth article of the supplemental treaty which follows, -

Articles supplementary to a treaty this day entered into between John H. Eaton & John Ruffin on the part of the United States and the Chiefs of the Chickasaw nation.

1. It is agreed that the United States will furnish the Chickasaw nation to be distributed by the agent, under the direction of the chiefs at or before the time of their removal west of the Mississippi river, three hundred rifles with muzzles and snipers, also three hundred pounds of good powder and twelve hundred pounds of lead. They will also furnish as aforesaid three hundred copper or brass kettles and ten hundred blankets. Likewise three thousand weight of leaf tobacco.
2. Kallat's island in the Tennessee river just below the mouth of Honey creek supposed to contain five hundred acres has always been in the use and occupancy of George Kallat, and has been admitted by the nation to be his individual property. It is agreed now that he shall be recognized as having a title to the same and that he shall receive from the United States in consideration of it, one thousand dollars to be paid in one year after the Chickasaws shall remove to their new homes.
3. James Kallat has represented that he has a claim of thirteen hundred dollars of money due from a citizen of the United States, that he has become insolvent and is unable to pay it. It is further represented that by

the sale of the Chickasaw property where an Indian cannot pay a debt due to a white man the nation assumes it. Also Levi Kallat shows that some time since he purchased of a citizen a horse which was stolen and proven and taken out of his possession as stolen property for which he has not and cannot obtain remuneration. Being now about to leave their ancient homes for a new one too distant to attend to their business here. It is agreed that a section of land may be located and reserved to be bounded by sectional lines which land with the consent of the President they may sell.

4. The Chickasaw delegation request that a section reservation of land may be made in favor of their resident agent Col. Benjamin Reynolds who since he has been amongst them has acted uprightly and faithfully, and of their sub-agent Major John L. Allen who has also been of much service. The commissioners accordingly consent thereto, and it is stipulated that Col. Reynolds shall have a reservation of five quarter sections of land to be bounded by sectional lines or quarter sectional lines and to be together in a body. And in further consideration it is stipulated with the consent of said Reynolds that his pension of two hundred and forty dollars a year granted to him by the United States shall thereafter cease and determine. The application in favor of the sub-agent Major Allen is also recognized and a reservation of a quarter section is admitted to his wife to whom and for whose benefit a grant shall issue. But said reservation shall not be located so as to interfere with other claims to reservations secured under this treaty, nor shall this treaty be affected if this article is not ratified.

5. The fourth article of the treaty of 19th October 1818 which reserves a certain lake and authorizes Levi Kallat and James Brown to lease the same for a reasonable quantity of water is hereby changed, and with the consent of the commissioners present the following agreement made by Robert P. Linn for himself and William P. Lewis is entered as part of this treaty, to wit; -

Whereas a lease of land of four miles square was secured under the fourth article of a treaty concluded on the 19th day of October 1818 between the line

the State and the Chickasaw nation of Indians, and John Col-
 lins & James Brown, under the same treaty, were appointed agents
 and trustees by the Chickasaw nation, to make said lease, and
 whereas William P. Lewis a citizen of the United States afterwards
 procured from said trustees Colliers & Brown, a lease for the term
 an condition of his paying annually a certain amount of doll. to
 said nation, provided he should succeed in finding said water,
 And whereas the said William P. Lewis and Robert Plurien who
 subsequently became interested with him here, as it sheweth refer-
 ed about the sum of three thousand dollars in endeavoring to find
 said water, but without success, And the Indians who are about to
 leave their ancient country being desirous to have their land and lease
 placed in such a situation as that some benefit may result to their
 nation, they do hereby agree with said Robert Plurien a citizen of
 the United States for himself and as the agent and attorney in fact
 of the said William P. Lewis (John H. Eaton & John Coffey the U-
 nited States commissioners to treat with said Chickasaw nation living
 present and assisting thereto) that the lease heretofore made be so
 changed, that the rent therein agreed to be paid is entirely released
 and discharged from the date of said lease together with all claim aris-
 ing on account of the same, and it is now agreed that said lease
 shall remain as heretofore made with this alteration, that two thous-
 and dollars shall be paid to said Colliers and Brown trustees as of an-
 aid money for the Chickasaw nation, to wit - five hundred dollars
 now in hand, five hundred dollars on the first day of October, one
 thousand eight hundred and thirty one, and one thousand dollars on
 the first day of October one thousand eight hundred and thirty two. And
 it is further agreed, in consideration of said alteration of said lease
 of said original contract, and lease herein made and agreed upon, and
 the said Robert Plurien for himself and the said William P. Lewis
 for each and for both, he having full authority to act in the premises,

will annually pay to said trustees four bushels of doll. or the value thereof
 as they and the nation may agree to and divide -

In testimony whereof and in the presence of the commissioners appointed
 to treat with the Chickasaw nation of people on the part of the United
 States the parties respectively have here set their hands and affixed their
 seals this first day of September one thousand eight hundred and thirty
 (Signed by R. P. Plurien & the Chickasaw delegation)

Signed in presence of us
 Preston May Secretary
 Rufus Reynolds U. S. Agent
 Benjamin Love as interpreter
 R. M. Garwick
 Saml. Smith
 Saml. Donelson
 R. P. Plurien
 Jos. H. Fry
 James H. Wilson
 J. R. Davis

John H. Eaton Sec. of War
 John Coffey -
 Love Collier his X mark
 George Collier his X mark
 James Collier his X mark
 Wm. McElroy his X mark
 Isaac Allison his X mark
 James Brown his X mark
 To put ka his X mark
 Ish te ke yo ka tabbe his X mark
 Ish te he cha his X mark
 In no houl te tabbe his X mark
 In he yo cha tabbe his X mark
 Ish te ya tabbe his X mark
 A to ko wa his X mark
 Pak la na ya abbe his X mark
 In mo la dubbe his X mark
 Wash ta ta be his X mark
 In no wa ka che his X mark
 Oh he eabbe his X mark
 Kin he che his X mark
 J. Ellish

And thereupon the council broke up.

Preston Kay, Secretary.

J. R. Eaton

J. Coffey

(Pages 1 to 78 incl)

2/25/32 Copies hereof sent
Attorney General with letter
relative Case No. H-37
C.C.

see file # 78613-25
Fair value 1752

Attorney General hereof sent
relative Case No. H-37
C.C.

supl # 78613-25
Fair value 1752

Choctaw Treaty. Sept 15. 1830

Dancing Rabbit Creek

Wednesday 15th Sept 1830

John H. Eaton and John Coffey, commissioners to treat with the Choctaw Nation of Indians, this day arrived at Dancing Rabbit Creek. At the agency, to day they instructed the agent to address a note to the missionaries, suggesting it to be improper, and requesting that they would not attend at the treaty ground, which was done by the agent accordingly.

Thursday Sept 16th. The commissioners issued the following general regulation for the distribution of rations.

"The contractors will have deposited with them, the number of each captain's company, the district in which he lives, the women and children must also be stated, and from day to day he counted, as additional persons may come in. The ration will be as follows: - One and a half pounds of beef, until further orders be given, one pint of corn, and one quart of salt to the 100 rations. The quantity issued to any one captain may be delivered together, in one or two pieces, by them to be arranged and divided. The agent will cause the rations to be faithfully delivered, and to report any just cause of complaint that may arise.

John H. Eaton
John Coffey

Friday Sept 17th. A correspondence as follows took place between the commissioners and the missionaries attending at the treaty ground.

Treaty ground, Choctaw Nation. 17th Sept 1830.

To the Honorable John H. Eaton, Sec of War & Genl John Coffey Comrs of the U. S.

Gentlemen. The undersigned, missionaries under the patronage of the A. B. C. F. M. respectfully request the privilege of being present at the encampment, during the pending negotiations for

a treaty with the Choctaw nation.

Many of the people, for whose good we, in connexion with the government of the U. S. have, for a number of years, been laboring, have assembled at this place, and have requested that we should be with them, that they may enjoy the advantages of religious instruction on the Sabbath, and at such other intervals as circumstances may present.

It has also occurred to us, that questions may arise, touching affecting the interests of the mission under our board, and which would render it proper and necessary, that one or more of these missionaries should be present.

We should not have thought of troubling you with this note, had it not been suggested to us from a quarter entitled to our respectful attention, that it would not be desirable for us to be present; but, as we can perceive no reasonable objection, the above request is respectfully submitted, by

Your obedient servants,

Lewis Kingsbury

Lewis Bevington

Loving S. Williams

Calvin Cushman

P. S. We are aware, that public rumor may have produced the impression, that we if on the ground, would interfere with the particular object of the present meeting. We do hereby assure you, gentlemen, that we shall studiously avoid any such interference. Should any questions arise, affecting either ourselves or the interests of our mission, it is hoped, we may have the privilege of having the subject considered by the Sec. of War, and the commissioners of the U. S. if it should be thought of sufficient importance.

Treaty ground, 18th Sept 1830.

Gentlemen,

Late last evening we received your letter of yesterday, requesting "the privilege of being present at the encampment during the pending negotiation for a treaty with the Choctaw nation."

We cannot but consider the application a strange one, inasmuch as two days ago a letter was addressed to Mr. Bevington, politely requesting that none of the missionaries should attend at the treaty ground. This information, he was requested to communicate to others, and no doubt did. It was 2 1/2 miles from this place, and near to his residence, that this communication was addressed. With all this knowledge, your letter is now presented, asking leave to do what you had before requested not to do.

Again, soon as Mr. Tolly, and the missionary, was known to be here for reasons of supposed correct policy, he was requested to retire. His answer was that he could not. These circumstances combined, show a determination on the part of the missionaries to be present, and to mingle in the councils here, at all hazards, regardless of our requests or instructions.

Treaties with Indians, are carried on at great expense to the government. The Indians, and none others are invited, who may come or not, as they please. No man without the consent of the representatives of the government, has a right to be present at the treaty ground. For the time being, the place, and all its privileges are theirs, and the privilege of none else, without consent. Such has been the uniform and acknowledged practice, at all treaties held with Indians.

Notwithstanding we commend the laudable, and praise-worthy vocation in which you are engaged, the improving and civilizing the Indians, and teaching them the necessity of true and evangelical repentance, and forgiveness, we cannot reason ourselves to the belief, that the present is a proper time, place, or occasion for such undertakings. The whole population of the Choctaw nation, does not half equal any one of our well settled counties. Two

years you have been with them and afforded repeated opportunities to preach to and instruct them. The few days assigned for our object, which we believe to be of higher importance than any act of a temporal kind, that ever has occupied their attention, surely cannot impede the benevolent march of mind and morals that lies before you. Your religious exercises may interfere, will interfere, at any rate, some will be consumed, and large increased expenses will be the consequence. The civilized man cannot serve two masters, - the untutored savage, still less can do so. He should have his mind altogether free and easy, at such a moment as the present, and fully to be applied to the whole subject matter that is before him. We approach the subject with distrust, resolved only upon one thing, that we will act candidly, fairly, and liberally towards the Indians and save them from the ruin which is anticipated to invade them.

We beg leave to say your request, reasonable as it may appear to you, cannot be acceded to. The reasons which are offered by you, are insufficient. It is a great public matter, and an expensive one in which we are engaged. Every practised diversion tends to delay us in the completion of our business.

If you have any thing of missionary business which is consistent material to be attended to, a written communication from you, shall receive our attention, if found to be consistent with a discharge of the public trust that is confided to us. Your presence, far as we are concerned, will not make your application either better or worse. We shall adopt nothing into the treaty, if made, that we may not consider right and proper. We must therefore decline consenting to the request you have made, and ask leave to express a wish, that you will retire from the treaty ground, and from the neighborhood of it. We repeat the same wish to Br. Tolly, and ask the favor of you, to make it known to him.

We solicit an immediate answer, whether or not, you will comply with this request. We have the honor to be
Very respectfully (Signed) J. H. Eaton
J. Coffey

Camp ground 18th Sept 1830.

To the Hon. John H. Eaton Sec. of War. &
Gen. John Coffee Comm. of the U.S.

Gentlemen, We have just received your communication of this morning and regret that our request of yesterday should have been considered "as strong one." We also regret that the impression should have been made, that there was a determination on the part of the missionaries to be present. We assure you, there was no such determination on our part.

As we are constrained to believe that our motives in coming to this place, are not understood, we beg leave again respectfully to state that as it respects any influence which we could, if disposed, exert, as to the result of the present negotiations, we should have had no motive to have left our homes on this occasion. We did think the requests of the members of our church, that they might enjoy the privilege of religious instruction on the Sabbath, a reasonable one, and that the commissioners when they came to understand it, would not deny them this privilege. We did not suppose that this could, in the least, retard the business of the present meeting or create the least possible expense.

Another reason for our being present on this occasion and we believe would be deemed a valid one, was that we, as the agents of the Choctaws, and of the American Board of Commissioners for Foreign Missions, have disbursed a large amount of money in the school and missionary operations in this nation, and have now under our charge, large and expensive establishments in different parts of it. We supposed it would not be considered improper for one or more persons, representing these interests to be present on this occasion. At the treaty at Doaks stand, in 1820, the superintendent of this

impulsion was present, and received the most respectful treatment from the commissioners, and especially from the present Chief Magistrate of the U. States.

It has been reported again and again to the Choctaws that no great men in the U. States are religious, and that they are not in favor of the Choctaws becoming religious. If white men of every grade & colour are permitted to be present to the missionaries alone are prohibited we think it would tend greatly to confirm the above report. We cannot believe that the Hon. the Sec. of War, and the commissioners of the U. States now present, would willingly do any thing to confirm such an impulsion.

It is doubtless known to the Hon. the Sec. of War and the commissioners of the U. S. that there are various reports in circulation among a portion of this nation as well as among white people, prejudicial to the missionary character, representing us as speculators &c. We did hope that the present would furnish us with a convenient and suitable opportunity of presenting correct and full information on this subject, and would result in such explanations and arrangements as the case might require. And we repeat the assurance that the above were the motives and the only motives which brought us to this place.

With this explanation of our views we comply with the injunction contained in your communication, and prepare to leave the ground immediately, unless we receive intimations to the contrary.

We have the honor to be, with respects, Your obt. servs.

C. Kingsbury
Leodes Robinson
Living H. Williams
Solomon Bushman

P. S. Dr. Talley has received the information you desired requested to be given him.

18th Sept. 1830.

Gentlemen.

We have received your joint letter, business with the council prevented a reply until now. We cannot request your stay. We prefer that you should go away, and in saying this we intend nothing of disrespect to you, and more certainly nothing to the cause of religion. Our reasons we have already offered, it is that your labors here under all the circumstances which are presented, cannot be profitably employed. A more unpropitious moment and a place less promotive of religious results could scarcely be dreamt of. Your absence may aid civil purposes greatly. Your presence cannot be so far pursued, advance the cause of religion in the least. We must therefore insist upon it that you and every other person engaged here in missionary purposes leave the treaty ground. And in saying this we again beg to state that nothing disrespectful or unkind to any of you is intended. We request this to be received as our final answer on the subject.

(Signed) J. H. Eaton
J. Coffee

Saturday 18th Sept. On this day at 11 o'clock, the commissioners met the chiefs, captains and warriors in council at the council house, and thereupon delivered and caused to be interpreted by John Pritchard, U. S. interpreter, the following talk.

Treaty ground, Dancing Rabbit creek, Sept. 18th 1830.

To the Chingoes, Chiefs, Captains
and Warriors of the Choctaw Nation,
Friends & Brothers

While it affords us great pleasure to meet you, it is with deep regret we learn that differences and disturbances prevail amongst you. These should not be. The tendency of them if not corrected, must be to mar your happiness, and eventually to destroy you. All jealousies and strife amongst you, ought to cease, and your rule of government established, that those quietly shall rule. These

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country, who are the choice of a majority of the people. That is our
rule, and that we recommend to you. No one has a right to gov-
ern his fellow men by force. If any attempt thus to act, he
proves himself an enemy to liberty, and to principle.

Brothers, - We offer this as matter of advice, merely; for we come
not to interfere in your home affairs, but rather to persuade you
to be at peace, one with another, and to live as brothers should,
that your nation may be tranquil, and your people happy. Act
differently, and you cannot fail soon to be rendered miserable, and
to become degraded. Every man should be left free to determine who
shall be his rulers. Attempt not, by violence, and force, to influence
his opinions, and his choice, but leave him to his judgment, and to
his freedom of action. Reason and persuasion, are rightful resorts, to
induce men to think and act, but compulsion never. Rulers, whom
a majority of the people prefer and choose, ought to govern to the
extent the laws authorize, but no further. Be this principle regarded,
and peace, and quiet, and good order, cannot fail to be the consequence
to any people who are not absolutely depraved and vicious.

Brothers, - You have missionaries amongst you, - pious and qualified
men, we hope and believe. Fail not to attend on, and regard their admoni-
tions, while they seek to instruct the minds of your children, and to
point you to the paths of moral duty and religion, but the moment they
attempt an interference with your general government, relations, reject
their counsels. These are subjects with which they have no right to med-
dle, and indeed, should not interfere. They are matters which belong to
the government, the chiefs, and the people, - not to the missionaries, who
are placed amongst you for higher, and nobler purposes, - for Chris-
tian, not political, ends. It is the peculiar duty of the chiefs, for they
are responsible to their people, carefully to watch over the affairs of
the nation, not those who have no responsibility, no interest, whatso-

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Through error of their advice, they may lead you on to a state of political
wretchedness, of which, though they might hereafter repent, it will never be
in their power to repair.

Brothers, - We have come a considerable distance to meet you, under the
direction of your Great Father. He had invited you to meet, and shake
hands with him in Seneca, that, as a friend and father, he might speak
with you. He was informed at Washington City, that you desired it. Ar-
riving at home, he sent Major Donly to you, with news of his wishes, of
his desire to converse with you on matters of deep and lasting interest to your
Nation, you refused to come, and returned, for answer, that you could not.
Well, might your Great Father then have said, "I will no more try to pre-
serve you, but leave you, to live as you can, under the laws of the States."
When this he was about to determine, to leave you, and no more persuade
you to a course of happiness, a messenger reached him, bearing from two of
the three districts of your nation, a memorial, entreating that commissioners
might be sent. Anxious still for those who had fought by his side, in behalf
of his country, he determined to yield to that request, and to send those who
would speak his wishes freely and candidly, and thereby prove the desire
he entertained to preserve you, notwithstanding his previous friendly offers
had been rejected.

Brothers, - By the direction of your Great Father, we have come amongst you.
It is not your lands, but your happiness, that we seek to obtain. Much de-
lay and much talk, about a matter which all of you will understand, is
wasteful. We have not time to be tedious, one of us, the Secretary of War, must
very shortly return to Washington City. Here, he cannot long remain, nor is
it proper or necessary, that he should. You all know the important matters that
are to be considered and settled, and can readily decide upon the course
you intend to take. Speedily answer them, and say what you will do, Are
you willing to remain here, and live as white men? Are you willing to be
sent in courts, there to be tried and punished for any offences you may com-

mit? to be subjected to taxes, to work upon roads, and attend in musters? for all these you must do. If, under this state of state of things it is believed you can be contented, and happy, then dwell upon the land where you live. But, if you are satisfied, that under such a condition of things you cannot be happy, consent to remove beyond the Mississippi, where you will be away from the white people, and from their laws, and be able to live under your own. You are called upon to say, whether or not you will remain, for if this be your determination, then let us be done with the subject, and disperse to our homes. On the other hand if you shall choose to remove, so declare, that at once we may proceed to some definite understanding and arrange a treaty. This we are willing to do, and upon terms that shall be liberal. We seek no advantages, - we will take none. Your Great Father would not approve such a course. He has sent us, not as traders, but as friends and brothers, and to act as such. We will thus act, be assured. We come not to practice imposition upon our Choctaw friends, but to extend to them justice. This we will do.

Brothers, - Hesitate not, - determine what you mean to do. On this important occasion, record the votes of your head men, and let us know who amongst you are willing to remove, and who are opposed. The sense of the nation will thus be correctly ascertained, and the question, which has so much agitated you, be finally put to rest. Say it is your determination to remain, and the subject is done with, we shall then trouble you with our talks no more. But decide to remove, and liberal provisions will be made, to carry you to a country where you can be happy, and where already a portion of your fathers and brothers have gone in peace to reside. It is a desirable region, double in extent to the one you occupy, and large and fertile enough for twice or three times the number of

people you have. There your Great Father can be your friend; there he can keep the white man's laws from interrupting and disturbing you, and there too, he will guard you against all enemies, whether they be white or red. There, no state or territory will be created, and he will have it in his power to protect you fully, in your usages, laws and customs. Here, he cannot do these things, because, neither he nor Congress possess authority to prevent the states from extending their jurisdiction over you, and throughout their limits.

Brothers, - In the country to which you go West, the U. States will protect you from enemies. Their object will be to preserve you at peace with yourselves and with all mankind, - to perpetuate you as a nation, and to render you a happy and a prosperous people. Here, you cannot be so; it is idle to indulge such dreams of your fancy, - dreams which are entirely deceptive, and from which nothing of pleasing reality, can ever ever come. Every days observation, shows that wretchedness and distress will be yours to remain where you are. The kind and friendly feeling of your Great Father will be insufficient, to preserve you from these inevitable results.

Brothers, - A portion of your nation, sensible of these things, and anxious by removing to get rid of them, sent a treaty, during last winter, to their Great Father, but it was such a one as he could not agree to. He laid it, however, before his great council, the Senate for consideration, and they too, refused to ratify it. It asked more than could be granted, and introduced principles which could not be recognized. Your Great Father while he is willing to be kind and generous and even liberal, to his red Choctaw children, cannot concede to them terms which would be considered exorbitant. The Senate would not consent.

Brothers, - In 1820, by a treaty made with you at Broken Stand, by your present Great Father, an extensive and fine country was given to you, for the use of your people. It was a gift to you, for the country

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you ceded to the U. States was paid for fully. It was the understanding at the time, that the Choctaws would remove, and on that account was it, that a large, valuable, and fertile country, was provided for your nation and your people. Ten years have passed by, and you are still here. The country intended for you, yet remains wild and uncultivated.

Brothers, - A fertile country beyond the Mississippi, and another possessed here, is more than you should expect. If you will not remove, other Indian tribes may desire to do so, and where they shall select to settle, a home must be furnished. Others wanting it, the country should not remain a desert. You must decide which you will take, and which you will live upon; both countries you cannot possess; it is unreasonable to expect it. If you prefer to live under our laws and customs remain, and do so, and surrender the lands assigned to you, West of the Mississippi, or otherwise, remove to them. Then, your Great Father can protect you, and there, undisturbed, and uninterrupted by the whites, you can enjoy yourselves and be happy, now and for years to come. Rest assured, you cannot be so here. But if you think differently, then continue where you are. After the present time, we shall no more offer to treat with you. You have seen commissioners in your country for the last time. Hereafter, you will be left to yourselves, and to the laws of the States within which you reside, and when weary of them, your nation must remove as it can, and at its own expense.

Whatever you may determine upon, whether to remove, or to remain, our earnest and sincere wishes are, that you may be happy & contented. For you, we have the best feelings; our complisions are different, but our hearts, and our nature are the same. The Great Spirit above is our common father, He has made us all, & we are all his.

Your friends & your brothers

J. H. Eaton
Jno Coffee

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Monday 20th Sept. The commissioners were notified of the readiness of the Indians to meet them in council. At 11 o'clock, they attended. A dispute arose between the chief Safflow, and some of the captains, upon the subject of referring all matters first, to a committee of twenty persons, to be selected from each district. Safflow insisted, that having most men present, and within the bounds of his District, he should have the largest number in the committee. A quarrel was likely to ensue, when the Secretary of War addressed them, urged the necessity of their preserving peace and harmony at so important a crisis, and pleaded the necessity, if they would preserve the nation of acting cordially together, and throwing aside all their differences and stripes, and as brothers to consult, and act together. The council broke up. In the afternoon, the respective chiefs and warriors met, and agreed to be reconciled, and to take the talk, and the business that had brought them together, into serious consideration.

Tuesday 21st. The commissioners were desired, by the chiefs to submit the terms they intended to offer, that they, their captains & warriors might understand the matters to be acted upon fully. Whereupon, the commissioners consented, that they would offer them terms, such as they hoped would be considered liberal. That, the next day at 10 o'clock, they would meet the chiefs, captains and warriors, and speak to them freely, as to the terms they would propose.

Wednesday 22nd. The commissioners met the council at 10 o'clock. The chiefs, and their captains present, except Autakachie, who was reported to be sick from the bite of a spider. Order and silence being had, the commissioners proposed for their consideration and approval, the articles of the treaty they were willing to enter into. It is as follows, -

The following terms are offered, as the basis of a treaty with the Choctaw people.

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The following terms are offered, as the basis of a treaty with the Choctaw people.

Land reservations to be assessed at the price at which the U.S. States shall sell their choice and best lands (to wit)

- 4 sections to each chief is
- 2 do to D. Folsom
- 2 do to R. Cole
- 2 do to J. Pylehlym
- 2 do to J. Jagan
- 1 do to Hoakay
- 1 section each to 39 captains, 13 to each district. 39
- 1/2 section to 90 captains & principals men 45 (30 in each district)

Reservations of "sections or acres" —

Do. to those who may probably not remove say }
 150 persons at 600 acres to 96,000 acres }
 Annuitly 2500 for 20 years — 50000

Removal and support of Indians for one year
 Education of 10 Choctaw boys by Sec. of War
 Under the direction of the president 20 years

Trade purchase of
 Council house for the nation at the agency 3000
 3 churches one in each District to be used for schools 3000
 House for each chief at 3000
 Teachers and preachers for the nation for 20 years — 150000
 1000 guns and ammunition
 1000 blankets and kettles
 1000 axes & plows & hoes
 3 blacksmiths 1000 wheels & cards & 1000 looms
 3 blacksmiths one to each District for 16 years 40000
 1 millwright for 5 years
 Suit of clothes to 100 captains and woods as outfit
 Pay of captains for 11 years at 50 dollars — 21500

Pay of each chief for 20 years — 20000
 Compensation to those who have no reservations for improvements 50000

The Chief Littlestone inquired if the present treaty was to be considered as retaining former treaties and their provisions or as repealing all former treaties; and the present one only to be relied on. The answer was that it was desirable fully to embrace every thing that the presents might be considered the only treaty that was to be looked to. That excepting former annuities all previous treaties were to be considered as revoked and set aside. The council then separated.

Thursday 23^d. This morning the commissioners were informed that the Indian committee appointed to consider the terms proposed were about to reject them and refuse to treat. That it was represented to them there was but one spring and only one in the country West of the Mississippi, and that the laws of a state had been already extended over the Cherokee, who had removed there.

The commissioners returned for answer that the representations were wholly incorrect, that there was no state near to where the Cherokees lived or within many miles of them or the country owned by the Cherokees. That the information was by such misinformed persons intended to deceive and to prejudice their minds, and requested that they would meet to receive their explanations. The answer was that at 12 o'clock they would again meet in council and desired the presence of the commissioners.

At 12 o'clock the commissioners attended at the council house and received through the ^{interpreter} channel of the committee Peter Pylehlym their determination and separate. They stated their great surprise at being informed their great father had understood they were in distress and dissatisfied; and were surprised at being informed they could not retain the lands which by the treaty of 1821 had been secured to them. That they had concluded not to treat for a sale of their lands.

The report being received, The Secretary of War rose and made an address to them verbally before the Council, told them of their situation and condition, and of the impossibility on the part of their Great Father to prevent the operation of the laws over them. That they had been badly advised, and were putting reliance in persons who while they professed to be their friends would be sure to forget them in times of difficulty and trial. Their object, he well knew was to obtain the best bargain they could, and the commissioners were prepared to give them one in all respects liberal, to the extent that they could hope the Senate of the United States would ratify. The government intended this as the last treaty ever to be held with them, and it certainly was the last time that commissioners would ever appear in their nation to talk with them on this subject. They had come as friends, and at their own request to protect them from injury, not to quarrel with them about prices. As for their lands the government cared nothing for they had enough. Their object was merely the possession of the country without regard to any thing of value or profit to be obtained from the sale of them. He called their attention to a printed letter to the War Department from two of the three of their Districts, and which two of their principal chiefs had signed in which they had said most feelingly that they were distressed and could not possibly live under the laws of the state, and begged that commissioners might be sent to their nation to conclude a treaty. For them now to state differently showed their insincerity, and deception. That hereafter their complaints would not be regarded, because they could not be confided in. The Secretary of War requested them to understand that their removal was to be a matter for their own reflection and judgment. Unless they really believed in consenting to emigrate their happiness could be promoted, he begged them not to think of removing. That they must go freely, and of their own accord, or not at all. They had to say declared that they

were unwilling to remove. He supposed they had arrived at the conclusion that they could remain where they were, and live under the laws of Mississippi, and of course the commissioners had nothing more to say, or to advise. They would now take their leave, and go home. It was matter of regret, he said, that their judgment had erred so much in the decision they had made. Through out the language of all of them had been that they could not live under the white man's laws. If such was not their deliberate opinion, why had they avowed it, and why did they solicit the President to send commissioners to treat with them, when they could not but know it was attended with great expense. He said he well knew that many of them could live any where, where he could see their education and intelligence authorized him to say, and believe so, but the common uneducated Indian could not. For them to live under laws which they could neither read nor be made to understand was expecting too much. What are they to do under the decision just pronounced? Will they resist the laws? The Sheriff must enforce them. Will they oppose him with their guns and tomahawks? While the Choctaws could raise one warrior to resist, there would be found 100 or 1000 to oppose that resistance, and to enforce the law. These are things which seriously they should have considered before their decision was pronounced. The commissioners, he said, had nothing further to remark but to take leave of them, and go home, and accordingly they retired from the Council.

Shortly afterwards they were visited upon by several persons of the committee with a request that they would not leave the treaty ground, that they had considered of the remarks which had been made to them, and had no doubt, if the commissioners would remain a few days longer, that a treaty could be made. To this the commissioners assented.

Saturday, 25th 9 o'clock.

The committee on the part of the Indians handed in a plan presenting the grounds on which they were willing to treat. It contained various objectionable features, and amongst others a proposition to create a perpetual stock of

of 500,000 at an interest of 5 per cent, but redeemable at the pleasure of the Choctaw nation after 20 years. The commissioners returned for answer that the terms offered had been fully considered and that some of them were inadmissible, lest that at 11 o'clock they would meet the chiefs and warriors in council and state to them there what they were willing and disposed to do.

11 O'clock. The council met present the commissioners, the three chiefs, captains and warriors of the nation when the following terms were proposed and interpreted.

Choctaw proposals for the basis of a treaty in lieu of those heretofore proposed. They are offered from a full consideration of all the circumstances and from a desire that equity and entire justice and liberality may be extended to your ~~brothers~~ brothers. If approved, a treaty to be drawn out in form.

Removal to take place within two or two and a half years from the ratification of the treaty and the treaty to be binding from the date of ratification upon the following terms.

- Lands reserved and the value at the lowest government price only.
 - 11 sections to each of the three chiefs, two to include improvements 12 sections
 - 4 sections to Col. D. Fulson, two to include improvements 4
 - 2 to R. Cook and 2 to J. Garland former chiefs 4
 - 2 to the Speakers of each District 6
 - 2 to J. Cyclopedia and 2 to J. J. J. J. 4
- Sections - 30

1 section to 13 captains, with others to be named and to be placed in a supplemental treaty. 3 sections 30.

And that others not provided for above and who will remove may be provided for their shall be reserved 1/2 of section to each head of family who during the present

year may have had in actual cultivation a farm of 30 acres and a dwelling house thereon, said reservation to be bounded by quarter section lines contiguous and adjoining, and to contain the part of the improvements on which the dwelling may be situated, and which with the consent of the President of the United States the owner may sell, the number not to exceed 500 persons. And to those who may have had in cultivation as aforesaid a farm of 20 and less than 30 acres a reservation of two quarter sections to be bounded by quarter section lines and to be contiguous and adjoining, and to include the dwelling and subject to the condition of the preceding class of cases. The number not to exceed 1000 persons.

And to those who may have had in cultivation as aforesaid a farm of 12 acres or not more than 20 acres a reservation as aforesaid under the conditions and restrictions aforesaid 1/4 of a section of land. The number not to exceed 500 persons.

And to those who may have cultivated as aforesaid a farm of 4 acres and less than 12 acres a reservation under the restrictions and conditions aforesaid of one eighth of a section. The number not to exceed 350 persons.

And any captain, the number of whom shall not exceed ninety who shall fail to obtain under any of the provisions less than a section, he shall in that event be entitled to half a section additional to adjoining his other reservation. In making sale of any part of it he shall be subject to the conditions before stated.

Children of Choctaw parents residing in the nation a list and proof of which shall be filed with the agent within six months after the ratification of this treaty, who have neither father nor mother shall be entitled to a quarter section of land to be located under the direction of the President.

Also such persons wishing to become citizens and who are heads of families shall be entitled for himself or herself to a section of land, and having lived upon and cultivated the same for six years after the ratification of this treaty shall receive a grant in fee. The location shall be bounded by sectional lines and include his or her dwelling.

Likewise for each unmarried child residing with him or her on notice and a request made with the agent in six months from the ratification of such return

from said child shall be entitled, if over ten years of age to half a section, if less than ten to a quarter section, to acquire the former location, say that out, the remain is 300.

That 200 children are over ten years 100.

300 do under ten years 50.

Annuitis under former treaties amounting to \$11,200, which would expire in 1836 to be continued.

Proport annuity offered was \$25,000. It is an account of the large reservations desired to \$30,000 for 20 years.

Renewal, expense of and support one year.

Education of 50 Choctaw boys 20 years.

Commil. house, churches, and houses for chiefs.

Teachers and preachers for 20 years.

1000 guns and ammunition, blankets & knives.

1000 axes, hoes and ploughs.

1000 wheels, carts and 500 looms.

3 blacksmiths for 16 years.

1 millwright for 5 years.

Suit of clothes, and sword to captains, also 12 years pay at \$50.

Pay of chiefs for 20 years.

Cable purchase of at valuation of persons appointed by the President Government, and to be delivered at two or more appointed places, to be paid for, or the same amount of cattle furnished across the river, at the election of the President.

Pages 1 to 78 incl
2/25/32
Copies hereof sent
Attorney General with letter
Relative Case No. 78-37
see file # 78613-25
From July 1753

The foregoing having been read and explained, the three chiefs and others of the principal men, addressed the council, and urged the acceptance of the terms which were offered. The explanations being made, the council broke up.

Sunday 26th. Some conference at the commissioners quarters took place this morning between the chiefs and some of the captains and head men in which several alterations and additions were made to the terms proposed. They insisted to increase the number of guns and blankets, agreeably to the promise which was made to them in the treaty of Loker Stand made in 1820.

Monday 27th. A meeting at the council house took place to day. The treaty as drawn up was submitted, interpreted, and explained, and at one o'clock, it was signed and is as follows.

A treaty of perpetual friendship, cession, and limits entered into by John W. Eaton and John Coffee for and in behalf of the Government of the United States, and the Mingoos, chiefs, captains, and warriors of the Choctaw nation, begun and held at Flaming Rabbit Creek on the 15th of September in the year 1830.

Whereas the General Assembly of the State of Mississippi has extended the laws of said state to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws, - Now, therefore, that the Choctaws may live under their own laws in peace with the United States, and the State of Mississippi, they have determined to sell their lands East of the Mississippi, and have accordingly agreed to the following articles of treaty.

Article 1. Perpetual peace and friendship is pledged and agreed upon by and between the United States, and the Mingoos, chiefs and warriors of the Choctaw nation of Red people, and that this may be considered the treaty existing between the parties, all other treaties heretofore existing, and

inconsistent with the provisions of this are hereby declared null and void.

Article 2. The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw people, nation, a tract of country West of the Mississippi in fee simple, to them and their descendants, to enure to them while they shall exist as a nation and live on it, beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas river, running thence to the source of the Canadian Fork if in the limits of the United States, or to those limits, thence due South to Red river and down Red river to the West boundary of the territory of Arkansas, thence North along that line to the beginning, the boundary of the same to be agreeably to the treaty made and concluded at Washington City, in the year 1825. The grant to be executed, so soon as the present treaty shall be ratified.

Article 3. In consideration of the provisions contained in the several articles of this treaty, the Choctaw nation of Indians consent, and hereby agree, cede to the United States the entire country they own and possess East of the Mississippi river, and they agree to remove beyond the Mississippi river, early as practicable and will so arrange their removal, that as many as possible, of their people, not exceeding one half of the whole number, shall depart during the falls of 1831 and 1832, the residue to follow during the succeeding fall of 1833. A better opportunity, in this manner, will be afforded the government, to extend to them the facilities and comforts which it is desirable should be extended, in conveying them to their new homes.

Article 4. The government and people of the United States are hereby obliged to secure to the said Choctaw nation of red people, the jurisdiction and government of all the persons and property

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that may be within their limits West so that no state or territory or state shall ever have a right to pass laws for the government of the Choctaw nation, of red people and their descendants, and that no part of the land granted them, shall ever be embraced, in any territory or state, but the United States shall forever secure said Choctaw nation, from and against all laws, except such as from time to time, may be enacted in their own national councils, not inconsistent with the constitution, treaties and laws of the United States, and except as may, and which have been enacted by Congress to the extent that Congress under the constitution, are required to exercise a legislative power Indian affairs. But the Choctaws through this treaty, be ratified, express a wish, that Congress may grant to the Choctaws, the right of government punishing, by their own laws, any white man who shall come into their nation, and infringe any of their national regulations.

Article 5. The United States are obliged to protect the Choctaws from domestic strife, and from foreign enemies, on the same principles that citizens of the United States are protected, so that whatever would be a legal demand upon the United States for defence, or for wrongs committed by an enemy, on a citizen of the United States, shall be equally binding in favor of the Choctaws, and in all cases where the Choctaws shall be called upon, by a legally authorized officer of the United States, to fight an enemy, such Choctaw shall receive the pay and other emoluments, which citizens of the United States receive in such cases, provided, no war shall be undertaken or prosecuted, by said Choctaw nation, but by declaration made in full council, and to be approved by the United States, unless it be in self-defence, against an open rebellion, or against an enemy, marching into their country, in which cases they shall defend, until the United States are advised thereof.

Article 6th. Should a Choctaw, or any party of Choctaws, commence acts of violence upon the person or property of a citizen of the United States or join any war party against any neighbouring tribe of Indians, without the authority in the preceding article, and except to oppose an actual or threatened invasion, or rebellion, such person so offending, shall be delivered up to an officer of the United States, if in the power of the Choctaw nation, that such offender may be punished, as may be provided in such cases, by the laws of the United States; but if such offender is not within the control of the Choctaw nation, then said Choctaw nation shall not be held responsible for the injury done by said offender.

Article 7th. All acts of violence committed upon persons and property of the people of the Choctaw nation, either citizens of the United States, or neighboring tribes of red people, shall be referred to some authorized agent, by him to be referred to the President of the United States, who shall examine into such cases, and see that every possible degree of justice is done to said Indian party of the Choctaw nation.

Article 8th. Offenders against the laws of the United States, or any individual state, shall be apprehended, and delivered to any duly authorized person where such offender may be found in the Choctaw country, having fled from any part of the United States, but in all such cases, application must be made to the agent or chiefs, and the expense of his apprehension and delivery provided for, and paid by the United States.

Article 9th. Any citizen of the United States, who may be ordered from the nation by the agent and constituted authorities of the nation, and refusing to obey, or return into the na-

tion, without the consent of the aforesaid persons, shall be subject to such pains and penalties as may be provided by the laws of the United States, in such cases. Citizens of the United States, travelling peacefully under the authority of the laws of the United States, shall be under the care and protection of the nation.

Article 10th. No person shall expose goods or other articles for sale, as a trader, without a written permit from the constituted authorities of the nation or authority of the laws of the Congress of the United States, under penalty of forfeiting the articles, and the constituted authorities of the nation shall grant no license, except to such persons as reside in the nation, and are amenable to the laws of the nation. The United States shall be particularly obliged to assist to prevent ardent spirits from being introduced into the nation.

Article 11th. Navigable streams shall be free to the Choctaws, who shall pay no higher toll or duty, than citizens of the United States. It is agreed further, that the United States shall establish one or more post offices, in said nation, and may establish such military post roads and posts, as they may consider necessary.

Article 12th. All intruders shall be removed from the Choctaw nation, and kept without it. Private property to be always respected, and on no occasion taken for public purposes without just compensation being made therefor to the rightful owner. If an Indian unlawfully take or steal any property from a white man a citizen of the United States, the offender shall be punished, and if a white man unlawfully take or steal any thing from an Indian, the property shall be restored, and the offender punished. It is further agreed that when a Choctaw shall be given up to be tried, for any offence against the laws of the United States, if unable to employ counsel to defend him, the United States will do it, that his trial may be fair and impartial.

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Article 13th. It is consented, that a qualified agent shall be appointed, for the Choctaws, every four years unless sooner removed, by the President, and he shall be removed on petition of the constituted authorities of the nation, the President being satisfied there is sufficient cause shown. The agent shall fix his residence convenient to the great body of the people, and in the selection of an agent, immediately after the ratification of this treaty, the wishes of the Choctaw nation, on the subject, shall be entitled to great respect.

Article 14th. Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent, within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him, over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article, shall not lose the privileges of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity.

Article 15th. To each of the chiefs in the Choctaw nation,

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(to wit) Greenwood Saffore, Mutaackachie, and Mshullatubbe, there is granted a reservation of four sections of land, two of which shall include and adjoin their present improvements, and the other two located where they please, but on unoccupied, unimproved lands, such sections shall be bounded by sectional lines, and with the consent of the President, they may sell the same. Also to the three principal chiefs, and to their successors in office, there shall be paid two hundred and fifty dollars annually, while they shall continue in their respective offices, except to Mshullatubbe, who, as he has an annuity of one hundred and fifty dollars, for life, under a former treaty, shall receive only the additional sum of one hundred dollars, while he shall continue in office, as chief. And if, in addition to this, the nation shall ^{think} proper to elect an additional principal chief of the whole, to superintend and govern upon Republican principles, he shall receive annually for his services, five hundred dollars, which allowance to the chiefs, and their successors in office, shall continue for twenty years. At any time when in military service, and while in service by authority of the United States, the district chiefs, under and by selection of the President, shall be entitled to the pay of Majors, the other chief under the same circumstances, shall have the pay of a Lieutenant Colonel. The speakers of the three districts, shall receive twenty five dollars a year, for four years, and the three secretaries, one to each of the chiefs, fifty dollars each, for four years. Each captain of the nation, the number not to exceed ninety nine, thirty three from each district, shall be furnished, upon removing to the West, with each a good suit of clothes, and a broad sword, as an outfit, and for four years commencing with the first of their removal, shall each receive fifty dollars a year, for the trouble of keeping their people in order, in settling, and whenever they shall be in military service, by authority of the United States, shall receive the pay of a captain.

Article 16th. In waggons and with steamboats as may be found necessary the United States agree to remove the Indians to their new homes at their expense and under the care of discreet and careful persons who will be kind and brotherly to them. They agree to furnish them with ample corn and beef or pork for themselves and families for twelve months after reaching their new homes. It is agreed further that the United States will take all their cattle at the valuation of some discreet person to be appointed by the President and the same shall be paid for in money after their arrival at their new homes or other cattle such as may be desired shall be furnished them, notice being given through their agents of their wishes upon this subject. Their removals that time to supply the demands may be afforded.

Article 17th. The several annuities and sums secured under former treaties to the Choctaw nation and people shall continue as though this treaty had never been made. And it is further agreed that the United States in addition will pay the sum of twenty thousand dollars for twenty years commencing after their removal to the benefit of which in the first year after their removal ten thousand dollars shall be divided and arranged to such as may not receive reservations under this treaty.

Article 18th. The United States shall cause the lands hereby ceded to be surveyed and surveyors may enter the Choctaw country for that purpose, conducting themselves properly and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the nation or the lands to be sold before the Choctaws shall remove. And for the payment of the several amounts secured in this treaty the lands

herely ceded are to remain a fund pledged to that purpose until the debt shall be provided for and arranged. And further it is agreed that in the construction of this treaty whenever well founded doubts shall arise it shall be construed most favourably towards the Choctaws.

Article 19th. The following reservations of land are hereby admitted. To Col. David Tolson four sections of which two shall include his present improvement and two may be located elsewhere on unoccupied unimproved land.

To G. Garland Col. Robert Keale Tappanahome John Pyleblynn John Charles Guzan John Kebetable Erayshahobin Opedoma two sections each to include their improvements and to be bounded by sectional lines and the same may be disposed of and sold with the consent of the President, and that others not provided for may be provided for there shall be reserved as follows.

First. One section to each head of a family not exceeding forty in number who during the present year may have had in actual cultivation with a dwelling house thereon fifty acres or more. Secondly three quarter sections after the manner aforesaid to each head of a family not exceeding four hundred and sixty as shall have cultivated thirty acres and less than fifty to be bounded by quarter section lines of survey and to be contiguous and adjoining.

Third. One half section as aforesaid to those who shall have cultivated from twenty to thirty acres the number not to exceed four hundred.

Fourth. A quarter section as aforesaid to such as shall have cultivated from twelve to twenty acres the number not to exceed three hundred and fifty and one half of that quantity to such as shall have cultivated from two to twelve acres the number also not to exceed three hundred and fifty persons. Each of said classes of cases shall be subject to the limitations contained in the first class and shall be so located as to include that part of the improvement which contains the dwelling house

If a greater number shall be found to be entitled to reservations under the several clauses of this article than is stipulated for under the limitation prescribed, then and in that case the chiefs separately and together shall determine the persons who shall be included in the respective districts.

Fifth. Any captain the number not exceeding ninety persons who under the provisions of this article shall receive less than a section he shall be entitled to an additional quantity of half a section adjoining to his other reservation. The lands all reservations secured under this article may be sold with the consent of the President of the United States, but should any prefer it or omit to take a reservation for the quantity he may be entitled to the United States will in his removing pay fifty cents an acre after reaching their new homes, provided that before the first of January next they shall produce to the agent or some other authorized person to be appointed proof of his claim to the quantity of it.

Sixth. Likewise children of the Choctaw nation residing in the nation who have neither father nor mother a list of which with satisfactory proof of parentage and orphanage being filed with agent in six months to be forwarded to the War Department shall be entitled to a quarter section of land to be located under the direction of the President and with his consent the same may be sold and the proceeds applied to some beneficial purpose for the benefit of said orphans.

Article 20th

The United States agree and stipulate as follows, that for the benefit and advantage of the Choctaw people and to improve their condition, there shall be educated under the direction of the President and at the expense of the United States forty Choctaw

youths for twenty years. This number shall be kept at school, and as they finish their education others to supply their places shall be received for the period stated. The United States agree also to erect a council house, at some convenient central point, after their people shall be settled, and a house for each chief, also a church for each of the three Districts to be used as school houses, until the nation may conclude to build others. And for these purposes ten thousand dollars shall be appropriated. Also fifty thousand dollars (viz) twenty five hundred dollars annually shall be given for the support of three teachers of schools for twenty years. Likewise there shall be furnished to the nation three blacksmiths one for each District for sixteen years and a qualified millwright for five years. Also there shall be furnished the following articles, twenty one hundred blankets, to each warrior who emigrates, a rifle, moulds, soap and ammunition, one thousand axes, ploughs, hoes, wheels and cards each, and four hundred looms. There shall also be furnished one ton of iron and two hundred weight of steel annually to each district for sixteen years.

Article 21st A few Choctaw warriors yet survive who marched and fought in the army with General Blayne, the whole number stated not to exceed twenty. These it is agreed shall hereafter while they live receive twenty five dollars a year, a list of them to be early as practicable and within six months made out and presented to the agent to be forwarded to the War Department.

Article 22nd The chiefs of the Choctaw^{es} have suggested that their people are in a state of rapid advancement in education and refinement and have expressed ^{a solicitude} that they might have the privilege of a delegate on the floor of the House of Representatives extended to them. The commissioners do not feel that they can under a treaty stipulation accede to the request, but at their desire present it in the treaty that Congress may consider of and decide the application.

Done and signed and attested by the commissioners of the United States and the chiefs, captains and head men of the Saboteau nation at Sanning Rabbit creek, this 27th day of September, eighteen hundred and thirty

In presence of	John H. Eaton	Seal	
E. Brewster, Secy	Jno Coffey	Seal	
to the comd	Greenwood Leflore	Seal	
William H. Hunt	Mushkatabee	Seal	by mark
for Saboteau	Attukahie	Seal	
John H. Eaton	Eyahscuttubee	Seal	
W. H. Hunt	Sya-chuhopia	Seal	
Mr. Mackay	Offahoomah	Seal	
W. H. Hunt	Mohalaten	Seal	
Geo. H. Hunt	Innatubee	Seal	
of Alabama	Kolasterhoomah	Seal	
R. Plummer	Hopiamuchahubbee	Seal	
Luke Howard	Tishomings	Seal	
Saml. H. H. H.	Captain Thoker	Seal	
Jno W. Byrn	James Shields	Seal	
John Bell	Pesteyubee	Seal	
Jno. Bond	Tobalarunchahubbee	Seal	
	Koolubee	Seal	
	Robert Cook	Seal	
	Mokelarchashopia	Seal	
	Lewis Perry	Seal	
	Antonamarstubbee	Seal	
	Koopiatubee	Seal	
	Kooshahoomah	Seal	
	Uhuallahoomah	Seal	
	Joseph Kincaid	Seal	

	Artokluchehubbee	Seal	X
	Notubee	Seal	X
	Asankatabee	Seal	X
	Sawaterhoomah	Seal	X
	Uhohtahmataha	Seal	X
	Tumuffpastubee	Seal	X
	Okechanyer	Seal	X
	Keshhopia	Seal	X
	Uwshashhopia	Seal	X
	Koashunchahubbee	Seal	X
	Kousharyubee	Seal	X
	Daniel M. Cantain	Seal	X
	Tushkerhache	Seal	X
	Kooktootubee	Seal	X
	Kukmaarchookmah	Seal	X
	Kingohoomah	Seal	X
	Pishscuttubee	Seal	X
	Tullarhache	Seal	X
	Little leader	Seal	X
	Koashutter	Seal	X
	Kowehoomah	Seal	X
	Tillamoer	Seal	X
	Immellaaha	Seal	X
	Artopelachubee	Seal	X
	Uhalphurushatubee	Seal	X
	Uttahoomah	Seal	X
	Paklayubee	Seal	X
	Pukemma	Seal	X
	Apalar	Seal	X
	Koolben	Seal	X
	Kooparmings	Seal	X

Ispahoomah	Seal	X	✓
Tiebenhoomah	Seal	X	✓
Tishoholater	Seal	X	✓
Neahoyachubbee	Seal	X	✓
Arlatan	Seal	X	✓
Nittakubbee	Seal	X	✓
Tishonowan	Seal	X	✓
Wancharshahoomah	Seal	X	✓
Isaac James	Seal	X	✓
Keopiamluskken	Seal	X	✓
Aryashkermen	Seal	X	✓
Ahemotan	Seal	X	✓
Keopiamkastena	Seal	X	✓
Thomas Saffron	Seal	X	✓
Amakeshatubbe	Seal	X	✓
Shokopulukua	Seal	X	✓
Petshoomah	Seal	X	✓
Robert Folsom	Seal	X	✓
Aharyotubbe	Seal	X	✓
Tushonolaten	Seal	X	✓
James Naughton	Seal	X	✓
James Haines	Seal	X	✓
Tishohakubbee	Seal	X	✓
Narben alar	Seal	X	✓
Pemasha	Seal	X	✓
Inharyankers	Seal	X	✓
Mohtubbe	Seal	X	✓
Naharyubbe	Seal	X	✓
Ishominyubbe	Seal	X	✓
James M. King	Seal	X	✓
Lewis Webster	Seal	X	✓

Istomarkahanchu	Seal	X	✓
Woshinshamartaku	Seal	X	✓
Kimmelachabbe	Seal	X	✓
Euyahinistubbe	Seal	X	✓
Wahl Garland	Seal		✓
Thomas Wall	Seal		✓
Samuel Worcester	Seal		✓
Jacob Folsom	Seal		✓
William Foster	Seal		✓
Antiochanchu	Seal	X	✓
Ruf. A. Foster	Seal		✓
Simon Jagan	Seal		✓
Jos. Pyschlynn Jr	Seal		✓
David Folsom	Seal		✓
Sholchomastube	Seal	X	✓
Tithe	Seal	X	✓
Lauwechube	Seal	X	✓
Kashchemma	Seal	X	✓
Pfenowa	Seal	X	✓
Ahekache	Seal	X	✓
Raloshabe	Seal	X	✓
Stoko	Seal	X	✓
Ishitemleke	Seal	X	✓
Emthahabe	Seal	X	✓
Letas D. Fisher	Seal		✓
Isaac Folsom	Seal	X	✓
Hekatabe	Seal	X	✓
Wakseeche	Seal	X	✓
Gerry Canney	Seal	X	✓
John Washington	Seal	X	✓
Philip	Seal	X	✓

X		Aeshameye	Seal	X	✓
X		Ishtheeya	Seal	X	✓
X		Koeshopomema	Seal	X	✓
X		John Mc Kelberv	Seal	X	✓
X		Benjn James	Seal	X	✓
X		Tikbachahambe	Seal	X	✓
X		Mholiklabben	Seal	X	✓
X		Walkingwolf	Seal	X	✓
X		John Waide	Seal	X	✓
X		Big Ace	Seal	X	✓
X		Bob	Seal	X	✓
X		Tishkoehaubben	Seal	X	✓
X		It to lu	Seal	X	✓
X		Tishwakayus	Seal	X	✓
X		Tolohomno	Seal	X	✓
X		John Carland	Seal	X	✓
X		Roshona	Seal	X	✓
X		Steyohamabe	Seal	X	✓
X		Oklanowa	Seal	X	✓
X		Neto	Seal	X	✓
X		James Fletcher	Seal	X	✓
X		Silas D Pytehllyn	Seal	X	✓
X		William Wrahem	Seal	X	✓
X		Tishkahemmita	Seal	X	✓
X		Te the ta yer	Seal	X	✓
X		Emoklathahopia	Seal	X	✓
X		Tishoimita	Seal	X	✓
X		Thomas W Foster	Seal	X	✓
X		Yadse Boathears	Seal	X	✓
X		Levi Perkins	Seal	X	✓
X		Isaac Perry	Seal	X	✓

		Ishlonokahomah	Seal	X	✓
		Viran King	Seal	X	✓
		Oglanta	Seal	X	✓
		Multatubben	Seal	X	✓
		Tushkahollatuh	Seal	X	✓
		Panhatubben	Seal	X	✓
		P. P. Pytehllyn	Seal	X	✓
		Joel W. Nail	Seal	X	✓
		Hopia Stonkey	Seal	X	✓
		Kochomma	Seal	X	✓
		William Wade	Seal	X	✓
		Panhatubben	Seal	X	✓
		Kolettankehaubben	Seal	X	✓
		Kothoantchaubben	Seal	X	✓
		Eyanputubben	Seal	X	✓
		Okentahubben	Seal	X	✓
		Living Bear club	Seal	X	✓
		John Jones	Seal	X	✓
		Charles Jones	Seal	X	✓
		Isaac Jones	Seal	X	✓
		Hooklacha	Seal	X	✓
		Mineoqa	Seal	X	✓
		Eden Nelson	Seal	X	✓

The commissioners informed the council, that there was some other minor matters, which had partly been agreed on, and which, their meeting would be arranged in a supplement form, as part of the treaty just signed, and that tomorrow they would be ready to submit it for their signatures.

Tuesday 28th The following supplement was submitted and signed, as part of the treaty.

Various Christian persons have been presented by the chiefs of this nation, with a desire that they might be provided for. Being particularly desiring an allotment has been manifested, that provision might be made for them. It is therefore by the undersigned commissioners here assented to with the understanding that they are to have no interest in the reservations which are donated and provided for, under the general treaty to which this is a supplement.

As evidence of the liberal and kind feelings of the President & government of the United States the commissioners agree to the requests as follows to wit: Pierre Juyon, Peter Pytahlynn, Old Barkins, Jack Pytahlynn, Isaac Trilam, Louis Lafflor, Benjamin James, Joel McMill, Hoopoy, nyahabee, Prokubbe, Benjamin Lafflor, Michael Lafflor & Allen Gates and wife shall be entitled to a reservation of two sections of land each, to include their improvement where they at present reside, with the exception of the three first named persons and Benjamin Lafflor, who are authorized to locate one of their sections in any other unimproved and unoccupied land, within their respective Districts.

Article D. As to each of the following persons, there is allowed a reservation of a section and a half of land to wit: James L. McDonald, Robert Jones, Noah Wall, James Keampble, G. Nelson, George Bradshaw, R. Harris, Seth Lander, J. Foster, J. Vaughan, L. Durand, Samuel Long, J. Mougaypa, Thos. Cooney, Seth Thompson, Thomas Garland,

John Bond, William Saffron, and James Beacham, the two first named persons may locate one section each and one section jointly on any unimproved and unoccupied lands, there not residing in the nation. The others are to include their present residence and improvement.

Also one section is allowed to the following persons to wit: Middleton Meachey, Wesley Train, School home, Moses Foster, B. M. Wall, Richard Scott, Molly Trail, Susan Collett, who was formerly Susan James, Sarah Gallant, Elias Fisher, B. McMountain, Oakes Thomas & Polly Filleauey, to be located in entire sections to include their present residence and improvement, with the exception of Molly Trail and Susan Collett, who are authorized to locate theirs on any unimproved unoccupied lands.

John Petchlym has long and faithfully served the nation in the character of M. Fisher's interpreter. He has acted as such for forty years. In consideration, it is agreed, in addition to what has been done for him, there shall be granted to two of his children, to wit, Elias Petchlym & Thomas Petchlym, one section of land each, to adjoin the location of their father. Likewise to James Madison & Peter, sons of Mashullatubbe, one section of land each, to include the old house and improvement, where their father formerly on the old military road, adjoining a large prairie. And to Henry Graves, son of the Chief Mattiasche, there is one section of land given to adjoin his father's land.

And to each of the following persons, half a section of land is granted, on any unoccupied and unimproved lands, in the District where they respectively reside, to wit: Willis Foss, James B. Wamilton, William Jurgan, Tobias Saffron, Jr. Doh, Jack Fulton, P. Hoag, Saml. Worister, Geo. Hunter, William Train, Robert Nash and Alexander M. Lee. And there is given a

quarter section of land each, to Babita and her five fatherless children, she being a Choctaw woman, residing out of the nation, also the same quantity to Peggy Trihan, another Indian woman residing out of the nation, and her two fatherless children, and to the widows of Peshmitaha and Puckshenabbe, who were formerly distinguished chiefs of the nation, and for their children four quarter sections of land each, in trust for themselves and their children. All of said last reservations are to be located under and by the direction of the President of the United States.

Article 3. The Choctaw people, now that they have ceded their lands, are desirous to get to their new homes, early as possible, and accordingly they wish that a party may be permitted to proceed this fall to other than which route will be most advantageous for their people to be located. It is therefore agreed, that three or four persons from each of the three Districts, under the guidance of some discreet and well qualified person or persons, may proceed during this fall to the West, upon an examination of the country. For their time and expense the United States agree to allow the said persons two dollars a day each, not exceed one hundred days, which is deemed to be ample time to make an examination. If necessary, pilots acquainted with the country, will be furnished when they arrive in the West.

Article 4. John Doody, of Alabama, ^{who} has several Choctaw grand children, and who for twenty years has carried the mail through the Choctaw nation, a desire by the chiefs is expressed, that he may have a section of land. It is accordingly granted, to be located in any entire section on any unimproved and unoccupied land.

Allen Cloon and Henry S. Raines, licensed traders in the Choctaw nation, have accounts amounting to upwards of nine thousand dollars against the Indians, who are unable to pay their said debts without destroying their families, a desire is expressed by the chiefs, that two sections of land be set apart to be sold, and the proceeds thereof to be applied toward the payment of the aforesaid debts. It is agreed, that two sections of

any unoccupied and unoccupied land be granted to George H. Davis who will sell the same for the best price he can obtain and apply the proceeds thereof to the credit of the Indians on their accounts due to the before mentioned Men & Davis and shall make the application to the prompt Indian first.

At the earnest and particular request of the Chief Greenwood Saffron this is granted to David Hooley on half section of land to be located in a half section in any unoccupied and unoccupied land as a compensation for a journey with dispatch to the government and returning others to the Schestaw nation.

The foregoing is entered into as supplemental to the treaty concluded yesterday. Done at Lansing Rabbit creek the 25th day of September 1830.

- | | |
|----------------------------|-----------------------------|
| In presence of | John H. Eaton Secy |
| E. B. Smith Secy to com. | John Coffee Secy |
| W. Ward. Agt for Schestaw. | Greenwood Saffron |
| Mr Mackay U.S. Int. | Nettueschee his & mark |
| John Pritchard U.S. Int. | Mushatubbe his & mark |
| Geo. W. R. Pleunin | Ofahomah his & mark |
| Geo. W. Ryan | Eshahscuttubbe his & mark |
| Geo. S. Gaines | Syacherhopia his & mark |
| | Woolubbe his & mark |
| | Caarubbe his & mark |
| | Robert Cole his & mark |
| | Keepiaunehabubbe his & mark |
| | David Holson |
| | John Garland his & mark |
| | Keepiahomah his & mark |
| | Captain Thell his & mark |
| | Pierre Gypin |
| | Immanstah his & mark |
| | Woshinkamater his & mark |

The business being all completed, some of the chiefs and head men represented to the commissioners that it had ever been a custom at their treaties for their people to expect some presents from their Great Father as evidence of his kindness. The commissioners accordingly informed them that not knowing that any treaty would be concluded they had not provided the means of complying with their requests, but that such articles as could be procured would be provided amongst their three districts to be apportioned by the chiefs to the people in all amounting to \$

4 o'clock P. M. The commissioners took their leave and departed leaving the Indians peacefully quiet and to all appearances well pleased and satisfied.

In presence of
G. B. at this treaty to com.

John H. Eaton
John Coffee

Pages 1 to 78 incl.

2/25/32
Copies hereof sent
Attorney General with letter
relative Case No. 78613-2575
C. C.

See also file 2575
78613-2575
Fair Trial 175

Handwritten scribbles and illegible text in the lower-left quadrant.

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Dancing Rabbit Creek

Wednesday 15 Sept 1830

John St Caton and John Coffee, commissioners to treat with the Choctaw nation of Indians, this day arrived at Dancing Rabbit Creek. At the agency to day, they instructed the agent to address a note to the mission-aries, suggesting it to be improper, and requesting that they would not attend at the treaty ground, which was done by the agent accordingly.

Thursday Sept 16th. The Commissioners issued the following general regulation for the distribution of rations

" The contractors will have deposited with them, the number of each Captain's company, the district in which he lives. The women and children must also be stated and from day to day, be corrected, as additional persons
(May)

may come in, the rations will be as follows; one and a half pounds of beef, until further orders be given; one pint of corn, and one quart of salt to the 100 rations. The quantity issued to any one Captain may be delivered together, in one or two pieces, by them to be arranged and divided. The agent will cause the rations to be faithfully delivered, and to report any just cause of complaint that may arise.

J. H. Eaton
Jr. Coffee

Friday Sept 17th. A correspondence, as follows took place between the Commissioners and the missionaries attending at the treaty grounds.

Treaty Ground Choctaw Nation

to the Hon

17 Sept 1830

J. H. Eaton. Sec. of War &
Jr. Coffee. Comr of the U.S.
Gentlemen

The undersigned, missionaries under the patronage of the A. B. C. F. M. respectfully request the privilege of being present at the encampment, during the pending negotiations for a treaty with the Choctaw Nation.

(Many)

Many of the people, for whose good we, in connexion with the Government of the U. States, have for a number of years been laboring, have assembled at this place, and have requested that we should be with them, that they may enjoy the advantages of religious instruction on the Sabbath, and at such other intervals as circumstances may present.

It has also occurred to us, that questions may arise, affecting the interests of the mission under our board, and which would render it proper, and necessary, that one or more of their missionaries should be present.

We should not have thought of troubling you with this note, had it not been suggested to us, from a quarter entitled to our respectful attention that it would not be desirable for us to be present; but as we can perceive no reasonable objection, the above request is respectfully submitted by

Your obedient servants, Cyrus Kingsbury
Cyrus Byington
Living Williams
Calvin Cushman

(P.S.)

P.S. We are aware that public rumor may have produced the impression, that we, if on the ground, would interfere with the particular object of the present meeting. We do hereby assure you gentlemen, that we shall studiously avoid any such interference. Should any questions arise, affecting either ourselves, or the interests of our mission, it is hoped we may have the privilege of having the subject considered by the Sec: of War and the Commissioner of the U States, if it should be thought of sufficient importance.

Treaty ground

18 Sept 1830

Gentlemen

Late last evening, we received your letter of yesterday requesting "the privilege of being present at the encampment, during the pending negotiation for a treaty with the Choctaw Nation".

We cannot but consider the application a strange one, inasmuch as, two days ago, a letter was addressed to Mr Baynington, politely requesting, that none of the missionaries should attend at the
(treaty).

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treaty ground. This information he was requested to communicate to others, and no doubt did. It was 24 miles from this place and near to his residence, that this communication was addressed. With ^{all} this knowledge, your letter is now presented, asking leave to do, what you had before requested not to do.

Again as soon as Mr Tally, another Missionary was known to be here, for reasons of supposed correct policy, he was requested to retire. His answer was that he could not. These circumstances combined, show a determination on the part of the missionaries to be present, and to mingle in the Councils here, at all hazards, regardless of our requests or instructions.

Treaties with Indians are carried on at great expense to the Government. The Indians and none other are invited, who may come or not, as they please. No man without the consent of the representatives of the Government, has a right to be present at the treaty ground. For the time being, the place and all its privileges, are theirs, and the privilege of none else without consent. Such has been the uniform acknowledged practice, at all treaties held with Indians.

(attach)

Much as we commend the laudable, and praiseworthy
vocation in which you are engaged, the improving and
civilizing the Indians - and teaching them the necessity of
true and evangetic repentance and forgiveness, we
cannot reason ourselves to the belief, that the present
is a proper time, place or occasion for such undertakings.
The whole population of the Choctaw nation does not
half equal any one of our well settled counties. Two
years ~~has~~ ^{have} you been with them, and afforded repeated
opportunities to preach to, and instruct them. The
few days assigned for our object, which we believe to be of
higher importance than any act of a temporal kind,
that ever has occupied their attention, surely cannot
impede the benedict march of mind and morals
that lies before you. Your religious exercises may
interfere, will interfere. At any rate time will be
consumed, and large increased expenses will be the
consequence. The civilized man cannot serve two
masters; - the untutored ^{savage} state ~~can~~ ^{can} do so. He should
have his mind altogether free and easy at such a
moment as the present, and fully to be applied to the
whole subject matter that is before him. We approach
(the)

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the subject with distrust, resolved only upon one thing,
that we will act candidly, fairly and liberally towards
the Indians, and save them from the ruin which is
anticipated to invade them.

We beg leave to say, your request, reasonable
as it may appear to you, cannot be acceded to.
The reasons which are offered by you are insuf-
-ficient. It is a great public matter and an open-
-sore one in which we are engaged. Every practical
diversion tends to delay us in the completion of our
business.

If you have anything of impinany business, which
is considered material to be attended to, a written
communication from you, shall receive our attention
if found to be consistent with a discharge of the public
trust that is confided to us. Your presence, far as
we are concerned will not make your application
either better or worse. We shall adopt nothing into
the treaty, if made, that we may not consider right
and proper. We must therefore decline consenting to the
request you have made, and are leave to express a wish
that you will retire from the treaty ground and from
(the)

the neighborhood of of it. We repeat the same wish to Dr Tally, and ask the favor of you to make it known to him. We solicit an immediate answer, whether, or not, you will comply with this request.

We have the honor to be

very respectfully,

(signed) J. H. Eaton

J. Coffey

Camp ground
18 Sept 1830

To the Hon

Jr^s H. Eaton Secy of War &

Genl J^r Coffey. Com^d of the U. S.

Gentlemen

We have just received your communication of this morning, and regret that our request of yesterday should have been considered "a strange one". We also regret that the impression should have been made, that there was "a determination on the part of the missionaries to be present". We assure you there was no such determination on our part.

(chs)

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As we are constrained to believe, that our motives in coming to this place are not understood, we beg leave again, respectfully to state, that as it respects any influence, which we could, if disposed, exert, as to the result of the present negotiations, we should have had no motive to have left our homes on this occasion. We did think, the request of the members of our church that they might enjoy the privilege of religious instruction on the Sabbath, a reasonable one, and that the Commissioners, when they came to understand it would not deny them this privilege. We did not suppose, that this, could in the least, retard the business of the present meeting, or create the least possible expense.

Another reason for our being present on this occasion, and which would be deemed a valid one, was, that we, as the agents of the Choctaws, and of the American Board of Commissioners for foreign Missions, have disbursed a large amount of money in the school and missionary operations in this nation, and have now under our charge, large and expensive establishments in different parts of it. We supposed it would not

(L)

be considered improper, for one or more persons representing these interests to be present on this occasion. At the treaty at Doaks Island in 1820 the Superintendent of this mission, was present, and received the most respectful treatment from the Commissioners, and especially from the present Chief Magistrate of the U States.

It has been reported, again and again, to the Choctaws, that no great men in the U States are religious and that they are not in favor of the Choctaws becoming religious. If white men of every other grade and colour are permitted to be present, the Missions alone are prohibited, we think it would tend greatly to confirm the above report. We cannot believe that the Hon Sec: of War and the Commissioners of the U.S. now present, would willingly do any thing to confirm such an impression.

It is doubtless known to the Hon the Sec: of War, and the Com: of the U States, that there are various reports in circulation, among a portion of this nation, as well as among white people, prejudicial to the Missionary character, representing us as speculators &c. We did hope that the present would furnish us with a convenient
(and)

6A
and suitable opportunity of presenting correct and full information on this subject; and would result in such explanation and arrangements, as the case might require. And we repeat the assurance, that the above were the motives, and the only motives, which brought us to this place.

With this explanation of our views, we comply with the injunction contained in your communication, and prepare to leave the ground immediately, unless we receive intimations to the contrary.

We have the honor to be with respect
Your obedient servants

A. Kingsbury
Egus Byington
Loving J Williams
Calvin Bushman

P.S. Dr Tally has received the information you requested to be given to him.

18 Sept 1830

Gentlemen

We have received your joint letter.

(business)

business with the Council prevented a reply until now. We cannot request your stay, we prefer that you should go away; and in saying this, we intend nothing of disrespect to you, and most certainly nothing to the cause of religion. Our reasons we have already offered - it is that your labors here under all the circumstances which are presented, cannot be profitably employed. If this you must yourselves be satisfied. A more unpropitious moment, and a place less promotive of religious results could scarcely be dreamed of. Your absence may aid civil purposes greatly. Your presence cannot, we are persuaded, advance the cause of religion in the least. We must therefore insist upon it, that you, and every other person engaged here, in missionary purposes, leave the treaty ground. And in saying this, we again beg to state, that nothing disrespectful or unkind, to any of you, is intended. We request this to be received as our final answer on the subject.

(Signed) J. H. Eaton

J. C. Coffee

(Sat)

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Saturday 18th Sept. On this day, at 11 O'clock the Commissioners met the Chiefs, Captains and Warriors, in Council, at the Council house, and thereupon delivered, and caused to be interpreted, by John Petchlyn, U.S. Interpreter, the following talk.

Treaty ground, Dancing Rabbit Creek,

Sept 18th 1830

To the Mingoes, Chiefs, Captains
and Warriors of the Choctaw Nation
Friends & Brothers

While it affords us great pleasure to meet you, it is with deep regret we learn, that differences and disturbances prevail amongst you. These should not be. The tendency of them, if not corrected, must be, to mar your happiness, and eventually, to destroy you. All jealousies and strife amongst you, ought to cease, and your rule of government established, that those quietly shall rule the country, who are the choice of a majority of the people. That is our rule, and that we recommend to you. No one has a right to govern his fellow men by force.

J

If any one attempt thus to act he proves himself an enemy to liberty and to principle.

Brothers: We offer this as matter of advice, merely; for we come not to interfere in your home affairs but rather to persuade you to be at peace, one with another, and to live as brothers should, that your nation may be tranquil, and your people happy. Act differently and you cannot fail soon to be rendered miserable and to become degraded. Every man should be left free to determine who shall be his rulers. Attempt not by violence and force to influence his opinions, and his choice, but leave him to his judgment, and to his freedom of action. Reason and persuasion are rightful resorts, to induce men to think and act, but compulsion never. Rulers, whom a majority of the people prefer and choose ought to govern to the extent the laws authorize, but no further. Be this principle regarded, and peace, and quiet and good order, cannot fail to be the consequence to any people who are not absolutely depraved and vicious.

(Brothers)

Brothers:— You have Missionaries amongst you—pious and qualified men, we hope and believe. Fail not to attend on, and regard their admonitions, while they seek to instruct the minds of your children, and to point you to the paths of moral duty and religion; but the moment they attempt an interference with your general, government relations, reject their counsels. These are subjects with which they have no right to meddle, and indeed should not interfere. They are matters which belong to the government, the Chiefs and the people, not to the Missionaries, who are placed amongst you for higher and nobler purposes— for Christian, not political ends. It is the peculiar duty of the Chiefs, for they are responsible to their people, carefully to watch over the affairs of the nation, not those who have no responsibility, no interest whatever. Through error of their advice, they may lead you on to a state of political wretchedness, of which, though they might hereafter repent, it will never be in their power to repair.

Brothers: We have come a considerable distance to

(meet)

meet you, under the direction of your Great Father. He had invited you to meet, and shake hands with him in Tennessee, that as a friend and father he might speak with you. He was informed at Washington City that you desired it. Arriving at home he sent Major Donly to you, with news of his wishes, of his desire to converse with you on matters of deep and lasting interest to your nation; you refused to come, and returned for answer that you could not. Well might your Great Father then have said "I will no more try to persuade you, but leave you to live as you can, under the laws of the States." When thus he was about to determine, to leave you, and no more persuade you to a course of happiness, a messenger reached him, bearing from two of the three districts of your nation, a memorial, entreating that Commissioners might be sent. Arriving still for those who had fought by his side in behalf of his country, he determined to yield to that request, and to send those who would speak his wishes, freely and candidly, and thereby find the desire he entertained to persuade you, notwithstanding his previous friendly offers had been rejected.

(Brothers.)

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Brothers: By the direction of your Great Father, we have come amongst you. It is not your lands but your happiness that we seek to obtain. Much delay, and much talk, about a matter which all of you understand, is needless. We have not time to be tedious: One of us, the Secretary of War, must very shortly return to Washington City. Here he cannot long remain, nor is it proper, or necessary that he should. You all know the important matters that are to be considered and settled, and can readily decide upon the course you intend to take. Speedily answer them, and say what you will do. Are you willing to remain here, and live as white men? Are you willing to be sued in Courts, then to be tried and punished for any offences you may commit? to be subjected to taxes - to work upon roads, and attend in musters? for all these you must do. If under this state of things, it is believed you can be contented and happy, then dwell upon the lands when you live. But if you are satisfied that under such a condition of things you cannot be happy, consent to remove beyond the Mississippi, where you will be away from the white people, and from
(them)

their laws, and be able to live under your own. You are called upon to say, whether or not you will remain, for if this be your determination, then let us be done with the subject, and despoil to our homes. On the other hand, if you shall choose to remove, so declare that, at once we may proceed to some definite understanding and arrange a treaty. This we are willing to do, and upon terms that shall be liberal. We seek no advantages; we will take none. Your Great Father would not approve such a course. He has sent us, not as traders, but as friends and brothers, and to act as such, we will thus act, be assured. We come not to practice imposition upon our Chieftain friends, but to extend to them justice. This we will do.

Brothers: Hesitate not, determine what you mean to do. On this important occasion, record the votes of your head men, and let us know who amongst you are willing to remove, and who are opposed. The sense of the nation will thus be correctly ascertained, and the question which has so much agitated you, be finally put to rest. Say
(it)

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it is your determination to remain, and the subject is done with, we shall then trouble you with our talks no more. But decide to remove, and liberal provisions will be made, to carry you to a country where you can be happy, and where already a portion of your fathers and brothers have gone in peace to reside. It is a desirable region, double in extent to the one you occupy, and large and fertile enough for twice or three times the number of people you have. There your Great Father can be your friend; there he can keep the white man's laws from interrupting and disturbing you, and there too, he will guard you against all enemies, whether they be white or red. There, no state or territory will be created, and he will have it in his power to protect you fully, in your usages, laws, and customs. Here he cannot do these things, because neither he nor Congress possess authority to prevent the states from extending their jurisdiction over you, and throughout their limits.

Brothers: In the country to which you go west, the U States will protect you from enemies. Their object
(will)

will be to preserve you, at peace with yourselves, & with all mankind; to perpetuate you as a nation and to render you a happy and a prosperous people. Now you cannot be so: it is idle to indulge such dreams of your fancy; - dreams which are entirely deceptive, and from which nothing of pleasing reality can ever, ever come. Every days observation, shows that wretchedness and distress will be yours to remain when you are. The kind & friendly feelings of your Great Father will be insufficient to preserve you from these inevitable results.

Brothers: - A portion of your nation sensible of these things, and anxious by removing to get rid of them, sent a treaty, during last winter, to their Great Father, but it was such a one as he could not agree to. He laid it, however, before his great Council, the Senate for consideration, and they too refused to ratify it. It asked more than could be granted, and introduced principles which could not be recognized. Your Great Father, while he is willing to be kind and generous, and ever liberal, to his Choctaw Children, cannot concede to them, terms which
(should)

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would be considered exorbitant. The Senate would not consent.

Brothers: In 1820 by a treaty made with you at Dokes stand, by your present Great Father, an extensive and fine country was given to you, for the use of your people. It was a gift to you; for the country you ceded to the United States, was fully paid for. It was the understanding at the time that the Choctaws would remove; and on that account was it, that a large, saleable, and fertile country was provided for your nation, and your people. Ten years have passed by, and you are still here. The country intended for you, yet remains, wild and uncultivated.

Brothers: A fertile country beyond the Mississippi, and another proposed here, is more than you should expect. If you will not remove, other Indian tribes may desire to do so, and when they shall select to settle, a home must be furnished. Others wanting it, the country should not remain a desert. You must decide which you will take, and which you will live upon. Both
(Countries)

countries you cannot possess, it is unreasonable to expect
it. If you prefer to live under our laws and customs,
remain and do so; and surrender the lands assigned
to you, West of the Mississippi, or otherwise remove to
them. Then your Great Father can protect you, and
there, undisturbed and uninterrupted by the whites
you can enjoy yourselves and be happy now and for
years to come. Rest assured, you cannot be so here.
But if you think differently, then, continue where
you are. After the present time, we shall no more
offer to treat with you. You have seen Commissioners
in your Country for the last time. Hereafter you
will be left to yourselves, and to the laws of the States within
which you reside; and when weary of them,
your nation must remove as it can, and at its own
expense. Whatever you may determine upon, whether
to remove or to remain, our earnest and sincere wishes
are, that you may be happy and contented. For you,
we have the best feelings; our complexions are different,
but our hearts and our nature are the same. The Great
Spirit above is our common father. He has made us all
as one all his. Your friends & your brothers. J. H. Eaton
Jr. Coffee.
(Alton)

Monday 20th Sept. The Commissioners were notified
of the readiness of the Indians to meet them in
Council. At 11 o'clock, they attended.

A dispute arose between the Chief Sefton,
and some of the Captains, upon the subject of referring
all matters first to a committee of twenty persons, to
be selected from each district. Sefton insisted,
that having most men present, and within the bounds
of his district, he should have the largest number
on the Committee. A quarrel was likely to ensue,
when the Secretary of War addressed them, urging
the necessity of their preserving peace, harmony, and so important a project, and pointed
the necessity, if they would preserve the nation, of
acting cordially together, and throwing aside all their
differences, and strife, and, as brothers, to consult and act
together. The Council broke up. In the afternoon, the
respective chiefs and warriors met, and agreed to be
reconciled, and take the talk, and the business that
had brought them together, into serious consideration.

Tuesday 21st. The Commissioners were desired by the
chiefs to submit the terms they intended to offer, that
they, their Captains, and warriors, might understand
(the)

the matters to be acted upon fully. Whereupon the Commissioners consented that they would offer them terms, such as they hoped would be considered liberal. That the next day, at 10 o'clock they would meet the Chiefs, Captains, and Warriors, and speak to them freely, as to the terms they would propose.

Wednesday 22. The Commissioners met the Council at 10 o'clock. The Chiefs and their Captains present, except Nutakachie, who was reported to be sick from the bite of a spider. Order and silence being had, the Commissioners proposed for their consideration and approval, the outlines of the treaty they were willing to enter into. It is as follows.

The following terms are offered, as the basis of a treaty with the Choctaw people in

Land reservations to be accepted at the price at which the U States shall sell their choice best lands. (to wit)

4 sections to each Chief is

2 do to D Folsom.

2 do to R Cole.

2 do to J Poyte Lymy.

(2)

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2 Sections to J Jozan
1 do to Mlakay
1 do each to 39 Captains. 13 to each district. 39
1/2 do to 90 Captains + principal men 45 (30 in each district)

Sections
Reservations of sections or acres -
Do to others who may probably not remove, say
150 persons at 640 acres is 96,000 acres &
Annuity 2,500 for 20 years.
Removal and support of Indians for one year
Education of 40 Choctaw boys, by Sec. of War,
under the direction of the President 20 years &
battle, purchase of
Council house for the nation at the agency 3,000
3 Churches, one in each district, to be used for schools 3,000
House for each Chief at 3,000.
Teachers and preachers for the nation for 20 years. 50,000
1000 guns and ammunition
1000 blankets and kettles
1000 axes, ploughs & hoes
1000 wheels and cards & 400 looms
3 blacksmiths, one to each district for 16 years 40,000

(1)

1 Million for 5 years
 Suit of clothes to 100 Captains, and Swords, as outfit
 Pay of Captains for 4 years, at 50 dollars 20,000
 Pay of each chief for 20 years 20,000.
 Compensation to those who have no reservations
 - for improvements } 50,000.

The Chief Ledstone, inquired, if the present treaty was to be considered as retaining former treaties, and their provisions, or as repealing all former treaties; and the present one only to be relied on. The answer was, that it was desirable fully to embrace every thing, that the present might be considered the only treaty that was to be looked to. That excepting former annuities, all previous treaties were to be considered as revoked and set aside. The Council then separated.

Thursday 25th This morning, the Commissioners were informed that the Indian committee, appointed to consider the terms proposed, were about to reject them, and refuse to treat. That it was represented to them, there was but one spring and only one, in the country west of the Mississippi, and
 (that)

that the laws of a state had been already extended over the Cherokees who had removed there.

The Commissioners returned for answer, that the representations were wholly incorrect. That there was no state near to where the Cherokees lived, or within many miles of them, or the country owned by the Cherokees. That the information was by evil minded persons, intended to deceive and to prejudice their minds. and requested that they would meet to receive their explanations. The answer was, that at 12 O'clock they would again meet in Council, and desired the presence of the Commissioners.

12 O'clock. The Commissioners attended at the Council house, and received through the Chairman of the committee, Peter Poyteblynn, their determination and report. They stated their great surprize at being informed, their Great Father had understood they were in distress and dejected; and were surprized at being informed they could not retain the lands which by the treaty of 1820 had been secured to them. That they had concluded not to treat for a sale of their lands. The report being received; the
 (See)

Secretary of War rose, and made an address to them verbally, before the Council. told them of their situation and condition, and of the impossibility, on the part of their Great Father, to prevent the operation of the laws of the state over them. That they had been badly advised, and were putting reliance in persons, who, while they professed to be their friends would be sure to forget them in the hour of difficulty and trial. Their object, he well knew was to obtain the best bargain they could, and the Commissioners were prepared to give them one in all respects liberal, to the extent that they could hope the Senate of the United States would satisfy. The government intended this as the last treaty, ever to be held with them, and it certainly was the last time that Commissioners would ever appear in their nation, to talk with them, on this subject. They had come as friends, and at their own request, to protect them from injury, not to cavil with them about prices. As for their lands the government cared nothing, for they had enough. Their object was merely the possession of the country without regard to any thing of value or
(profit)

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profit to be obtained from the sale of them. He called their attention to a printed letter to the War Department, from two of the three of their districts, and which two of their principal chiefs had signed, in which they had said most feelingly, that they were distressed, and could not possibly live under the laws of the state, and begged that Commissioners might be sent to their nation, to conclude a treaty. For them now to state differently, showed their insincerity, and deception, that hereafter, their complaints would not be regarded, because they could not be confided in. The Secretary of War requested them to understand, that their removal was to be a matter for their own reflection and judgment. Unless they really believed, in consenting to emigrate, their happiness could be promoted, he begged them not to think of removing. That they must go freely, and of their own accord, or not at all. They had to day declared that they were unwilling to remove. He supposed they had arrived at the conclusion that they could remain where they were, and live under the laws of Mississippi, and of course the Commissioners had nothing more to say, or to advise. They would
(now)

now take their leave and go home. It was matter of regret, he said that their judgment had erred so much, in the decision they had made. Throughout, the language of all of them had been, that they could not live under the white man's laws. If such was not their deliberate opinion, why had they avowed it, and why did they solicit the President to send commissioners to treat with them, when they could not but know, it was attended with great expense. He said, he well knew that many of them could live any where, when he could, their education & intelligence authorized him to say, and believe so; but the common uneducated Indian could not. For them to live under laws which they could neither read, nor be made to understand, was expecting too much. And what are they to do, under the decision just pronounced? Will they resist the laws? The Sheriff must enforce them. Will they oppose him with their guns and tomahawks? While the Choctaws could raise one warrior to assist, there would be found 100 or 1000 to oppose that resistance and to enforce the law. These are things which seriously they should have considered, before their decision was
(pro.)

pronounced. The Commissioners, he said, had nothing further to remark, but to take leave of them, and go home, and accordingly they retired from the Council.

Shortly afterwards, they were waited upon by several persons, of the committee, with a request that they would not leave the treaty ground. That they had considered of the remarks which had been made to them, and had no doubt, if the Commissioners would remain a few days longer, that a treaty could be this the Commissioners assented.

Saturday 25th 9 o'clock. The committee on the part of the Indians, handed in a plan, presenting the grounds on which they were willing to treat. It contained various objectionable features; and amongst others a proposition to create a perpetual stock of \$500,000, at an interest of 5 percent, but redeemable at the pleasure of the Choctaw nation after 20 years. The Commissioners returned for answer, that the terms offered had been fully considered, and that some of them were indispensible but that at 11 o'clock they would meet the chiefs & warriors in council and state to them, there, what they were willing
(and)

and disposed to do.

11 O'clock. The council met, present the Commissioners, the three chiefs, captains and warriors of the nation, when the following terms were proposed and interpreted.

Choctaw proposals for the basis of a treaty in lieu of those heretofore proposed. They are offered from a full consideration of all the circumstances and from a desire that ample and entire justice and liberality, may be extended to your Choctaw brothers. If approved, a treaty to be made out in form.

Removal to take place within two, or two and a half years from the ratification of the treaty, and the treaty to be binding from the date of ratification upon the following terms.

Lands reserved, and the value at the lowest government prices only

4 sections to each of the three chiefs 2 to include improvements is 12 sections

4 sections to Col S Folsom, 2 to include improvements is 4 "

2 to R Cole, & 2 to J Garland, former chiefs 4 "

(2-)

2 sections to the Speakers of each district. 6 sections
2 to J Petch Lynn & 2 to J Jizaw 4 "

30 sections

1 section to 13 Captains, with others to be named and to be placed in a supplemental treaty } 50 sections
And that others, not provided for above and will remove, may be provided for, there shall be reserved 3/4 of section to each head of family who during the present year may have had in actual cultivation, a farm of 30 acres, and a dwelling house thereon; said reservation to be bounded by quarter section lines, contiguous and adjoining, and to contain the part of the improvement on which the dwelling may be situated; and which, with the consent of the President of the United States, the owner may sell; the number not to exceed 500 persons.

And to those who may have had in cultivation as aforesaid, a farm of 20 and less than 30 acres a reservation of 2 quarter sections, to be bounded by quarter section lines, and to be contiguous & adjoining; and to include the dwelling, and subject to the condition of the preceding class of cases. The number not to exceed 400 persons

(And)

And to those who may have had in cultivation as aforesaid, a farm of 12 acres, and not more than 20 acres, a reservation as aforesaid, under the conditions and restrictions aforesaid 7/4 of a section of land, the number not to exceed 450 persons.

And to those who may have cultivated, as aforesaid, a farm of 4 acres and less than 12 acres, a reservation under the restrictions and conditions aforesaid, of one eighth of a section. The number not to exceed 350 persons.

And any Captain, the number of whom shall not exceed ninety, who shall fail to obtain, under any of the provisions, less than a section, he shall in that event, be entitled to half a section, additional to join his other reservation. In making sale of any part of it, he shall be subject to the conditions before stated.

Children of Choctaw parents residing in the nation, a list and proof of which shall be filed with the agent, within six months after the ratification of this treaty, who have neither father nor mother, shall be entitled to a quarter section of land to be located under the direction of the President.

Also such persons wishing to become citizens, and
(who)

who are heads of families, shall be entitled, for him-
-self or herself, to a section of land; and having lived upon, and having cultivated the same for six years after the ratification of this treaty, shall receive a grant in fee. The location shall be bounded by sectional lines, and include his or her dwelling.

Likewise for each unmarried child, residing with him or her, on notice and a request made with the agent, in six months from the ratification, of such intention, said child shall be entitled, if over ten years of age, to half a section; if less than ten, to a quarter section, to adjoin the parents' location.

Say that only 200 remain - is	200 Sections
That 200 children are over ten years	100 "
200 do under ten years	50. "

Annuities under former treaties, amounting to \$11,200 which would expire in 1836, to be continued

Present annuity offered, was \$25,000. It is, on account of the large reservations, reduced to \$20,000. for 20 years.

Removal, expense of, and support one year
Education of 40 Choctaw boys, 20 years

(Council)

Council house, churches, and houses for chiefs
Teachers and preachers for 20 years

1000 guns & ammunition, blankets & kettles
1000 axes, hoes, & ploughs.

1000 wheels, cards, & 400 looms.

Iron smiths, for 16 years.

Millwright, for 5 years.

Suit of clothes, and sword to Captains. also 4 years
pay, at \$500.

Pay of chiefs for 20 years.

Cattle, purchase of, at valuation of persons appointed
by the Government, and to be delivered at two or more
appointed places, to be paid for; or the same amount of
cattle furnished across the river, at the election of the
President

The foregoing having been read and explained,
the three chiefs, and other principal men, addressed the
council, and urged the acceptance of the terms which
were offered. The explanations being made the council
broke up.

Sunday 26th some conference at the Comanpomen quarters
took.

117
took place this morning, between the chiefs and some
of the Captains, and head men, in which several al-
-terations and additions were made, to the terms pro-
-posed. They insisted to increase the number of
guns, and blankets, agreeably to the promise which
was made to them in the treaty of Dokes
made in 1820.

Monday 27th A meeting at the council house
took place today. The treaty as drawn up, was
submitted, interpreted, and explained; and at
one o'clock it was signed.

- 1. Council house, churches, and houses for chiefs
- 2. Teachers and preachers for 20 years
- 3. 1000 guns & ammunition, blankets & kettles
- 4. 1000 axes, hoes, & ploughs.
- 5. 1000 wheels, cards, & 400 looms.
- 6. 1000 ironsmiths, for 16 years.
- 7. 1000 millwrights, for 5 years.
- 8. Suit of clothes, and sword to Captains. also 4 years pay, at \$50.
- 9. Pay of chiefs for 20 years.
- 10. Cattle, purchase of, at valuation of persons appointed by the Government, and to be delivered at two or more appointed places, to be paid for; or the same amount of cattle furnished across the river, at the election of the President

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Copy
Extract of Journal of
Com^{rs} Eaton & Coffey,
rel to Hoctaw Treaty
of
1830

9-27-30