

## NOTES ON EVENTS LEADING TO THE CHICKASAW TREATIES OF FRANKLIN AND PONTOTOC, 1830 AND 1832

*By Muriel H. Wright\**

### INTRODUCTION

Efforts of commissioners on the part of the United States to purchase all the country belonging to the Chickasaws east of the Mississippi River and to induce them to select a satisfactory home in the West, covered a period of eleven years before the final immigration of the nation to the Indian Territory. This immigration began in the fall of 1837. In his report to the President, dated January 24, 1825, Secretary of War John C. Calhoun briefly reviewed the condition of the Indian tribes living east of the Mississippi and had made some suggestions toward a general plan for their removal to the West. He had pointed out that the Choctaws had already been assigned a large tract of country west of Arkansas Territory, sufficient not only for their own accommodation, but also for the Chickasaws who were their neighbors and kinsmen. Beginning in 1826, the Indian Bureau repeatedly called attention to the plan thus proposed. It remained for the authorities representing the Government to convince the Chickasaws of the advantages of the plan, and with this in view, a party of tribal leaders made an exploring expedition in 1828, in the Arkansas and Canadian river region in Oklahoma.

The homeland of the Chickasaws had been reduced to the country now included within the boundaries of Northern Mississippi and Northwestern Alabama. Under provisions of a treaty with the United States negotiated in 1801, they had given permission for the construction of a national highway across their country, leading from the settlements in the vicinity of the present city of Nashville, Tennessee, to Natchez, Mississippi. This highway became well known throughout the region of the Lower Mississippi as the Natchez Trace. It was of great importance to the Chickasaws, since under the terms of the treaty of 1801 and, also, those of another treaty signed in 1816, they reserved all rights for the operation of ferries across the streams and for the sale of merchandise within the limits of their country. Taverns for travellers along the Natchez Trace, within the borders of the nation, were kept by a number of Chickasaws. There was also a brisk trade in the corn which the people grew in considerable quantities. These commercial advantages together with

\* These notes on events relating to the treaties of Franklin and of Pontotoc that paved the way to the removal of the Chickasaws from Mississippi to the Indian Territory have been adapted from chapters in a manuscript of an unpublished monograph by the author.

the fact that their leading men had begun to engage extensively in growing cotton for the market meant that opportunities were opening up for the whole nation to prosper in a material way. They were also helping to maintain missions and schools for the education of their children, and many were living in comfortable homes. The Chickasaws realized their enviable position if they could but maintain themselves as a nation in the last portion of that wide territory south of the Ohio, claimed by them from legendary times.

Conditions were similar among the Indian people of all the five large tribes in the South at this time. Secretary Calhoun's suggestion for the Chickasaws had been but a part of the general plan proposed for the United States in dealing with all the Indians, living east of the Mississippi River. While the governments of each of the five southern tribes—i.e., Chickasaw, Choctaw, Creek, Cherokee, and Seminole,—were entirely separate from one another, in a general policy of the United States toward them as Indians, their conditions were practically identical. Each tribe had surrendered its land holdings until the country occupied in 1825, east of the Mississippi, was but a small part of the original tribal claims of territory. White settlers were crowding into the limits of the southern states over into the borders of the Indian domain. Relations between the United States and the Indians did not allow organized efforts, on the part of the Indians to maintain themselves against the forces that would deprive them of the remainder of their tribal properties. Not only a desire to preserve their interests in an economic way but a deep attachment to the regions that had been their respective homes from time immemorial, led the southern Indians in their efforts not to part with any more land. An event took place in the spring of 1825, illustrative of this.

A little more than two weeks after Secretary Calhoun had submitted his message to the President, the Lower Creeks under the leadership of their chief, William McIntosh, negotiated a treaty at Indian Springs, Georgia, providing the relinquishment of all the Creek country within the limits of Georgia to the United States. The upper Creeks refused to recognize the validity of this treaty. They maintained that McIntosh and his followers had violated the tribal law which made it a crime punishable by death for a member of the tribe to sell any part of the country belonging to the Creeks as a people. For having been parties to the negotiation and for having signed the treaty of Indian Springs, McIntosh and some of his followers suffered the death penalty at the hands of a party of the Upper Creeks sent to carry out the tribal law. The dramatic circumstances surrounding the death of McIntosh caused much excitement throughout the states of Georgia, Alabama, and Mississippi. A large majority of the Creeks remained firm in their allegiance to their chiefs who were unalterably opposed to the sale of any portion of the tribal lands. The publicity that arose over these troubles had a deep ef-

fect on the rest of the southern tribes. The conservative element held full control in each, delaying the consummation of the Government's plan to secure all Indian lands east of the Mississippi for another decade.

The southern tribes saw two outstanding obstacles in the way of their acceptance of new lands in the West: White settlers were already beginning to establish themselves in the country beyond the Mississippi River where the Government planned to guarantee Indian sovereignty. It would be a question of only a few years before the Indians would be facing the same conditions with regard to the white settlers that was then confronting them east of the Mississippi. They were also opposed to living on the frontier next to western Indian tribes with whom they had unsettled scores from former conflicts that had arisen during hunting expeditions in that region. They were wary of a situation where they might have to take up arms to protect their lives and property in a part of the West which was a wild frontier. Wisdom prompted them that such action would lead to war that could readily pave the way for their annihilation. They would avoid any situation that might bring on such a war. They recognized the great power of the United States. They wished to maintain themselves before that power as friends.

A review here of some details of a series of negotiations by commissioners representing the United States Government to secure all the Chickasaw lands east of the Mississippi River, sheds light on subsequent action on the part of their tribal leaders. This review is based principally on the reports of the transactions found in Government documents the only source for the steps that finally led to the Indian removal. These reports are naturally biased in many instances, presenting the details from the viewpoint of the Government commissioners. The Chickasaws themselves as a tribe have no records presenting their side. We shall never know all the intrigues, the little plots, and the many twists in the chain of events which the Chickasaws had to meet in maintaining their rights as a people. We do know that the Government was constrained to respect the wishes of a multitude of its white citizens in the States, who would take over something they desired for their own advancement from a people who were few in numbers and wholly under the power of the United States government. The Chickasaws held their ground for a period of eleven years and, at the end of this time, moved west as one of the wealthiest per capita of any of the Indian nations.

### THE TREATY OF FRANKLIN

On February 4, 1829, the Legislative Assembly of Mississippi extended its laws over the Indian country within the borders of that state, dividing it into districts and placing them under the jurisdiction of the judges and the justices of the peace from the adjoining counties. A year later, January 19, 1830, a second act placed all

the Indians in Mississippi and their personal property under the laws of the state, at the same time abolishing their tribal governments without their knowledge or consent. While the provisions of these two acts were not enforced at the time yet they were indicative of the determination of Mississippi to secure control of all the land within its borders.<sup>1</sup> The only hope that the Chickasaws had in maintaining their property rights lay in the assistance that they might receive from the Federal Government which had assumed the role of friend and protector to all the Indians from the time of its first treaties with them. Not long after the inauguration of Andrew Jackson as President of the United States, however, this hope vanished. On May 28, 1830, a Congressional Act was approved, providing for the exchange of country belonging to the Indians east of the Mississippi River for new homelands in the West, beyond the borders of any state or territory.<sup>2</sup>

Within a few days after the approval of this act, a communication was forwarded to the Chickasaws, requesting that a delegation representing the Nation be sent to meet the President and the Secretary of War John H. Eaton at Franklin, Tennessee, where a council would be held with them and the Choctaws during the summer, for the purpose of discussing a treaty to provide for their removal from Mississippi.<sup>3</sup>

On February 7, following the second act of the Mississippi Assembly, John L. Allen, sub-agent for the Chickasaws, wrote a report setting forth their advanced and prosperous condition. This was a complete refutation of a statement from government commissioners in 1828, in which the value of their country and property was minimized. The Chickasaws had at least gained a point on that score by Agent Allen's report, and were apparently in a better position to realize something nearer the true value of their homes and stock and land in the event of a new treaty with the Government. Agent Allen also threw the burden of reproof on the white intruders for any trouble in the nation. The closing paragraphs of his report were as follows:<sup>4</sup>

---

<sup>1</sup> Dunbar Rowland, *History of Mississippi, The Heart of the South*, (Chicago, Jackson, 1925), pp. 554-5.

<sup>2</sup> *U. S. Statutes at Large*, Vol. 4, pp. 411-12.

<sup>3</sup> A letter had been addressed to the Choctaws on June 2, two days after the bill had been approved creating an Indian territory, requesting them to send a delegation to Franklin to meet the President and Secretary Eaton and to notify the Chickasaws to be present also. This was an explanation of the action of the U. S. Senate in refusing to accept a treaty sent to Washington by a portion of the Choctaws in March, 1830.—*Indian Removals, Sen. Doc. 512, Vol. II, pp. 3-5.*

<sup>4</sup> Agent Allen laid the blame of trouble in the Chickasaw Nation to intruders, a refutation of General Hind's statement in 1826, in which the latter charged that the nation afforded "refuge for violators of the law." Agent Allen's viewpoint was undoubtedly that of the Chickasaws. Their reply to General Hinds' stated that they knew of no violators of the laws among the white people who lived in the nation.

The Chickasaws being surrounded by the white inhabitants, I have found it a difficult matter to restrain the whites from violating the intercourse law, by driving stock over the line upon the Indian land, making settlements, trading with the Indians in a manner that is prohibited by law, as well as stealing their negroes, horses, cattle, &c.; but I am proud to have it in my power to say that those white persons who are so troublesome to the Indians are generally men of the lowest grade & dregs of society. Such men as are always unwilling to conform to the laws that govern the civilized world.

They, (the principal chiefs) stated that if the laws were extended over them they had not belief that they would be placed upon an equal footing with the whites; and, if they were made so by law, all the officers of the law would be composed of white men; and, as they were unskilled in law suits, and the whites would be partial to each other, they had no belief that they would be able to withstand the encroachments of the whites upon them; and, if they did attempt it, that in a few years they would not have a vestige of property left, consequently they would exchange their country for any they could get, rather than as they conceive, lose their native freedom.

The Chickasaws had not retracted from the statement made in 1828, in which they had expressed their willingness to accept a new country in the West, upon certain conditions. They were not yet willing to accept any country "they could get." They had discussed their situation with Agent Allen who, in rendering his report, had enlarged upon their attitude and their willingness to leave Mississippi in accordance with the plans of the administration at Washington.

The meeting at Franklin took place on Monday, August 23, 1830, with President Jackson present in person together with his two friends, Secretary Eaton and General John Coffee, as commissioners on the part of the United States. A delegation of twenty Chickasaws represented their Nation. The occasion was a notable one for the reason that at no other time in the history of the United States had a president attended an Indian council to negotiate a treaty of cession.<sup>5</sup>

The Chickasaw delegation at Franklin included, in addition to thirteen fullbloods, Levi Colbert, George Colbert, James Colbert, William McGilvery, James Brown, and Isaac Anderson. John McLish (or McClish) served as their secretary. Benjamin Love was interpreter during the negotiations.<sup>6</sup> After greetings had been extended

<sup>5</sup>The Choctaw delegation had failed to appear, though messengers arrived from a portion of the Nation asking that the commissioners be sent to their country. (*Sen. Doc.* 512, Vol. II, p. 256). In her essay entitled *Indian Consolidation West of the Mississippi*, p. 382, Annie H. Abel makes the following comment in a footnote, with reference to President Jackson's appearance at Franklin: "Jackson was much criticised in Opposition prints for thus negotiating in person, it being pertinently asked whether he were acting as President or Indian Commissioner."

<sup>6</sup>Benjamin Love was the son of Thomas and Sally Love. His mother was a Chickasaw; his father was said to have been a Loyalist who settled among the Chickasaws during the latter part of the 18th Century. After returning from Washington City, where he had attended school, he became a wealthy slaveholder, establishing his home for a time near the present site of Buena Vista, Chickasaw

and the President had shaken hands with the members of the delegation, the council opened with the reading of an address signed simply "Andrew Jackson," without his title "President of the United States." Most of the Chickasaws had served with the American forces under his military command in the Creek Wars.

The spirit and wording of President Jackson's address were similar to that of the addresses which had been made by Generals Hinds and Coffee during the Chickasaw meeting in 1826. Preliminary remarks were followed by a statement calling attention to the recent Congressional Act (approved in May, 1830) giving the President power of extending "justice to the Indians," of paying the expenses of their removal to the west, of supporting them for twelve months in their new country, of giving them a grant of lands to "endure as long as grass grows, or water runs."<sup>7</sup>

It was pointed out that white men were settling around the Chickasaws and crowding them from their native soil; that the laws of the State of Mississippi had been extended over all the Indian country within the borders of that commonwealth, and that the President had no power to defend them or to "prevent this state of things." The Chickasaws must accept these conditions if they remained in Mississippi, but it was doubted whether they would be happy. They were advised to accept the offers of the Government and to move to a new country beyond the Mississippi, which would be "in all respects equal, if not superior," to their present country. In conclusion, removal west was strongly advised:

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

---

County, Mississippi. He married the daughter of Simon and Peggy (Allen) Burney. He and his brothers (Isaac, Slone, Henry, Samuel, Bill, and Robert) were all prominent among the Chickasaws. Benjamin served many years as the interpreter. The Chickasaw immigration to the Indian Territory practically ended with the parties that came west with Henry and Benjamin Love in the spring of 1844. Before the Civil War, most of the Loves operated large plantations in the region between the mouth of the Washita and the Island Bayou in the Red River region.

<sup>7</sup>These oft-quoted words appeared in the speech by Jackson as they had in other public documents but they did not appear in any treaty between the Federal Government and the Chickasaws nor Choctaws. However they were used in the treaty of alliance between the two nations and the Confederate States in 1861. (Official Records of the Union and Confederate Armies, Series IV, Vol. I, p. 447). The full text of the address delivered to the Chickasaws at Franklin is in the *Journal of the proceedings of that meeting*, Sen. Doc. 512, Vol. II, pp. 240-2.

At ten o'clock on Thursday morning, August 26, the commissioners were present at the convening of the council. The main address of the meeting, as signed by the Chickasaw delegation, was a written reply to President Jackson's opening address, read by John McLish. The Chickasaws said that their hearts were made glad by meeting the President again and that they were grateful for the hospitable treatment they had received from the citizens of Franklin. They appreciated the importance of this council to them as a nation and had approached it "with fear and trembling," for they felt that their fate would be sealed on this occasion; they would either be, in the future, "a happy and prosperous people, or a poor, miserable race of beings." They looked upon the extension of the laws of the states of Mississippi and Alabama over them, as "an act of usurpation on their part, unwarranted by the Constitution of the United States and the treaties" then in force. While they would be under the same laws with the white people, they would be placed at a disadvantage because of the lack of similar opportunities in life. The address closed with the following words:<sup>8</sup>

Father: you call us your children, whom you profess to have the highest regard for. We know you are sincere in your professions, and it creates in our bosoms the highest feelings of affection towards you, as the great father and protector of your white and red children. But we humbly beg leave to represent to you, that we now conceive that we have now arrived to the age of maturity, and that we may continue to act on this important occasion as will be best calculated to obtain so desirable an object—peace, quietness, and a perpetual home; and, at the same time, we feel a disposition to accommodate the views of our father, in exchange of country, as you have proposed, if you will let us examine your country, and we can find one, that you have not already disposed of, that will be equal to the one we now occupy. We will then talk in earnest about an exchange.

Candor towards you, and justice to ourselves, compel us to say to you, that we cannot consent to exchange the country where we now live, for one that we never have seen.

The council reassembled at five o'clock, when a second address was delivered to the Chickasaws, signed by John H. Eaton and John Coffee. Whether or not the omission of the official title in each of the two addresses was due to the work of editors in printing the *Journal* of the proceedings of the Council at Franklin, it seems that the President and his two commissioners had come to counsel with the Chickasaws as personal friends.

Much may be said about President Jackson's attendance at this council. Although the Congressional Act, approved on May 28, 1830, provided for setting aside the territory for Indian occupation in the West without mention of their *arbitrary* removal thereto, it paved the way for the adoption of such a program. Seeing this, the friends

<sup>8</sup> *Sen. Doc.* 512, Vol. II, pp. 242-3.

of the Indians—for they were not without many influential friends<sup>7</sup>—were bitter in their denunciations of the removal of the southern Indians, a policy which had long been discussed and was now on the way as the policy of the new administration. Jackson's critics and enemies denounced his attendance at the meeting with the Chickasaws, as having been done to "bully" them for political effect; his friends were satisfied that he was only consistent with the character attributed to him in the campaign which had won him the election; namely, the protector of the "common people." In either event and in spite of the fact that he has been listed in history as an "Indian hater," his interest in the meeting with the Chickasaws and the Choctaws was doubtless due to personal feeling toward them. Both nations had furnished warriors who had helped Jackson to victory in the wars of the southwestern frontier of his time. In keeping with the military leader who loves his troops, President Jackson would show his friendliness, not to say affection, toward those who had served at his side, those whose people lived as his neighbors in the country bordering his native state of Tennessee.<sup>8</sup>

The second address to the Chickasaws stated that Alabama and Mississippi as a part of Georgia originally had the right "to manage" their lands and the people within their borders, none of these rights having been surrendered to the Government of the United States. These three states had the right to make all persons within their borders, "answerable for their crimes, to punish them for wrongs committed, to make them pay taxes, to attend musters, to keep the roads in repair, and contribute to the support of the Government when called upon to do so." These statements left no doubt in the minds of the Chickasaws as to their position before the government of the State of Mississippi: "They must submit to the laws." No mention had been made of any protection to be rendered them against the prejudices which would still follow them as Indians—now really *aliens* in their own land. The only hope offered them lay in the following statements by the commissioners:<sup>9</sup>

Brothers: your great father is anxious to preserve you, and to ward off injury from you. He knows you cannot live under those laws. To do so, will render you a miserable and unhappy people. A few of you might do so, who have the advantages of experience and education, but the great

<sup>7</sup> Among friends of the Indians in the Northern states, citizens of Freeport, Maine, petitioned Congress in behalf of the Indians (*Congressional Doc.* 208, No. 89); Senator Frelinghuysen of New Jersey championed their cause in Congressional debates (1828-30); the Rev. Heman Humphrey, D.D., President of Amherst College, delivered a discourse on "Indian Rights and Our Duties" which is reprinted in "Notes and Documents" in this number of *The Chronicles*.

<sup>8</sup> Levi Colbert, a member of the company of Chickasaws who served under the command of General Andrew Jackson in the Battle of New Orleans (Jan. 8, 1815), had carried the standard of the Americans into the thickest of the fight in this noted battle. This tattered emblem is now displayed in the Confederate Memorial Hall of the Oklahoma Historical Society.

<sup>9</sup> *Sec. Doc.* 512, Vol. II, pp. 245-6.

body of the Indians cannot. Why, then, not consent to remove at once, and save your people from a state of things under which it is evident you cannot live? What interest can your great father have? He very well knows that the laws will come upon you; laws, which prohibit any Indian, under heavy penalties, from even acting as chief. He knows that all your ancient usages will be broken down, and constant interruptions, troubles, and difficulties be felt. Presently, you will call upon your great father to relieve you, and then it may not be in his power. • • • •

Brothers: are any of you willing to remain to live as white men, and submit to his laws; then, take as reservations, comfortable homes and farms, and become citizens of the States. Which lands, so reserved, shall be yours, and your children's, in fee simple forever. And let the Indian, if he choose, go west, and rid himself of the operation of laws, under which, be assured, he can never, never live, and be happy.

Brothers: we wish to give you a pleasant country, of good soil, good water and climate, and in extent sufficient for all your wants; and when you are gone, for the wants of your children. We feel a high and weighty responsibility. We are advising our red brothers for their own prosperity's sake to remove, that they may rest in a country free from the white man's interruption, and be happy. In effecting this desirable end we are answerable to our own feelings, and to our beneficent Father, the Great Spirit above, who rules and governs the universe. . . . We will not impose upon you. Your great father would not, if we were willing, suffer us to do it. Beyond the Mississippi is an extensive, valuable, and fertile country, where a home, and a happy one, can be selected. Consent now to receive it, or the opportunity may be soon lost forever. Other tribes wish to remove, and they may select the lands which now you have the opportunity to obtain for your children, but which presently, may be gone from your reach.

Brothers: some of the Indians in Ohio wish to remove. They have tried, and find that they cannot live amongst the whites. Since your great father's talk to you, they have written, asking to exchange their lands, and to be permitted to remove. The Indians of New York after many years of unsuccessful trial, have found themselves unable to live and be happy; and at their own expense have purchased land upon Lake Michigan, and are moving to settle it. The tribes living in the northwestern states are manifesting a desire to leave their homes, and be to themselves. They are not happy; they cannot live amongst the whites. . . .

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

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

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

The Chickasaws replied that they had every confidence in the President's sincerity in making suggestions to promote their welfare and happiness. They would consider the propositions that had been offered.

The following day (Friday, August 27), the chiefs sent word that they would like to see President Jackson before his departure from Franklin. Accordingly, he met them in the council room where John McLish, their secretary, read a short communication from them:<sup>10</sup>

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

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

Father, you say that you have travelled a long ways to talk to your red children. We have listened, and your words have sunk deep into our hearts. And as you are about to set out for Washington City, before we shake our father's hand, perhaps with many of us for the last time. We have requested this meeting to tell you, that after sleeping upon the talk you sent us, and talks delivered to us by our brothers, Major Eaton and General Coffee, we are now ready to enter into a treaty, based upon the principles as communicated to us by Major Eaton and General Coffee.

The President himself replied that he had travelled a long distance that he might see them face to face, and direct them to what he believed their best interest required. Important business, required his presence at Washington, and he could not longer remain with them. He confided the conduct of the rest of the business to his friends, the commissioners, who had his instructions to act liberally towards the Chickasaws. "He then took his leave."<sup>11</sup>

Sunday and Monday intervened before the next meeting of the council. At eight o'clock on Tuesday morning (August 31, 1830), the draft of the treaty, as prepared by the commissioners, was presented for the approval of the Chickasaws. It was read and then carefully interpreted and explained by Benjamin Love. The delegates expressed themselves as satisfied and willing to sign the treaty, adding, however, that there were some matters which had been omitted that they wished to dispose of by treaty. The commissioners explained that since the President was about to leave for Washington, they wanted to inform him with the results of the negotiations, and asked that the treaty be signed at once, any other matters to be provided for in a supplement to this document. The *Journal* again adds: "With this understanding the treaty was signed."<sup>12</sup>

<sup>10</sup> *Ibid.*, Vol. II, pp. 246-7. The names of the signers of this communication appeared in order: G. Colbert, L. Colbert, Jas. Colbert, Wm. McGilvery, Jas. Brown, Isaac Alberson, Topulka, Ishtayatubbe, Ahtokowa, Hushtatabe, Innewakche, Oklanayaubbe, Ohekaubbe, Immolasubbe, Immoaltatubbe, Ishtekicyokatubbe, Ish-ichiacha, Inhiyochetubbe, Kinheche.

<sup>11</sup> *Ibid.*, Vol. II, p. 247.

<sup>12</sup> *Ibid.*, Vol. II, p. 250.

The first article of the Treaty of Franklin provided for the cession of all Chickasaw lands east of the Mississippi to the United States. The second article was as follows:<sup>13</sup>

In consideration of said cession, the United States agree to furnish to the Chickasaw Nation of Indians, a country, West of the territory of Arkansas, to lie South of Latitude thirty-six degrees and a half, and of equal extent with the one ceded; and in all respects as to timber, water and soil, it shall be suited to the wants and condition of said Chickasaw people. It is agreed further, that the United States will send one or more commissioners to examine and select a country of the description stated, who shall be accompanied by an interpreter and not more than twelve persons of the Chickasaws, to be chosen by the nation, to examine said country; and who, for their expenses and services, shall be allowed two dollars a day each, while so engaged. If, after proper examination, a country suitable to their wants and condition can not be found; then, it is stipulated and agreed, that this treaty, and all its provisions, shall be considered null and void. But, if a country shall be found and approved, the President of the United States shall cause a grant in fee simple to be made out, to be signed by him as other grants are usually signed, conveying the country to the Chickasaw people, and to their children, so long as they shall continue to exist as a nation, and shall reside upon the same.

The rest of the document was devoted to the following provisions: (1) the United States should furnish protection to the Chickasaws against all their enemies; (2) each warrior and widow having a family, and each white man having an Indian family should have a half section of land with a title in fee simple to be subject to the laws of the State, if such persons remained in Mississippi, otherwise if such persons removed west, the United States should pay for each reservation at the rate of \$1.25 per acre to the Indian claimant; (3) an annuity of \$15,000 to the Chickasaw Nation for twenty years; (4) special grants of land made to certain persons named in the treaty; (5) all expenses of removal of the Chickasaws and subsistence for one year in the West, to be paid by the United States; (6) the valuation and purchase by the United States of all stock and implements belonging to the Chickasaws in Mississippi, under certain conditions; (7) an appropriation of \$4,000 by the United States for the erection of a council house and two churches (to be used as schools) in the new country of the Chickasaws; (8) the sum of \$2,000 to be paid by the United States "for the purposes of employing suitable teachers of the Christian religion, and superintending common schools in the nation," in addition "twenty Chickasaw boys of promise, . . . for twenty years, . . . to be selected by the chiefs, to be educated within the States at the expense of the United States, under the direction of the Secretary of War"; (9) perpetual peace to be maintained between the United States and the Chickasaws.

Those who signed the Treaty of Franklin in behalf of the Chickasaw Nation were Levi Colbert, George Colbert, James Colbert, Wm. McGilvery, James Brown, Isaac Albersen, J. McLish and thirteen

<sup>13</sup> Charles Kappler, *Indian Affairs, Laws and Treaties*, (Washington, 1904), Vol. II, pp. 1035-40. (Treaty of Franklin unratified.)

full bloods with Indian names. The new treaty would become effective provided the Chickasaws could find a country west of Arkansas Territory "equal in climate, soil and extent" to their lands in Northern Mississippi and Northwestern Alabama relinquished under its terms to the United States.

Fifteen Chickasaws including Levi Colbert, Henry Love and Kineche appointed by the tribal council undertook a second exploring expedition west, setting out from Mississippi overland with Agent Benjamin Reynolds and arriving at Fort Gibson on November 21, 1830. Here they found troubled conditions: There were continued depredations by the Osages from their Kansas lands, in the Arkansas Valley west of the fort. Bitter feelings and controversies had arisen among both the Western Creeks and the Western Cherokees over the location of the boundary lines of the country recently assigned them in the region, by the United States. The final assignment of lands west of Arkansas Territory to the several tribes was a topic of discussion and argument among government agents near Fort Gibson. Extracts from a letter dated December 2, 1830, addressed to Secretary of War John H. Eaton by George Vashon, United States Agent for the Western Cherokees, recommended a division of the Choctaw lands south of the Arkansas and a location for the Chickasaws:<sup>14</sup>

I deem it my duty to present to the notice of the department what appears to me would be the best means of providing, ultimately, an acceptable country for the Chickasaws and Cherokees east. Col. Reynolds and a party of Chickasaws will leave here to-morrow to join Col. Gaines and a party of Choctaws, to proceed on their exploring duties. From Col. R. I have learned the object. The whole of the country here is already ceded by treaty; though, by the contemplated arrangements with the Choctaws, for the south side of the Arkansas and Canadian, an ample country may be procured for the Chickasaws; but, under the arrangement, it will be still out of the power of the Government to provide acceptable location for the Cherokees east; and until that can be done, it appears to me, the existing difficulty with them cannot be judiciously adjusted. They are strongly opposed to be again amalgamated [i.e., Western Cherokees] with this part of their nation; and, therefore, I would suggest, that if a portion of the country south of Red river could hereafter be obtained, for the ultimate location of the Chickasaws, and a portion of the country south of Arkansas, procured for the Cherokees, and set apart with the four million seven hundred thousand acres in the fork of Canadian and Arkansas, already ceded to Cherokees, it would present to the old nation an inducement which, I think, could not fail to produce a favorable influence. Permit me to add, it ought not to be thought strange that it should be deemed necessary, and essentially so, too, in providing an acceptable country for the Cherokees east, that a portion of the Choctaw land, (now contemplated in part for the accommodation of the Chickasaws,) to a limited extent south of Arkansas, should be added to the country already ceded by the Cherokee nation; the extensive prairies, and the long continued scarcity of water during half the year, renders many portions of this country entirely unacceptable. Such an arrangement would afford the present administration the means of putting to flight and to shame all objections from every quarter, and to demonstrate to the nation and the world, that its views are

<sup>14</sup> *Sen. Doc.* 512, Vol. II, pp. 193-4.

not only just and benevolent, but that the country, also, there provided for the permanent residence of the Cherokees east, would be entirely unexceptionable; and the effecting this desirable object would, in my opinion, present additional means of enabling the administration to unite to a full measure of national glory, the performance of the sacred duty of filling to the brim the largest measure of our country's justice.

The Chickasaw expedition joined by a party of Choctaws with their Agent, George S. Gaines, at Fort Gibson, examined the Choctaw country along the South Canadian (present Gaines Creek in Pittsburg and Latimer counties); traveled over to Clear Boggy and thence down Blue River, and on east down Red River Valley to Fort Towson. When the subject of a settlement was broached by the two agents, the Choctaws stated that they did not want to give up any of their new country; the Chickasaws were opposed to settling there under the Choctaw government and thus losing their own identity as a nation. Levi Colbert accompanied by a small party of his tribesmen crossed Red River to examine the country in East Texas for possible settlement of the nation, as suggested by the agent for the Cherokees. Agent Reynolds later reported to the War Department that Levi Colbert had said that he would not like to join the Choctaws under the rule of Chief Greenwood LeFlore for the chief's thirst for power was "such as to form an obstacle in his mind adverse an union." Colbert further asked Agent Reynolds to say to President Jackson that "his crossing the Red river was for the purpose of finding a home for his people."

Two Chickasaw councils were held after the return of the exploring expedition to Mississippi; a report was made on the council proceedings, signed by tribal members including Levi Colbert and forwarded to President Jackson in May, 1831, stating in part:<sup>15</sup>

Father: the tract of country which we explored south of Red River lies along side of our Choctaw brothers, and between the Red and Sabbeen rivers, and adjoining the west boundary of the State of Louisiana, from river to river. If that country can be procured for us, our nation will remove and be satisfied. We see no other country which would suit us so well.

The selection of a satisfactory location for the settlement of the Chickasaws west of the boundaries of Arkansas Territory remained an unsolved problem in the War Department, under which the Bureau of Indian Affairs operated during this period. Efforts to bring about such a settlement under the terms of the Treaty of Franklin were continued by the agents throughout the spring of 1831, without results. The Chickasaws remained in Mississippi, with the Treaty unratified. Secretary of War John H. Eaton wrote a letter to the recent commissioner, General John Coffee, on March 31, 1831, in which he advised that the country between the Arkansas and the Canadian rivers west of Arkansas be retained for the final dispo-

---

<sup>15</sup> *Ibid.*, Vol. II, pp. 469-71.

sition between the Creeks and the Cherokees. Eaton made another statement concerning the Chickasaws:<sup>16</sup>

Where then are the Chickasaws to go, or how are they to be provided for, even if the country we have pointed out be acceptable to them, of which I have not expectation? By extinguishing of the Osage title lying north of the Cherokees and Creeks, a home might be provided; but it is not supposed they would be satisfied with a country reaching so far north, and particularly so remoted from their old friends and relatives, the Choctaws.

We are much embarrassed on this subject. The Chickasaws, with all their desire to find a location cannot do so. If a suitable and approved home cannot be provided, they must abide where they are, and suffer all the inconveniences which subjection to State laws must impose. Within the Choctaw country there is abundant room for both tribes. . . .

But while the Choctaws are disposed to receive the Chickasaws, the latter are not willing to become a part of their tribe, and desire to remain, as heretofore, a separate independent people. . . .

### THE TREATY OF PONTOTOC

During the summer of 1831, a survey of the country lying north of the Canadian and Arkansas rivers was carried on by the Reverend Isaac McCoy preparatory to a settlement of the boundaries of the Cherokee and the Creek lands. He also inspected the Osage reserve, west of Missouri and within what is now the State of Kansas, reporting that this country together with the tract east of the Osage boundary would be suitable for the Chickasaws. He advised, however, that it would be more desirable for them to settle in the Choctaw country south of the Arkansas and Canadian rivers. He stated further:<sup>17</sup>

Some gentleman in this country, in whom, no doubt, the late delegation of Chickasaws, who were here exploring, placed considerable confidence, encouraged them to hope that the United States would purchase for them a portion of Texas, on the south of Red river. If Government has no intention to procure a country for them there, as I am confident it has not, I would respectfully suggest that the Chickasaws would more readily accede to proposals, if they were distinctly assured that they need not hope for a country on the south of Red river.

<sup>16</sup> *Ibid.*, Vol. II, pp. 273-5.

<sup>17</sup> The Rev. Isaac McCoy, a native of Pennsylvania (born 1784; died 1846) was sent as a missionary of the Baptist Convention to the Indian tribes north of the Ohio River in 1817. He was noted in Indian affairs on the frontier from that time, and was a personal friend of many officials at Washington. He was appointed by the War Department in 1831 to survey the recent cession to the Western Cherokees in Oklahoma (1828) and a tract of country for the Creeks, also to suggest a suitable location for the Chickasaws and to examine the lands recently assigned as a reservation (1825) for the Osages in what is now Kansas. His son, John C. McCoy, carried on the work under his contract in surveying the Cherokee Outlet in 1837. The Rev. Isaac McCoy's book, *A History of the Baptist Indian Missions* and his several publications of *Annual Register of Indian Affairs* are now counted as primary sources for early Indian history in Oklahoma. Many of his other reports and extended letters shed further light on Indian history in this region, published in *Senate Document 512, Indian Removals*, in which the above letter is found (Vol. II, pp. 562-3).

The Chickasaw delegation, in 1828 (I was in company myself), expressed themselves pleased with that portion of the Choctaw lands which lies along the Arkansas and Canadian rivers. The Choctaws then expressed, and since have expressed their willingness to allow the Chickasaws a country there, provided that the political existence of the latter would become merged in that of the former. To this proviso, the Chickasaws have objected. It appears pretty plain that the terms proposed by the Choctaws, and the objection thereto by the Chickasaws, originated in view of the old Indian policy, in relation to the independence of the tribes, severally. I feel persuaded that all difficulties upon this point would vanish with both parties, were they given a distinct view of the plan of uniting them in a territory, in which all the parts would be happily united in one community, and mutually dependent upon each other. I have repeatedly reasoned with individuals of the southern tribes and those of the north, on the advantages to be hoped for from such a community, with the map of this country spread before them, and I have invariably perceived that their feelings became enlisted in favor of the plan, and their hopes of better things thereby elicited.

In the meantime, Secretary Eaton had addressed a communication to the Choctaw Chief, Greenwood LeFlore, stating that it was a matter of some concern that the Chickasaws were unable to find a suitable home in the West. He advised that the Choctaws should invite them to take a part of their western country along the northern border—i.e., the Arkansas River.<sup>18</sup> After consultation among the leading men of the nation, it was agreed that their people, the Choctaws, should settle in the Red River region. They were willing to grant the Chickasaws the right of settlement along the Arkansas River.<sup>19</sup> Acting under a communication from President Jackson, dated October 18, 1831, Secretary of War Lewis Cass appointed General John H. Eaton and General John Coffee to effect such an agreement between the two nations.<sup>20</sup>

The two commissioners repaired to the Choctaw Agency, in Mississippi, where they met a delegation of Chickasaws and a large gathering of Choctaws. A communication was first addressed to the Chickasaws, pointing out that it was hopeless for them to expect to remain within the limits of either Mississippi or Alabama. This plan was again stressed: "One of two things now only can be done. A removal must take place. A new home must be found, or you will have quietly to sit down and conform yourselves to the laws of the States where you live."<sup>21</sup>

The letter went on to say that the only hope for the Chickasaws remained in their choosing a new home in the Choctaw country. It closed the possibility of their settlement south of the Red River in this manner:

---

<sup>18</sup> *Ibid.*, Vol. II, pp. 300-1.

<sup>19</sup> *Ibid.*, p. 514.

<sup>20</sup> *Ibid.*, p. 624. Upon the resignation of John H. Eaton, on August 1, 1831, Lewis Cass had assumed the duties of Secretary of War.

<sup>21</sup> *Ibid.*, Vol. III, pp. 16-7.

Your great father would be well pleased, if you could find a suitable country any where north of Red river, and west of Missouri and Arkansas, where your people could settle and be satisfied. He can direct you to no other place, nor encourage you to hope that now, or at any future time, a different region of country can be offered, out of which to make your selection. The country south of Red River, to which you refer, is not the property of the United States, nor have we any reason to suppose that it will ever be. It is useless to indulge a hope that you can be located there. It is an expectation which cannot be realized now, perhaps never.

The next day, December 7, the commissioners addressed a letter to the Choctaw delegation at the meeting, pointing out that their people had secured a vast country west of the Mississippi "sufficient for an infinitely greater population than the Choctaws have." It was hoped that the people of the two nations could "participate in the quietude" which awaited them beyond the Mississippi.<sup>22</sup>

Brothers: We come to visit you as friends. We earnestly desire your prosperity, and seek no other object. We have not heretofore deceived you, nor will we now. A new era is opening upon your people. Our desire is, by disclosing obvious truths, to awaken you to a necessity of your essential interests. By doing so both will be benefitted. Assent, and the condition of each will be improved; but refuse, and your older brothers will be constrained to languish under that state of things, submission to the white man's law, which you have already confessed your people could not bear, and which consequently has occasioned their removal from the land of their fathers. It can be of no concern to your great father, whether your tribes remove and live together or not. It is their concern, not his. Nor is possession of your lands an object. No such selfish purpose governs. Already the United States have a territory more extensive than their citizens can occupy; more than probably will be wanted for half a century to come.

\* \* \*

Brothers: We come not to buy your lands. We have heretofore told you that your great father would no more desire to purchase for his white children any portion of the country which was granted to you west of the Mississippi. He will maintain that promise. The application now submitted is in behalf of your long tried friends, and worthy brothers, the Chickasaws, who are without a home, to which, like you, they can remove.

\* \* \*

Think of these things; let not narrow and selfish thoughts influence you; but act, we entreat you, with that spirit of liberality and justice which shall be worthy of you.

On December 11, the commissioners reported to the War Department: "Neither tribe appears disposed to act. The principal difficulty seems to be an apprehension that the country lying north of Red River is not sufficient for both nations."<sup>23</sup>

The commissioners arrived in Franklin, Tennessee, where another letter dated December 30, was addressed to the whole Chickasaw nation for the benefit of those who were unable to attend the recent meeting. Their attention was called to their refusal to consider removing to the West when General Coffee had visited them

<sup>22</sup> *Ibid.*, pp. 17-21.

<sup>23</sup> *Ibid.*, pp. 700-1.

in 1826. The country at that time offered them was no longer the property of the United States since it had been ceded to other tribes. Therefore their only hope was to purchase a part of the Choctaw lands.<sup>24</sup>

On their part, the Chickasaws made reply, prepared at their council-house on January 15, 1832, signed by thirty-nine Chickasaws. It states:<sup>25</sup>

We are not aware of the difficulties under which we labor, owing to the extension of the laws of the States of Mississippi and Alabama over us. It is a fact well known to the Government of the United States, that the red people cannot, from ignorance of civil jurisprudence, preserve their nationality thus.

Those who have, in a small degree, been removed from their pristine ignorance, justly appreciate the humane policy of the Government, to place them beyond the reach of this state of things, in a country where they can quietly sit down and content themselves with that mode of living best suited to their capacities. . . .

We remember well the *talks* delivered by Gen. Coffee and his colleagues to us in 1826; and if we erred in not complying with their request, we beg that this seeming dereliction of duty to our nation may be attributed to an ignorance of our situation. We had supposed that a country which we had occupied for so many generations, would not be wrested from us by what we considered an undue advantage on the part of the individual States. We are aware that the country offered to us at that time is no longer the property of the United States. We are sorry for it. Having, from our first acquaintance, confided in the talks delivered us by the United States' authorities, we are disposed to acknowledge that the only hope that now remains for us, to avoid a state of things, the realities of which we would deeply deplore, is to endeavor to acquire a portion of the Choctaw lands. We therefore take pleasure in saying to you that, at any time, commissioners on the part of the United States may attempt to effect this object, the Chickasaws, in obedience to the sentiments which you express, viz., "that this is the only hope of escape," will assist them in endeavoring to accomplish so desirable an object.

During the winter of 1832, the Legislature of Alabama extended the State laws over that portion of the Chickasaw country within its borders. At the same time, the governors of Mississippi and Tennessee were reported to have employed surveyors to mark the boundary between those two states, and white settlers were locating in that region. Agent Reynolds, in the meantime, addressed a letter<sup>26</sup> to Secretary Cass in which he said:

I take great pleasure in saying that the leading chiefs of this nation (Chickasaw) are becoming more sensible of their situation, and the situation of their people; and I have good reason to believe that they will act more efficiently in aiding the Government to procure them a home beyond the Mississippi; and should one be procured, I have no hesitation in saying that the people will remove with great cheerfulness.

---

<sup>24</sup> *Ibid.*, pp. 14-6.

<sup>25</sup> *Ibid.*, pp. 11-14.

<sup>26</sup> *Ibid.*, pp. 189-90.

In the fall of 1832, the Government made another attempt to effect an understanding with the Chickasaws, and Eaton and Coffee were commissioned to enter into new negotiations. Under the advice of President Jackson, a consideration in money was to be offered the nation in order that a purchase of land might be made in the West, preferably from the Choctaws. General Eaton was unable to attend the Chickasaw meeting and General Coffee, alone, drew up the terms of a treaty—the preamble of which follows:<sup>27</sup>

The Chickasaw Nation find themselves oppressed in their present situation; by being made subject to the laws of the States in which they reside. Being ignorant of the language and laws of the white man, they cannot understand or obey them. Rather than submit to this great evil, they prefer to seek a home in the west, where they may live and be governed by their own laws. And believing that they can procure for themselves a home, in a country suited to their wants and condition, provided they had the means to contract and pay for the same, they have determined to sell their country and hunt a new home. The President has heard the complaints of the Chickasaws, and like them believes they cannot be happy, and prosper as a nation, in their present situation and condition, and being desirous to relieve them from the great calamity that seems to await them, if they remain as they are—He has sent his Commissioner Genl. John Coffee, who has met the whole Chickasaw nation in Council, and after mature deliberation, they have entered into the following articles, which shall be binding on both parties, when the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate.

The terms of the Treaty of Pontotoc provided: (1) a cession of all lands belonging to the Chickasaws east of the Mississippi to the United States, the same to be sold under public auction and by private sale by the President of the United States, when the land was surveyed and offered for sale. Other provisions included those concerning allotments of land to be made to individual members of the tribe, the valuation of their improvements and the payment of annuities to the old chiefs. The provision on annuities expressed the affection and thoughtfulness on the part of the Chickasaws for the "old and beloved Tishomingo" who was awarded \$100.00 a year for life as a token from his people" on account of his long and valuable services"; and likewise, the "old and beloved Queen Puc-caun-la" should receive \$50.00 a year for her support the rest of her life.<sup>28</sup>

<sup>27</sup> Kappler, *op. cit.*, pp. 356-64.

<sup>28</sup> The Chickasaw "Queen Puc-caun-la" (properly *Pucanti*, meaning "a blossom") was probably the grandmother (or mother) of the "King" Ishtehotopa, as right of descent in the Chickasaw family was through the mother's line. Thus, the new "king" would be the nephew of the ruling "king,"—that is, the son of the "king's" sister. "Queen Puc-caun-la" died at a very advanced age on the way to the Indian Territory, in the Chickasaw Removal of 1838.

The new treaty was signed at the Chickasaw Council House on Pontotoc Creek, Mississippi, on October 20, 1832, the first signature that of John Coffee,<sup>29</sup> as Commissioner on behalf of the United States, followed by the names of sixty-five chiefs and leaders, most of whom signed by mark. The first of these was Ishtehotopa, the hereditary tribal chief generally referred to as the "Chickasaw King"; the name of the venerable Tishomingo was next, the noted "war chief" of the tribe, aged ninety-six years. Other names included Levi Colbert, the celebrated leader in the tribal councils; George Colbert, who had been awarded a sword by President Washington for his service in the American forces under General Anthony during the Indian wars north of the Ohio in 1794-5, and who had also served under General Andrew Jackson in the later Creek War; Isaac Albersson and Pitman Colbert, both of whom were prominent in Chickasaw history after the later settlement of the nation in the Indian Territory.

The Chickasaw land cession in Mississippi, under Treaty of Pontotoc amounted to approximately 6,283,804 acres, the net proceeds from the sale of these lands forming a trust fund (mostly invested in State bonds) for the nation, under the supervision of the United States government. Within five years after the Treaty, the Choctaws and Chickasaws entered into an agreement made by treaty at Doaksville (January, 1837), providing for the settlement of the Chickasaws within the Choctaw Nation.

---

<sup>29</sup> General John Coffee, a native of Tennessee, had been General Jackson's right-hand man during the Creek wars of 1814. His wife was a sister of Mrs. Andrew Jackson. He had served as surveyor-general in the boundary surveys of Alabama, in 1820, and was appointed U. S. Commissioner in making the Choctaw treaties of 1816 and 1830. He was a prosperous planter of Lauderdale County, Alabama, at the time of his death on July 17, 1833.