

## THE CHOCTAW NATION OF INDIANS.

FEBRUARY 26, 1878.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SCALES, from the Committee on Indian Affairs, submitted the following

### REPORT:

[To accompany bill H. R. 3550.]

*The Committee on Indian Affairs, having had under consideration the bill (H. R. 980) authorizing the Choctaw Nation of Indians to commence an action in the United States Court of Claims to recover what is due, if anything, to said nations from the United States, under the eleventh and twelfth articles of the treaty between the United States and Choctaw and Chickasaw Indians of the 22d of June, 1855, respectfully submit the following report:*

On the 22d of June, 1855, a treaty was entered into between the United States and the Choctaws and Chickasaws, in which certain questions were presented for adjudication and award to the Senate of the United States, in the following terms, as contained in Articles XI and XII of said treaty:

ARTICLE XI. The Government of the United States not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

“First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the land ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and, if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or,

“Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and, if so, how much.”

ARTICLE XII. In case the Senate shall award to the Choctaws the net proceeds of the lands ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just; the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund awarded by the Senate to the Choctaws as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe shall, on their requisition, be paid over to them by the United States. But should the Senate allow a gross sum in further and full satisfaction of all their claims, whether national or individual, against the United States, the same shall be accepted by the Choctaws, and they shall thereupon become liable for and bound to pay all the individual claims as aforesaid; it being expressly understood that the adjudication and decision of the Senate shall be final. (11 Stat. at L., page 611.)

In pursuance of this agreement between the contracting parties, the Senate referred the question submitted to the Committee on Indian Affairs for their examination. On the 15th day of February, 1859, the committee submitted a report through Mr. Sebastian, their chairman, accompanied by the following resolutions, viz :

Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians, provides that the following questions be submitted for decision to the Senate of the United States :

“ First. Whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty ; and, if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be properly effected ; or,

“ Secondly. Whether the Choctaws shall be allowed a gross sum in *further* and full satisfaction of *all* their claims, national and individual, against the United States ; and, if so, how much ?”

*Resolved*, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the 1st day of January last, deducting therefrom the costs of their survey and sale, and all proper expenditures and payments under said treaty, excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of \$1.25 per acre ; and, further, that they be also allowed twelve and a half cents per acre for the residue of said lands.

*Resolved*, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above-described principles of settlement, and report the same to Congress.

(Senate Journal, second session Thirty-fifth Congress, page 493 ; Senate Committee Report No. 374, second session Thirty-fifth Congress.)

On the 9th of March following, the Senate considered these resolutions. It was the last day but one of the session. Mr. Sebastian, the chairman of the Indian Committee, made a short explanation of the resolutions, and offered an amendment for which he assigned no reason.

Mr. King asked what amount was to be paid, and under what treaty or arrangement. He said, “ It was a very late period to take up these matters, and that is just the way the worst legislation is done.” Mr. Sebastian answered that “ when the account is stated it will be found that it will not require more than \$800,000 or \$1,000,000. We got a large amount of land for nothing.” Without further debate, interrogatory, or suggestion, the resolutions were adopted. (Congressional Globe, second session Thirty-fifth Congress, p. 1691.)

In compliance with these resolutions, the Secretary of the Interior, on the 8th May, 1860, reported to Congress that the balance due the Choctaws was \$2,981,247.30, a copy of which is hereto attached, marked A. (H. Ex. Doc. 82, first session Thirty-sixth Congress, p. 25.)

On June 31, 1860, Mr. Sebastian offered, from the Committee on Indian Affairs, an amendment to the legislative, executive, and judicial appropriation bill, then pending in the Senate, appropriating \$2,332,560.83 for carrying into effect the resolution of the Senate, being the sum reported by the Secretary of the Interior, less five per cent. paid the State of Mississippi on net proceeds of lands sold within its limits . . \$362,100 70 And also the value of 2,292,766 acres of railroad and swamp lands granted the State of Mississippi, at 12½ cents . . . . . 286, 595 75

Making a deduction in all of . . . . . 648, 706 45

The reasons which induced the committee to recommend these deductions are fully explained in Mr. Sebastian’s report of June 19, 1860. (Senate Committee Report No. 283, first session Thirty-sixth Congress.)

The following synopsis of the debates upon this amendment, and upon another offered in the Senate February 2, 1861, and considered in the House February 23 and February 28, 1861, will give some idea of the views then expressed both for and against the Choctaw claim. It is necessarily brief, but will be useful as an index to those who may desire to refer to the remarks as reported, which fill more than eighty columns of the *Globe*.

## SENATE DEBATE, JUNE 13, 1860.

In the debate on the amendment (*Globe*, June 13, 1860, p. 2935 *et seq.*), Mr. SEBASTIAN, Arkansas, explained the award, which he said, as finally made, does not take one dollar from the Treasury, but simply refuses to make a speculation out of the ceded lands.

From the sum reported to Congress as due, the committee recommended a deduction of \$650,000, leaving balance to be appropriated in pursuance of final award, which he did not deem it competent to go behind. "It is final, it is conclusive, it is irrevocable."

He then referred to his reply to a question of Senator KING, when resolution of March 9th was offered, that the amount involved would perhaps be from \$800,000 to \$1,000,000, an error into which he had been led by the General Land Office, the land sales proving to be more than he had supposed. But that did not alter the principle of the case. The committee believed it right to allow the net proceeds, whether they amounted to \$500,000 or \$5,000,000.

Mr. TOOMBS, Georgia, asked if Mr. S. proposed to appropriate \$2,300,000. His (Mr. T.'s) understanding was that \$1,851,000 was reported by the department to be due. Thought the award should never have been made, but in the settlement under it, the question was whether Choctaws should be charged with \$1,130,000 paid them for sales and concessions of lands they had acquired under the treaty of 1820. "We did agree to give the Indians the net proceeds, but the difficulty is as to what *are* net proceeds."

Mr. SEBASTIAN, and Mr. CLARK, New Hampshire, contended that the \$1,130,000 referred to had nothing to do with the treaty of 1830, and was therefore no part of the net proceeds, and Mr. Clark gave a clear connected history of the whole case (p. 2959-'60).

Mr. HUNTER, Virginia. This evidently requires investigation and should not go on an appropriation bill. I do not understand it. We all must see that it is a complicated matter.

Mr. PUGH, Ohio. It requires less investigation than any amendment that has been proposed. After hearing the Senator from Georgia [Mr. Toombs] last evening, had read all these treaties carefully, from 1820 down, and cannot arrive at any other conclusion than that the award is right. We ought to pay the money. Our faith is pledged.

Mr. DOOLITTLE, Wisconsin. It is a question resting upon the good faith of the United States whether they will pay it now or postpone it to some other time.

Mr. FESSENDEN, Maine. The award was made without understanding the question. It ought to be thoroughly investigated.

Mr. FITCH, Indiana. The Senator from Maine has reached the real point. The award was hasty.

Mr. PUGH, Ohio, stated the circumstances under which the treaty of 1830 was made. The award was right, and is just as much binding as anything can be.

Mr. BROWN, Mississippi, was on the Indian Committee when this subject first came before it. We are as much bound to pay this award as we are to pay the President's salary or the salary of any other officer of the government.

Mr. POLK, Missouri, inclines to believe this claim is just and ought to be paid, but objects to putting it on the "legislative, executive, and judicial" appropriation bill. Shall therefore vote against it.

Mr. DAVIS, Mississippi, moves to strike out \$2,332,560.85, and insert \$1,851,247.30, as he thinks that is the sum reported to be due. Would prefer, as a general rule, that appropriations of this magnitude should be considered separately, but feels that this question should be settled, and that these Indians should no longer be standing in the door of the Capitol, begging that justice to which they have so great a claim.

Mr. TOOMBS, Georgia. The reason of the secharges of \$600,000 and \$530,000 (\$1,130,000) is that we gave the Choctaws fifteen million acres in payment of the land east. If we give them the proceeds of the land east, we are entitled to what they sold of the land west, and the Secretary ought to have taken into account the ten million acres unsold, as well as the few millions sold. (Page 2964.)

Mr. SIMMONS, Rhode Island. But it (the \$1,130,000) is proceeds of the sale of their land, I understand, and how can we set that off?

Mr. CRITTENDEN, Kentucky, stated at some length reasons why \$1,130,000 should not be deducted from amount found due.

Mr. DAVIS, Mississippi. What the Choctaws were to have west was a *permanent home*. That was the spirit of the original grant. After their concessions to the Chickasaws, and in the leased district, the *home* guaranteed to them still remains, and all the money we put in the money scale is to be counted as so much paid. (Page 2964-5.)

Amendment offered by Mr. Davis was rejected.

Amendment offered by Mr. Sebastian, from Committee on Indian Affairs, was rejected—yeas 22, nays 24.

Yeas—Messrs. Brown, Chesnut, Clark, Crittenden, Doolittle, Fitzpatrick, Grimes, Hammond, Hemphill, Johnson (Ark.), Kennedy, Lane, Latham, Mallory, Nicholson, Pugh, Rice, Sebastian, Seward, Simmons, Wigfall, Wilkinson.

Nays—Messrs. Bayard, Bigler, Bingham, Bragg, Bright, Cameron, Chandler, Clingman, Davis, Fessenden, Fitch, Foster, Harlan, Hunter, King, Mason, Pearce, Polk, Powell, Saulsbury, Sumner, Thompson, Toombs, Wilson.

#### SENATE DEBATE, FEBRUARY 2, 1861.

The Senate, as in Committee of the Whole, having under consideration the Indian appropriation bill (Globe, p. 704)—

Mr. SEBASTIAN, Arkansas, offered an amendment appropriating \$1,202,560.85 as the "undisputed balance" due the Choctaws under the award of March 9, 1859.

Mr. FESSENDEN, Maine. The Senate has never acted understandingly in this matter, and should not be bound by its previous action. There is nothing in treaty of 1830 to warrant net proceeds. There had been violations of that treaty, and for that reason questions were submitted to the Senate. Not half a dozen Senators knew they were giving away so much. Blames no one. Takes his own share of responsibility. Refers to statement of Mr. Sebastian that award would require \$800,000. When reported it was near \$3,000,000. There is no power to compel Senate. Therefore we have a right to re-examine. Did not think it just that under treaty of 1830 Choctaws should have their country west, expenses paid, reservations of land, and then proceeds of what was sold.

Mr. GREEN, Missouri, insisted on moral obligation to pay, and objected to theory that Senate was not bound by its own award.

Mr. GWIN, California. Choctaws got a possessory title to their country west in 1820. In 1830 they got a fee-simple title to the magnificent empire for which they had acquired a possessory title in 1820. They received a patent—were the first tribe that did receive one—for the millions upon millions of acres more than they ceded in 1830. They had no shadow of claim to net proceeds under treaties of 1820 and 1830.

Mr. FESSENDEN, Maine. In the debate of 1860 objections went beyond the \$1,200,000 now claimed as "undisputed." Refers to Mr. Toombs's remarks that the value of the country west should be taken into consideration, and that if it was the balance would be against the Choctaws. Denies that the Senate made an award of the particular sum named in the report of the committee last year.

Mr. PUGH, Ohio. Examined case carefully last session. Saw nothing wrong in award. Claim is indisputable. Senate appointed arbitrator, not to go into details, but to settle principles. We did settle them.

Amendment rejected—17 to 27.

Yeas—Messrs. Bigler, Bragg, Clark, Doolittle, Fitch, Green, Hemphill, Kennedy, Lane, Latham, Nicholson, Polk, Powell, Pugh, Rice, Sebastian, Wigfall.

Nays—Messrs. Bingham, Bright, Chandler, Clingman, Collamer, Dixon, Douglas, Durkee, Fessenden, Foot, Foster, Grimes, Gwin, Harlan, Hunter, Johnson (Ark.), King, Morrill, Pearce, Saulsbury, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilson.

#### FEBRUARY 9, 1861.

Question being on motion to reconsider (Globe, p. 824)—

Mr. JOHNSON, Arkansas, explained origin of claim under treaty of 1830, which had been complicated with treaty of 1820, by which Choctaws had sold a small part of their country east for their country west, embracing from 25 to 40,000,000 acres, the government extending the grant beyond its own limits into Mexico. Choctaws had acquired by treaty of 1820 a perfect title of precisely the same character as that acquired by the United States from the Choctaws for their cession east. The whole transaction was complete on both sides.

For their cession of 1820, Choctaws received an equivalent in their country west. For their cession of 1830, nothing but what is contained in other articles of treaty, consisting almost entirely of reservations. In other words, they were paid for the whole of their lands by allowing them to select a few locations, and by an annuity of \$20,000 for 20 years. In stating accounts the Interior Department and its bureaus had

never estimated that the country west was part of the price for the cession of 1820. The country west had nothing to do with the question before us.

Fourteen months' investigation in Treasury and Interior Departments had shown that \$2,981,247 was due the Choctaws. The committee now propose to appropriate \$1,200,000.

The committee had recommended an unauthorized deduction of \$648,000. Then the Finance Committee had proposed to deduct \$1,130,000 more, leaving \$1,200,000, about which not a particle of dispute till the Senator from Maine had disputed the whole amount, admitting that he had never investigated it, and, I think, said he never would.

Mr. PEARCE, Maryland. Had voted against appropriation because he was not satisfied with award, which had not been discussed. Senator from Arkansas [Sebastian] spoke a few minutes. Was asked by Senator from New York [Mr. King] how much it would take. Answered that he could not tell, but it was a very large amount; probably from \$800,000 to \$1,000,000. With that answer Senate seemed content, and adopted the resolution or award. Had felt embarrassed. It was a solemn act—a resolution of the Senate under a treaty stipulation. But it was suggested that if we had been surprised into paying such an award, we were not so bound but that we might look back to all the facts in the history of the transaction.

Mr. SEBASTIAN, Arkansas, explained his statement to Mr. King. Had been led into an error in part by statements of the General Land Office. A memorandum on file among the original papers would show that his guess was very nearly right. Had expected that more would be charged to the Choctaws, and in fulfillment of that very expectation of mine and of the committee, \$600,000 was afterwards charged.

Mr. PEARCE, Maryland, when interrupted was simply stating his reasons for opposing claim before he had looked into treaty of 1830. Apparently by that treaty the United States had ceded to the Choctaws their country west. Had supposed this large tract in fee-simple was a full consideration for the Choctaw cession in Mississippi, out of which had been carved large reservations, to which were added annuity payments and expenses of removal and subsistence. Had thought there was a fair bargain—a *quid pro quo*—and therefore could not understand what foundation there was for the award of March 9. This morning had learned, what was not before known to him, that the United States, having paid for their purchase east in 1820 with the Choctaw country west, did, in 1830, get the rest of the Choctaw country east for precisely the same consideration which had been exhausted by the cession of 1820. The reservations made in 1830 were not part of the consideration, for these reservations belonged to the Choctaws. Annuities were comparatively trifling. Emigration expenses it was, of course, proper for the United States to pay. Evidently the Indians had conveyed a large tract without sufficient consideration—such a conveyance as would be vacated by a chancellor. They had a claim on the justice of the United States—indefinite—for proceeds of land and value of unsold land.

In that condition the committee had found the matter. Two questions were presented—net proceeds, or gross sum. We have said net proceeds, and directed account to be stated. It has been stated; and thereupon the chairman reports this amount, excluding items disputed. I cannot resist a demand of justice made so perfectly clear. The Senator [Mr. Johnson] has satisfied me that it is my duty to vote for the present appropriation, leaving the other to be considered hereafter.

Mr. PUGH, Ohio, calls attention to the clause making award of Senate final. Sees no mode of avoiding payment.

Mr. FESSENDEN, Maine. Has no doubt a considerable sum is due and ought to be paid. Is "perfectly willing it shall be paid the moment it can be properly ascertained what it is." Objected to the amendment because it acknowledges the force and effect of the award, binding upon me. If gentlemen will waive that point and appropriate \$500,000, expressly prescribing that it shall not be considered an acknowledgment of the force and effect of the award, would be willing to let it pass.

Mr. TRUMBULL, Illinois, called for yeas and nays. "We may as well have a test vote on reconsideration." (Globe, p. 831.)

Yeas, 29, nays 15.

Yeas—Messrs. Bigler, Bragg, Bright, Cameron, Clark, Clingman, Collamer, Crittenden, Dixon, Doolittle, Fitch, Green, Grimes, Gwin, Hemphill, Johnson (Ark.), Johnson, (Tenn.), Kennedy, Lane, Latham, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Ten Eyck, Wigfall.

Nays—Messrs. Anthony, Bingham, Chandler, Durkee, Fessenden, Foot, Foster, Hale, Harlan, Seward, Sumner, Trumbull, Wade, Wilkinson, Wilson.

PRESIDING OFFICER. The vote is reconsidered, and the amendment is reconsidered. The amendment was agreed to.

Mr. GRIMES, Iowa, proposed to insert provision that the appropriation neither affirmed nor denied right of Choctaws, and also to reduce it to \$500,000.

Mr. HALE, New Hampshire, hoped amendment would be accepted. Thinks in that shape it would receive the almost unanimous consent of the Senate.

Mr. JOHNSON, Arkansas, objected to reduction when there was an undisputed claim to \$1,200,000.

Mr. PEARCE, Maryland, believed \$1,200,000 must be paid eventually, but thought it would be judicious to let amendment pass.

Mr. GRIMES, Iowa. Believes Choctaws have a just claim; has only offered amendment from an anxiety that they should receive a portion of the money which I conscientiously believe to be justly due them.

Mr. WILSON, Massachusetts. This sum of \$1,200,000 is undisputed, and now Senator from Iowa proposes to put in \$500,000 as undisputed.

Mr. GRIMES, Iowa, moved to strike out words "being the undisputed balance due them."

Mr. CLARK, New Hampshire, referred to amendment offered by Mr. Davis last session. Has no doubt that if Choctaws had consented to take \$1,200,000 then, Senate would cheerfully have accorded that sum.

Mr. FESSENDEN, Maine, protests against reiterated statement that amount is undisputed. Nobody admits that except those who are in favor of it.

Mr. SIMMONS, Rhode Island, has not examined the subject, but if those who have, can agree to \$500,000, thinks they ought to. It will not affect the balance of the claim. Thinks we owe the Indians something, but it ought to be investigated before we pay so large an amount. Will cheerfully vote for \$500,000. Alluded to financial difficulties.

Mr. GRIMES's motion to reduce appropriation from \$1,200,000 to \$500,000 was then rejected—yeas 20, nays 21.

Yeas—Messrs. Anthony, Bingham, Chandler, Collamer, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Morrill, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilson.

Nays—Messrs. Bigler, Bragg, Bright, Clark, Clingman, Crittenden, Doolittle, Fitch, Green, Gwin, Hemphill, Johnson (Ark.), Latham, Nicholson, Pearce, Polk, Powell, Rice, Saulsbury, Sebastian, Wigfall. (Globe, p. 832.)

DEBATE IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 23, 1861. (Globe, p. 1155.)

The Indian appropriation bill being under consideration, Committee of Ways and Means recommended non-concurrence in the nineteenth Senate amendment appropriating \$1,200,000, "being the undisputed balance due" Choctaws under award of Senate of 9th March, 1859—

Mr. STEVENSON, Kentucky, asked reason for non-concurrence. Does not see how the award can be repudiated.

Mr. SHERMAN, Ohio. First ground for non-concurrence is that the amendment does not pertain to an appropriation bill.

Second. It should have been reported on by the Committee on Indian Affairs. We had neither time nor patience to examine it.

Third. Terms of the bill were in other respects objectionable.

Mr. STEVENSON, Kentucky, stated the history of the case down to the award. Since then the matter had been referred to accounting-officers. There was a dispute about this sum of \$1,200 being justly due. Finance Committee of Senate had reported against it, and then reversed its report.

Mr. ETHERIDGE, Tennessee (chairman Committee on Indian Affairs). If this matter goes over, doubts if half a dozen members would become any better acquainted with it. No doubt of its justice. Only reason Committee on Indian Affairs did not urge it last session was the state of the Treasury. Will not go into details. Claim admitted so far as government is concerned. It is *res adjudicata*. If claim is deferred ten years House will still be compelled to rest upon statements of those who have time to examine it. Treaty provides that award shall be final. Amendment provides \$1,200,000. Claim is larger, but that amount is not disputed.

Mr. SHERMAN, Ohio. Amendment is put on an appropriation bill in violation of rules of the House. An old claim. Impossible for Ways and Means Committee to examine it. It ought to pass on its own merits, and should not be attached to an appropriation bill. If chairman of Committee on Indian Affairs [Mr. Etheridge] will bring in a bill and it passes, has no objection.

Mr. ETHERIDGE, Tennessee. If this had never been adjudicated the objection would be well taken. If we were to bring in fifty bills, and ask House to investigate, it would never be investigated, and gentlemen would be no better prepared to vote than they are now. When a matter has been adjudicated, and treaty provides that adjudication shall be final, this House has no discretion but to pay amount found due.

Mr. STEVENSON, Kentucky. This is an award. Government agreed to refer the matter to the Senate, and to pay what Senate should award. Why not pay it? There are disputed items, but none put in here are disputed.

Mr. PHELPS, Missouri (p. 1287). Question covers not merely \$1,200,000 in amendment, but \$2,900,000 claimed by Choctaws. By treaty of 1820 they had acquired their country west of Arkansas, and agreed to migrate. In 1830 they ceded their country east in consideration of an absolute grant of their country west of Arkansas. By this treaty

reservations east were permitted as part of the consideration for what they ceded. They were also to have an annuity and other sums, which have all been paid, and they were emigrated and subsisted at the cost of the United States. The real object of the treaty of 1830 was to relieve the government from a difficulty in which it had been involved by the State of Mississippi, which had extended its jurisdiction over the Choctaws. To obviate this difficulty it was agreed that the tribe should emigrate, but that those choosing to remain should have land. Again, those having improvements under cultivation might have land to embrace them. In other words, reservations were provided for nearly 1,500,000 acres. This part of the treaty has been fully complied with, and the stipulated payments have all been made. Denies that Choctaws were entitled to the net proceeds of the cession under 18th article of the treaty. The lands were ceded in consideration, 1st, of moneys to be paid; 2d, of emigration and subsistence; 3d, of large reservations; 4th, of patents to be issued for lands west in fee. Again: Scrip was provided for Indians not desiring to retain or to reside on their reservations. This scrip was issued to the Indians, and sold by them before the price was depreciated by land-warrant issues. Denies that treaty of '55 is binding upon House of Representatives. Claims right to control his own vote, whether in fulfillment of treaty stipulation or not.

Mr. MAYNARD, Tennessee. Does the gentleman claim the right to go behind a treaty, and inquire into its propriety?

Mr. PHELPS, Missouri. Where a treaty requires legislation, if I disapprove such legislation, it is my duty to vote against it. If we pay this \$1,200,000 on the ground that it is due, we are bound to pay the residue of \$2,900,000 whenever it is demanded. If these Indians were entitled to the proceeds of the lands they ceded in 1830, then in equity they are entitled not only to the whole \$3,000,000, but to the interest for the time the government has withheld the money. The award was made at a called session of the Senate, in March, 1859. When committee reported a bill to pay it, \$600,000 was deducted from the amount. But if the Choctaws are entitled to the net proceeds, they are entitled to them without this deduction. Quotes the statement of Mr. Sebastian to Mr. King when award was pending that the amount to be paid would be between \$800,000 and \$1,000,000. Quotes Mr. Toombs's remark about the award, that "we agreed to a very wrong thing. There never was a solitary foundation for it on the face of the earth, and how anybody could have voted for it I cannot imagine, because it is plainly in the face of the treaty, every line and every word of it." Concurs with Mr. Toombs. The very debates prove that the award was made on the chairman's statement that the amount would not exceed \$800,000 or \$1,000,000. The account is for over \$2,900,000. The account shows that an approximate estimate had been sent to the Senate in May, 1853, showing that the award would probably be for \$2,993,000, the ultimate result being \$2,981,247.30. Denies exclusive control of the Senate over our Indian relations. Believes the award was made without due consideration, as it was said at the time that it would not take over \$800,000 or \$1,000,000 to pay the claim, whereas it now appears that it will take \$2,900,000.

Mr. MAYNARD, Tennessee, states the causes which led to the treaty of 1855: 1st. Choctaw and Chickasaw land wanted for wild Indians. 2d. A difficulty between Choctaws and Chickasaws, likely to lead to open rupture and to a border war, which it was desirable to avoid. 3d. The Choctaws had claims under their treaty of 1830 which they pressed upon the Indian Bureau. It was, therefore, deemed important to make a treaty. It was made and ratified, and under the Constitution became the supreme law of the land, and is binding upon every citizen. We are not at liberty to disregard it if it was injudicious. By the 11th and 12th articles government stipulates that certain disputed constructions of treaty of 1830 should be submitted to the Senate. The Senate had made its decision. It is final, irreversible, and there is, by agreement, no appeal from it. Suppose the Senate did not know how much the proceeds of these lands would be, they knew the principle they were settling. The amount was a mere matter of computation. Whether larger or smaller, a matter of no consequence—does not affect the adjudication. The Secretary of the Interior had reported that \$2,981,247.30 was due, and I hold that to be the amount to which the Choctaws are justly entitled.

Mr. STEVENSON, Kentucky. This was an award; higher than a treaty. The treaty of '55 stipulates that the Choctaws should become liable for individual claims of their citizens upon the United States. We forced the Choctaw Nation to assume these individual claims, and now repudiate the obligation we have entailed upon them. The only serious argument against the claim is our want of money to pay it.

Mr. SHERMAN, Ohio. Is opposed to the amendment: 1. Because it has been improperly put upon an appropriation bill. 2. Because this is *not* a "solemn award." A resolution had been passed by the Senate without any one knowing what it meant, saddling \$2,900,000 upon Treasury. Under treaty of '55, Senate was to give a just, fair, liberal consideration to certain questions. At a called session resolutions were introduced in the nature of an award. There was no debate, no consideration. Resolutions passed, and on the faith of that award we are asked to appropriate from two to three millions. It was *not* an award; has never been considered; never acted upon. It has



not the form and substance of an award. 3. The amendment proposes to submit another subject to the Senate for a future award. The Senate may appropriate another million without the consent of the House.

This is a claim growing out of Yazoo lands. The Representatives of Mississippi and Georgia have always denounced and opposed it. Mr. Toombs always contended that it was unjust and unfounded. This is not the time to pay doubtful debts against the State of Mississippi.

Mr. STEVENSON, Kentucky. The gentleman says Mr. Toombs said so and so. Did not the Finance Committee of the Senate, after full discussion, recommend the payment of this claim?

Mr. SHERMAN, Ohio. I understand they did after the Senators from Georgia and Mississippi, who knew most about it, had withdrawn.

Mr. PHELPS, Missouri. Last summer, after long debate, proposition to appropriate \$2,900,000 was voted down in the Senate.

Mr. SHERMAN, Ohio. When Senators from State where claim originated were present it was voted down. Shall we appropriate \$3,000,000 to pay a claim which has been disputed in country where it arose? Besides, we ought not to appropriate till we know whether Choctaws belong to this government or to Southern Confederacy.

Mr. MAYNARD, Tennessee. Is not the gentleman aware that after the Senate had heard both sides it agreed to this amendment?

Mr. SHERMAN, Ohio. Well, the House has heard both sides.

Yeas and nays ordered. Yeas 56, nays 104 (p. 1291).

Committee of conference appointed: House—Messrs. Phelps, Etheridge, and Graham. Senate—Messrs. Pearce, Powell, and Clark.

March 2 (p. 1414) committee recommended that the House recede from its disagreement, Mr. Phelps dissenting.

Report of committee was rejected by the House, and another committee was appointed, namely: For the House—Messrs. Howard (Mich.), Morrill (Vt.), and Stevenson (Ky.) For the Senate—Messrs. Pugh (Ohio), Nicholson (Tenn.), and Doolittle (Wis.)

March 2 (p. 1427) committee recommended substitute for Senate amendment, appropriating \$250,000 in money, \$250,000 in bonds, to be charged in the future adjustment of Choctaw claims. Report signed unanimously by committees on the part of both houses.

Mr. HOWARD, Michigan. The managers from the House could not agree to recognize the award. But we were satisfied there was something due the Choctaws. How much we did not know; but we were satisfied it was more than the amount now reported.

Mr. SHERMAN, Ohio. Report recognizes the validity of the claim. Would rather see bill defeated than vote for it.

Mr. PHELPS, Missouri. Hopes House will adhere to disagreement. Would rather give the Choctaws \$500,000 than recognize the award.

Mr. STEVENSON, Kentucky. Insisted upon compliance with compromise. Senate had receded from original amount, and we have recommended payment of \$500,000 on a claim regarded by the Senate as just and valid.

Mr. SHERMAN, Ohio. Was satisfied from superficial examination of this matter that we do not owe the Choctaws. The House should have a fair opportunity to investigate, and the claim should not have been put upon an appropriation bill.

Mr. STEVENSON, Kentucky. Whole subject has been investigated thoroughly. Wants to find out if sectional policy has anything to do with the opposition to this claim.

Mr. HOWARD, Michigan. House managers yielded reluctantly to the compromise. Had himself objected that an estimate had not been sent at the beginning of the session, as for other appropriations. Also objected to recognizing award. The Senate could not yield or recede without surrendering its treaty-making prerogative, which we did not wish to infringe upon. Demanded previous question. Yeas and nays ordered. Yeas, 70; nays, 61.

So the report of the committee of conference was agreed to. (Globe, p. 1429.)

The following clause under this action of Congress was put into the appropriation bill of March 2, 1861, and is the only appropriation ever made by Congress under the award:

For payment to the Choctaw Nation or tribe of Indians, on account of their claim under the eleventh and twelfth articles of the treaty with said nation or tribe, made the twenty-second of June, eighteen hundred and fifty-five, the sum of five hundred thousand dollars; two hundred and fifty thousand dollars of which sum shall be paid in money, and for the residue, the Secretary of the Treasury shall cause to be issued, to the proper authorities of the nation or tribe, on their requisition, bonds of the United States, authorized by law at the present session of Congress: *Provided*, That in the future adjustment of the claim of the Choctaws, under the treaty aforesaid, the said sum shall be charged against the said Indians. (Statutes at Large, vol. 12, p. 238.)



In pursuance of this act, the \$250,000 in money was paid to the Choctaws, but the bonds were not delivered, on account of the interruption of intercourse with said Indians, occasioned by the war of the rebellion.

After the close of the war intercourse was restored, and the treaty of April 28, 1866, was agreed to between the United States and said Indians, which contains the following provision, viz :

ARTICLE X. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion and in force at that time, not inconsistent herewith ; and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation from and after the close of the fiscal year ending on the 30th of June, in the year (1866) eighteen hundred and sixty-six. (Stat. at L., vol. 14, p. 774.)

Referring to this article, the Secretary of the Interior, Mr. Browning, on the 5th February, 1867, sent communications to the Committees on Appropriations of the House and on Finance of the Senate, recommending the appropriation necessary to pay the Choctaws the balance of \$1,832,560.85 due them after deducting \$500,000 appropriated March 3, 1861.

The Finance Committee of the Senate referred the Secretary's letter to the Committee on Indian Affairs, which, on the 23d February, 1867 (Globe, p. 1811), reported an amendment to the pending Indian appropriation bill, appropriating \$250,000 for the payment to Choctaws on account of their claim under 11th and 12th articles of treaty of 1855. The amendment, after debate, was rejected.

#### \$250,000 PAYABLE IN BONDS.

Meanwhile efforts had been made to induce the government to issue the bonds for \$250,000, authorized by the act of March 3, 1861.

The attention of the Attorney-General being called to the subject, he expressed the opinion that the bonds could be lawfully issued, in a letter to the Secretary of the Treasury of December 15, 1870, which was transmitted to Congress and referred to the Senate Committee on Indian Affairs, which directed Mr. Davis, of Kentucky, to report the resolution adopted by the Senate on the 5th January, 1871, that the President had full authority under existing law to issue the bonds. (Senate Journal, third session Forty-first Congress, p. 95.)

On the 27th February, 1871, Mr. Kerr, from the House Committee on the Judiciary, made a similar report. (House Report 41, third session Forty-first Congress.)

And on the 3d March, 1871, the Indian appropriation bill was passed, containing the following clause:

And the Secretary of the Treasury is hereby authorized to issue to the Choctaw tribe of Indians bonds of the United States to the amount of \$250,000, as directed by the act of March 2, 1861, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes." (16 Stat. at L., p. 570.)

The bonds, however, were *not* issued ; have never been issued.

#### SOLICITOR BANFIELD'S FIRST REPORT.

On the 6th June, 1872, the Secretary of the Treasury, in a letter to the President of the Senate, stated that, in consequence of representations to the department that the Choctaw net proceeds claim was not founded in equity and ought not to be paid, he had directed the Solicitor of the Treasury (Mr. E. C. Banfield) to hear the parties professing to

have knowledge of the facts, and to test their statements by examining the Choctaw treaties. The Solicitor's report, which he transmits, taken in connection with other information, induces the Secretary to suggest that he be authorized to delay the issue of bonds to the Choctaws until there shall have been further investigation by Congress. (Senate Ex. Doc. 87, second session Forty-second Congress.)

#### SOLICITOR BANFIELD'S SECOND REPORT.

On the 6th January, 1873, the Secretary of the Treasury communicated to Congress (House Ex. Doc. 69, third session Forty-second Congress) another report from the Solicitor of the Treasury, dated November 14, 1872, purporting to give the origin, nature, and history of the net proceeds claim, in which he endeavors to show, 1st, that the claim never had any foundation; 2d, that it has been fully paid; 3d, that the Choctaws have themselves given a receipt acknowledging full satisfaction.

Mr. Banfield's allegations were examined in a report from the Indian Committee of the Senate, presented by Mr. Harlan January 22, 1873 (Senate Report 318, third session Forty-second Congress), and in another from the Indian Committee of the House, presented by Mr. J. P. C. Shanks, February 22, 1873.

The two committees concur in the opinion that the receipt or "release" above mentioned, which was executed by the Choctaws in 1852, and is reprinted at the close of the Solicitor's report, was not a bar to the Choctaw claim; that it was simply an acknowledgment of the payment of a certain sum, which was duly charged to the Choctaws in the statement of their accounts. It "had," says the House report, "no wider significance; was a special receipt for a special thing."

The Senate report goes on to say that—

Your committee also find many matters mentioned in Solicitor Banfield's report as benefits conferred on said Indians under the treaty of 1830 erroneously stated; and on a careful comparison of said Solicitor's report, so far as comparison is possible, with the account stated by the Secretary of the Interior, that each and all the items correctly stated by the Solicitor are charged against the Indians in the said statement of account by the Secretary of the Interior.

From a careful examination of the whole subject, your committee entertain no doubt that the whole subject was fully understood by the Committee on Indian Affairs, when, on June 19, 1860, they recommended the payment of \$2,332,560.85, and by Congress, when, by the act of March 2, 1861, they directed the payment of \$500,000 on account in pursuance of the Senate award. And this committee find nothing in the history of the case to justify the conclusion that the Secretary of the Interior, in his statement of account, or the committee of that date in their recommendation, or Congress in ordering a payment on account, committed any substantial error against the interests of the United States; but are of the opinion that, if the case were reopened and adjudicated as an original question by any impartial umpire, a much larger sum would be found due said Indians, which they would undoubtedly recover were they in a condition to compel justice.

The House committee, after a minute and thorough examination of the whole subject in all its details, arrives at substantially the same conclusion, that the Choctaws are entitled to \$2,332,560.85, less \$250,000 paid in 1861.

At the next session of Congress, a bill providing for the payment of the award of the Senate in favor of the Choctaw Nation was referred by the House of Representatives to the Committee on Appropriations, from which it was returned on the 9th April, 1874, by the Hon. I. C. Parker, with a report setting forth the conclusions upon which the bill was founded, namely, that the amount reported by the Secretary of the

Interior to Congress on the 8th May, 1860, in obedience to the Senate resolution of March 9, 1859, shows that—

|  |                |
|--|----------------|
| The balance due the Choctaws on that day was ..... | \$2,981,247 30 |
| Of which has been paid .....                       | 250,000 00     |

|                                      |              |
|--------------------------------------|--------------|
| Leaving a balance still due of ..... | 2,731,247 30 |
|--------------------------------------|--------------|

No part of which has been paid; and that on said balance the Choctaws are entitled to interest from the date of the award, namely, March 9, 1859.

There have been other favorable reports made to the two houses of Congress and many other unsuccessful efforts to induce Congress to carry out, in part or in whole, the award of the Senate; but it is unnecessary to go into further details, as sufficient facts have already been given to enable all who desire to understand the present status of this case.

From these facts the committee find that the Senate made an award, giving to the Choctaws the net proceeds of the sales of the lands in question, and in that award directed the Secretary of the Interior to state an account with the Choctaws and report the same to Congress. Here the award ended. On the next day the Senate adjourned *sine die*, and never acted afterward in the capacity of arbitrators in this matter.

The Secretary of the Interior reported to Congress on the 8th of May, 1860, that the balance due the Choctaws was \$2,981,247.30.

On the 13th of June of the same year, Mr. Sebastian, from the Committee on Indian Affairs, reduced this amount to \$2,332,560.83, and asked that this amount be appropriated. An animated debate sprang up, and the Senate finally refused to appropriate this sum. From this debate, had at the very next session of Congress after the award, it appears that the Senate, or at least a very respectable portion of them, were not satisfied with the award. It was urged that it had been made in great haste, was not maturely considered, and that there was a mistake as to the facts; that the Senate was informed by the chairman of the Indian Committee that the amount of the claim would be between \$800,000 and \$1,000,000; that the Senate at that late hour in the session did not have time to ascertain for themselves, and relied upon the better knowledge of the chairman, and acted upon his information, and if the award was made at all, it was for an amount not in excess of \$1,000,000.

Mr. Fessenden declared that the Senate was not bound by an award so made, and that the Senate could and should re-examine the case. The Senate for these reasons refused to carry out the award.

The debate in the House shows the same dissatisfaction and distrust. Something was thought to be due, and Congress finally appropriated \$500,000 toward the award. Of this \$250,000 was actually paid in cash. The Secretary of the Interior refused to issue the bonds in which, by the law, the remaining \$250,000 was to be paid. This refusal was based upon a report of the Solicitor of the Treasury which declared that the award was wrong, that there was nothing due, and the government had a receipt in full. All these things so tainted the award that Congress, from 1861 to the present time, has failed to agree to any further appropriation.

And thus the matter has stood for seventeen years. Effort after effort has been made during each session of Congress since 1866, but to no purpose.

Now, what is to be done? We can't stand here without dishonor.

We ratified the treaty; the treaty submitted the questions of difference to the Senate; the Senate accepted the position and made the award. We must either carry out the award or submit the whole matter again to the Senate, where the treaty placed it. If the award was made hastily and without due consideration and through mistake of facts, let them re-examine and make it right. If they should conclude that the award is final and cannot again be opened, let them so declare and proceed at once to ascertain what the net proceeds are. The award, if it stands, is incomplete; the sum should be made definite and certain, and this should be a part of the award. When this is done by the Senate the country will accept it, Congress will accept it, and the award will be faithfully executed.

The committee sees no good reason for referring this matter to the Court of Claims, or to any other department of the government. There is nothing for the Court of Claims to do, and if it should do anything, the difficulties would not be removed and the appropriation would not be made. Congress will do right when the Senate has acted in accordance with the treaty, and will not, and in view of your committee, ought not to call upon another branch of the government to settle what must be settled by the Senate, and cannot be paid until settled.

The committee therefore proposes the accompanying bill as a substitute, and recommend its passage.

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A.

[House Ex. Doc. No. 82, 36th Congress, 1st session.]

*Letter from the Secretary of the Interior, transmitting a statement showing what amount is due the Choctaw Indians.*

DEPARTMENT OF THE INTERIOR,  
May 8, 1860.

SIR: In compliance with a resolution of the Senate, adopted March 9, 1859, I have caused an account to be stated showing what amount is due the Choctaws, according to the principles of settlement prescribed in said resolution, and have now the honor to report the same to the House of Representatives.

Very respectfully, your obedient servant,

J. THOMPSON,  
Secretary.

Hon. WM. PENNINGTON,  
*Speaker of the House of Representatives.*

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DEPARTMENT OF THE INTERIOR,  
*Office of Indian Affairs, March 22, 1860.*

SIR: The following recited preamble and resolutions adopted by the Senate of the United States on the 9th of March, 1859:

"Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians provides that the following questions be submitted for decision to the Senate of the United States, 'first, whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale and all just and proper expenditures and payments under the provisions thereof; and, if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected,' or, 'second, whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and, if so, how much?'

"Resolved, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the first day of January last (1859), deducting therefrom the costs of their survey and sale and all proper expenditures and payments under said treaty, excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of one dollar and twenty-five cents per acre; and, further, that they be also allowed twelve and a half cents per acre for the residue of said lands.

"Resolved, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them, according to the above prescribed principles of settlement, and report the same to Congress."

Having been referred by you to this office on the nineteenth of the same month (March, 1859), measures were at once adopted to collect the information necessary to state the required account with all possible exactitude.

The General Land Office was called upon for the quantity of lands embraced by the quality of lands embraced by the Choctaw cession of 1830, the cost of their survey and sale, and quantity thereof sold up to the 1st day of January, 1859, and the amount of money received therefor, together with the quantity embraced in the "reservations allowed and secured."

The treaty of 1855 uses the words "lands remaining unsold," while the resolution says "residue." If, by the expression just quoted, is meant "lands undisposed of," the amount would be reduced, inasmuch as 2,292,776 acres have been disposed of by Congress under the swamp-land act and grants for railroad and school purposes. The payments and expenditures under the different provisions of the treaty of 1830, it was assumed, and could be ascertained with most certainty from the original accounts and vouchers thereof, which being on file in the office of the Second Auditor of the Treasury, that officer was requested to furnish that portion of the information. That in reference to "the scrip issued in lieu of reservations," the amounts to "orphans for reservations," a portion of the payments for removal and subsistence have been collected from the records of this office.

From the information thus carefully collected the required account has been stated, and it is herewith transmitted.

Though made up on a somewhat different basis, it will be seen that the result of this account does not differ materially from that of the approximate statement contained in the elaborate report made to you from this office on the 15th of May, 1858, in answer to a series of queries from the Committee on Indian Affairs of the Senate, said statement showing a balance of \$2,993,720.18, while that of the present account is \$2,981,247.30.

It is to be observed that under the second article of the treaty of 1830 a patent was issued to the Choctaws for the country west of Arkansas, estimated to contain 15,000,000 acres; subsequently, the Chickasaws, with the consent of the United States, purchased a portion of this tract at \$530,000, which the United States paid out of the trust fund belonging to the Chickasaws, with the exception of \$30,000 paid in the manner directed by the third article of the articles of convention and agreement between the Choctaws and Chickasaws, concluded the 17th of January, 1837. Under the treaty of 1855 the Choctaws leased a portion of their country, for which the United States paid the sum of \$600,000. If these sums are to be regarded as payments under the treaty of 1830, the amount due the Choctaws will be \$1,851,247.30.

I submit with the account, for the information of yourself and Congress, copies of the reports of the Commissioner of the General Land Office and Second Auditor, marked A and I, and of the supplementary and additional statements prepared in this office, marked B, C, D, E, F, G, and H, in triplicate, which exhibit the data from which the account has been made up and stated, also, in triplicate, an abstract from statement made by the Second Auditor, under resolution of the Senate of 10th March 1853, of payments for Choctaw account under same treaty, marked D.

The preamble and resolutions of the Senate referred to above are herewith returned.

Very respectfully, your obedient servant,

A. B. GREENWOOD,  
*Commissioner.*

Hon. J. THOMPSON,  
*Secretary of the Interior.*

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,  
February 1, 1860.

SIR: In compliance with the terms of your letter of November last, and the letter of Acting Commissioner Mix of the 26th of March last, I have the honor to transmit herewith "a statement of expenditures and payments under the treaty of 1830 with the Choctaws."

You will perceive that the present statement, so far as relates to the objects stipulated for under sundry articles of the treaty, is based on the synopsis presented in your

letter of the 14th of November last, as a guide for conducting the process of examination in this office.

I trust that the information now furnished—taken in connection with that heretofore supplied—as seen in Senate Executive Document No. 64, second session of Thirty-third Congress, and that which may be ascertained from the record of the Indian Bureau, will complete the chain required in this branch of inquiry.

I make no reference in this letter to any part of the data supplied by this statement, as to *specific or aggregate amounts*—the statement and recapitulation being deemed sufficiently explicit.

I will only remark that, under the head of "Outfit for captains," the amount does not include the cost of 99 swords furnished the Choctaws, as the price was not designated in the vouchers, but the price fixed by the regulations of the War Department at that time appears to have been \$4.25 each.

I have the honor to be, very respectfully, your obedient servant,

T. J. D. FULLER,  
Second Auditor.

Hon. A. B. GREENWOOD,  
Commissioner, &c.

A.—Payments made under the treaty with the Choctaws, concluded at Dancing Rabbit Creek, September 27, 1830.

| Date.  | To whom paid.                          | For what paid.  | Amount.     |
|--|--|---|-------------|
| ARTICLE 15.— <i>Outfits for captains.</i>        |  |   |             |
| 1832.<br>June.....                               | John D. Putron .....                   | 99 suits of clothes, &c .....                           | *\$4,509 81 |
| ARTICLE 16.— <i>For removal and subsistence.</i> |  |   |             |
| 1831.<br>September ...                           | D. McClellan .....                     | Beef for Choctaws while drawing arms .....              | 18 00       |
| October .....                                    | do .....                               | Traveling expenses, registering emigrant Choctaws ..... | 51 00       |
| 1832.<br>March .....                             | E. D. Folsom .....                     | Corn for two families emigrating .....                  | 19 50       |
| Oct. and Dec<br>October .....                    | D. McClellan .....                     | Traveling expenses, registering emigrant Choctaws ..... | 54 00       |
| Oct. and Nov<br>October .....                    | J. A. Bynam and others .....           | Transportation and subsistence .....                    | 3,334 13    |
| September ...                                    | McKinney, Holderness, and others ..... | Services as assistants, ferriages, &c .....             | 5,640 61    |
| 1833.<br>Feb. and Mar<br>Sept. and Oct.          | Samuel C. Pierson and others .....     | Butchering beef, &c .....                               | 937 93      |
| 1832.<br>December ...                            | Shewaha .....                          | Beef, corn, &c .....                                    | 665 23      |
| 4th quarter ...                                  | J. A. Phillips and others .....        | Transportation and subsistence .....                    | 776 62      |
| 1833.<br>1st quarter ...                         | P. Campbell and others .....           | Forage and transportation .....                         | 1,747 48    |
| 2d quarter ...                                   | J. Mulling and others .....            | Provisions .....  | 115 83      |
| 4th quarter ...                                  | D. McClellan .....                     | Transportation .....                                    | 194 00      |
| 1834.<br>Feb. and Mar.<br>May and June           | Elisha England and others .....        | Corn and transportation .....                           | 16,642 25   |
| 1833.<br>1st quarter ...                         | Piseisnubbee and others .....          | Commutation allowance .....                             | 730 00      |
| 2d quarter ...                                   | Wesley, Folley, and others .....       | Sundry services .....                                   | 2,599 08    |
| 3d quarter ...                                   | Bird & Belding and others .....        | Beef and corn .....                                     | 38,312 20   |
| 4th quarter ...                                  | Edward McKinney and others .....       | Services .....  | 510 31      |
| 1834.<br>Feb. and Mar.<br>May and June           | John A. Fowler and others .....        | Beef and corn .....                                     | 1,100 65    |
| 1833.<br>1st quarter ...                         | J. L. Belcote and others .....         | Services .....  | 615 37      |
| 2d quarter ...                                   | John Hart and others .....             | Sundries .....  | 33 25       |
| 3d quarter ...                                   | Hoxachubbee and others .....           | Commutation .....                                       | 100 00      |
| 4th quarter ...                                  | J. R. Stephenson and others .....      | Sundries .....  | 2,421 62    |
| 1834.<br>Feb. and Mar.<br>May and June           | John Henry and others .....            | Beef and corn .....                                     | 91 36       |
| 1833.<br>1st quarter ...                         | Thomas Wafer and others .....          | Services .....  | 374 93      |
| 2d quarter ...                                   | George Lawton and others .....         | do .....  | 1,098 62    |
| 3d quarter ...                                   | Elawatubbee and others .....           | Commutation .....                                       | 19,992 77   |
| 4th quarter ...                                  | Jesse Smith and others .....           | Services of teamsters, &c .....                         | 5,359 54    |
| 1833.<br>1st quarter ...                         | Gray & Erwin and others .....          | Rations, corn, and beef .....                           | 5,344 81    |
| 2d quarter ...                                   | Richmond Baker and others .....        | Transportation, services, &c .....                      | 11,780 49   |
| 3d quarter ...                                   | Andrew Lytle and others .....          | Services, teamsters, &c .....                           | 4,010 72    |
| 4th quarter ...                                  | M. Moore and others .....              | Rations, corn and beef .....                            | 48,747 76   |
| 1834.<br>Feb. and Mar.<br>May and June           | Ecore de Fabre claims .....            | Freight, ferriage, &c., and teams .....                 | 10,965 33   |
| 1833.<br>1st quarter ...                         | E. L. Farr and others .....            | Teamsters, &c .....                                     | 3,093 59    |
| 2d quarter ...                                   | Lafayette Jones and others .....       | Rations, corn and beef .....                            | 74,780 83   |
| 3d quarter ...                                   | James Dorris and others .....          | Hire of teams, &c .....                                 | 6,185 97    |
| 4th quarter ...                                  | J. Brown and others .....              | Services, transportation .....                          | 3,551 34    |

\* This amount does not include the cost of transportation nor the price of swords, which items could not be ascertained.

A.—Payments made under the treaty with the Choctaws, &c.—Continued.

| Date.  | To whom paid.                      | For what paid.  | Amount.     |
|--|------------------------------------|---|-------------|
| ARTICLE 16.—For removal and subsistence—<br>Continued. |                                    |   |             |
| 1834.  |                                    |   |             |
| 1st quarter...   | James Sampson and others.....      | Rations, corn and beef.....                             | \$22,340 63 |
|  | William Ellis and others.....      | Ferriages, team-hire, &c.....                           | 2,931 91    |
|  | W. Rector and others.....          | Services, &c.....                                       | 1,261 31    |
| 2d quarter...  | O. V. Howell and others.....       | Rations, corn and beef.....                             | 26,976 17   |
|  | George Halbrook and others.....    | Team-hire and ferriage.....                             | 304 37      |
|  | S. M. Rutherford and others.....   | Services, rent, &c.....                                 | 120 43      |
| 3d quarter...  | L. L. Refeld and others.....       | Rations, corn and beef.....                             | 7,225 64    |
|  | C. Smith and others.....           | Ferriage, team-hire, &c.....                            | 484 87      |
|  | J. Brown and others.....           | Transportation, advertising, &c.....                    | 2,856 19    |
| 1833.  |                                    |   |             |
| 3d quarter...  | Moses, Roland, and others.....     | Freight, ferriages, &c.....                             | 2,235 13    |
| 1834.  |                                    |   |             |
| 4th quarter...   | E. Johnson and others.....         | Rations, corn and beef.....                             | 34,143 80   |
| 1835.  |                                    |   |             |
| 1st quarter...   | J. S. McClellan and others.....    | Rations, corn and beef.....                             | 3,467 03    |
|  | J. R. Moore and others.....        | Transportation, &c.....                                 | 147 80      |
| 2d quarter...  | George F. Boring and others.....   | Rations, corn and beef.....                             | 7,680 23    |
|  | E. Butler.....                     | Team-hire and ferriage.....                             | 185 16      |
| 4th quarter...   | A. D. Ross.....                    | Rations, corn.....                                      | 4 48        |
|  | do.....                            | Transportation.....                                     | 39 04       |
|  | D. McClellan.....                  | Extra service.....                                      | 450 00      |
| 1831.  |                                    |   |             |
| 4th quarter...   | W. Anderson and others.....        | Ferriage, &c.....                                       | 367 25      |
| 2d quarter...  | W. Wright and others.....          | Corn, beef, &c.....                                     | 2,586 97    |
|  | Elijah Carter and others.....      | Transportation, corn.....                               | 519 00      |
| 3d quarter...  | Jesse Shelton.....                 | Corn, beef, &c.....                                     | 1,579 12    |
|  | N. Bateman and others.....         | Services.....   | 54 00       |
| 4th quarter...   | J. H. Fowler and others.....       | Corn and beef.....                                      | 12,521 72   |
|  | Charles Moore and others.....      | Services.....   | 970 22      |
| 1832.  |                                    |   |             |
| 1st quarter...   | H. White and others.....           | Ferriages, &c.....                                      | 837 25      |
| 2d quarter...  | Thompson & Drennen and others..... | Forage, services, &c.....                               | 425 00      |
| 3d quarter...  | B. Gates and others.....           | Services, &c.....                                       | 252 87      |
| 1st quarter...   | Jacob Buzzard and others.....      | Corn and beef.....                                      | 22,498 84   |
|  | N. Bateman and others.....         | Services, commutation, &c.....                          | 6,429 84    |
| 2d quarter...  | John Clark and others.....         | Corn and beef.....                                      | 16,960 00   |
|  | W. Middleton and others.....       | Commutation, transportation, &c.....                    | 7,583 97    |
|  | V. B. Tims.....                    | Beef, bacon, &c.....                                    | 17 26       |
| 3d quarter...  | G. B. Wright and others.....       | Beef, corn, and transportation.....                     | 33,579 44   |
|  | Choctaw Indians.....               | Commutation.....  | 560 00      |
|  | H. Brinley and others.....         | Services.....   | 490 40      |
| Jan. 1 to June 30, 1834.                               | D. McClellan.....                  | Corn and beef.....                                      | 20,588 57   |
|  | Abner Morris and others.....       | Transportation, commutation, &c.....                    | 10,211 15   |
|  | J. Swinney and others.....         | Services, teamsters, &c.....                            | 9,064 82    |
|  | N. Tuttle and others.....          | Drayages, forage, &c.....                               | 2,696 05    |
| 1831.  |                                    |   |             |
| 3d quarter...  | John Evans and others.....         | Corn and teams.....                                     | 360 65      |
| 4th quarter...   | E. Wilson and others.....          | Services of teamsters, &c.....                          | 4,604 94    |
|  | E. Stillwell and others.....       | Corn and beef.....                                      | 191 86      |
| 1832.  |                                    |   |             |
| 1st quarter...   | Russell Eastis and others.....     | Pork and beef.....                                      | 81 06       |
| 2d quarter...  | Jesse Scarborough and others.....  | Services, ferriages, &c.....                            | 2,893 76    |
|  | John Rodgers and others.....       | do.....   | 58 75       |
| 1831.  |                                    |   |             |
| 3d quarter...  | Hewes, Soull, and others.....      | Purchase of wagons, oxen, &c.....                       | 8,983 06    |
| 4th quarter...   | J. B. Clark and others.....        | Services, transportation, &c.....                       | 344 70      |
|  | Thompson & Drennen and others..... | Services, forage, &c.....                               | 683 82      |
| 1843.  |                                    |   |             |
| November...  | G. S. Gaines.....                  | Services as superintendent of removal in 1831 and 1832. | 1,499 00    |
| 1831.  |                                    |   |             |
| 4th quarter...   | Allen Glover and others.....       | Services as assistant contractors, &c.....              | 7,569 48    |
|  | John H. Cole and others.....       | Services as teamsters, &c.....                          | 7,412 50    |
|  | J. J. Parker and others.....       | Hire of wagons, &c.....                                 | 4,706 83    |
|  | Samuel Dale and others.....        | Forage and provisions.....                              | 1,595 44    |
|  | Valentine Nash and others.....     | Hire of wagons, teams, &c.....                          | 2,597 75    |
|  | B. W. Haley.....                   | do.....   | 475 00      |
|  | Thomas McGee.....                  | do.....   | 6,874 20    |
| 1832.  |                                    |   |             |
| 1st quarter...   | James Snidcor and others.....      | Hire of wagons, freight on steamboats, &c.....          | 1,272 66    |
| 1843.  |                                    |   |             |
| 3d quarter...  | G. S. Gaines and others.....       | Services, wagon-hire, &c.....                           | 2,889 88    |
| 1831.  |                                    |   |             |
| 4th quarter...   | J. B. Earle.....                   | Services, wagon-hire, &c.....                           | 5,316 17    |
|  | H. Davison and others.....         | Hire of wagons, &c.....                                 | 10,304 10   |
|  | W. S. Colquhoun.....               | Services.....   | 962 22      |



## A.—Payments made under the treaty with the Choctaws, &amp;c.—Continued.

| Date.  | To whom paid.                    | For what paid.                      | Amount.    |
|--|----------------------------------|-------------------------------------|------------|
| ARTICLE 16.— <i>For removal and subsistence—</i><br>Continued. |                                  |                                     |            |
| 1832.  |                                  |                                     |            |
| 1st quarter  | J. M. West and others            | Ferriage, hire of steamboats, &c    | \$5,324 35 |
| 2d quarter   | P. Muscogee and others           | Services, horse-keeping, &c         | 117 28     |
| 1834.  |                                  |                                     |            |
| 3d quarter   | Reuben Frailor and others        | Services, &c                        | 561 04     |
|  | do                               | do                                  | 563 75     |
| 1835.  |                                  |                                     |            |
| 1st quarter  | B. N. Doak and others            | Services, &c                        | 329 68     |
|  | William and Susy                 | Commutation                         | 20 00      |
|  | R. McKinley and others           | Services                            | 45 89      |
| 1831.  |                                  |                                     |            |
| 2d quarter   | F. Berry and others              | Horses, oxen, &c                    | 1,037 50   |
|  | Samuel Collins and others        | Services in removal                 | 2,921 06   |
| 1832.  |                                  |                                     |            |
| 3d quarter   | Sundry teamsters and others      | Services in removal                 | 17,198 98  |
|  | Clark, Weir, and others          | Beef, eorn, &c                      | 5,065 13   |
|  | John W. Bird and others          | Provisions and transportation       | 10,669 54  |
|  | Willis Page and others           | Services                            | 2,034 66   |
|  | W. W. Rose and others            | Beef, flour, &c                     | 183 57     |
|  | James C. Drew and others         | Provisions, transportation, &c      | 4,539 15   |
|  | Sundry persons                   | Services, transportation, &c        | 1,230 49   |
| 2d quarter   | Boyd & Belding and others        | Provisions                          | 30,776 26  |
|  | Steamer Elk and others           | Transportation, services, &c        | 19,425 37  |
|  | Turner & Woodruff                | Coffee, sugar, &c                   | 564 50     |
| 1835.  |                                  |                                     |            |
| 1st quarter  | P. Campbell                      | Services                            | 103 50     |
| 1833.  |                                  |                                     |            |
| 1st quarter  | R. E. Holford and others         | Provisions, transportation, &c      | 3,586 77   |
|  | Jos. Bryan and others            | Corn, fodder, and transportation    | 8,401 42   |
|  | Jos. Minton and others           | Services                            | 4,525 76   |
| 4th quarter  | Jos. Wilson                      | Corn, beef, &c                      | 1,060 30   |
|  | H. & L. Harpea and others        | Transportation and forage           | 5,033 88   |
|  | David Folsom and others          | Services, collecting Indians, &c    | 3,575 30   |
| 1834.  |                                  |                                     |            |
| 1st quarter  | Wharton Rector and others        | Subsistence and transportation      | 678 65     |
| 1832.  |                                  |                                     |            |
| 4th quarter  | W. H. Watson and others          | Corn, flour, &c                     | 63 06      |
| 1st quarter  | J. Van Horne                     | Subsistence and transportation      | 607 84     |
| 4th quarter  | D. W. White and others           | Corn, ferriage, &c                  | 165 04     |
|  | Marius Oury and others           | Services of assistants              | 243 70     |
| 1834.  |                                  |                                     |            |
| 1st quarter  | J. J. Hammond and others         | Beef, pork, and corn                | 416 99     |
|  | J. Van Horne                     | Transportation of baggage           | 49 50      |
| 1832.  |                                  |                                     |            |
| 3d quarter   | D. Miller and others             | Transportation and subsistence      | 4,976 96   |
|  | Lieutenant Ryan and others       | Teamsters, &c                       | 5,114 55   |
| 4th quarter  | Squire Griggs and others         | Wagons, ferriages, and freight      | 22,127 85  |
|  | Ira Smoot and others             | Services, repairing road, &c        | 4,544 39   |
| 1833.  |                                  |                                     |            |
| 1st quarter  | G. W. and J. McHenry and others. | Rations, bacon, &c                  | 4,016 71   |
|  | T. Wilson and others             | Transportation and supplies         | 16,421 13  |
| 1832.  |                                  |                                     |            |
| 2d quarter   | W. S. Colquhoun                  | Services                            | 728 00     |
| 3d quarter   | do                               | do                                  | 512 12     |
| 4th quarter  | do                               | Services, hire of wagons, &c        | 242 40     |
| 1837.  |                                  |                                     |            |
| 3d quarter   | Isaac Jones and others           | Commutation                         | 1,880 00   |
|  | Jackson Leflore and others       | do                                  | 1,940 00   |
|  | D. McCurtain and others          | Services                            | 1,261 63   |
| 1838.  |                                  |                                     |            |
| 1st quarter  | W. Armstrong and others          | Services                            | 922 30     |
|  | G. W. Clarke and others          | do                                  | 1,150 00   |
| 2d quarter   | George S. Grant and others       | Corn, beef, bacon                   | 1,395 25   |
|  | Benjamin Leflore and others      | Transportation                      | 3,053 27   |
|  | G. W. Coffy and others           | Enrolling and collecting Indians    | 3,141 81   |
| 4th quarter  | John D. Boyd and others          | Services to disbursing agent        | 2,028 00   |
|  |                                  |                                     | 813,927 07 |
| ARTICLE 16.— <i>For cattle.</i>                                |                                  |                                     |            |
| 1832.  |                                  |                                     |            |
| May  | William Douglas                  | Services as agent to value cattle   | 150 00     |
| 1831.  |                                  |                                     |            |
| December 9.  | William Downing                  | Services valuing and selling cattle | 265 75     |
|  | John Wade and others             | Cattle                              | 1,365 75   |
| 1833.  |                                  |                                     |            |
| June   | Levi Davis and others            | Furnishing cattle                   | 3,892 12   |
|  | John Wade and others             | Cattle                              | 269 50     |

A. —Payments made under the treaty with the Choctaws, &c.—Continued.

| Date.  | To whom paid.                        | For what paid.  | Amount.    |
|--|--------------------------------------|---|------------|
| ARTICLE 16.—For cattle—Continued.  |                                      |   |            |
| 1834.<br>4th quarter ..  | Clark, Fitsworth & Co.....           | Furnishing cattle.....                                | \$6,110 54 |
| 3d quarter ...   | W. Rector .....                      | Transportation in purchasing cattle .....             | 524 00     |
| 1836.<br>3d quarter ...  | John W. Byrne .....                  | Appraising cattle .....                               | 565 25     |
|  | Benjamin Gaines.....                 | Stock turned over .....                               | 604 37     |
| 1833.  | P. N. Taylor and others .....        | Branding and appraising cattle.....                   | 354 00     |
|  | J. Wilson .....                      | do .....  | 182 00     |
|  |                                      |   | 14,283 28  |
| ARTICLE 19.—Fifty cents per acre in lieu of reservations.  |                                      |   |            |
| 1832.<br>December ...  | John Homa and 109 others .....       | Lands relinquished in Laflore's district....          | 5,160 00   |
|  | Capt. James Gardiner and 145 others. | Lands relinquished in Nitachachees district           | 10,840 00  |
|  | Captain Oshboomah and 31 others      | Lands relinquished in Mushalatubbee's district.       | 1,200 00   |
| 1833.<br>December ...  | Kanamatubbee and others .....        | Lands relinquished in Laflore's district....          | 2,640 00   |
|  | Yoyachabi and others .....           | Lands relinquished in Nitachachees district           | 2,040 00   |
|  | Captain Oshboomah and others..       | Lands relinquished in Mushalatubbee's district.       | 2,080 00   |
| 1834.<br>4th quarter ..  | Tom Hays and others.....             | Lands relinquished in Laflore's district... ..        | 640 00     |
|  | Kanamatubbee and others .....        | do .....  | 80 00      |
|  | Topanacheah and others.....          | Lands relinquished in Mushalatubbee's district.       | 160 00     |
|  |                                      |   | 24,840 00  |
| ARTICLE 20.—For erection of council-house, house for each chief, church for each district—limited to \$10,000. |                                      |   |            |
| 1836.<br>3d quarter ...  | William Lowry .....                  | Building churches Pushmatahaws district               | 994 75     |
| 4th quarter ..   | W. E. Woodruff.....                  | Advertising proposals for building council-house, &c. | 52 00      |
| 1838.<br>4th quarter ..  | William Lowry .....                  | Building churches, &c .....                           | 8,400 00   |
|  |                                      |   | 9,446 75   |
| ARTICLE 20.—For three blacksmiths for sixteen years.   |                                      |   |            |
| 1831.<br>December .....  | A. Carnahan .....                    | Services as smith, 4th quarter, 1831 .....            | 150 00     |
| 1832.<br>March .....   | A. Carnahan .....                    | Services as smith, 1st quarter, 1832 .....            | 150 00     |
| January .....  | Burke Johnson .....                  | Blacksmith's tools .....                              | 65 00      |
|  | John McClellan .....                 | do .....  | 19 25      |
|  | Thompson & Drennan .....             | do .....  | 3 50       |
| December ...   | Jefferson Wallace .....              | Services as smith for 1832 .....                      | 463 72     |
|  | O. C. Johnson .....                  | Services as striker .....                             | 185 33     |
|  | A. Carnahan .....                    | Services as smith, 2d, 3d, and 4th quarters, 1832.    | 450 00     |
|  | Christian Spring .....               | Services as smith, April and May, 1872 .....          | 80 00      |
|  | Josiah Doak .....                    | Boarding smiths .....                                 | 174 85     |
|  | do .....                             | Tools and building shop .....                         | 196 46     |
| June .....   | John Biddle .....                    | Hauling coal .....                                    | 7 00       |
|  | John Luke .....                      | Wood for coal .....                                   | 16 00      |
| 1833.<br>December ...  | A. Carnahan .....                    | Services as smith, 2d, 3d, and 4th quarters of 1833.  | 450 00     |
|  | Jefferson Wallace .....              | do .....  | 450 00     |
|  | George Wallace .....                 | Services as striker, 1831 .....                       | 340 00     |
|  | William A. Moore .....               | Services as striker, 3d and 4th quarters of 1833.     | 180 00     |
|  | Josiah S. Doak .....                 | Coal .....  | 233 51     |
|  | do .....                             | Tools .....   | 9 50       |
|  | J. P. Spencer .....                  | Building shop, coal and wood .....                    | 95 00      |
|  | Christian Spring .....               | Coal .....  | 42 00      |
| September ...  | do .....                             | Services as smith, 1st quarter of 1833 .....          | 120 00     |
|  | A. Carnahan .....                    | do .....  | 150 00     |
| October .....  | S. Richbourg .....                   | Services as striker, 1st and 2d quarters of 1833.     | 153 00     |
|  | James Hickman .....                  | Charcoal .....  | 51 00      |
| 1834.<br>4th quarter ..  | Christian Spring .....               | Services as smith, 1st, 2d, and 3d quarters of 1834.  | 450 00     |

## A.—Payments made under the treaty with the Choctaws, &amp;c.—Continued.

| Date.       | To whom paid.            | For what paid.  | Amount.  |
|-------------|--------------------------|---|----------|
|             |                          | ARTICLE 20.—For three blacksmiths for sixteen years—Continued.  |          |
| 1834.       |                          |   |          |
| 4th quarter | Jefferson Wallace.....   | Services as smith, 1st, 2d, and 3d quarters of 1832.            | \$450 00 |
|             | Israel Dodge.....        | do  | 450 00   |
|             | B. F. Smith.....         | Services as striker, 1st, 2d, and 3d quarters of 1834.          | 228 00   |
|             | O. C. Johnson.....       | do  | 228 00   |
|             | J. B. Sbanon.....        | do  | 228 00   |
|             | Jefferson Wallace.....   | Services as smith, 4th quarter of 1834                          | 150 00   |
|             | Israel Dodge.....        | do  | 150 00   |
|             | Harris Frazier.....      | Services as striker, 4th quarter of 1834.                       | 60 00    |
| 1836.       |                          |   |          |
| 1st quarter | William Heartgraves..... | Services as striker, 2d quarter of 1835.                        | 38 41    |
|             | Christian Spring.....    | Services as smith, 4th quarter of 1834 and 1st quarter of 1835. | 300 00   |
|             | Jefferson Wallace.....   | Services as smith, 1st and 2d quarters of 1835                  | 300 00   |
|             | Israel Dodge.....        | do  | 300 00   |
|             | H. Frazier.....          | Services as striker, 1st quarter of 1835                        | 60 00    |
|             | Reuben Taylor.....       | do  | 60 00    |
|             | C. Spring.....           | Services as smith, 2d, 3d, and 4th quarters of 1835.            | 450 00   |
|             | H. Frazier.....          | Services as striker, 2d, 3d, and 4th quarters of 1835.          | 180 00   |
|             | R. Taylor.....           | do  | 180 00   |
|             | J. Wallace.....          | Services as smith, 3d and 4th quarters of 1835                  | 300 00   |
|             | Big John.....            | Services as striker, 4th quarter of 1835.                       | 60 00    |
|             | I. Dodge.....            | Services as smith, 3d and 4th quarters of 1835                  | 300 00   |
|             | William Heartgraves..... | Services as striker, 3d quarter of 1835.                        | 60 00    |
|             | L. Harman.....           | Services as striker, 4th quarter of 1835.                       | 60 00    |
| 4th quarter | Franklin Baker.....      | 1,500 bushels of coal   | 150 00   |
|             | M. S. Tuttle.....        | 800 bushels of coal   | 64 00    |
|             | Thomas McCurtain.....    | Services as striker, 3d and 4th quarters of 1836                | 120 00   |
|             | L. Harman.....           | Services as striker, 1st and 2d quarters of 1836                | 120 00   |
|             | do.....                  | Services as smith, 3d and 4th quarters of 1836.                 | 240 00   |
|             | I. Dodge.....            | Services as smith, 1st and 2d quarters of 1836.                 | 240 00   |
|             | J. Wallace.....          | Services as smith for the year 1836.                            | 480 00   |
|             | H. Frazier.....          | Services as striker for the year 1836                           | 240 00   |
|             | C. Spring.....           | Services as smith for the year 1836.                            | 480 00   |
|             | Big John.....            | do  | 240 00   |
| 1837.       |                          |   |          |
| 3d quarter  | L. Harman.....           | Services as smith, 1st and 2d quarters of 1837.                 | 300 00   |
|             | Thomas McCurtain.....    | Services as striker, 1st and 2d quarters of 1837                | 120 00   |
|             | C. Spring.....           | Services as smith, 1st and 2d quarters of 1837                  | 300 00   |
|             | Big John.....            | Services as striker, 1st and 2d quarters of 1837                | 120 00   |
|             | George Nelson.....       | Services as smith, 1st and 2d quarters of 1837                  | 300 00   |
|             | Isaac Nelson.....        | Services as striker, 1st and 2d quarters of 1837                | 120 00   |
|             | William Hall.....        | 627 bushels of coal   | 62 70    |
|             | I. Dodge.....            | Use of shop and tools, 1st and 2d quarters of 1836.             | 60 00    |
| 4th quarter | L. Harman.....           | Services as smith from July 1 to Oct. 8, 1837                   | 163 15   |
|             | do.....                  | Use of shop and tools, 3d and 4th quarters of 1836.             | 60 00    |
| 1838.       |                          |   |          |
| 1st quarter | C. Spring.....           | Services as smith, 3d and 4th quarters of 1837                  | 300 00   |
|             | Samuel McCurtain.....    | Services as smith from October 15 to December 15, 1837.         | 84 50    |
|             | George Nelson.....       | Services as smith, 3d and 4th quarters of 1837                  | 300 00   |
|             | Big John.....            | Services as striker, 3d and 4th quarters of 1837                | 120 00   |
|             | Thomas McCurtain.....    | do  | 120 00   |
|             | Isaac Nelson.....        | do  | 120 00   |
| 1839.       |                          |   |          |
| 2d quarter  | J. S. Harris.....        | Services as smith for the year 1838.                            | 600 00   |
|             | W. Black.....            | do  | 600 00   |
|             | T. McCurtain.....        | Services as striker for the year 1838                           | 240 00   |
|             | Big John.....            | do  | 240 00   |
|             | Sentanoah.....           | do  | 240 00   |
|             | James Farshurst.....     | Coal  | 81 00    |
|             | John Garland.....        | do  | 100 00   |
|             | Tissatubbee.....         | do  | 79 00    |
|             | C. Spring.....           | Services as smith for the year 1838.                            | 600 00   |
| 4th quarter | J. S. Harris.....        | Services as smith, 1st and 2d quarters of 1839.                 | 300 00   |
|             | William Black.....       | do  | 300 00   |
|             | C. Spring.....           | do  | 300 00   |
|             | Jerry Ward.....          | Services as striker, 1st and 2d quarters of 1839                | 120 00   |
|             | W. Armstrong.....        | do  | 120 00   |
|             | Tunnupayerhoomah.....    | do  | 120 00   |
| 1840.       |                          |   |          |
| 1st quarter | W. Black.....            | Services as smith, 3d and 4th quarters of 1839                  | 300 00   |
|             | James S. Harris.....     | do  | 300 00   |

## A.—Payments made under the treaty with the Choctaws, &amp;c.—Continued.

| Date.  | To whom paid.            | For what paid.  | Amount.  |
|--|--------------------------|---|----------|
| ARTICLE 20.—For three blacksmiths for sixteen years—Continued. |                          |   |          |
| 1840.  |                          |   |          |
| 1st quarter...   | C. Spring .....          | Services as smith, 3d and 4th quarters of 1839          | \$300 00 |
|  | William Armstrong.....   | Services as striker, 3d and 4th quarters of 1839        | 120 00   |
|  | Jerry Ward .....         | do .....  | 120 00   |
|  | Tunnupayerhoomah .....   | do .....  | 120 00   |
| 4th quarter ..   | D. McManan .....         | Services as smith for the year 1840.....                | 600 00   |
|  | Benjamin Wright.....     | do .....  | 600 00   |
|  | P. Juzon .....           | do .....  | 600 00   |
|  | J. Ward .....            | Services as striker, 1st and 2d quarters of 1840        | 150 00   |
|  | do .....                 | Services as striker, 3d and 4th quarters of 1840        | 120 00   |
|  | do .....                 | Services as striker for the year 1840.....              | 240 00   |
|  | P. Wright.....           | do .....  | 240 00   |
|  | Tunnupayerhoomah .....   | 500 bushels of coal.....                                | 50 00    |
|  | William M. Holloway..... | Coal.....   | 39 40    |
|  | do .....                 |   |          |
| 1842.  |                          |   |          |
| 3d quarter...  | Jos. Kincaid .....       | Coal.....   | 25 00    |
|  | John Gore .....          | do .....  | 100 00   |
|  | J. Polson .....          | do .....  | 100 00   |
|  | Benjamin Wright.....     | Services as smith, 1st and 2d quarters of 1842          | 300 00   |
|  | C. Spring .....          | do .....  | 300 00   |
|  | P. Wright .....          | Services as striker, 1st and 2d quarters of 1842        | 120 00   |
|  | Tunnupayerhoomah .....   | do .....  | 120 00   |
|  | Jerry Ward .....         | do .....  | 120 00   |
|  | W. E. Parks .....        | Services as smith from March 15 to June 30, 1842.       | 177 52   |
|  | D. McManan .....         | Services as smith from January 1 to March 14, 1842.     | 120 00   |
| 1843.  |                          |   |          |
| 1st quarter...   | William E. Parks .....   | Services as smith, 2d and 3d quarters of 1842           | 300 00   |
|  | J. Ward .....            | Services as striker, 2d and 3d quarters of 1842         | 120 00   |
|  | Noel Gardiner .....      | Coal.....   | 50 00    |
|  | Charles Stewart .....    | do .....  | 50 00    |
|  | C. Spring .....          | Services as smith, 3d and 4th quarters of 1842          | 300 00   |
|  | B. Wright.....           | do .....  | 300 00   |
|  | Tunnupayerhoomah .....   | Services as striker, 3d and 4th quarters of 1842.       | 120 00   |
|  | P. Wright.....           | do .....  | 120 00   |
| 3d and 4th quarters.   | W. E. Parks .....        | Services as smith from July 1, 1842, to April 30, 1843. | 200 00   |
|  | J. Ward .....            | Services as striker, 1st and 2d quarters of 1843        | 120 00   |
|  | C. Spring .....          | Services as smith, 1st and 2d quarters of 1843          | 300 00   |
|  | H. Frazier .....         | do .....  | 300 00   |
|  | B. Wright .....          | do .....  | 300 00   |
|  | Tunnupayerhoomah .....   | Services as striker, 1st and 2d quarters of 1843        | 120 00   |
|  | P. Wright .....          | do .....  | 120 00   |
|  | Noel Gardiner .....      | Coal.....   | 50 00    |
|  | Ebahnwatubbee .....      | do .....  | 70 00    |
| 1844.  |                          |   |          |
| 1st quarter...   | W. Roberts .....         | Services as smith, last 8 months of 1843.....           | 400 00   |
|  | H. Frazier .....         | Services as smith, 3d and 4th quarters, 1843.           | 300 00   |
|  | Jerry Ward .....         | Services as striker, 3d and 4th quarter, 1843.          | 120 00   |
|  | Tunnupayerhoomah .....   | do .....  | 120 00   |
|  | P. Wright .....          | do .....  | 120 00   |
| 2d quarter...  | C. Spring .....          | Services as smith, 3d and 4th quarter, 1843.            | 300 00   |
|  | Benjamin Wright.....     | do .....  | 300 00   |
|  | James N. Trahern .....   | 190 bushels coal.....                                   | 19 00    |
|  | L. A. Calvin .....       | 100 bushels stone-coal.....                             | 25 00    |
| 3d quarter...  | J. Ward .....            | Services as striker, 1st and 2d quarters, 1844.         | 120 00   |
| 4th quarter...   | H. Frazier .....         | Services as smith, 1st and 2d quarters, 1844.           | 300 00   |
|  | W. J. Hockett .....      | do .....  | 300 00   |
|  | Tunnupayerhoomah .....   | Services as striker, 1st and 2d quarters, 1844.         | 120 00   |
|  | Iyahishtambee .....      | 500 bushels coal.....                                   | 50 00    |
|  | J. R. Bethelot .....     | do .....  | 50 00    |
|  | Susan Hall .....         | 150 bushels coal.....                                   | 15 00    |
| 1845.  |                          |   |          |
| 1st quarter...   | J. Batty .....           | Services as smith, January 18 to September 30, 1844.    | 421 31   |
|  | C. Preper .....          | Services as smith, January 1 to September 30, 1844.     | 450 00   |
|  | P. Wright .....          | Services as striker, January 1 to September 30, 1844.   | 180 00   |
|  | W. J. Hockett .....      | Services as smith, 3d and 4th quarters, 1844.           | 300 00   |
|  | H. Frazier .....         | do .....  | 300 00   |
|  | A. L. Porter .....       | Services as smith, 4th quarter, 1844.....               | 150 00   |
|  | B. Wright .....          | do .....  | 150 00   |
|  | Tunnupayerhoomah .....   | Services as striker, 3d and 4th quarters, 1844.         | 120 00   |
|  | J. Ward .....            | do .....  | 120 00   |
| 2d quarter...  | Jackson Frazier .....    | Services as striker, 4th quarter 1844.....              | 60 00    |
|  | Harris Frazier .....     | Services as smith, 1st and 2d quarters, 1845.           | 120 00   |
|  | Benjamin Wright.....     | do .....  | 300 00   |

## A.—Payments made under the treaty with the Choctaws, &amp;c.—Continued.

| Date.   | To whom paid.  | For what paid.  | Amount.   |
|---|--|---|-----------|
| ARTICLE 20.—For three blacksmiths for sixteen years—Continued.  |  |   |           |
| 1845.   |  |   |           |
| 2d quarter ..   | W. J. Hockett .....  | Services as smith, 1st and 2d quarters, 1845.         | \$300 00  |
|   | J. Frazier .....   | Services as striker, 1st and 2d quarters, 1845.       | 120 00    |
| 2d quarter ..   | Tunnupayerhoomah .....   | Services as striker, 1st and 2d quarters, 1845        | 120 00    |
|   | J. Ward .....  | do .....  | 120 00    |
|   | R. Kincaid .....   | 300 bushels coal .....                                | 15 00     |
| 3d quarter ..   | John Goar .....  | 500 bushels coal .....                                | 50 00     |
| 4th quarter ..  | Iyahishtambee .....  | do .....  | 50 00     |
|   | Susan Hall .....   | 210 bushels coal .....                                | 21 00     |
|   | W. J. Hockett .....  | Services as smith, 3d and 4th quarters, 1845.         | 300 00    |
| 1846.   |  |   |           |
| 1st quarter ..  | Jerry Ward .....   | Services as striker, 3d and 4th quarters, 1845.       | 120 00    |
|   | Benjamin Wright .....  | Services as smith, 3d and 4th quarters, 1845.         | 300 00    |
|   | J. Frazier .....   | Services as striker, 3d and 4th quarters, 1845        | 120 00    |
|   | H. Frazier .....   | Services as smith, 3d and 4th quarters, 1845.         | 300 00    |
|   | Tunnupayerhoomah .....   | Services as striker, 3d and 4th quarters, 1845.       | 120 00    |
| 4th quarter ..  | Susan Hall .....   | 150 bushels coal .....                                | 15 00     |
|   | W. J. Hockett .....  | Services as smith for year 1846 .....                 | 600 00    |
|   | G. W. Harkins .....  | do .....  | 600 00    |
|   | A. L. Porter .....   | do .....  | 600 00    |
|   | J. Frazier .....   | Services as striker for year 1846 .....               | 240 00    |
|   | Tunnupayerhoomah .....   | do .....  | 240 00    |
|   | J. Ward .....  | do .....  | 240 00    |
|   | John McKinney .....  | 250 bushels coal .....                                | 50 00     |
|   | Charles F. Stewart .....   | 500 bushels coal .....                                | 50 00     |
|   | Noel Gardner .....   | do .....  | 50 00     |
|   | J. N. Trahern .....  | 150 bushels coal .....                                | 15 00     |
|   | Susan Hall .....   | do .....  | 18 75     |
| 1847.   |  |   |           |
| 4th quarter ..  | C. F. Stewart .....  | 500 bushels coal .....                                | 50 00     |
|   | Thomas Laflore .....   | do .....  | 50 00     |
|   | William J. Hockett .....   | Services as smith, 1st and 2d quarters, 1847.         | 300 00    |
|   | Jerry Ward .....   | Services as striker, 1st and 2d quarters, 1847.       | 120 00    |
|   | G. W. Harkins .....  | Services as smith for year 1847 .....                 | 600 00    |
|   | Tunnupayerhoomah .....   | Services as striker for year 1847 .....               | 240 00    |
|   | Sentamah .....   | Services as smith for year 1847 .....                 | 600 00    |
|   | Jack Folsom .....  | Services as striker for year 1847 .....               | 240 00    |
| 1848.   |  |   |           |
| 4th quarter ..  | Ebahmeatubbee .....  | 500 bushels coal .....                                | 50 00     |
|   |  |   | 38,988 86 |
| ARTICLE 20.—For millwright for five years                       |  |   |           |
| 1847.   |  |   |           |
| 4th quarter ..  | C. W. Flint .....  | Millwright from October 1, 1846, to July 31, 1847.    | 500 00    |
|   | N. Johnson .....   | Building mill in Pushmatabas district. ....           | 330 00    |
|   | Joseph Hollis .....  | Millwright from March 1 to May 15, 1842 ..            | 125 00    |
|   | Levi Cady .....  | Millwright from November 1, 1842, to August 10, 1843. | 458 33    |
| 1848.   |  |   |           |
| 4th quarter ..  | John Henderson .....   | Millwright from January 1 to July 31, 1848.           | 350 00    |
| 1843.   |  |   |           |
| 1st quarter ..  | Joseph Hollis .....  | Millwright from April 19, 1841, to April 19, 1842.    | 600 00    |
| 1851.   |  |   |           |
| September ..  | Thomas Wall .....  | Erection of mill .....                                | 486 67    |
| December ..   | Willis J. Harkins .....  | Erection of horse-mill .....                          | 200 00    |
|   |  |   | 3,050 00  |
| ARTICLE 20.—For 2,100 blankets.                                 |  |   |           |
| 1832.   |  |   |           |
| September ...   | S. C. Bell .....   | Freight from Philadelphia to New Orleans.             | 44 08     |
|   | J. Blackwell .....   | Drayage .....   | 4 56      |
| 1832-'33-'34 ..   | Nitachachee and Thomas Laflore, as per acknowledgment of principal chiefs. | 2,100 blankets .....                                  | 7,428 06  |
|   |  |   | 7,496 70  |
| ARTICLE 20.—For rifles, molds, &c., to each emigrating warrior. |  |   |           |
| 1831.   |  |   |           |
| November ...  | W. Lelfield .....  | Wagoning powder .....                                 | 12 00     |
| December ...  | Henry Deringer .....   | Transportation of rifles, &c .....                    | 252 80    |
| September ...   | do .....   | do .....  | 348 10    |
| December ...  | Union Insurance Company .....  | Insurance on 36 boxes rifles .....                    | 70 20     |
| 1832.   |  |   |           |
| May .....   | George W. Tryon .....  | Transportation of rifles .....                        | 87 75     |

A.—Payments made under the treaty with the Choctaws, &c.—Continued.

| Date.  | To whom paid.  | For what paid.                                | Amount.   |
|--|--|---|-----------|
| ARTICLE 20.—For rifles, &c.—Continued.   |  |   |           |
| 1832.  |  |   |           |
| June.....  | Ordnance Department.....   | Expense of powder-kegs.....                   | \$253 62  |
| December.....  | Josiah S. Doak.....  | Provisions while issuing guns.....            | 76 50     |
| August.....  | Brig Ella.....   | Freight from Philadelphia to New Orleans..... | 39 19     |
| September.....   | J. Blackwell.....  | Dravage.....                                  | 10 82     |
|  | Ship Helen Mar.....  | Freight from Philadelphia to New Orleans..... | 18 32     |
| July.....  | A. Bosque.....   | Storage of powder.....                        | 72 10     |
|  | John Peach.....  | Transportation of powder.....                 | 87 50     |
|  | Brig Ella.....   | Freight of powder.....                        | 105 00    |
| 1832-'33-'34   | Nitachachee and Thomas La-<br>flore, as per acknowledgment<br>of principal chiefs..... | 2,874 rifles.....                             | 35,925 00 |
|  | do.....  | 16,000 flints.....                            | 606 58    |
|  | do.....  | 14,532 pounds powder.....                     | 2,906 40  |
|  | do.....  | 23,372 pounds lead.....                       | 2,237 20  |
|  | do.....  | 18 pistols.....                               | 326 00    |
| 1834.  |  |   |           |
| 3d quarter.....  | A. Drane and others.....   | Transportation.....                           | 209 81    |
| 1836.  |  |   |           |
| 3d quarter.....  | Thomas Walden and others.....  | do.....                                       | 234 42    |
|  |  |   | 43,969 31 |
| ARTICLE 20.—For axes, plows, hoes, wheels,<br>and cards, 1,000 each.   |  |   |           |
| 1832.  |  |   |           |
| April.....   | Riddle, Forsyth & Co.....  | Transportation of hoes, axes, and plows.....  | 518 17    |
| February.....  | Hugh Knox.....   | Hauling plows.....                            | 3 50      |
| March.....   | John Rodgers.....  | do.....                                       | 6 00      |
| 1833.  |  |   |           |
| November.....  | Riddle & Forsyth.....  | Transportation of 500 plows.....              | 187 50    |
| 1832-'33-'34   | Nitachachee and Thomas La-<br>flore, as per acknowledgment<br>of principal chiefs..... | 1,000 axes.....                               | 1,416 66  |
|  | do.....  | 1,000 hoes.....                               | 400 00    |
|  | do.....  | 1,000 plows.....                              | 4,500 00  |
|  | do.....  | 40 dozen cards.....                           | 200 00    |
| 1836.  |  |   |           |
| 3d quarter.....  | W. E. Woodruff.....  | Advertising for wheels.....                   | 24 37     |
| 1840.  |  |   |           |
| 4th quarter.....   | John Scott.....  | 589 wheels.....                               | 2,945 00  |
| 1841.  |  |   |           |
| 2d quarter.....  | Thomas Everidge.....   | 191 wheels.....                               | 955 00    |
| 1844.  |  |   |           |
| 2d quarter.....  | W. F. Eustis & Co.....   | 820 cards.....                                | 334 00    |
|  |  |   | 11,490 20 |
| ARTICLE 20.—For 400 looms.   |  |   |           |
| 1834.  |  |   |           |
| December.....  | Jacob Senneff.....   | 800 reeds and 400 heddles.....                | 953 53    |
| 1843.  |  |   |           |
| 1st quarter.....   | Folsom, Nail & Everidge.....   | 312 looms.....                                | 6,240 00  |
|  |  |   | 7,193 53  |
| ARTICLE 20.—For one ton of iron and 200<br>pounds of steel annually, to each district,<br>for sixteen years. |  |   |           |
| 1832.  |  |   |           |
| March.....   | A. Carnahan.....   | 300 pounds iron and 30 pounds steel.....      | 37 56     |
| January.....   | John McClellan.....  | 1,790 pounds iron and 21 pounds steel.....    | 138 40    |
| 1832-'33-'34   | R. L. Baker and H. Derringer.....  | 15,393 pounds iron and steel.....             | 937 69    |
| 1836.  |  |   |           |
| 1st quarter.....   | Woods, Stocker & Co.....   | 6,321 pounds iron.....                        | 381 60    |
| 3d quarter.....  | Thomas Sunstam.....  | Freight on iron.....                          | 40 91     |
| 1837.  |  |   |           |
| 3d quarter.....  | J. Hawkins and others.....   | Transportation of iron.....                   | 144 59    |
| 1839.  |  |   |           |
| 2d quarter.....  | John Denson.....   | Hauling iron.....                             | 80 00     |
|  | A. Larkin.....   | do.....                                       | 80 00     |
|  | Steamboat Elk.....   | Freight of iron.....                          | 175 47    |
| 1840.  |  |   |           |
| 1st quarter.....   | Drennan & Scott.....   | 8,000 pounds iron.....                        | 760 00    |
|  | J. R. Berthelet.....   | 2,000 pounds iron.....                        | 262 60    |
| 4th quarter.....   | V. Brashiers.....  | Hauling iron.....                             | 12 50     |
|  | Benjamin Johnson.....  | do.....                                       | 125 00    |
| 1841.  |  |   |           |
| 1st quarter.....   | R. Houston.....  | Iron.....                                     | 747 68    |
| 2d quarter.....  | W. M. Holloway.....  | Hauling iron.....                             | 20 00     |

## A.—Payments made under the treaty with the Choctaws, &amp;c.—Continued.

| Date.                    | To whom paid.               | For what paid.  | Amount.  |
|--------------------------|-----------------------------|---|----------|
|                          |                             | ARTICLE 20.—For one ton of iron and 200 pounds of steel, &c.—Continued. |          |
| 1841.<br>2d quarter ...  | W. M. Holloway .....        | Hauling iron .....  | \$50 00  |
| 1842.<br>2d quarter ...  | J. Worley .....             | do .....  | 100 00   |
|                          | Scott, White & Co .....     | 8,000 pounds iron .....   | 760 00   |
|                          | W. M. Holloway .....        | Hauling iron .....  | 120 00   |
| 4th quarter ...<br>1843. | J. G. King .....            | do .....  | 80 00    |
| 2d quarter ...<br>1844.  | C. G. Scott .....           | 8,000 pounds iron and 800 pounds steel .....                            | 1,080 00 |
| 1st quarter ...<br>1845. | Berthelet, Heald & Co ..... | 6,000 pounds iron and 600 pounds steel .....                            | 607 50   |
| 2d quarter ...<br>1848.  | do .....                    | 6,000 pounds iron and 600 pounds steel .....                            | 607 50   |
| 2d quarter ...<br>1836.  | Scott, White & Co .....     | 6,000 pounds iron and 600 pounds steel .....                            | 576 00   |
| 4th quarter ...          | Thomas Walden .....         | Transportation of iron .....  | 60 00    |
|                          | H. B. Howell .....          | do .....  | 66 81    |
|                          |                             |   | 8,051 15 |

## RECAPITULATION.

| Article of treaty. | Object.   | Amount.    |
|--------------------|---|------------|
| 15th article ..... | Outfit for captains .....   | \$4,509 81 |
| 16th article ..... | Removal and subsistence .....   | 813,927 07 |
| Do .....           | Cattle .....  | 14,283 28  |
| 19th article ..... | 50 cents an acre in lieu of reservations .....  | 24,840 00  |
| 20th article ..... | Erection of council-house, house for each chief, and church for each district, limited to \$10,000. | 9,446 75   |
| Do .....           | 3 blacksmiths for 16 years .....  | 38,988 86  |
| Do .....           | Millwright for 5 years .....  | 3,050 00   |
| Do .....           | 2,100 blankets .....  | 7,496 70   |
| Do .....           | Rifle, molds, &c., to each emigrating warrior .....   | 43,969 31  |
| Do .....           | Axes, plows, hoes, wheels, and cards, 1,000 each .....  | 11,490 20  |
| Do .....           | 400 looms .....   | 7,193 53   |
| Do .....           | 1 ton of iron and 200 pounds of steel annually, to each district, for 16 years.                     | 8,051 15   |

## I.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
March 21, 1860.

SIR: A tedious and laborious investigation was necessary to obtain the information requested in the letter addressed to this office by the Acting Commissioner of Indian Affairs on the 26th of March, 1859, and which I have now the honor to communicate, as follows:

1. According to the plats of survey on file in this office, the whole number of acres of land embraced in the cession made by the Choctaws in the treaty of September 27, 1830, is 10,423,139 acres.

2. The portion thereof which had been sold by the United States on the 1st day of January, 1859, is 5,912,664.63 acres.

3. The cost of "surveying" and "selling" merely, not including annuities, &c., of these particular lands, as stated in a report made to your office on the 1st of May, 1858, is 10 cents per acre.

4. "The aggregate amount received for this portion so sold," \$7,556,568.05.

5. The quantity of land contained in all the "reservations allowed and secured" under the provisions of said treaty, is 334,101.02 acres.

I am, sir, very respectfully, your obedient servant,

JOSEPH S. WILSON,  
Commissioner.

HON. ALFRED B. GREENWOOD,  
Commissioner of Indian Affairs.



Statement of account with the Choctaw Indians, in conformity with the resolutions and decision of the Senate of the United States of March 9, 1859.

|  | Acres.         |
|--|----------------|
| Total area of the lands ceded by the Choctaws by the treaty of September 27, 1830.....   | 10,432,139.69  |
| Area of the reservations "allowed and secured" which are to be deducted and excluded from computation in the account.....                          | 334,101.02     |
| Leaving.....   | 10,089,038.67  |
| Quantity sold up to January 1, 1859.....   | 5,912,664.63   |
| Residue of said lands.....   | 4,176,374.04   |
| (Of this residue 2,292,766 acres has been disposed of under the swamp-land act and grants for railroad and school purposes up to January 1, 1859.) |                |
| The proceeds of the sales of lands sold up to January 1, 1859, viz:<br>5,912,664.63 acres, amounted to.....  | \$7,556,568 05 |
| The residue of said lands, viz; 4,176,374.04 acres, at 12½ cents per acre, amounts to.....   | 522,046 75     |
|  | 8,078,614 80   |

From which the following deductions are to be made:

- 1st. The cost of the survey and sale of the lands, viz,  
10,423,139.69 acres, at 10 cents per acre..... \$1,042,313 96
- 2d. Payments and expenditures under the treaty, which are as follows:

FIFTEENTH ARTICLE.

|  |             |  |
|--|-------------|--|
| Salaries of chiefs for twenty years.....               | \$12,921 25 |  |
| Pay of speaker of three districts for four years.....  | 354 66      |  |
| Pay of secretary for same period.....                  | 550 00      |  |
| Outfit and swords to captains, 99 in number.....       | 4,930 56    |  |
| Pay to the same, at \$50 per year, for four years..... | 19,604 65   |  |
|  | 38,361 12   |  |

SIXTEENTH ARTICLE.

|  |                |  |
|--|----------------|--|
| Removal and subsistence, per statement of Second Auditor.....  | \$313,927 07   |  |
| On same account per additional statement made in this office for expenditures from 1838 to date..... | 401,556 17     |  |
|  | \$1,215,483 24 |  |
| Amount paid for cattle.....  | 14,283 28      |  |
|  | 1,229,766 52   |  |

SEVENTEENTH ARTICLE.

|   |            |
|---|------------|
| Annuity of \$20,000 for twenty years..... | 400,000 00 |
|---|------------|

NINETEENTH ARTICLE.

|   |             |  |
|---|-------------|--|
| Fifty cents per acre for reservations relinquished..... | \$24,840 00 |  |
| Amount to orphans for reservations.....                 | 120,826 76  |  |
|   | 145,666 76  |  |

TWENTIETH ARTICLE.

|  |              |
|--|--------------|
| Education of forty youths for 20 years....                             | \$217,216 73 |
| Council-house, house for each chief, and church for each district..... | 9,446 75     |
| \$2,500 annually for support of three teachers for twenty years.....   | 50,000 00    |
| Three blacksmiths, sixteen years.....                                  | 38,988 86    |

|   |            |              |
|---|------------|--------------|
| Millwright for five years .....   | \$3,050 00 |              |
| 2,100 blankets .....  | 7,496 70   |              |
| Rifles molds, &c., to each emigrating warrior .....                                     | 43,969 31  |              |
| 1,000 axes, plows, hoes, wheels, and cards .....  | 11,490 20  |              |
| 400 looms .....   | 7,193 53   |              |
| 1 ton iron and 2 hundred-weight steel, annuity to each district for sixteen years ..... | 8,051 15   |              |
|   |            | \$396,947 23 |

## TWENTY-FIRST ARTICLE.

|  |              |                |
|--|--------------|----------------|
| Annuity to Wayne warriors .....  | 1,818 76     |                |
| 3d. Scrip allowed in lieu of reservations, viz: 1,399,920 acres, at \$1.25 per acre .....  | 1,749,900 00 |                |
| Payments made to meet contingent expenses of commissioners appointed to adjust claims under the fourteenth article of Choctaw treaty of September 27, 1830 .....   | 51,320 79    |                |
| For various expenses growing out of the location and sale of Choctaw reservations and perfecting titles to the same, including contingent expenses, such as pay of witnesses, interpreters, &c., incurred in executing the act of March 3, 1837, and subsequent acts relative to adjusting claims under the fourteenth article of the treaty of 1830 ..... | 21,408 36    |                |
| For payments made for Choctaw account, being for expenses incurred in locating reservations under the treaty with said tribe of September 27, 1830 .....   | 19,864 00    |                |
| Total amount of charges .....  | 5,097,367 50 | \$8,078,614 80 |
| Which deducted from the proceeds of the land sold, and the "residue of said lands," at 12½ cents per acre .....  | 5,097,367 50 |                |
| Leaves a balance due to the Choctaws of .....  | 2,981,247 30 |                |

OFFICE INDIAN AFFAIRS, *March 22, 1860.*

NOTE.—It is to be observed that under the second article of the treaty of 1830 a patent was issued to the Choctaws for the country west of Arkansas, estimated to contain 15,000,000 acres. Subsequently the Chickasaws, with the consent of the United States, purchased a portion of this tract, at \$530,000, which sum the United States paid out of the trust fund belonging to the Chickasaws. Under the treaty of 1855 the Choctaws relinquished all their right to that portion of said tract west of the one-hundredth meridian, and leased that portion between the ninety-eighth and one-hundredth degree of west longitude, for which the United States paid the sum of \$600,000. If these sums are to be regarded as "payments under the treaty" of 1830, the amount due the Choctaws will be \$1,851,247.30.

B.—Payments made for and on account of removal and subsistence of Choctaw Indians, in addition to those given by the Second Auditor, being subsequent to the time embraced in his statement as to this item.

| Date.    | To whom paid.  | For what paid.   | Amount.     |
|----------|--|--|-------------|
| 1843     |  |  |             |
| Mar. 7   | John J. McRae, contractor .....  | Removal and subsistence of Choctaws.....   | \$10,000 00 |
| 1845.    |  |  |             |
| June 2   | H. N. Barstow .....  | In settlement of his accounts for removal, &c., of Choctaws.                           | 850 00      |
| 5        | Col. William Armstrong, acting superintendent.   | Expenses connected with the emigration....   | 2,000 00    |
| Aug. 8   | H. N. Barstow.....   | Disbursements as agent for the emigration in 1844 and 1845.                            | 1,252 24    |
| Sept. 5  | Richard Smith .....  | On account of emigration and subsistence....   | 12,908 00   |
| 5        | Lockwood & Co .....  | do .....   | 473 69      |
| 5        | George Hastings & Co. ....   | do .....   | 391 36      |
| 5        | William Gunton .....   | do .....   | 2,000 00    |
| 5        | Corcoran & Riggs.....  | do .....   | 2,050 00    |
| 5        | Alex. Anderson and H. N. Barstow, attorneys for John B. Forester, Samuel Cobb, and James Pickens, contractors. | On account of emigration of Choctaws .....   | 13,807 51   |
| Oct. 7   | L. French.....   | Services in superintending the issue of provisions.                                    | 140 00      |
| Sept. 12 | Joseph Bryan, amount due Bartlett, Heald & Co., assignees of Alexander Anderson and others, contractors.       | 105,643 rations, issued to Choctaws after emigration.                                  | 5,788 18    |
| 1846.    |  |  |             |
| Feb. 10  | Winslow & Perkins.....   | 112,765 rations to Choctaws, after emigrating, by A. Anderson and others, contractors. | 6,178 39    |
| June 6   | Corcoran & Riggs.....  | 752 Choctaw Indians emigrated by contractors; part of account.                         | 4,000 00    |
| 6        | William B. Hart, attorney for A. Anderson and others.  | 752 Choctaw Indians emigrated by contractors; balance of account.                      | 16,089 68   |
| 9        | do .....   | Account found due for subsistence of Choctaws.   | 10,275 64   |
| 24       | Col. William Armstrong, acting superintendent, &c.   | To cover his estimate of expenses on account of removal, &c.                           | 8,051 75    |
| 29       | Joseph Bryan.....  | A. Anderson and others' account for 26,933 rations to Choctaw Indians.                 | 1,475 65    |
| Sept. 22 | do .....   | A. Anderson and others' account for 77,088 rations to Choctaw Indians.                 | 4,223 54    |
| 23       | Charles Fisher.....  | Part of his contract for provisions, &c., Choctaws.                                    | 761 84      |
| 1847.    |  |  |             |
| Feb. 3   | Joseph Bryan.....  | Provisions to emigrant Choctaws, by A. Anderson and others, contractors.               | 3,884 33    |
| 10       | do .....   | Account of A. Anderson and others, for emigrating 360 Choctaws.                        | 9,617 40    |
| 17       | do .....   | Account of A. Anderson and others, for subsisting Choctaws.                            | 5,241 38    |
| Apr. 20  | do .....   | Account of A. Anderson and others, for emigrating 683 Choctaws.                        | 18,246 34   |
| May 3    | A. M. M. Upshaw .....  | Removal of Choctaws west.....  | 20 00       |
| July 9   | Joseph Bryau.....  | Account of A. Anderson and others, for emigrating 375 Choctaws.                        | 10,018 12   |
| Aug. 25  | do .....   | Account of A. Anderson and others, for furnishing rations to emigrant Choctaws.        | 12,398 41   |
| Sept. 3  | do .....   | Account of A. Anderson and others, for 51,420 rations issued to Choctaws.              | 2,817 53    |
| 3        | do .....   | Account of A. Anderson and others, for 8,171 rations issued to Choctaws.               | 447 70      |
| 14       | do .....   | Account of A. Anderson and others, for emigrating 180 Choctaws.                        | 4,808 70    |
| 18       | do .....   | Account of A. Anderson and others, for 8,270 rations issued to Choctaws.               | 453 15      |
| Nov. 10  | do .....   | Account of A. Anderson and others, for 76,047 rations issued to Choctaws.              | 4,060 10    |
| 30       | Samuel M. Rutherford, acting superintendent, &c.   | Expense of emigration of Choctaws .....  | 6,000 00    |
| 30       | Thomas C. Stewart, assistant superintendent Choctaw emigration.  | Traveling expenses and interpreter .....   | 300 00      |
| 1843.    |  |  |             |
| Mar. 16  | John J. McRae.....   | Subsistence of Choctaws .....  | 5,000 00    |
| Sept. 15 | J. R. Forrester .....  | do .....   | 1,079 50    |
| Oct. 30  | Hon. W. M. Gwin .....  | Account of J. B. Forrester, for subsistence of Choctaws.                               | 2,090 00    |
| 1844.    |  |  |             |
| July 25  | John J. McRae, disbursing agent  | Subsistence of Choctaws' claimants .....   | 6,000 00    |
| Dec. 31  | Charles Fisher.....  | do .....   | 255 46      |

## B.—Payments made for and on account of removal, &amp;c., of Choctaw Indians—Continued.

| Date.    | To whom paid.   | For what paid.  | Amount.    |
|----------|---|---|------------|
| 1848.    |   |   |            |
| Jan. 4   | Joseph Bryan .....  | Account of Alexander Anderson and others for 147,578 rations issued to Choctaws.                | \$8,086 48 |
| Feb. 22  | Philip Woodson .....  | Advertising proposals for subsistence to Choctaws.  | 9 00       |
| Mar. 3   | Gales & Seaton .....  | do .....  | 42 00      |
| 7        | J. Bayer .....  | do .....  | 27 00      |
| 9        | John C. Merrill .....   | do .....  | 24 00      |
| 17       | S. R. Adams .....   | do .....  | 13 50      |
| 17       | William E. Woodruff .....   | do .....  | 14 00      |
| 17       | James G. Shephard .....   | do .....  | 34 00      |
| 21       | Sanford & Wilson .....  | do .....  | 25 50      |
| 22       | Davis, Corcoran & Co .....  | do .....  | 31 50      |
| Apr. 3   | Price & Hall .....  | do .....  | 16 00      |
| May 1    | Ritchie & Heiss for L. Pickering & Co. ....                         | do .....  | 28 00      |
| Apr. 14  | Ritchie & Heiss .....   | do .....  | 38 50      |
| 15       | Joseph Bryan .....  | Account of A. Anderson and others for 49,515 rations issued to Choctaws.                        | 2,713 15   |
| May 10   | do .....  | Account of A. Anderson and others for 19,019 rations issued to Choctaws.                        | 1,092 13   |
| 12       | Charles Fisher .....  | Balance in part of his account for subsistence of Choctaws.                                     | 200 00     |
| 20       | Samuel M. Rutherford, acting superintendent, &c. ....               | Pay of commissaries and for emigration purposes of Choctaw claimants.                           | 5,564 00   |
| July 25  | Charles Fisher .....  | Part of his account for subsistence of Choctaw claimants.                                       | 103 40     |
| Aug. 4   | Joseph Bryan .....  | Account of A. Anderson and others, subsistence of 180 emigrant Choctaws.                        | 798 90     |
| 31       | do .....  | Account of A. Anderson and others for 10,947 rations issued to Choctaws.                        | 599 84     |
| Sept. 16 | Lanphier & Walker .....   | Advertising proposals for subsistence to Choctaws.  | 8 00       |
| Oct. 11  | Chapman & Spann .....   | do .....  | 22 75      |
| Nov. 10  | Thomas C. Stuart, assistant superintendent Choctaw emigration. .... | On account of expenses of removal, &c .....   | 3,500 00   |
| Nov. 13  | Samuel M. Rutherford, acting superintendent, &c. ....               | do .....  | 5,000 00   |
| Dec. 11  | Gerard, Day & Co. ....  | Advertising proposals for subsistence to Choctaws.  | 29 25      |
| 1849.    |   |   |            |
| July 6   | Thomas C. Stewart, assistant superintendent, &c. ....               | On account of expenses of removal, &c .....   | 1,000 00   |
| 14       | Campell, Martin & Co .....  | Advertising proposals for Choctaw subsistence   | 8 75       |
| 18       | Corcoran & Riggs .....  | Robert B. Kirkland's account for removing 112 Choctaws.   | 2,991 52   |
| Aug. 8   | John Drennen, acting superintendent Choctaw agency. ....            | On account of removal, &c., of Choctaws .....   | 6,000 00   |
| 14       | Thomas C. Stuart, assistant superintendent, &c. ....                | On account of expenses of removal of Choctaws   | 1,000 00   |
| 23       | John Drennen, acting superintendent Choctaw agency. ....            | do .....  | 3,194 04   |
| 18       | Henry L. Scott, assistant superintendent, &c. ....                  | do .....  | 2,000 00   |
| Dec. 27  | do .....  | do .....  | 4,900 00   |
| 1850.    |   |   |            |
| Mar. 26  | John Drennen, acting superintendent, &c. ....                       | do .....  | 6,000 00   |
| June 13  | Henry L. Scott, assistant superintendent, &c. ....                  | do .....  | 4,025 00   |
| Aug. 6   | Ely S. Mitchell .....   | Rations to Choctaws under his contract .....  | 6,817 06   |
| 26       | Joseph Bryan .....  | Account of L. C. Quinn for 27,440 rations to Choctaws.  | 1,152 48   |
| Sept. 30 | John Drennan, acting superintendent, &c. ....                       | On account of Choctaw emigration .....  | 1,000 00   |
| Oct. 9   | do .....  | do .....  | 7,000 00   |
| 29       | Rev. T. C. Stuart, late assistant superintendent, &c. ....          | On account of Choctaw emigration, balance due him on settlement.                                | 214 82     |
| 1851.    |   |   |            |
| July 26  | Joseph Bryan .....  | Part of W. B. Hart's account for subsistence of horses, &c., belonging to emigrant Choctaws.    | 3,637 00   |
| 26       | Corcoran & Riggs .....  | Balance of W. B. Hart's account for subsistence of horses, &c., belonging to emigrant Choctaws. | 4,500 00   |
| 28       | John Drennen, superintendent, &c. ....                              | On account of removal of Choctaws west .....  | 5,000 00   |
| Aug. 23  | George W. Clark .....   | do .....  | 450 55     |
| Sept. 11 | J. H. Bowman, special agent, &c .....                               | On account of paying out Choctaw scrip .....  | 1,000 00   |
| 19       | Henry L. Scott, assistant superintendent, &c. ....                  | On account of expenses of removal of Choctaws   | 5,000 00   |

THE CHOCTAW NATION OF INDIANS.

B.—Payments made for and on account of removal, &c., of Choctaw Indians—Continued.

| Date.              | To whom paid.                                | For what paid.   | Amount.     |
|--------------------|--|--|-------------|
| 1851.<br>Dec. 6    | J. H. Bowman, special agent, &c              | On account of expenses of paying out scrip ...   | \$200 00    |
| 1852.<br>Jan. 24   | Selden, Withers & Co. ....                   | Balance due J. H. Bowman, special agent, &c.,<br>for paying out scrip.                           | 1,211 45    |
| Feb. 3             | F. S. Hunt, assistant superintendent, &c.    | Expenses of removing Choctaws .....  | 5,000 00    |
| Apr. 10            | Joseph Bryan .....                           | Sapparans & Johnson's account for cows and<br>calves to emigrant Choctaws.                       | 251 00      |
| June 26            | John Drennen, superintendent,<br>&c.         | Expense of removal .....   | 5,000 00    |
| May 22             | John S. McCracken .....                      | Advertising proposals for subsistence of<br>Choctaws.  | 9 00        |
| June 21            | F. S. Hunt, assistant superintendent,<br>&c. | Expenses of removal .....  | 5,000 00    |
| 1852.<br>July 12   | .....do .....                                | .....do .....  | 5,000 00    |
| Nov. 30            | .....do .....                                | .....do .....  | 5,000 00    |
| 1853.<br>Jan. 18   | Selden, Withers & Co. ....                   | Expenses of removal, balance due J. H. Bowman,<br>late special agent.                            | 133 50      |
| 27                 | John Drennen, superintendent,<br>&c.         | Expenses of removal, balance .....   | 5,000 00    |
| Mar. 21            | F. S. Hunt, assistant superintendent,<br>&c. | .....do .....  | 5,000 00    |
| July 21            | Thomas S. Drew, superintendent,<br>&c.       | Expenses of removal .....  | 5,000 90    |
| Sept. 1            | James M. Carlisle and Philip R. Fendall.     | Expenses of removal, amount allowed William<br>B. Hart by decision of Secretary of the Interior. | 37,412 00   |
| 21                 | J. J. Smith .....                            | Removal of 17 Choctaws, who died <i>en route</i> ...   | 397 75      |
| 1854.<br>May 12    | Douglas H. Cooper, Indian agent.             | Expenses of removal, &c .....  | 38,000 00   |
| 1838.<br>Feb. 5    | Capt. S. T. Cross, superintendent,<br>&c.    | .....do .....  | 1,000 00    |
| Mar. 14            | .....do .....                                | .....do .....  | 3,500 00    |
| Apr. 25            | .....do .....                                | .....do .....  | 3,000 00    |
| June 9             | .....do .....                                | .....do .....  | 2,775 00    |
| July 28            | .....do .....                                | .....do .....  | 815 00      |
| 1842.<br>Aug. 29   | Isaac McFarren, receiver, &c .....           | .....do .....  | 5,000 00    |
| 1843.<br>Mar. 16   | John J. McRae, agent, &c .....               | .....do .....  | 3,000 00    |
| June 14            | .....do .....                                | .....do .....  | 444 25      |
| Oct. 19            | .....do .....                                | .....do .....  | 635 75      |
| From which deduct— |  |  |             |
| 1845. ....         | Sept. 13                                     | This amount refunded by Samuel H. Porter, disbursing agent,<br>&c.                               | \$10,000 00 |
| 1846. ....         | Jan. 2                                       | This amount refunded by John J. McRae, late removing and<br>disbursing agent for Choctaws.       | 1,197 13    |
| 1848. ....         | Feb. 8                                       | This amount refunded by William Armstrong, acting superintendent,<br>&c.                         | 556 90      |
| 1848. ....         | Apr. 25                                      | .....do .....  | 25          |
| 1852. ....         | Apr. 30                                      | This amount refunded by Henry L. Scott, late assistant<br>superintendent, &c.                    | 5,000 00    |
| 1852. ....         | Sept. 30                                     | This amount refunded by Scott, Baker & Co., on account of<br>H. L. Scott, deceased.              | 4 69        |
| 1853. ....         | July 2                                       | This amount refunded, being value of public property in<br>hands of H. L. Scott.                 | 3 00        |
| 1853. ....         | Dec. 1                                       | This amount refunded by F. L. Hunt, late assistant superintendent<br>Choctaw removal.            | 1,917 35    |
| 1856. ....         | May 27                                       | .....do .....  | 2 00        |
| 1857. ....         | Apr. 10                                      | This amount refunded by Samuel T. Cross, superintendent<br>and disbursing agent, &c.             | 119 25      |
| 1858. ....         | Dec. 3                                       | .....do .....  | 352 42      |
| 1858. ....         | Dec. 15                                      | This amount refunded by D. H. Cooper, Indian agent. ....   | 6,383 25    |
|                    |  |  | 25,546 24   |
|                    |  |  | 401,556 17  |

## C.—Statement of payments made to Choctaw orphans, for and on account of reservations, under the 19th article of the treaty of September 27, 1830, with the Choctaw Indians.

| Date.             | On what account.   | Amount.     |
|-------------------|--|-------------|
| 1850.<br>April 23 | This amount of principal, from proceeds of sale of their lands invested in United States stocks, and sold in 1830, remitted to John Drennen, superintendent, &c., and through him disbursed for their benefit.   | \$39,539 15 |
| Oct. 7            | Requisition No. 615, in favor of Joseph Bryan, present attorney for G. W. Harkins, and for G. W. Harkins, assignee to P. P. Pitchlynn, being the amount of their account for 15 per cent. of the sum of \$23,000 due Choctaw orphans.  | 3,450 00    |
| 9                 | Requisition No. 620, in favor of John Drennen, acting superintendent, &c., present, on account of proceeds of lands sold for Choctaw orphans.  | 19,560 00   |
| 1851.<br>May 15   | Requisition No. 1045, in favor of Charles Borland, commissioner, &c., on account of expenses connected with the adjustment of Choctaw orphans' claims for lands.   | 417 28      |
| July 17           | Requisition No. 1121, in favor of G. W. Harkins, and for G. W. Harkins as assignee of P. P. Pitchlynn, care of Joseph Bryan, present, being the amount of their account for services rendered in prosecuting the business connected with the settlement of the reservation claims of Choctaw orphans, 15 per cent. on \$22,100 collected, &c.  | 3,315 00    |
| Aug. 15           | Requisition No. 1161, in favor of John Drennen, superintendent, &c., Van Buren, Ark., on account of interest, &c., due Choctaw orphans.  | 14,000 00   |
| Nov. 3            | Requisition No. 1226, in favor of Oscar F. Bledsoe, Carrollton, Miss., being in part of the amount allowed him by decision of the Secretary of the Interior, being a commission of 5 per cent. on \$32,426.27, the amount of sundry notes given for the purchase of Choctaw orphan lands by sundry individuals, for which suits were instituted in the United States courts of Mississippi, per certificate Second Comptroller.  | 1,459 18    |
| 3                 | Requisition No. 1227, in favor of C. A. Bert, attorney, &c., being 10 per cent. on the amount of \$1,621.31, allowed to O. F. Bledsoe, per certificate Second Comptroller.   | 162 13      |
| 1852.<br>Feb. 13  | Requisition No. 1325, in favor of Charles Borland, commissioner, &c., on account of expenses connected with the adjustment of the Choctaw orphans' land-claims.  | 2,130 00    |
| Apr. 16           | Requisition No. 1365, in favor of O. S. X. Peck, assignee, &c., being 15 per cent. on \$810.65, and in part of the amount allowed Woodson L. Ligon, at the rate of 2½ per cent. commission on the sum of \$32,426.27, the amount of certain bonds and notes (including interest thereon to June 4, 1849) of sundry persons, given for the purchase of Choctaw orphans' lands, for which suits were instituted in the United States courts, Mississippi, per certificate of Second Comptroller. | 121 60      |
| 16                | Requisition No. 1366, in favor of Woodson L. Ligon, Aberdeen, Miss., being in part of the amount of \$810.65, allowed him at the rate of 2½ per cent. on \$32,426.27, the amount of certain bonds and notes (and interest thereon to June 4, 1849) of sundry persons, given for the purchase of Choctaw orphans' lands, for which suits were instituted in United States courts of Mississippi, per certificate of Second Comptroller.   | 689 05      |
| July 22           | Requisition No. 1451, to Joseph Bryan, attorney, &c., being the amount of G. W. Harkins's and P. P. Pitchlynn's account, 15 per cent. allowed them (per agreement) on \$17,130, collected by Colonel Borland, commissioner, &c., in February and June, 1852, per certificate of Second Comptroller.  | 2,569 50    |
| Sept. 11          | Requisition No. 1506, remitted to Phil. H. Raniford, Indian agent, &c., New Orleans, on account of trust-fund interest due Choctaw orphans.  | 17,563 81   |
| 1853.<br>Feb. 1   | Requisition No. 1651, remitted Hon. S. Borland, United States Senate, attorney, &c., of administratrix of William Frabern, deceased, being the amount due him for locating Choctaw orphan reservations between August 12, 1838, and March 21, 1836. Number of days employed 200, at \$5 per day, per certificate of Second Comptroller.  | 1,000 00    |
| 1856.<br>Jan. 4   | Requisition No. 2648, in favor of Alexander & Sneed, Savannah, being amount of their account for advertising the sale of Choctaw orphan lands to December, 1855, per certificate of Second Comptroller.  | 49 95       |
|                   | Requisition No. 2649, in favor of Holden & Wilson, Raleigh, N. C., being the amount of their account for advertising sale of Choctaw orphan lands to December, 1855, per certificate of Second Comptroller.  | 63 75       |
| Jan. 10           | Requisition No. 2655, in favor of William H. Worthington, Columbus, Miss., being amount allowed him for advertising sale of Choctaw orphan lands, per certificate of Second Comptroller.   | 60 00       |
| 16                | Requisition No. 2662, in favor of Edward Pickett, jr., Jackson, Miss., being amount allowed him for advertising sale of Choctaw orphan lands, per certificate of Second Comptroller.   | 60 00       |
| Feb. 11           | Requisition No. 2688, in favor of E. Barksdale, Jackson, Miss., being amount allowed him for advertising sale of Choctaw orphan lands in Mississippi, per certificate of Second Comptroller.   | 56 25       |
| 12                | Requisition No. 2690, remitted to Moses Kelly, disbursing-clerk of the Department of the Interior, on account of trust-fund interest due Choctaw orphans (reservation).  | 252 00      |
| July 12           | Requisition No. 2875, remitted to Moses Kelly, disbursing-clerk of the Department of the Interior, on account of trust-fund interest due Choctaw orphans (reservation).  | 63 75       |
| Aug. 30           | Requisition No. 3101, remitted to Douglass H. Cooper, Indian agent, &c., New Orleans, La., on account of trust-fund interest due Choctaw orphans (reservation).  | 25,000 00   |

C.—Statement of payments, &c.—Continued.

| Date.            | On what account.   | Amount.     |
|------------------|--|-------------|
| 1877<br>Mar. 3   | Requisition No. 3385, in favor of E. C. Walthall, Coffeetown, Miss., being balance due him on settlement of his account as commissioner to appraise and sell Choctaw orphan lands, as allowed by the Secretary of the Interior, per certificate of Second Comptroller..... | \$123 39    |
| 26               | Requisition No. 3421, in favor of Forsyth & Harris, Mobile, Ala., being the amount of their account for advertising sale of Choctaw orphan lands, per certificate of Second Comptroller.....   | 49 50       |
| July 18          | Requisition No. 3653, remitted to Douglass H. Cooper, Indian agent, &c., on account of trust fund interest due Choctaw orphans (reservation).....  | 9,508 00    |
| Dec. 31          | Requisition No. 3650, in favor of H. H. Worthington, Columbus, Miss., being the amount of his account for publishing the sale of Choctaw orphan lands in the Columbus Democrat, per certificate of Second Comptroller.....   | 24 00       |
| 1858.<br>Jan. 26 | Requisition No. 3884, in favor of McClanahan, Trousdale & Dill, Memphis, Tenn., being the amount of their account for advertising sale of Choctaw orphans' reservation, per certificate of Second Comptroller.....   | 26 25       |
| Jan. 26          | Requisition No. 3886, in favor of R. Adams, Paulding, Miss., being the amount of his account for advertising sale of Choctaw orphan reservations, per certificate of Second Auditor.....   | 13 12       |
| May 18           | Requisition 4024, in favor of E. Barkesdale, Jackson, Miss., being the amount of his account for advertising "Notice of the sale of Choctaw orphan lands," &c., per certificate of Second Comptroller.....   | 10 50       |
| Aug. 30          | Requisition No. 4195, remitted to Elias Rector, superintendent, &c., on account of trust-fund interest due Choctaw orphans, &c.....  | 1,561 00    |
| 1859.<br>July 21 | This amount remitted to Thomas A. Falconer, Holly Springs, Miss., per requisition 4556.....  | 20 62       |
|                  | From which deduct—   | 142,907 73  |
| 1857.<br>May 29  | This amount refunded into the Treasury by Douglass H. Cooper, Indian agent, &c.....  | \$16,024 80 |
| 1858.<br>July 1  | This amount refunded by Elias Rector, superintendent, &c.....  | 1,561 00    |
| Dec. 15          | This amount refunded by D. H. Cooper.....  | 4,495 17    |
|                  |  | 22,060 97   |
|                  |  | 120,826 76  |

OFFICE INDIAN AFFAIRS, March 22, 1860.

D.—Statement of payments and expenditures for certain objects under the provisions of the treaty of September 27, 1830, with the Choctaw Indians, as shown by the report of the Second Auditor of the Treasury, revised and corrected by the Office of Indian Affairs, made on the 1st of February, 1855, under a resolution of the Senate of the United States, adopted March 10, 1853.—(See Senate Ex. Doc. No. 64, second session Thirty-third Congress.)

ARTICLE 15.

|  |             |
|--|-------------|
| Salaries of chiefs for twenty years.....               | \$12,921 25 |
| Pay of speakers of three districts for four years..... | 354 66      |
| Pay of secretaries for same period.....                | 550 00      |
| Pay of ninety-nine captains, same period.....          | 19,604 65   |

ARTICLE 17.

|   |            |
|---|------------|
| Annuity of \$20,000 for twenty years..... | 400,000 00 |
|---|------------|

ARTICLE 20.

|  |            |
|--|------------|
| Education of forty youths for twenty years.....                  | 217,260 73 |
| \$2,500 annually for support of three teachers twenty years..... | 50,000 00  |

ARTICLE 21.

|                                  |          |
|----------------------------------|----------|
| Annuities to Wayne warriors..... | 1,818 76 |
|----------------------------------|----------|

702,510 05

For details of said payments see Senate document above referred to.

OFFICE INDIAN AFFAIRS, March 22, 1860.



E.—Statement of payments made to meet contingent expenses of the commissioners appointed to adjust claims to reservations under 14th article of treaty with Choctaws of September 27, 1830.

| Date.    | On what account.  | Amount.  |
|----------|---|----------|
| 1838.    |   |          |
| Jan. 9   | R. M. Gaines, district attorney .....                             | \$500 00 |
| 19       | P. D. Vroom, commissioner .....                                   | 1,565 75 |
| 22       | James Murray, commissioner .....                                  | 1,416 67 |
|          | Jonathan Pinckney, commissioner .....                             | 408 33   |
| Feb. 7   | P. D. Vroom, commissioner .....                                   | 750 00   |
|          | J. D. Pinckney, commissioner .....                                | 91 67    |
|          | do .....  | 283 33   |
|          | R. M. Gaines, district attorney .....                             | 500 00   |
|          | James Murray, commissioner .....                                  | 333 33   |
|          | do .....  | 416 67   |
| Apr. 4   | Hon. E. Curtis, per order John Ellis .....                        | 700 00   |
| May 4    | R. M. Gaines, district attorney .....                             | 605 54   |
| June 8   | P. D. Vroom, commissioner .....                                   | 750 00   |
| 12       | J. Pinckney, commissioner .....                                   | 625 00   |
| 29       | P. R. R. Pray, commissioner .....                                 | 1,500 00 |
| 29       | do .....  | 250 00   |
| July 7   | James Murray, commissioner .....                                  | 750 00   |
| 13       | P. D. Vroom & Murray .....  | 500 00   |
| Aug. 4   | James Murray .....  | 250 00   |
| 6        | P. D. Vroom .....   | 184 25   |
| 8        | do .....  | 1,815 75 |
| 9        | J. Pinckney .....   | 219 28   |
| 10       | George Thomas, per order Vroom & Murray .....                     | 750 00   |
| 24       | R. M. Gaines, district attorney .....                             | 750 00   |
| Sept. 26 | W. Goodman, per order Roger Barton .....                          | 1,500 00 |
| Nov. 16  | R. M. Gaines .....  | 250 00   |
| 1839.    |   |          |
| Feb. 12  | James Murray .....  | 750 00   |
| 1840.    |   |          |
| July 13  | R. M. Gaines .....  | 644 46   |
| 1843.    |   |          |
| Jan. 12  | Ralph Graves, commissioner .....                                  | 319 29   |
|          | John F. H. Claiborne, commissioner .....                          | 319 29   |
| Feb. 13  | do .....  | 215 27   |
| 13       | Ralph Graves, commissioner .....                                  | 215 27   |
| Mar. 14  | John F. H. Claiborne, commissioner .....                          | 100 00   |
| May 4    | P. Bailey, secretary, &c .....                                    | 428 00   |
| 6        | John F. H. Claiborne, commissioner .....                          | 309 73   |
| 19       | Ralph Graves, commissioner .....                                  | 625 00   |
| 22       | J. F. H. Claiborne, commissioner .....                            | 205 47   |
| June 1   | William Tyler, commissioner .....                                 | 625 00   |
| Aug. 5   | Cashier Farmers' Bank of Virginia, P. Bailey, secretary, &c ..... | 375 80   |
| 31       | William Tyler, commissioner .....                                 | 625 00   |
| Sept. 19 | J. F. H. Claiborne, commissioner .....                            | 833 33   |
| 25       | Ralph Graves, commissioner .....                                  | 833 33   |
| Oct. 23  | do .....  | 363 00   |
| Dec. 5   | William Tyler, commissioner .....                                 | 625 00   |
| 1844.    |   |          |
| Feb. 2   | Cashier Farmers' Bank of Virginia, P. Bailey, secretary, &c ..... | 590 00   |
| Mar. 4   | William Tyler, commissioner .....                                 | 212 91   |
| Apr. 17  | do .....  | 212 91   |
| 18       | Samuel Rush, commissioner .....                                   | 208 33   |
| May 16   | William Tyler, commissioner .....                                 | 625 00   |
| 18       | Samuel Rush, commissioner .....                                   | 208 33   |
| June 3   | Commissioners W. Tyler, G. S. Gaines, and Samuel Rush .....       | 500 00   |
| July 1   | William Tyler, commissioner, &c .....                             | 416 66   |
| 20       | Corcoran & Riggs, per order R. H. Browne, secretary, &c .....     | 250 00   |
| 22       | George S. Gaines, commissioner, &c .....                          | 520 55   |
| Aug. 21  | Ralph Graves, commissioner, &c .....                              | 1,185 78 |
| 24       | George S. Gaines, commissioner, &c .....                          | 208 34   |
| 26       | J. F. H. Claiborne, commissioner, &c .....                        | 46 39    |
|          | F. L. Claiborne, balance of salary of J. F. H. Claiborne .....    | 900 88   |
| Sept. 21 | George F. Browne, R. H. Browne's salary as secretary .....        | 250 00   |
| Oct. 2   | William Tyler, commissioner, &c .....                             | 595 00   |
| 22       | do .....  | 20 85    |
| 29       | George S. Gaines, commissioner, &c .....                          | 416 66   |
| Nov. 14  | G. F. Browne, R. H. Browne's salary as secretary .....            | 125 00   |
| Sept. 3  | Corcoran & Riggs, salary of Samuel Rush, commissioner .....       | 625 00   |
| Nov. 25  | do .....  | 416 33   |
| Dec. 18  | William Tyler, commissioner .....                                 | 520 83   |
| 1845.    |   |          |
| Jan. 6   | Richard H. Browne, secretary, &c .....                            | 125 00   |
| 9        | Samuel Rush, commissioner, &c .....                               | 416 66   |
| 20       | Henry L. Martin (R. H. Browne, secretary), salary .....           | 98 63    |
| 23       | J. Mankins (George H. Gaines, commissioner), salary .....         | 208 33   |
| Feb. 19  | William Tyler, commissioner, &c .....                             | 9 15     |
|          | do .....  | 407 51   |
| 21       | Samuel Rush, commissioner, &c .....                               | 416 99   |

THE CHOCTAW NATION OF INDIANS.

E.—Statement of payments, &c.—Continued.

| Date.    | On what account.  | Amount.   |
|----------|---|-----------|
| 1845.    |   |           |
| Mar. 12  | James W. Oakley, secretary, &c.                           | \$125 00  |
| 14       | George S. Gaines, commissioner, &c.                       | 208 33    |
| 19       | Richard Henry Browne, late secretary, &c.                 | 164 38    |
| Apr. 11  | George S. Gaines, commissioner                            | 208 33    |
| 17       | William Tyler, commissioner                               | 416 66    |
| 18       | Samuel Rush, commissioner                                 | 416 66    |
| 29       | James W. Oakley, secretary, &c.                           | 125 00    |
| May 8    | George S. Gaines, commissioner, &c.                       | 208 33    |
| 20       | Samuel Rush, commissioner.                                | 208 33    |
| 24       | William Tyler, commissioner                               | 208 33    |
| 27       | James W. Oakley, secretary.                               | 125 00    |
| June 4   | George S. Gaines, commissioner                            | 351 48    |
| 19       | Corcoran & Riggs, George S. Gaines, commissioner          | 116 43    |
|          | Corcoran & Riggs, Samuel Rush, commissioner               | 208 33    |
|          | Corcoran & Riggs, William Tyler, commissioner             | 228 87    |
|          | Corcoran & Riggs, J. W. Oakley, secretary                 | 86 30     |
| 1843.    |   |           |
| Apr. 5   | John T. Cochrane, disbursing agent, &c                    | 176 00    |
|          | John Wilson   | 249 00    |
| May 15   | do  | 210 00    |
|          | Messrs. Claiborne, Graves, and Tyler, commissioners       | 500 00    |
| June 25  | John Wilson, special agent.                               | 400 00    |
| 27       | Messrs. Claiborne, Graves, and Tyler, interpreters        | 200 00    |
| July 19  | do  | 550 00    |
| Aug. 3   | Messrs. Claiborne, Graves, and Tyler, contingent expenses | 500 00    |
| Sept. 19 | Messrs. Claiborne, Graves, and Tyler, interpreters        | 250 00    |
| Oct. 2   | John Wilson, special agent                                | 145 00    |
| 24       | Claiborne, Graves, and Tyler                              | 416 66    |
| Dec. 15  | Charles W. March  | 124 00    |
| 18       | Claiborne, Graves, and Tyler                              | 125 00    |
| 30       | do  | 375 04    |
| 1844.    |   |           |
| Jan. 8   | Charles W. March  | 304 00    |
| Feb. 7   | John B. Forester  | 94 35     |
| 12       | Charles W. March  | 40 00     |
| 19       | Claiborne, Graves, and Tyler, commissioners               | 240 99    |
| Nov. 23  | Tyler, Gaines, and Rush, commissioners                    | 125 00    |
| 23       | Samuel Humes Porter, disbursing agent                     | 200 70    |
| June 28  | Graves and Tyler, commissioners                           | 833 33    |
|          | do  | 500 00    |
| July 1   | Board of Choctaw commissioners                            | 509 01    |
| 18       | G. S. Gaines and Samuel Rush, commissioners               | 1,041 67  |
| Aug. 3   | Board of Choctaw commissioners                            | 250 00    |
|          | do  | 250 00    |
| 27       | Claiborne, Graves, and Tyler, commissioners               | 300 00    |
| Sept. 17 | Tyler, Gaines, and Rush, commissioners                    | 600 00    |
| Sept. 18 | Tyler, Gaines, and Rush, commissioners                    | 125 00    |
| 21       | T. J. Wood, agent, &c                                     | 416 66    |
| 27       | F. L. Claiborne   | 33 87     |
| Oct. 9   | John Ellis, interpreter                                   | 500 00    |
| 19       | Tyler, Gaines, and Rush, commissioners                    | 125 00    |
| Nov. 15  | do  | 125 00    |
| 13       | Joseph Grigsby  | 732 00    |
| 1845.    |   |           |
| Mar. 19  | Tyler, Gaines, and Rush, commissioners                    | 9 15      |
|          |   | 51,897 18 |
| 1843.    | From which deduct—  |           |
| Aug. 9   | This amount refunded by J. F. H. Claiborne                | \$500 00  |
| 1844.    |   |           |
| Aug. 26  | This amount refunded by Claiborne, Graves, and Tyler      | 46 39     |
| Oct. 22  | This amount refunded by William Tyler                     | 20 85     |
| 1845.    |   |           |
| Feb. 19  | do  | 9 15      |
|          |   | 576 39    |
|          |   | 51,320 79 |

F.—Statement of the various expenses growing out of the location and sale of the Choctaw reservations and perfecting titles to the same, including contingent expenses, such as pay of witnesses, interpreters, &c., incurred in executing the act of March 3, 1837, relative to adjusting claims under article 14 of the treaty of 1830.

| Date.   | To whom paid.   | Amount.   |
|---------|---|-----------|
| 1837.   |   |           |
| May 24  | James Murray, commissioner .....                                  | \$500 00  |
|         | P. D. Vroom .....   | 500 00    |
| Aug. 1  | James Murray, commissioner .....                                  | 250 00    |
| 3       | John Pinckney, secretary .....                                    | 125 00    |
| Oct. 11 | James Murray, commissioner .....                                  | 750 00    |
|         | R. R. Pray, commissioner .....                                    | 1,500 00  |
| 16      | P. D. Vroom, commissioner .....                                   | 2,000 00  |
| Dec. 2  | Captain Sam. Cooper, per order of J. Murray .....                 | 250 00    |
| 4       | John F. Butterworth, per order of J. Pinckney .....               | 375 00    |
| Aug. 28 | George Thomas, per order of S. H. Lester .....                    | 130 00    |
| 1838.   |   |           |
| Jan. 31 | Grant Lincecum and S. Hosmer .....                                | 270 00    |
| Aug. 7  | Hillyer, Bush & Co .....  | 460 00    |
| Nov. 20 | J. Mankin, per order of S. H. Lester .....                        | 610 00    |
| 1839.   |   |           |
| Mar. 16 | W. B. Lewis .....   | 485 00    |
| Apr. 27 | do .....  | 320 00    |
| July 9  | W. B. Lewis, per order of A. A. Kincannon .....                   | 728 00    |
| Aug. 6  | J. Trotter cashier, per order of A. A. Kincannon .....            | 400 00    |
| Sept. 3 | S. H. Lester .....  | 335 00    |
| 1840.   |   |           |
| Jan. 6  | J. Trotter, per order of Lester .....                             | 610 00    |
| May 15  | W. L. Hastie, per order of Lester .....                           | 455 00    |
| July 14 | Thomas Young .....  | 210 00    |
| May 15  | A. A. Kincannon .....   | 736 00    |
|         | W. L. Hastie .....  | 728 00    |
| June 19 | Blair & Rives .....   | 8 00      |
| July 29 | W. A. Wilson .....  | 1,183 40  |
|         | W. L. Hastie .....  | 129 86    |
| Nov. 19 | S. H. Lester .....  | 405 00    |
|         | A. A. Kincannon .....   | 736 00    |
| 1841.   |   |           |
| Feb. 2  | S. H. Lester .....  | 460 00    |
|         | A. A. Kincannon .....   | 736 00    |
| 22      | do .....  | 121 00    |
| 26      | do .....  | 248 00    |
| Apr. 21 | S. H. Lester .....  | 450 00    |
| 22      | Gales & Seaton .....  | 4 50      |
| May 15  | R. Paterson, per order of Kincannon .....                         | 568 00    |
| June 11 | S. Lester .....   | 65 00     |
| Dec. 6  | Hugh Horah .....  | 50 00     |
| 1842.   |   |           |
| Nov. 14 | J. F. H. Claiborne, R. Graves, and R. Barton, commissioners ..... | 300 00    |
| 1843.   |   |           |
| Jan. 28 | Hon. R. J. Walker, United States Senate .....                     | 1,851 00  |
| 1835.   |   |           |
| Jan. 30 | S. H. Lester, per order of G. D. Boyd .....                       | 470 00    |
| 1840.   |   |           |
| Jan. 23 | W. L. Hastie, per order of Kincannon .....                        | 736 00    |
| Feb. 28 | J. Trotter, per order of Lester .....                             | 460 00    |
|         |   | 21,708 36 |
| 1844.   | From which deduct—  |           |
| Aug. 26 | This amount refunded by commissioners .....                       | 300 00    |
|         |   | 21,408 36 |

OFFICE OF INDIAN AFFAIRS, March 22, 1860.

G.

Statement of payments made for Choctaw account for expenses incurred in locating reservations under treaty of September 30, 1830.

|  |             |
|--|-------------|
| Amount paid George W. Martin, locating agent, under the 14th article, from August, 1833, to June, 1839 .....   | \$10,950 00 |
| Amount paid E. B. Gray on for his services as assistant locating agent, under the same article, from November, 1835, to February, 1837, same pay ..... | 2,425 00    |
| Amount paid A. V. Brown for his services and expenses while acting as commissioner for valuation and sale of Choctaw orphan lands .....                | 6,849 00    |
|  | 19,864 00   |

OFFICE INDIAN AFFAIRS, March 22, 1860.

## H.

*Extract from report of the Commissioner of Indian Affairs to the Secretary of the Interior, dated May 15, 1858, showing the amount of scrip allowed to Choctaw Indians in lieu of lands to which they were entitled under the provisions of the treaty of 1830.*

The amount of scrip funded for the benefit of fourteenth article claimants by the act of March 3, 1845, was \$72,000.

Of the unfunded scrip, 1,155 pieces were issued in favor of heads of families, being for one half-section each; 1,470 pieces of a quarter-section each, for children over ten; and 1,219 pieces for eighty acres each, for children under ten at the date of the treaty, making an aggregate of 702,320 acres.

The following table shows when this scrip was issued and paid:

| Names of agents, and when they paid it.  | Heads of families. | Children. |           |
|--|--------------------|-----------|-----------|
|  |                    | Over 10.  | Under 10. |
| John J. McRae, from June, 1843, to March, 1845.....                            | 95                 | 120       | 125       |
| Maj. William Armstrong, from February, 1845, to June, 1847.....                | 406                | 535       | 460       |
| Col S. M. Rutherford, from April, 1848, to June, 1849.....                     | 229                | 276       | 169       |
| Col. John Drennen, from August, 1849, to May, 1851.....                        | 143                | 171       | 127       |
| Col. John Drennen, by William Wilson, clerk, from May, 1850 to July, 1851..... | 24                 | 31        | 25        |
| Col. J. H. Bowman, from August to November, 1851.....                          | 253                | 335       | 309       |
| Whole amount paid out.....   | 1,150              | 1,468     | 1,215     |
| Eleven pieces of scrip returned by Colonel Bowman.....                         | 5                  | 2         | 4         |
| Whole amount allowed and issued.....   | 1,155              | 1,470     | 1,219     |

OFFICE INDIAN AFFAIRS, March 22, 1860.

Mr. HOOKER submitted the following as the

### VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee on Indian Affairs, submit the following minority report on House bill No. 980, being a bill for the ascertainment of the amount due the Choctaw Nation of Indians, and recommend the adoption of said bill, with the amendment thereto attached, as a substitute for the bill reported by the majority of the Committee on Indian Affairs.

Your committee report that under the treaty of 1855 made by the United States with the Choctaw and Chickasaw Nations, and ratified on the 21st of February, 1856, the whole question was by the terms and stipulations of said treaty submitted to the Senate of the United States, as the umpire, to decide between the Choctaw Nation and the United States, what the Government of the United States should pay said nation for lands ceded by them. Your committee find that under said treaty the following questions were submitted to the Senate, as said umpire under said treaty, namely:

*Memorandum of particulars in which the Choctaw Nation and individuals are entitled to relief and compensation in case they are not paid the net proceeds of their lands ceded by the treaty of September 27, 1830.*

Questions submitted to the Senate of the United States by the treaty with the Choctaws and Chickasaws, ratified 21st February, 1856.

ARTICLE XI. The Government of the United States, not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices,

faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and, if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or,

Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and, if so, how much?

ARTICLE XII. In case the Senate shall award to the Choctaws the net proceeds of the lands ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just; the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund awarded by the Senate to the Choctaws as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe shall, on their requisition, be paid over to them by the United States. But should the Senate allow a gross sum in further and full satisfaction of all their claims, whether national or individual, against the United States, the same shall be accepted by the Choctaws, and they shall thereupon become liable for, and bound to pay, all the individual claims, as aforesaid, it being expressly understood that the adjudication and decision of the Senate shall be final.

These were the questions submitted to the Senate of the United States, as umpire under said treaty, and on the 9th of March, A. D. 1859, the Senate made their award thereon, as set forth in the report of Mr. Secretary Thompson, under date of May 8, 1860, a copy of which is embodied in this report and made part thereof, embracing the award of the Senate and the full statement of the account with the Choctaw Nation, showing balance due Choctaw Nation of Indians under said treaty and award in words and figures following:

[House Ex. Doc. No. 82. 36th Congress, 1st Session.]

AMOUNT DUE THE CHOCTAWS.

*Letter from the Secretary of the Interior, transmitting a statement showing what amount is due the Choctaw Indians.*

MAY 10, 1860.—Laid upon the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR, May 8, 1860.

SIR: In compliance with the resolution of the Senate, adopted March 9, 1859, I have caused an account to be stated, showing what amount is due the Choctaws, according to the principles of settlement prescribed in said resolution, and have now the honor to report the same to the House of Representatives.

Very respectfully, your obedient servant,

J. THOMPSON,  
*Secretary.*

Hon. WM. PENNINGTON,  
*Speaker of the House of Representatives.*

DEPARTMENT OF THE INTERIOR,  
*Office of Indian Affairs, March 22, 1860.*

SIR: The following-recited preamble and resolutions adopted by the Senate of the United States on the 9th of March, 1859:

“Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians, provides that the following questions be submitted for decision to the Senate of the United States, ‘first, whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States

by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale and all just and proper expenditures and payments under the provisions thereof; and, if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or, second, whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and, if so, how much?"

"Resolved, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the 1st day of January last (1859), deducting therefrom the costs of their survey and sale and all proper expenditures and payments under said treaty, excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of \$1.25 per acre; and, further, that they be also allowed 12½ cents per acre for the residue of said lands.

"Resolved, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above-prescribed principles of settlement, and report the same to Congress."

Having been referred by you to this office on the 19th of the same month, (March, 1859,) measures were at once adopted to collect the information necessary to state the required account with all possible exactitude.

The General Land Office was called upon for the quantity of lands embraced by the quality of the lands embraced by the Choctaw cession of 1830, the cost of their survey and sale, the quantity thereof sold up to the 1st day of January, 1859, and the amount of money received therefor, together with the quantity embraced in the "reservations allowed and secured."

The treaty of 1855 uses the words "lands remaining unsold," while the resolution says "residue." If, by the expression just quoted, are meant "lands undisposed of," the amount would be reduced, inasmuch as 2,292,776 acres have been disposed of by Congress under the swamp-land act and grants for railroad and school purposes. The payments and expenditures under the different provisions of the treaty of 1830, it was assumed, and could be ascertained with most certainty from the original accounts and vouchers thereof, which being on file in the office of the Second Auditor of the Treasury, that officer was requested to furnish that portion of the information. That in reference to the "scrip issued in lieu of reservations," the amounts to "orphans for reservations," a portion of the payments for removal and subsistence have been collected from the records of this office.

From the information thus carefully collected the required account has been stated, and it is herewith transmitted.

Though made up on a somewhat different basis, it will be seen that the result of this account does not differ materially from that of the approximate statement contained in the elaborate report made to you from this office on the 15th of May, 1858, in answer to a series of queries from the Committee on Indian Affairs of the Senate, said statement showing a balance of \$2,993,720.18, while that of the present account is \$2,981,247.30.

It is to be observed that under the second article of the treaty of 1830, a patent was issued to the Choctaws for the country west of the Arkansas, estimated to contain 15,000,000 acres; subsequently, the Chickasaws, with the consent of the United States, purchased a portion of this tract at \$530,000, which the United States paid out of the trust fund belonging to the Chickasaws, with the exception of \$30,000 paid in the manner directed by the third article of the articles of convention and agreement between the Choctaws and Chickasaws, concluded the 17th of January, 1837. Under the treaty of 1855 the Choctaws leased a portion of their country, for which the United States paid the sum of \$600,000. If these sums are to be regarded as payments under the treaty of 1830, the amount due the Choctaws will be \$1,851,247.30.

I submit with the account, for the information of yourself and Congress, copies of the reports of the Commissioner of the General Land Office and Second Auditor, marked A and I, and of the supplementary and additional statements prepared in this office, marked B, C, D, E, F, G, and H, in triplicate, which exhibit the data from which the account has been made up and stated; also, in triplicate, an abstract from statement made by the Second Auditor, under resolution of the Senate of 10th March, 1853, of payments for Choctaw account under same treaty, marked D.

The preamble and resolutions of the Senate referred to above are herewith returned.

Very respectfully, your obedient servant,

A. B. GREENWOOD, *Commissioner.*

Hon. J. THOMPSON,  
*Secretary of the Interior.*

TREASURY DEPARTMENT,  
*Second Auditor's Office, February 1, 1860.*

SIR: In compliance with the terms of your letter of November last, and the letter of Acting Commissioner Mix of the 26th of March last, I have the honor to transmit

herewith "a statement of expenditures and payments under the treaty of 1830, with the Choctaws."

You will perceive that the present statement, so far as relates to the objects stipulated for under sundry articles of the treaty, is based on the synopsis presented in your letter of the 14th of November last, as a guide for conducting the process of examination in this office.

I trust that the information now furnished, taken in connection with that heretofore supplied, as seen in Senate Executive Document No. 64, second session of Thirty-third Congress, and that which may be ascertained from the record of the Indian Bureau, will complete the chain required in this branch of inquiry.

I make no reference in this letter to any part of the data supplied by this statement as to *specific or aggregate amounts*, the statement and recapitulation being deemed sufficiently explicit.

I will only remark that under the head of "Outfit for captains," the amount does not include the cost of ninety-nine swords furnished the Choctaws, as the price was not designated in the vouchers, but the price fixed by the regulations of the War Department at that time appears to have been \$4.25 each.

I have the honor to be, very respectfully, your obedient servant,

T. J. D. FULLER,  
Second Auditor.

Hon. A. B. GREENWOOD,  
Commissioner, &c.

### I.

*Statement of account with the Choctaw Indians, in conformity with the resolutions and decision of the Senate of the United States, of March 9, 1859.*

|  | Acres.        |
|--|---------------|
| Total area of the lands ceded by the Choctaws, by the treaty of September 27, 1830.....  | 10,432,139.69 |
| Area of the reservations "allowed and secured," which are to be deducted and excluded from computation in the account.....                           | 334,101.02    |
| Leaving.....   | 10,098,038.67 |
| Quantity sold up to January 1, 1859.....   | 5,912,664.63  |
| Residue of said lands.....   | 4,176,374.04  |
| (Of this residue 2,292,766 acres has been disposed of under the swamp-land act and grants for railroads and school purposes, up to January 1, 1859.) |               |
| The proceeds of the sales of lands sold up to January 1, 1859, viz, 5,912,664.63 acres, amounted to.....   | \$7,556 05    |
| The residue of said lands, viz, 4,176,374.94 acres, at 12½ cents per acre, amounts to.....   | 522,046 75    |
|  | 8,078,614 80  |

From which the following deductions are to be made:

|  |                |
|--|----------------|
| 1st. The cost of the survey and sale of the lands, viz, 10,423,139.69 acres, at 10 cents per acre..... | \$1,042,313 96 |
| 2d. Payments and expenditures under the treaty, which are as follows:                                  |                |

#### FIFTEENTH ARTICLE.

|   |             |
|---|-------------|
| Salaries of chiefs for twenty years.....              | \$12,921 25 |
| Pay of speaker of third district for four years.....  | 354 66      |
| Pay of secretary for same period.....                 | 550 00      |
| Outfit and swords to captains, 99 in number.....      | 4,930 56    |
| Pay to the same at \$50 per year, for four years..... | 19,604 65   |
|   | 38,361 12   |

#### SIXTEENTH ARTICLE.

|   |              |
|---|--------------|
| Removal and subsistence, per statement of Second Auditor..... | \$813,927 07 |
|---|--------------|



|  |               |                         |
|--|---------------|-------------------------|
| On same account, per additional statement made in this office, for expenditures from 1838 to date..... | \$401, 556 17 |                         |
|  |               | \$1, 215, 483 24        |
| Amount paid for cattle .....   |               | 14, 283 28              |
|  |               | <u>\$1, 229, 766 52</u> |

SEVENTEENTH ARTICLE.

|   |             |
|---|-------------|
| Annuity of \$20,000 for twenty years..... | 400, 000 00 |
|---|-------------|

NINETEENTH ARTICLE.

|  |             |                    |
|--|-------------|--------------------|
| Fifty cents per acre for reservation relinquished..... | 24, 840 00  |                    |
| Amount to orphans for reservations .....               | 120, 826 76 |                    |
|  |             | <u>145, 666 76</u> |

TWENTIETH ARTICLE.

|  |             |                    |
|--|-------------|--------------------|
| Education of forty youths for twenty years,                                      | 217, 216 73 |                    |
| Council-house, house for each chief, and church for each district.....           | 9, 446 75   |                    |
| \$2,500 annually for support of three teachers for twenty years .....            | 50, 000 00  |                    |
| 3 blacksmiths, sixteen years .....   | 38, 988 86  |                    |
| Millwright for five years.....   | 3, 050 00   |                    |
| 2,100 blankets.....  | 7, 496 70   |                    |
| Rifles, molds, &c., to each emigrating warrior.....                              | 43, 969 31  |                    |
| 1,000 axes, plows, hoes, wheels, and cords...                                    | 11, 490 20  |                    |
| 400 looms .....  | 7, 193 53   |                    |
| 1 ton iron and 200 weight steel, annuity to each district for sixteen years..... | 8, 051 15   |                    |
|  |             | <u>396, 947 23</u> |

TWENTY-FIRST ARTICLE.

|   |                |                       |
|---|----------------|-----------------------|
| Annuity to Wayne warriors.....  | 1, 818 76      |                       |
| 3d. Scrip allowed in lieu of reservations, viz, 1,399,920 acres, at \$1.25 per acre .....   | 1, 749, 900 00 |                       |
| Payment made to meet contingent expenses of commissioners appointed to adjust claims under the fourteenth article of Choctaw treaty of September 27, 1830 .....   | 51, 320 79     |                       |
| For various expenses growing out of the location and sale of Choctaw reservations and perfecting titles to the same, including contingent expenses, such as pay of witnesses, interpreters, &c., incurred in executing the act of March 3, 1837, and subsequent acts relative to adjusting claims under the fourteenth article of the treaty of 1830..... | 21, 408 36     |                       |
| For payments made to Choctaw account, being for expenses incurred in locating reservations under the treaty with said tribe of September 27, 1830.....  | 19, 864 00     |                       |
| Total amount of charges .....   | 5, 097, 367 50 | 8, 078, 614 80        |
| Which deducted from the proceeds of the land sold, and the "residue of said lands," at 12½ cents per acre.....  | 5, 097, 367 50 |                       |
| Leaves a balance due to Choctaws of .....   |                | <u>2, 981, 247 30</u> |

OFFICE INDIAN AFFAIRS, March 22, 1860.

NOTE.—It is to be observed that under the second article of the treaty of 1830 a patent was issued to the Choctaws for the country west of Arkansas, estimated to contain

15,000,000 acres. Subsequently the Chickasaws, with the consent of the United States, purchased a portion of this tract at \$530,000, which sum the United States paid out of the trust-fund belonging to the Chickasaws. Under the treaty of 1855 the Choctaws relinquished all their right to that portion of said tract west of the one hundredth meridian and leased that portion between the ninety-eighth and one hundredth degree of west longitude, for which the United States paid the sum of \$600,000. If these sums are to be regarded as "payments under the treaty" of 1830, the amount due the Choctaws will be \$1,851,247.30.

Your minority committee would further report, that the receipt which was executed by certain Choctaws on receipt of their script, was executed long before the *award made by the Senate*, and was well-known to and understood by said umpire as constituting no bar to said award, nor has the said receipt been considered either by the majority or minority of the committee as constituting any bar to the ascertainment of the actual amount due the Choctaw Nation of Indians under said treaty and the award made by the Senate of the United States as the umpire to decide this question.

Nineteen years since the Senate of the United States made their award, and it still *remains unexecuted*. A weaker nation dealing with a stronger agrees to submit to the final arbitrament of the highest court of judicature known under our Constitution, and with a full knowledge of all the facts; and with every paper and account submitted to them they have given their decision, and now the weaker party to the treaty, and award solemnly made under it, simply ask that the courts of the United States, the government's own courts, shall ascertain what, "if any thing," is due to the Choctaw Nation of Indians under said treaty and award. Is this asking more than they are entitled to? Can the Government of the United States honorably grant them less? Your minority committee, therefore, recommend the adoption of the accompanying bill, with the amendment attached thereto, as a substitute for the bill recommended by the majority of the committee.

CHAS. E. HOOKER.  
J. W. THROCKMORTON.  
T. M. GUNTER.  
N. H. VAN VORHES.  
MARTIN I. TOWNSEND.

#### H. R. 980.

A BILL for the ascertainment of amount due the Choctaw Nation of Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Choctaw Nation of Indians be, and hereby is, authorized to commence an action in the United States Court of Claims to recover whatever is due, if anything, to said nation, from the United States, under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw Indians, of the twenty-second day of June, anno Domini eighteen hundred and fifty-five; and said court is hereby clothed with jurisdiction to hear and determine said action, and shall render judgment for the amount which may be found due, if anything, with interest thereon at the rate of five per centum per annum from the ninth day of March, eighteen hundred and fifty-nine; and said court shall be authorized, in the determination of such action, to go behind the treaty of eighteen hundred and fifty-five, and inquire into the merits of the Choctaw claim, so far as the same may be affected by fraud in the making of any treaty with said tribe or ratifying the same, or in any negotiation or official correspondence relating to the same, or by any act of Congress or reports of departments touching Indian affairs, or any previous settlements with or receipts executed by the duly constituted authorities of said tribe; and either party may prosecute an appeal to the Supreme Court of the United States from such judgment, if such appeal be prayed within thirty days from the rendition thereof; and, in the hearing and determination of said suit the said courts, or either of them, shall give said action precedence over other cases.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said nation claims to recover, and the amount of its claim; and said petition may be verified by either of the authorized delegates of said nation as to the existence of such facts; and no other statements need be contained in said petition or verification.

SEC. 3. That if final judgment be rendered in favor of said nation, the amount necessary to pay the same is hereby appropriated, and the Secretary of the Treasury, upon the same being certified to him under the seal of the court rendering the same, shall pay, out of any money in the Treasury not otherwise appropriated, to the proper authorities of said nation, upon their requisition, so much of said judgment as they shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe to its individual members referred to in said treaty, such costs of suit and attorneys' fees as may be allowed by the court, and shall retain the balance, if any, in trust for said nation, as provided in the thirteenth article of said treaty; or said Secretary of the Treasury may, in his discretion, make such payment aforesaid to the proper authorities aforesaid, by delivering to them any bonds of the United States which have been or may be authorized by law, sufficient in amount at their market value to satisfy said judgment. And the payment of the judgment recovered under this act shall be held to be a full satisfaction of all claims arising under said eleventh and twelfth articles of said treaty; and in the event of a final decision in said courts against the Choctaws, such decision shall be a bar to the further prosecution of said claims.

AMENDMENT.

In line 23 of section 1, after the word tribe, insert the words "and also to inquire whether any fraud was committed in procuring the award made by the Senate of the United States in respect to said claim upon the \_\_\_\_ day of \_\_\_\_\_, 1850."