

## MEMORIAL

OF

P. P. PITCHLYNN, CHOCTAW DELEGATE,

ACCOMPANYING

*A memorial of the Choctaw council, asking payment of the award made to the Choctaw Nation March 9, 1859.*

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FEBRUARY 11, 1875.—Referred to the Committee on Appropriations and ordered to be printed.

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*To the honorable Senate of the United States :*

I ask leave respectfully to present to the Senate the memorial of the Choctaw national council, asking for the payment of an award made by your honorable body in favor of the Choctaw Nation on the 9th of March, 1859.

Certain Choctaws had presented claims on the United States. When the treaty of 1855 was made for other purposes, these claims were submitted to the Senate for adjudication, their submission constituting one of the inducements to the Choctaws to make the treaty. The Senate admitted their justice, but instead of providing for their payment, awarded the Choctaw Nation the proceeds of the lands sold by the treaty of 1830, under which they originated, the effect of the award being to transfer the obligation to pay the claims from the United States to the Choctaw Nation.

The proceeds thus awarded amounted to \$2,931,247.30, of which sum \$250,000 was paid in 1861. Nothing has been paid since.

The validity of the award made by the Senate having been assailed by an officer of the Government, it has been re-examined by committees of both Houses of Congress, whose reports have demonstrated its justice and binding force. It has, moreover, recently, by special direction of Congress, been re-examined by the Secretary of the Treasury, whose favorable report is now before you.

The action of the House of Representatives has subsequently demonstrated that the opposition to the claim increases in proportion to the time given disappointed expectants to excite hostility by creating the impression that, if paid, the money would go, not to the Choctaws, but to persons advocating or interested in the claim about Washington; in

other words, to the "lobby." In the sense in which that term is commonly used, I have no lobby. My main reliance is now, and has always been, upon the justice of our cause, and the integrity and good faith of the American Congress.

It is true that from time to time I have employed legal advisers, and if the claim goes through, I have no doubt that they will receive a reasonable compensation for their services. What that compensation will be the general council must determine. It is also true that during the long time which has elapsed since I was first commissioned to present this claim many persons have made demands for services never rendered, and under contracts made by unauthorized persons.

To get rid of such demands and others, for services never performed, under contracts originally valid, the council on the 3d of February, 1874, passed an act, a copy of which is subjoined, annulling *all* contracts having any connection with the net-proceeds claim. There is now no subsisting contract with anybody. All who have claims or who expect to be paid for services will have to depend on the general council for their allowance. Whether that body is competent to discharge properly its duty in the premises may be judged by referring to our printed laws and constitution, to our school-system, and to the heavy annual appropriations made by the council for education, and also to the fact, that for the last fifty years it has been in the habit of managing and controlling our national funds satisfactorily to our people. The caution it has always exhibited in allowing claims of any kind, comparing in that respect favorably with many of the State legislatures, will satisfy the Senate of the absurdity of the charge, that it will permit any portion whatever of this claim "to go to the lobby."

The parties who have already been cut off by the council, and others who cannot persuade me to promise to pay for their pretended influence in securing votes, have persistently struggled to defeat the claim with the cry of "lobby."

I appeal to the Senate not to suffer the Choctaws to be injured by any such means.

The generation which witnessed the award and best understood it has nearly all passed away.

The congressional term of many of those members who have given it their attention will soon be at an end. I am now too old to have much hopes of living long enough to secure a patient hearing from those who will take their places. In the meanwhile cries of distress come here from all parts of the West. Responding to these cries the House of Representatives has lately passed bills appropriating \$150,000 for the people of Kansas and Nebraska. The same causes which produced famine among them, the same drought, and the same grasshoppers have brought us to the verge of starvation. Never before have our people suffered as they do now for want of food, in this coldest winter known for many years. They have no bread, no meat, no money. In this strait they ask not for charity, not for a donation, but for what the Senate said sixteen years ago were justly due them.

I have the honor to remain, very respectfully, your obedient servant,  
P. P. PITCHLYNN,  
*Choctaw Delegate.*

AN ACT entitled an act revoking a certain contract known as Cochrane's contract, and all other contracts made by any Choctaw delegates.

*Be it enacted by the general council of the Choctaw Nation assembled,* That a certain contract known as Cochrane's contract is hereby revoked and declared null and void.

*Be it further enacted,* That any and all contracts heretofore entered into with attorneys and claim-agents by any delegates of the Choctaw Nation, are hereby revoked, and declared null and void by this nation.

*Be it further enacted,* That all acts or part of acts coming in any manner in conflict with the provisions of this act, be, and the same are hereby, repealed; and this act take effect from and after its passage.

Approved February 3, 1874.

I do hereby certify that the foregoing act is a correct transcript of the original act on file in the office.

[SEAL.]

JNO. P. TURNBULL,  
Secretary Choctaw Nation.

*To the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general council of the Choctaw Nation assembled, respectfully showeth:

That an award was made in their favor under the 11th article of the treaty of 1855, by the Senate of the United States, on the 9th March, 1859, of the net proceeds of their lands ceded by the treaty of 1830.

That the amount due the Choctaw Nation under said award was officially reported, on the 8th May, 1860, to be \$2,981,247.30, which amount, less \$250,000, paid in 1861, has been due the Choctaw Nation from the United States since the 9th March, 1859.

That, in consequence of said award, the Choctaw Nation became liable and bound, by the 12th article of the treaty of 1855, to pay the claims of its individual citizens upon the United States.

That the aggregate of said claims was ascertained and reported to the United States Senate, in the year 1857, by the delegates authorized to represent the Nation, to be \$3,671,292.50, being \$690,045.90 more than the amount of the award.

That, since the year 1857, the amount of said claims has largely increased, swelling the aggregate to nearly five and a half millions of dollars.

That a substantially correct account of the nature and character of the various claims embraced in this aggregate is contained in the letter of P. P. Pitchlynn,\* Choctaw delegate, to the Secretary of the Treasury, dated July 10, 1874, a copy of which is subjoined.

That the adjudication of said claims, and the obligation to pay them, was imposed by the treaty of 1855 exclusively upon the Choctaw Nation.

That the settlement with and collection from the United States of the amount of said claims, was intrusted more than twenty years ago to the delegation now represented by P. P. Pitchlynn and Peter Folsom, whose powers have been repeatedly re-affirmed and never revoked.

That payment of the amount due under said award has been repeatedly applied for and urged by the Choctaw Nation, through its authorized delegates above referred to.

\* This letter will be found as an appendix to the foregoing in the letter of the Secretary of the Treasury to Congress, of December 23, 1874, in House Ex. Doc. No. 47, 2d sess. 43d Congress, page 15.

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That the general council beg leave respectfully to add their own urgent solicitations to those above referred to of the authorized delegates of the nation, to the end that the individual claimants may receive the amounts which have been so long due them.

(Signed by order of the senate.)

J. B. MOORE,  
*President Senate.*

Attest: THOMPSON MCKINNEY,  
*Recording Secretary of the Senate, October 29, 1874.*

(Signed by order of the house.)

W. W. HAMPTON,  
*Speaker.*

Attest: WM. P. McCLURE,  
*Recording Clerk of the House.*

I certify that the within and foregoing is a true copy of the original memorial as signed by order of the senate and of the house of representatives of the Choctaw general council.

[SEAL.]

JNO. P. TURNBULL,  
*Nat. Secretary Choctaw Nation.*

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