

MEMORIAL
OF
THE CHOCTAW NATION,

ASKING

For the settlement of its claim arising under the treaty of 1855.

FEBRUARY 2, 1877.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives of the United States :

The memorial of the Choctaw Nation respectfully sheweth :

That on the 9th March, 1859, the Senate of the United States decided certain questions submitted in the eleventh article of the treaty of 1855 with the Choctaws and Chickasaws by awarding the Choctaws the net proceeds of the lands ceded by them in 1830 ;

That by the terms of the treaty the decision of the Senate was final ;

That \$250,000 was appropriated by Congress in part payment of said award on the 2d March, 1861 ;

That no part thereof has been paid since ;

That propositions have been made from time to time in both houses of Congress to provide, in the regular appropriation bills, for the payment of the balance due the Choctaws under the award of the Senate ; but such propositions, though repeatedly recommended by committees of each house, have invariably been defeated, sometimes, as shown by the debates, on points of order, and sometimes because the Choctaw claim had not been sufficiently investigated by the great body of either house to warrant an appropriation of so large an amount :

Therefore, your memorialist respectfully asks that an act be passed similar in character to that reported by the House Committee on Indian Affairs, on the 27th June, 1876, giving the Court of Claims jurisdiction over the subject, with instructions to render judgment for whatever may be found due the Choctaws under the eleventh and twelfth articles of the treaty of 1855, and authorizing the Secretary of the Treasury to pay such amount to the proper authorities of the Choctaw Nation in manner and form as provided by said treaty.

Your memorialist calls attention to the representations that the Choctaw claim was fraudulent and has been paid in full, which have emanated ostensibly from a former solicitor of the Treasury, Mr. E. C. Banfield, though really made by an attorney working for a fee of \$30,000, contingent upon success in defeating the claim, (Cong. Globe, Feb. 4, 1873, p. 1084.) The paper prepared under such influences for the solicitor's signature contains thirty-two distinct misrepresentations, of which a sufficient sample is the statement that the Choctaws had kept "studiously in the background" a certain "release" or receipt in full in pre-

senting their claim to the Senate; the truth being that the attention of the Senate was expressly called to that very receipt by the Choctaws, as their main object, in making the treaty concluded three years after it was given, was to secure the correction of that and other errors in previous settlements, the receipt in full having been executed in ignorance of the rights of the parties thereby affected, and without their knowledge or consent.

The first section of the bill reported to the House for the relief of the Choctaws is so framed as to call the attention of the courts to "any previous settlements with or receipts executed by" the Choctaws, and also to every other allegation of fraud in the solicitor's attack, although a sufficient answer to the same might be found without any such clause in the unbroken series of thirteen favorable reports from different committees of the two houses, not a single one of an adverse character having been made by any committee or any minority of a committee of either house.

Of the thirteen reports recommending favorable action—

Four were from the Senate Committee on Indian Affairs, namely:

Hon. W. K. Sebastian, February 15, 1859, and June 19, 1860.

Hon. Garret Davis, January 5, 1871.

Hon. James Harlan, January 22, 1873.

Four from the House Committee on Indian Affairs, namely:

Hon. William Windom, July 6, 1868.

Hon. J. P. C. Shanks, February 22, 1873.

Hon. A. Comingo, May 20, 1874.

Hon. W. W. Wilshire, May 15, 1876.

Three from the House Committee on Appropriations, namely:

Hon. Thaddeus Stevens, by bill, February 27, 1867.

Hon. B. F. Butler, May 30, 1868.

Hon. J. C. Parker, April 9, 1874.

One from the Senate Committee on the Judiciary, namely:

Hon. B. F. Rice, June 22, 1870.

One from the House Committee on the Judiciary, namely:

Hon. M. C. Kerr, February 27, 1871.

Attention is also invited to the letter of the Secretary of the Treasury, Hon. B. H. Bristow, of December 23, 1874, transmitting, by order of Congress, information concerning the liabilities of the Choctaw Nation to individuals, for which the eleventh and twelfth articles of the treaty of 1855 were intended to provide.

The Choctaw Nation, by its delegate,

P. P. PITCHLYNN.