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PETER PITCHLYNN: CHOCTAW DELEGATE

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CHAPTER I

INTRODUCTION

"Acculturation" as a process has regained the attention of many American scholars. Technically the term relates to changed culture patterns that result from continuous contact of groups having different cultures.¹ In this specialized sense the contact and response of the Choctaw Indians with white society during the nineteenth century is a classic though little studied example of acculturation. In 1818 the tribe's primitive culture pattern did not include hats, trousers or shoes nor homes with floors, windows, or furniture. In a state of "original Indianism," the Choctaws were uneducated and indolent, and practiced infanticide, polygamy and witchcraft. But after less than a century-of intimate contact with western culture the tribe easily assumed citizenship in the new state of Oklahoma. Chief Isaac Garvin

¹Melville J. Herskovits, Acculturation: The Study of Culture Contact (New York, 1938), 10.

described this transition in his inaugural address to the Choctaw Council in October, 1878:

We cannot forget that scarcely a century has elapsed since our ancestors were blanket savages, that the war and the chase were their only occupation. Yet, thanks be to an all wise and omnipotent God, the blanket has been replaced by decent apparel; the tomahawk has been exchanged for the useful axe; the scalping knife for the plowshare; and the dismal tone of the warrior's whoop has mellowed into the sacred songs of zion.²

Only acculturation as a process can account for such a radically different culture pattern.

Anthropologists hold that "acculturation" is the sum total of modifications in knowledge, attitudes, and behavior of the individual.³ Accordingly, to comprehend fully Choctaw acculturation one must look to the individual tribesman. Rarely, though, have scholars had primary sources sufficient to chronicle the response of individuals to different culture patterns, and consequently their studies have suffered from the lack of detailed information. Fortunately, Peter Perkins Pitchlynn, a prominent Choctaw Indian, left records that demonstrate his personal accommodation to the white man's way. The son of a British trader and an Indian mother, Pitchlynn stood on

²McAlester Star-Vindicator, October 19, 1878, typescript, G-25, Isaac Garvin Collection, Western History Collection, University of Oklahoma Library.

³Ralph Linton, ed., Acculturation in Seven American Indian Tribes (New York, 1940), 468.

the rim of both cultures. He early manifested the attitudes of his mother's people, but later he assumed the patterns of his father's. For example, in 1834 George Catlin painted Pitchlynn in buckskins and headfeathers, but a photograph late in life showed no such tie with the forest. His head was erect and back straight, but his clothes and grey beard were those of the white man. His life spanned the period of the greatest changes in the Indian's way and it reflected in microcosm the specific forces at work upon and within the tribe. Thus, a study of Pitchlynn permits a greater appreciation of the whole phenomena of Indian acculturation during the nineteenth century.

CHAPTER II

THE PITCHLYNN HERITAGE, 1750-1824

During the seventeenth and eighteenth centuries European powers contested for spheres of influence in what is now the Southeastern United States. The so-called Five Civilized Tribes--Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles--inhabited these "debatable lands" and became pawns in an international rivalry that generally focused upon the agents of the contesting powers. Various national representatives implemented a policy which first determined the political control of the region and then the physical occupation. As manifestations first of British interest and then that of the United States, the Pitchlynn family mirrored the nature of the struggle. It settled among the Choctaws during the 1770's, gained the tribe's respect, and then participated in the international events which excluded the Indians from the debatable lands. But as an agent who had come to maneuver, the family soon was manipulated by its sponsor. In the total process the Pitchlynns became Choctaw, and as

such they too were excluded from that which they had helped to win.

The ancestral home of the Choctaws comprised what is now central and southern Mississippi. As a people, the tribe was naturally happy, preferring recreation and sporting activities to war and combat. Proud, polite and practical, they were primarily an agricultural people living in small settlements, raising principally corn, but also beans, pumpkins, and melons. Compared to other Indians the Choctaws' institutions presented little of special interest. But to the very extent that they were practical and imitative rather than independent and fierce, "they readily adopted the customs of the more advanced and more numerous race with which they came into contact."¹

The Choctaws met the white man in 1540 when Hernando DeSoto made his way from the Gulf of Mexico to the Mississippi River. This expedition represented the initial interest of Spain in the debatable lands, an interest that continued until 1819. In the late seventeenth century the French trader appeared among the Choctaws, commencing a relationship that lasted until the Peace of Paris in 1763. A milestone in the history

¹Angie Debo, The Rise and The Fall of The Choctaw Republic (2nd ed.; Norman, 1961), 10, 11, 23.

of the debatable lands, this treaty forced the French to abandon the vast American West and left only the Spanish and the British to contest for the allegiance of the Choctaws.

Among the many British traders and agents who traveled to the interior was Isaac Pitchlynn, the grandfather of Peter Perkins. Isaac's genesis and exact mission unfortunately were not recorded. A contemporary wrote he was a British officer on his way from the east coast to the Natchez settlements, while a more recent authority asserted he was a Tory merchant.² No record, however, of either occupation survived. But the importance of Isaac Pitchlynn was not his profession but that he symbolized British interest when he passed through the heart of the Choctaw country in late 1774. On this journey he died from some unknown affliction, leaving to the care of the tribe his young son, John.³

Little was recorded about the childhood of John Pitchlynn. Authorities agree that he was born on a ship

²Compare the letter fragment by William S. Halbert, Box 31, Vol. LX, 413, Foreman Typescripts, Gilcrease Museum, with Mary Young, Redskins, Ruffleshirts, and Rednecks (Norman, 1961), 25. The British Public Record Office could find no record of the service of Isaac Pitchlynn.

³Letter fragment by W. S. Halbert, Box 31, Vol. LX, 413, Foreman Typescripts, Gilcrease Museum; John Pitchlynn, Subject File, Mississippi Department of Archives and History.

lying off the Caribbean Island of St. Thomas during the 1750's, probably about 1756. Of his mother we know only that she had relatives in Georgia, and of his childhood only that he had some formal education.⁴ He must have arrived in the Choctaw Nation when he was eighteen. Settling within the eastern part of the tribal lands, Pitchlynn found already resident the three Folsom brothers, Nathaniel, Ebenezer, and Edmund. Tribal members quickly accepted him as a friend, adviser, and trader, and, though the dates are extremely imprecise, early in the 1780's he took as his first wife Rhoda Folsom, the half-blood daughter of Ebenezer. From this marriage three sons reached maturity, James, John Jr., and Joseph C.⁵

John resided in the vicinity of present day Macon, Mississippi, on Noxubee River, a tributary of the Tombigbee, at least until 1806. The year before, his first wife having died, he had married for a second time, choosing as his wife Sophia Folsom, one of Nathaniel's twenty-five children.⁶ The second Mrs. John

⁴William A. Love, "Lowndes County, Its Antiquities and Pioneer Settlers," Publications of the Mississippi Historical Society, Vol. VII (Oxford, 1904), 363; Gideon Lincecum, "Autobiography," Publications of the Mississippi Historical Society, Vol. VIII, 472.

⁵Love, "Lowndes County," 364-65.

⁶H. B. Cushman, History of the Indians (2nd. ed.; Stillwater, 1962), 332.

Pitchlynn's first born was Peter Perkins, but she gave birth before 1825 to seven other children that reached maturity--Silas, Mary, Rhoda, Thomas, Eliza, Elizabeth, and Kiziah. Thus, as others of his time, John Pitchlynn fathered a large family, at least eleven of whom reached adulthood.

By 1810 John moved from Noxubee Creek and re-settled on the west bank of the Tombigbee River near its junction with Oktebeeha Creek, a point about five miles north of present Columbus, Mississippi. Better known as Plymouth Bluff, his trading post became an important crossroads and trading center on the famous Gaines' Trace. George S. Gaines, a transplanted Virginian, headed the United States' factory at Fort St. Stevens in 1807. To get supplies to that outpost the government after 1810 freighted goods down the Ohio and up the Tennessee River to Colbert's Ferry in northwestern Alabama. From that point Gaines transported the provisions overland in a southwesterly direction to Pitchlynn's post on the Tombigbee, where boats were constructed and from where the merchandise floated down the River to Fort St. Stevens.⁷

⁷Mobile Daily Tribune, Gaines MSS, Vol. E, Mississippi Department of Archives and History; Albert James Pickett, History of Alabama, Vol. II (Charleston, 1851), 235; George J. Leftwich, "Cotton Gin Port and Gaines' Trace," Publications of Mississippi Historical Society, Vol. VII, 266; W. E. Meyer, "Indian Trails of the Southeast," 42nd Annual Report of the Bureau of American Ethnology (Washington, 1921).

For the Pitchlynns, Gaines' Trace meant frequent visitors and a life varied from that of the typical Indian or frontiersman.

As a resourceful man, John Pitchlynn soon engaged in economic activities other than trading. He owned large herds of cattle which he grazed on the nearby prairies, and, when cotton culture became profitable, he invested sizeable sums in slaves, equipment, and improved lands. Cotton was his principal agriculture interest, but corn was also important. On occasion he acted as a banker, frequently loaning money in amounts of more than a thousand dollars.⁸

While John Pitchlynn grew in stature and wealth, the third and final phase of the international struggle for the debatable lands commenced. By the terms of the second Treaty of Paris in 1783, Britain divided her interests between the new American Republic and the Spanish Empire, the latter regaining control of East and West Florida. Consequently, a drama ensued that threatened the disintegration of the new nation and lasted until the signing of the Adams-Onis Treaty in 1819. For the contesting powers, success partially depended upon the allegiance of the tribes within the area.

⁸Probate Records of John Pitchlynn, Estate Docket 92, Records of the Chancery Courts, Lowndes County; John Pitchlynn to Peter Pitchlynn, March 14, 1824, Folder 24-1, Pitchlynn MSS, Gilcrease Museum.

The Americans in 1785 made the initial contact with the Choctaws at Hopewell on the Keowee River in South Carolina. The treaty which resulted provided for perpetual peace and friendship between the two nations and gave the Americans the right to establish three trading posts.⁹ John Pitchlynn served as an interpreter during the negotiations and, at the request of the Choctaws, received from the American commissioners a permanent appointment to that post.¹⁰ The latter acceded to this request because they observed in Pitchlynn a means of securing greater influence among the Indians.¹¹

Yet Spanish intrigue among the Choctaws continued. In May, 1792, the Choctaws, Chickasaws, Creeks, and Cherokees concluded a treaty of friendship with Spain at Fort Nogales, after which the Spanish constructed Fort Confederation. To counter this, William Blount, Governor of the newly created Southwestern Territories, called Pitchlynn and other tribal leaders to Nashville in 1792. Blount renewed John Pitchlynn's commission as interpreter

⁹Charles Kappler, ed., Indian Affairs: Laws and Treaties, Vol. II (Washington, 1904), 11-14.

¹⁰Benjamin Hawkins, Indian Agent South of the Ohio, to Secretary of War, James J. Henry, April 24, 1797, HR 10A-F2.1, Committee on Claims, Records of the House of Representatives, National Archives (hereinafter N.A.).

¹¹Statement of James A. Robertson, Nashville, August 28, 1795, ibid.

and allowed him a salary of \$300 per year.¹² This policy on the part of the United States proved judicious. Beginning in 1801, the Choctaws signed a series of treaties that remarked their boundaries, separated them from Spain, and made them virtually dependent upon the Washington government. John Pitchlynn signed all of these compacts, save that of 1801, in his official capacity as interpreter to the Choctaws. Doubtless he encouraged their adoption and concurred in the land cession provisions. "He is zealous for the interest of the United States," wrote one American official. "I do not believe that he has been or can be corrupted by any man acting against the government."¹³

The American government failed to recognize John Pitchlynn's contribution in a tangible way. He received no pay for his critical service between 1786 and 1792. Placing great value on his good will, William C. C. Claiborne, Governor of Mississippi Territory, urged officials in 1802 to convince Pitchlynn "of the disposition of the government to admit any of his just demands," by allowing the claim. But the appeal failed and the

¹²Ibid.; W. C. C. Claiborne, Near Natchez, to Secretary of War Henry Dearborn, August 22, 1802, in Dunbar Rowland, ed., Official Letter Book of W. C. C. Claiborne, Vol. I (Jackson, 1917), 166.

¹³Samuel Mitchell, Choctaw Agent, to Col. Henley, February 9, 1798, Folder 1798-1, Pitchlynn MSS, Gilcrease Museum.

claim remained unpaid until 1814.¹⁴ Despite this breach of faith, he continued to act frequently as temporary agent, implementing governmental policy in the eastern part of the Choctaw nation.¹⁵

But John Pitchlynn made an even greater contribution to the United States. In the Spring of 1811, the great Shawnee orator, Tecumseh, met the Choctaws in council near the Pitchlynn home. He called upon the chiefs to join him in opposition to the Americans and, as evidence of the righteousness of his course, referred to the prophecies of the white man's Bible. But the Choctaws were not impressed. Pushmataha spoke so forcefully in behalf of the United States and John Pitchlynn, using his own Biblical knowledge, proved so effectively "that the day of prophecy had passed," that Tecumseh and his party retired in disgrace.¹⁶ The Choctaw alliance with the United States remained unbroken.

¹⁴William C. C. Claiborne, Near Natchez, to Secretary of War Henry Dearborn, August 22, 1802, in Rowland, Official Letter Book, Vol. I, 166; 12th Cong., 2nd Sess., House Report 32, 1.

¹⁵Executive Journal, W. C. C. Claiborne, 1801-3, 204, Mississippi Department of Archives and History; J. F. H. Claiborne, Life and Times of General Sam Dale (New York, 1860), 97.

¹⁶Love, "Lowndes County," 363; Cushman, History of the Indians, 242-60; J. F. H. Claiborne, Mississippi as a Province, Territory and State, Reprint (Baton Rouge, 1964), 328; John Pitchlynn, Subject File, Mississippi Department of Archives and History.

The role of the tribe in the War of 1812 enlarged dramatically after the Creek massacre of Fort Mimms on August 30, 1813. A latter-day Paul Revere carried news of this from Fort St. Stevens to General Andrew Jackson in Nashville, by way of John Pitchlynn.¹⁷ In the meantime, Choctaw Agent George S. Gaines and Pushmataha hastened to Mobile to inform General Thomas Flournoy about the massacre and to offer their services. After some hesitation Flournoy accepted and sent Gaines back to recruit Choctaw troops. Gaines went directly to John Pitchlynn where he met John McKee, who had just come from Nashville with orders from Jackson to promote a combined Choctaw-Chickasaw attack upon a Creek village at the falls of the Black Warrior River.¹⁸ Pitchlynn exerted all of his great influence to enlist warriors, continued to advise Nashville authorities about the movements of Creek war parties,¹⁹ urged the Governor of Mississippi Territory to provide the Choctaws with ammunition and clothing,²⁰ and dispensed friendship and

¹⁷Mobile Daily Tribune, Claiborne MSS, Vol. E, Mississippi Department of Archives and History.

¹⁸R. S. Cotterill, The Southern Indians (Norman, 1954), 183.

¹⁹John Pitchlynn, Choctaw Nation, to Willie Blount, September, 1813, Andrew Jackson MSS (Microfilm), Tennessee State Library and Archives.

²⁰John Pitchlynn, Choctaw Nation, to Governor David Holmes, September 30, 1813, Series A, Vol. XIII,

hospitality to the forces congregating in his area.²¹ Having enlisted nearly 600 Choctaws, the expedition, with Pitchlynn as interpreter, set out for the Creek Nation on January 1, 1814. It reached its objective on the seventh, but finding the village deserted, burned it and returned home without casualties and glory.²²

The Choctaws and John Pitchlynn made other contributions to the American war effort. By order of Jackson, John served as Interpreter and Adjutant in the command of General Uriah Blue during the Pensacola campaign and at a later date as "first sergeant in the Pushmataha Company."²³ Also at least two of Pitchlynn's sons by his first wife, James and John Jr., enlisted in the American forces. Tennessee volunteers partook of Pitchlynn's hospitality on their way to New Orleans, and he reported constantly on the conditions among the

Box 2, Governor MSS, Mississippi Department of Archives and History.

²¹George Smith, "Pitchlands," to Andrew Jackson, November 22, 1813, in John S. Bassett, Correspondence of Andrew Jackson, Vol. I (Washington, 1926), 358.

²²Cotterill, The Southern Indians, 183; Payroll Records, John McKee MSS, Manuscript Division, University of Alabama Library.

²³Uriah Blue, Baldwin County, Alabama, to the Secretary of War, April 23, 1824, N.A., Office of Indian Affairs (hereinafter O.I.A.), Choctaw Agency, Letters Received, Microcopy 234, Roll 169; John Pitchlynn, Subject File, Mississippi Department of Archives and History.

Indians.²⁴ Yet the Choctaw contribution to the American war effort was indirect. They had not supported Britain or Spain. That the tribe remained faithful to the American alliance was as much Pitchlynn's doing as that of anyone else.

The Treaty of Ghent that ended the war of 1812 signaled the beginning of a new era for Americans and Choctaws. As legacies of the war Americans experienced a surge of nationalism and a vigorous economy, all of which was based upon a commercial agriculture that saw more than a 150 per cent increase in cotton production between 1815 and 1819. To the Choctaws this situation meant that vast numbers of Americans with a "divine mission" looked to their fertile acres as possible cotton fields. Land cessions theretofore had largely been hunting grounds and of little consequence. But now white men, with the gleam of cotton in their eyes, coveted the very homes of the Choctaws.

The cry of the western settlers for more land reverberated all the way to Washington. Since the purchase of Louisiana, the government had encouraged eastern Indians to move west of the Mississippi River, but very few had availed themselves of the opportunity. Secretary

²⁴ John Coffee, Pitchlynn to Andrew Jackson, October 14, 1814, in Bassett, Correspondence of Andrew Jackson, Vol. II, 74.

of War John C. Calhoun after 1817 stressed Indian removal, and of course, a successful policy depended upon finding receptive individuals.²⁵ Among the Choctaws, James Pitchlynn, the eldest son of John, was just the man. In December, 1818, and March, 1819, he wrote Andrew Jackson as a Chief of the Choctaw Nation West that from one-third to one-half of the Choctaws in Mississippi would remove if a treaty were made and he were properly compensated.²⁶ In June, 1819, James wrote again indicating that most of the leading men were favorable to a land cession, including his father and Pushmataha.²⁷

But James Pitchlynn overestimated removal sentiment. A large number of mixed-bloods, including his father's brother-in-law, David Folsom, reportedly opposed removal because of the poorer quality of western lands. In 1820, Jackson and Thomas Hinds were appointed U.S. Commissioners to attempt to overcome this opposition and negotiate a removal treaty. When Jackson and Hinds reached Doak's Stand in the Choctaw Nation they were met by John and

²⁵ Arthur H. De Rosier, Jr., "Andrew Jackson and the Negotiation for the Removal of the Choctaw Indian," The Historian, Vol. XXIX (May, 1967), 344.

²⁶ James Pitchlynn, Nashville, to Andrew Jackson, December, 1818, in Bassett, Correspondence of Andrew Jackson, Vol. II, 405; Pitchlynn, Choctaw Nation, to Andrew Jackson, March 18, 1819, in American State Papers: Indian Affairs, Class 2, Vol. II, 229.

²⁷ Pitchlynn, Oktibbeha, to Jackson, June 22, 1819, American State Papers: Indian Affairs, Class 2, Vol. II, 231.

James Pitchlynn and tribal members. On October 3, Jackson explained to the assembled tribe that the President wanted the Choctaws to move beyond the Mississippi River to lands purchased for them, lands that would be permanently retained by the Indians. He did not propose that all should move, as those who wished to stay and cultivate ought to be so permitted. When the Choctaws seemed reluctant, Jackson responded with threats, informing the tribe that he had saved their country by victories over Britain and Spain and that he wanted to preserve them a third time by arranging for their removal. No attempt would ever be made, he said, to treat again with the Choctaws east of the Mississippi River. The tribe must negotiate while it could. Such vigorous language, along with judicious distribution of presents and more than \$4600, of which \$500 went to John Pitchlynn and \$75 to James, achieved the General's purpose. The tribe signed the Treaty of Doak's Stand on October 21, 1820.²⁸

The treaty provided for the cession of a sizeable tract of land in what is now west-central Mississippi. "For and in consideration of" this cession, the United States gave to the Choctaws an area bounded on the north by the Arkansas and Canadian Rivers, on the west by a line due south to the Red River from the source of the

²⁸ American State Papers: Indian Affairs, Class 2, Vol. II, 230, 235-37, 244.

Canadian, on the south by the Red River, and on the east by a line from a point three miles below the mouth of the Little River to the southeastern corner of the Cherokee lands. To put it a different way, for a segment of their lands in the East, the Choctaws received a permanent title to a vast domain in the West. Educational benefits, a resident agent, and an annual appropriation of \$600 for the purpose of organizing and maintaining a corp of lighthorse were additional compensations.²⁹

The Pitchlynns had played a significant role in the negotiations for the treaty, James in a preliminary capacity, and John as Interpreter at the treaty grounds. Both upheld the stated policy of the government for removal. Despite that, this course placed them at cross-purposes with other important mixed-blood families, particularly the Folsoms. Yet among the fullbloods, John Pitchlynn suffered little in stature for his support of Jackson. On the other hand, James dropped entirely from the historical record, neither condemned nor remembered by the tribe.

Soon after the Doak's Stand negotiation white settlers in the Choctaw western domain protested. To accommodate them tribal leaders and their interpreter, John Pitchlynn, were called to Washington in early

²⁹Kappler, Indian Affairs: Laws and Treaties, Vol. II, 191-95.

November, 1824, to adjust the boundary of the Choctaw Nation West. The government exerted every effort to make the stay a happy one. In ninety days the delegation consumed \$2500 in liquor and spent \$400 for jewelry and \$1100 for clothing!³⁰ The living was so riotous and the dissipation so extreme that the old war chief Pushmataha, a member of the delegation, paid for it with his life on December 24, 1824. It would be unfair to say that the government planned to buy a treaty. The Choctaws, under the leadership of young J. L. McDonald, once a resident in the home of the Commissioner of Indian Affairs, Thomas McKenney, drove a hard bargain. But without question the entertainment weakened the resistance of the delegation, and they ultimately agreed to cede back to the United States that area east of a line running directly south to the Red River from a point on the Arkansas River one hundred paces east of Fort Smith. For this concession the Choctaws received for the purposes of education \$6000 annually forever.³¹ John supported the Treaty of 1825 and again manifested his great influence among the Choctaws.

³⁰ Debts Contracted by the Choctaw Delegation, 1824, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

³¹ American State Papers: Indian Affairs, Class 2, Vol. II, 547-58; Kappler, Indian Affairs: Laws and Treaties, Vol. II, 211-14.

The Pitchlynn family exerted influence in other tribal activities. No one contributed ~~more to~~ early Indian education than John. He sought to provide educational benefits for his own children, and in so doing supplied the same privileges for the tribe. In 1820 he helped select the site, a few miles west of his home, for Mayhew, a mission school directed by the American Board of Commissioners for Foreign Missions. Due to the influence of John and his son, Joseph, in March, 1820, the southern district of the Choctaw Nation agreed to contribute a part of its annuities to the mission school. Two years later, Pitchlynn contributed \$1000.³² To be sure, he received personal benefits from his donation, as his children attended the mission school. Yet in helping himself John also contributed significantly to the Choctaw people as a whole.³³

The elder Pitchlynn knew the value of religion and religious training. He was a charter member of the Masonic Lodge in Columbus, Mississippi, and when Cyrus Kingsbury, the founder of Mayhew Mission, reached Pitchlynn's home in February, 1820, he learned that a Methodist minister

³²Missionary Herald, Vol. XVI, 365-68; Vol. XVIII, 373.

³³Cyrus Kingsbury to E. Brashares, May 10, 1820, Vol. II, Folder 134, John McKee MSS, Library of Congress; Reminiscences, George S. Gaines MSS, Mississippi Department of Archives and History.

held services regularly. From the accounts of Tecumseh's visit, John knew the scriptures and late in life found considerable comfort in the Christian promises.³⁴ More important, he sought to instill spiritual values in his family.

But John Pitchlynn was more than an American agent and public benefactor. Not unlike his contemporaries on the frontier, he fathered a large family for which he had deep affection. Contrary to the Choctaw predilection for maternal society, John ruled as the patriarch of his family. As his children married, he bestowed on them a generous gift of money and property and encouraged them to settle near him. When his older sons died their families were incorporated into his household, as on occasions were non-related orphans. He was genuinely heartbroken when the Removal Treaty in 1830 dispersed his family. Deep affection prompted him to implore his son in the West to return and comfort him in old age. And on another occasion he wrote: "Dear Peter, God bless your family and your household."³⁵ A man of integrity, honor, and tenderness, in a different society, one more refined, John would have been a leader of note rather than a little remembered trader.

³⁴Missionary Herald, Vol. XVI, 365-66.

³⁵John Pitchlynn, Choctaw Nation, to Peter, December 11, 1825, Folder 25-3, Pitchlynn MSS, Gilcrease Museum.

If a father ever elevated one son above others, John so lifted the eldest child of his second wife--her first born and his fondest hope. Born on January 30, 1806, in the Indian town of Hush-ook-wa on the Noxubee River, Peter Perkins Pitchlynn was more white than Indian. Christened Ha-tchoc-tuck-nee, or Snapping Turtle, by his fullblood friends, he spent his first years where his father initially settled. By 1810 he moved with his parents to Plymouth Bluff. While his father and older half-brothers were involved in tribal and international affairs, Peter's early life remained uncomplicated. His first real duties consisted of watching his father's cattle herds that grazed the intermittent prairies. He also remembered wading the streams and roaming the foothills killing bears and trapping beaver. He enjoyed all kinds of social activities and athletics, especially the Choctaw game of ball playing. Thus his early life was not unlike that of the average young Choctaw--free, natural, and rewarding.³⁶

Those forces of change operative among the Choctaws little affected Peter save for an occasional contact with

³⁶Charles Lanman, "Peter Pitchlynn, Chief of the Choctaws," Atlantic Monthly (April, 1870), 486. This article was based upon an interview with Pitchlynn in 1870. All subsequent works have used it in part or in whole. See also Memo Book, Folder 79-39, Pitchlynn MSS, Gilcrease Museum; George Catlin, Letters and Notes on . . . the North American Indian, Vol. II (2nd ed.; London, 1842), 140.

white trappers and traders who visited his father's home. By 1819, however, the settler tide from the north and the east influenced even young Pitchlynn. At thirteen he fell into the bad company of white youngsters recently emigrated from Georgia. These young men introduced him to some questionable habits, but Peter came away from the attachment without serious harm; yet his interest in white society increased from the contact. Also, by 1819 young Peter experienced the second force of change among the Indians--religion. The first Christian minister he ever heard was a Baptist, but his father's home was visited regularly by all circuit riders and ministers. From his associations with these men of God, Peter received an indelible impression of the white man's religion that sustained him even late in life.³⁷

As Pitchlynn glimpsed the outside world, he became acutely aware of his own peculiar weaknesses. Two incidents illustrated to him the promises of the white man's way and the need of a formal education. First, he observed a fellow Choctaw partly educated in New England write a letter to President James Monroe, and second, he engaged in long conversations with his white friend, Gideon Linsecum, a frontier physician and later a noted naturalist. "We dwelt in a remote wilderness," Peter once wrote to

³⁷Lanman, "Peter Pitchlynn," 486.

Lincecum, "where the light of Science and civilization had never shot a single ray. Twas then you came and took me by the hand and led me by your council to the source of knowledge."³⁸

So, in 1820, young Pitchlynn determined to obtain a formal education. He left his parents and entered the school nearest his father's home, which he remembered later was some 200 miles away among the hills of Tennessee.³⁹ Peter may have confused this educational experience with his enrollment in the Chickasaw mission school, Charity Hall, established in 1820 near Cotton Gin Port, Mississippi.⁴⁰ In any event, by October, he had completed an academic quarter at some institution north of his home, after which he returned to his people to observe the negotiations at Doak's Stand. The land cession required in the treaty troubled Pitchlynn to the extent that he refused to shake Jackson's hand.⁴¹

Later he attended the Academy at Columbus, Tennessee, where he stayed probably no longer than a year.⁴² At the

³⁸Ibid.; Letter Fragment, Folder Un-125, Pitchlynn MSS, Gilcrease Museum.

³⁹Lanman, "Peter Pitchlynn," 486.

⁴⁰Carolyn Foreman, "Charity Hall, An Early Chickasaw School," The Chronicles of Oklahoma, Vol. XI (September, 1933), 912-23.

⁴¹Lanman, "Peter Pitchlynn," 486; Ruth T. West, "Pushmataha's Travels," The Chronicles of Oklahoma, Vol. XXVII (Summer, 1959), 174.

⁴²Lanman, "Peter Pitchlynn," 486.

conclusion of this enrollment, Peter completed the first stage of his education. He had attended at least two schools, Charity Hall and Columbus Academy, and may very well have entered a third, but under no circumstance was he in school more than two years. Yet, it would be unfair to conclude that his educational experience lacked substance or worth. It improved his natural abilities and whetted his appetite for additional knowledge. He acquired a select but very valuable library by the use of which he hoped to continue his education. He found that his favorite subjects were moral philosophy; poetry, especially Shakespeare; history; biography; Choctaw mythology; and medicine and natural philosophy.⁴³ Thus at the age of eighteen Peter demonstrated an abiding interest in the acquisition of knowledge.

The Treaty of 1820 provided for a local police force. Known as the "Light Horse," Cyrus Kingsbury wrote contemporaneously that it formed in Pitchlynn's district during the Fall of 1821,⁴⁴ while Peter later insisted that it began in 1824 when he was elected Captain.⁴⁵ The discrepancy is of little importance

⁴³Notebook, Folder 79-39, Pitchlynn MSS, Gilcrease Museum; James L. McDonald, Choctaw Agency, to Thomas L. McKenney, September 30, 1826, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 773.

⁴⁴Missionary Herald, Vol. XIX, 8.

⁴⁵Lanman, "Peter Pitchlynn," 486.

except that it illustrates one of Pitchlynn's habits: he forgot events which occurred before he took command. Nonetheless, the Light Horse under Pitchlynn effectively curtailed the liquor traffic, and in other matters of law acted as police, judge, and jury.⁴⁶ He remembered with fondness and pride his service in that picturesque force and ever answered to the title "Colonel" as a result of it.

By 1824 matters other than just education and tribal affairs interested Peter. He selected as his wife Rhoda Folsom, daughter of Nathaniel, and thus a sister of his mother. The Reverend Cyrus Kingsbury performed the marriage ceremony but did not record the precise date of the union. Peter later claimed that his monogamous, Christian marriage killed the practice of polygamy among the Indians; yet the institution prevailed some fifty years later.⁴⁷

For his home young Pitchlynn selected a site southwest of his father's place and two miles south of present Artesia, Mississippi. Situated on the edge of a large prairie, Peter and Rhoda lived near the Mayhew Mission settlement. His father provided slaves to assist in constructing his home and in cutting his fence rails. Though only nineteen, Pitchlynn put in a small crop,

⁴⁶Cushman, History of the Indians, 157.

⁴⁷Lanman, "Peter Pitchlynn," 487.

purchased hogs, formed a cattle herd, and expressed an interest in purchasing slaves. And by December, 1825, Rhoda had given birth to a daughter.⁴⁸

The appearance of the fourth generation within the Pitchlynn family in North America marked a milestone in its evolution. Though a manifestation of international interest in the "debatable lands," the family also gained the respect of the people where it had settled. John Pitchlynn acquired wealth and prestige and provided benefits for his family not available to the average Choctaw. From this vantage point, young Pitchlynn glimpsed the white man's way and determined to seek a formal education. Among the first of his tribe so privileged, he grew in the estimation of his people and thus was destined to play a leading role in the final contest over the debatable lands.

⁴⁸ John Pitchlynn, Oktebbeha, to Peter Pitchlynn, March 14, 1824, Folder 24-1; July 19, 1824, Folder 24-4; December 11, 1825, Folder 25-3, Pitchlynn MSS, Gilcrease Museum; Folsom Family File, Grant Foreman Collection, Indian Archives, Oklahoma Historical Society.

CHAPTER III

THE STRUGGLE FOR POWER, 1825-1832

Between 1825 and 1832 the course of the Choctaw Nation altered drastically. The period proved equally significant in the life of Peter Pitchlynn. He entered the era as a novice in the councils of the nation; he finished it as a Chief of the tribe. In the interim he completed his education, participated in tribal political struggles, demonstrated traits of his character, and emigrated to a new country. The seven year period was as full as it was crucial.

The Treaties of 1820 and 1825 provided an educational fund for Choctaw children. The tribe applied part of this annuity to local mission schools, but the Indians desired an institution that would afford a higher education. Peter Pitchlynn believed that such a school should be located among the whites, for only there could the Indian learn the white man's way. Though opposed by a brother-in-law, David Folsom, Pitchlynn's home district adopted his position and elected to enroll its children at a school recently opened in Blue Springs, Kentucky, by

United States Senator Richard M. Johnson. Colonel Johnson, interested always in any venture that might prove profitable, engaged Thomas Henderson, a teacher of "uncommon merit," altered his home to accommodate twenty additional students, and prepared to receive the Choctaws in the middle of October, 1825.¹

Pitchlynn assumed responsibility for the twenty-one students selected, all of whom came from his district. They reached the five stone buildings of the Choctaw Academy on November 1. The school pleased the Choctaw leader. It was right, he wrote, that the capable youngsters of the Choctaw Nation should be educated "in the bosom of our white brethern" and that the masses, i.e., the fullbloods, should be left to "the honorable and benevolent exertions of the missionaries."² Pitchlynn's praise of the school failed to still all opposition; yet, the Choctaw Academy continued as the principal educational institution of the tribe until 1840. Though Pitchlynn later changed his opinion, his role in the school's selection was one of his earliest contributions.

¹Richard M. Johnson to Secretary of War, September 27, 1825, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 772; David Folsom, Choctaw Nation, to Thomas L. McKenney, May 27, 1826, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

²Pitchlynn, Blue Springs, to Secretary of War Barbour, November 5, 1825, N.A., O.I.A., Schools, Microcopy 234, Roll 772; The Niles Weekly Register, Vol. V (December, 1825), 226-27.

Ironically, the same treaties that bestowed upon the Choctaws educational benefits also incited political strife. Following the Treaty of 1825, David Folsom, the mixed-blood brother-in-law of both Peter and John Pitchlynn, acted to prevent additional land cessions. In April, 1826, he called together the warriors of the Northeastern District, secured the deposition of the fullblood Moshulatubbee, a friend of the Pitchlynns and signer of the 1825 treaty, and had himself elected chief.³ But in completing his coup, Folsom evoked the animosity of his in-laws, who took pleasure in referring to the new chief as "King David."⁴ Yet what David Folsom did in the Northeastern District, Greenwood Leflore and Samuel Garland, also mixed-bloods, did in the other two districts. All three then joined in a course designed to prevent another Choctaw land cession. Accordingly, in August, 1826, they called a meeting of the Choctaw council to frame a constitution as a defensive measure. They knew that such a document suggested a degree of civilization and that it might provide a consolidated political authority that would offer effective resistance to further land cessions.⁵

³Young, Redskins, Ruffleshirts, and Rednecks, 26.

⁴John to Peter Pitchlynn, April 16, 1827, Folder 27-3, Pitchlynn MSS, Gilcrease Museum.

⁵Young, Redskins, Ruffleshirts, and Rednecks, 9.

The chiefs and representatives of the three districts met on August 5, 1826, on the banks of the Noxubee River in present Oktibbeha County, Mississippi. Peter Pitchlynn represented the Northeastern District and served as Secretary of the Council.⁶ As written, the constitution called for a decentralized and weak executive composed of the three district chiefs and a national council consisting of representatives of the three divisions. At the first session, the Council authorized a council house, provided for inheritance through the male line, defined the lawful enclosure of fields, prohibited trespassers and discouraged polygamy. But more important, it enacted a law which severely punished anyone who might sell his country for a bribe.⁷

Though Peter Pitchlynn served as Secretary, the record failed to reflect the importance of his role in framing the 1826 constitution. He was only twenty years old, inadequately educated, and a poor penman. Furthermore, men with more ability were present and David Folsom was antagonistic toward him. These factors point to a less than spectacular role. Still Pitchlynn was there, observing a procedure which he re-enacted during the critical years after removal.

⁶Lester Hargrett, A Bibliography of the Constitutions and Laws of the American Indians (Cambridge, 1947), 55.

⁷Ibid.; Young, Redskins, Ruffleshirts, and Rednecks, 26.

The Choctaw constitution failed to prevent additional government efforts to promote Indian removal. On November 10, 1826, Commissioners John Coffee, Thomas Hinds and General William Clark, as well as Interpreter John Pitchlynn, met the Choctaws at Florence, Alabama. The tribal commissioners included fullbloods General Hummingbird, Red Dog and Nettuckachee, along with mixed-bloods Peter Pitchlynn, J. L. McDonald, and Israel Folsom, the brother of David. As expected, the American Commissioners urged the Choctaws to move to those lands across the Mississippi River, in partial consideration of which the United States would pay one million dollars. The Choctaw delegation rejected the terms which caused the commissioners to charge: "The government seems to be in the hands of half-breeds and white men who dictate without regard to the interests of the poor Indian."⁸ The failure of the negotiations only postponed the day of reckoning.

The events of 1825 and 1826--the visit to the Choctaw Academy, the constitutional convention, and the treaty negotiations--convinced Peter of his educational deficiency. As early as January, 1826, he had revealed a wish to attend Transylvania University for two years and then to study law with Colonel Richard Johnson at Blue Springs. The Commissioner of Indian Affairs agreed to pay his expenses out of

⁸American State Papers: Indian Affairs, Class 2, Vol. II, 702-17.

Choctaw funds so long as the Choctaw Chiefs approved.⁹ But caught up in public affairs, Peter did not take advantage of this approval for nearly a year.

Finally, in late January, 1827, Pitchlynn left his wife and child to enroll at Transylvania. He traveled north by way of Florence, Alabama, to Louisville, where friends provided him with letters of introduction to individuals in Lexington.¹⁰ Somewhere, however, Pitchlynn changed his mind about attending Transylvania and instead entered the Choctaw Academy as a student the last of February. Superintendent Henderson was delighted to have Peter, describing him as a person who understood English well and who was of "a fine mind, dignified and gentlemanly conduct, perfectly sober habits, remarkably studious, and much intended to piety." Furthermore, Pitchlynn provided a good example for the other young men.¹¹

Three months later Pitchlynn left the Academy and returned home. The instruction apparently satisfied him;

⁹Pitchlynn, Choctaw Nation, to Barbour, January 23, 1826, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 773; McKenney, Office of Indian Affairs, to Pitchlynn, February 17, 1826, N.A., O.I.A., Letters Sent, Microcopy 21, Roll 2.

¹⁰Thomas H. Caldwell, Louisville, to Reverend George T. Chapman, February 22, 1827, Folder 27-1, Pitchlynn MSS, Gilcrease Museum.

¹¹Report of the Choctaw Academy, April 30, 1827, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 773.

yet, the curriculum of grammar, surveying, bookkeeping, geography, reading, and writing was not as advanced as he might have wished. The ninety days at the Choctaw Academy thus left his educational thirst unquenched.

At home Peter was soon involved in national political affairs. In October, 1827, Commissioner of Indian Affairs Thomas L. McKenney visited the Nation in another effort to negotiate a removal treaty. Pitchlynn served as Secretary pro-tempore of the Choctaw Delegation that met with the commissioners. Largely interested in laying the groundwork for a future treaty, McKenney only suggested that the tribe send a delegation to explore the country west of the Mississippi River at the expense of the government. He hoped that such a trip might break down the Indian inhibitions to emigration. The Choctaws agreed to the proposed expedition and, at the same time, convinced McKenney that the government could ultimately negotiate a treaty.¹²

Peter Pitchlynn improved the occasion by visiting with McKenney about his unfulfilled desire to attend Transylvania. He persuaded the Commissioner for the second time to provide letters of introduction and financial support. Furthermore, in conversations with Peter

¹²McKenney, Choctaw Agency, to the Secretary of War, October 17, 1827, in Thomas L. McKenney, Memoirs, Official and Personal (New York, 1846), 336-37.

and his father, McKenney indicated that young Pitchlynn might qualify to serve on the proposed expedition. Consequently, Peter left the council ground with letters of recommendation, a guarantee of financial support, and the prospect of an expedition to the West. For him it had been a fruitful session.¹³

Pitchlynn left almost immediately to pursue his education, commending his young daughter and pregnant wife to the care of her mother and his father. But, for the second time, apparently because of the death of its president, Pitchlynn elected not to attend Transylvania, deciding instead to enter the University of Nashville. The latter school, now Vanderbilt, had operated unevenly under different names since 1785.¹⁴ With new leadership, the institution accepted Pitchlynn's application for admission on November 1, 1827.¹⁵ The November first to April first session suited the Choctaw perfectly since he hoped to accompany the exploring expedition that fall.¹⁶

¹³Pitchlynn, Nashville, to McKenney, November 2, 1827, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 773.

¹⁴Records of the University of Nashville, Vol. I, University of Nashville MSS, Tennessee State Library and Archives.

¹⁵Philip Lindsley, Nashville, to McKenney, November 1, 1827, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 773.

¹⁶Pitchlynn, Nashville, to McKenney, November 2, 1827, ibid.

Had the University's administration known Peter's plans they might have questioned his intellectual sincerity.

Pitchlynn, however, made the best of his opportunity. With \$500 as expense money for the year, by the end of November he bought \$116 of fabric for personal and bed clothes. For the classroom and his own library, he purchased books on the Masonic Order, logic, natural philosophy, synonyms, political economy, chemistry, and moral philosophy. He also secured the History of Rome and copies of Paradise Lost. No doubt if Peter had remained at the University his time would have been well spent and his education advanced. Yet as he always expected to leave in April, the six months were largely months of leisure, improved with the purchase of an occasional book.¹⁷

In 1870 Pitchlynn stated that he graduated from the University of Nashville, a statement frequently repeated.¹⁸ This simply was not true. He left the University on his own volition, taking with him \$215 to pay for his expenses home.¹⁹ Even though he did not graduate, he

¹⁷Accounts, Folder 28-14, Folder 28-7, Folder 27-11, Pitchlynn MSS, Gilcrease Museum; Account Book of Philip Lindsley, Vol. X, 71, 78, University of Nashville MSS, Tennessee State Library and Archives.

¹⁸Lanman, "Peter Pitchlynn," 486; Hargrett, Bibliography of Constitution and Laws, 55.

¹⁹Journal of Historical Notes, Vol. IV, University of Nashville MSS, Tennessee State Archives and Library.

certainly gained something for his time. His penmanship improved, his library increased, his wardrobe enlarged and surely he garnered certain basic principles upon which he informally continued his education.

Instead of returning to the Nation, however, Peter went north to the Choctaw Academy at Blue Springs, Kentucky. What motivated him to make this three-month trip is not evident, but it is clear that in its wake he left a controversy that culminated in the closing of the Academy. Peter reported to David Folsom, no real supporter of the school in the first place, that the food was poorly prepared, consisted chiefly of fat bacon, coarse corn bread, and rye coffee, and was served by three or four insolent, inattentive and filthy Negroes. He complained also about dirty table cloths, stinking food, insufficient lodging and inadequate bed clothes.²⁰ In fact, Pitchlynn challenged every aspect of the Academy.

Advised of the charges by the Choctaw Agent William Ward, Richard M. Johnson responded vehemently. The diet, he declared, consisted of quality food and elegantly prepared rye coffee. The Negro young men also waited upon his family, and the lodging and clothing arrangements were as sufficient as the \$300 annual per capita allowance

²⁰Johnson, Blue Springs, to David Folsom, September 12, 1828, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

would admit.²¹ Furthermore, if anybody's actions were questioned, the Choctaws ought to look to Peter. Had not he robbed the tribe of \$500 under the false pretense of going to school?²² Despite Johnson's defense and counter charges, confidence in the school steadily diminished, and Pitchlynn remained the Academy's most bitter enemy.

Having stirred up the controversy Pitchlynn did not remain to respond to the charges. He departed for the West in September. The expedition proposed by McKenney received the sanction of Congress in early 1828. Each Choctaw district selected two men, and President Jackson appointed David W. Haley, a trader, as conductor. Pitchlynn remembered after the Civil War that he had led the party.²³ In mid-September, after a delay occasioned by the late arrival of the Chickasaws who accompanied it, the expedition left for Memphis, where it took passage on a steamboat to St. Louis.²⁴

²¹Ibid.

²²Johnson, Blue Springs, to McKenney, September 13, 1828, ibid.

²³Thomas H. Hill, Washington, to John Pitchlynn, May 28, 1828, Case 2, Box 5, Gratz Collection, Pennsylvania Historical Society; Lanman, "Peter Pitchlynn," 487.

²⁴David Folsom, Choctaw Nation, to McKenney, October 14, 1828, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

The Choctaws reached the Crossroads of the West on October 12. The city teemed with tribes from other areas, one of which, the Sioux, impressed Pitchlynn as "a wild and uncultivated race, and from every appearance a miserable set."²⁵ Yet things more important than sightseeing were at hand. After a full schedule of meetings and social events, including dinner with General William Clark, the government provided traveling outfits and additional guides, one of whom was the incomparable Baptist missionary, Isaac McCoy.²⁶

The forty-one person expedition left St. Louis on October 18 and, proceeding on a westerly course, crossed the Missouri River first at St. Charles and then again at Franklin. But before reaching the Missouri state line, the Choctaw delegation expressed an inclination not to continue the tour any further northwest and proceed instead to the residence of their people on Red River. After assurances that the expedition would not go as far west as first contemplated, the Choctaws agreed to continue.²⁷

On November 3, just west of the line, the party camped among the Shawnees. Though McCoy did not record

²⁵Report, 1829, Folder Un-298, Pitchlynn MSS, Gilcrease Museum.

²⁶Isaac McCoy, History of Baptist Missions (Washington, 1840), 349.

²⁷Ibid.

the event in his journal of the trip, Pitchlynn reported after the expedition that the Choctaws here met the "Prophet," the famous brother of Tecumseh.²⁸ The incident was unimportant, yet interesting. Tending in a southwesterly direction, on November 11 the party camped on the Osage River in present eastern Kansas. Two days later, influenced by Kauzau Indians, it turned almost due south and reached the Osage Agency on November 17.²⁹ Remembering this occasion much later, Pitchlynn recalled that the Osages showed signs of their ancient enmity and that only a slashing oration by him brought about the desired council of peace.³⁰ McCoy recorded no such incident, remarking instead that in speech-making the "Osage exhibited more native eloquence and acquitted themselves with much more credit than our civilized and half-civilized Indians." As a matter of fact, McCoy mentioned Pitchlynn only as "an intelligent, sensible man" who frequently borrowed his Bible and who asked why Christians differed so much in opinion.³¹

On November 22, the expedition, accompanied by a local escort, left the Osage villages. On the twenty-sixth

²⁸Report, 1829, Folder Un-298, Pitchlynn MSS, Gilcrease Museum.

²⁹McCoy, History of Baptist Missions, 354-55.

³⁰Lanman, "Peter Pitchlynn," 488.

³¹McCoy, History of Baptist Missions, 355-58.

it reached the junction of the Arkansas and Verdigris Rivers near present Muskogee, Oklahoma. Having spent two months on the trail, the Indians exhibited a strong desire to end the expedition without exploring the area envisioned as a future home and ceded to the Choctaws in the Treaty of 1820. After a buffalo hunt in early December, the party turned east and arrived on September 9 at the Choctaw Agency West. Pitchlynn later hinted of severe skirmishes with Comanches, and H. B. Cushman, a nineteenth century historian, recorded an incident in which the Colonel saved the entire party from decimation. Both accounts were fabrications. The Comanches seldom ranged that far east, and Cushman always followed Pitchlynn's reminiscences save for this incident.³²

The expedition terminated at the Choctaw Agency and all but the Colonel and a friend arrived home in early January, 1829. Peter may have remained to explore the territory south of the Arkansas River, but, in any event, on January 7 he was at old Dwight Mission where he borrowed money for passage to Mississippi.³³

Though the trip was not as romantic as Pitchlynn later remembered, it was significant. First, it represented

³²Lanman, "Peter Pitchlynn," 489; Cushman History of Indians, 337.

³³Pitchlynn, Dwight, to Edmund Folsom, January 7, 1829, Folder 29-1, Pitchlynn MSS, Gilcrease Museum.

one of the earliest exploring parties of Indians sponsored by the federal government. Second, the Choctaws established peaceful relations with the Osages. And, finally, a select few of the tribe did have an opportunity to see the West. Still, the trip did not serve the purpose that McKenney had hoped, and when the day of removal came, the Choctaws had yet to explore the assigned lands in the West.

Despite the failure of the government in this instance, the policy of removal continued. Andrew Jackson's election in 1828 increased the urgency for general Indian emigration. The Choctaws reacted to the increased pressure by dividing into factions. Moshulatubbee, allied with the Pitchlynnns, led the Republicans, and David Folsom and Greenwood Leflore headed the Christian party.

In September, 1829, the Christians rejected a removal proposal from the government, but in early December, Moshulatubbee, after a meeting of his supporters to consider the same proposal, agreed to emigrate. In this decision John Pitchlynn sustained the Republicans. But Folsom vigorously objected and to counter the move had himself proclaimed chief for life.³⁴

The platform and the alignment of the Choctaw parties radically altered when the state of Mississippi

³⁴Ward, Choctaw Agency, to John H. Eaton, December 29, 1829, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

in January, 1830, further extended her laws over the Choctaws. Folsom now announced his willingness to consider emigration, while Chief Moshulatubbee prepared to remain in Mississippi, even offering himself as a candidate for Congress.³⁵ Obviously, then, the question at issue was not so much principle as power. On March 15, the Christian party elected Greenwood Leflore as Chief of the entire Nation, drew up a treaty of emigration, and prepared to remove.³⁶

As Alexander Talley, a Methodist missionary, had written the proposed treaty, Moshulatubbee reacted by becoming for the moment anti-Christian, a position also adopted by his ally, Peter Pitchlynn. In a demagogic exercise, the Colonel castigated David Folsom for the latter's support of the missionaries. The preachers, he declared, came with soft words and pleasant manners only to swindle the Choctaws of their wealth. They were responsible for the deplorable conditions of the tribe. "Why then," he cried, "do we nourish in the bosom of our country a set of beings that do nothing except excite separation amongst us?" He also accused Folsom and Leflore of quietly bargaining the country away and then having the audacity to say it was done in a National Council. "Will you my

³⁵Young, Redskins, Ruffleshirts, and Rednecks, 29; Niles Register, Vol. XLVIII (1830), 362-63.

³⁶Debo, Rise and Fall, 52.

brave countrymen," he asked, "submit to all this?" Then in a classic understatement: "Do not think from what I have said that I am here to stir your hearts with separatism." He desired only to admonish them to stand united in opposition to the Christian Party, to land cession, and to Folsom. "We are free men and we intend to remain so," concluded the Colonel.³⁷

The federal government did not accept the proposed treaty that had prompted Pitchlynn's outburst. In a message written by Peter, a Republican council congratulated Secretary of War John Eaton for the government's action and suggested that commissioners be sent to the Choctaw Nation.³⁸ President Jackson initially decided to meet personally with the tribe and in August, 1830, asked John Pitchlynn to bring the Chiefs to Franklin, Tennessee.³⁹ Such a meeting at first seemed feasible, but as some tribal factions refused to cooperate, a delegation was not sent. Instead, the Republicans requested John and Peter Pitchlynn and three others to wait personally upon the President and

³⁷Pitchlynn's Speech [1830], Folder Un-277, Pitchlynn MSS, Gilcrease Museum.

³⁸Choctaw Chiefs, Choctaw Nation, to John H. Eaton, June 2, 1830, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

³⁹Jackson, Hermitage, to Pitchlynn, August 5, 1830, in Bassett, Correspondence of Andrew Jackson, Vol. IV, 169.

explain why the Choctaws failed to appear.⁴⁰ If the Republican delegation interviewed Jackson, no record was left. In any event, the President returned to Washington, leaving instructions for John Coffee and Secretary of War Eaton to meet the Choctaws in general council.

Six thousand Choctaws gathered at Dancing Rabbit Creek in Noxubee County, Mississippi, on September 15, 1830. After denying the missionaries permission to attend the council, Coffee and Eaton in a message interpreted by John Pitchlynn declared to the Indians that they had come seeking not their lands but their happiness. They asked whether the Choctaws were willing to be subject to the white man's law and, if not, urged that they remove beyond the Mississippi River.⁴¹ Their resolve strengthened by the presence of so many fullbloods, the Choctaw chiefs rejected the terms of the United States as "too insufficient."⁴²

The response so infuriated Eaton that he addressed the Choctaws in angry language. Some of the tribe left the council grounds in indignation, but others, pressured

⁴⁰ Choctaw Chiefs, Council Grounds, to Jackson, August 16, 1830, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

⁴¹ 23rd Cong., 1st Sess., Senate Document 512, Vol. II, 255-58.

⁴² Letter to the Commissioners [1830], Folder 30-18, Pitchlynn MSS, Gilcrease Museum.

by Greenwood Leflore and fearful that the United States would not protect them from the state laws, agreed to negotiate.⁴³ Those who remained, Peter included, submitted a list of terms upon which they would be willing to treat. Considered far too liberal, Eaton and Coffee rejected these proposals and presented alternatives.⁴⁴ The treaty draft offered by the United States provided for lucrative land reservations. The Pitchlynns, for example, received 5,120 acres of land, a consideration that prompted Peter's approval of the treaty, as well as that of other leading men. Accordingly, the treaty was signed on October 28.⁴⁵

Reaction to the treaty varied. Andrew Jackson wrote to John Coffee that "Providence seemed to smile upon our endeavors" and that the treaty would promote the prosperity of the country.⁴⁶ But the Choctaws were not so pleased. To quell the possibility of an immediate revolt at the council ground, George S. Gaines, at the suggestion of John Pitchlynn, received an appointment to

⁴³Letter of the Choctaw Commissioners, September 25, 1830, Folder 30-11, ibid.

⁴⁴Terms [1830], Folder 30-10, ibid.

⁴⁵W. S. Halbert, "Story of the Treaty of Dancing Rabbit," Publication of the Mississippi Historical Society, Vol. VI (Oxford, 1904), 391.

⁴⁶Jackson, Washington, to General John Coffee, October 3 and 16, 1830, Vol. I, John Coffee MSS, Library of Congress.

lead an exploring party to the lands west of the Mississippi.⁴⁷ With this action antagonism among the Indians only partially subsided, and once copies of the treaty filtered back, opposition centering around Peter Pitchlynn sprang up anew.

Yet the Treaty of Dancing Rabbit Creek had provided well for the Pitchlynn family. John, true to his assignment as an international agent, supported the United States policy on all occasions. Peter may well have agreed with his father in the months preceding negotiations, but at the time of the council he opposed him and the government. If the Colonel, upon the presentation of two sections of lands, momentarily weakened in his opposition to removal, he soon repented and became a vigorous foe of the new concordat.

In the wake of the treaty, Peter forgot his acceptance of two sections of land and his quarrel with the missionaries. He accused David Folsom of inability to withstand the temptation of land reservations and then aligned himself with the Presbyterian missionary, Loring S. Williams, in the general opposition to the treaty.⁴⁸

⁴⁷"Dancing Rabbit Creek Treaty," Historical and Patriotic Series, No. 10 (1928), 10.

⁴⁸Pitchlynn, Choctaw Nation, to Folsom [1830], Folder Un-278, Pitchlynn MSS, Gilcrease Museum; Missionary Herald, Vol. XXVII (January, 1831), 18.

Pitchlynn even planned a trip to Washington,⁴⁹ but two incidents cancelled these plans and served to nullify his opposition. Agent William Ward, learning of the conspiracy, went immediately to Williams and threatened to expel the whole mission if the project continued.⁵⁰ Furthermore, the Secretary of War sent a company of troops into the Choctaw country which intimidated all remaining opposition.⁵¹ Ward and the army together, then, effectively prevented Pitchlynn's revolution.

With the treaty signed and opposition quelled, the process of removal began as early as October, 1830, in Leflore's Northwestern District. A question of leadership prevented such dispatch in Moshulatubbee's Northeastern District. In January, 1831, the supporters of the old Republican chief elected Peter Pitchlynn as their District Chief.⁵² The Christian party of pre-treaty days, however, denied the election and continued to look to David Folsom as Captain and Chief.

⁴⁹J. L. McDonald, Jackson, to Pitchlynn, November 2, 1830, Folder 30-15, Pitchlynn MSS, Gilcrease Museum.

⁵⁰Ward, Choctaw Agency, to Eaton, December 2, 1830, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

⁵¹De Rosier, "Andrew Jackson and the Choctaw," 361.

⁵²Choctaw Council, Dancing Rabbit Creek, to John H. Eaton, January 16, 1831, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 169.

Despite the contest of his credentials, Pitchlynn, now twenty-four, assumed an additional degree of leadership. With others, he urged the approval of the sale of unsurveyed individual reservations and the construction of a road wide enough to drive cattle and other stock across the swamps of Mississippi and Arkansas.⁵³ Looking to the time after removal, Pitchlynn also planned for some kind of educational facilities. He even wrote to his teacher friend, Henry Vose, about assuming the superintendency of such a school. Also, Peter dreamed of a new constitution, the construction of which he would supervise once the removal was completed. Further, to support his own family in the new country, he tentatively arranged with Natchez merchants to finance some kind of mercantile business.⁵⁴

To supervise the Choctaw emigration the United States selected W. S. Colquhoun. This sorely disappointed Pitchlynn since his people had urged his appointment as their conductor to the West. Yet he did gain permission to organize a party of emigrants with the purse entrusted to Thomas McGee, a white man from Alabama. Those who planned to emigrate gathered at the Colonel's home the last of October, 1831. He assisted in hurrying up the

⁵³Choctaw Chiefs to Ward, May 18, 1831, ibid.

⁵⁴Henry Vose, Natchez, to Pitchlynn, September 19, 1831, Folder 31-11, Pitchlynn MSS, Gilcrease Museum.

latecomers and also provided the party with corn, fodder and beef for which he received nearly \$200.⁵⁵ Despite all the preparation, the Colonel did not move his own family. He failed to liquidate his own assets, and he decided to lead a party of emigrants before he took his wife and children. The figurative head of a party of more than 400, Pitchlynn left the Tombigbee River settlements for Memphis in late October. Thirty days later his party reached the Tennessee city, loaded their ponies on flatboats, and boarded the steamboat Brandywine for a trip to the mouth of White River.⁵⁶

The progress of the emigrants from Memphis across Arkansas Territory slowed considerably. On December 28, they were stranded because of low water at the Post of Arkansas, a point very near the mouth of the Arkansas River.⁵⁷ Finally, in late January, 1832, Pitchlynn and his party arrived at Fort Smith. They settled near the Arkansas River in the vicinity of the newly constructed agency at Skullyville. Most of the other emigrating

⁵⁵Accounts of Thomas McGee, Last Quarter of 1831, in 23rd Cong., 1st Sess., Senate Document 512, Vol. I, 982.

⁵⁶Thomas McGee, Demopolis, Alabama, to George S. Gaines, January 2, 1831, Letters Received, Records of the Commissary General, Bureau of Indian Affairs, N.A.

⁵⁷Little Rock Arkansas Gazette, December 28, 1831, 3; Byington to D. Green, January 17, 1832, Box 35, 495, Foreman Transcripts, Gilcrease Museum.

parties found homes east of the Kiamichi River, south of the Agency.⁵⁸

Pitchlynn stayed in the Arkansas District serving as Principal Chief throughout the winter and early spring of 1832. He devoted most of his energies to selecting home sites for those of his party, seeing that they were registered at the agency and drew their provisions, and to the creation of some system of government which would sustain the party in his absence. He probably chose the future location of his own home, a site near present Spiro, Oklahoma, which he designated "New Hope." In mid-April he left the West and returned to Mississippi.

As he prepared to make arrangements for the fall emigration of 1832, two problems confronted him: a disputed political position among his people and the liquidation of his assets. To solve the former, he addressed a general letter to the Secretary of War relative to problems associated with removal. He asked official recognition of his position as Chief of the Arkansas District and favorable consideration of his recommendations.

For a whole nation to give up their whole country, and to remove to a distant, wild, and uncultivated land, more for the benefit of the Government than the Choctaws, is a consideration which, I hope, that the Government will always cherish with the liveliest sensibilities. The privations of a whole

⁵⁸William S. Colquhoun, Vicksburg, to General George Gibson, February 25, 1832, 23rd Cong., 1st Sess., Senate Document 512, Vol. I, 601.

nation before setting out, their turmoil, and losses on the road, and settling their new homes in a wild world, are all calculated to embitter the human heart. These can be softened by a generous fulfillment of the treaty, a few thousand dollars more in a liberal fulfillment of that instrument, will be more than counterbalanced by keeping alive forever generous feeling which has always existed in the bosoms of the Choctaws toward their white brethren.⁵⁹

The historian of the Choctaws, Angie Debo, points to this letter as indicative of scholarship, leadership, and feeling. It was indeed a good letter, but, unfortunately, Pitchlynn did not write it. The rough and even final drafts were in the handwriting of his friend Henry Vose. The incident amply illustrates Pitchlynn's lifelong practice of using the pens and talents of others.⁶⁰ The letter wore well as a state paper, but it failed to achieve its immediate purpose. The War Department refused to recognize Pitchlynn as Chief because he was elected in the East and accordingly denied him the \$250 annual stipend.⁶¹

In addition to political activities in the Spring and Summer of 1832 the Colonel liquidated his sizeable

⁵⁹Pitchlynn, Choctaw Nation, to Hon. Lewis Cass, July 10, 1832, N.A., O.I.A., Choctaw Emigration, Letters Received, Microcopy 234, Roll 185.

⁶⁰Ibid.; Draft of a letter to Lewis Cass, May 2, 1832, Folder 32-7, Pitchlynn MSS, Gilcrease Museum; 23rd Cong., 1st Sess., Senate Document 512, Vol. III, 394-97.

⁶¹John Robb, Acting Secretary of War, to Pitchlynn, July 28, 1832, N.A., O.I.A., Letters Sent, Microcopy 21, Roll 9.

estate into cash and transportable goods. The tax rolls of Lowndes County, Mississippi, in 1831, credited him with four slaves and eighty acres of cultivated land.⁶² But the government census taken by F. W. Armstrong in 1831 assigned to him ten slaves and his father fifty.⁶³ The number of slaves was significant, since Greenwood Leflore, considered one of the richest men among the Choctaws, had only thirty-two and in all of the Northeastern District there were only 203. In terms of slaves John Pitchlynn was the wealthiest man in the tribe.⁶⁴

Peter had even more valuable assets than slaves. He received two sections of land under the terms of the Treaty of 1830. These he sold to Booth Malone, in April, 1832, along with his improvements, fifty head of cattle, other livestock, and full cribs of corn for \$6000 cash plus cancellation of a \$12,000 note.⁶⁵ In August he converted some of the cash into slaves, purchasing five Negro women ranging in age from eleven to thirteen and in price from \$275 to \$450.⁶⁶ On other occasions he made

⁶²Lowndes County Tax Roles, 1831, Mississippi Department of Archives and History.

⁶³Armstrong Role, 1831, Records of the Commissary General, Bureau of Indian Affairs, N.A.

⁶⁴23rd Cong., 1st Sess., Senate Document 512, Vol. III.

⁶⁵Deed Record, Book 1-2, Records of the Chancery Court, Lowndes County.

⁶⁶Bill of Sale, Columbus, Mississippi, August 18, 1832, Folder 32-2, Pitchlynn MSS, Gilcrease Museum.

similar transactions in conjunction with his father, and by October forty-five Negroes prepared to make the trip west.

Having turned his assets into either capital or slaves, young Colonel Pitchlynn readied his family to emigrate in the Fall, 1832. Nearly 2,500 Choctaws of the Northeast District rendezvoused on October 3. Destined first for Memphis, the party would then make its way to the Choctaw Agency at Skullyville either overland or up the Arkansas River.⁶⁷ Pitchlynn declined to accompany this large party, however. Instead he preferred to make his own arrangements, the expenses for which the government would reimburse him.

There are several reasons why he chose to travel only with his family. First, because of lawsuits over a slave and a horse, speed was of importance, and a small group traveled faster. Second, Pitchlynn hoped to avoid the frustrations of delay experienced on his 1831 trip. Third, he feared the diseases intrinsic to a large party. In this respect he was wise, for cholera did decimate the group with which he would have traveled. Fourth, if judiciously managed at \$10 per capita, including slaves, the trip might prove profitable. And, finally, traveling alone freed him from the orders of some white man.

⁶⁷John T. Fulton, Little Rock, to General George Gibson, September 25, 1832, in 23rd Cong., 1st Sess., Senate Document 512, Vol. I, 688.

Though Pitchlynn avoided the principal evils of the emigration, any trip that involved the forcible leaving of one's home sorely tested the emigrants. Alexis de Tocqueville caught the pathos of such a test when he observed the Choctaws at Memphis crossing the Mississippi during the period that Peter crossed.

. . . in the whole scene there was an air of ruin and destruction, something which betrayed a final and irrevocable adieu; one couldn't watch, without feeling one's heart wrung. The Indians were tranquil, but sombre and taciturn. There was one who could speak English and of whom I asked why the Choctaws were leaving their country. "To be free," he answered.⁶⁸

If some of the tribe were tranquil and taciturn, others exhibited bitterness. In less refined language than the Frenchman, members of Pitchlynn's party expressed their resentfulness in a song composed as they marched west:

Jackson sent the Secretary of War
To tell Indians of the law,
Walk oh jaw bone walk I say
Walk oh jaw bone walk away.

On my way to the Arkansas
G--d d--m the white man's law,
Oh come and go along with me
Oh come and go along with me.

It snowed, it hailed, I do you tell
And I thought it would pelt us all to hell,
Oh the hard times we did see
Oh the hard times we did see.

⁶⁸Quoted in George Wilson Pierson, Tocqueville in America (New York, 1959), 380.

The salted pork and damned poor beef
 Enough to make the devil a thief,
 This is hard times I do say
 This is hard times I do say.

We have gone to the West
 You will say tis for the best,
 We shall never think it so
 We shall never think it so.⁶⁹

The song overstated the circumstance, for as the main body struggled through knee deep swamps, the Colonel arrived at Skullyville on November 1, 1832.⁷⁰ He moved his hands and family to New Hope and began the task of erecting new cabins and preparing new soil. By the time the main party arrived, he had so arranged his affairs that he could assume a measure of leadership. In early December he joined with others in asking for the removal of a whiskey-selling, white interloper,⁷¹ and in appealing for additional government assistance to alleviate starvation. The government directed the agent to issue surplus condemned pork. "They will, no doubt, willingly accept, under present circumstances, what they formerly rejected," wrote the Commissary General.⁷² Such conditions of course

⁶⁹Draft of a Song, Folder Un-348, Pitchlynn MSS, Gilcrease Museum.

⁷⁰Choctaw Muster Roll 5, Records of the Commissary General, Bureau of Indian Affairs, N.A.

⁷¹Pitchlynn, et al., to Lieut. G. L. Raines, n.d., N.A., O.I.A., Agency West, Letters Received, Microcopy 234, Roll 184.

⁷²General George Gibson, Washington, to Raines, May 6, 1833, Letters Received, Records of the Commissary General, Bureau of Indian Affairs, N.A.

stifled concern about public affairs, Pitchlynn's principal interest. But he could wait until men found their stomachs full and crops abundant.

Thus between 1825 and 1833 Peter Pitchlynn advanced from relative obscurity to prominence. Controversy had indeed marked his course, but it had also secured his position. His credentials as Chief were not sustained by the government, but the people of his district nevertheless looked to him for leadership. And from this base of support, Pitchlynn expected to take a leading role in rebuilding his Nation.

CHAPTER IV

REBUILDING THE REPUBLIC, 1832-1845

The removal of the Choctaw Nation from east to west of the Mississippi River disoriented its cultural advancement. The first few years in the new land necessitated personal and national readjustment, but the tribe ultimately charted a new course commensurate with its condition and environment. Many of the older institutions were useful, but others had to be replaced. Peter Pitchlynn played a leading role in this rebuilding of Choctaw society. Yet, as others who had emigrated, he looked initially to the condition of himself and family.

In November, 1832, the Pitchlynn family resided at New Hope, near the Choctaw Agency at Skullyville, but the site did not fulfill the promise of its name. In a five-week period ending in September, 1833, six hundred in the vicinity died from fever alone.¹ Also cotton failed to prosper, a situation that made slaves expensive and burdensome. Both conditions forced second thoughts,

¹F. W. Armstrong, Choctaw Agency, to Elbert Herring, September 20, 1833, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 170.

but before a decision was made to return to Mississippi, Pitchlynn determined to search out the rest of the new country.

In the fall, 1833, he traveled south over the Kiamichi Mountains to the Red River. He found a more hospitable climate, Presbyterian missionaries and some of his in-laws.² After a short visit, he returned to the Arkansas District, having decided to move his family to a location on Mountain Fork River near present Eagletown, Oklahoma. Such a move involved more than just a change in geographical region. It meant that Pitchlynn altered his residence from among clansmen of one district, Moshulatubbee, to those of an entirely different district, Apukshunnubbee. Still, he made the move to Mountain Fork in the Summer, 1834.³ Slaves constructed cabins but before any land was cleared, Pitchlynn romped off to the western prairies for a three-month buffalo hunt.⁴ The new residence was only one of two. In 1837 or 1838, Pitchlynn selected a more southern site near Wheelock Mission, in the vicinity of present Tom, Oklahoma. Throughout the 1830's and 1840's the family alternated between the two

²Notebook, n.d., Folder 79-39, Pitchlynn MSS, Gilcrease Museum.

³L. S. Williams, Eagletown, to D. Greene, August 8, 1834, Box 35, 514, Foreman Transcript, Gilcrease Museum.

⁴Notebook, n.d., Folder 79-39, Pitchlynn MSS, Gilcrease Museum.

locations, though more time was spent at the Wheelock home.

John Pitchlynn's life in Mississippi was just as unsettled as that of his son. Deciding first against and then in favor of selling his assets and emigrating west, John Pitchlynn ultimately moved to the Chickasaw country about ten miles from Columbus, Mississippi. From there he appealed to his son to return and live near him. But Peter hesitated and in late May, 1835, he learned that his father had died. John Pitchlynn's estate, composed largely of slaves, was valued at over \$35,000,⁵ and Peter's family encouraged him to direct the liquidation of it, but he refused. In the division of the estate, the Colonel, having already received a substantial inheritance in slaves, realized only \$1000.⁶

The death of John Pitchlynn removed the hesitation of his family about moving west. Peter's only Indian brother-in-law, Samuel Garland, who had earlier emigrated, then returned to Mississippi, made plans to return to the new country.⁷ Another brother-in-law, William R. Harris,

⁵Case of John Pitchlynn, Estate Docket 92, Chancery Court Records, Lowndes County; Samuel Garland, Chickasaw Nation, to Pitchlynn, May 20, 1835, Folder 35-4, Pitchlynn MSS, Gilcrease Museum.

⁶Samuel Garland, Chickasaw Nation, to Pitchlynn, March 6, 1836, Folder 36-2, Pitchlynn MSS, Gilcrease Museum.

⁷Ibid.

in June, 1836, asked Pitchlynn to select a farm for him as near Mountain Fork River as possible,⁸ and in the summer of 1837, his mother emigrated with his youngest sister.⁹ And finally, Calvin Howell, another brother-in-law and founder of Plymouth, Mississippi, who longed for the society of "unsophisticated sons of the forest," removed in 1837.¹⁰ For all Pitchlynn served as advance agent, selecting sites for his relatives near his own home at Eagletown.

The Colonel failed to record how he supported his family in the west. He came prepared to pursue agricultural activities and while cotton failed to flourish, undoubtedly he harvested a corn crop during the year spent on the Arkansas River. At one time he considered opening a store, a possibility that continued to intrigue him even as late as 1839.¹¹ Yet the mercantile business required constant attention, a dedication that Peter did not have. The government provided an occasional annuity and also

⁸W. R. Harris, Plymouth, Mississippi, to Pitchlynn, June 22, 1836, Folder 36-5, ibid.

⁹21st Sess., Laws, May 3, 1837, Mississippi State Legislature.

¹⁰Howell, Plymouth, to Pitchlynn, March 22, 1837, Folder 37-5, Pitchlynn MSS, Gilcrease Museum; Work Progress Administration, "Lowndes County," in Mississippi Department of Archives and History.

¹¹Reuben H. Grant, Columbus, Mississippi, to Pitchlynn, July 28, 1839, Folder 39-7, Pitchlynn MSS, Gilcrease Museum.

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¹¹Reuben H. Grant, Columbus, Mississippi, to Pitchlynn, July 28, 1839, Folder 39-7, Pitchlynn MSS, Gilcrease Museum.

subsistence for one year after removal, but neither measure wholly supported the Indian family. For example, in 1836 Pitchlynn purchased additional goods amounting to nearly \$1100.¹² Once he moved south of the Kiamichis, he relied upon cotton as a source of income, but this seldom brought sufficient returns because of his lack of attention. He frequently absented himself from home attending to public affairs.¹³

The removal of the Choctaws ended officially in the spring of 1834. Until then the tribe could accomplish little in regard to governmental formation. Finally, on June 3, 1834, representatives gathered to form some kind of government at a point "near Turnbull's Stand on Jack's Fork of Kiamichi where the Military road leading from Fort Smith to Horse Prairie crosses that stream." Designating the location Nanih Waiya, near present Tuskahoma, the Choctaws wrote Oklahoma's first constitution.¹⁴

Pitchlynn had long planned for the convention day. Using as models the constitutions of different American states, especially Mississippi, he and his fellow delegates drafted a document providing for a unicameral

¹²Statement of George F. Lawton, February, 1836, to January, 1837, Folder 37-1, ibid.

¹³Israel Folsom, Sixtowns, to Pitchlynn, September 17, 1839, Folder 38-12, ibid.

¹⁴Constitution, June 3, 1834, Folder 34-10, ibid.

council to meet on the first Monday in every October composed of ten representatives from each of the three districts. The document extended suffrage to every male over twenty-one years of age and also established a judiciary. Each district elected a chief, and the three sitting together served as an executive body vested with veto power.¹⁵ To say that Pitchlynn played the decisive role in the convention ignores the contributions of others, yet few Choctaws possessed as much ability or had planned so long for the occasion. He should receive credit for this milestone in the constitutional development of the American Indian.

Pitchlynn took an even more active part in public affairs after the formation of the constitution. For example, he acted as principal Choctaw Commissioner during the negotiations with the Chickasaws in January, 1837, at Doaksville. The Chickasaws ceded their Mississippi lands to the United States in 1832, after which time the federal government sought to provide for them a home among their relatives, the Choctaws. During the parley the Chickasaws offered to purchase a part of the Choctaw lands, a proposal refused under Pitchlynn's leadership. The smaller tribe then requested the privilege of forming a district within

¹⁵Ibid.; Report of the Commissioner of Indian Affairs, 1838, 509; Hargrett, The Constitution and Laws, 56.

the limits of the other's country to be called the Chickasaw District. After additional discussion, during which the Choctaws proved themselves consummate negotiators, the Chickasaws received a district west of the Choctaw settlements for which they agreed to pay \$350,000.¹⁶

With the Chickasaws now a part of their nation, the Choctaws met at Nanih Waiya in October, 1838, to write another constitution, a practice that soon became a habit. Of the council that gathered, Peter Pitchlynn served as "speaker." He also wrote the rough draft of the constitution ultimately adopted which differed little from that of 1834 and provided the Chickasaw District with a chief and council representation.¹⁷ But this constitution was remembered more for the praise it elicited than its legal qualities. The English trader, Thomas J. Farnham, visiting the Choctaws, obtained a copy of the instrument and was so moved by Pitchlynn's handiwork that he wrote:

At the time when the lights of religion and science had scarcely begun to dawn upon them, even while the dust of antiquated barbarism was still hanging on

¹⁶Correspondence between the Choctaw and Chickasaw Delegations, Doaksville, Choctaw Nation, January 11 through 18, 1837, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 172; Kappler, Indian Affairs: Laws and Treaties, Vol. II, 486-88.

¹⁷Manuscript of the Constitution, October 3, 1838, Folder 42-55, Pitchlynn MSS, Gilcrease Museum; The Report of the Commissioner of Indian Affairs, 1838, 510; Hargrett, The Constitution and Laws, 55.

their garments, they read on all the holy battlements, written with beams of living light, "all men are, and of right ought to be, free and equal." This teaching leads them . . . to rear in the Great Prairie wilderness a sanctuary of republican liberty. . . .¹⁸

On the basis of his constitutional contributions Pitchlynn in 1840 entered the race for the office of Chief for the Apukshunnubbee District. This represented a bold venture for two reasons. First, his family in the past had lived in another district and, second, he was a mixed-blood. Both obstacles proved insurmountable for, although the election was close, the Colonel was defeated.¹⁹ This embittered Pitchlynn for the moment, but he continued his public service and in 1841 received another appointment as Captain of the Light Horse.²⁰

Removal not only forced personal and governmental reorientation upon the Choctaws, but readjustment to different neighbors as well. The wild tribes, including Kiowas and Comanches, ranged over lands now assigned to the Choctaws. The buffalo hunt in which Pitchlynn participated in late 1834 was designed to ease relations with

¹⁸Thomas J. Farnham, Travels in the Great Western Prairies, in Reuben Gold Thwaites, Early Western Travel (Cleveland, 1906), 124.

¹⁹Loring S. W. Folsom, Mount Pleasant, to Pitchlynn, July 12, 1840, Folder 40-8, Pitchlynn MSS, Gilcrease Museum.

²⁰Pitchlynn Memorandum Book, Mountain Fork, 1841, Folder 41-61; Tishomingo Company under Peter Pitchlynn, 1842, Folder 42-50, ibid.

these wandering tribes. The hunt lasted some three months and made contact with the western bands, but relations failed to improve until the conclusion of the Treaty of Camp Holmes in August, 1835.²¹

Removal also altered affiliations with the civilized tribes. As the tribes often consulted after 1835 because of their close proximity, disputes seldom occurred. Frequent intertribal ball plays suggested the closer relations,²² and at one such event in 1834 Pitchlynn met George Catlin who was on a tour through the Indian country. The artist, impressed with the game and Pitchlynn, painted both. The Colonel always expressed great pride when remembering this encounter, even mentioning it to Charles Dickens some years later.²³

But the cordiality noticed by Catlin on the occasion of the ball play did not always characterize intertribal relations. In 1837 the Choctaw Agent, William Armstrong, recruited warriors to fight the Seminoles in Florida. Pitchlynn opposed Choctaw involvement, but the

²¹F. W. Armstrong, Washington, to Secretary of War, Lewis Cass, May 17, 1834, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 170.

²²George W. Clarke, Choctaw Agency, to Pitchlynn, April 29, 1836, Folder 36-3, Pitchlynn MSS, Gilcrease Museum.

²³Catlin, Letters and Notes, Vol. II, 140-46; Annual Report of the Smithsonian Institution, 1885, 212.

offer of \$270 for each enlistment brought 500 volunteers. When the War Department reduced the pay to only \$72.72, interest waned, and Armstrong mustered the Choctaws out of the service.²⁴ The Seminole interlude represented an exception to the general rule of harmony among the civilized tribes.

Though the Treaty of 1830 called for Indian isolation from the white man, disputes with Texans occurred frequently. Efforts of Mexican agents in 1836 to recruit Choctaw troops to oppose the Texas revolutionaries greatly amplified the ill-will generated earlier by isolated hunting incidents.²⁵ Strained relations continued throughout the life of the Texas Republic, especially as to the use of the Red River. But the controversy was really more speech than fire, and when the Mexican War began in 1846, Pitchlynn, in Mississippi at the time, declared his determination to raise 5,000 warriors and march across Texas to Mexico.²⁶ Texas statehood eased tensions.

²⁴Armstrong, Choctaw Agency, to J. W. Poinsett, Secretary of War, August 25, 1837; Armstrong to C. A. Harris, Commissioners of Indian Affairs, November 10, 1837, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 170; Notebook, n.d., Folder 79-39, Pitchlynn MSS, Gilcrease Museum.

²⁵Armstrong, Fort Towson, to T. Hartley Crawford, Commissioner of Indian Affairs, February 4, 1839, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 171; Ebenezer Hotchkins, Goodwater, to David Greene, July 23, 1838, Box 35, 556, Foreman Typescripts, Gilcrease Museum.

²⁶Clarksville, Texas Northern Standard, November 5, 1842; Van Buren Arkansas Intelligencer, May 30, 1846, 3.

The Colonel's pronouncements in relation to Texas reflected phases of a new career that began in 1840 and found him frequently on missions outside the Nation. His first task on behalf of the tribe grew out of his historic interest in education and the Choctaw Academy. The educational system of the tribe, despite the efforts of missionaries and government teachers, failed to regain its former posture after removal. Dissatisfaction with the general school program, and especially with the Academy, existed in all quarters. Thomas Leflore, a prominent tribal leader, complained that his son received terrible treatment at the Kentucky school and learned the vices of gambling and drinking.²⁷ Josiah Gregg, who visited among the Choctaws in the early 1840's, recorded also that students forgot their customs, their relatives and their national attachments, and frequently acquired indolent, effeminate and vicious habits.²⁸ Furthermore, estranged from the rest of the tribe, returning students occasionally committed suicide.²⁹

Colonel Richard M. Johnson, serving as Vice-President of the United States, perceived the growing

²⁷Thomas Leflore to William Armstrong, January 14, 1840, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 779.

²⁸Josiah Gregg, Commerce on the Prairies, edited by Max L. Moorehead (Norman, 1954), 402.

²⁹Report of the Commissioners of Indian Affairs, 1842, 507.

opposition. In January, 1840, he urged the government to support the school for at least two more years and encouraged his superintendent, Thomas Henderson, to invite Peter Pitchlynn to assist in the operation of the academy. Johnson believed that if he could induce the Colonel to support the institution its chances for survival would improve accordingly.³⁰ Coincidentally, the Choctaws in October, 1840, appointed Peter to visit the school, investigate the situation, and report back to the Council. He undertook the assignment in December, 1840.

From the beginning, Pitchlynn showed little objectivity. Two reasons prompted his actions: he wanted to build a similar school at home, and he wanted to be the superintendent.³¹ But Johnson failed to comprehend Peter's ambitions. To gain the tribe's support he offered the Choctaw the superintendency of the Kentucky school and encouraged him to go on to Washington to discuss the future of the Academy.³² Pitchlynn accepted the invitation

³⁰R. M. Johnson, Washington, to Joel Poinsett, Secretary of War, January 12, 1840, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 779; Johnson to Henderson, June 1, 1840, Box 35, 579, Foreman Typescripts, Gilcrease Museum.

³¹Peter, Choctaw Agency, to Rhoda Pitchlynn, December 11, 1840, Folder 40-15; Letter Fragment, n.d., Folder Un-155, Pitchlynn MSS, Gilcrease Museum.

³²Johnson, Washington, to Thomas Henderson, February 21, 1841, Box 35, 482, Foreman Transcript, Gilcrease Museum.

and arrived in the National Capital in late February, 1841. With regard to the Academy he discreetly reported to the Commissioner of Indian Affairs that he found conditions much better than he had anticipated. Yet, in the same report, he did not deny that the Choctaw Nation desired the creation of its own school within its own borders.³³

Johnson misunderstood Pitchlynn's friendly attitude. He tendered him the appointment as superintendent of the Choctaw Academy plus a personal guarantee of a \$1500 annual salary.³⁴ On March 15, 1841, Peter accepted, but he also remained true to his convictions, taking the position with the understanding that his action would not prolong the existence of the school beyond the two years agreed upon.³⁵

The Colonel returned to the Choctaw Academy in March, 1841, reorganized it, and then hastened to the Nation, supposedly to pick up his family. However, his sojourn with the tribe lasted until late July. In the interim he consulted with tribal leaders and made further

³³Pitchlynn to Crawford, March 2, 1841, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 780.

³⁴Agreement between Johnson and Pitchlynn, March 10, 1841, ibid.; Crawford to Pitchlynn, March 13, 1841, N.A., O.I.A., Letters Sent, Microcopy 21, Roll 30.

³⁵Pitchlynn to Crawford, March 15, 1841, N.A., O.I.A., School, Letters Received, Microcopy 234, Roll 780.

arrangements concerning the new school for the Nation. Agent Armstrong questioned Pitchlynn's credentials to head such an institution and, to further his own candidacy, Peter circulated a petition urging his appointment as superintendent.³⁶ Thus for private and public reasons he more than ever opposed the continuance of the Academy.

An incident in mid-September provided the pretext the Colonel desired to end the tribal attachment to the school. After one of Johnson's Negro servants and a Choctaw student came to blows over a cockfight, Pitchlynn flew into a violent rage, profanely advised the boys to avoid Negro associations and threatened to break up the school if it happened again.³⁷ Hoping to salvage the school by limiting the number of withdrawals, Johnson, who had returned to Kentucky, agreed on September 25 that the Choctaws and Chickasaws would leave the last of October.³⁸ Concurrently, the Choctaw Chiefs advised the Secretary of War that they wished to terminate their association with the Academy on April 1, 1842, and that they wanted Pitchlynn to consummate that objective in

³⁶Letter Draft, n.d., Folder Un-155, Pitchlynn MSS, Gilcrease Museum.

³⁷David Vanderslice, Choctaw Academy, to Sir, October 31, 1841, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 780.

³⁸Agreement between Johnson and Pitchlynn, September 25, 1841, ibid.

Washington.³⁹ Sustained now by the tribe, Peter moved quickly to insure the removal of the Choctaw students. He resurrected his old charges of insufficient food and clothing, filthy beds, an unqualified physician and dilapidated condition of the school.⁴⁰ Johnson responded as of old that Peter was unqualified, calloused, and self-willed. Finally, however, he agreed to give the Colonel \$750 for the boys' expenses home if he would withdraw no more than thirty. Though Pitchlynn apparently gave his word to this, on November 25 he arrived in Louisville with forty-one students.⁴¹ Johnson sent an agent after the extra eleven, but his efforts availed nothing, as Pitchlynn, like Moses, was determined to deliver the boys from bondage.⁴² He placed the youngsters on a steamboat that descended the Ohio while he boarded another that ascended the River. His destination was Washington.

As twelve years before, controversy followed in Pitchlynn's wake. Johnson secured affidavits that Pitchlynn provided whiskey for the boys and was frequently

³⁹Choctaw Chiefs, Choctaw Nation, to John Bell, October 8, 1841; Chiefs of the Choctaw Nation to Pitchlynn, October 8, 1841, ibid.

⁴⁰Pitchlynn to William S. Crawford, October 21, 1841, ibid.

⁴¹Johnson to Secretary of War John Spencer, November 25, 1841, ibid.

⁴²O. P. Road to R. M. Johnson, November 28, 1841, ibid.

drunk himself.⁴³ On the other hand, Peter condemned the Academy as "the nursery of violence and degradation."⁴⁴ But that was not all. In the spring of 1842 he stopped by Kentucky on his way home and withdrew the remaining Choctaw students, leaving only thirty-nine students from other tribes at the Academy, whereas in early 1841 there had been one hundred and twenty-two.

Peter Pitchlynn ruined the Choctaw Academy despite its record as the chief educational institution of the Choctaws for fifteen years. He opposed it after 1828, and when he accepted in 1841 the superintendency it was to end the school rather than advance it. Certainly his hostility was not unique; yet he capitalized on tribal opposition to Johnson's school to secure the erection of a new academy among the Choctaws. And he expected to be superintendent of that institution.

At the height of the school controversy the Chiefs directed Pitchlynn to go to Washington to attend to tribal business. Arriving there in December, 1841, he presented to the government the desire of the tribe for its own national academy, requesting that the funds recently channeled to Kentucky be applied in the Nation. He asked also

⁴³John W. Forbis, White Sulfur Springs, to R. M. Johnson, December 21, 1841, ibid.

⁴⁴Pitchlynn, Washington, to Crawford, January 13, 1842, ibid.

for an appropriation from the Civilization Fund for the education of Choctaw young ladies at Wheelock. "The surest way to civilize and improve the condition of our people is to educate our females," he wrote.⁴⁵ To both requests the government responded tentatively but encouragingly.

Other matters of interest related to claims against the government, both individual and national, for nonfulfillment of treaty obligations. Pitchlynn inquired when those Choctaws who lost cattle in the emigration would be compensated. He demanded that some accommodation be made for those Indians who desired to stay in Mississippi and were prevented from doing so. The Colonel also requested that orphans provided for in the Treaty of 1830 receive the benefits stipulated, and he urged that the Choctaws be allotted the looms and the spinning wheels promised by the removal treaty.⁴⁶

Other items of a more general nature also interested Pitchlynn. He wanted the government to issue a patent to the Choctaws for their land. He urged Congress to seat an

⁴⁵ibid. Pitchlynn to John C. Spencer, January 6, 1842,

⁴⁶Memorandum Book, Mountain Fork, 1841, Folder 41-61; Pitchlynn, Washington, to Senator James T. Moorehead, January 3, 1842, Folder 42-2, Pitchlynn MSS, Gilcrease Museum; Crawford to Pitchlynn, Three Letters dated March 14, 1842, N.A., O.I.A., Letters Sent, Microcopy 21, Roll 32; Pitchlynn to Spencer, February 14, 1842, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 171.

Indian delegate, contested the congressional award to Joseph Bogy, a trader whose property in the Osage country was raided by Pushmataha's band in 1807, and requested the government to distribute the annuity in summer rather than fall. Finally, he vigorously protested the action of the Texans who, he charged, indiscriminately murdered Choctaw Indians.⁴⁷

All things considered the Colonel's mission to Washington in 1842 succeeded moderately. He laid the groundwork for the future educational system of the Choctaws, secured a patent for the western lands, and received governmental promises to pay the annuity earlier and to supply the looms still due. And significantly, questions of claims were set aside for future consideration.

On the trip home Pitchlynn had the pleasant experience of meeting the English novelist Charles Dickens on the steamboat between Cincinnati and Louisville. Learning of Dickens' presence, the Choctaw sent him one of his cards, something that the Englishman found unique, as he did also Pitchlynn's facility with the English language and his common, everyday clothes. Further, Peter impressed Dickens as a person. "He was a remarkably handsome man,"

⁴⁷Crawford, Washington, to William Armstrong, March 28, 1842, Folder 42-23; Pitchlynn, Washington, to Congress [1842], Folder Un-282; Memorandum of Pitchlynn to Congress, n.d., Folder Un-177; Pitchlynn, Washington, to the Hon. John C. Spencer, March 25, 1842, Folder 42-22, Pitchlynn MSS, Gilcrease Museum.

the novelist wrote, "with long black hair, an aquiline nose, broad cheek bones, a sunburnt complexion, and a very bright, keen, dark, and piercing eye." To him Pitchlynn was "as stately and complete a gentleman of Nature's making as ever I beheld, moving among the people in the boat as another kind of being." Dickens saw the American Indian as a romantic being, and he so described Pitchlynn.⁴⁸

Back in the Nation by the summer of 1842, Pitchlynn offered himself as a candidate for the Council from his district. Defeated for Chief two years earlier, he conducted a vigorous campaign that included at least two speeches on temperance and one on patriotism. Successful in the bid, he took his seat in the Council that convened at Nanih Waiya in October, 1842. The Colonel served as the Speaker of the unicameral legislature that met according to the constitution of 1838. He soon dissolved this gathering into a convention which, under his watchful eye, wrote and adopted another constitution on November 10, 1842. Pitchlynn had been impressed by the Congress at Washington, and thus this new document provided for a bi-cameral council. It called for a Senate composed of four members from each district elected for two-year terms and a House of Representatives elected annually and

⁴⁸Charles Dickens, American Notes (Greenwich, 1961), 191-93.

apportioned among the districts according to population. Thus for the third time in eight years, the experimenting Choctaws had written another constitution, and, as at preceding conventions, Peter Pitchlynn played a prominent role.⁴⁹

The Council of 1842 also passed an Educational Act which provided for two male academies and four female seminaries. The school most favored in appropriations was Spencer Academy, the national school of which Pitchlynn had so long dreamed. For the maintenance of all the schools the Council appropriated nearly \$20,000 out of annuities normally distributed per capita. It placed one school under the direction of the Methodist Missionary Society and assigned the four female seminaries to the American Board of Commissioners for Foreign Missions. It elected, however, to retain direct control of Spencer Academy.⁵⁰ Together with the adoption of other educational measures, the School Act suggested an enlightened and concerned tribal leadership that deserved much praise. But most of the credit belonged to Peter Pitchlynn, and the legislation of 1842 comprised his single most significant contribution to the Choctaw Nation.

⁴⁹Hargrett, The Constitution and Laws, 57; Debo, The Rise and Fall, 74-75.

⁵⁰Joseph P. Folsom, The Laws of the Choctaw Nation, 1869 (New York, 1869), 78-81.

To administer the educational system the Council established a Board of Trustees and appointed the Colonel its President. Though he was responsible for all the schools, he made Spencer Academy his special project. He had always envisioned himself as superintendent, but denied that post, Pitchlynn determined to make as much of his official power as he could. With the advice of the Agent, the trustees appointed Edmund McKinney as superintendent and arranged to open the Academy in January, 1844. Peter's oldest son and several of his nephews were in the first class. Yet for all of its promise, tribal control of Spencer proved very disappointing. The superintendent and the trustees frequently antagonized one another. Pitchlynn appointed a nephew, Jacob Folsom, as farmer for the academy, the salary for whom McKinney considered extravagant. On the other hand, Folsom thought the superintendent rather "green" and objected to the purchase of a large mirror for the school. "Our sons will turn out to be real fops," he wrote. "It puts me in mind of the Roman Catholic chapels."⁵¹ Pitchlynn on one occasion interfered in the letting of a contract for the construction of a dormitory and on another considered

⁵¹McKinney, Spencer, to Walter Lowrey, July 18, 1845, Box 9, Vol. II, American Indian Correspondence MSS, Presbyterian Historical Society; Folsom, Spencer, to Pitchlynn, December 17, 1843, Folder 45-47, Pitchlynn MSS, Gilcrease Museum.

withdrawing his son in protest to the administration.⁵² His authority so challenged, McKinney resigned in October, 1845, whereupon the Council placed Spencer under the direction of the Presbyterian Board of Foreign Missions, Philadelphia, Pennsylvania. In so doing Pitchlynn admitted that the Nation was unprepared to direct a school of one hundred students.

The Colonel's interest in Spencer continued throughout the 1840's. He looked upon the school as the best hope of the tribe, despite the fact that in 1847 he sought to reprimand the school's administration for disciplining his son.⁵³ In 1849 he alone among men of stature opposed the division of the student body into smaller groups.⁵⁴ But by 1854 Pitchlynn had largely lost interest in the Academy, as his children and those of his mixed-blood friends refused to accept the discipline and left the school. Full-blood Choctaws soon filled the vacant places, and the Colonel's visits ceased. To the missionaries it appeared that Peter retained his interest only so long as the school benefited his family.⁵⁵

⁵²Ibid.; McKinney, Spencer, to Pitchlynn [1844], Folder 44-55, Pitchlynn MSS, Gilcrease Museum.

⁵³James R. Ramsey, Spencer, to Lowrey, October 13, 1847, Box 9, Vol. II, American Indian Correspondence MSS, Presbyterian Historical Society.

⁵⁴Alexander Reid, Spencer, to Lowrey, August 7, 1849, ibid.

⁵⁵Reid, Spencer, to Lowrey, January 6, 1854, ibid.

Yet by 1850 other educational matters drew the Colonel's attention. The Treaty of 1830 provided an annuity for the education of forty Choctaw young men for twenty years. Once channeled to the Choctaw Academy, when the tribe deserted that institution the funds were available for expenditure elsewhere. The Council in 1842 suggested that the forty youngsters be sent to four different schools including Ohio and Asbury Universities. The tribe took no immediate action, and in May, 1844, Pitchlynn and his colleagues wisely decided to wait until their scholars received additional training. Four years later they thought their students adequately trained and the trustees selected seven Spencer boys, including Pitchlynn's son and two nephews, to attend eastern schools. Pitchlynn preferred second-rate schools since, he claimed, Princeton, Yale, or Harvard, were all "dissipated and full of wild fellows." Ultimately in March, 1848, the Choctaw students enrolled in Delaware College in Newark, New Jersey, a school with a student body of less than seventy-five.⁵⁶

The Choctaws continued to send students to schools in the United States throughout the 1850's. Pitchlynn

⁵⁶Pitchlynn, Doaksville, to Armstrong, December 12, 1842; James P. Wilson, Delaware College, to William Medill, Received November 10, 1848, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 784; Trustees to Armstrong, May 15, 1844, Folder 44-12; Minutes of the Meeting of the Trustees, January 13, 1848, Folder 48-1, Pitchlynn MSS, Gilcrease; Pitchlynn, Washington, to Thompson McKenney, December 13, 1848, H-44, J. L. Hargett MSS, Western History Collection, University of Oklahoma Library.

administered the funds appropriated for these students and provided them with counsel. His concern was genuine, though frequently belated. The students tended to live beyond their means and besieged him with requests for more money. More often than not, their requests went unheeded; yet, Pitchlynn always managed to retain the respect and gratitude of the students and their parents. The selection of a student relieved the parents of a great financial burden and placed them in Pitchlynn's debt, an obligation they repaid by support of his political ambitions. The educational program interested the Colonel for its intrinsic value, and the tribe recognized him as the system's architect.

Between 1845 and 1847 Pitchlynn devoted himself to affairs designed to increase his personal fortune, but in late 1847 he traveled to Washington on his third official mission. In addition to the placement of Choctaw students in eastern schools and personal speculation, two things occupied his time: a \$5000 claim against the Chickasaws and proposed legislation in Congress for an Indian Territory. The claim against the brother tribe stemmed from the Treaty of 1837, terms of which obligated the Chickasaws to pay the Choctaws \$530,000. The smaller tribe paid thirty thousand dollars in cash immediately and transferred to the Choctaws \$500,000 in bonds held in trust by the government. But the Choctaws maintained that the treaty

envisioned a completely cash payment, with which they might have purchased \$750,000 in bonds. They reasoned they had been cheated out of \$250,000 in invested fund. Even more significant, the Chickasaws had only paid \$495,000 for the bonds used to extinguish the one-half million dollar debt.⁵⁷ The complaint about receiving bonds instead of cash proved to be so much smoke, but Pitchlynn and his colleagues brought the \$5000 discrepancy to the attention of the United States Senate. After some vigorous lobbying by Pitchlynn the Senate resolved on January 26, 1849, that the Choctaws ought to receive from the Chickasaws \$5000 additional funds and referred the matter for a final decision to President Polk.⁵⁸ On February 20, 1849, Polk ruled that the Choctaws should receive the \$5000, but no interest.⁵⁹ For Pitchlynn the decision represented a small return on a great deal of work.

Congressional proposals for Indian Territory also drew the Colonel's attention. From the time of removal the federal government envisioned some type of Indian

⁵⁷Pitchlynn, Washington, to William Medill, January 31, 1849, Folder 49-13, Pitchlynn MSS, Gilcrease Museum.

⁵⁸Resolution of the United States Senate, January 26, 1849, Folder 49-1, ibid.

⁵⁹Office of Indian Affairs, Washington, to Pitchlynn, February 23, 1849, Folder 49-5, ibid.

state. Pledges in the removal treaties momentarily restrained legislation, but interest increased in the late 1840's. To oppose such action Pitchlynn filed a protest with Congress on February 3, 1849. The document pointed to the impossibility of an Indian state because of different tribal laws and customs, and it maintained that the tribes were doing well on their "fruitful farms and flourishing villages." To be sure, the territorial scheme was beautiful in theory, but it was the beauty of a summer cloud with borders tipped in golden sunlight. In the cloud, forked lightning and thunder bolts scattered death around.⁶⁰

The House of Representatives did not favorably consider the legislation to which Pitchlynn addressed himself. His memorial registered well the objections of the Choctaws, but it is doubtful that his protest was decisive, though two historians grant him such credit.⁶¹ Yet, in view of Pitchlynn's practice of having important state papers prepared for him, he probably did not even write the document. The inspiration may have been his, and even some of the imagery, but doubtless the document was drafted by others.

⁶⁰30th Cong., 1st Sess., House of Rep. Mis. Doc. 35, 1-4.

⁶¹Debo, Rise and Fall, 67; Grant Foreman, Advancing the Frontier (Norman, 1933), 191-94.

In August, 1849, Peter completed his personal and private business and returned to the Nation to look after his farms. He took time to serve in the Council that met in 1849 and in the constitutional convention of 1850. The latter convention met at Nanih Waiya, and once more under his leadership adopted a constitution that differed little with earlier documents save for its judicial provisions.⁶² It established a Supreme Court, four Circuit Courts, and County Courts, the judges of which were selected by the General Council. After dividing the Nation into different counties,⁶³ the convention ratified its own creation. Such a method nearly caused civil war in the late 1850's, but for the moment no one opposed Pitchlynn's fourth constitution.

With the Council in 1850, the Colonel's taste for public life seemed satiated. His interest turned almost entirely to farming, though he occasionally visited the different schools. During this period of retirement he looked back upon an active public life in the West. He had made significant contributions in developing the

⁶²Choctaw Intelligencer, October 30, 1850, a. col. 2.

⁶³Constitutions and Laws of the Choctaw Nation [Doaksville, 1852], in Folder 52-15, Pitchlynn MSS, Gilcrease Museum; Muriel Wright and Peter Hudson, "Brief Outline of the Choctaw and Chickasaw Nations in Indian Territory, 1820-1860," The Chronicles of Oklahoma, Vol. II (December, 1929), 403; Hargrett, The Constitution and Laws, 58.

constitutional framework of the tribal government, in erecting of a public school system and serving on important diplomatic missions. Yet, through it all, he had not been unmindful of his own interests.

CHAPTER V

THE JACKSON MAN AND FAMILY MAN

The American Indian has never been considered a "Jackson man." Using a rather broad definition of the term, this is an oversight. Richard Hofstadter described the Jackson man as "an expectant capitalist, a hardworking, ambitious person for whom enterprise was a kind of religion." He "everywhere found conditions that encouraged him to extend himself."¹ Further, Thomas P. Abernethy has suggested that if the Jackson Age leader could contrive to make his public position contribute to his private fortune, he was not condemned for his action.² In view of these criteria, Peter Pitchlynn was a Jackson man. Circumstances of the era excited in him prospects of profit, and, like his contemporaries, he did not eschew his official position to increase his own fortune. But

¹Richard Hofstadter, The American Political Tradition (New York, 1948), 57. For a related discussion of the mountain man see William R. Goetzmann, "The Mountain Man a Jacksonian Man," The American Quarterly, Vol. XV (Fall, 1963), 402-15.

²Thomas P. Abernethy, From Frontier to Plantation in Tennessee (Chapel Hill, 1932), 227.

his pursuit of riches materially affected his personal and family life. Whatever he gained as a Jackson man, he lost as a family man.

Peter Pitchlynn's most speculative endeavors grew out of the removal treaty in 1830. That concordat provided for three varieties of Indian land allotments. First, under the nineteenth article, heads of families received grants of land commensurate with what they generally cultivated. The government expected that individuals holding these reservations would sell immediately to finance removal. Second, influential Indians, white men, and mixed-bloods were granted "special reservations" which they might either sell or keep. In accordance with this provision Pitchlynn received two such sections. Finally, the fourteenth article awarded 640 acres to any head of family who wanted to remain in Mississippi and granted title after five years' residence.³ Both the beneficiaries of the treaty and white purchasers experienced difficulty in securing an unclouded title. For example, Pitchlynn sold his two sections to Booth Malone in 1832 for \$6000 and the cancellation of a \$12,000 note. By February, 1839, Malone had not yet received the patent, even though he had sold the property to another party. Finally, the government issued the patent to the Colonel

³Kappler, Indian Affairs: Laws and Treaties, Vol. II, 310-18.

who in turn delivered it to Malone, but not until the latter paid Pitchlynn an additional \$3005.⁴ Thus by withholding the patent, the Colonel increased the original price, a process repeated many times in Mississippi.

There were other possibilities for profit. The Agent prevented vast numbers of Choctaws from selecting lands and remaining in Mississippi as provided by the fourteenth article. White "guardians" of the Indians learned of the denial, independently located lands for the dispossessed, and then worked to get the government's approval of such action.⁵ For their efforts they asked only one-half of everything the Indian secured. This type of activity represented the most common speculative endeavor after Choctaw removal.

Peter manifested little interest in speculation until 1841. On his mission to Washington in that year as Superintendent of the Choctaw Academy he met some of the so-called guardians of the fourteenth article claimants. These gentlemen recognized immediately the contribution Peter could make to their operation and worked to

⁴Deed Records, Book 1-4, 108; Book 12, 1; Book 22, 340, Records of the Chancery Court, Lowndes County; T. Hartley Crawford, Washington, to Senator T. H. Williams, February 9, 1839, N.A., O.I.A., Letters Sent, Microcopy 21, Roll 26.

⁵Young, Redskins, Ruffleshirts, and Rednecks, 47-72. Miss Young seeks to explain the land speculation that followed the Treaty of 1830. Unfortunately, it takes a specialist, of which there are few, to understand her.

interest him in the possibilities of speculation. The schemes of Reuben Grant impressed the Choctaw the most. Grant had traded among the Indians prior to 1830, but now was interested in aspects of the Chickasaws' removal. This tribe had suffered a fate similar to the Choctaws and after ceding their lands in 1832 found themselves swindled out of reservations granted by the government. Grant wanted to bring this injustice to the attention of the federal authorities and to demand some financial adjustment, which if properly handled might pay the Chickasaws six to ten million dollars. In that case, Grant believed that the tribe would not object to paying two attorneys \$125,000 each. Peter's job was to see that he and his partner received a contract from the Chickasaws to press the claims.⁶

In the spring of 1841 after a quick stop at the Choctaw Academy, Pitchlynn made overtures to the Chickasaws and generated some interest. But having been initiated into the speculative fraternity, Pitchlynn decided to go into business for himself. He and a friend, Thomas Wall, purchased the two sections of Mississippi land allotted by the 1830 treaty to the old Chief, Moshulatubbee. Both knew that the Chief had sold the sections in 1834 for

⁶Grant, Macon, to Pitchlynn, April 28, 1841, Folder 41-10; April 29, 1841, Folder 41-11, Pitchlynn MSS, Gilcrease Museum.

more than \$4200, but that only enhanced the speculative possibilities.⁷ In September, the Colonel protested to the Office of Indian Affairs against the issuance of a patent to the original purchasers, demanding instead that the patent be issued to him. Such action by the government would cloud the title and open the possibility of a settlement.⁸ Pitchlynn succeeded in delaying the issuance of the patent, but his protest ultimately failed. His father and wife had both witnessed the original transaction.⁹

The Colonel's visit to Washington in early 1842 proved unsatisfactory for speculative purposes, but his third mission in 1845 was more fruitful. His plans with the Chickasaws failed to materialize, and thus he devoted his attention to the so-called Orphan Claim. The Treaty of 1830 granted to each Choctaw orphan a quarter-section of Mississippi land and directed the President to locate, sell, and apply the proceeds to the benefit of the orphan. One hundred and thirty-four quarter-sections in 1837 were sold for \$131,762.81 on a credit of two, four and six years. When the notes fell due, however, with few

⁷Contract between Pitchlynn and Wall, June 29, 1841, Folder 41-4, ibid.

⁸D. Kurtz, Office of Indian Affairs, to Pitchlynn, September 30, 1841, Folder 41-40, ibid.

⁹L. N. Hatch, Columbus, Mississippi, to Pitchlynn, December 28, 1841, Folder 41-58, ibid.

exceptions the purchasers failed to meet their obligations. In March, 1842, of the total purchase price only \$25,000 had been paid.¹⁰ Furthermore, the government refused to release the money to the orphans until all was collected.¹¹ In March, 1843, the President initiated proceedings in the United States District Court to collect the balance due, but, to the surprise of all, the court ruled that the Executive had no authority to sell the land as that right was retained by the individual orphan.¹² The government appealed the decision to the United States Supreme Court, but in the meantime the legal action clouded all titles to the land in question.

Pitchlynn and his friends moved to take advantage of the controversy. In February, 1845, he concluded in Mississippi a questionable agreement with Reuben Grant and John N. Nail. Previously Nail had located the orphans or their representatives, purchasing at a pittance whatever claim they had to reservations in Mississippi. Nail paid only part of the agreed upon price and

¹⁰T. Hartley Crawford, Washington, to Pitchlynn, March 22, 1842, N.A., O.I.A., Choctaw Reserves, Letters Received, Microcopy 234, Roll 191.

¹¹Ibid.; Pitchlynn, Washington, to Crawford, February 14, 1842, N.A., O.I.A., Choctaw Reserves, Letters Received, Microcopy 234, Roll 191.

¹²John A. Rogers, Fort Smith, to William Armstrong, June 5, 1844, N.A., O.I.A., Choctaw Reserves, Letters Received, Microcopy 234, Roll 194.

promised to pay the rest when the government approved his purchase. In Nail's contract with Pitchlynn and Grant, the latter two agreed to go to Washington and there demand presidential confirmation of Nail's acquisitions.¹³ As the opportunity for profit was considerable and the title to thousands of acres in the balance, the Colonel hastened to Washington in early 1845.

Influential Choctaws criticized the whole orphan scheme. Despite the ruling of the lower court, they believed that the sale was final. How, they asked, could Nail and Pitchlynn purchase and sell land that the government had already sold?¹⁴ In Washington the Colonel attempted to quiet this criticism by urging the Office of Indian Affairs to distribute among the orphans that money already collected from the presidential sales.¹⁵ But pending the decision of the court, the government rightly refused to release money that might have to be returned.

With the request an even more lucrative scheme than Nail's occurred to Pitchlynn. If he secured the payment of funds already in the Treasury, the Council

¹³Agreement between Nail, Pitchlynn, and Grant, Noxubee County, Mississippi, February, 1845, Folder 45-9, Pitchlynn MSS, Gilcrease Museum.

¹⁴Israel Folsom, New Hope, to Pitchlynn, March 4, 1845, Folder 45-11, ibid.

¹⁵Pitchlynn, Washington, to Crawford, April 3, 1845, N.A., O.I.A., Choctaw Reserves, Letters Received, Microcopy 234, Roll 194.

ought to reward him with a commission. After sounding out R. M. Jones, a prominent Choctaw planter and trader, Peter hurried home to organize a draft that would officially authorize such action.¹⁶ His plan succeeded, and on October 8, 1845, the Council ordered Pitchlynn back to Washington and agreed to pay him 10 per cent of all orphan monies paid into the Choctaw treasury.¹⁷

A visit with President Polk in December finally convinced Pitchlynn that he could not demand payment and assist Nail at the same time.¹⁸ The latter's scheme prevented the initial purchasers of the land from continuing payment and the government from releasing those funds already in the treasury. Thus in 1845 the Colonel dropped Nail and supported the view that the Presidential sales were final.¹⁹ But other matters prevented progress until 1848.

In that year Pitchlynn and George W. Harkins, another Choctaw, returned to Washington with special

¹⁶Jones, Choctaw Nation, to Pitchlynn, August 16, 1845, Folder 45-23; August 29, 1845, Folder 45-25, Pitchlynn MSS, Gilcrease Museum.

¹⁷Resolution of the National Council, October 8, 1845, Folder 45-3, ibid.

¹⁸Pitchlynn, Washington, to William Medill, December 16, 1845, N.A., O.I.A., Choctaw Reserves, Letters Received, Microcopy 234, Roll 194.

¹⁹Richard Evans, Columbus, Mississippi, to Pitchlynn, April 22, 1846, Folder 46-11, Pitchlynn MSS, Gilcrease Museum.

instructions to secure the release of orphan funds held by the United States. They hired attorney Joseph Bryan to protect the tribal interest in the case pending before the Supreme Court, which in its January, 1849, term reversed the lower court's decision and held that the Presidential sales were final. So supported the government proceeded in June to collect from buyers the unpaid amounts or foreclose. Purchasers of nearly one-half of the 134 quarter-sections paid up, while the government foreclosed and remarketed the remainder.²⁰

This action increased the amount in the treasury credited to the Choctaw orphans. Pitchlynn now acted to get the funds transferred to the tribe so he could collect his 10 per cent. After extended petitioning, the United States released the money in the spring of 1850 and Pitchlynn and Harkins collected \$9123 for their service.²¹ The return was small considering the ten years of hard work and prolonged absences from home.

Pitchlynn had speculative interests other than the orphan claim. One grew out of those Choctaws who had been

²⁰Pitchlynn, Washington, to Thomas McKenney, December 13, 1848, H-44, J. L. Hargett Collection, Western History Collection, University of Oklahoma Library; G. W. Many-penny, Commissioner of Indian Affairs, to Secretary of Interior, R. McClelland, July 21, 1854, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 173.

²¹John Drennen, Choctaw Agency, to Orlando Brown, Commissioner of Indian Affairs, May 16, 1850, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 171.

prevented from taking advantage of the fourteenth article of the Treaty of 1830. Congress had established two commissions in 1837 and 1842 to investigate the circumstances. Indian claimants appeared before the second commission, and if their eligibility for fourteenth article benefits was established and the government had not disposed of land they claimed, it was awarded to them. But where the land had been sold or there was not enough available to satisfy individual claims, the commission awarded land scrip at the rate of \$1.25 per acre. The land offices in Mississippi, Alabama, Louisiana, or Arkansas all negotiated the issued paper. The scrip was paid, however, only if the claimant moved to the West, and even then he received just one-half of the amount due, the other delivered after emigration.²² With a number of claims adjudicated in September, 1844, the government contracted to remove those Choctaws eligible for scrip.

Able lobbying on the part of the Indian guardians was required to gain recognition of the claims. The chore completed, they arranged to harvest the profits. But the ladder to financial success had three steps: establish the claim, get the Indian to remove west, and then get the scrip. Control of at least one of the first two steps

²²Franklin L. Riley, "Choctaw Land Claims," Publications of the Mississippi Historical Society, Vol. VIII (Oxford, 1904), 366-67.

increased the chances of achieving the third. Accordingly, two groups of speculators evolved: one attempted to gain the scrip by establishing the claim, while the other hoped to obtain the paper by controlling the removal process. Pitchlynn associated with both groups, but his duties were always the same--influence the Mississippi Choctaw to remove west. As scrip was paid only if the Indian emigrated, he played a crucial role to the success of either group.

Daniel Saffarans, a Tennessee merchant and one time friend of Andrew Jackson, dominated one of the two speculative groups with which Pitchlynn worked. As a means to an end Saffarans gained control of the government contract for removal. He sent Pitchlynn to Mississippi during the fall and spring of 1846 and 1847 to locate those Choctaws eligible for scrip, to persuade them to move west, and then lead them to a rendezvous where government agents paid the scrip due. Once the agent handed over the land warrants, the Indians turned to face a table piled high with coin and currency. With Pitchlynn standing by, they usually agreed to exchange their scrip for money at prices less than thirty-one cents per acre. Having successfully used their official position, the contractors hurried the Choctaws over the river and then marketed the scrip at a higher price.²³

²³B. J. Jacoway, Coffediliah, Mississippi, to Pitchlynn, August 18, 1846, Folder 46-34; A. Harris, Union,

The success of the speculators who controlled the removal contract was frequently spoiled by those interests who had established the individual Indian's claim before the commission. Thus those Choctaws Pitchlynn and others brought into camp were generally represented by one specific "guardian" who expected payment for his attention. When the government paid the scrip, the amount being one-half of the total award, the guardian demanded all of it. Furthermore, unless he got his fee, he prevented those Choctaws he influenced from emigrating, thereby destroying the entire purpose of the scrip payments.²⁴

To deliver the Indians from the clutches of the guardians, Choctaw Agent William Armstrong in March, 1846, recommended that all scrip be paid in the West. He believed that the Choctaws ought to realize something for their land, even if but a fraction of the true value.²⁵

Mississippi, to Pitchlynn, November 13, 1846, Folder 46-37; W. P. Stone, New Orleans, to Pitchlynn, March 6, 1847, Folder 47-5, Pitchlynn MSS, Gilcrease Museum; Thompson McKenney, Washington, to Luke Lea, Commissioner of Indian Affairs, May 6, 1852, N.A., O.I.A., Choctaw Reserves, Letters Received, Microcopy 234, Roll 196; H. L. Martin, Washington, to W. Medill, Commissioner of Indian Affairs, July 24, 1847, 34A-HA, Records of the United States Senate, N.A.

²⁴A. Harris, Vicksburg, to Pitchlynn, December 25, 1846, Folder 46-39, Pitchlynn MSS, Gilcrease Museum; William Armstrong, Napoleon, Arkansas, to William Medill, January 24, 1847, N.A., O.I.A., Choctaw Emigration, Letters Received, Microcopy 234, Roll 186.

²⁵Armstrong, Vicksburg, to Medill, March 10, 1846, N.A., O.I.A., Choctaw Emigration, Letters Received, Microcopy 234, Roll 186.

Pitchlynn and his friends, the removal contractors interested only in purchasing the scrip, concurred in such a policy as it placed the Indians beyond the influence of guardians and increased the possibilities of scrip purchase. Furthermore, as the contract expired on June 1, 1847, operations in the West might produce faster returns on a smaller investment.

The decision of the government in the summer of 1847 to pay the scrip outside of Mississippi radically altered Pitchlynn's situation. It was important to his associates that when the land warrants were paid Peter be on hand to influence their sale to the organization. In April, 1847, after meeting at Vicksburg with Saffarans and Arnold Harris, two of the principals in the removal contract, Pitchlynn returned to the Nation to guard the group's interests.²⁶ Thus after more than a year in Mississippi, Peter appeared in Indian territory in May, 1847, still in pursuit of the speculator's fortune.

The success of the program as envisioned by Saffarans required a vigorous removal policy. By late 1847, however, emigration slowed to a trickle, though less than one half of the Mississippi Indians had been removed. The Indian Agent attributed the disappointing

²⁶ A. Harris, Vicksburg, to Pitchlynn, April 6, 1847, Folder 47-13; W. B. Stone, Washington, Arkansas, to Pitchlynn, May 21, 1847, Folder 47-21, Pitchlynn MSS, Gilcrease Museum.

results to the "guardians" who thwarted removal so long as they were denied their "fee." Finally, the government decided to assume the physical responsibility of emigration itself, but this little altered the situation.²⁷ As the flow of emigrants ebbed few scrip payments occurred that Pitchlynn could influence, and the expected fortune never materialized.²⁸ Though Saffarans owed the Colonel \$1200, if he ever made more than expenses, the records do not so reflect.²⁹

At the time Pitchlynn worked with organizations he also operated as a private speculator. On his second trip to Washington in 1842 he urged recognition of a number of individual fourteenth article claims, expecting a contingent fee. On another occasion he secured for his mother bounty warrants issued for John Pitchlynn's service during the War of 1812.³⁰ For a fee he also agreed to collect from his brother-in-law a debt owed to a Mississippi merchant.³¹ During the 1850's when he spent even more time

²⁷Report of the Commissioner of Indian Affairs, 1847, 735.

²⁸Pitchlynn to A. A. Halsey, July 27, 1846, Folder 46-32, Pitchlynn MSS, Gilcrease Museum.

²⁹Will of Peter Pitchlynn, Choctaw Nation, March 4, 1848, Folder 48-3, ibid.

³⁰Pitchlynn, Washington, to Mother, September 11, 1854, Folder 54-137, ibid.

³¹William Garrett, Mobile, to Pitchlynn, May 15, 1847, Folder 47-20, ibid.

in Washington he represented tribes other than Choctaws, interesting himself in 1857 in claims of the Pawnee Indians and in 1860 those of the Chippewa Tribe.³² But this private practice as a claims representative never really succeeded.

The era, however, seemed to offer rewards in matters not related to Indian affairs. In 1842 possibilities of a silver mine in the Choctaw country excited Pitchlynn,³³ as did a practice of "botanic medicine four years later."³⁴ In 1845 he hoped to make something as agent for the Van Buren Arkansas Intelligencer, while ten years later he and R. M. Jones attempted to start a local newspaper with N. A. Hartley, the editor of the Chickasaw Intelligencer.³⁵ More as a donation than investment in 1852 he purchased a bond from the Hungarian Count Louis Kossuth,³⁶ while in 1857, through a company controlled by William H. Russell, of Majors and Russell, he bought for \$3000 one lot and one

³²S. G. Kearney, St. Louis, to Pitchlynn, May 14, 1857, Folder 57-68; M. D. Bourassa, Arenac, Michigan, to Pitchlynn, May 9, 1860, Folder 60-75, ibid.

³³David Folsom, Doaksville, to Pitchlynn, 1842, Folder 42-52; William Jenks, New York, to Pitchlynn, June 13, 1846, Folder 46-18, ibid.

³⁴Agreement to practice Botanic Medicine, September, 1846, Folder 46-25, ibid.

³⁵Van Buren Arkansas Intelligencer, February 22, 1845; H. A. Hartley, Doaksville, to Pitchlynn, August 29, 1855, Folder 55-90, Pitchlynn MSS, Gilcrease Museum.

³⁶Hungarian Bond, February 2, 1852, Folder 52-2, ibid.

block of land in Leavenworth, Kansas, and an interest in the companies developing Ogden City and Lecompton.³⁷ Furthermore, like other investors of the period, the Choctaw purchased 200 shares of common stock in the Cairo and Fulton (Arkansas) Railroad Company, paying \$250 down on the total purchase price of \$2500.³⁸

None of these "investments" proved profitable. There was no silver in Indian Territory and no profit in herbs. The paper died unborn, the Hapsburgs retained their crown, the Leavenworth lands sold for taxes, and the balance on the stock remained unpaid. Yet they all represented legitimate speculations and honest efforts to live by one's wits rather than by one's hands. Some of Pitchlynn's endeavors were not so honorable.

In 1848 the Colonel had assumed the role of guardian to those Choctaw students at school in the East. The Educational Act of 1853 confirmed his authority as General Superintendent of Schools, gave him supervision of students at home and abroad, and granted him unlimited powers of the purse. At first Pitchlynn made every effort to administer the funds properly, arranging for the Commissioner of Indian Affairs to distribute directly the money allotted

³⁷Smoot, Russell and Company, Leavenworth, Kansas, to Pitchlynn, May 18, 1857, Folder 57-71, ibid.

³⁸Stock Certificate, June 9, 1857, Folder 57-79, ibid.

to the various students.³⁹ Though on occasion he used educational funds for side trips, once romping off to Niagara Falls, the Choctaws at first received full value for the money spent.⁴⁰ But in 1855, rather than have the Office of Indian Affairs pay the individual accounts, Pitchlynn elected to draw on the \$6000 fund himself and personally allocate the money.⁴¹ He at once experienced difficulties in making a proper account. For example, in November, 1856, he reported to the Council that he had spent only \$3900 of the total funds available when in fact he had spent \$650 above the reported figure.⁴²

In April, 1858, the Colonel ceased trying to meet demands on the educational fund. On the fifteenth he requested from the Indian Department a requisition for \$3,854.58 to cover the annual expenses of the students. The office issued the requisition on April 19, 1858,⁴³

³⁹Charles E. Mix, Office of Indian Affairs, to Pitchlynn, et al., August 8, 1854, Folder 54-122, ibid.

⁴⁰Pitchlynn, et al., Washington, to C. E. Mix, August 22, 1854, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 173; Pitchlynn et al., Washington, to G. W. Manypenny, Commissioner of Indian Affairs, February 13, 1855, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 788.

⁴¹Pitchlynn, et al., to Manypenny, February 13, 1855, Folder 55-19, Pitchlynn MSS, Gilcrease Museum.

⁴²Educational Report, Fort Towson, November 10, 1856, Folder 56-153, ibid.

⁴³Pitchlynn, Washington, to Mix, April 15, 1858, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 791.

and five days later Pitchlynn deposited a draft for the very same amount with the banking firm of Sutter, Lea and Company, Washington, D. C. Drafts on the "Choctaw School account" were issued between April 26 and November 22, 1858, for the following purposes:⁴⁴

Israel Folsom	April 26	\$120.00
Colonel Ready	April 26	\$745.00
John H. Savage	April 26	\$104.00
(illegible)	May 1	\$900.00
Self	May 24	\$100.00
William Cash	July 10	\$450.00
Thomas B. Cannon	July 22	\$250.00
Self	July 24	\$450.00
Sampson Folsom	July 27	\$350.00
Self	November 22	\$385.00

Some of the money probably got to the students, but not much. Pitchlynn deposited the last withdrawal to his personal account.⁴⁵

Reports of manipulation of the Choctaw education fund made their way back to the Choctaw Nation. Israel Folsom, Peter's brother-in-law who had been in Washington with him, defended the Colonel, denied all charges of misconduct, and attributed the rumors to politics, all which must have made Peter blush.⁴⁶ Despite a moderate investigation, Pitchlynn covered up his misappropriation

⁴⁴Account of Choctaw Schools with Sutter, Lea, and Company, Washington, November 22, 1858, Folder 58-151, Pitchlynn MSS, Gilcrease Museum.

⁴⁵Account of Peter Pitchlynn with Sutter, Lea and Company, Washington, 1858, Folder 58-143, ibid.

⁴⁶Israel Folsom, Choctaw Nation, to Pitchlynn, January 2, 1860, Folder 60-1, ibid.

of school funds. To be sure, this type of conduct was not limited to an Indian society--it was characteristic of the Age of Jackson; but this does not excuse him for a shameful deed.

Several things drove Pitchlynn to taking tribal monies, the most important of which was his profitless farm. As early as 1845 the whole cotton crop netted only \$256.⁴⁷ Four years later, when he returned unrewarded from the speculative wars, he had turned to that which he had long neglected and from which he had come--the land.⁴⁸ At that time he had concentrated his endeavors at the location on Mountain Fork River. At this well-watered and extremely fertile site he collected about him his slaves, constructed a small cabin, cleared new land, planted extensive crops, and purchased blooded horses. He had learned that with attention the land could be fruitful and, after two years, purchased a cotton gin and planned for a new house. Indeed Pitchlynn had a touch for farming, and the failure to devote himself to agriculture was truly the tragedy of his business life.

The Colonel quit his revived plantation in late 1853, leaving in charge G. L. Taylor, a professional

⁴⁷D. S. Folsom, Doaksville, to Pitchlynn, December 17, 1845, Folder 45-46, ibid.

⁴⁸Pitchlynn, Mountain Fork, to Lycurgus Pitchlynn, February 8, 1850, Folder 50-6, ibid.

overseer and a capable administrator.⁴⁹ By mid-March, 1854, Taylor had ginned eighty-seven bales of cotton with prospects of ten or twelve more. That same spring he had planted 180 to 190 acres of cotton, sowed 125 acres in corn, and moved into a new house. In the fall the overseer harvested one bale of cotton per acre. But even with this energetic activity, the plantation had still failed to pay. The cotton sold in the spring of 1854 brought only \$500, and by December, 1855, an account of \$4000 at the local merchant had to be paid from sources other than agriculture. Taylor left in 1855 because of his family's ill health and trouble with the neighbors, whereupon the plantation reverted to the administration of the Pitchlynn family.⁵⁰

Leonidas Pitchlynn, Peter's second son, assumed management. The most aggressive of the Colonel's children, he cleared additional lands in early 1856 and, besides cotton, planted eighty acres of corn and thirty acres of oats. He fenced off pasture for calves, registered a cattle brand, and provided meat for the plantation. The emphasis upon cattle suggested a little-recognized economic

⁴⁹George Huson, Eagletown, to Pitchlynn, July 14, 1854, Folder 54-108; J. M. Skelton, Lukefahtah, to Pitchlynn, February 23, 1854, Folder 54-23, ibid.

⁵⁰Pitchlynn Account with J. M. Skelton, Lukefahtah, December, 1855, Folder 55-141; Taylor, Eagleton, to Pitchlynn, March 10, 1854, Folder 55-37; August 22, 1854, Folder 53-129; November 15, 1854, Folder 54-158, ibid.

trend among the Indians. In the late 1850's several Choctaws moved farther west to the prairies to raise stock, which they sold to buyers in Arkansas, Texas and frontier forts. Pitchlynn had intended to emphasize cattle in his farming operations because of the high freight rate on cotton--five dollars per bale--but the Civil War prevented the transition.⁵¹ Yet for all of Leonidas' efforts the plantation continued unprofitable. The cotton crop in 1856 brought only \$2500 and drove the Colonel to malfeasance in public office.⁵²

The real burden on Pitchlynn's agricultural effort was slavery. The Negroes were seldom profitably employed but always adequately maintained. For example, in 1841 as few as four slaves worked on the farm, and then only at pulling corn.⁵³ Yet, a few years later, the overseer purchased thirty-eight pairs of shoes and 450 yards of different textured materials for the hands.⁵⁴ This

⁵¹Leonidas, Eagletown, to Pitchlynn, March 7, 1856; Folder 56-29; R. M. Jones, Kiamechie, to Pitchlynn, April 5, 1854, Pitchlynn MSS, Gilcrease Museum; Eagle County, 1857, Volumes from the Choctaw Nation 72, Indian Archives, Oklahoma Historical Society; Lanman, "Peter Pitchlynn," 490.

⁵²J. M. Skelton, Lukefahtah, to Pitchlynn, December 18, 1857, Folder 57-163, Pitchlynn MSS, Gilcrease Museum.

⁵³Rhoda Pitchlynn, Choctaw Nation, to Peter, September 26, 1841, Folder 41-39, ibid.

⁵⁴G. L. Taylor, Eagletown, to J. M. Skelton, October 24, 1854, Folder 54-148, ibid.

purchase suggested large slave holdings. In fact, a census taken after 1866 revealed that 135 freedmen had once belonged to Pitchlynn, thirty-two of whom had also taken his name.⁵⁵ With diminishing cotton profits and an increasing emphasis upon cattle, the Colonel in the late 1850's thus had far too much invested in slaves. In fact, he never found slavery profitable unless he hired his Negroes out to others.⁵⁶

Leonidas continued to operate the farm until 1859, after which he began his own operations. The plantation then passed to the care of Peter, Jr., who cleared additional land, planted some tobacco, harvested a crop of peas, and urged his father to build a new mansion.⁵⁷ The new home never materialized, nor did the plantation ever really prosper. In 1861 when the Civil War began, Pitchlynn moved his family into the vacant buildings of a nearby school. After the war, the plantation existed in name only.

The Age of Jackson held out great promises to Pitchlynn, but the promises proved fragile and frequently costly.

⁵⁵Names of Ex-slaves Admitted to Citizenship, n.d., Volumes from the Choctaw Nation 361, Indian Archives, Oklahoma Historical Society.

⁵⁶Pitchlynn's Will, Choctaw Nation, March 4, 1848, Folder 48-3, Pitchlynn MSS, Gilcrease Museum.

⁵⁷S. H. Webb, Little Rock, to Pitchlynn, February 12, 1860, Folder 60-20, ibid.

This was certainly true financially, but also personally. His speculative interests deprived his wife of a husband and his family of a father, a condition for which he paid with heartache and tragedy. Peter's wife, Rhoda, was a woman of education, pride, and strength. She loved her husband deeply, never complained, and always accepted his neglect with grace. "I hope you will bear my absence . . . like a good Christian woman," he wrote to her. "Trust in God and all will be right. Thank God for all his mercies and be contented."⁵⁸ She also understood the purpose of his absences and shared in his hope of profit. "If you make anything I want you to by heap things," Rhoda wrote, but added ruefully, "that is if you should make anything."⁵⁹ She raised his children with tenderness and bestowed upon them that affection and direction which in the eyes of Cyrus Byington made her a "good woman."

Rhoda gave birth to at least eight children. Those born prior to removal were Lavina in late 1825, Malvina on April 7, 1828, Lycurgus in July, 1830, and a baby who died at birth in 1832. Those born in Indian Territory included Leonidas in the mid-1830's, Peter, Jr., in 1837, Rhoda in 1839, and Israel about 1843. The youngest child died after

⁵⁸Pitchlynn, Choctaw Academy, to Rhoda, July 26, 1841, Folder 41-20, ibid.

⁵⁹Rhoda, Eagletown, to Peter, December 22, 1841, Folder 41-56, ibid.

three years. As a mother, Mrs. Pitchlynn was without peer, instructing her children in things religious, guarding them in her husband's absence, teaching them to love their father, and instilling in them a character that in later life sustained at least the older children. Frequently ill, she expected an early death. "I was born to die," she wrote, but "let me die when my Lord think it best. I hate to leave my children too young."⁶⁰ Unfortunately, she did leave her children young. Pregnancy after Peter's return in 1842 sapped her strength and hastened her death in mid-March, 1844. The Colonel buried Rhoda near Wheelock Mission, after which he exhibited deep grief.⁶¹ He even joined the Church, something she had encouraged. In April, 1845, he placed his children with relatives and missionaries and left the country for two years.

Pitchlynn always justified his absences from home as duty and opportunity: opportunity to make a fortune and duty to country and family.⁶² Generally his family accepted such as explanation but not always with resignation. "Yes,

⁶⁰ Rhoda to Peter, September 10, 1841, Folder 41-36, ibid.

⁶¹ Carolyn Thomas Foreman, ed., "Journal of a Tour in the Indian Country," The Chronicles of Oklahoma, Vol. X (June, 1932), 224.

⁶² Pitchlynn, Choctaw Academy, to Rhoda, November 6, 1841, Folder 41-47, Pitchlynn MSS, Gilcrease Museum.

dear father," his daughter Lavina once wrote, "while I am writing these few lines the tears are fast falling."⁶³

His relatives were not always generous. Israel Folsom declared:

I am truly astonished at the course you have taken in leaving your little children to be absent from them several months. But I do not pretend to pronounce a sentence of censure on you. I am only astonished. I do not know how in the world you can stand it to endure the idea of separation from your children. But you are a political man, engaged in matters of the world and for money--it don't sound so well after all.⁶⁴

To say that Pitchlynn deserted his wife and children is grossly unfair. He loved them deeply. He attempted to arrange an education, sending his older daughters to the missionary schools in both old and new nations. Lycurgus and Leonidas attended Spencer Academy, and the former at the expense of the tribe enrolled in colleges at Newark, New Jersey, and Lebanon, Tennessee. Rhoda and Peter, Jr., attended tribal schools at home as well as private institutions at Covington, Georgia, and Staunton, Virginia. Actually Pitchlynn overindulged his family. The children all incurred expenses beyond their father's capacity to pay, and he frequently accepted their judgement rather than that of their teacher. But overindulgence expressed Pitchlynn's affection, as did also his

⁶³Lavina and Malvina Pitchlynn, Dividing Ridge, to Father, November 22, 1845, Folder 45-32 and 45-30, ibid.

⁶⁴Israel Folsom, New Hope, to Pitchlynn, March 4, 1845, Folder 45-11, ibid.

admonitions. "Do the best you can, aim high, and don't miss the mark," he wrote to Lycurgus. "Keep up the name of Pitchlynn. I look forward to the day when my dear son will stand by my side in the councils of the Nation and in all that is noble, good and praiseworthy. What a blessing this will be to me."⁶⁵

In the main, though, Peter's family sorely disappointed him. The inattention of their father and lack of parental guidance told in their characters. Of Lycurgus his teacher at Delaware College wrote: "He is of good abilities and perhaps the best scholar of them all but utterly destitute of stability or principle."⁶⁶ Lycurgus failed to cope with alcohol, a weakness that prevented him from completing law school,⁶⁷ and he made debts that he never paid.⁶⁸ His youngest brother had the same problem with strong drink; yet, Leonidas seemed to have overcome it. All three sons experienced frequent losses

⁶⁵Peter, Baltimore, to Lycurgus, May 28, 1848, Folder 48-11, ibid.

⁶⁶James P. Wilson, Delaware College, to Orlando Brown, Commissioner of Indian Affairs, February 21, 1851, N.A., O.I.A., Schools, Letters Received, Microcopy 234, Roll 785.

⁶⁷D. Lowrey, Lebanon, Tennessee, to Pitchlynn, February 10, 1854, Folder 54-17; Lycurgus, Lebanon, to Pitchlynn, April 17, 1854, Folder 54-57, Pitchlynn MSS, Gilcrease Museum.

⁶⁸John S. Dashhull, Nashville, January 21, 1855, Folder 55-12, ibid.

of temper. In 1857, the Federal Court in Van Buren, Arkansas, convicted Leonidas and Lycurgus, probably unjustly, on accounts of assault and battery. The conviction stemmed from an argument during which Lycurgus shot off another man's finger. The most serious display of temper occurred when Peter, Jr., in 1860, became so enraged about a dispute regarding the use of a blacksmith that he killed his uncle, Lorenzo Harris. In both incidents the Colonel's position prevented punishment of any kind.⁶⁹

Pitchlynn did not attend the wedding of any of his children. His oldest daughter, Lavina, married Richard Harkins in 1846. Malvina, during the early 1850's, won as her husband a first cousin, Loring S. W. Folsom. Leonidas eloped with his cousin, Sophia Harris, in April, 1856, while Lycurgus married a New Orleans girl in 1858 and Peter, Jr., a daughter of an Arkansas family in 1859. During the Civil War Rhoda eloped with John Arnold, but her father had the marriage annulled because he questioned Arnold's divorce. In 1873 Rhoda married one of her tenants, a Kennedy.

Pitchlynn survived all of his first family save Malvina. Lavina passed a grossly unhappy life, losing most of her children and witnessing her husband's murder

⁶⁹Pitchlynn, Washington, to President Buchanan, July 23, 1857, Folder 57-126; Sam Garland, Choctaw Nation, to Pitchlynn, July 17, 1860, Folder 60-115, ibid.

by a deranged Negro and her only surviving daughter's insanity. Malvina and her husband provided a home for orphaned relatives and became the Colonel's staunchest political allies. Rhoda had little to do with her father after the annulment incident, and both Peter and Leonidas died during the Civil War. Lycurgus served in the Choctaw government during the same conflict, but died of fever in 1866, continuing to the end to make excuses for his personal failure.

The Age of Jackson found Pitchlynn in the prime of life. He weighed 200 pounds, stood six feet tall and measured forty inches in the waist. With hazel eyes, Brunette hair, and erect posture, his appearance commanded attention. He moved with grace, spoke with deliberation and manifested many honorable characteristics. He aspired to lead the family as his father had done before him. "May the Lord bless your soul and your dear children is the prayer of your affectionate brother,"⁷⁰ he wrote to a relative. Yet he never quite achieved the status of his father. The families of his four sisters--the Howells, the Garlands, and the two Harrises--frequently rejected his leadership. Pitchlynn responded with periods of depression and self-pity. "I feel I am persecuted, hated, and much despised by my own kindred and relations," he

⁷⁰Pitchlynn, Choctaw Nation, to Lorenzo Harris [1842], H-44, J. L. Hargett Collection, Western History Collection, University of Oklahoma Library.

once wrote. "The ancient union of our house is broken. Were it not that brother Thomas were true and faithful to me I should say that I was alone. . . . There is nothing true but heaven."⁷¹

Pitchlynn's depression often reflected his sensitivity of taste and feeling. He was a man of deep emotions, one who often shed tears, and one who was intensely conscious of his heritage. Only such a man could extend the following invitation:

Will you go with me
To my home in the West,
To the land of the mountains,
To the land of the prairies,
To the land of the setting sun,
Far away toward the setting sun?

I say will you go with me,
And be mine for me to love,
For me to protect, cherish and love,
To be mine in heart and soul
For me to love among the flowers,
Love among the songs of birds?

Will you go with me
To my home in the forest,
To my home that's far away,
Far beyond the Mississippi,
In a pleasant valley is my home,
And, Oh will you go with me?

I would not have thee to go
To my home in the forest,
If I loved thee not as a man,
If I could not protect thee as a man
If I could not make thee as a man,
My loving, my dear, my happy wife.
Will you go with me?⁷²

⁷¹Statement of Peter Pitchlynn, Choctaw Nation, October 29, 1842, Folder 42-26, Pitchlynn MSS, Gilcrease Museum.

⁷²"Poem," n.d., Folder Un-350, ibid.

Pitchlynn also had sensitivity of taste. He visited art galleries and theaters in Washington, read Shakespeare and Milton, and included in his library volumes such as A. B. Meeks' Red Eagle: A Poem of The South and de las Casas Journal of the Private Life and Conversations of Emperor Napoleon at St. Helena.⁷³ He used calling cards, enjoyed the company of the famous, and was recognized as the intellectual of the tribe. He aided Cyrus Byington in writing the Choctaw Grammar, translated into Choctaw, "Nearer My God to Thee," and furnished cultural information to the government on Indian tribes.⁷⁴

But Pitchlynn also had many ungracious qualities. He could be obstinate, determined and vindictive, characteristics suggested by the episode with Richard M. Johnson. He occasionally lost complete control of his temper and remained egotistical and vain. The last qualities account for his frequenting Doctors of Phrenology in 1846 and 1857. Both "professional" reports extremely flattered the Colonel.⁷⁵ He was proud of the Catlin portrait and often posed for other pictures. He

⁷³See Rare Book Section, Gilcrease Museum.

⁷⁴L. B. Herring, Washington, to F. W. Armstrong, November 6, 1832, Folder 32-11, Pitchlynn MSS, Gilcrease Museum.

⁷⁵Phrenological Report of Dr. J. L. Berthollet, April 15, 1846, Folder 46-1; February 11, 1857, Folder 57-178, ibid.

joined the Union Tract Society, the Masonic Order, the Temperance Union and Eagletown Debating Society.⁷⁶ His concept of the fullblood Choctaw and the blanket Indians also evidenced his egotistical nature. To him both were ignorant, the only difference being that the latter was more curiously dressed and the former more easily educated.

Pitchlynn had a flair for the dramatic and consciously developed his oratorical talent. Organizations frequently requested him to deliver speeches on temperance, religion or Indian history, and more than once he addressed the President of the United States. That he prized this ability was suggested by his recall of orations to the Osages in 1828 and to Henry Clay in 1840. On the latter occasion he reportedly had opposed and defeated the Kentuckian in a shipboard debate.⁷⁷

The Colonel also habitually procrastinated, never paying a bill unless dunned at least twice. He drank more than he should have, but this was more a problem of the age than the man. His religious professions early in life lacked sincerity, and his grief often was more for effect than release. Ambitious to the point of dishonor and shrewd to the point of disaster, Pitchlynn also fancied

⁷⁶Choctaw Telegraph, May 17, August 9, August 23, 1849.

⁷⁷Lanman, "Peter Pitchlynn," 487 and 489.

himself as a connoisseur of women. He enjoyed feminine associations and sought them out soon after his wife's death. In March, 1846, he considered proposing marriage and retiring to private life,⁷⁸ while one month later a Doctor of Phrenology declared that he had "the highest order of attachment to women, was admirably sexed, naturally gallant, and a most devoted lover."⁷⁹ And at the same time, Miss N. A. Nold complimented Pitchlynn for his "thrillingly interesting letter."⁸⁰ Both flattered the Choctaw greatly.

However, Pitchlynn failed to make a formal attachment to any woman until later. In 1850 rumors circulated that he would marry, and others began to look for possible mates. Peter, Jr. wrote from his school in Georgia that he had his eye on two or three widows that might suit his father.⁸¹ Another friend advised that he had taken the matter up with his sister-in-law, but as she had rejected the proposal, he highly recommended the daughter of his cousin who was as beautiful as any woman of the West. The

⁷⁸Pitchlynn, Coffedilah, Mississippi, to John M. Armstrong, March 16, 1846, Folder 46-14, John Armstrong MSS, Gilcrease Museum.

⁷⁹Phrenological Report, Washington, April 15, 1846, Folder 46-1, Pitchlynn MSS, Gilcrease Museum.

⁸⁰Nold, Frankfort, Kentucky, to Pitchlynn, March 16, 1846, Folder 46-6, ibid.

⁸¹Pitchlynn, Jr., to Father, February 6, 1854, Folder 54-14, ibid.

young lady had a "good education, knew how to weave any kind of double cloth, cut out and make coats, pants, and other wear for men or women and was uncommon nice on bed quilts!"⁸² By 1855 the Colonel had pretty well determined upon the woman of his dreams. In somewhat of a latter day Peggy Eaton courtship, Pitchlynn found the proprietor's daughter of the boarding house where he stayed in Washington very attractive. He courted Mrs. Carolyn Eckloff Lombardi during 1856 and 1857, and, after several excursions into the Virginia countryside, won her. But he did not marry her, for at that time Mrs. Lombardi simply became his common law wife. Five children were born to this liaison: Sampson in November, 1857, dying within the year, Tommy in 1859, Edward Everette in 1860, Sophia in 1864, and Lee in 1866. All were born in Washington save Sophia, and she in the Choctaw Nation. After a serious illness and an increasing interest in religion, on October 21, 1869, the two were legally married.⁸³

As a Jackson man, Pitchlynn had pursued profits relentlessly, even using his office in the quest. The process forced him to neglect both his plantation and his family, each of which could have given him the joy,

⁸²S. L. Westmoreland, Williamston, South Carolina, to Pitchlynn, March 8, 1854, Folder 54-34, ibid.

⁸³Marriage Index No. 4, Old Marriage Records M-Z, September 1, 1858, to June 16, 1870, Supreme Court of the District of Columbia.

success, and profit he sought so vigorously elsewhere.

In 1850 Pitchlynn realized he had lived according to his wishes and not according to his senses.⁸⁴ He momentarily altered his life's pattern, but within months the Colonel pursued again another scheme which he hoped would provide those elusive riches. In December, 1853, he journeyed to Washington to establish the Net Proceeds Claim.

⁸⁴Pitchlynn, Mountain Fork, to Lycurgus, February 8, 1850, Folder 50-6, Pitchlynn MSS, Gilcrease Museum.



PITCHLYNN
ca. 1834
By George Catlin
Courtesy of Gilcrease Museum



PITCHLYNN
ca. 1843
Courtesy of Gilcrease Museum



PITCHLYNN
ca. 1856
Courtesy of Gilcrease Museum

CHAPTER VI

ESTABLISHING THE NET PROCEEDS

Peter Pitchlynn entered the 1850's as a gentleman farmer at Eagletown, but by the end of the decade he had returned to public life. He again left the Choctaws to represent them at the National Capitol and to seek recognition of their demands against the government.

Several things prompted the Colonel to abandon his nominal political retirement. Since his last mission to Washington in 1848 other Choctaw delegations had pressed tribal and individual claims upon the federal government. Of these, that composed of Thompson McKenney and Forbis Leflore was the most important. In 1853, this delegation secured a \$600,000 payment to Fourteenth Article claimants in full satisfaction of claims under that article of the Treaty of 1830.¹ McKenney and Leflore received 5 per cent of the award for their services. Pitchlynn resented the prestige and remuneration that accrued to these men. He

¹ John B. Luce, Washington, to G. W. Manypenny, April 15, 1853, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 172. For an explanation of Fourteenth Article claimants see page 87.

even tried to thwart their mission by attempting to block the Congressional appropriation that redeemed the \$600,000 in scrip.² Suddenly private life became too confining, and he decided that the Choctaw Nation needed his strong leadership during its transition from heathenism to civilization.³

The Choctaws did indeed require vigorous direction as conflict at home and policy from Washington threatened their sovereignty. The Chickasaws complained about bearing the administrative expenses of their own district, about the lack of participation in the benefits of the money they had paid to the Choctaws in 1837 and about the common boundary.⁴ They desired total separation and employed Luke Lea, former Commissioner of Indian Affairs, to assist them.⁵ Lea influenced his old office to bring the two tribes together for meaningful negotiation. Pitchlynn served as the

²Sampson Folsom, Washington, to Pitchlynn, July 26, 1852, Folder 52-10, Pitchlynn MSS, Gilcrease Museum.

³Letter Draft, Eagletown, March 6, 1853, Folder 53-10, ibid.

⁴Proceedings between the Choctaw and Chickasaw Commissioners, Doaksville, November 5-17, 1853, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 172.

⁵Thompson McKenney, Washington, to Pitchlynn, April 21, 1853, Folder 53-14, Pitchlynn MSS, Gilcrease Museum; Charles E. Mix, Commissioner of Indian Affairs, to Douglas H. Cooper and Andrew J. Smith, June 29, 1853, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 172.

chief commissioner for the Choctaws in the discussions which followed at Doaksville on November 5 and continued until November 17, 1853. The commissioners of both tribes ultimately submitted to the government for arbitration all questions arising out of differing interpretations of the Treaty of 1837, such as the boundary lines, but made little progress in the Chickasaw objective of separation.⁶ That the Choctaws should oppose the political divorce displeased Commissioner of Indian Affairs George W. Manypenny. It was "much to be regretted," he wrote, "that the Choctaws, to whom the union is of no advantage whatever, still continue indisposed to yield to the natural and reasonable wishes of their brethern."⁷ Hoping to capitalize on this official sentiment, Luke Lea advised the Chickasaws to appoint a delegation to Washington and there negotiate a separation with the Choctaws. He, of course, would accompany the delegates.

The Chickasaw efforts coincided with a growing Choctaw desire to settle finally with the federal government claims growing out of non-fulfillment of treaty obligations. To produce such a result obviously required the efforts of one familiar with Washington procedure and

⁶Proceedings between the Choctaw and Chickasaw Commissioners, Doaksville, November 5 to 17, 1853, ibid.

⁷Report of the Commissioner of Indian Affairs, 1853, 255.

acquainted with government officials. Thompson McKenney recommended Pitchlynn to take on the job as early as October, 1852, but the Council did not concur until November 9, 1853.⁸ It appointed Pitchlynn, Dickson W. Lewis, Israel Folsom, and Samuel Garland as delegates with full power to settle by treaty or otherwise "all and every claim and interest of the Choctaw people against the United States."⁹

Without any delay the Colonel and his brother-in-law, Samuel Garland, left the Nation, arriving in Washington on January 20, 1854. After calling on John T. Cochrane, the attorney who had worked with McKenney, and Arkansas Senator Robert Johnson, the two presented their credentials to the Office of Indian Affairs.¹⁰ Some weeks later, on March 13, they employed the Arkansas poet and attorney, Albert Pike, to advise the delegation on fact and protocol, promising him a contingent fee of 25 per cent of all money secured in the settlement of tribal claims. Pike had heard of the Choctaw and Chickasaw claims two years earlier and sent Luther Chase, a United States marshal, to persuade

⁸Thompson McKenney, Washington, to Pitchlynn, April 21, 1853, Folder 53-14, Pitchlynn MSS, Gilcrease Museum.

⁹Folsom, Constitution and Laws of the Choctaw Nation, 1869, 123-25.

¹⁰Pitchlynn, Washington, to Friend, January 20, 1854, H-44, J. L. Hargett Collection, Western History Collection, University of Oklahoma Library.

the tribes to retain him as attorney. Chase succeeded only with the Choctaws, for the Chickasaws had already employed Lea.¹¹ Pike immediately involved men of influence to advance the Choctaw claims, assigning to each an equal share of the prospective fee. Included in the contract were John T. Cochrane, admitted at the insistence of Pitchlynn but already associated with Pike in a Creek claim; Luke Lea, the Chickasaw attorney and a man of many contacts in Washington; and Douglas H. Cooper, the Choctaw Agent, whose involvement in the attorney's fee remained obscure for nearly twenty years. A native of Mississippi, Cooper received his appointment as Agent in 1853 upon the recommendation of Jefferson Davis, with whom he had served in the Mexican War.¹² Pike also secretly assigned or, more accurately, rebated to Peter Pitchlynn a 5 per cent interest in the attorney fee.¹³ The Colonel was never oblivious to an opportunity for profit.

To open negotiations the Choctaw team presented on April 5, a memorial to Commissioner of Indian Affairs

¹¹49th Cong., 2nd Sess., Senate Report 1978, 33.

¹²Dunbar Rowland, ed., Jefferson Davis, His Letters, Papers, and Speeches, Vol. I (Jackson, 1923), 149.

¹³Court of Claims Report 59, 769; Albert Pike, "Letter to the Choctaw People," Washington, February 21, 1872, Folder 72-14A, Pitchlynn MSS, Gilcrease Museum; 42nd Cong., 3rd Sess., House of Rep. Report 98, 496.

Manypenny. "It is the fixed sentiment of our people," the delegation wrote, "that scarcely one executive stipulation has been carried out in a manner to do justice and according to its intent." The Choctaws requested the adjudication of all claims and suggested that Agent Cooper, in Washington with the Indians, be delegated to "investigate" their demands. They assured the Commissioner that from motives of delicacy they had abstained from consulting Cooper and that he was free to make an objective determination.¹⁴ Manypenny saw merit in the desire to settle all outstanding differences and accordingly instructed Cooper to ascertain the character and the extent of the tribal complaints.¹⁵ With the case referred to Cooper, whose conclusion was foregone, Pike left Washington in late April to return to Arkansas and entrusted to Cochrane the management of further negotiations.

As part of Cooper's investigation, on May 1 the Choctaws declared that most tribal claims could not be adequately proved although they were just. Pitchlynn and his co-delegates proposed a specific method whereby the individual claimants could obtain justice. In 1830, they

¹⁴Choctaw Delegates, Washington, to G. W. Manypenny, April 5, 1847, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 173.

¹⁵G. W. Manypenny, Commissioner of Indian Affairs, to the Hon. R. McClelland, Secretary of Interior, April 13, 1854, Box 2, Letters Received, Office of Indian Affairs, Records of the Department of Interior, N.A.

agrued, the tribe had removed to lands guaranteed to them in a previous treaty and thus relinquished the ten million Mississippi acres without any substantial consideration. These lands were sold by the government, and even after deducting survey and administrative expenses, it had reaped a huge profit. The "net proceeds" of this sale, the Choctaws maintained, were part of the tribal estate, for the eighteenth Article of the Treaty of 1830 provided that "the lands hereby ceded are to remain a fund pledged to the fulfillment of the treaty provisions." The government had not met its treaty commitments, and in lieu thereof the Choctaws would take the net proceeds and settle privately with the individual claimants. Accordingly, Pitchlynn and his co-delegates asked that a new treaty be written encompassing such a proposal.¹⁶

Predictably, Cooper reported to the Commissioner that Article Eighteen had indeed assigned the profits of the Mississippi land sale to the Choctaws. The ceded lands were pledged as collateral to the fulfillment of treaty provisions, provisions that clearly had not been executed. Furthermore, he considered it impossible to settle the tribal claims on the basis of treaty stipulations alone and recommended that the government instead

¹⁶ Choctaw Delegation, Washington, to Agent Douglas Cooper, May 1, 1854, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 173.

grant either the proceeds of the land sale as were allowed the Wyandots and the Chickasaws or a reasonable sum in lieu of individual claims.¹⁷ The report showed the wisdom of including Cooper in the Choctaw team.

Pitchlynn and his associates were principally interested in the recognition of the net proceeds claim, but the Office of Indian Affairs was more concerned with relations between the Chickasaws and the Choctaws. Led by Sampson Folsom and Edmund Pickens, the Chickasaw delegation came to Washington dedicated to tribal independence and confident of success. Luke Lea advised them on procedure, but his inclusion in the Pike contract suggested less than complete devotion. Furthermore, the Choctaws nearly ignored the Chickasaws since the paramount question for them was the "disposition of the government" toward their own demands. "Let the government first answer and answer liberally the appeal of the Choctaws for justice," they wrote, and then they would "be disposed to discuss in an equally liberal spirit the Chickasaw question."¹⁸

The government negotiators matched the Choctaw obstinacy. Not only did the Commissioner insist upon

¹⁷D. H. Cooper, Washington, to G. W. Manypenny, May 25, 1854, ibid.

¹⁸Choctaw Delegation, Washington, to Manypenny, May 30, 1854, ibid.

some kind of accommodation with the Chickasaws, but Secretary of Interior R. L. McClelland concluded on June 20 that the Choctaws had no claim against the government because the removal treaty in 1830 had provided for an unqualified land cession. Furthermore, the Secretary deemed it inexpedient to reopen the whole subject and suggested that the tribe approach Congress instead.¹⁹

The Secretary's ruling elicited a belligerent response from the Choctaws. In a statement prepared by Cochrane, the delegates declared that the position of the government left them no alternative but to terminate discussions with the Chickasaws, to remove alien tribes within their borders, and to confirm their claim to land between the 100th and 103rd degrees of west longitude based on the 1820 treaty. The delegates maintained that Congress was inaccessible to the Indians, that it was the executive's responsibility to execute treaties, and that they were denied justice because they were a southern tribe.²⁰ This caused the Secretary only to reiterate that the Choctaws should go to Congress.²¹

¹⁹R. L. McClelland, Secretary of Interior, to Charles E. Mix, June 20, 1854, ibid.

²⁰Choctaw Delegation, Washington, to C. E. Mix, July 11, 1854, Folder 54-104, Pitchlynn MSS, Gilcrease Museum.

²¹R. McClelland, Washington, to C. E. Mix, September 25, 1854, in 34th Cong., 1st Sess., Senate Mis. Doc. 31, 44.

Negotiations languished during the remainder of 1854. The Choctaw team, still directed by Cochrane, considered appealing to the Senate, hoping thereby to force the Office of Indian Affairs to receive the Indian proposals more favorably. Cochrane wrote to Pike in September requesting him to present the matter to the Congress, but for some reason the attorney failed to return to Washington.²² Left on its own, the Choctaw team then determined to appeal directly to the President, prior to which they obtained supporting affidavits from John H. Eaton, Senator J. J. McRae of Mississippi, and others,²³ and through the influence of Agent Cooper met with Secretary of War Jefferson Davis.²⁴

On February 3, 1855, in a ceremony at the White House, Pitchlynn presented the Choctaw appeal to President Franklin Pierce. "As representatives of a once powerful, but now weak and dependent people," he told the President, "we come today to the White House . . . to ask for justice at the hands of our political 'great father.'" The

²²J. T. Cochrane, Washington, to Pike, September 14, 1854, in Albert Pike, "Letter to the Choctaw People," Washington, February 20, 1872, Folder 72-14A, Pitchlynn MSS, Gilcrease Museum.

²³Choctaw Delegation, Washington, to John H. Eaton, May 1, 1854, Folder 54-62; Delegation, Washington, to J. J. McRae, December 26, 1854, Folder 54-180; Delegation, Washington, to David W. Haley, December 27, 1854, Folder 54-181, ibid.

²⁴Memorandum, n.d., Folder 53-49, ibid.

Washington Union considered it a "most touching and elegant address." It may have been touching, but it was not effective. The President refused to intervene, and the discussions continued at a stalemate.²⁵

Pike's absence from Washington resulted in an adjustment in the management of the Choctaw claim. To the delegates it appeared that Pike had abandoned them, and on February 13, 1855, they executed an agreement with Cochrane which granted him 30 per cent of any sum obtained from the government. The next day the new attorney, as Pike had done, rebated to Pitchlynn one-sixth of the contingent fee and assigned equal interests to both Luke Lea and Douglas Cooper.²⁶ A new indenture seemed necessary for several reasons, but principally Cochrane wanted to procure additional assistance and influence which were impossible from his subordinate position. Cochrane advised Pike that nothing had changed save the substitution of names and increment in fee, but he failed to tell the

²⁵Papers Respecting the Rights and Interests of the Choctaw Nation, Washington, 1855, Folder 55-17, ibid.; Choctaw Delegation, Washington, to President Franklin Pierce, February 3, 1855, Box 29h, Letters Received, Private Sources, Indian Division, Records of the Secretary of Interior, N.A.; McClelland to Manypenny, March 28, 1855, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 174.

²⁶Contract between the Choctaw Delegation and John T. Cochrane, Washington, February 13, 1855, Folder 55-23; Contract between John Cochrane and Peter Pitchlynn, February 14, 1855, Folder 55-20, Pitchlynn MSS, Gilcrease Museum; The Court of Claims Report 59, 771.

Arkansas attorney that he stood charged with abandoning the case.²⁷

Despite its displeasure with the Choctaw demands, the government could ill afford to break off negotiations. The matters of the Chickasaw desire for political independence and the location of a permanent home for the "strolling Indians" of the West demanded a solution. The governmental commitment to solve these problems worked to the advantage of the Choctaws who by April 24, 1855, assumed a more flexible position with regard to the Chickasaw question. If the department would agree to refer to the United States Senate the right of the tribe to the net proceeds, the Choctaws offered at first to lease to the United States for \$600,000 that portion of their country west of 99 degrees west longitude and, though they could not give a complete and unencumbered land title to the Chickasaws, would also agree to some kind of separate jurisdiction. The adoption of such a proposal, of course, depended upon a moderated Chickasaw demand and generosity by the federal government. In this regard the inclusion of Luke Lea in the attorney's contract paid dividends as did Pitchlynn's kinship with

²⁷Pike, "Letter to the Choctaw People," Washington, February 21, 1872, Folder 72-14A, Pitchlynn MSS, Gilcrease Museum; "Report of the Choctaw Delegation," Washington, August, 1856, H10.55, Hargrett Collection, Gilcrease Museum.

Sampson Folsom. Both encouraged the Chickasaws to accept a separate political jurisdiction instead of total independence.

Government generosity, however, did not match Chickasaw moderation. It offered only \$600,000 for both a quit-claim to the land between 100 and 103 degrees west longitude and for a lease to that land between 98 and 100 degrees west longitude. The negotiations threatened to break up over the question of compensation, but after a timely intervention by Jefferson Davis with President Pierce, the United States agreed to pay both tribes \$800,000 for the lease and quit-claim, to sanction only a separate political jurisdiction for the Chickasaws, and to send to the Senate for determination the question of the net proceeds.²⁸ The United States, the Choctaws, and the Chickasaws formally signed the concordat on June 22, 1855.²⁹

As finally written, the treaty represented the labor and effort of many. Albert Pike envisioned the combination of the many individual demands into one large

²⁸ Choctaw Delegation, Washington, to Cooper, April 24, 1855; Manypenny to George C. Whiting, Acting Secretary of Interior, June 7, 1855; Choctaw Delegation to Manypenny, June 14, 1855, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 174; D. H. Cooper, "Address and Memorial to the Choctaw Council," October, 1873, Folder 73-108, Pitchlynn MSS, Gilcrease Museum.

²⁹ Kappler, Indian Affairs: Laws and Treaties, Vol. II, 706-14.

claim against the government, while Cochrane conducted all of the correspondence, and Pitchlynn and his associates provided the information and made the oral presentations. Douglas Cooper's role proved as crucial as it was impartial; he had secured the influence of Jefferson Davis. But all the labor had been worth it. The Choctaws had obtained a reasonably equitable treaty, and Pitchlynn had gained partial recognition of tribal claims against the government.

During the period of the negotiations other matters frequently concerned the delegation. Senator Robert Johnson of Arkansas introduced legislation to provide the Choctaws with a territorial form of government. The measure favorably impressed Pitchlynn, and he sent copies of the bill to influential Choctaws. Both R. M. Jones and Thompson McKenney agreed that the bill's provisions were enticing and obtained an endorsement for the measure from the national council's special committee on territories.³⁰ Johnson's measure came to nought, but it was a milestone in Pitchlynn's career, for he never again wholeheartedly

³⁰Pitchlynn, Washington, to Friend, January 20, 1854; Pitchlynn to Hampton, March 2, 1854, H-44, J. L. Hargett Collection, Western History Collection, University of Oklahoma Library; R. M. Jones, Kiamechie, to Pitchlynn, April 5, 1854, Folder 54-64; Thompson McKenney, Choctaw Agency, to Pitchlynn, March 29, 1854, Folder 54-46; Report of the Committee on Territories, Choctaw Nation, 1854, Folder 54-185, Pitchlynn MSS, Gilcrease Museum.

supported any form of territorial government. It also reflected one of Pitchlynn's political techniques. He kept friends at home advised of the developments in Washington in the same fashion as any member of Congress. The practice always impressed the provincial Choctaws.

Throughout the treaty discussions the Colonel worked on Capitol Hill urging an appropriation to cover arrearages in tribal annuities guaranteed in past treaties. Thompson McKenney noticed the difficulties, initiated the claim in 1852 and employed Cochrane. Finally, on March 3, 1855, Congress appropriated \$92,238.30 and ordered the funds paid "as may be requested by the authorized delegates now in Washington." Seventeen days later, Cochrane drafted a letter for the delegation directing that the money be paid to them immediately to prevent starvation among the Choctaws.³¹ The demand failed to impress Commissioner Manypenny, who asked how the funds would be distributed and then, when the Choctaws were imprecise and vague, expressed doubt that Congress gave the delegation a blank check to distribute the money without restrictions. "Permit us to say, Sir," responded the Choctaws, "while you are doubting, our people are starving."³²

³¹ Choctaw Delegation, Washington, to Manypenny, March 20, 1855, Folder 55-44, ibid.

³² Manypenny to Choctaw Delegation, March 27, 1855; Delegation to Manypenny, April 6, 1855, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 174; Manypenny to Choctaw Delegates, April 5, 1855, Folder 55-50, Pitchlynn MSS, Gilcrease Museum.

Ultimately, in June, the Commissioner released the money to Agent Cooper, whom the delegation then directed to pay \$40,000 to the "starving" Indians, about \$3.00 apiece, \$28,000 to Pitchlynn as Superintendent of Schools, and the remainder to the tribal treasury. The Colonel then released all but \$323 of that he had received to Cochrane as his fee of 30 per cent for collecting the sum. Doubtless Cochrane rebated to the Colonel nearly \$4600 as his part of the attorney's contract.³³

The implementation of the Treaty of 1855 required ratification by the Choctaw Council. Pitchlynn and his co-delegates hurried home to attend personally to the politically delicate maneuver. He quickly learned that reaction to the treaty was less than enthusiastic, that the opposition centered in his brother, Thomas, R. M. Jones, and Thompson McKenney, and that they objected principally to the political separation of the Chickasaws. Jones later cynically congratulated Peter upon his work and wished him long life to enjoy the gratitude of a grateful people. "Gratitude, did I day? Rumor with her thousand and one tongues have it already that our country has been sold!" Furthermore, Jones opined that nothing was accomplished on the net proceeds; the Senate might

³³Choctaw Delegation to Cooper, June 22, 1855, Folder 55-46; Delegation to Pitchlynn, June 22, 1855, Folder 55-63; Receipt of John T. Cochrane, New Orleans, July 2, 1855, Folder 55-57, ibid.

decide against the claim, in which case "the Choctaws will be fairly outwitted." "So brother," he advised his friend, "you must go to Washington, pick your flint and try again. Make a treaty which will sacrifice no right of our people and if you make a million in the transaction you will never find me opposing it on that account." Jones, obviously knowing Pitchlynn's motives, interestingly enough made no moral indictment.³⁴

But Jones's objection to the treaty carried little weight in the Choctaw Council. Both Agent Cooper, who had a personal stake in the matter, and George W. Harkins, the Chief of Pitchlynn's home district, joined the Colonel in the ratification fight in early September.³⁵ Harkins expected Pitchlynn "to do something for me if it turns out to be profitable."³⁶ But in the meantime he wanted a cut of the arrearages money. "When I go into this treaty," he declared, "I don't want to go in with the harness pinching me."³⁷ The delegates arranged for a comfortable harness and at the same time insured the support of the District

³⁴Jones, Choctaw Nation, to Pitchlynn, August 1, 1855, Folder 55-78; August 20, 1855, Folder 55-84; March 19, 1856, Folder 56-36, ibid.

³⁵Cooper, Fort Towson, to Pitchlynn, August 20, 1855, Folder 55-85, ibid.

³⁶Harkins, Choctaw Nation, to Pitchlynn, September 7, 1855, Folder 55-96, ibid.

³⁷Harkins, Choctaw Nation, to Pitchlynn, October 13, 1855, Folder 55-110, ibid.

Chief. On November 2, 1855, prior to the ratification convention, they agreed to give him an equal share of whatever sum they might realize out of the net proceeds claim.³⁸ Having taken the proper precautions, the Choctaw Council ratified the treaty and directed Pitchlynn and his colleagues to return to Washington to prosecute the claim before the Senate. Furthermore, the Chiefs approved a contract assigning to the 1853 delegation 20 per cent of all they collected on "claims arising or accruing to the Nation, or to individuals under the Treaty of June 22, 1855."³⁹ Taken together with his cut from the Cochrane contract, this measure guaranteed Pitchlynn 10 per cent of whatever he recovered.

The Chickasaws had not yet ratified the treaty. Many among that tribe opposed the concordat because it failed to provide for complete separation, and they accused Sampson Folsom of having sold out to the Choctaws.⁴⁰ So pressed, Folsom appealed to his Uncle Peter to testify that the Chickasaws had very shrewdly forced the larger

³⁸ Agreement between Harkins and the Choctaw Delegation, Fort Towson, November 2, 1855, Folder 55-117, ibid.

³⁹ Acts of the Choctaw Council, November 21, 1855, 17635, Choctaw--Federal Relations, Indian Archives, Oklahoma Historical Society.

⁴⁰ Israel Folsom, Mineral Bayou, to Pitchlynn, August 26, 1855, Folder 55-89, Pitchlynn MSS, Gilcrease Museum.

tribe to grant a measure of independence.⁴¹ The Colonel wrote the desired testimonial, but in mid-December he also attended the Chickasaw ratifying convention at Tishomingo. The combined efforts of Pitchlynn, Agent Cooper and Folsom secured the desired ratification and the appointment of Folsom to lead a delegation to Washington to consummate the treaty.⁴²

In late December, 1855, Pitchlynn returned to the Capitol to guide the treaty through the United States Senate. Unaware of the charges of abandonment, Albert Pike appeared early in February, 1856, and secured the support of Arkansas Senator William Sebastian, the chairman of the Committee on Indian Affairs, and Senator Robert Johnson, also of Arkansas. Influenced largely by the quit-claim and lease provisions, the Senate approved the treaty on February 21, 1856.⁴³

The treaty ratified by all parties, the Indians looked to the implementation of the protocol, which called for the payment of large sums to both tribes. The Choctaws received \$750,000 as consideration for freeing the Chickasaws and for granting the lease and the quit-claim. Of

⁴¹Folsom, Doaksville, to Pitchlynn, August 30, 1855, Folder 55-92, ibid.

⁴²Folsom, Doaksville, to Pitchlynn, December 19, 1855, Folder 55-146, ibid.

⁴³Manypenny to the Hon. A. G. Brown, February 11, 1856, 34B-C4, Records of the United States Senate, N.A.

this sum, however, only \$250,000 came directly to the tribe; the rest the government placed in a trust fund. Part of this money was slated for the attorney, and after a quick trip to Niagara Falls on educational funds, the Colonel traveled back to the tribe in October to collect his share. Agent Cooper delivered the money in November, and Cochrane, who had come from Washington with Pitchlynn, claimed \$120,000 as his 30 per cent fee of the compensation granted the tribe for the quit-claim. The division of the \$120,000 created no little difficulty. Cochrane felt that Pike did not deserve a full share, but the latter so vigorously objected that he received \$10,000 as a "full and equal share" save for one case.⁴⁴ According to Cochrane, Douglas Cooper received the largest portion of the fee for his service in discovering the Choctaw claim to land west of 100 degrees west longitude. Luke Lea, of course, was compensated for his part in moderating Chickasaw demands, and Pitchlynn took at least \$18,000 as his share, a fee that he undoubtedly divided with other prominent Choctaws.⁴⁵ The division of the loot was the

⁴⁴Pike, "Letter to the Choctaw People," Washington, February 21, 1872, Folder 72-14A, Pitchlynn MSS, Gilcrease Museum.

⁴⁵Cooper, "Address and Memorial," October, 1873, Folder 73-108, *ibid.*; Answer of the Defendant, John D. McPherson v. Albert Pike, September, 1872, Supreme Court of the District of Columbia, in Albert Pike MSS, Scottish Rite Library.

Colonel's first big dividend from the Age of Jackson and only whetted his appetite.

His hunger abated somewhat after another division of money, but this time among the Choctaws. To grant the Chickasaws a separate political jurisdiction required a major concession on the part of the Choctaws and liberal compensation of tribal leaders. The government knew of this necessity and provided in the treaty \$150,000 for the smaller tribe to use as an "Attorney" fee, money that George Harkins believed had been "set apart for Tom, Dick and Harry."⁴⁶ The Chickasaws could "well afford to pay us \$10,000 each and never grunt at it," he wrote to Pitchlynn.⁴⁷ Sampson Folsom controlled the distribution of the money and had promised Pitchlynn, Harkins and others a portion of the attorney stipend. But Luke Lea claimed the largest share for his services, despite his sellout to Pike and Cochrane. Lea's claim endangered the size of Pitchlynn's cut, who declared that the Choctaws had dealt directly with the able Chickasaw delegates during the negotiation rather than Lea.⁴⁸ The Chickasaw Council nevertheless awarded Lea \$75,000, but they

⁴⁶Harkins, Doaksville, to Pitchlynn, January 20, 1856, Folder 56-5, Pitchlynn MSS, Gilcrease Museum.

⁴⁷Harkins, Doaksville, to Pitchlynn, 1856, Folder 56-180, ibid.

⁴⁸Pitchlynn, Eagletown, to Sir, December 26, 1856, Folder 56-175, ibid.

permitted the balance of the money to be distributed to Choctaw friends who had supported the treaty.⁴⁹ Without question Folsom rewarded Pitchlynn for his services in permitting the separation of the Chickasaws. For the Colonel's part, he believed that the Chickasaws had made a noble bargain in the process of which he had harvested a profit.

Well rewarded for his several months' work in Indian Territory, in January, 1857, Peter returned to Washington to present the net proceeds case to the Senate and to implement the different provisions of the new concordat. Immediately after arrival he and his co-delegates futilely protested Attorney General Caleb Cushing's decision that upheld the prohibition of Choctaws from holding office in the Chickasaw government.⁵⁰ They also urged that Captain Randolph B. Marcy survey the three Choctaw boundaries,⁵¹ but the Indian office in October, 1857, awarded the contract instead to Alfred H. Jones and

⁴⁹Robert Nail, Choctaw Nation, to Pitchlynn, February 20, 1857, Folder 57-29; Thomas Pitchlynn, Choctaw Nation, to Peter, February 22, 1857, Folder 57-30; Daniel Folsom, Boggy, to Pitchlynn, March 30, 1857, Folder 57-44, ibid.

⁵⁰Caleb Cushing, Attorney General, to R. McClelland, January 7, 1857, Folder 57-5; Choctaw Delegation, Washington, to Manypenny, April 4, 1857, Folder 57-48, ibid.

⁵¹Pitchlynn, et al., Washington, to C. E. Mix, March 21, 1856, Folder 56-37; September 3, 1856, Folder 56-136, ibid.

Henry M. C. Brown. In the following January, however, the Commissioner directed the survey team to remark and not redraw the line shared with Arkansas, for an independent line would have added 161,280 acres to the Choctaw Nation. The delegates vigorously protested the new instructions, but their opposition carried little weight, and the boundary with Arkansas remained as drawn in 1826.⁵²

The Attorney General's decision and the boundary survey were incidental to the real interest of the Choctaw delegation. The Treaty of 1855 directed the tribe to submit their claims to the Senate for adjudication. If the Senate found the demands just, then it should award the Choctaws either the net proceeds of their ceded land or a gross sum in satisfaction of their claims. In any event, the decision of the Senate would be final. The burden of the delegation, then, was to secure some kind of Senate action. As Pike was absent again, Cochrane directed the attack of the Choctaw team. He wanted the Senate to award the net proceeds rather than the gross sum, not that it was larger, but because its justice seemed to him more easily demonstrated. He hoped to persuade the Upper Chamber by reverse psychology. The team gathered facts throughout 1856 and illustrated at least to its own satisfaction

⁵²J. W. Denver, Commissioner of Indian Affairs, to Pitchlynn, October 27, 1857, Folder 57-147; Mix to Jones and Brown, January 8, 1858, Folder 58-5, ibid.

that unfulfilled treaty obligations amounted to more than three million dollars. Thus if the Senate decided upon a gross award an appropriation at least that large would be necessary. Cochrane believed that the thought of making such a huge award would encourage the Senate to turn to the net proceeds.⁵³ Despite the labor of the team, the Senate in 1856 took no significant action save for referring the matter to the Committee on Indian Affairs.

The complexion of the Choctaw team altered materially with the Congressional session beginning in December, 1856. Albert Pike left his law practice, now in New Orleans, to direct the presentation of the case before the Senate. In addition to Cochrane, Lea, and Cooper, John B. Luce, a Fort Smith attorney and former secretary to the Choctaw Agent, Edward Hanrick, an Alabaman with many friends in Washington, and Benjamin J. Jacoway, an Arkansas speculator long involved in Choctaw affairs, joined the team. Pike prepared his monumental "Notes Upon the Choctaw Question" to demonstrate that the Choctaws were entitled to the net proceeds of their land, an argument positive in its approach but at odds with Cochrane's reverse psychology. Pike believed that the Choctaws should enter the front door unashamed and unafraid.⁵⁴

⁵³Report of the Choctaw Delegation, Washington, August, 1856, H10.55, Hargrett Collection, Gilcrease Museum.

⁵⁴Pike, "Letter to Choctaw People," Washington, February 21, 1872, Folder 72-14A, Pitchlynn MSS, Gilcrease

But all the additional influence plus Pike's masterful appeal failed to bestir the United States Senate.

After three months in the Capitol City, Pike returned to New Orleans in March, 1857, leaving Cochrane again to manage the claim. In May, they met each other in the Creek Nation to collect a \$200,000 fee for services rendered. Back in Washington Cochrane feared that the Creek success might prejudice the Senate against the net proceeds claim, and he turned nominal control over to John B. Luce. The transition had several advantages, the most important of which was that the claim would take on the appearance of an Arkansas project.⁵⁵ But Pike considered such a course devious and after a year's absence returned in February, 1858, to present the claim to the Congress. At the same time Pitchlynn and his associates obtained a statement from the Indian Office that placed the net proceeds of their Mississippi lands at nearly three million dollars,⁵⁶ a figure that ruined Cochrane's

Museum; 42nd Cong., 3rd Sess., House of Rep. Report 98, 497-504; Cooper, Choctaw Agency, to Pitchlynn, December 29, 1856, Folder 56-178, Pitchlynn MSS, Gilcrease Museum; Answer of the Defendant, John D. McPherson v. Albert Pike, September, 1872, Supreme Court of the District of Columbia, in Pike MSS, Scottish Rite Library.

⁵⁵ Cochrane, Washington, to E. Hanrick, February 3, 1858, Hanrick MSS, University of Texas Library.

⁵⁶ Mix, Washington, to Hon. J. Thompson, Secretary of Interior, May 15, 1858, 34A-E5, Records of the United States Senate, N.A.

reverse psychology. He could not very well stampede the Senate from the gross award when the net proceeds equalled it. But the Senate paid little attention to the report and adjourned in June unconvinced of the Choctaw's right to the net proceeds.

When the Thirty-fifth Congress met for its second session in December, 1858, Pitchlynn and the whole Choctaw team were on hand. Thus far Pike's positive approach had failed, though the Senate agreed that the tribe was certainly due something. At this point the team in unison turned to Cochrane's original approach. Luce obtained a quantity of material from the Indian Office files by a government clerk, E. B. Grayson, from which Pike prepared the forty-two page "Memorandum of Particulars." The document demonstrated that the government owed the Choctaws over three and one-half million dollars on the basis of broken promises alone, a sum considerably more than the net proceeds. Luce prepared a written statement for Senator Sebastian, a close friend and Chairman of the Committee, and then for some unexplained reason retired from the case and returned to Arkansas. Pitchlynn, Pike, Hanrick and Cochrane continued to press the matter and obtained from Senators Robert Johnson of Arkansas, Daniel Clark of New Hampshire, James R. Doolittle of Wisconsin, and

and Henry D. Anthony of Rhode Island a pledge to support the net proceeds.⁵⁷

The arguments and personal appearances were rewarded, for on February 15, 1859, the Senate Committee issued a report largely written by Pike but also based upon Luce's statement. The Committee found that the Choctaws were not entitled in law and strict right to the profits of lands ceded in 1830, but because the United States had not fulfilled its treaty commitments it recommended that the net proceeds devolve upon the tribe nonetheless. The Committee suggested that the Secretary of Interior make an account in which the land scrip issued would be valued at \$1.25 per acre and the lands yet unsold considered as worthless.⁵⁸ Pressured by the Choctaw team, Sebastian agreed to amend the measure on the Senate floor so as to give the Choctaws credit of twelve and one-half cents per acre for lands unsold. Accordingly, on March 9, 1859, during a Special Session of the Senate, Sebastian called up the Committee report, moved the adoption of the amendment, and then the bill. In a debate that lasted no more than ten minutes and involved no more than two people, Sebastian declared that the net proceeds would amount to no more than \$800,000. With little fanfare

⁵⁷42nd Cong., 3rd Sess., House of Rep. Report 98, 505-28.

⁵⁸35th Cong., 2nd Sess., Senate Report 374, 15.

the Senate awarded to the Choctaws the net proceeds of the lands in satisfaction of all claims against the United States and directed the Secretary of Interior to make an account.⁵⁹

In securing the Senate award many people made significant contributions. Albert Pike later declared that he alone won the adjudication, though Luce had helped some. He specifically stated that Cochrane played no part at all, and he gave no credit to Pitchlynn either.⁶⁰ Such a conclusion was absolutely unfair and self-centered. Pitchlynn resided in Washington during the whole of the Senate presentation and took a vigorous part in the lobbying efforts. He usually left his room in the early morning, walked the mile to the capitol, haunted the cloak and committee rooms, and returned to his home in the late afternoon. He rested an hour, ate dinner, and then visited members of Congress in their private quarters, not returning home until eleven o'clock.⁶¹ In contrast to his energetic schedule, his fellow delegate, Israel Folsom, was "discouraged and ready to fall back and to give up the ship." Pitchlynn symbolized

⁵⁹35th Cong., 2nd Sess., Congressional Globe, March 9, 1859, 1691.

⁶⁰Pike, "Letter to the Choctaw People," Washington, February 21, 1872, Folder 72-14A, Pitchlynn MSS, Gilcrease Museum.

⁶¹Pitchlynn, Washington, to Friend, May 30, 1860, Folder 60-84, ibid.

the Choctaw claim and inspired the team who worked to collect it. To be sure, he seldom wrote an official paper and even occasionally weakened the total effort. Yet when others faltered, he remained confident, and more than once his attitude alone insured continued action.⁶²

Once the Senate made the award and the Secretary of Interior began his account, Pitchlynn returned to the Choctaw Nation.⁶³ The Colonel found the tribe deeply divided over the question of one Chief or three, a weak executive or a strong one. Prudently supporting both sides of the issue, he accepted the offices of constable, school trustee of Eagle County, and Senator. Of course he received pay for all three posts, as well as for his service in Washington.⁶⁴ At the same time, now that an award had been made, Pitchlynn and his co-delegates reaffirmed their agreement with George Harkins in a conscious effort to retain his support and their political base.⁶⁵ The Colonel

⁶²J. W. Denver, Commissioner of Indian Affairs, to Hon. W. L. Underwood, Member of Congress, December 18, 1858, N.A., O.I.A., Letters Sent, Microcopy 21, Roll 60; Folsom, Choctaw Nation, to Pitchlynn, January 18, 1860, Folder 60-1, Pitchlynn MSS, Gilcrease Museum.

⁶³Cochrane, Washington, to E. Hanrick, November 18, 1859, Hanrick MSS, University of Texas Library.

⁶⁴Records of the National Treasurer, Volumes from the Choctaw Nation 379, Indian Archives, Oklahoma Historical Society.

⁶⁵Agreement between the Delegation and Harkins, Boggy Depot, October 21, 1859, Folder 59-37, Pitchlynn MSS, Gilcrease Museum.

then returned to Washington in early November, 1859, for the new session of Congress.

After much delay the Secretary of Interior rendered his account on March 22, 1860. The Choctaws had ceded over ten million acres of land, he reported, nearly six million of which were sold by January, 1859. Adding to the actual sum received twelve and one-half cents for each acre remaining unsold, the United States had grossed over eight million dollars on the land cession. The Secretary deducted from this sum the cost of survey, the expenses of removal, the value of the scrip issued and all other expenses incurred under the Treaty of 1830 and established \$2,981,247.30 as the net proceeds of the transaction. He also observed that the Choctaws had been paid an additional \$1,130,000.00 for lands controlled by the Chickasaws and leased to the United States but made no recommendation as to deductions.⁶⁶

The account having been rendered, the Choctaw team acted. Returned from New Orleans, Pike appeared before the Committee on Indian Affairs and argued that the Senate had made the award, the Secretary had made the account, and now Congress must appropriate the three million dollars. Under his influence the Committee agreed to reject a deduction of \$1,130,000.00 and to render a favorable

⁶⁶ 36th Cong., 1st Sess., House of Rep. Ex. Doc. 82, 23-25.

report, the draft of which Pike later claimed to have written. Issued on June 19, 1860, the completed document, much to Pike's dismay, recommended deducting first the commission paid to the State of Mississippi on the land sale and second the value of those lands granted to the State for railroads, schools purposes and swamps. The charge amounted to \$600,000 and according to the Committee left \$2,332,560.85 due the tribe. The report concluded that "every charge against the Choctaws and every deduction has been made that any equity would warrant."⁶⁷

Surprisingly, Senator Sebastian attempted to secure an appropriation of the recommended amount even before the report was written. On June 13, he moved to amend the Legislative Appropriation Act, in the process of which both he and Senator Clark of New Hampshire made an able defense of the award. A powerful opposition consisting of Robert Toombs, R. M. T. Hunter, and Jefferson Davis countered their efforts. Both Toombs and Davis acknowledged that something was due the Choctaws but maintained that the Senate should deduct \$1,130,000.00 mentioned by the Secretary of Interior. Other Senators argued that the question had not been investigated thoroughly and that the award was made hastily. The opposition carried the debate, and the Senate defeated Sebastian's amendment by a vote of

⁶⁷36th Cong., 1st Sess., Senate Report 283.

twenty-two to twenty-four.⁶⁸ Albert Pike later proudly declared that he had defeated the amendment because of the improper deductions. But he also said that he had gained Robert Toombs' support. His memory failed him utterly in regard to the Georgia Senator and probably relative to the vote as well. Yet if he did defeat the measure, he rendered the Choctaws a great disservice and had cause to regret it within the year.⁶⁹

If the defeat pleased Pike, it certainly did not Pitchlynn. He maintained that Hunter and Toombs had opposed the amendment because of its immensity, a conclusion diametrically opposite to Pike's opinion. The Colonel reported to his people at home that he got revenge, though, for he and his friends defeated a favorite project of Senator Hunter. Yet the Senate vote failed to discourage Pitchlynn. "If I live the Choctaw business will be driven through next session," he wrote to his nephew. "Your old uncle is on the warpath and sees in the distance the snake of the enemy's campfires and will be certain to extinguish them."⁷⁰

⁶⁸36th Cong., 1st Sess., Congressional Globe, June 14, 1860, 2959-965.

⁶⁹Pike, "Letter to the Choctaw People," Washington, February 21, 1872, Folder 72-14A, Pitchlynn MSS, Gilcrease Museum.

⁷⁰Pitchlynn, Washington, to Nephew, July 13, 1860, Folder 60-111, ibid.

In December, 1860, the Choctaw team prepared to present its case to a new Congressional session. Great obstacles faced them, for the election of Abraham Lincoln had brought the secession of some southern states and the prospect of civil war. Pike prepared a memorandum objecting to the committee's proposed deductions from the three million dollar award,⁷¹ and to influence the Chairman of the House Committee on Ways and Means, John Sherman, the team brought Ex-Commissioner of Indian Affairs, George W. Manypenny, to Washington.⁷² All efforts culminated on February 2, 1861, when Senator Sebastian offered an amendment to the House passed Indian Appropriation bill that authorized payment of \$1,202,560.00, a sum he derived by deducting the \$1,130,000.00 questioned by Toombs in the earlier debate from that suggested by the Committee in 1859. Pitchlynn endorsed the deduction in a desperate attempt to achieve a settlement. As Toombs had left Congress when Georgia seceded, Senator Fessenden of Maine led the opposition citing the unsettled conditions of the Union, the seeming lack of investigation, and the hastiness of the original award. Senator Robert Johnson of

⁷¹Pitchlynn, "Memorial," Washington, December 28, 1860, Folder 60-32, ibid.

⁷²Manypenny, Columbus, to Pitchlynn, February 9, 1861, Folder 61-11; February 13, 1860, Folder 61-12; J. T. Cochrane, Washington, to Pitchlynn, n.d., Folder Un-25, ibid.

Arkansas responded vigorously, declaring his opposition to any reduction of the initial three million dollar award. "They may say they will take two and three pence, but for my part I will never consent to any compromise that is simply palatable and bare faced robbery inflicted on the weak by the strong. My God!" he exclaimed, "what kind of respect can we have for ourself when we seek to break our obligations."⁷³ Based on Pike's careful arguments, Johnson's histrionics, and Pitchlynn's publicity the team met with a measure of success, and on February 9, 1861, the Senate voted twenty-nine to fifteen to allow the Choctaw 1.2 million dollars with the remainder of the claim to lay over.⁷⁴

Representatives Horace Maynard of Tennessee and John Stevenson of Kentucky, the latter a close friend of Cooper, urged the House to adopt the Senate amendment. The two had major prejudices to overcome, however. On February 7, 1861, the Choctaw Council had resolved that the destiny of the tribe lay with the South, word of which reached Washington via the Memphis newspapers. With a House largely northern in complexion John Phelps of Missouri verbalized the opposition to the appropriation, but the decision really rested upon the opinion of John Sherman.

⁷³36th Cong., 2nd Sess., Congressional Globe, February 6 and 9, 1861, 704-709, 824-31.

⁷⁴Ibid., 831.

Unfortunately, the pressure brought to bear upon the Ohio Representative by the Choctaws had little influence on him, and he led the House on February 28 in defeating the Senate's amendment.⁷⁵ The non-concurrence to amendments of the Indian Appropriation Act forced the measure to a conference committee, the Senate members of which Albert Pike declared later he selected. Those conferees stood firm in demanding the Choctaw amendment, and the conference report adopted the Senate version of the bill. The Senate agreed to the report on March 2, but in the House Sherman declared that he would rather see the whole bill die than agree to the Choctaw amendment.⁷⁶ Accordingly, the House asked for another conference, and to this committee the Senate, or Pike, named Senators Doolittle of Wisconsin, Nicholson of Tennessee, a schoolmate of Pitchlynn's, and Pugh of Ohio. The very day of its appointment the committee rewrote the language of the amendment entirely and awarded to the Choctaws \$500,000, one-half to be paid in cash and the other half in United States bonds. Moments later the Senate accepted the report, and the House, with Sherman still objecting, did the same by a vote of seventy to sixty-one.⁷⁷

⁷⁵36th Cong., 2nd Sess., Congressional Globe, February 28, 1861, 1291; D. H. Cooper, Washington, to John H. B. Latrobe, February 28, 1861, in John E. Semmes, John H. B. Latrobe, and His Times (Baltimore, 1917), 535.

⁷⁶36th Cong., 2nd Sess., Congressional Globe, March 2, 1861, 1414.

⁷⁷Ibid., 1341, 1357, 1362, 1419, 1427.

Thus forty-eight hours before Lincoln entered Washington, Pitchlynn and his associates were awarded one-half of one million dollars in partial satisfaction of tribal claims. The congressional action concluded fittingly a cooperative effort, an effort that Pike forgot when he later declared that he "alone" secured the award. Pike always thought of himself as the key to the Choctaw team, but in so doing he overlooked the contributions of Cochrane, Lea, Cooper, Hanrick, and especially Pitchlynn. Though important, Pike's role was never as crucial as he later maintained and certainly not in March, 1861.⁷⁸

Pike and Hanrick left Washington immediately after the congressional action, but the Choctaw delegation remained and appealed to the Commissioner of Indian Affairs to issue a warrant for the allotted funds. Supported by the new Senator from Arkansas, Charles B. Mitchell, and Congressman Thomas Corwin of Ohio,⁷⁹ they asked that a portion of the \$250,000 in cash be paid to Agent Cooper so he could purchase corn for starving Choctaws, who always seemed to be ill-fed when funds were available.⁸⁰

⁷⁸Pike, "Letter to the Choctaw People," Washington, February 21, 1872, Folder 72-14A, Pitchlynn MSS, Gilcrease Museum.

⁷⁹J. P. Cochrane, Washington, to Albert Pike, April 15, 1861, Folder 61-32; Pitchlynn, Washington, to Thomas Corwin, March 8, 1861, Folder 61-18, ibid.

⁸⁰Pitchlynn, et al., Washington, to W. P. Dole, Commissioner of Indian Affairs, March 15, 1861, Papers Relating to Claims, Trust Fund, Indian Division, Records of the Secretary of Interior, N.A.

But the Republican administration had not yet determined to retain Cooper, a southern man, as Agent and hesitated to put him in charge of so much money. Aware of the government's suspicions, the delegation had sought an interview with President Lincoln to urge reappointment of Cooper.⁸¹ This demonstrated faith in the Agent encouraged the government to release \$134,512.55 to him on March 22 and April 5 to buy corn.⁸² Cooper, of course, had already decided for the South and later when his handling of the money was questioned conveniently produced "evidence" to show he had so advised the Executive. Yet it is incredible that the government would release so much money to a man whose patriotism was in doubt.⁸³

On April 5, Secretary of Treasury Salmon P. Chase told the Choctaws he would pay to them the portion not given Cooper, or \$115,000, if they would wait two weeks to demand the one-quarter of one million dollars in bonds. He pointed out that the \$250,000 in bonds could be cashed only at great sacrifice, and after the government floated

⁸¹Letter draft from Chickasaw and Choctaw Delegates, Washington, to Sir, March 12, 1861, Folder 61-20, Pitchlynn MSS, Gilcrease Museum.

⁸²Payments to the Choctaw Nation on Account of their Claims, Vol. II, Index to Appropriation Ledgers, Division of Finance, Records of the Office of the Secretary of Interior, N.A.

⁸³Cooper, "Reply to Charges Made by J. P. C. Shanks," Washington, August 1873, Folder 73-108, Pitchlynn MSS, Gilcrease Museum.

its first bond issue, he would redeem the bonds either in cash or 6 per cent treasury notes.⁸⁴ On April 12 as shells fell on Fort Sumter, the Treasury handed to Pitchlynn a draft on a New York bank for \$112,000.00 and \$3,187.45 in cash.⁸⁵ Pitchlynn elected not to cash the draft immediately, but from money paid to Cooper he transferred \$5600 to Cochrane who then passed \$4000 on to Senator Mitchell for services rendered. Mitchell and Jacoway, the latter had been in Washington all along, then left the city intending to call upon President Jefferson Davis about enlisting the Indians in the Southern cause.⁸⁶ In this instance at least the federal government contributed directly to the Confederacy.

On April 20, Pitchlynn went to the Treasury to pick up the notes that Secretary Chase had issued in lieu of the \$250,000 bonds. Administrative complications developed, and the notes were not immediately paid. Cooper and Cochrane, tense about the whole situation, suggested that Pitchlynn see Commissioner of Indian Affairs Dole

⁸⁴Cochrane to E. Hanrick, April 8, 1861, Hanrick MSS, University of Texas Library.

⁸⁵Payments to the Choctaw Nation, Vol. II, Index to Appropriation Ledgers, Division of Finance, Records of the Office of the Secretary of Interior, N.A.

⁸⁶Cochrane to Choctaw Delegates, April 12, 1861, Folder 61-29; Cochrane to Pike, April 15, 1861, Folder 61-31, Pitchlynn MSS, Gilcrease Museum; Cochrane to Hanrick, April 27, 1861, Hanrick MSS, University of Texas Library

that evening at his home. The after-hours interview with Dole resulted in the Colonel and his two co-delegates, Israel and Peter Folsom, calling on Secretary Chase the following Sunday morning, April 21. At this conference Chase and Dole apparently took the Choctaws into their confidence explaining that the government suspected Cooper of southern sympathies and feared that the agent would not use the funds placed in his hands for the benefit of the Choctaws. Ample evidence supported their suspicion. Earlier in the week Cooper had written a pro-southern letter to Tandy Walker at Skullyville but failed to place a stamp on it. The letter was opened by the Post Office and returned to the Office of Indian Affairs, which relayed the contents of the letter to the Treasury. Furthermore, at the Sunday morning conference Chase and Dole told the delegates that the Council needed to requisition the \$250,000 in notes directly. The two, therefore, recommended that Pitchlynn and his associates return to the Nation, see that Cooper spent the money on behalf of the tribe, secure a requisition directly from the Council for the notes, and insure the loyalty of the tribe to the United States.

Flattered by the confidence of so high officials
--Pitchlynn later said that he had talked to President

⁸⁷ Cochrane to Pike, April 23 and 25, 1861; Cochrane to J. B. Luce, June 1, 1861; Cochrane MSS, Gilcrease Museum.

Lincoln--the Choctaw delegation left almost immediately for home. On Sunday afternoon, Peter and Israel Folsom took the \$112,000 draft and crossed the Potomac to Alexandria while Pitchlynn went home to gather his family. On Monday, Cochrane visited the Colonel, where he found Peter intoxicated and the family packing to move. He learned that the Secretary had refused to deliver the treasury notes and that the Folsoms had already left with the \$112,000 draft in hand. The course of events left him without compensation and "inexpressably pained."⁸⁸

Monday, April 22, Pitchlynn met his co-delegates in Alexandria and started immediately for home via Memphis. He left behind him eight years of concentrated effort, but with the \$112,000 he felt amply rewarded. Furthermore, if the Choctaws retained their senses, another one-quarter of one million dollars would also be paid. So the Colonel looked to the next few years with great confidence.

⁸⁸Ibid.

CHAPTER VII

THE CIVIL WAR YEARS

The Civil War years proved as critical to the Choctaw Nation as to the United States. Largely sovereign in 1861, its alliance with the Confederacy meant that only time separated the tribe from its demise as a nation. Peter Pitchlynn saw this eventuality and sought to avert it. Failing, he retired to semi-public life until the waning years of the war when he returned to serve as Principal Chief of the tribe. In this capacity he made significant contributions to the welfare of his people.

The Colonel left Washington in April, 1861, intoxicated by the importance of his mission, the \$112,000 draft in his hand, and the flask in his pocket. He hurried home to keep the Choctaws loyal, a task not incompatible with his own beliefs. Years of residence in the Capitol, wide travel in the North, a wife with family connections in the same region, and no emotional attachment to slavery committed him to the federal government. But even more important the Colonel had a financial

interest in a continued alliance with the Union. Lincoln's government would not pay the net proceeds if the Choctaws sided with the Confederacy. John T. Cochrane had reached the same conclusion and advised Albert Pike to prevent Arkansas and Texas from persuading the tribe to break with Washington. The news that Jefferson Davis had commissioned his associate to treat with the Western Indians absolutely astonished him. "I think he [Pike] is too hard up for money to undertake such a proceedings," he wrote, "when he knows that if the Choctaws will only remain quiet and uncommitted they can get the balance of the appropriation and we our fee."¹ But Pike persisted in treating with the Indians and thus measurably endangered Pitchlynn's mission at home and ambition in Washington.

The Colonel arrived with his family at Eagletown in early May and immediately expressed his opposition to the predominate southern influence. He conferred with George Hudson, the first Principal Chief of the Nation, and sold him upon the advantages of retaining the Washington alliance. Hudson had already called a special session of the Council to meet at Doaksville in mid-June and with

¹ John T. Cochrane, Washington, to Pike, April 25, 1861; Cochrane to J. B. Luce, June 1, 1861, Cochrane MSS, Gilcrease Museum.

the advice of Pitchlynn prepared an address recommending neutrality.²

But prior to Hudson's speech several events intervened that forced him to alter his course. First, a Texas vigilance committee visited and threatened Pitchlynn, calling him an abolitionist. Second, R. M. Jones, who anticipated the Chief's position, addressed the Council in advance of Hudson declaring that anyone who opposed secession ought to be hung. Finally, white men from Texas and Arkansas descended upon the Council at Doaksville and lobbied for a southern alliance.³ In view of such circumstances, the Chief threw away his Pitchlynn-prepared speech and declared instead that the United States no longer existed as a government, that it had refused to pay money awarded by Congress, that it had abandoned its military posts in the Choctaw country, and that it now planned an invasion. He stated that the Nation ought to stand by the Confederacy and recommended that the tribe appoint commissioners to meet with the proper authorities to negotiate a treaty of alliance and annuity with the South.⁴

²Speech Draft, n.d., Un-321, Pitchlynn MSS, Gilcrease Museum; John Edwards, "My Escape," The Chronicles of Oklahoma, Vol. XLIII (Spring, 1965), 71.

³Orlando Lee, Huntington, Long Island, to W. P. Dole, March 15, 1862, in Annie Able, The American Indian As Slave Holder and Secessionist, Vol. I (Cleveland, 1915), 75-79.

⁴Speech of James Hudson, Doaksville, n.d., Folder 64-1, Pitchlynn MSS, Gilcrease Museum.

Only partially intimidated, on June 10 the Council declared the Choctaw Nation free and independent and appointed delegates to make an alliance with the Confederate States. R. M. Jones headed the delegation that proceeded to North Fork Village in the Creek Nation where they met the other civilized tribes, drew up articles of confederation, and on July 12 signed a treaty of alliance with the Confederacy, represented by Albert Pike. In the new concordat the southern government guaranteed the tribe a large measure of independence and assumed all the obligation of the United States, including the net proceeds.⁵ So Pike wrote a treaty favorable to himself and to the Choctaws.

At the very time Pitchlynn suffered insult at the hands of white men and political defeat at the hands of the Choctaw Council, he and his co-delegates turned over to the Choctaw treasurer the \$112,000 draft.⁶ Efforts to realize the face amount of the draft set in process an incredible chain of events. For a 20 per cent commission the tribal treasurer authorized a local mercantile company owned by John P. Kingsbury and Sampson Folsom to collect the paper. Folsom sent two Presbyterian missionaries,

⁵Debo, Rise and Fall, 82; Convention Records, June, 1861, Folders 61-38, 39, 40, Pitchlynn MSS, Gilcrease Museum.

⁶Receipt of H. M. Folsom, Doaksville, June 12, 1861, Folder 61-31, Pitchlynn MSS, Gilcrease Museum.

Ebenezer Hotchkins and O. P. Stark, behind the Union lines to New York City where they exchanged the draft for gold. The missionaries succeeded in moving the coin to St. Louis, but found they could not recross the lines to Indian territory with all of the coin. Accordingly, they left \$33,000 at St. Louis in the care of John C. Johnson of the Memphis firm of Lehman and Company. The remainder they successfully turned over to Folsom in October, 1861, at Doaksville.⁷

After deducting his fee Folsom paid \$59,100 to a committee specially created to investigate Pitchlynn's accounts. Headed by R. M. Jones, the committee awarded the whole amount to Pitchlynn and his four co-delegates who immediately loaned \$20,260 back to the Nation, paid \$3000 to Forbis Leflore and divided the remaining \$35,840 among themselves and the heirs of George W. Harkins. Altogether, Pitchlynn received \$7,168.10. After the transaction Jones' committee issued a report that defied interpretation, but clearly declared that in addition to the \$59,100 the tribe yet owed the delegation of 1853 over \$70,000.⁸

⁷ Sampson Folsom, Horse Prairie, to Sam Garland, August 10, 1863, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 181; Plaintiff's Final Reply Brief, Sophia Pitchlynn v. Choctaw Nation, The Court of Claims, H10.79, Hargrett Collection, Gilcrease Museum.

⁸ R. M. Jones, Doaksville, to Choctaw Council, October 23, 1861, N.A., O.I.A., Choctaw Agency, Letters

By terms of their 20 per cent contract, Pitchlynn and his associates certainly were due \$50,000 of the \$250,000 collected on the Senate award. But they had received that amount and more from the committee, and still the tribe owed them! The indebtedness resulted from the Colonel's charging the tribe, as if his contract applied, 20 per cent of the \$400,000 received after the Treaty of 1855 and the \$90,000 plus paid in arrearages the same year. Such a charge was absolutely improper as the Chiefs agreed to the contract with the delegation after the payment of the arrearages and the ratification of the treaty. The committee report suggested embezzlement and did little credit to either Pitchlynn or Jones.

Efforts to collect the remaining \$33,000 in St. Louis were equally incredible. In May, 1862, Sampson Folsom sold the gold for \$44,000 in Confederate currency to Frank Williams of Heald and Company, a Fort Smith firm with offices at Skullyville.⁹ From the money realized, on August 11, 1862, Folsom paid the delegation \$25,000, of which Pitchlynn received \$6,354.18.¹⁰ All parties kept

Received, Microcopy 234, Roll 179; Israel Folsom, Elm Grove, to Pitchlynn, November 13, 1861, Folder 61-47; Pitchlynn, Washington, to J. P. C. Shanks, April 1873, Folder 73-18, Pitchlynn MSS, Gilcrease Museum.

⁹F. E. Williams, Choctaw Agency, to Sampson Folsom, May 26, 1862, HR 40A-F11.5, Records of the House of Representatives, N.A.

¹⁰Receipt, August 11, 1862, 17642, Choctaw-Federal Relations, Indian Archives, Oklahoma Historical Society.

the transaction secret, for Williams feared charges of treason for dealing behind enemy lines. He paid for the money in advance and sent a man to St. Louis to demand the gold from Lehman and Company. Unfortunately parties at both St. Louis and Philadelphia refused the draft since Johnson had moved the gold to Memphis after ending his association with Lehman. All of Williams' efforts to collect proved futile, and since the Choctaws refused to refund the money, his firm ceased to function. Pitchlynn permanently forgot the whole incident, but not the gold.¹¹

The \$33,000 remained with Johnson until the summer of 1863, when he came to the Nation to acquire legal control of the money entrusted to him. Dealing surreptitiously with Samuel Garland and Peter Pitchlynn, he purchased the gold, for \$26,515.84 in Confederate money, apparently undisturbed that it had been sold the year before to Williams. The delegation realized nearly \$15,000 from this impossible deal, \$3800 of which accrued to Pitchlynn.¹² Thus after selling part of the money twice the delegates realized from the initial draft \$76,461.20, not including the money "loaned" to the Nation or paid to Leflore. Of this amount Pitchlynn and his colleagues individually secured over

¹¹42nd Cong., 3rd Sess., House Report 98, 125.

¹²Sampson Folsom, Horse Prairie, to Samuel Garland, August 10, 1863, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 181; Account, n.d., Folder Un-149, Pitchlynn MSS, Gilcrease Museum.

\$17,000 and after the sale to Johnson were still on the books to receive an additional \$55,000 for services rendered. The whole transaction illustrated amply the resourcefulness of Peter Pitchlynn.

An equally dubious manipulation occurred in relation to the \$134,000 transferred to Douglas Cooper for the purchase of corn. The Agent used part of the funds, about \$40,000, to buy grain in the Ohio Valley which he shipped down the river. At Cairo Union officers intercepted the barges, confiscated some of the grain but ultimately permitted the vessels to continue. Part of the corn that came by way of the Arkansas, Cooper distributed at Skullyville; the remainder he sold, transferring the proceeds of \$4500 to the Choctaw treasury. The Agent had routed most of the corn up Red River, but low waters detained it at the "raft." When the shipment began to spoil, Cooper sent Sampson Folsom and Eastman Loman to sell the grain, the proceeds of which they should return to the Nation. Exactly how much the Choctaws realized from this sale was not recorded.¹³

Obviously most of the "corn" money was not spent for corn. At least \$50,000 of the money Cooper received in Washington in March, 1861, he left at New York. Some

¹³Cooper, "Reply to Charges made by J. P. C. Shanks," Washington, 1875, Folder 73-108, Pitchlynn MSS, Gilcrease Museum; Accounts, 1861, Volumes from the Choctaw Nation 397, Indian Archives, Oklahoma Historical Society.

sixty days later he sent William Wilson, an ex-Agent of the Choctaws, to collect the \$50,000 in gold. Wilson brought the money as far as St. Louis, where he met the same fate of Hotchkins and Stark, a situation that forced him to return to New Hampshire where he buried the money. The gold remained in New England until early 1862, when the Nation used it to satisfy attorney fees.¹⁴

After Pitchlynn left Washington, Cochrane instructed Albert Pike to collect the 30 per cent attorney fee on the \$250,000.¹⁵ Short of money, Pike demanded \$75,000 from the Nation and may well have threatened to reveal Pitchlynn's secret 5 per cent contract unless the Colonel assisted him. In January, 1862, he met Sampson Folsom and Eastman Loman in Richmond, where he again demanded his fee. Finally Folsom wrote out an order to Douglas Cooper to pay over to Pike \$40,075.60, "being the balance of money placed in your hands by the Choctaw Nation for the purchase of corn."¹⁶ The "corn money" was that part of the \$250,000 reserved to the individual Choctaws, but Pike was anxious for his fee, and the morality of the transaction did not

¹⁴ Answer of the Defendant, John D. McPherson v. Albert Pike, Supreme Court of the District of Columbia, September, 1872, in Pike MSS, Scottish Rite Library.

¹⁵ Cochrane to Pike, April 25, 1862, Cochrane MSS, Gilcrease Museum.

¹⁶ Folsom and Loman, Richmond, to D. H. Cooper, January 2, 1862, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 181.

for the moment disturb him. Later he seemed shocked and insisted that the money he received came from the draft issued to Pitchlynn. But Pike knew better. Two months after the event he had written of the \$112,000: "I never received a dollar of it, I know."¹⁷ In any event Sampson Folsom considered the use of the corn money as "good financiering" and arranged for Pike to deposit the draft with Frank Williams of Heald and Company.¹⁸ Williams agreed to pay the attorney \$20,000 in gold and \$20,000 in Confederate currency, presented the note to Cooper, and received from the ex-Agent an order for the gold in New England. On this occasion Williams secured the gold, which made him susceptible to the later deal that ruined his firm. Of the money initially placed to his credit Pike retained all but \$2000 paid to the Choctaw Treasurer, \$2000 to John B. Luce and \$15,000 to Douglas Cooper. Later on, Pike received \$10,000 more in Confederate currency from the same source, most of which he paid to Edward Hanrick.¹⁹

Thus of the \$250,000 obtained in 1861 little if any accrued to the benefit of the fullblood Indian. Those

¹⁷Pike, North Fork of the Canadian, to Sir, March 23, 1862, ibid.

¹⁸Sampson Folsom, Richmond, to George Huson, January 20, 1862; Pike, Washington, to Pitchlynn, September 12, 1873, ibid.

¹⁹F. E. Williams, Richmond, January 2, 1862, to Heald and Company, HR 40A-F11.5, Records of the House of Rep., N.A.; McPherson v. Pike, Pike MSS, Scottish Rite Library.

funds realized from the draft issued to Pitchlynn were either paid to the delegation or placed to its ultimate credit. Of money entrusted to Cooper, at least \$50,000 went to Albert Pike, and some went for grain, but most was darkly applied.²⁰ The whole transaction illustrated the need for governmental guidance of money allocated to Indian tribes. Further, it did little to enhance the reputations of the principal parties--Pitchlynn, Pike, Cooper and Folsom.

A part yet coincidental to the distribution of the one-quarter of one million dollars were efforts to obtain the \$250,000 in bonds retained by the United States Treasury. In 1863, at the time Johnson purchased the gold, he offered to collect the bonds for a commission of \$60,000.²¹ Eager for more funds, Pitchlynn and the two Folsoms signed an order upon the Treasury back dated to April 27, 1861, to obscure the obvious attempt to transfer money from the United States Treasury to the rebel Indians. The scheme failed, and the United States retained the bonds, but the order remained to haunt Pitchlynn in the postwar period.²²

²⁰Account of Douglas H. Cooper, April, 1861, to January, 1862, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 181.

²¹42nd Cong., 3rd Sess., House Report 98, 554.

²²Ibid., 65; Statement Relative to Lehman Claim, n.d., Folder Un-82, Pitchlynn MSS, Gilcrease Museum.

In spite of the favorable accounting rendered in October, 1861, most considered the Colonel a Union man. Such a concept forced him to curtail his political activities and to turn to his family and farm. Contrary to one historian, Pitchlynn did not return to Washington after the tribe allied with the Confederacy but moved his family into the defunct female seminary, Lyunabi, near his home at Eagletown.²³ Several reasons prompted the move, the most important being that the plantation already housed members of his first family. Pitchlynn and his wife, who was accused by some of being Abraham Lincoln's sister, their two young sons, Tommy and Everette, and Mrs. Pitchlynn's son, Charles Lombardi, found the vacant buildings commodious and hospitable throughout the war. Reestablished on Mountain Fork, the Colonel devoted time and attention to both of his families, all of whom lived comfortably throughout most of the war. Pitchlynn even fed hundreds of indigent families in his own area.

But the Colonel did not altogether retire from public life. He served as Senator in the called Council session in 1862, as National Auditor from January to April, 1862, and as Confederate Postmaster at Eagletown

²³ Joseph B. Thouburn and Muriel H. Wright, Oklahoma, A History of Its State and Its People, Vol. I (New York, 1929), 318; Mrs. S. H. Byington, Belpere, Ohio, to Sue McBeth, n.d., Sue McBeth Papers, Section X, Indian Archives, Oklahoma Historical Society.

in 1864.²⁴ Also in 1863 Pitchlynn recorded individual claims for spoliation committed by Confederate troops. The Choctaws expected to be prepared should they have to present a claim to the Southern Congress after the war.²⁵

Despite the acts of public service and the feeding of indigent Choctaws Pitchlynn still suffered from the taint of Yankeeism.²⁶ To renovate his reputation and protect himself from "jayhawking raids" Pitchlynn wrote in 1863 to the Washington, Arkansas Telegraph that he was a southern man by "birth, education, association, and interest." He might not have been blatant for southern rights, but he had remained consistent and hopeful, furnished sons for the battle, and a free table for the Southern soldiers.²⁷ His image improved further, in May, 1863, when his neighbors elected him Captain of the Home Guard.²⁸ In July, 1864, he offered his company for

²⁴Journal of the Senate, 1857-1867, February 7, 1862, Volumes from the Choctaw Nation 297, Indian Archives, Oklahoma Historical Society; George H. Shirk, "The Confederate Postal System in the Indian Territory," The Chronicles of Oklahoma, Vol. XLI (Summer, 1963), 199.

²⁵Account Book 10, Pitchlynn MSS, Gilcrease Museum.

²⁶E. G. Corder, Sand Springs, Arkansas, to Pitchlynn, October 31, 1863, Folder 63-20, ibid.

²⁷Pitchlynn, Eagletown, to Editor, October 21, 1863, Washington, Arkansas Telegraph, Folder 63-15, ibid.

²⁸The Diary of Cyrus Byington, May 24, 1863, Box 21, Volume II, Foreman Typescripts, Gilcrease Museum.

regular service in the second Choctaw Regiment.²⁹ Pitchlynn did not see military action, but he did see an increase in popularity.

This flurry of military and political activity on Pitchlynn's part in 1863 and 1864 coincided with a Union invasion of the Choctaw Nation. In February, 1864, Colonel William A. Phillips led a federal force almost to Fort Washita, distributing along the way copies of Lincoln's Amnesty Proclamation. He sent a message to the Choctaw Council inviting them to "choose between peace and mercy and destruction."³⁰ Pitchlynn served in the Council addressed by Colonel Phillips and was appointed by it along with R. M. Jones, Sampson Folsom and others to meet with delegates from the different tribes to discuss the proclamation.³¹ The convention met at Tishomingo on March 16, where some delegates argued for immediate submission and others urged continued loyalty to the South. Finally, under the influence of Generals Samuel Bell Maxey and D. H. Cooper the tribes concluded to make one last stand for the Confederacy on Red River.³²

²⁹Lieut. Colonel D. H. Hurray, Lukefatah, to Pitchlynn, July 20, 1864, Folder 64-7, Pitchlynn MSS, Gilcrease Museum.

³⁰Angie Debo, Rise and Fall, 83.

³¹Minutes of the Senate at the Called Session, February, 1864, 18308, Choctaw Nation-National Council, Indian Archives, Oklahoma Historical Society.

³²Abel, The Slave Holding Indians, Vol. III, 27 and 28.

Despite the continued influence of the Confederate Generals and vigorous patriotism of the first Choctaw Regiment, enthusiasm for the Confederacy among the full-bloods waned in the early months of 1864. Undoubtedly the tribe would soon make its peace with the Union, and to many, including Pitchlynn, it seemed propitious that someone serve as Chief who might arrange a rapprochement. As the Colonel knew the Washington officials, desired the position and had gained the confidence of southern sympathizers, he agreed to run for the office of Chief.³³

In the election that followed the Colonel's unique position stood him in good stead. Yet he won election to the office by a very narrow margin. On October 6, 1864, the two houses met to count the ballots, some of which they destroyed upon the motion of Lycurgus Pitchlynn. The clerk counted the remaining ballots, and the Speaker of the House announced that Pitchlynn received 294 votes, Franceway Battice 284, and Jerry Wade 265. It was a close vote, so close that the Council recorded that Pitchlynn was "declared" chief rather than "elected." Nonetheless he was Chief.³⁴

³³ John B. Meserve, "The McCurtains," The Chronicles of Oklahoma, Vol. XIII (September, 1935), 302.

³⁴ House Records, October 6, 1864, Records from the Choctaw Nation 294, Indian Archives, Oklahoma Historical Society.

The new Chief addressed the Council on October 7 in a message designed to clarify the international and domestic situation. He declared that the force of circumstances compelled the tribe to participate in the Civil War, but having committed themselves to the South the Choctaws should stand as firm as the eternal mountains. Pitchlynn assured the Council that he would enforce the civil laws, uphold the Confederate treaty stipulations, and cooperate with the military authorities. The Chief urged the appointment of an agent to care for tribal refugees and provision for a local defense against rampant thieving and robbing.³⁵ Generally, Pitchlynn counseled commitment and steadfastness which the Washington, Arkansas Telegraph saw as "the true spirit of devoted patriotism."³⁶ At the moment the Chief had no other practical alternative, and he even issued a proclamation setting aside the third Friday in November as a day of fasting and prayer for the Confederate cause.³⁷

Great public distress confronted Pitchlynn upon taking office. The war had little affected the Choctaws until late summer of 1863, after which Union forces

³⁵The Inaugural Address of Peter Pitchlynn, October 18, 1864, Folder 64-72, Pitchlynn MSS, Gilcrease Museum.

³⁶February 8, 1864, 2.

³⁷Washington, Arkansas Telegraph, October 26, 1864, 2.

captured Fort Smith, Arkansas, and penetrated to Perryville. With these defeats destitute refugees and Confederate forces flowed over the Kiamichi Mountains to Red River and created a distressing food shortage.³⁸ To alleviate the problem the Chief induced the Council to establish a roll of needy families and to supply provisions for those so enrolled. In two separate acts, the Council also appropriated \$30,000 to purchase "cards" that prepared cotton and wool fibers for spinning and directed the district chiefs to supply wagons for food distribution. When destitution continued, the Chief determined that food consumption by non-Choctaw soldiers contributed to the famine. He demanded that the troops stationed at Shawneetown, one of R. M. Jones' plantations, be removed and the corn stored there reserved for the families of the Choctaw soldiers. Even though Confederate forces withdrew, food continued scarce until the end of the war.³⁹

³⁸ Debo, Rise and Fall, 82.

³⁹ Acts of the Choctaw Council, October, 1864, 18308, Choctaw Nation-National Council, Indian Archives, Oklahoma Historical Society; Pitchlynn, Eagletown, to Major General Samuel Bell Maxey, December 29, 1864, in the War of Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (hereinafter War of Rebellion), First Series, LIII (Washington, 1880-1900), 1035; Maxey, Fort Towson, to Samuel F. Mosley, December 9, 1864, Folder 64-23; General D. H. Cooper, Choctaw Nation, to Pitchlynn, April 14, 1865, Folder 65-14, Pitchlynn MSS, Gilcrease Museum.

During the war property and life were insecure. This deeply disturbed Pitchlynn. Destitute refugees and unprincipled gangs perpetrated the crimes, and he recommended concerted efforts by both civil and military authorities to control the disorders.⁴⁰ But he gained no satisfactory response, and the conditions of near anarchy continued throughout the war and ended only with the appearance of the Union cavalry after the Confederate capitulation.

The continued destitution, social disorder, military deterioration and economic instability prompted the Colonel in January, 1865, to convene an extraordinary session of the National Council at Goodwater Seminary. In his address Pitchlynn noted the lack of food and civil order, but more important he raised several questions with regard to the continued depreciation of the Confederate currency. Should the tribe receive money at par when it was negotiable only at ruinous rates of discount? Could the Choctaws afford to make such a sacrifice just to exhibit loyalty? Did not depreciation constitute a tax in direct contradiction to the treaty? Also Pitchlynn questioned the efficacy of an emergency plan that called all male Choctaws to the Confederate service as he believed a

⁴⁰ Proclamation of Pitchlynn, Choctaw Nation, n.d., Folder Un-240, Pitchlynn MSS, Gilcrease Museum.

sufficient number must always remain at home to carry on agricultural endeavors. The Chief recommended a general military law by which the troops would elect their officers, the appointment of an agent to register property stolen by Confederate soldiers, and the re-opening of common schools. Pitchlynn continued to declare his faith in the Confederacy and urged the Choctaws to stand united in reverence of the Bible, obedience to the laws and facing the future.⁴¹

The Council considered Pitchlynn's recommendations but took little action other than authorizing an agent to procure supplies and the Chief to negotiate the money question. But the Colonel had convened the Council not because he desired action but because he hoped to test the temper of the Nation. Interestingly enough, few seriously objected to the questions he asked or the doubts he instilled. In this sense the called Council had been a great success.

In the final days of the Civil War, the importance of Indian Territory increased. Should the military effort in Virginia collapse, General Kirby Smith believed that the South could continue the struggle west of the Mississippi. Such a plan made control of Indian Territory essential, and General Douglas Cooper, now in command, concentrated his Indian troops on the Little Bogy River.⁴² But

⁴¹Address of Chief Pitchlynn, Goodwater, January, 1865, Folder 65-30, ibid.

⁴²Abel, Slave Holding Indians, Vol. III, 130, 121.

as Cooper's dependence upon the Choctaws increased, Chief Pitchlynn's allegiance to Jefferson Davis decreased. After Appomattox he spoke openly of the futility of continued resistance and delegated Israel and Nathaniel Folsom to attend a council of Indians allied with the Confederacy at Camp Napoleon on the Washita River. At a brief meeting the tribes agreed that the South was doomed and on May 26 entered into a compact of perpetual peace and friendship promising unity of action in future contacts with the North.⁴³ With no military effort in the East and the denial of additional troops in the West, Cooper realized he could not continue alone. Even while the tribes met at Camp Napoleon he recommended that the Grand Council of tribes which convened annually at Armstrong Academy meet again to determine the future.⁴⁴

The suggested council gathered at Armstrong on June 12, 1865, two weeks after General Kirby Smith surrendered all Confederate forces in the West. Illness prevented Pitchlynn's attendance, but he sent as his representative a delegation that included Samuel Garland, Israel Folsom, and Sampson Folsom. The conclave continued

⁴³Minutes of the Grand Council, Camp Napoleon, May 13 to 26, 1865, Folder 65-18; Compact, May 26, 1865, Folder 65-19, Pitchlynn MSS, Gilcrease Museum; Cooper, Fort Washita, to Scott, May 14, 1865, War of Rebellion, Series 1, Part II, Volume XLVIII, 1304.

⁴⁴Abel, Slave Holding Indians, Vol. III, 141.

the discussions begun at Camp Napoleon and reaffirmed the Indian intention to act in unison. The convention suggested that the tribes appoint no more than five commissioners to proceed to Washington to enter into treaty negotiations.⁴⁵

In the meantime the United States Army acted to secure the surrender of the Indian tribes. On June 9 Major General F. J. Herron, Commander of Union forces in Louisiana, ordered Colonel A. C. Matthews to Armstrong Academy to enter into a temporary treaty or alliance with the Indians. He directed Matthews also to convene another Grand Council in early August where commissioners direct from Washington would meet with the Indians. If the tribes agreed to call such a meeting and to a temporary peace, the cavalry force prepared for operation among the Indians would not be sent.⁴⁶

Unfortunately, Matthews arrived after the Council at Armstrong had adjourned. He called upon Chief Pitchlynn and revealed the nature of his mission. Anxious to prevent further military operations and to appear cooperative, on June 18, 1865, the Colonel issued a call to reconvene

⁴⁵Minutes of the Grand Council, Chahta Tamaha, June 12, 1865, Folder 65-26; Resolution of the Grand Council, June 15, 1865, Folder 65-32, Pitchlynn MSS, Gilcrease Museum.

⁴⁶Copy of Major General F. J. Herron, Shreveport, to Colonel A. C. Matthews, June 9, 1865, Folder 65-23, ibid.

the Grand Council. He urged the tribes to gather at Armstrong Academy on September 1 and in the interim to cease hostilities, close ranks, and face the future cooperatively.⁴⁷ Having demonstrated his sincerity, the next day at Doaksville Pitchlynn signed terms of surrender far more generous than those at Appomattox.⁴⁸ Matthews simply directed the Choctaws to return home, and instead of treating the Indians as paroled Confederate soldiers he granted them the protection of the United States.

Confusion followed in the wake of Matthew's visit and Pitchlynn's proclamation. On the one hand, the Chickasaws as agreed upon at Armstrong prepared to send delegates to Washington. On the other hand, Chief Pitchlynn called a special session of the Choctaw Council to meet coordinately with the session of the Grand Council scheduled for September.⁴⁹ In other words the American peace commissioners were scheduled to be in two places at once. To compound the confusion the Department of Interior, the only agency authorized to treat with the tribes, directed the Indians to assemble at Fort Smith the first

⁴⁷Proclamation, Executive Department, June 18, 1865, Folder 65-34, ibid.

⁴⁸Surrender Agreement, Doaksville, June 19, 1865, Folder 65-35, ibid.

⁴⁹Proclamation of Chief Pitchlynn, Chahta Tamaha, July 15, 1865, Folder 65-41, ibid.

of September. As the appointed day coincided with the Matthew-Pitchlynn arranged conference and the scheduled special session of the Choctaw Council, Pitchlynn protested the decision. He pointed to the impossibility of altering the arrangements and, since the Choctaws could not be in two places at once, requested the United States to keep the appointment at Armstrong. Yet he agreed to hasten on to Fort Smith if his suggestion was denied.⁵⁰

As scheduled the Chief met at Armstrong Academy on September 1, 1865, both the Grand Council of the Confederate Tribes and the Choctaw Council. Before the former adjourned to reconvene at Fort Smith he urged all tribes to bow to the decrees of destiny and to enter unitedly into new relations with the United States. "I have every reason to believe and to trust," he stated, "that our advance will be received cordially, kindly, and liberally."⁵¹ At the same time he declared to his own Council that the Choctaws had joined the South largely because they had been abandoned by the North. Their course had been proper, but unfortunate. Now the tribe must face up to the times by re-opening schools, encouraging manufacturing, writing good laws, establishing a printing press

⁵⁰Pitchlynn, Eagletown, to Cyrus Bussy, August 9, 1865, in Abel, The Slave Holding Indian, Vol. III, 169.

⁵¹Address to the Grand Council, n.d., Folder 65-63, Pitchlynn MSS, Gilcrease Museum.

and building a permanent peace.⁵² Obviously, Pitchlynn spoke not as one defeated but as one charting the future while ignoring or at least forgetting the past. The Council ignored his reconstruction measures but directed twenty-one commissioners, seven from each district, to meet the commissioners of the United States at Fort Smith. The Chief thought too many were appointed, but "owing to the disordered and demoralized state of the people" agreed to the wisdom of a large delegation.⁵³ The Council selected Robert M. Jones to lead the group, directed that the principal chief accompany them and provided for a fifty-three man escort.⁵⁴

As the Choctaws assembled at Armstrong the United States commissioners to the Indian tribes arrived at Fort Smith. The ten to fifteen thousand "dusky children of the plains" expected by the New Era⁵⁵ had not yet appeared, but the chief commissioner, D. N. Cooley, gave the meeting to order on September 8. Cooley expressed his belief that the Confederate Indians had violated their treaties with the United States, had forfeited all rights, and thus were

⁵²Washington, Arkansas Telegraph, November 1 and 2, 1865, 1.

⁵³Account Book 11, Pitchlynn MSS, Gilcrease Museum.

⁵⁴Folsom, Laws of the Choctaw Nation 1869, 405-406.

⁵⁵Fort Smith New Era, August 19, 1865, 2.

"at the mercy of the government." He announced that all treaties must contain provisions for permanent peace, for the abolition of slavery, for the adoption of the freedman, and for the peace among the wild tribes. The Commissioner insisted that the rebellious tribes must cede a part of their territory for the settlement of Indians from Kansas and other states and territories and that they must accept some form of territorial government. His proposals shocked even the loyal Indians.⁵⁶

The Choctaw delegation arrived from Armstrong on September 15 completely unrepentant for the past four years and totally committed to compensated emancipation. Cooley's preliminary treaty somewhat startled them, and R. M. Jones refused to sign it until Chief Pitchlynn arrived. On September 18, having conferred with the Chief, Jones signed the instrument but only with the understanding that the Choctaws continue to control their local affairs. Further, he valiantly denied that the southern states surreptitiously induced the Choctaws to join them, insisting instead that the tribe had embraced the South as a sovereign and independent entity. And if that were not enough, Jones stated that the southern states had a right to secede. Obviously, Cooley had not intimidated the Choctaws.⁵⁷

⁵⁶Report of the Commissioner of Indian Affairs,
1865, 34.

⁵⁷Ibid., 337, 345, 349.

Upon reflection Jones and Pitchlynn realized that harsh language reaped only harsher language. They asked to withdraw their previous forthright statement and submit instead a response that deleted references to sovereignty and states rights.⁵⁸ The modified language encouraged Cooley to submit to the Choctaws and the Chickasaws a draft of a permanent treaty. Cooley suggested that the Choctaws abolish slavery, relinquish one-third of the tribal lands east of 98 degrees west longitude, open their country to other Indians, abandon all rights to the so-called Leased District, agree to territorial government, and accept any treaty modification ordered by the Senate. In return, the United States guaranteed to protect the tribe against white emigration and to restore all annuities, save those expended for loyal Indians, and other monies, presumably even the net proceeds.⁵⁹

Cooley badly misread the moderated Choctaw position. Pitchlynn and the delegation were not about to sign an agreement that resulted in the loss of any settled tribal lands. And when the Commissioner insisted upon his draft the Choctaws broke off negotiations and deferred the matter of a final treaty until after discussions in Washington. But the experience at Fort Smith

⁵⁸Ibid., 349.

⁵⁹Folsom, Laws of the Choctaw Nation, 410-13.

certainly subdued the delegates and made them realize that the United States would not treat the tribe as prodigal sons. Yet they did not believe that the decision there was final or that ruin was imminent. For the Choctaws justice generally came only after continued petitions to Washington. Pitchlynn and his associates left Fort Smith determined to appeal the matter.

As the Chief made his way home he contemplated the composition of a Washington delegation. Since the group obviously would deal with matters affecting the net proceeds claim, he needed men he could manage. Consequently, even before the Council discussed the matter, he recommended nine men he believed he could influence: Robert M. Jones, Sampson Folsom, Israel Folsom, Alfred Wade, Samuel Garland, Lycurgus Pitchlynn, Peter Folsom, Jackson McCurtain, and John Page.⁶⁰ But the recommendation did not deter the Council from its chosen course. Meeting in early October it first repealed all laws enacted between February, 1861, and September, 1865, repugnant to the federal constitution and provided for the emancipation of slaves. It also passed a measure providing for the punishment of crime and robbery, for the reopening of schools and for the management of war refugees.⁶¹ Finally,

⁶⁰Pitchlynn, Choctaw Nation, to Senate, September 18, 1865, Folder 65-52, Pitchlynn MSS, Gilcrease Museum.

⁶¹Folsom, Laws of the Choctaw Nation, 413-29.

on October 16, it authorized five commissioners to pursue treaty negotiations in Washington. Pitchlynn responded by vetoing the measure upon the grounds that the Chief should appoint the delegates instead of the Council. But the veto impressed no one, and both houses repassed the measure unanimously the following day condescending only to permit the Chief to commission the delegates.⁶² On Friday, October 19, the Council agreed to the appointment of three of those Pitchlynn had initially suggested, R. M. Jones, Alfred Wade, and John Page, but it forced him to accept two delegates he had tried to avoid, Allen Wright and James Riley.⁶³

On October 19 the Council met in executive session to write instructions for the commissioners. It clothed the delegation with plenary powers for "negotiating a treaty," directed it to work closely with the Chickasaws and commanded it not to sell, bargain, or exchange any of the tribal estate east of 98 degrees west longitude. Rather than sacrifice any land the tribe preferred to yield all claims to any money due the Nation. The Choctaws agreed to the permanent settlement of other Indians only in

⁶²House Records, 1865-66, Volumes from the Choctaw Nation 294, Indian Archives, Oklahoma Historical Society; Folsom, Laws of the Choctaw Nation, 420.

⁶³House Records, 1865-66, Volumes from the Choctaw Nation 294, Indian Archives, Oklahoma Historical Society.

the Leased District and not even then unless the Nation received a reasonable compensation. The Council authorized the commissioners to demand remuneration for emancipated slaves and modification of proposed territorial legislation.⁶⁴ From the nature of the instructions to the commissioners, the Choctaws did not expect their delegates to sit down at a love feast in Washington, but it certainly anticipated no wake either. This attitude proved important in the light of future events.

On November 10, 1865, the Chief confirmed the appointment of the new delegates and three days later ordered them to proceed to Washington.⁶⁵ At the same time he decided to return to the Capitol himself. At Fort Smith Commissioner Cooley had requested him to accompany the negotiators, and friends at home urged him to accept the invitation.⁶⁶ Furthermore, Pitchlynn wanted to participate in any discussions that might relate to the net proceeds claim. Consequently, late the same month Pitchlynn

⁶⁴Resolutions of the General Council in Executive Session, October 19, 1865, HR 40A-F11.5, Records of the House of Representatives, N.A.

⁶⁵Proclamation of Chief Pitchlynn, Choctaw Nation, November 10, 1865, Folder 65-60, Pitchlynn MSS, Gilcrease Museum; Pitchlynn, Washington, to Commissioner of Indian Affairs, April 11, 1866, Choctaw Nation v. United States, Court of Claims, in Phillips Collection, University of Oklahoma Library.

⁶⁶D. N. Cooley, Commissioner of Indian Affairs, to Pitchlynn, July 17, 1866, N.A., O.I.A., Letters Sent, Microcopy 21, Roll 80.

and his family left Eagletown to resume their residence in Washington. John Wilkin, President of the Senate, assumed the office of Chief.

Pitchlynn, Robert M. Jones and Allen Wright, traveled to Washington independently.⁶⁷ The other three commissioners, Alfred Wade, James Riley, and John Page, stopped in Baltimore where General Cooper introduced them to John H. B. Latrobe, his brother-in-law. Latrobe was a man of considerable prestige and stature. The son of the architect of the Capitol building, he graduated from West Point, illustrated Horse Shoe Robinson, wrote novels, had led the American Colonization Society and served as attorney for the Baltimore and Ohio Railroad.⁶⁸ Cooper convinced the delegates that Latrobe, a Union man, could provide the guidance the tribe required during negotiations with the government.⁶⁹ After all met in Washington, the whole delegation, and perhaps even Pitchlynn, agreed to Latrobe's employment and the association of both Cooper and John T. Cochrane with him.

⁶⁷E. D. Ayres to Senator W. D. Snow, Steamboat below Cairo, Illinois, November 27, 1865, Folder 65-40, Pitchlynn MSS, Gilcrease Museum; 42nd Cong., 3rd Sess., House of Rep. Report 98, 125.

⁶⁸See Semmes, John H. B. Latrobe and His Times.

⁶⁹42nd Cong., 3rd Sess., House of Rep. Report 98, 613; Latrobe, "Address of John H. B. Latrobe," Baltimore, June 19, 1873, Box 42h, Letters Received, Private Sources, Indian Division, Records of the Secretary of Interior, N.A.

In late January, 1866, the five commissioners, Latrobe, Cooper, Cochrane and Pitchlynn composed the Choctaw team. In the initial presentation to the Department of Interior, the delegates denied that their southern alliance revoked all previous treaties with the United States. To be sure Congress had authorized in July, 1862, the abrogation of Indian treaties by Presidential proclamation, but Lincoln had made no such proclamation, and thus treaties with the Choctaws, and particularly that of 1855, still bound the United States.⁷⁰ Latrobe maintained that he made this happy discovery and that it proved crucial to the negotiations.⁷¹ In any event, all of February and most of March, 1866, passed without real accomplishment, during which time Latrobe returned to Baltimore leaving matters to Cooper.

As negotiations languished, the Chief turned his attention to other matters. News of reconstruction excesses among the Indians reached Washington in the early spring of 1866. For example, after Robert M. Jones left the Nation federal authorities confiscated his cotton valued at thousands of dollars. He appealed to President Andrew Johnson for assistance and immediately left

⁷⁰John H. B. Latrobe, Baltimore, to D. N. Cooley, January 30, 1866, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 176.

⁷¹Baltimore Gazette, August 5, 1872, p. 1, Col. 5.

Washington. Pitchlynn approached old government acquaintances in his friend's behalf and on March 8 gained the release of the impounded goods.⁷² On other occasions deputy marshals operating out of Arkansas arrested some Choctaws for offenses committed during the war. Pitchlynn and his colleagues protested these arrests and obtained from the Attorney General a promise not to prosecute those so incarcerated.⁷³

Also, the destitution of his fellow tribesmen continued to disturb the Chief during the early months in Washington. He and the delegation petitioned the government for relief and in January submitted a list of farm implements and garden seeds required to supply the Choctaws for 1867. Among other things they requested 1,500 one-horse plows, 500 two-horse plows, 3,000 weeding hoes, 3,000 chop axes, 600 bushels of Irish potatoes, and 300 papers each of cabbage, onion, turnip, English pea, tomato, and mustard seeds. In a separate requisition the Chief ordered 90,000 yards of brown domestic, 84,000

⁷²Affidavit of Pitchlynn, n.d., Folder Un-336; Jones, Washington, to President Andrew Johnson, January 18, 1866, Folder 66-2, Pitchlynn MSS, Gilcrease Museum; Pitchlynn, et al., Washington, to D. N. Cooley, February 28, 1866, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 176.

⁷³D. F. Harkins, Doaksville, to Pitchlynn, February 25, 1866, Folder 66-10, Pitchlynn MSS, Gilcrease Museum; Pitchlynn, et al., to Cooley, May 14, 1866, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 176.

yards of print and 72,000 yards of blue plaid cloth, as well as 6,000 pairs of boys shoes, 3,000 pairs of Mackinaw blankets, and 250 dozen men's hats.⁷⁴ These orders suggested compassion on Pitchlynn's part, but also a good deal of brashness. The past was forgotten, and the Chief expected to receive what he requested.

Yet all of these services remained incidental to the Colonel's principal interest--a treaty that would reaffirm the net proceeds claim. Later when the negotiations fell under the cloud of scandal Pitchlynn would deny that he participated, but at the time he worked with the delegations in drafting language, interviewing government officials and lobbying for favorable provisions.⁷⁵ The cooperative effort culminated in a treaty agreeable to the three parties--the Choctaws, Chickasaws and the United States. Appropriate officials signed the document on April 28 in a ceremony witnessed by Latrobe, Pitchlynn and Cooper. And, after an effort supervised largely by Cooper and Cochrane, the United States Senate ratified the treaty

⁷⁴Pitchlynn to Cooley, January 29, 1866, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 176.

⁷⁵Pitchlynn, "Reply to Libellous Pamphlet," Washington, 1873, in Pike MSS, Scottish Rite Library; 42nd Cong., 3rd Sess., House Report, 98, 470; See Book 11, Pitchlynn MSS, Gilcrease Museum; Latrobe, "An Address to the Choctaw and Chickasaw Nation," Baltimore, June 19, 1873, Box 42h, Letters Received, Private Sources, Indian Division, Records of the Secretary of Interior, N.A.

on June 29 with certain amendments by a vote of 19-6.⁷⁶ The Choctaw delegates sanctioned the amendments, and President Johnson approved the concordat on July 10.

Considering the temper of the times the Choctaws secured a favorable treaty. It combined the questions of the Leased District and the freedmen. The United States hoped to induce the Choctaws and Chickasaws to adopt their former slaves and promised to pay \$300,000 for relinquishment of the Leased District if the Negroes were integrated into the tribes. But if the tribe made no provision for the ex-slaves within two years, the \$300,000 would be used to remove the freedmen. The treaty also granted the right of way to north-south and east-west railroads, set up an elaborate structure for an Indian government and sought to induce the Indians to accept land allotments in severalty. By the treaty the tribes consented to the settlement among them of not more than 10,000 Kansas Indians and the establishment of United States Court. In turn, the government restored to the tribe its pre-1861 trust funds and promised to resume payment of regular annuities on June 30, 1866.⁷⁷ For Pitchlynn the latter provision reaffirmed the net proceeds claim.

⁷⁶Tally Sheet, United States Senate, June 28, 1866, 39B-C14, Records of the United States Senate, N.A.

⁷⁷Kappler, Indian Affairs: Laws and Treaties, Vol. II, 918-31.

In evaluating the Treaty of 1866 historians generally contrast what the Choctaws could have lost with what the treaty supposedly secured. It is stated that the tribe faced total ruin after Fort Smith, subject to loss of land and annuities, but ultimately relinquished only the Leased District while winning the restoration of all annuities.⁷⁸ The tribe certainly did save its lands east of 98 degrees west longitude, a success materially aided by Latrobe's contention that past treaties remained in effect. But the "salvation" of the annuities, so proudly remembered by the negotiators to justify their fee, simply did not occur at Washington. The Fort Smith treaty draft generally considered so ruinous had called for the restoration of all past treaty commitments.⁷⁹ Thus the annuities were "saved" even before the delegation went to Washington. Without question the Choctaws secured a favorable treaty, but it was not as brilliant as some suggest, and certainly it was no diplomatic coup.

The contribution of the negotiators diminished even further as a result of an unpleasant financial transaction. When the three Choctaw commissioners initially met with

⁷⁸ See Debo, Rise and Fall, 87, 90; Latrobe, "An Address to the Choctaw and Chickasaw Nations," Baltimore, June 19, 1873, Box 42h, Letters Received, Private Sources, Indian Division, Records of the Secretary of Interior, N.A.

⁷⁹ Folsom, Laws of the Choctaw Nation, 410-13.

Latrobe in Baltimore, they arranged to secure his services without any real understanding as to compensation. Latrobe left the matter of a fee to his associate and brother-in-law, Douglas Cooper, the moving spirit of the whole arrangement. In January, after all the delegates had arrived in Washington, Cooper proposed to Robert M. Jones that the Choctaws "advance" \$100,000 to Latrobe for negotiating the treaty. He also suggested that the Choctaws retain the Baltimore attorney to collect the nearly two million dollars due the tribe but not paid during the war. Upon collection of these "back annuities," he proposed that Latrobe and his associates, Cooper and Cochrane, receive 50 per cent as a contingent fee, out of which they would return the \$100,000 advanced to negotiate the Treaty of 1866. Furthermore, Cooper agreed to rebate to the delegates of 1866 one-half of everything paid to Latrobe. Jones reported the proposition to his companions who accepted the arrangement and who did not commit it to writing until May 16, 1866.⁸⁰

Money to activate the contract depended upon the payment of funds provided in the Treaty of 1866. The forty-eighth article granted \$25,000 to the delegates to discharge financial obligations incurred while in the city,

⁸⁰42nd Cong., 3rd Sess., House Report 98, 569-72, 613-15; Memorandum of Agreement between John H. B. Latrobe and Choctaw Delegates, Washington, May 16, 1866, Folder 66-24, Pitchlynn MSS, Gilcrease Museum.

and the forty-ninth article loaned \$150,000 to the tribe for no stated purpose.⁸¹ To hasten the release of funds, the delegates used Pitchlynn's old ploy. They pointed to destitute Indians and the need of immediate funds to prevent starvation. Allen Wright, the National Treasurer, just happened to be in the city, and they asked that the money be paid to him.⁸² James Harlan, Secretary of Interior, refused to pay the \$25,000 until the delegates advised how they expected to dispose of the money, fearing that most of it would go to their attorney.⁸³ Cooper immediately denied such a possibility, and Latrobe wrote that he anticipated a fee of only five or six thousand dollars.⁸⁴ The delegates compounded the falsehood when on August 8 they denied any formal agreement with their attorney. Surprisingly, these disclaimers plus a brief statement as to possible distribution of the money in late August, 1866, assuaged the Secretary's fear and prompted him to release the funds.⁸⁵ This \$25,000 plus the three dollars per day

⁸¹Kappler, Indian Affairs: Laws and Treaties, Vol. II, 929-30.

⁸²Draft of a letter from the Choctaw Delegates, Washington, to D. N. Cooley, August, 1866, Folder 66-48, Pitchlynn MSS, Gilcrease Museum.

⁸³Harlan, Washington, to Cooley, July 28, 1866, Folder 66-41, ibid.

⁸⁴Cooper, Washington, to Cooley, August 2, 1866; Latrobe, Newport, to Cooley, August 10, 1866, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 176.

⁸⁵Draft of a letter of the Choctaw Delegation, Washington, to James Harlan, August 8, 1866, Folder 66-42,

above travel expenses authorized by the Nation and paid by the government should have provided an adequate compensation.⁸⁶

But it did not. On September 5, the government issued a draft to Treasurer Wright for the other \$150,000.⁸⁷ Crisp treasury notes in hand, Wright hurried down Pennsylvania Avenue to the Lempieux home. There, in an upstairs room, he met the other three remaining delegates of 1866, Pitchlynn, General Cooper and John T. Cochrane. Wright counted out \$100,000 and passed it to Cochrane, who receipted the tribe in full for its payment of the attorney fee and then returned one-half of the money to Wright. The National Treasurer divided the \$50,000 among the three commissioners, Pitchlynn and himself, each of whom received nearly \$10,000.⁸⁸ And despite Latrobe's pious statements thirty days earlier Cooper, Cochrane and Latrobe divided the \$50,000 equally.

Pitchlynn MSS, Gilcrease Museum; Pitchlynn, et al., to Commissioner of Indian Affairs, August 22, 1866, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 176.

⁸⁶ Elijah Sells, Superintendent of Indian Affairs, to D. N. Cooley, April 13, 1866; Letter Fragment, Washington, to D. N. Cooley, June 13, 1866, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 176.

⁸⁷ Index to Appropriation Ledgers, Vol. III, 208, Division of Finance, Records of the Secretary of Interior, N.A.

⁸⁸ 42nd Cong., 3rd Sess., House Report 98, 569-70; Cases Decided in the Court of Claims, Vol. LIX (Washington, 1925), 776.

Pitchlynn's role in the transaction suggests great ambivalence. He did not push for the adoption of Cooper's original proposal, though he did participate in the pay-off. He later denied knowing of the \$100,000 payment until two or three days before, but some weeks earlier he arranged to buy publishing company stock in anticipation of money he would receive.⁸⁹ The difficulty lay in that the rebate was destined to the delegation of 1866 of which Pitchlynn officially was not a member. Thus the \$10,000 really belonged to Robert M. Jones, whose share the Chief demanded for having acted in his place. Yet when the whole transaction was exposed Pitchlynn insisted he had received the money as an advance for his work in prosecuting the net proceeds, an explanation that Jones accepted. Wright always maintained that he took the money for services to Latrobe and to pay his expenses. Considering that the tribe paid three dollars per day and the United States \$25,000, the explanation seemed rather weak, weaker even than Pitchlynn's.⁹⁰

The spoils divided, the Choctaw commissioners returned home to insure the ratification of the treaty by

⁸⁹R. M. McCurdy, New York City, to Pitchlynn, August 27, 1866, Folder 66-52, Pitchlynn MSS, Gilcrease Museum.

⁹⁰Statement of Allen Wright, Rocky Comfort, December 14, 1867, Robert M. Jones MSS, Section X, Indian Archives, Oklahoma Historical Society; 42nd Cong., 3rd Sess., House Report 98, 617.

the Council. Before leaving Washington Pitchlynn joined with Winchester Colbert, governor of the Chickasaw Nation, in signing a printed address commending the delegates, their attorneys, and the treaty. The report gave birth to the myth that the brilliant efforts of the delegates and attorneys had saved the Choctaws from sure disaster. These marvelous men, the message stated, had preserved the national boundaries, gained the establishment of post offices, secured a loan of \$200,000 to meet "present liabilities," and won the right to have their lands surveyed and allotted. The document urged the acceptance of the Territory of Oklahoma and the adoption of Negroes. "Let us be wise and guard the future," they wrote, "and ratify the treaty."⁹¹ Pitchlynn later asserted that he did not write the document, but for the moment with copies in hand he left for home to push the treaty through.

The delegates had expected to report to the regular session of the Council in early October, 1866, but delay in getting the money prevented it. The Council met as scheduled and elected Allen Wright as Chief, but then adjourned to reconvene in mid-November. On the seventeenth it gathered again to hear ex-Chief Pitchlynn deliver a final address and Chief Wright his inaugural.⁹² His term

⁹¹Peter Pitchlynn and Winchester Colbert, "Address," Washington, July 12, 1866, H10.38, Hargrett Collection, Gilcrease Museum.

⁹²Letters to the Chiefs, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society.

of office over, Pitchlynn then took a seat as a member of the House of Representatives and from that point hoped to protect his own interests in the net proceeds.⁹³

On November 27 the Council met to hear Chief Wright report the course and results of the recent negotiations. Wright urged adoption of the treaty and approval of the delegations' acts, particularly the one employing Latrobe and the payment to him of \$100,000. He did not mention, however, the rebate. The Council proved somewhat hostile and initially appeared more interested in the acts of the commissioners than the provisions of the treaty. A committee headed by David Harkins objected to Wright's division of the \$25,000 and the fee to Latrobe,⁹⁴ but finally got down to the matter of the treaty. After overcoming some serious dissent, it ratified the treaty on December 21 with the exception of the optional provisions regarding the adoption of the freedman, participation in the intertribal council, and the allotment of lands in severalty. It deferred decisions on these questions until after the next general election. Also, on the same day, the Council passed a resolution approving "all the acts"

⁹³House Records, 1865-1866, Volumes from the Choctaw Nation 294, ibid.

⁹⁴Report of the Committee, Chahta Tamaha, December 18, 1866, 18312, Choctaw National Council, Indian Archives, Oklahoma Historical Society.

of the delegation of 1868, a blanket endorsement the tribe lived to regret.⁹⁵

The War over, the treaty accepted and his office term expired, Pitchlynn resumed his prosecution of the net proceeds claim. On December 14, Chief Wright authorized the Colonel and his co-delegates of 1853 to return to Washington and directed them to work with John H. B. Latrobe.⁹⁶ Wright obviously issued his instructions in the shadow of his own agreement with the Baltimore attorney, but for the moment Pitchlynn accepted the orders without question and within weeks had returned to the Potomac. He fully expected to collect the net proceeds the next year.

⁹⁵Debo, Rise and Fall, 90-91.

⁹⁶Letters to the Chief, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society.

CHAPTER VIII

THE POST-BELLUM PERIOD

The reaffirmation of all government obligations meant that the new proceeds claim had survived the Civil War. Pitchlynn worked for just such an assurance during the negotiations and when he returned to Washington in 1867 he was even more deeply committed to seeing through the claim. During the reconstruction era the case caused him frequent frustration; yet, he keenly believed that one day success would result. Only this hope gave any real substance or drive to his life.

Chief Wright's instructions to Pitchlynn directing him to work with John H. B. Latrobe reflected the confused leadership of the net proceeds claim in 1867. John T. Cochrane, holder of the earlier contract with Pitchlynn, had participated with Latrobe in the treaty negotiations, shared in his \$100,000 fee, and apparently assigned to the Baltimore attorney an interest in his personal contract with the tribe. But on October 21, 1866, before they committed the assignment to writing and while Pitchlynn was in Indian territory, Cochrane died. Douglas Cooper, acting

as an associate of Latrobe, advised Pitchlynn of the attorney's death and sought to protect the unwritten agreement. "I was interested with Cochrane in the Chickasaw-Choctaw claims," he wrote, "and know all about your interest. Do not take any steps or listen to overtures from any quarter without consultation," lest a misunderstanding prove fatal to the claim.¹

Unknown to Cooper, before Cochrane died he repented of his agreement with Latrobe and attempted to make other arrangements to secure to his heirs an interest in the net proceeds claim. He negotiated with Jeremiah Black, Attorney General in President James Buchanan's administration and prominent Democratic politician, to purchase his 30 per cent contract with the Choctaws. Cochrane died before reaching a final agreement and left to John D. McPherson, his executor and Washington attorney, the implementation of his scheme.² As envisioned by his deceased friend McPherson on November 8, 1866, transferred to Black the 30 per cent contract with the Choctaws.

The whole transaction, of course, depended upon the approval of Pitchlynn and his co-delegates. Luke Lea, whom Cochrane named in his will as a co-partner, wrote to

¹D. H. Cooper, Washington, to Pitchlynn, October 22, 1866, Folder 66-58, Pitchlynn MSS, Gilcrease Museum.

²Cochrane's Will, Washington, October, 1866, Folder 66-61, ibid.

the Colonel at Eagletown: "I can assure you that he [Cochrane] considered the value of the claim as depending in a great degree on the arrangements with Judge Black." Intimating that Pitchlynn knew all about it, he urged endorsement of the transfer and prompt return of the contract.³ Pitchlynn made no immediate response and in early 1867 on his way back to Washington stopped at Memphis to confer with Albert Pike. The Colonel asked Pike to prosecute the claim, but the latter declined the invitation because of his "rebel" background.⁴ Unable to depend upon Pike, Pitchlynn and his co-delegates agreed to the arrangements already made with Judge Black.⁵

McPherson sold the contract to Black for \$150,000 with one-half due immediately and the other upon the settlement of the claim. To finance the transaction Black approached a fellow Pennsylvanian, Thomas A. Scott, ex-Secretary of War under Lincoln and later President of the Pennsylvania Railroad, explained the nature of the claim and assured him that Congress would soon appropriate the money. On February 14, 1867, Scott furnished \$25,000 in cash and \$50,000 in bonds of the Stubenville and Indiana

³Luke Lea, Washington, to Pitchlynn, November 9, 1866, Folder 66-62, ibid.

⁴Pitchlynn's History of the Net Proceeds Claim, Washington, July 28, 1880, Folder 80-26, ibid.

⁵42nd Cong., 3rd Sess., House Report 98, 141.

Railroad, a sum divided equally between Cochrane's estate and his partner, Luke Lea. For Scott's speculative investment Black guaranteed him repayment of the initial investment out of the first money received and an assignment of \$150,000 from the final sum collected.⁶

Rumors of the sale of Cochrane's contract deeply disturbed Principal Chief Allen Wright. He and the delegation of 1866 understood that Latrobe and Cochrane were partners and considered any arrangement with Black subversive of the Baltimore attorney's interest. "It would not do to sell or transfer the net proceeds claim," the Chief wrote to Pitchlynn early in March, 1867.⁷ But Pitchlynn had everything to lose and nothing to gain by cooperating with Latrobe. Unlike Wright, he had no interest in the 1866 contract with the attorney. Obviously the value of the 20 per cent assigned to his delegation and his own personal 5 per cent rebate hinged upon the success of the agreement in Black's hand. The Colonel, therefore, ignored his chief and joined the efforts to fund the net proceeds award.

⁶Agreement between Black, McPherson, and Scott, Washington, February 14, 1867, Folder 67-2A, Pitchlynn MSS, Gilcrease Museum; 49th Cong., 2nd Sess., Senate Report 1978, 111.

⁷Wright, Boggy Depot, to Pitchlynn, March 2, 1867, Letters of the Chiefs, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society.

On February 5, 1867, Secretary of Interior O. H. Browning unilaterally requested Congress to appropriate the remainder of the net proceeds. On the basis of this request the House Committee on Appropriations included in the Deficiency Bill an allocation of 1.8 million dollars --\$900,000 in cash and somewhat more in non-interest bearing bonds--in "full satisfaction and discharge of all Choc-taw claims against the United States existing prior to the twenty-eighth day of June, 1866." John Kasson of Iowa, James Garfield of Ohio, and Thaddeus Stevens, Chairman of the Committee, supported the measure during the debate in the House. Stevens declared that the treaty awarding the net proceeds had to be honored despite the rebellion of the tribe, an argument Charles Eldrige of Wisconsin found peculiar in view of the Pennsylvanian's philosophy that the South was a conquered province. But the distinguished support could not overcome the charges of treason, and the House struck the measure from the Deficiency Bill on March 2, 1867.⁸ An effort in the Senate to appropriate \$250,000 in lieu of the confiscated bonds met a similar fate.⁹

The Congressional action only aggravated the growing tension between Pitchlynn and Latrobe's associates. To

⁸39th Cong., 2nd Sess., Congressional Globe, March 2, 1867, 1747-751.

⁹Ibid., February 23, 1867, 1811-814.

Chief Wright not only had the Colonel refused to work with the Baltimore attorney, but he had also sacrificed every other Choctaw claim in an effort to secure the net proceeds. The Chief ordered Pitchlynn to cooperate with Latrobe or suffer the revocation of his commission.¹⁰ For his part, the Colonel denied sacrificing anything and charged Douglas Cooper with having defeated the appropriation. Furthermore, he declared that the "new delegation" of 1866 had no right to employ an attorney; yet, given the contract Latrobe might have an interest in \$250,000 in bonds, but he certainly had none in the whole of the net proceeds.¹¹ Wright insisted, though, that the Baltimore attorney had a one-half share in the 30 per cent contract and summarily revoked Pitchlynn's credentials.¹²

The Colonel ignored the dismissal and determined to present the matter to the October, 1867, session of the Choctaw Council. Unable to attend, he sent E. S. Mitchell, a trader among the Indians, and promised to pay him \$10,000 upon the success of the claim if the tribe sustained the

¹⁰Wright, Boggy Depot, to Pitchlynn and Folsom, March 28, 1867, Letters to the Chiefs, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society.

¹¹Draft of a letter to Wright, Washington, April, 1867, Folder 67-10; Letter Fragment, Washington, May, 1867, Folder 67-16, Pitchlynn MSS, Gilcrease Museum.

¹²Wright, Boggy Depot, to Pitchlynn and Folsom, May 24, 1867, Folder 67-12, ibid.

"old" delegation.¹³ Not to be outdone, Douglas Cooper contracted with John Davis and Perry Fuller, both of whom had traded among the Choctaws, to represent Latrobe. If the two secured to the attorney the exclusive control of the net proceeds claim, Cooper promised to pay them one-fourth of all the money appropriated.¹⁴ With these pre-Council maneuvers, the session promised excitement.

In the meantime, the contesting parties in Washington had negotiated a compromise. Badgered by Chief Wright and Cooper, Judge Black and McPherson recognized Latrobe's interest in the 30 per cent contract and agreed to pay him upon collection of the claim \$75,000, two-thirds of which would come from Black and one-third from McPherson.¹⁵ Pitchlynn, however, had not been consulted and for the moment refused to accept the compromise.

At the Council Chief Wright reported the agreement, but not unaware of his own personal interests, he urged the tribe to recognize Latrobe's contract alone.¹⁶ Mitchell

¹³Contract between Pitchlynn and Mitchell, Washington, May 4, 1867, Folder 67-11, ibid.

¹⁴49th Cong., 2nd Sess., Senate Report 1978, 121.

¹⁵John D. McPherson, Washington, to Jeremiah S. Black, n.d., Volume 47, Black MSS, Library of Congress; 49th Cong., 2nd Sess., Senate Report 1978, 77; H. E. McKee v. Ward H. Lamon, Supreme Court of the United States, October Term, 1894, in Rare Book Section, Gilcrease Museum.

¹⁶Message of Allen Wright, Choctaw Nation, October, 1867, Letters of the Chiefs, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society.

and Israel Folsom, the latter just home from Washington, adopted Pitchlynn's view of the compromise and urged the Council to sustain the "old delegation" which would undoubtedly secure an appropriation the next session of Congress.¹⁷ Finally, a special committee refused to endorse Latrobe and recommended instead legislation that sustained Pitchlynn and the Cochrane contract. Chief Wright considered vetoing the measure but reluctantly attached his signature after a vigorous opinion by National Attorney Sampson Folsom. For Folsom the deciding factor was not the legality of the question but the \$100,000 just promised by Pitchlynn's associates.¹⁸

The Latrobe interests received another rebuke when the Council sent Sampson Folsom to Washington to defend the tribe against claims presented by the so-called loyal Indians and traders, heretofore within Latrobe's purview. The Treaty of 1866 established a commission to adjudicate the claims of those who had suffered for loyalty to the

¹⁷Mitchell, Armstrong Academy, to Pitchlynn, October 22, 1867, Folder 67-23, Pitchlynn MSS, Gilcrease Museum; Israel Folsom, Cottage Hill, to the Choctaw Council, October 14, 1867, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 177.

¹⁸Folsom, Laws of the Choctaw Nation 1869, 470; Allen Wright, Chahta Tamaha, to the General Council, November 18, 1867, Letters of the Chiefs, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society; Opinion of Attorney General Folsom, Chahta Tamaha, November 16, 1867, Folder 67-25; Pitchlynn's History of the Net Proceeds, Washington, July 28, 1880, Folder 80-26, Pitchlynn MSS, Gilcrease Museum.

Union. After a hearing held at Fort Smith in September, 1866, the commissioners awarded \$109,742.08 plus interest to the loyal Choctaws, represented by the ex-Union General, James G. Blunt.¹⁹ The treaty directed the Secretary of Interior to either confirm or deny the commission's finding, a decision he delayed for more than a year after an able protest by Latrobe and an inability to find Choctaw money enough to pay the award.²⁰

Folsom appeared in late 1867 to protest further the award to the loyalists. But after a vigorous statement he relaxed his opposition and on April 20, 1868, agreed to a compromise whereby the Choctaws would pay nearly the whole award out of funds held in trust by the United States.²¹ Several things prompted Folsom to compromise. Pitchlynn believed that speedy payment of the loyal Choctaws would increase Congressional interest in the net proceeds, and, also, General Blunt promised to lend his influence in pushing the claim through. But even more important Blunt promised Folsom \$25,000 out of any award

¹⁹Debo, Rise and Fall, 97.

²⁰Latrobe, "Papers submitted to the Secretary of Interior," Washington, 1867, H10.85, Hargrett Collection, Gilcrease Museum.

²¹N. G. Taylor, Commissioner of Indian Affairs, to O. H. Browning, Secretary of Interior, April 27, 1868, Box 20, Letters Received, Office of Indian Affairs, Indian Division, Records of the Secretary of Interior, N.A.

to the loyal Choctaws, an advance Pitchlynn agreed to refund Blunt and charge against Folsom's \$100,000 contract upon the collection of the net proceeds.²²

A similar chain of events occurred in relation to the claims of the "loyal" Indian traders. Reuben Wright, a white merchant at Boggy Depot, and Heald and Company charged that the Choctaws confiscated their property during the war because of their declared loyalty to the Union. Heald based his claim largely upon Pitchlynn's sale of gold to Frank Williams in 1862 and Wright upon equally questionable transactions; yet, the Treaty of 1866 specifically provided for the payment of \$90,000 to the traders. The Choctaws had agreed to the provision only because Heald threatened to defeat the treaty unless it were included.²³

The commission established by the concordat of 1866 adjudicated the demands of the traders and awarded them the \$90,000 plus, a judgement in which the Secretary of Interior concurred. When that officer attempted to pay

²²Compromise Agreement, Washington, April 10, 1868, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 177; Pitchlynn's History of the Net Proceeds, Washington, July 28, 1880, Folder 80-26, Pitchlynn MSS, Gilcrease Museum.

²³House Records, 1865-67, November 18, 1867, Volumes from the Choctaw Nation 294, Indian Archives, Oklahoma Historical Society; Choctaw Delegates, Washington, to Secretary James Harlan, May 12, 1866, HR 40A-F11.5, Records of the House of Representatives, N.A.

the award he found that legal restrictions prevented the use of available tribal funds. Furthermore, Pitchlynn and his co-delegates who did not deny the validity of the judgement requested that none of the tribal annuities be used as it would seriously damage the educational program of the tribe.²⁴ As Congress debated possible methods of payment, Sampson Folsom appeared to protest any payment at all.²⁵

Folsom's opposition distressed Pitchlynn, for he feared that his 1862 gold sale to Heald and Company might receive notoriety and that Representative George Boutwell, Heald's powerful friend, might oppose the net proceeds.²⁶ Accordingly, he arranged for Folsom to cease his opposition by promising him another slice of the net proceeds. Black and McPherson agreed to pay Folsom \$25,000 from their shares, and Pitchlynn agreed to secure him an additional 5 per cent from the 30 per cent attorney fee.²⁷ The

²⁴Pitchlynn and Israel Folsom, Washington, to N. G. Taylor, April 17, 1867, Papers Relating to Claims, Trust Funds of the Choctaws, Indian Division, Records of the Secretary of Interior, N.A.

²⁵"The Choctaws and Their Debts," 1868, Folder 67-27, Pitchlynn MSS, Gilcrease Museum.

²⁶Report of the Sampson Folsom to the Council, Chahta Tamaha, September 30, 1869, Vol. I, Acts of the Choctaw Nation, Western History Collection, University of Oklahoma Library; Heald, Washington, to E. C. Mitchell, March 5, 1870, Folder 70-11, Pitchlynn MSS, Gilcrease Museum.

²⁷Contract between Sampson Folsom and John D. McPherson, Washington, July 18, 1868; McPherson,

Colonel considered Folsom a blackmailer and doubtlessly did not expect to honor the contracts, but for the moment Folsom had performed a coup. He had milked Black and McPherson for a promise of \$25,000, Blunt for another \$25,000, and Pitchlynn for a similar amount, all of which was in addition to the \$100,000 guaranteed him for the favorable opinion in October, 1867. The whole transaction proved that Folsom was a consummate extortionist and that to Pitchlynn the prosecution of the net proceeds took precedence over all Choctaw claims.

Folsom's visit coincided with vigorous efforts by the Colonel and his associates to secure a congressional appropriation for the net proceeds. In January, 1868, Thomas A. Scott protested to the Secretary of Interior that the departmental budget did not include the Choctaw claim.²⁸ The Secretary took the hint, presented the matter to Congress, and gained the inclusion of the \$1,832,560.85 claim in the House version of the Indian Appropriation bill.²⁹ Scott thought the feat was

Washington, July 18, 1868; McPherson, Washington, to J.S. Black, June 25, 1868, Vol. XLVIII, Black MSS, Library of Congress; Contract between Folsom and Pitchlynn, Washington, September 11, 1868, Folder 68-17, Pitchlynn MSS, Gilcrease Museum.

²⁸ Thomas A. Scott, Washington, to O. H. Browning, January 25, 1868, Box 35h, Letters Received, Office of Indian Affairs, Indian Division, Records of the Secretary of Interior, N.A.

²⁹ 40th Cong., 2nd Sess., House of Rep. Ex. Doc. 138.

accomplished and wrote to Judge Black to take possession of his share of the money.³⁰ But the railroad tycoon acted hastily. Members of the House protested that the appropriation would go to a "rotten Indian Ring" and successfully struck the measure from the bill in late May, 1868.³¹ Though the House Committee on Indian Affairs later moderated this disaster by reporting in favor of the net proceeds, the claim was dead for the rest of the year.³²

The Congressional defeat coincided with Pitchlynn's growing disenchantment with McPherson's and Black's leadership. Busy with ex parte Milligan, the veto of the first reconstruction act, and President Johnson's impeachment trial, Black was inaccessible to the Colonel and anathema to the very Congress upon which the Choctaws relied for justice.³³ Furthermore, Black's interest in the Choctaw claim had cooled considerably since his first involvement. Not only had efforts in Congress been unsuccessful, but he had been besieged by people claiming an interest in the fee. Latrobe, Cooper and Sampson Folsom had all demanded

³⁰R. D. Barclay, Philadelphia, to J. S. Black, May 12, 1868, Volume XLVIII, Black MSS, Library of Congress.

³¹40th Cong., 2nd Sess., Congressional Globe, May 30, 1868, 2707-710.

³²40th Cong., 2nd Sess., House Report 77.

³³C. William Brigrance, Jeremiah Sullivan Black (Philadelphia, 1934).

recognition, as did Albert Pike who, after the strong showing of the claim in Congress, had suddenly decided that he could prosecute the case after all. The embarrassment of the lobby and the realization that his political beliefs hurt his clients prompted Black to retire. Contrary to his biographer's claim, he made nothing from the Choctaws, and after 1868 his only interest was the repayment of the money advanced by Scott.³⁴

With Black leaving the case Pitchlynn looked elsewhere for leadership. But he could not see beyond Douglas Cooper, who broadcast his right to control the claim by virtue of Latrobe's agreement with McPherson. Furthermore, at the Choctaw Council in October, 1868, Pitchlynn's co-delegates and stepson, Charles Lombardi, agreed to recognize Latrobe's interest in the back annuities if the new delegation would acknowledge their right to control the net proceeds. Caught up in the harmony of the moment, Pitchlynn accepted Cooper's leadership of the Choctaw team, a post the ex-General retained until 1870.³⁵

³⁴Pike, Memphis, to Black, April 4, 1868, Folder 68-8, Pitchlynn MSS, Gilcrease Museum; Black, York, to Sir, March 27, 1883, in Lamon v. McKee, Supreme Court of the District of Columbia, September Term, 1888, in Rare Book Section, Gilcrease Museum; Black, York, Penn., to Ward H. Lamon, March 7, 1869, Black MSS, Huntington Library; Brigance, Jeremiah Sullivan Black, 230.

³⁵Pitchlynn's History of the Net Proceeds, Washington, July 28, 1880, Folder 80-26; Lombardi, Choctaw Nation, to Pitchlynn, October 14, 1868, Folder 68-23; October 19, 1868, Folder 68-23; Israel Folsom to Pitchlynn,

A serious illness--his enemies said it was mental --nearly incapacitated Pitchlynn in late 1868, but by January he had sufficiently recovered to present a memorial to Congress urging the funding of the claim.³⁶ On February 3, 1869, for the second time during the Fortieth Congress, friends in the House attempted to secure an appropriation, but as in an earlier session failed.³⁷ The Congress seemed more interested in the new Grant administration than in the net proceeds claim.

Strenuous efforts failing in the House, the Choctaw team turned its attention almost entirely to the Senate during the Forty-first Congress that met initially in March, 1869. Influenced by Pitchlynn and a \$10,000 contingent fee, ex-Senator J. R. Doolittle of Wisconsin appeared before his old colleagues on the Indian Affairs Committee in support of the net proceeds. Doolittle maintained that the 1859 Senate award was final and that the tribe should receive the \$1.8 million yet due plus the confiscated bonds.³⁸ Doolittle's argument only gained

November 28, 1868, Folder 68-26; Agreement between Delegation and Cooper, Washington, March 24, 1869, Folder 69-7, Pitchlynn MSS, Gilcrease Museum.

³⁶Cooper, "Address and Memorial," Boggy Depot, October, 1873, Folder 73-108; "Brief of the Choctaws," Washington, January 30, 1869, Folder 69-17, ibid.

³⁷40th Cong., 3rd Sess., Congressional Globe, February 3, 1869, 837-38.

³⁸"Argument of the J. R. Doolittle," Washington, 1869, Folder 69-7A, Pitchlynn MSS, Gilcrease Museum.

referral of the claim to the Senate Judiciary Committee for a determination of the legal questions involved.³⁹

Congressional hesitancy resulted in part from the increasingly confused leadership of the Choctaw team. Chief Wright had visited Washington in February to lend support to the independent authority of Cooper and Latrobe, and Pitchlynn had again agreed to Cooper's continued leadership providing his efforts did not cost more than \$100,000.⁴⁰ Yet the Colonel quickly grew weary of Cooper's efforts and increasingly protective of his own interest. Also, friends in the Congress, particularly John P. C. Shanks of Indiana, reported that no action would be forthcoming so long as an ex-Rebel general controlled the claim. Though Cooper seemed at the helm McPherson insisted upon his rights as executor of Cochrane's will, and Albert Pike belatedly declared that he alone represented the tribe.⁴¹ Furthermore, Luke Lea assigned his remaining interest in Cochrane's contract to John A. Rollins and James Gilfillan,⁴² while Sampson Folsom contracted with the firm of

³⁹31st Cong., 1st Sess., Congressional Globe, April 10, 1869, 718.

⁴⁰Allen Wright, Washington, to E. S. Parker, May 1, 1869, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 178; Journal of the Delegation, 1869, Folder 69-11, Pitchlynn MSS, Gilcrease Museum.

⁴¹Memorial of Albert Pike, Washington, 1869, in Sophie Pitchlynn v. Choctaw Nation, Court of Claims, Rare Book Collection, Gilcrease Museum.

⁴²Statement as to the Claim of Rollins and Gilfillan, n.d., Folder Un-79, Pitchlynn MSS, Gilcrease Museum.

Hughes, Denver, and Peck to secure the net proceeds and with William P. Dole and E. B. Grayson to collect the back annuities.⁴³ And to top off the confusion, in March, 1870, Pitchlynn employed George W. Wright, a Republican ex-member of Congress from California, to work for the release of the \$250,000 in bonds still in the Treasury. Altogether the Choctaws had an enormous but confused lobby.

The adding of George W. Wright to Pitchlynn's team indicated a change in the prosecution of the claim. Heretofore all interest and energy had focused on the unfunded Senate award, but when Wright offered to obtain the confiscated bonds without Congressional action, Pitchlynn jumped at the opportunity. He promised Wright all of the interest paid or 25 per cent of the principal as a contingent fee provided that the bonds were released during the Forty-first Congress.⁴⁴ At Wright's direction in April, 1870, Pitchlynn formally demanded the bonds from the Secretary of the Treasury, who in September referred the request to the Attorney General.⁴⁵ This last officer rendered no opinion until December.

⁴³Report of National Attorney Sampson Folsom, Chahta Tamaha, September 30, 1869, Vol. I, Acts of the Choctaw Nation, Western History Collection, University of Oklahoma Library.

⁴⁴Agreement between Pitchlynn and Wright, March, 1870, Folder 70-121, Pitchlynn MSS, Gilcrease Museum.

⁴⁵Report of the Delegates, Washington, 1874, H10.99, Hargrett Collection, Gilcrease Museum.

Pitchlynn and his associates then pressed both aspects of the claim upon Congress. Concentrating still on the Senate, the Colonel appeared before the Committee of Indian Affairs and asked that the Secretary of the Treasury be directed to issue the confiscated bonds.⁴⁶ In response, Senator Garrett Davis of Kentucky on June 6, 1870, tried to amend the General Appropriation bill to cause the delivery of the bonds, but the vigorous opposition of Senator John Sherman of Ohio encouraged the Senate to reject the proposal.⁴⁷ Efforts on June 9 and July 13 to fund the whole \$1.8 million claim in the Senate were equally unsuccessful.⁴⁸ With this action, both Houses of Congress had voted against the claim.

This final Congressional failure confirmed Pitchlynn in his determination to get rid of Cooper. In mid-July 1870, he abandoned the old Cochrane contract that the ex-Agent claimed as his source of authority and entered into a new one with General James G. Blunt of Leavenworth, Kansas, and Henry McKee of Fort Smith,

⁴⁶Pitchlynn, Washington, to the Senate Committee on Indian Affairs, May 13, 1870, HR 41A-F2.20, Records of the House of Representatives, N.A.

⁴⁷41st Cong., 2nd Sess., Congressional Globe, June 6, 1870, 4136-141.

⁴⁸Pitchlynn, "Report to the Council," Washington, 1870, H10.59, Hargrett Collection, Gilcrease Museum; Pitchlynn, Washington, to Nephew, July 13, 1870, H-44, J. L. Hargrett Collection, Western History Collection, University of Oklahoma Library.

Arkansas, both of whom were Republicans. The contract with McKee and Blunt related only to the \$1.8 million balance of the net proceeds upon the collection of which Pitchlynn guaranteed a fee of 30 per cent. The new attorneys agreed to adjust the claims of all parties, to pay Cochrane's heirs 5 per cent and, in another contract, to rebate the same amount to Pitchlynn.⁴⁹ With this agreement non-southern parties controlled both aspects of the net proceeds claim--the bonds and the unfunded Senate award.

Pitchlynn's independent action greatly irritated General Cooper. After George W. Wright appeared before the Treasury to demand the bonds, he decided to carry the matter of authority to the Choctaw Council. At the annual session which convened in October, 1870, E. S. Mitchell again represented Pitchlynn. Cooper hoped to get a clear-cut endorsement of Latrobe's contract, a move that Pitchlynn's forces hoped to block. At the same time Sampson Folsom thought that the tribe ought to appoint a new delegation rather than confirm the credentials of either Pitchlynn or Latrobe. Surprisingly, Mitchell agreed to the plan, but Loring Folsom, Pitchlynn's son-in-law, David Harkins, and ex-Chief Allen Wright joined to defeat the

⁴⁹ Agreement between Pitchlynn and Blunt and McKee, Washington, July 16, 1870, Folder 70-46A; Agreement between McKee and Blunt and Pitchlynn, Washington, July 16, 1870, Folder 70-46B, Pitchlynn MSS, Gilcrease Museum.

measure and retain the status quo.⁵⁰ Wright considered Folsom's plan an effort to "decapitate" both delegations and kindly warned that Pitchlynn must not pride himself upon having many friends in the Nation.⁵¹ Thus neither Cooper nor Pitchlynn won Council approval, and the conflict between the two reverted to Washington.

On the Potomac, the Attorney General completed his investigation and in late December, 1870, ruled that the tribe was entitled to the \$250,000 bonds. But the opinion did not persuade the Secretary of the Treasury who transmitted it to Congress, requesting that body to make a determination.⁵² With the favorable opinion Cooper and Latrobe reasserted their claim to the bonds. On January 9, in a Cooper-inspired letter, Latrobe requested a conference with Pitchlynn and indicated that he would regret taking any measures not mutually approved. When the Colonel ignored the request, Latrobe advised the Treasurer that the Choctaw delegate did not have the authority to receive the bonds.⁵³ The Colonel responded by

⁵⁰E. S. Mitchell, Boggy Depot, to Pitchlynn, October 9, 1870, Folder 70-78; October 13, 1870, Folder 70-80; Loring Folsom, Armstrong Academy, to Pitchlynn, October 24, 1870, Folder 70-86; November 27, 1870, Folder 70-106, ibid.

⁵¹Wright, Boggy Depot, to Pitchlynn, November 29, 1870, Folder 70-109, ibid.

⁵²41st Cong., 3rd Sess., House of Rep. Ex. Doc. 25.

⁵³Latrobe to Pitchlynn, January 9, 1871; Latrobe to the Secretary of Treasury, January 10, 1871, in "Special Report of Peter P. Pitchlynn and Peter Folsom," Washington, 1871, H10.45, Hargrett Collection, Gilcrease Museum.

having Chief William Bryant testify to the validity of the credentials of the old delegation and state that Latrobe had no contract with the tribe.⁵⁴ Pitchlynn guaranteed the Chief an interest in the net proceeds, while Cooper countered with a seventeen-page printed "Letter to Hon. William Bryant" remonstrating against the injustice done Latrobe.⁵⁵

To offset Cooper's attack on his credentials, Pitchlynn submitted a memorial to Congress requesting the release of the confiscated bonds and solicited the endorsement of influential persons.⁵⁶ Through the agency of George W. Wright, Horace Greeley, editor of the New York Tribune, testified to the legitimacy of the claim, but asserted that the men who led the tribe into rebellion still had too much sway over it.⁵⁷ Pitchlynn demonstrated that the "rebel" influence no longer existed and thus won

⁵⁴William Bryant, Chahta Tamaha to Pitchlynn, January 11, 1871; March 11, 1871, in Letters to the Chiefs, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society; Bryant to Pitchlynn, February 7, 1871, Folder 71-18, Pitchlynn MSS, Gilcrease Museum.

⁵⁵Pitchlynn to Bryant, March 31, 1871, Folder 71-33; Cooper, "Letter to William Bryant," Washington, 1872, Folder 74-147, ibid.

⁵⁶41st Cong., 3rd Sess., Senate Misc. Doc. 65.

⁵⁷Typescript copy of a letter from Horace Greeley, New York, to Pitchlynn, February 3, 1871, Folder 71-15, Pitchlynn MSS, Gilcrease Museum; Horace Greeley, New York, to George Washington Wright, January 9, 1871, Vol. I, George Washington Wright MSS, Library of Congress.

from Congress on March 3, 1871, a resolution that ordered the Treasury to deliver the bonds.⁵⁸ Success seemed at hand.

For Cooper and Latrobe only quick action could preserve their "interest" in the \$250,000. The very evening of the congressional action McPherson joined with the Baltimore attorney in proposing to Pitchlynn that G. W. Wright receive one-half of all the interest paid on the bonds, that McPherson accept for the estate of Cochrane somewhat more than \$32,000, that over \$41,000 of both principal and interest accrue to John H. B. Latrobe, and that the Colonel control the remainder. Genuinely fearful of a compromise with the ex-rebel, Pitchlynn refused the agreement. Latrobe then took revenge by declaring again that Pitchlynn had absolutely no authority to receive the bonds and that they should be sent directly to the Nation instead. Obviously, Cooper and Latrobe would rather trust the Council than Pitchlynn to render a favorable settlement.⁵⁹ Pitchlynn countered the accusation with a thirty-page argument supporting his credentials and by having

⁵⁸41st Cong., 3rd Sess., Congressional Globe, January 5, 1871, 310; "Special Report of Peter Pitchlynn and Peter Folsom," Washington, 1871, H10.45, Hargrett Collection, Gilcrease Museum.

⁵⁹Proposed Agreement between McPherson, Latrobe and Pitchlynn, Washington, March 3, 1871; Latrobe, Baltimore, to Secretary of Treasury, March 14, 1871, in "Special Report," Washington, 1871, H10.45, Hargrett Collection, Gilcrease Museum.

Horace Greeley call upon the Secretary of the Treasury in his behalf.⁶⁰ Neither measure secured the release of the bonds that others now also claimed.

Pitchlynn's secret arrangement with James C. Johnson during the Civil War to get the bonds across Union lines now appeared to haunt him. After Congress directed the release of the bonds, George E. West of Philadelphia, an agent for Lehman and Company, presented to Secretary of the Treasury George Boutwell Pitchlynn's old order and demanded the \$250,000. When the bonds were not immediately forthcoming, West filed in the Supreme Court of the District of Columbia a petition for a writ of mandamus to compel the Secretary to release the bonds.⁶¹

Thus, with so many parties interested--the tribe even sent the U.S. Indian agent to pick up the bonds--with so many claims and counter-claims submitted, and with the Republican administration financially embarrassed, Secretary Boutwell determined to investigate the claim himself before he complied with the congressional directives.⁶²

⁶⁰ John J. Weed and George W. Wright, "Arguments submitted to the Secretary of Treasury," Washington, 1871, Folder 71-98, Pitchlynn MSS, Gilcrease Museum; Greeley to Wright, April 3, 1871; June 10, 1872, Vol. I, G. W. Wright MSS, Library of Congress.

⁶¹ 42nd Cong., 3rd Sess., House Report 98, 65.

⁶² Minutes of the Meeting, May 15, 1871, Goodland, Letters to the Chief, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society.

He referred the matter to E. C. Banfield, Solicitor of the Treasury, and refused to consider the matter further until Banfield reported back.

Since the problem at the Treasury related to the question of authority, Pitchlynn determined to have his sustained and Latrobe's and Cooper's denied by the tribe. He and his associates prepared for the Council a twenty-five-page pamphlet explaining the progress of the bond transaction and accusing Cooper of interference.⁶³ The Colonel planned initially to have Chief Bryant call a special session, but he learned that Cooper, already in the territory, desired the same thing.⁶⁴ Furthermore, Pitchlynn lacked the support he once had. Robert M. Jones cooled to the Colonel after learning of the wartime bond sale to Johnson and the financial transaction in Washington. And Sampson Folsom, usually a reliable ally when paid, dismissed Pitchlynn's overtures with: "the less we know of each other's business the better for us."⁶⁵ Furthermore, the Reverend O. P. Stark, still an agent of Lehman and Company, everywhere planted seeds of doubt about Pitchlynn's honesty.

⁶³"Special Report of Peter Pitchlynn and Peter Folsom," May 15, 1871, Washington, H10.45, Hargrett Collection, Gilcrease Museum.

⁶⁴D. F. Harkins, Wade County, to Pitchlynn, June, 1871, Folder 71-52, Pitchlynn MSS, Gilcrease Museum.

⁶⁵Sampson Folsom, Horse Prairie, to Pitchlynn, September 13, 1871, Folder 71-74, ibid.

Opposed by Jones, Sampson Folsom, Cooper and Allen Wright, Pitchlynn decided that he had better attend the Council himself. After making a new will he set out for Armstrong Academy with M. S. Temple, a member of a distinguished Tennessee family and associate of G. W. Wright, arriving there in early October, 1871. The Council proved to be a great disappointment to the Colonel. He found that after five years' absence he had little influence, and even that was challenged by Cooper. Consequently he failed to secure any dramatic confirmation and had to satisfy himself with the endorsements of the past. Yet not all was disaster, for Pitchlynn re-established contact with Sampson Folsom and regained the support of Jones by assuring his old friend that Allen Wright had paid the \$10,000 as an advance on the net proceeds claim.⁶⁶

Back on the Potomac in November he learned from G. W. Wright that an immediate new endorsement by the Council despite its recent session was absolutely necessary to stave off an adverse report by Solicitor Banfield. Pitchlynn and G. W. Wright wrote up the authority required and sent M. S. Temple back to the Nation to secure its adoption by the Council. In December, Temple worked with Sampson Folsom and R. M. Jones to get Chief Bryant to call the special session, which after many frustrating delays

⁶⁶Pitchlynn, Armstrong Academy, to My Dear, October 29, 1871, Folder 71-81, ibid.

the Chief set for late January.⁶⁷ But as that day arrived and passed without a Council, Temple left the Nation in disgust.⁶⁸ When the tribal representatives did assemble in early March, 1872, Pitchlynn depended upon the Chief, Robert M. Jones, his son-in-law, and David Harkins to secure what he personally had failed to achieve five months earlier.

Fortunately, success attended their efforts, and on March 18, the Council acted to bring the money value of the \$250,000 in bonds to the Nation and to have whatever interest allowed paid directly to Pitchlynn and his colleague, Peter Folsom. It also set up a commission to adjudicate individual claims against the United States and attorney claims against the tribe. The Council directed the commission not to recognize any contract made by the "new delegation" in 1866 or any assignment to Lehman and Company, nor was it to pay any attorney under the Cochrane contract unless authorized by Pitchlynn and his co-delegate.⁶⁹ In other words, the "brush bill" gave the

⁶⁷Pitchlynn, Washington, to Folsom, December 9, 1871, Folder 71-86; Directions for Temple, n.d., Folder Un-222; M. S. Temple, Ultima Thule, Arkansas, to Pitchlynn, December 13, 1871, Folder 71-89, ibid.

⁶⁸M. S. Temple, Rose Hill, to Pitchlynn, January 8, 1872, Folder 72-5, ibid.

⁶⁹Acts and Resolutions, 1865-1872, Volumes from the Choctaw Nation 291, Indian Archives, Oklahoma Historical Society.

Colonel complete control of any interest paid on the bonds, what attorneys would receive payment, and the delegates' 20 per cent share. Including interest, he controlled over 50 per cent of everything realized when the bonds were paid.

Cooper and his associates refused to abide by the decision of the Council. They conducted mass meetings of opposition and prevented the commission from adjudicating individual claims by refusing access to the records of the National Secretary. Finally they succeeded in getting the Choctaw Supreme Court to declare unconstitutional the act so favorable to Pitchlynn. Though the Colonel agreed with R. M. Jones that the decision as well as the opposition "amounted to just nothing," the ruling nonetheless dimmed the brilliance of his victory.⁷⁰

In Washington the different groups pressing the two facets of the net proceeds claim continued as if the "brush bill" remained in force. Efforts to collect the bonds received most of Pitchlynn's attention, but McKee and Blunt, working with the ex-Senator from Arkansas, Alexander McDonald, successfully kept the balance of the award pending before Congress. Furthermore, they acquiesced in

⁷⁰ Notice of a Meeting, March 30, 1872, Folder 72-40; R. M. Jones, Goodland, to Pitchlynn, April 17, 1872, Folder 72-54, Jones to Pitchlynn, April 24, 1872, Folder 72-57, Pitchlynn MSS, Gilcrease Museum; Pitchlynn, Washington, to R. M. Jones, April 25, 1872, Section X, Robert M. Jones MSS, Indian Archives, Oklahoma Historical Society.

Pitchlynn's decision to let Albert Pike return to the Choctaw team. On January 5, 1872, the Colonel promised Pike 20 per cent of everything secured from Congress above the \$1.8 million.⁷¹ Also, Pitchlynn even signed a statement written by Pike stating that the attorney had not abandoned the Choctaws in 1854 and that he ought to receive 5 per cent of all money paid on the Choctaw claim.⁷² Pike then prepared in April, 1872, for Pitchlynn's signature, a memorial asking Congress to restore the deduction improperly made by the Senate in 1860 and to allow interest on the whole claim.⁷³

Immediately after the presentation of Pike's statement, Solicitor Banfield issued an interim report. He declared that the United States never envisioned payment of the net proceeds and that the Choctaws received valuable consideration for the ceded land, such as the \$6000 annuity, the guarantee of self-government, and the allotment of reservations. Banfield even pontificated that Congress could make no appropriation until the tribe had adjudicated all individual claims against the government.⁷⁴ He obviously

⁷¹Contract between Pike and Pitchlynn, January 5, 1872, Folder 72-3, Pitchlynn MSS, Gilcrease Museum.

⁷²Compare 49th Cong., 2nd Sess., Senate Report 1978, 64, with Manuscript Statement Folder 62-49, Pitchlynn MSS, Gilcrease Museum.

⁷³42nd Cong., 2nd Sess., House of Rep. Misc. Doc. 164.

⁷⁴42nd Cong., 2nd Sess., Senate Ex. Doc. 87; 42nd Cong., 3rd Sess., House of Rep. Ex. Doc. 10.

had disregarded all past investigations, determinations and treaties.

Pike prepared for Pitchlynn a seventeen-page response to Banfield's four-page declaration. He reminded the Solicitor that the Treaty of 1855 had directed the Senate to judge the merits of the claim. After a thorough investigation, the chosen tribunal had ruled that the Choctaws were not strictly entitled to the net proceeds, but that justice demanded they receive them nonetheless. The Senate decision was final, Pike declared, and it could not now be impeached. "We well enough know how absolutely conclusive such an award would be if in favor of a state or railroad corporation," he wrote.⁷⁵

The interim report suggested the nature of the Solicitor's investigation. His inquiry made no pretence of objectivity. Secretary of the Treasury Boutwell had retained Nathaniel Paige to supply information that would defeat the claim, promising to pay 10 per cent of all Choctaw funds retained by the Treasury. He also involved Edward B. Grayson, who as clerk of the Indian Office had helped establish the Choctaw claim in 1859, but when refused a 1 per cent interest, had determined to scuttle the net proceeds. Paige and Grayson supplied the government with the 1852

⁷⁵Pitchlynn, "Letter to George S. Boutwell," Washington, 1872, Folder 72-83, Pitchlynn MSS, Gilcrease Museum.

receipt given by the Choctaws when Thompson McKenney secured the final scrip payment to Fourteenth Article claimants. The receipt supposedly exempted the United States from additional claims. Banfield issued his second report on the basis of this information on November 14, 1872, and declared that this receipt released the United States from all obligations arising out of the Treaty of 1830. The argument was incredible, but it furnished sufficient pretext for Boutwell to refuse to deliver the bonds. Congress confirmed his decision on February 14, 1873.⁷⁶ Coupled with the refusal of the tribal council to strongly endorse his authority, the loss of the bonds constituted a major blow to Pitchlynn's prosecution of the net proceeds claim.

By early 1873 the future that seemed so bright six years earlier had not been fulfilled. Success eluded Pitchlynn's grasp initially because the Republican Congress opposed a claim controlled by Democrats and Rebels. He freed himself of such associates, who then worked to defeat him. Their efforts dimmed his stature at home and prevented his success at Washington. Thus, the spring of 1873 was not one of Pitchlynn's best.

⁷⁶42nd Cong., 3rd Sess., House of Rep. Ex. Doc. 69; 42nd Cong., 3rd Sess., House Report 98, 71-3; 42nd Cong., 3rd Sess., Congressional Globe, February 4, 1873, 1082.

CHAPTER IX

THE FINAL YEARS

Following the Civil War Pitchlynn devoted himself to the net proceeds claim and other matters of concern to the Choctaw Nation. One of these was Reconstruction. The Congress believed it necessary to "rehabilitate" the tribe because of its former attachment to the Confederacy. To accomplish this, the federal legislature regularly discussed schemes to destroy Choctaw culture and society and to integrate it and other tribes into American society. Pitchlynn opposed these schemes with vigor. He seldom prevented their implementation, but he generally delayed them--at least until after his own death. This activity plus the net proceeds claim filled Pitchlynn's final years.

One of the many problems of the era related to the tribal boundary with Arkansas. The Treaty of 1866 declared the line as that which began on the Arkansas River one hundred paces east of Fort Smith and ran directly south to the Red River. From the survey of 1857 the Choctaws knew that the boundary line did not run due south, and in April, 1867, Pitchlynn contracted with James W. Denver,

former member of Congress, Commissioner of Indian Affairs, Governor of Kansas and western explorer, to demand either an adjustment of the line or payment for the land lost. He promised Denver 30 per cent of any sum collected in settlement of the claim, of which the attorney agreed to rebate one-sixth to Pitchlynn.¹ Though the federal government favorably considered Denver's petitions in 1867 to resurvey the line,² funds were not appropriated until March, 1875. The contract for the survey was awarded to H. E. McKee, Pitchlynn's colleague in the net proceeds claim.³ After the remarking, the matter lay dormant despite the Colonel's efforts until March, 1881, when Congress authorized the Choctaws to institute a suit against the United States in the Court of Claims. Denver

¹Contract between James W. Denver and Peter Pitchlynn, Washington, April 17, 1867, Folder 67-8A, Pitchlynn MSS, Gilcrease Museum.

²Pitchlynn and Israel Folsom, Washington, to O. H. Browning, April 24, 1867; A. G. Taylor, Commissioner of Indian Affairs, to U. T. Otto, June 29, 1867; Pitchlynn, Washington, J. D. Cox, August 31, 1870; William Cody, Commissioner of Indian Affairs, to Cox, September 6, 1870, Eastern Boundary, Indian Division, Records of the Secretary of Interior, N.A.; 40th Cong., 2nd Sess., House of Rep. Ex. Doc. 133; Pitchlynn, "Report," Washington, 1870, H10.59, Hargrett Collection, Gilcrease Museum.

³J. A. Williamson, Commissioner of Indian Affairs, to Henry E. McKee, March 12, 1877, Letters to the Chief, Volumes from the Choctaw Nation 415, Indian Archives, Oklahoma Historical Society; Field Notes of the Boundary Survey between Arkansas and the Choctaw Nation, Henry E. McKee, Surveyor, April to June, 1877, Box 3, Choctaw Misc. Doc., Western History Collection, University of Oklahoma Library.

represented the tribe in the litigation relating to the eastern boundary and ultimately secured a judgement of over \$68,000,⁴ or forty-two cents for each of the disputed 161,280 acres. That the Choctaws received even this modest award was due to Pitchlynn's interest and initiative.

A more controversial aspect of the reconstruction years related to the survey and allotment of tribal lands. The Treaty of 1866 contained optional provisions calculated to induce the Choctaws and Chickasaws to accept lands in severalty, provisions that Pitchlynn and Winchester Colbert supported in the pamphlet bearing their signatures.⁵ The Chickasaw legislature voted for allotment, but the Choctaws postponed the question until it could be referred to the people. At the Council in October, 1867, Chief Allen Wright urged that the tribe take its lands in severalty, a view that E. S. Mitchell, Pitchlynn's representative, supported.⁶ But the Colonel had changed his mind and concluded that allotment would increase the white man's temptation to settle on Indian

⁴Statement of a Claim against the estate of James W. Denver, n.d., Folder 94-2A, Pitchlynn MSS, Gilcrease Museum.

⁵Pitchlynn and Colbert, "Address," Washington, 1866, H10.38, Hargrett Collection, Gilcrease Museum.

⁶E. S. Mitchell, Boggy Depot, to Pitchlynn, February 13, 1870, Folder 70-6, Pitchlynn MSS, Gilcrease Museum.

lands.⁷ The fullbloods of the tribe adopted the same view and on July 4 and 5, 1870, overwhelmingly voted against the proposition to sectionize.⁸ In this instance, then, as frequently in the postwar years, Pitchlynn aligned himself with the fullbloods. Such a position was politically expedient as the fullbloods were more numerous and could provide greater support for the Colonel in the tribal Council.

Three years after the Chickasaws agreed to survey their Nation, the government suddenly decided to act upon that authority. Blaming Douglas Cooper, Pitchlynn protested the decision maintaining that the consent of the Choctaws was first necessary.⁹ The protest did not defeat the survey; yet it did prevent the ultimate allotment of the Chickasaw lands.¹⁰ Secretary of Interior Columbus Delano ruled in 1872 that ownership in severalty was impossible without the consent of the Choctaws.¹¹ Thus unlike some other prominent mixed-bloods, particularly

⁷Letter Draft to friend, Washington, March 9, 1870, Folder 70-14, ibid.

⁸Debo, Rise and Fall, 212.

⁹Pitchlynn, Washington, to Secretary Cox, August 3, 1870; Charles E. Mix and Company, Washington, to Cox, August 3, 1870, Box 37h, Letters Received, Private Sources, Indian Division, Records of the Secretary of Interior, N.A.

¹⁰J. D. Cox, Secretary of Interior, Sir, August 29, 1870, 17651, Choctaw Nation-Federal Relations, Indian Archives, Oklahoma Historical Society.

¹¹Debo, Rise and Fall, 213.

Elias C. Boudinot of the Cherokees, Pitchlynn did not support survey and allotment of tribal lands, though he may have lent his name to such proposals in 1866. Influenced by Albert Pike, believing that it would extinguish rather than improve the Choctaws, knowing that it was a popular position among the fullbloods, and because Douglas Cooper favored it, the Colonel energetically opposed allotment the rest of his life.¹²

The establishment of territorial government so closely paralleled the drive for allotment that the two questions can hardly be considered separately. And Pitchlynn approached the two matters almost identically. Statements before the war and the 1866 pamphlet had recommended some kind of territorial government; yet Pitchlynn never found a proposal on the subject which he could accept. With Sampson Folsom in 1868, he protested legislation that would have consolidated and organized the Indian tribes into an Indian territory, and he joined with the other tribal delegates in rejecting Oklahoma bills as "manifest destiny, . . . the plea of those who fear not God and covet their neighbors' goods."¹³ For that matter,

¹²A. Parson, Choctaw Agent, Boggy Depot, to E. P. Smith, October 16, 1873, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 180.

¹³Pitchlynn, et al., to William Windom, House of Representatives, July 2, 1868, Folder 66-13, Pitchlynn MSS, Gilcrease Museum; 41st Cong., 2nd Sess., Senate Misc. Doc. 143.

in nearly every year of the 1870's Pitchlynn either personally submitted or joined in memorials that reminded Congress of those treaty rights which guaranteed the tribes perpetual control of their own destinies.¹⁴ That Congress enacted no territorial legislation during Pitchlynn's lifetime testified to his and his colleagues' effectiveness.

Pressure for land allotment and territorial government all stemmed, the Colonel believed, from the railroads. The Treaty of 1866 authorized the construction of one north-south and one east-west line across tribal lands. On July 25, 26, and 27, 1866, even before the Senate had ratified the treaty, Congress passed three acts granting rights in Indian Territory to specified Kansas railroads, contingent upon the extinguishment of Indian title "by treaty or otherwise." So long as the Indian title remained only one road would reap the treaty benefits, but if it was extinguished twenty-three million acres of some of the best land in the country would open to other corporations. No

¹⁴"Protest of the Cherokee, Creek, and Choctaw Nations," Washington, January, 1872, 42A-H10, Records of the United States Senate, N.A.; 42nd Cong., 2nd Sess., Senate Misc. Doc. 53; 43rd Cong., 1st Sess., House of Rep. Misc. Doc. 87; Pitchlynn et al., "Protest of the Indian Delegation," Washington, February 10, 1875, in Phillips Collection, University of Oklahoma Library; 45th Cong., 2nd Sess., Senate Misc. Doc. 82; 46th Cong., 1st Sess., House of Rep. Misc. Doc. 13; 46th Cong., 2nd Sess., Senate Misc. Doc. 41.

wonder the railroads pressed for the allotment of Choctaw land and territorial government.¹⁵

The railroad question also placed Pitchlynn at odds with Douglas Cooper and Allen Wright. The latter two, in a special session of the Council in March, 1870, secured charters for the Choctaw and Chickasaw Central Railway Company and the Choctaw and Chickasaw Thirty-fifth Parallel Railway Company, and to make the move palatable to Pitchlynn named him as one of the incorporators.¹⁶ The Colonel, however, believed that railroads "were much to be dreaded,"¹⁷ and after the Chickasaws and the Secretary of the Interior refused to confirm the charters, his forces at the October session of the Council revoked the two charters.¹⁸ Wright and Cooper regarded this as vengeance and never forgave the Colonel.

¹⁵Debo, Rise and Fall, 117; Pitchlynn, et al., "Memorial," Washington, June, 1872, HR 43A-F12.3, Records of the House of Representatives, N.A.

¹⁶Acts and Resolutions, 1870-1875, Volumes from the Choctaw Nation 291, Indian Archives, Oklahoma Historical Society; E. S. Mitchell, Boggy Depot, to Pitchlynn, April 13, 1870, Folder 70-24A; Henry M. Folsom, Doaksville, to Charles G. Lombardi, April 20, 1870, Folder 70-48, Pitchlynn MSS, Gilcrease Museum.

¹⁷Pitchlynn, Washington, to Israel Folsom, March 6, 1870, Folder 70-11A, ibid.

¹⁸Report of the Commissioner of Indian Affairs, 1870, 292; An Act to repeal the Charters, October, 1870, 19459, Choctaw Nation-Railroads, Indian Archives, Oklahoma Historical Society.

Pitchlynn's opposition to the railroads stemmed in part from his general conservatism in the post-war period. But more specifically he believed that the corporations were the genesis of all evil. They simply wanted the tribal lands, and to get them they supported not only allotment and territorial government but the interpretation that the Indians became citizens under the Fourteenth amendment and that they should have a delegate in Congress.¹⁹ The Colonel diligently opposed such assertions as an infringement upon Indian independence and took pains to point out the source of such schemes.

Problems more germane to reconstruction related to the freedmen. The Treaty of 1866 gave the Choctaws and Chickasaws the alternative of either adopting the freedmen and receiving \$300,000 for the Leased District or having the ex-slaves removed at the end of two years and the money used in their behalf. The document signed by Pitchlynn in 1866 encouraged the adoption of the Negro, but most Choctaws favored the removal of the freedmen, a feeling officially confirmed by the Council in November, 1867.²⁰

¹⁹Pitchlynn, "Argument before the Judiciary Committee," Washington, 1870, 41A-E9, Records of the United States Senate, N.A.; 45th Cong., 2nd Sess., Senate Misc. Doc. 8; 45th Cong., 2nd Sess., House of Rep. Misc. Doc. 32.

²⁰Pitchlynn and Colbert, "Address," Washington, 1866, H10.38, Hargrett Collection, Gilcrease Museum; Debo, Rise and Fall, 101.

The desire to remove the ex-slaves and at the same time receive compensation for the Leased District partially accounted for the tribe's sending Sampson Folsom to Washington in early 1868. After Folsom arrived, Pitchlynn told him that to insist upon removal might damage chances of obtaining the net proceeds. The Colonel, of course, used the same approach with regard to the loyal traders and Indians, and Folsom's decision not to press the point, as well as to compromise his opposition to the loyalists' claims, accounted for the contracts he made to share in the net proceeds.²¹ Pitchlynn's interest in the claim, then, was partially responsible for the ex-slaves' remaining among the tribe after the two year limit.

Inspired by white men such as Valentine Dell, editor of the Fort Smith New Era, and Colonel D. C. Finn, an Arkansas carpetbagger, the freedmen asked Congress to grant them all the rights and privileges of the Indian citizens.²² To these petitions Pitchlynn responded that the Treaty of 1866 bestowed United States citizenship upon those freedmen who remained after the two years. Since all the ex-slaves had stayed, they were all citizens of the United States, and as such not members of the Choctaw Nation.

²¹Report of the National Attorney, Chahta Tamaha, September 30, 1869, Volume I, Acts of the Choctaw Nation, Western History Collection, University of Oklahoma Library.

²²41st Cong., 2nd Sess., Senate Misc. Doc. 106.

Only when the freedmen relinquished their United States citizenship could they receive the benefits of tribal society.²³

Pitchlynn and his colleagues responded in much the same way when in 1874 the Interior Department urged Congress to give each ex-slave all the rights of Choctaw and Chickasaw citizenship, a share of tribal annuities, and 160 acres of the public domain.²⁴ The Secretary of the Interior said,

If you look at the manner in which the Chickasaw and Choctaw Nations acquired their property, and if you consider that the improvements made thereon have been made by the labor of the African people, you will see that there is not any injustice in giving to these persons of African descent equal rights in all respects with the Choctaw and Chickasaw people.²⁵

Though the House passed the proposed bill, the Senate left the whole question unresolved until after Pitchlynn's death.²⁶ In May, 1883, the Choctaws adopted their ex-slaves, giving them forty acres of land and all the rights

²³Pitchlynn, "Report," Washington, 1870, H10.59, Hargrett Collection, Gilcrease Museum; Pitchlynn, Washington, to William Bryant, February 2, 1872, Folder 72-9, Pitchlynn MSS, Gilcrease Museum.

²⁴Remonstrance of Pitchlynn, William Roebuck, and McKee King, Washington, April 27, 1874, 43A-H10.1, Records of the United States, N.A.

²⁵43rd Cong., 1st Sess., House of Rep. Misc. Doc. 294.

²⁶43rd Cong., 1st Sess., Congressional Record, May 27, 1874, 4296-298.

and privileges of citizenship save for participation in annuities.²⁷ Pitchlynn's opposition had made the inevitable more palatable.

Associated with the freedmen question was the matter of compensation for the Leased District. By the terms of the Treaty of 1866 the Choctaws and Chickasaws sold the six million acres of the Leased District for \$300,000, or five cents per acre. Yet the tribe never received the money nor was it used for the freedmen, since the ex-slaves refused to remove. Clearly the government had evaded this obligation and Pitchlynn energetically pressed a demand upon Congress for compensation. He argued that since the government had paid no consideration no sale had occurred and the Leased District still belonged to the Choctaws.²⁸ The title to the Leased District remained disputed with the solution of the freedmen question well after Pitchlynn's death. The Choctaws won \$50,000 in 1885 to quit-claim their title, additional sums in 1892 and continued efforts to obtain even more in the twentieth century.²⁹ But whatever accrued to them resulted from the Colonel's early efforts.

²⁷Acts of the Choctaw Nation, May 21, 1883, Western History Collection, University of Oklahoma Library.

²⁸Pitchlynn, Washington, to the Hon. J. P. C. Shanks, February 5, 1872, Folder 72-13, Pitchlynn MSS, Gilcrease Museum.

²⁹Debo, Rise and Fall, 105-106, 198 and 202.

Frequently, various matters arose at Washington during the postwar years important to the welfare of all tribes. Pitchlynn usually studied these questions and assumed positions in harmony with his role as Choctaw delegate. For example, he joined with other tribal delegates in opposing the transfer of the Bureau of Indian Affairs from the Department of the Interior to the War Department.³⁰ Together they also objected to a United States District Court in Indian Territory with a jurisdiction not limited wholly to criminal matters.³¹ Similarly, when Judge Isaac Parker in 1878 tried James E. Reynolds, a white Choctaw citizen, for murdering a fellow citizen on tribal soil, Pitchlynn joined with others in protesting the trial. They maintained that Reynolds should have been turned over to the Choctaw Nation for trial.³² On other occasions, the Colonel objected to the federal government ceding the old Fort Smith military reserve to the city of Fort Smith without compensation to the Choctaw

³⁰Indian Delegates to N. G. Taylor, Commissioner of Indian Affairs, December 28, 1868, 40A-H9; Indian Delegates, "Protest," Washington, March 27, 1876, 44A-H9, Records of the United States Senate, N.A.; 45th Cong., 2nd Sess., House Misc. Doc. 33.

³¹Indian Delegates, "Memorial of the Indian Delegates," Washington, n.d., Phillips Collection, University of Oklahoma Library.

³²Indian Delegates, "Ex Parte James E. Reynolds," Washington, February 6, 1878, Phillips Collection, University of Oklahoma Library.

family resident upon the site,³³ and beginning in 1868 to the United States taxation of Indian tobacco factories.³⁴

Most of Pitchlynn's protests were exercises in futility, but they do suggest the nature of his duties as tribal delegate. He was vigilant of the Indian prerogatives and set himself four square against any measure that threatened the common ownership of tribal lands or Choctaw nationality. He seldom prepared his own petitions, but he saw the threat and provided the leadership necessary to counter it. What little sovereignty the tribe retained was due in large measure to the Colonel.

Despite Pitchlynn's varied duties as Choctaw delegate all were secondary to the net proceeds claim. The malicious and unobjective reports of the Solicitor of the Treasury deprived the Colonel of the \$250,000 in bonds and caused his enemies to rejoice. Douglas Cooper glorified in and took personal credit for the disaster.³⁵ To prevent any further erosion of congressional confidence,

³³Statement to the House of Representatives, April 3, 1872, Washington, Folder 72-45, Pitchlynn MSS, Gilcrease Museum.

³⁴Pitchlynn, Washington, to E. S. Parker, June 29, 1869, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 179; A. T. Skallum, Attorney General, to President Grant, December 28, 1872, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 180.

³⁵Cooper, "Reply to Charges made by J. P. C. Shank," Washington, August, 1873, Folder 73-108, Pitchlynn MSS, Gilcrease Museum.

Pitchlynn presented in January, 1873, a memorial prepared by Albert Pike arguing that the 1859 award of the Senate was as final as the Alabama verdict at Geneva. The Colonel declared that Solicitor Banfield had made no new discovery or presented "questions not long ago settled," and he insisted that now was not "the time for the general resurrection of the dead."³⁶ This defense plus the able arguments of John B. Luce, who had rejoined the Choctaw team in 1872, somewhat mitigated the ill effects of the Solicitor's findings and encouraged the Senate Committee on Indian Affairs in January, 1873, to report in favor of delivering the bonds.³⁷ Furthermore, the following month the House Committee on Indian Affairs recommended payment of the bonds and funding of the balance of the award.³⁸ All in all it was an amazing recovery, one for which Pike predictably took the credit, though Pitchlynn gave it to Luce.³⁹ In any event, neither House took further action.

More important to the claim was an investigation conducted by the House Committee of Indian Affairs under

³⁶Pitchlynn, "Response of the Choctaw Nation," Washington, 1873, Folder 74-68, ibid.; 42nd Cong., 3rd Sess., House of Rep. Misc. Doc. 46.

³⁷42nd Cong., 3rd Sess., Senate Report 318.

³⁸42nd Cong., 3rd Sess., House of Rep. Report 80.

³⁹Answer of the Defendant, McPherson v. Pike, Supreme Court of the District of Columbia, September, 1872, in Pike MSS, Scottish Rite Library; Pitchlynn's History of the Net Proceeds, Washington, July 28, 1880, Folder 80-26, Pitchlynn MSS, Gilcrease Museum.

the direction of its Chairman, John P. C. Shanks, Republican of Indiana. Authorized on January 8, 1872, to investigate and report on various aspects of Indian affairs relating principally to the Choctaws, Chickasaws and Cherokees, the committee conducted hearings in Washington and Indian Territory. On March 3, 1873, it submitted a report, written largely by Shanks, that proved to be one of the earliest revelations of Reconstruction fraud.⁴⁰ Specifically, the report stated that John H. B. Latrobe, Douglas Cooper, John T. Cochrane and James G. Blunt were guilty of "base ingratitude, professional treachery, and cold-blooded calculations for robbery."⁴¹ It concluded that but for the dishonest interference of Latrobe, Cooper, John D. McPherson and Allen Wright, the government would have delivered the \$250,000 in bonds to the Choctaws.⁴² The report revealed the perfidy of Grayson and Paige, who had inspired the Solicitor's second report, and it declared that Cooper was "both the serpent and brains of the dishonorable combinations to defraud" the Choctaws of their corn money.⁴³ It concluded that the Latrobe contract constituted fraud and that the Baltimore attorney was "befouled with professional prostitution."⁴⁴ Altogether, the Shanks' Report was a 793-page exposé.

⁴⁰42nd Cong., 3rd Sess., House of Rep. Report 98.

⁴¹Ibid., 16.

⁴²Ibid., 69.

⁴³Ibid., 81.

⁴⁴Ibid., 119.

The response to the document was dramatic. As early as August, 1872, when the thrust of the committee's investigation leaked out, Latrobe denied all wrongdoing in letters to Baltimore newspapers and insisted that instead of defrauding he had saved the Choctaws.⁴⁵ After the release of the report in the spring of 1873, Latrobe published "An Address to the Choctaws and Chickasaws" re-asserting his innocence and his salvation to the tribe of nearly two million dollars in back annuities.⁴⁶ Douglas Cooper followed with a fifty-page "Reply to the Charges made by J. P. C. Shanks," in which he sought to discredit the committee document and vindicate himself, since the Chairman had already secured Cooper's disbarment from practicing before the Office of Indian Affairs.⁴⁷ Cooper argued rather weakly that Shanks had written the document after Congress adjourned and that the tribe had

⁴⁵ Baltimore Gazette, July 29, 1872, 1; August 5, 1872, 1 and 2; Baltimore American and Commercial Advertiser, July 29, 1872, 1; August 2, 1872, 4 and 2.

⁴⁶ Latrobe, "An Address to the Choctaw and Chickasaw Nations," Baltimore, June 19, 1873, Box 42h, Letters Received, Private Sources, Indian Division, Records of the Secretary of Interior, N.A.

⁴⁷ John P. C. Shanks, Washington, to Secretary Delano, April 23, 1873; Cooper, Washington, to Delano, July 7, 1873, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 180; E. P. Smith, Commissioner of Indian Affairs, to the Secretary of Interior, July 5, 1873, Box 34, Letters Received, Office of Indian Affairs, Indian Division, Records of the Secretary of Interior, N.A.

received full benefit of the corn money. Furthermore, he and his brother-in-law had saved the Choctaws from the loss of back annuities after the Fort Smith Council under a contract granted by delegates clothed with plenary powers. He tried to vindicate Allen Wright and implicate Pitchlynn, maintaining that "a corrupt ring" used the latter, a "poor imbecile old man."⁴⁸

Cooper's attack stung Pitchlynn into a spirited defense published in two pamphlets: "Reply to a Libellous Pamphlet" and "A Letter from Tushkahomma." The Colonel accused the ex-rebel of having betrayed his trust as an agent, of having "spoiled" the corn money, and of having taken attorney fees while an agent. He declared that Cooper, Allen Wright and Latrobe had resorted to blackmail to secure a part of the attorney fee and that, but for the Cooperites, the Choctaws would have already received the net proceeds. "Tushkahomma" provided a catechism for Choctaw Children: "Question: Who are the first men ever debarred from practicing before the Indian Bureau? Answer: D. H. Cooper and J. H. B. Latrobe. Question: What are they debarred for? Answer: Because they defrauded the Choctaw and Chickasaw people out of great sums of money. Question: Who defrauded the Choctaws our of \$100,000? Answer: Cooper, Latrobe, Allen Wright and

⁴⁸Cooper, "Reply to Charges made by J. P. C. Shanks," Washington, August, 1873, Folder 73-108, Pitchlynn MSS, Gilcrease Museum.

Company."⁴⁹ Albert Pike probably wrote both pamphlets. They had a telling effect upon Cooper's influence within the tribe.

The ex-agent responded to Pitchlynn in his third pamphlet. He emphasized the Colonel's association with a well known "Indian ring" and accused Shanks of "mental constipation." He falsely charged Pitchlynn of having received a part of the corn money and maintained that he had saved the Colonel from a lunatic asylum in 1868. But, generally, Cooper painted Pitchlynn as a dupe who unwittingly shielded scoundrels and disseminated falsehood.⁵⁰

Despite Cooper's disclaimers, the Shanks' Report strengthened Pitchlynn's hand both in Washington and in the Nation. Apparently the Chairman designed the document to do just that, for he seldom criticized the Colonel, who always spoke of Shanks as his "good friend." Furthermore, the Indiana Republican relied upon Pitchlynn's confidant, G. W. Wright, to oversee the printing of the document.⁵¹ However, this does not mean that the report "constitutes

⁴⁹Pitchlynn, "Reply to a Libellous Pamphlet," Washington, 1873; [Pitchlynn], "A Letter from Tushkahomma to the Choctaw Nation," August, 1873, Pike MSS, Scottish Rite Library.

⁵⁰Cooper, "Address and Memorial," Boggy Depot, October, 1873, Folder 73-108, Pitchlynn MSS, Gilcrease Museum.

⁵¹J. P. C. Shanks to G. W. Wright, May 10, 1873, Folder 73-19; M. S. Temple, Greenfield, to Pitchlynn, October 18, 1873, Folder 73-77, ibid.

vituperative and exaggerated statements that cannot be taken as correct and true evidence against those that it would condemn."⁵² Shanks included the interviews basic to his conclusions, and this primary evidence alone revealed massive amounts of fraud. In most cases those condemned by the report convicted themselves.

The document seriously damaged the reputation of Cooper, and Pitchlynn and his friends hoped to capitalize on that sentiment at the regular October session of the Council in 1873. The Colonel wanted M. S. Temple to attend and obtain for him a clear-cut endorsement, but the Tennessean declined because of family commitments and a belief that such a visit would be fruitless without "insurance" money. "It will require more than a mere interchange of views and opinions of public policy," he wrote. "So many pledges and promises have been made and so many leading men are now interested that more compliments will not make a success."⁵³ So Pitchlynn relied upon John B. Luce and Campbell Leflore, a son of Greenwood who practiced law at Fort Smith, to secure the legislation desired. Henry E. McKee, Pitchlynn's attorney for the net proceeds,

⁵²See Murial H. Wright, "General Douglas H. Cooper, CSA," The Chronicles of Oklahoma, Vol. XXXII (Summer, 1954), 183.

⁵³M. S. Temple, Greenfield, Tenn., to Pitchlynn, September 1, 1873, Folder 73-49, Pitchlynn MSS, Gilcrease Museum.

had drafted a model measure by which one-half of the total sum appropriated to satisfy the net proceeds would be sent directly to the Nation to pay the claims of individuals. The other half the Colonel would control in Washington and use to compensate the delegates and the attorneys holding the Cochrane contract. To secure Council approval of even this moderate proposal required great diplomacy and a relaxation of opposition, but Pitchlynn seemed to want control of all money appropriated. Luce knew, however, that the Council would not sanction such a measure and might retaliate by abrogating all contracts, Cooper's, Cochrane's and Pitchlynn's. Furthermore, it would be wrong, and he would have nothing to do with it, "directly or indirectly."⁵⁴ So Luce presented the McKee bill and with great skill secured its adoption on October 30, 1873.⁵⁵

Luce, McKee and Blunt all insisted that the act represented a victory for Pitchlynn, but they did not altogether convince the Colonel.⁵⁶ The McKee bill referred

⁵⁴Luce, Fort Smith, to Pitchlynn, October 11, 1873, Folder 73-73, ibid.

⁵⁵Acts of the Council 1870-76, Volumes from the Choctaw Nation 312, Indian Archives, Oklahoma Historical Society.

⁵⁶Luce, Fort Smith, to Pitchlynn, November 15, 1873, Folder 73-94; McKee, Fort Smith, to Pitchlynn, November 13, 1873, Folder 73-93; Blunt, Chicago, to Pitchlynn, November 21, 1873, Folder 73-96; Pitchlynn, Washington, to Loring Folsom, January 17, 1874, Folder 74-4, Pitchlynn MSS, Gilcrease Museum.

by name to the Cochrane contract, an instrument that Pitchlynn had replaced but one in which Douglas Cooper claimed an interest. For that reason Cooper and John D. McPherson considered the act a vindication of their authority. This greatly distressed Pitchlynn, and to destroy any semblance of a Cooperite victory, he sent out with Loring Folsom, who had made a trip to see his father-in-law, a proposed measure that annulled all contracts. Loring prevailed upon Chief Bryant to call a special session of the Council in February, 1874, presented the desired legislation, and secured its adoption. At first blush Pitchlynn would seem to have spited himself, but the move really rendered Cooper powerless and demonstrated to Congress again that the Choctaws abided no rebel leaders.⁵⁷

Thus, by early 1874, Pitchlynn's control of the net proceeds claim seemed complete. But for added assurance, Pitchlynn on January 14, 1874, agreed to pay \$10,000 to Thomas Lanigan of Fort Smith in satisfaction of money advanced and valuable services rendered, and \$20,000 to James Thompson, the National Treasurer of the tribe, who would receive the money appropriated in Washington.⁵⁸ And

⁵⁷Pitchlynn, Washington, to Loring Folsom, January 22, 1874, Folder 74-7; Pitchlynn's History of the Net Proceeds, Washington, July 28, 1880, Folder 80-26, *ibid.*; Acts of the Council 1870-76, Volumes from the Choctaw Nation 312, Indian Archives, Oklahoma Historical Society.

⁵⁸Contract with Thomas Lanigan, Washington, January 14, 1874, Folder 74-2; Contract with James Thompson, Washington, January 14, 1874, Folder Un-83, Pitchlynn MSS, Gilcrease Museum.

on February 18, 1874, the Colonel contracted to pay \$20,000 to Jackson McCurtain, a prominent Choctaw who would later serve as Chief, to sustain the old delegation.⁵⁹ At the same time Pitchlynn reassured David Harkins he intended to honor the contract with his father, George W. Harkins.⁶⁰ The promises, of course, were contingent upon the success of the claim, but no wonder M. S. Temple said he heard "of contracts every day of my life."⁶¹ Yet this meant the continued prosecution of the claim: no attorney would work unless he could be assured of an ultimate fee.

Even while the Colonel secured support at home the complexion of the Choctaw team altered again in Washington. Both those friends interested in the bonds and those in the balance of the award combined their efforts under the general leadership of George W. Wright. In January, 1873, Pitchlynn assigned to Wright as a contingent fee everything he might collect above \$1.8 million and all the interest on the \$250,000 in bonds. The Colonel had earlier signed a similar contract with Pike, who now threatened to "expose the whole thing," a situation that encouraged Pitchlynn to limit Wright's agreement to the

⁵⁹Contract with Jackson McCurtain, Washington, February 18, 1874, Folder 74-21, ibid.

⁶⁰Harkins, South Canadian, to Pitchlynn, August 21, 1874, Folder 74-58, ibid.

⁶¹Temple, Armstrong Academy, to Pitchlynn, October 27, 1872, Folder 72-31, ibid.

current session of Congress, or only two months.⁶² Ironically, in spite of these elaborate arrangements, the Choctaw team made no real progress during the period of the contract.

Before the Forty-third Congress in December, 1873, Wright seemed to still control the claim. But the team had many sides, not all of which coordinated their efforts. McKee, Luce and Blunt, the latter largely retired, conducted independent operations. McKee secured the services of ex-Senators D. F. Rice and Alexander McDonald, both Radical Republicans from Arkansas. General Blunt gained the aid of John H. Rice, the Secretary-Treasurer of the Natural Gas and Iron Company of Chicago and a man of many connections in Washington, and Luce provided the research and writing.⁶³ Pike constantly asserted his right to control the whole claim, and even McPherson pretended to power.⁶⁴ Only Douglas Cooper expressed little interest in the success of the case.

Even with such diversity the team still made a forceful presentation. Pitchlynn presented to Congress

⁶²Contract Between Pitchlynn and Wright, Washington, January 28, 1873, Folder 73-7B; Pike, Washington, to Pitchlynn, February 12, 1873, Folder 73-10, ibid.

⁶³Blunt, Chicago, to Pitchlynn, November 21, 1873, Folder 73-96; McKee, St. Louis, to Pitchlynn, December 9, 1873, Folder 73-100; Luce, Little Rock, to Pitchlynn, November, 1873, Folder 73-97, ibid.

⁶⁴McPherson, Washington, to J. S. Black and J. H. B. Latrobe, February 14, 1874, Vol. LX, Black MSS, Library of Congress.

a twenty-three page "Brief and Appeal" prepared by Pike. The document declared Pike's favorite theme that the award of the Senate was final, but it also stated that the \$600,000 deductions made by the Committee in 1860 should be restored and that interest should be paid. The argumentation was sound and impressive to lawyers, drawing as it did upon Domat and Lord Coke, but rather cold to the Congressmen.⁶⁵ The lobby, and particularly G. W. Wright, proved more adept and obtained in April, 1874, from the House Committee on Appropriations a report recognizing the total \$2.9 million Senate award, the right of the Choctaws to the interest, and the authority of Peter Pitchlynn to receive the bonds.⁶⁶ Furthermore, during the same month the House Committee on Indian Affairs followed with a document equally favorable to the Choctaws.⁶⁷

With such favorable reports, the team prepared for the debate in the House. Pike urged L. Q. C. Lamar to support the measure "with all your might," and G. W. Wright

⁶⁵ Compare Pitchlynn, "Brief and Appeal," Washington, December, 1873, XH-10, Hargrett Collection, Gilcrease Museum, with Folder 71-100, Pitchlynn MSS, Gilcrease Museum; 43rd Cong., 1st Sess., House of Rep. Misc. Doc. 89.

⁶⁶ 43rd Cong., 1st Sess., House of Rep. Report 391; Statement of Peter Pitchlynn, Washington, to Committee on Appropriation March 20, 1874, HR 43A-F3.3, Records of the United States House of Representatives, N.A.

⁶⁷ 43rd Cong., 1st Sess., House Report 599; Peter Pitchlynn, "Memorial," Washington, May 16, 1874, XH-10, Hargrett Collection, Gilcrease Museum.

asked Judge Black to secure the approval of six Democratic members.⁶⁸ But even with this and a great deal more leg work the debate did not terminate as the Choctaws wished. In June, 1874, Isaac Parker of Missouri sought to amend the Civil Appropriations bill to provide for the \$250,000 in bonds. Rather than make an appropriation the House joined with James Garfield in voting to send the matter to the Secretary of the Treasury to determine the liabilities of the tribe, or how much of the award belonged to the individuals.⁶⁹

Luce presented the Choctaw case to the Secretary, who issued his report on December 23, 1874. He found that the amount of the individual claims exceeded the whole amount due the Choctaws under the award.⁷⁰ Assured that the tribal members would get the money, on January 19, 1875, Representative Abram Comingo of Missouri moved to amend the Indian Appropriation Bill to pay Peter Pitchlynn and Peter Folsom the \$2.9 million award plus 5 per cent interest, less the \$250,000 appropriated in 1861. In the

⁶⁸ Albert Pike, Alexandria, to L. Q. C. Lamar, June 11, 1874, Pike MSS, Manuscript Collection, Perkins-Library, Duke University; Wright, Washington, to J. S. Black, April 13, 1874, Vol. LXI, Black MSS, Library of Congress.

⁶⁹ Harry J. Brown and Frederick D. William, eds., The Diary of James A. Garfield (East Lansing, 1967), Vol. II, 337 and 336; Pitchlynn, "Report," Washington, 1784, H10.99, Hargrett Collection, Gilcrease Museum.

⁷⁰ 43rd Cong., 2nd Sess., House Ex. Doc. 47.

debate that followed the Choctaw claim made its strongest showing ever. Supported by Shanks, Parker, Comingo and Garfield, the Committee of the Whole voted 129-101 to pay the claim. But the House recommitted the measure, and when the matter was considered again on February 19, the hysterical opposition of G. L. Fort of Illinois and G. W. Scofield of Pennsylvania defeated it by a vote of 89-136.⁷¹ Pitchlynn attributed the rebuff to the 170 freshmen Congressmen who were unacquainted with the Choctaw claims, to the reckless promises made by George Wright, and to the disagreement about the amount really due the Choctaws.⁷² The defeat meant that the team had to alter its attack.

Simultaneously Pitchlynn faced a serious challenge at home. He had no more than defeated Cooper than the Choctaws elected as Chief Coleman Cole, a fullblood noted for his large pumpkins and coolness toward both Pitchlynn and Cooper. Obviously, the tribe had tired of the Pitchlynn - Cooper conflict. Cole's promise quickly to obtain the net proceeds had its appeal.⁷³ During the four years

⁷¹43rd Cong., 2nd Sess., Congressional Record, January 19 and 20, 1875, 591-97, 610-17, February 9, 1084-1093.

⁷²Pitchlynn, "Report," Washington, 1874, H10.99, Hargrett Collection, Gilcrease Museum; Pitchlynn's History of the Net Proceeds, Washington, July 28, 1880, Folder 80-26, Pitchlynn MSS, Gilcrease Museum.

⁷³L. S. W. Folsom, Armstrong Academy, Pitchlynn, August 27, 1874, Folder 74-56, ibid.

that Cole served as Chief, he besieged Washington officials from President U. S. Grant on down with letters and memorials attacking the prosecution of the claim. Pitchlynn and his friends, he said, worked against the Choctaws "day and night" and stood at the door of Congress "humbugging and howling around," stretching forth their hands for money that did not belong to them. Cole assured President Grant that he did not blame the government for refusing to pay the net proceeds to "Pitchlynn and his clan." The Chief suggested that the money be remitted directly to individual claimants and the remainder invested for educational purposes.⁷⁴ And with great faith in the President he established a special court to adjudicate the individual claims which constituted the net proceeds.⁷⁵ Further, Cole considered employing Albert Pike as tribal attorney, a thought that brought Pike hurrying to the Nation in the summer and fall of 1875. But when Pike refused to disavow Pitchlynn, Cole dropped the idea.⁷⁶

⁷⁴Coleman Cole, Choctaw Nation, to United States Congress, January 20, 1875, 43A-H10.1, Records of the United States Senate, N.A.; Cole to President Grant, November 27, 1875; Cole to Secretary of Interior, November 30, 1875; Cole to Secretary of Interior Chandler, December 23, 1875, N.A., O.I.A., Letters Received, Microcopy 234, Roll 182; Cole to United States Congress, April 19, 1877, C-39, Coleman Cole Collection, Western History Collection, University of Oklahoma Library.

⁷⁵Coleman Cole, "Memorial," Choctaw Nation, March 25, 1876, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 183.

⁷⁶Albert Pike, Armstrong Academy, to Coleman Cole, October 16, 1875, Folder 75-67, Pitchlynn MSS, Gilcrease Museum.

Cole's attacks stimulated an energetic response by Pitchlynn. Beginning in October, 1874, he attended every regular session of the Choctaw Council until 1880 to prevent any serious erosion of his influence and to retain the authority granted by the 1873 McKee bill. In 1874 the Council memorialized Congress urging the funding of the net proceeds and stating that Pitchlynn and Peter Folsom had received powers never revoked.⁷⁷ The following year the Colonel won continued support while rooming with General Shanks, who considered Armstrong Academy rather provincial. "I have been here so long," he wrote of his visit relative to the freedmen, "that I neither know the course nor direction to any other point in the world, but am well satisfied that it is some distance."⁷⁸ In 1876 Pitchlynn succeeded in utterly defeating Cole's legislative program, though he could not prevent his reelection as Chief.⁷⁹

The defeat in the Council, however, made Cole an object of compassion for no one denied the honesty of his

⁷⁷Acts of the Council, 1870-76, Volumes from the Choctaw Nation 312, Indian Archives, Oklahoma Historical Society.

⁷⁸John P. C. Shanks, Armstrong, to G. W. Wright, November, 1875, Folder 75-81, Pitchlynn MSS, Gilcrease Museum.

⁷⁹Pitchlynn, Washington, to President U. S. Grant, January 8, 1876, N.A., O.I.A., Choctaw Agency, Letters Received, Microcopy 234, Roll 183; Pitchlynn, "To the Choctaw People," Washington, May 20, 1876, Folder 76-32, Pitchlynn MSS, Gilcrease Museum.

intentions--just the method of his operation. Even Pitchlynn's strongest supporters felt sorry for the old Chief.⁸⁰ Because Cole elicited so much compassion the Colonel's advisers strongly recommended that he not be impeached for his arrests of politically prominent Choctaws, for such might make a martyr of him and foster a reaction against Pitchlynn.⁸¹ Accordingly the October, 1877, Council refused to convict Cole of the impeachment charges brought against him, a course the Colonel grudgingly approved though he must have relished the plight of his antagonist.⁸² In August, 1878, Isaac Garvin replaced Cole as Chief. A warm friend of Pitchlynn, Garvin sustained the Colonel on every occasion. Still, the Choctaw delegate attended the Councils of 1878 and 1879 simply to maintain his influence and to prevent any alteration of his credentials.⁸³ The tribe never repudiated Pitchlynn's authority granted in 1853, frequently sustained it, but never dramatically increased it.

⁸⁰James Thompson, Atoka, to Pitchlynn, November 20, 1876, Folder 76-37, ibid.

⁸¹Luce, Fort Smith, to H. E. McKee, September 17, 1877, Folder 77-31, ibid.

⁸²Report of the Committee, October 19, 1877, Vol. IV, Acts of the Choctaw Nation, Western History Collection, University of Oklahoma Library; Atoka Independent, October 26, 1877, 4.

⁸³James Thompson, Chahta Tamaha, to Pitchlynn, October 16, 1879, Folder 79-46, Pitchlynn MSS, Gilcrease Museum.

The postbellum crises which Pitchlynn faced both at Washington and at home brought out traits in his character not always present in the prewar days. When he returned to Washington, in 1865, the welfare of his family became central to his life. He displayed a tenderness for and interest in his children that outside activities had prevented in earlier days. On trips away from home, he favored his youngsters with affectionate letters and prudent advice. And to repent for earlier neglect, he took into his home his grandson, Edward Everette, and made arrangements to place Louisa Harkins, another grandchild, in St. Elizabeth's Hospital in Washington, D. C.

In the postwar period he continued to play the role of tribal scholar, aiding in the publication of Cyrus Byington's Choctaw Lexicon by the Smithsonian Institution and contributing to the history of the Choctaws and early Mississippi.⁸⁴ During the 1870's the Colonel joined the Lutheran Church and the temperance movement.⁸⁵ He saw God both in a nest full of "little birdies" in West Virginia and in the sunrise over the prairies at Armstrong

⁸⁴See John Eaton, Washington, to Pitchlynn, December 31, 1877, Folder 77-49; H. S. Halbert, Lowndes County, Mississippi, to Pitchlynn, July 19, 1878, Folder 78-30; S. Byington, Belpere, Ohio, to Pitchlynn, August 2, 1873, Folder 73-38, *ibid.*; Alexander Reid, Spencer, to L. C. Draper, January 4, 1882, Vol. IV, 48, Tecumseh Papers, Draper MSS (Microfilm), Western History Collection, University of Oklahoma Library.

⁸⁵See Certificate of Membership, April 10, 1867, Folder 67-6, Pitchlynn MSS, Gilcrease Museum.

Academy.⁸⁶ "If it were not for the Bible," he wrote, "we would be savages, worse than the Comanches."⁸⁷ Pitchlynn found comfort in favorite Bible passages which he copied in notebooks. One entry states, "The eternal God is thy refuge and underneath is the everlasting arms," while on another he wrote "Help me Savior or I die."⁸⁸ These inscriptions suggest the sincerity of his faith, but also the state of his health. He suffered greatly with arthritis, a condition that forced him to use a cane and made writing difficult. To ease his pain he made regular trips with George Wright to the Virginia mountains to bathe in and to drink sulphur water. Pitchlynn enjoyed the area so much that he dreamed of purchasing a location once he completed "his business."⁸⁹

As in the prewar period, the postbellum years were years of financial embarrassment. Pitchlynn's plantation ceased to return an income immediately following the war, and for funds he constantly turned to friends. McKee "loaned" the Colonel money and referred him to people of

⁸⁶Pitchlynn, Berkley Springs, to Family, August 25, 1874, Folder 74-62; Pitchlynn, Lornings, October 11, 1869, Folder 79-45, ibid.

⁸⁷Pitchlynn, Berkley Springs, to Family, August 19, 1874, Folder 74-57, ibid.

⁸⁸Notebook, n.d., Folder 77-42A; "Morning and Night Watches," ibid.

⁸⁹Pitchlynn, Berkley Springs, West Virginia, to Family, August 19, 1874, Folder 74-57, ibid.

means. For example, ex-Senator Samuel C. Pomeroy of Kansas on at least one occasion furnished \$100 so that Pitchlynn would "be sustained and have patience to see the end of your claim against the government."⁹⁰ McKee later rewarded Pomeroy with \$10,000 for his timely assistance.⁹¹ George Wright aided Pitchlynn in securing a \$1000 loan with Jay Cooke and Company, a loan he found difficult to repay, and perhaps never repaid.⁹² From the same company, Wright proposed that the Colonel request a \$10,000 loan in anticipation of monies expected from the net proceeds, in consideration of which Pitchlynn would purchase from Cooke and Company \$500,000 in bonds of the Northern Pacific Railroad, allow Cooke a 2.5 per cent commission to negotiate a sale of the \$250,000 in bonds, and place on deposit with the Company those monies that would eventually go to the individual Choctaws.⁹³ Pitchlynn did not adopt Wright's scheme, but he did accept several thousand dollars from J. W. Denver, over \$1200 from Ward A. Lamón, Black's partner, and smaller sums

⁹⁰Pomeroy, Muscoth, Kansas, to Pitchlynn, August 19, 1876, Folder 76-29, ibid.

⁹¹Choctaw Delegates, "Statement of Disbursement of Twenty Percent," Fort Smith, July 18, 1889, Folder 89-11, ibid.

⁹²Peter Pitchlynn, Washington, Henry D. Cook, October 19, 1872, Folder 72-128, ibid.

⁹³Draft of a letter to J. Cooke and Company, Washington, May 26, 1873, Folder 73-22, ibid.

from whomever was at hand.⁹⁴ He also received some support from the estate of his father-in-law and, to provide for himself, even entertained some thought of purchasing a franchise on a "perpetual, self-heating, ironing machine."⁹⁵ When Pitchlynn died he was penniless and in debt.

Both Samuel Garland and Israel Folsom died in the early postwar years leaving Pitchlynn and Peter Folsom to guard the interests of the old delegation. Folsom seldom assisted the Colonel, and when members of Congress thought of the Choctaws they thought of the "old chief, Colonel Pitchlynn."⁹⁶ He thus became a symbol, a point around which others might rally to continue the fight.⁹⁷ As the interest of others waned, the Colonel could only write: "my friends think we shall succeed this time."⁹⁸ Still

⁹⁴Letter Draft, n.d., Folder Un-109; Pitchlynn's History of the Net Proceeds, Washington, July 28, 1880, Folder 80-26, ibid.; Henry E. McKee, Appellant, v. Ward H. Laman, Supreme Court of the United States, October Term, 1894, in the Rare Book Section, Gilcrease Museum.

⁹⁵T. T. Smothers, Washington, to Pitchlynn, January 18, 1877, Folder 77-14, Pitchlynn MSS, Gilcrease Museum.

⁹⁶46th Cong., 3rd Sess., Congressional Record, February 21, 1881, 1898.

⁹⁷M. S. Temple, Greenfield, Tenn., to Pitchlynn, November 29, 1879, Folder 79-53, Pitchlynn MSS, Gilcrease Museum.

⁹⁸Pitchlynn, Washington, to Nephew, October 31, 1877, General Correspondence, A-P, Rogers-Neill MSS, Western History Collection, University of Oklahoma Library.

Pitchlynn grew tired of his frustrations on the Potomac and indicated that he wanted to get "back to the woods again."⁹⁹

The Congressional defeat in 1875 had impressed upon the Choctaw team that another approach was necessary. As early as 1868, McPherson had suggested that the Choctaws submit the claim to some court of law, and after the defeat of January, 1875, others concluded similarly.¹⁰⁰ Throughout the spring and summer the different members of the Choctaw team prepared to request Congress to refer the case to the Court of Claims. Pitchlynn signed a contract with John B. Luce designating him as the attorney of record for a 5 per cent contingent fee out of McKee's contract, 2 per cent of which Luce rebated to the Colonel.¹⁰¹ M. S. Temple and Pike integrated their efforts with those of McKee and Luce, who also continued the employment of John J. Weed and F. P. Cuppy, the latter two attorneys hired in the early 1870's. McPherson, however, worked separately, suggesting that Black release Cochrane's contract to him, and George W. Wright continued

⁹⁹Pitchlynn, Washington, to Nephew, May 7, 1874, ibid.

¹⁰⁰John D. McPherson, Washington, to Jeremiah Black, June 25, 1868, Volume XLVIII, Black MSS, Library of Congress.

¹⁰¹Contract between Luce and Pitchlynn, Washington, March 26, 1875, Folder 75-22; Contract between Luce and Pitchlynn, Washington, April 14, 1875, Folder 75-26, Pitchlynn MSS, Gilcrease Museum.

to dream impossible dreams and planned to have the whole of the net proceeds appropriated.¹⁰² But the real direction of the team now came from McKee and Luce, who disregarded the schemes of Wright and the prideful arguments of Pike.

At the first session of the Forty-fourth Congress in December, 1875, Luce prepared lengthy memorials for both Houses requesting that the claim be referred to the court.¹⁰³ The House referred the memorial to the Committee on Indian Affairs, after which Luce and Weed drew up a model bill which they submitted for criticism to ex-Senator Matthew H. Carpenter. Retained by McKee and Pitchlynn for a contingent fee of \$50,000, Carpenter prepared the section which prescribed the ground rules of the Court petition and then retired from the team returning to the Senate. Luce submitted the measure to W. W. Wilshire of Arkansas, Chairman of the House Committee, who considered the model, and then favorably reported a similar measure in May, 1876.¹⁰⁴ But Congress took no other action.

During the second session, in January, 1877, Representative J. H. Sealy of Massachusetts attempted to suspend

¹⁰²McPherson, Washington, to Black, March 17, 1875, Volume LXIII, Black MSS, Library of Congress; G. W. Wright, Washington, to Pitchlynn, August 6, 1875, Folder 75-45, Pitchlynn MSS, Gilcrease Museum.

¹⁰³44th Cong., 1st Sess., House of Rep. Misc. Doc. 40; 44th Cong., 1st Sess., Senate Misc. Doc. 34.

¹⁰⁴44th Cong., 1st Sess., House Report 499.

the rules and call up the Choctaw bill for consideration, but his motion failed to gain a two-thirds majority. The same body defeated a similar effort in March.¹⁰⁵ In February, 1877, Pitchlynn met with Senator Powell Clayton of Arkansas and the Chairman of the Committee on Indian Affairs, Senator William B. Allison of Iowa, requesting them to bring the Choctaw legislation to the attention of the Senate. The committee staff urged favorable action, but the Senate did not consider the measure.¹⁰⁶ And again Congress adjourned without final consideration of the claim.

Defeat did not prevent the Choctaw team from presenting its case to the Forty-fifth Congress, however. In late October, 1877, Pitchlynn prevailed upon Charles E. Hooker of Mississippi to reintroduce the bill as written in the previous Congress. The Colonel submitted another memorial, called on friends in Congress and, after checking with McKee and Luce, decided that this was the session.¹⁰⁷ Once more, after a two-day presentation by Luce and Pitchlynn, the House Committee on Indian Affairs reported in

¹⁰⁵44th Cong., 2nd Sess., Congressional Record, January 22, 1877, 812, and March 3, 1877, 2218.

¹⁰⁶Pitchlynn, Washington, to Clayton, February 17, 1877; Pitchlynn to Allison, February 13, 1877, 44A-H9, Records of the United States Senate, N.A.

¹⁰⁷Pitchlynn, Washington, to Nephew, October 31, 1877, General Correspondence, A-P, Rogers-Neill MSS, Western History Collection, University of Oklahoma Library; 45th Cong., 1st Sess., House of Rep. Misc. Doc. 14.

favor of referring the case to the Court of Claims.¹⁰⁸ The Senate Indian Affairs Committee also held hearings during which Pitchlynn and Luce again urged adoption of the bill pending in the House.¹⁰⁹ Albert Pike appeared but argued somewhat differently. He stated that since the Senate award in 1859 was final the Court of Claims ought to rule upon the finality of the Senate decision rather than upon the claim per se. In other words, the court should not go behind the Senate determination, a procedure McKee and Luce had rejected in the House version.¹¹⁰ Despite the favorable report of the House and consideration of the Senate, the Forty-fifth Congress ended without final action, and once more Pitchlynn had not succeeded.

The measures having languished in Congress, in late 1878 Pitchlynn in papers prepared by Luce appealed to President Hayes for assistance in transferring the claim to the Court. The President referred the matter to the Commissioner of Indian Affairs, who suggested that Congress take some appropriate action, though he personally believed that the Senate award was final.¹¹¹

¹⁰⁸45th Cong., 2nd Sess., House of Rep. Report 251.

¹⁰⁹W. B. Allison, Washington, to Pitchlynn, December 5, 1878, Folder 78-58, Pitchlynn MSS, Gilcrease Museum.

¹¹⁰49th Cong., 2nd Sess., Senate Report 1978; Walter Brown, "Albert Pike" (unpublished Ph.D. dissertation, University of Texas, 1955), 850.

¹¹¹45th Cong., 3rd Sess., House of Rep. Ex. Doc. 34.

The Forty-sixth Congress met in March, 1879, and considered the Presidential report. Representative Hooker re-introduced the bill as written in previous Congresses. And as before the House Committee reported the measure favorably in May, 1879, declaring the "halls of Congress are obviously not the place to adjust the items of an account."¹¹² In the Senate, A. H. Garland of Arkansas introduced the appropriate legislation, but the Committee on the Judiciary made little progress toward a final determination.

That additional action was not taken by either House proved tragic, for on January 17, 1881, worn out by his duties as Choctaw delegate, Pitchlynn's life ebbed away at his home in Washington. With the Colonel's death, Chief Jackson McCurtain begged for Congressional action, noting that "Colonel Pitchlynn always said that sooner or later Congress would keep faith with us. In behalf of our people I ask you to make good his words."¹¹³ When the measure came up for debate in the House on February 21, 1881, Representative Hooker called forth the name of "old Colonel Pitchlynn" and urged adoption of the legislation. The House finally passed the bill by a vote of 174-55.¹¹⁴

¹¹²46th Cong., 1st Sess., House of Rep. Report 4.

¹¹³46th Cong., 3rd Sess., Senate Misc. Doc. 32.

¹¹⁴46th Cong., 3rd Sess., Congressional Record, February 21, 1881, 1898-1901, and 2276.

On March 1 the Senate agreed to the House measure, but only after Garland had pointed to Pitchlynn's long and fruitless residence at the Capitol.¹¹⁵ So, after nearly thirty years, the United States authorized the Choctaws to take the first step in the final adjudication of the net proceeds. What Pitchlynn had failed to do in life he accomplished in death.

Represented by John B. Luce, John J. Weed, F. P. Cuppy, Samuel Shellabarger and J. W. Denver, the Choctaws immediately began litigation. After five years of argumentation and 4,000 pages of printed material, on January 25, 1886, the Court of Claims ruled that the law giving the court jurisdiction had destroyed the sanctity of the Senate award. Consequently, after considering the claim in its entirety, it awarded the Choctaws only \$658,120.00, of which \$250,000 had already been paid.¹¹⁶ Accustomed to disappointment, the Choctaw team appealed the decision to the United States Supreme Court, which reversed the lower court ruling and declared that the award of the Senate was indeed final. It also granted the tribe compensation for the eastern boundary and for unpaid annuities, for a total judgement of well over \$3 million.¹¹⁷ Congress appropriated the money in early

¹¹⁵Ibid., 2276.

¹¹⁶Court of Claims Report 21, January 25, 1886, 72.

¹¹⁷Supreme Court Reports, Vol. CXIX.

1889 after a lengthy investigation.¹¹⁸ One-half of the judgement went to the tribe to satisfy the individual claims, and the other half to the attorneys and delegation of 1853. The total amount granted to the heirs of the old delegation was \$638,944.00.

After a fraudulent disbursement that became the basis of protracted lawsuits, Pitchlynn's heirs received \$107,311.29 as the Colonel's share, twice as much as the heirs of any of his colleagues. Henry McKee, who survived to control the 30 per cent awarded the attorneys, did not pay the 5 per cent rebate agreed upon in 1870 nor assume his share of general expenses. In fact, to avoid an accounting with the Pitchlynns and other parties he left the United States for Europe. Yet had the claim been paid during Pitchlynn's lifetime, he would have been amply rewarded for his lengthy efforts.¹¹⁹

After the Choctaws failed to gain a direct appropriation, the Colonel and his friends had petitioned Congress to transfer the net proceeds to the Court of Claims. A rather moderate request, even this entreaty was denied. Frustrated at every turn, the Colonel might well have given up. Yet he continued to have faith, and he never ceased to believe that Congress would act favorably "the next session."

¹¹⁸49th Cong., 2nd Sess., Senate Report 1978.

¹¹⁹Leflore and McCurtain, "Statement of Disbursement of Twenty-Percent," Fort Smith, July 3, 1889, Folder 89-11, Pitchlynn MSS, Gilcrease Museum.

CHAPTER X

CONCLUSION

During the nineteenth century the Choctaws passed from semi-barbarism to civilization. Peter Pitchlynn personified the transition and reflected the forces of acculturation operative within the tribe. The funeral arrangements made for the old Chief in January, 1881, amply illustrated his adoption of institutions and behavior patterns foreign to his youth. His body was placed in a merino-lined, walnut casket to which was attached an engraved name plate. Lack of funds prevented an immediate burial, but services finally were held in Washington's Masonic Temple. Albert Pike presided over the last rites and led a funeral procession of fourteen carriages down Pennsylvania Avenue to the Congressional Cemetery.¹ Friends laid the body to rest at a site not far from the grave of Pushmataha. Some time later the family placed an eight foot high marker of white marble above the burial placed inscribed with

¹Account of Anthony Buchly, Undertaker, with Peter Pitchlynn, Washington, January 21, 1881, 17518, Choctaw-Estates, Indian Archives, Oklahoma Historical Society.

the phrase, "Choctaw Brave." But the epitaph had a false ring. Pitchlynn died a white man and was buried in a white man's grave.

Three forces had operated to encourage the abandonment of early culture patterns. First, American missionaries established themselves not far from Pitchlynn's home in 1818 and provided a glimpse of a culture pattern that evoked dissatisfaction with his own. This discontent led directly to a second more intimate contact, an education in what Pitchlynn termed "the bosom of our white brethern." But by far the most important of the forces was the surging settler tide that inundated the tribe in the 1820's and forced its removal in 1830. Great injustices attended the immigration to Indian Territory, and Pitchlynn assumed the role of tribal advocate in the course of which he met white men of national prestige. These associations plus his education and missionary contact influenced him to make numerous and varied accommodations to the white man's way.

Pitchlynn adopted the frontiersman's interest in politics and became a public man among the Choctaws. He was a consummate politician and exerted influence upon every tribal council that met during his lifetime. He occasionally resorted to bribery, but this was a feature of the age and one he had learned from a host of governmental agents sent to negotiate with the tribe. As a public man

he influenced the Choctaws to adopt a system of written laws, and either inspired or wrote the constitutions accepted in the 1830's and 1840's. These documents stand as one of Pitchlynn's most important contributions to Choctaw history. Furthermore, every major treaty signed with the United States between 1826 and 1866 reflected his genius and signature.

But Pitchlynn manifested the forces of acculturation best as tribal delegate to Washington. He made his first trip to the Capitol in 1840 and after 1854 he spent more time there than in the Choctaw Nation. His principal interest, of course, was the net proceeds claim though he frequently concerned himself with other matters of importance to the tribe. He became well known in Washington circles and effectively represented his people for nearly thirty years. Yet the Council never provided an annual salary but only compensation contingent upon the collection of the net proceeds. Frustration plagued Pitchlynn in his efforts to fund the claim and he died without seeing final Congressional action. The three million dollars that finally accrued to the tribe in 1889 came largely because of Pitchlynn's political and diplomatic ability, a native talent shaped by his long association with white culture.

The Colonel's views on education reflected an accommodation to alien social patterns. Rather than promote the

ways of the forest, he believed that a good education was essential for Choctaw youth. It should form manners, improve minds and inculcate the principles of Christianity. For a time he urged the use of the Choctaw Academy in Kentucky, and he was recognized as a pioneer in establishing the public school system west of the Mississippi. Without question his encouragement of education represented his single most important contribution to tribal life and deepest commitment to the white man's way.

Religious instruction fostered other adaptations to alien culture patterns. Under the influence of the missionaries, Pitchlynn rejected the Choctaw custom of polygamy and accepted the Christian tradition of monogamy. He adopted the Christian opposition to strong drink and urged his people to a life of temperance though he did not always practice what he preached. At first Pitchlynn lacked any real personal commitment to Christianity and he experienced few religious qualms in leaving the Presbyterian brotherhood over the slavery issue and joining the Cumberland Presbyterians.² Yet later in life his attachment to the white man's God increased, and he joined the Lutheran Church. And when death came Pitchlynn looked forward not to the happy hunting ground but to the Christian heaven.

²Alexander Reid, Spencer, to Walter Lowrie, January 9, 1854, Box 12, Vol. I, American Indian Correspondence, Presbyterian Historical Society.

Admiration for white culture also encouraged other modifications in traditional behavior. Pitchlynn abandoned his earliest economic environment and accommodated himself to the Age of Jackson. With the gleam of gold in his eye he speculated in land and stock. Of course his greatest enterprise was the net proceeds claim, upon the payment of which he stood to gain nearly \$300,000. No wonder the ex-Chief, according to one missionary, was "full of visions of self-aggrandizement, constantly and laboriously at work building splendid castles in the air for the Pitchlynns to inhabit at no distant day!"³ Few of the Colonel's investments or speculations proved successful, a tragedy that drove him to questionable financial manipulations. Yet considering the morality of the Age of Jackson this too was but an accommodation to the white man's way.

The most obvious and revealing responses to the forces of acculturation were social in character. One of the first variations in Pitchlynn's behavioral pattern came when he changed from the comfortable clothes of the hunter to the everyday costume of the white man. He never regretted the transition and took pride in that he was neither "curiously dressed" nor "desperately painted." As other trappings of culture Pitchlynn joined the Masonic Order, used calling cards, wrote poetry, frequented

³Ibid.

Washington art shows, cultivated a taste for the classics, submitted to examinations by Doctors of Phrenology, and wrote letters to newspaper editors.

Pitchlynn also preferred the comforts and refinements of white society. Instead of the traditional Choctaw home he found comfort in a two-story, brownstone house in the stylish northwest section of Washington. More important, he came to desire the sophisticated white woman over the gentle lady of the woods. His attachment to Mrs. Caroline Lombardi and his frequent visits with her to the socially prominent vacation resorts in the Blue Ridge Mountains signaled Pitchlynn's real entree into white society.

But not all adaptations to white culture patterns were constructive and satisfying. "We have made beloved things of the worst that the white man has," the Colonel once wrote.⁴ Having so stated he followed the pattern himself and overindulged in whiskey, speculation, and political manipulation. Furthermore, Pitchlynn even owned a pair of brass knuckles and dueling pistols.⁵ His experience suggests that the more base elements in society are most easily transferred.

⁴Notes of a Speech, Choctaw Nation, June 25, 1842, Folder 42-33, Pitchlynn MSS, Gilcrease Museum.

⁵See the display at the Oklahoma Historical Society.

The Colonel did not accommodate himself entirely to every aspect of white culture. Some patterns and institutions he refused to adopt. He vigorously opposed any alteration of the title to tribal lands, he questioned the value of railroads, and he disputed the necessity of an organized, integrated Indian Territory. The fullbloods opposed such measures, and in need of their support in the Council, Pitchlynn mirrored their opposition. This practice of using the fullbloods to accomplish his own ends prompted one missionary to term the Colonel as "supremely selfish, without principle and without patriotism," and another to call him a "broken down politician."⁶ Certainly Pitchlynn merited some of the criticism but a part of it is unfair. He honestly believed that the welfare of the Choctaws depended upon the continuation of a tribal society. Yet in the main, non-adoption of white institutions resulted from the Colonel's desire to retain political superiority. This consideration alone prevented total adoption of new culture patterns.

The forces for acculturation in Pitchlynn's life were strong and powerful and his accommodations to them many and varied. But the total effect was that having begun life as a man of the forest he ended it as a man of

⁶Reid to Lowrie, January 9, 1854, Box 12, Vol. I, American Indian Correspondence, Presbyterian Historical Society; Henry C. Benson, Life Among the Choctaws (Cincinnati, 1860), 103.

the city. His tribe experienced similar forces and made comparable responses, which helps to explain why it was capable of assuming American citizenship in 1907. Yet the Choctaws did not entirely approve of their transformation from the forest, and Pitchlynn himself reflected the same disenchantment. He wrote of tiring of Washington and of his desire to return to the woods, a longing he put into a media distinctly white--verse:

I'm looking on the mountain
I'm gazing o're the plain;
I love the friends around me,
But wish for home again.

O, take me to my Nation,
And let me there remain;
This other world is strange, strange--
I wish for home again!

The sunshine and the flowers,
My mother's grave again,
Give me my race and kindred--
O take me home again!⁷

But Pitchlynn could not go home again for he had accommodated himself to alien culture patterns. That is his significance; perhaps that too is his tragedy.

⁷Peter Pitchlynn, "Song of the Choctaw Girl," n.d., Folder 49-19, Pitchlynn MSS, Gilcrease Museum.

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