

Transcript of 1871 January 8: C.V. Meador, Special Agent, Indian Territory, to Governor Powell Clayton, Report on Choctaw and Chickasaw land claims in Arkansas, L.C. Gulley collection, Arkansas State Archives, Little Rock, Arkansas.

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To His Excellency Powell Clayton  
Governor of the State of Arkansas

In conformity with  
your instructions of Sept 1st 1869, which  
are hereunto annexed, I have the honor  
to report that the duty imposed has  
been performed with the following results.

I visited the Indian Territory  
and attended the Council at Armstrong  
Academy Oct. 1869 and learned all that was  
possible relative to the basis of the  
claim of the Choctaw and Chickasaw  
Indian Nations, for compensation for,  
or their right of possession of, about  
one hundred and seventy five thousand,  
(175 000) acres of the western border  
of the State of Arkansas. The specifications  
of said cause of action I  
subjoin below.

I have also the honor of bearing to  
you, and to the people of Arkansas, the  
greetings of the Indian people, with  
expressions of the strongest friendship,  
and to request the cooperation of your  
State Authorities, in an amicable adjustment  
of the question at issue. Their  
claim in equity, being really against

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the Government of the United States  
for indemnity\_ The territory in question  
having been mostly sold by the said  
U.S. Government to the citizens of Arkansas  
before the public lands were given in

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custody of the States. Such lands as are yet unsold in said contested district, are of course held as the public domains of Arkansas.

Should the petitions set up by the Indian Claimants be susceptible of clear proof, it may be that the United States would be bound in law to restore to those Nations the Territory itself in question, but I have assurances that a judicious course of diplomacy, with the cooperative action of the authorities of this state, may divert all claims that might be brought directly against ourselves, and secure the consent of the Indian people to a monetary compensation to be received from the general government. I would at all events suggest such pacific course of action, as will preserve feelings of amity, and good will, ~~with~~ ~~between~~ the Indians, and our citizens along the western border but your Excellency will see without an argument In importance of such policy,

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This question has been so much agitated by the leaders among the Indian people all along the borders of Arkansas that a permanent settlement is very much to be desired at as early a day as possible

It is proper to add,- indeed I am requested by the authorities of state of the Choctaw nation so to do- that the financial condition of their treasury was so low by reason of the delay in receiving certain

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moneys due from the general government, that the council which I attended could not be held together long enough to attend to all the business before it- among other things the perfecting of a place of action for the settlement of this boundary question was deferred to a future Council

I shall have, therefore to claim your indulgence for more time before as full a report as may be desirable can be made\_

From the subjoined statement it will be seen that the Choctaw and Chickasaw nations hold joint interests in this boundary claim The U.S. Government treating with those nations Jointly and dividing according to the population of the

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respective nations.

The following are the grounds of claim set up by the claimants and which after much patient research I find to be matters of record in the Archives of State and elsewhere

This tedious research among vast numbers of old records and papers I trust may serve as an apology for the delay of this report

By the Treaty between the United States and the Choctaw Nation, concluded at Doaks Stand, Oct 18<sup>th</sup> 1820 the United States, in consideration of the cession

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by the Choctaw people, of  
a great tract of territory lying  
east of the Mississippi “and in  
part satisfaction for the same,”  
ceded to that nation: “a tract of  
“Country west of the Mississippi river  
“situated between the Arkansas and Red  
“Rivers and bounded as follows- Beginning  
“on the Arkansas River where the lower  
“boundary line of the Cherokee strikes the  
“same: thence up the Arkansas to the  
“Canadian Fork, and up the same to  
“its source: thence due south to the  
“Red River: thence down Red River

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“three miles below the mouth of Little River  
“which empties itself into Red River  
“on the north side: thence a direct  
“line to the beginning”  
U.S. Stat at Large VII, 211

The point “on the Arkansas  
River where the lower boundary line  
of the Cherokees strikes the same,”  
is defined, by the Treaty between  
the United States and the Cherokee  
nation, concluded July 8th, 1817,  
as “all the north side of the Arkansas  
River at the mouth of Point Remore”  
[U S. Stat at Large, VII, 158]

By the convention between  
the United States and the Chiefs and  
Head Men of the Choctaw Nation,  
concluded Jan 20th 1825, the  
Choctaw Nation ceded back to the  
United States all that portion of  
the land ceded to them by the

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Treaty of Doaks Stand, and now  
forming a portion of the State  
of Arkansas

“Lying east of a line  
“beginning on the Arkansas one  
“Hundred paces east of Fort Smith

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“and running thence due South,  
“to Red River”, The Treaty further  
stipulates

¶ “that this line shall  
“constitute, and remain the permanent  
“boundary between the United  
“States and the Choctaws,”  
[U. S. Stat at Large, VII, 234]

The Treaty of Dancing  
Rabbit Creek, of date September 27th 1830, provided as follows

“Article II, The United States,  
“under a grant specially to be made  
“by the president of the U. S.  
“shall cause to be conveyed to the  
“Choctaw Nation a tract of county  
“west of the Mississippi River, in  
“fee simple to them and their  
“descendents to insure to them while  
“they shall exist as a nation and  
“live on it, beginning near Fort Smith  
“where the Arkansas boundary crosses the  
“Arkansas River, running thence to  
“the source of the Canadian Fork,  
“if in the limits of the United States,  
“or to those limits; thence due south to  
“Red River, and down Red River to the  
“west Boundary of the Territory of

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“Arkansas, thence north along that”

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“line to the beginning

“The boundary of the same to be

“agreeably to the treaty made and

“concluded at Washington City in

“the year 1825\_ the grant to be

“executed as soon as the present

“Treaty shall be ratified”

[U. S. State, at Large, VII, 333.]

The point where “the west  
boundary of the Territory of  
Arkansas touched “Red River”  
“North” from which “along” the  
“line” of the Territory “to the beginning”,  
at Fort Smith, the Eastern boundary  
of the Territory of the Choctaw Nation  
under this Treaty ran, is thus  
defined by the Convention  
between the United States and the  
Chiefs and Head Men of the Cherokee  
Nation, concluded at the City of  
Washington May, 6th, 1828;

“Art I. The Western boundary  
“of Arkansas shall be defined and the same  
“is hereby defined, viz: A line  
“shall be run commencing on  
“Red River at the point where the  
“Eastern Choctaw line strikes

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said River and run due north  
with said line to the River  
Arkansas, thence in a direct line to the  
south west corner of Missouri

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[U. S. Stat at Large, VII, 311.]

The Act of admission of the State of Arkansas, approved June 1st 1836 defines by reference to the terms here cited of this Treaty, the western boundary of the State:

“The said State shall  
“consist of all the Territory  
“included within the following  
“boundaries, to wit: \*\*\*\*\*  
\*\*\*\*\*

thence west to the south west corner of the State of Missouri and from thence to be bounded on the west, to the north banks of Red River, by the lines described in the first Article of Treaty between the United States and the Cherokee Nation of Indians west of the Mississippi, made and concluded at the City of Washington on the 26th day of May in the year of our Lord One thousand Eight Hundred and twenty eight

[U. S. Stat. at large (Goulds Digest 61)]

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It is proper here to remark that the boundary thus defined does not appear ever to have been interfered with by Congressional or Legislative inactment, or by Treaty.

By the articles of Convention and agreement between the Choctaw and Chickasaw Tribes concluded June 10th 1839\_(U. S. Stat at Large

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vii 605) the Choctaw and Chickasaw people  
hitherto consolidated\_ formed separate  
governments: but the title to the lands ~~thereto~~  
theretofore owned by them in common  
under the title of the Choctaw Nation,  
remained and continues to remain undisturbed\_  
I may add that the patent  
provided for by the treaty of 1830\_ above  
cited, was in accordance with the terms  
of said treaty duly made out, and signed  
by the President of the United States,  
making a full grant of the lands in question,  
and is now in possession of the Choctaw  
Government. Their titles, independent  
of treaty stipulations, therefore is doubtless  
as complete, and as well fortified, by title  
deeds, as that by which any private owner  
holds tenure. The citizens therefore along  
the western border would stand in the ~~atitide~~

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atitide of trespassers, should the Indians make the  
proof alledged, and must of necessity feel  
much solicitude or uneasiness while the question  
remains unsettled.

The boundary between the Choctaw  
Nation and the State of Arkansas was  
reaffirmed in the articles of agreement  
and convention between the United  
States and the Choctaw ~~Nation~~ and Chickasaw  
tribes of Indians, concluded  
June 22. 1855

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in the following terms\_



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“Articles 1st\_ The following shall constitute and remain the boundaries  
“of the Choctaw and Chickasaw Country (viz, beginning at a point on the Arkansas River one hundred paces east of Old Fort Smith,  
“where the western boundary line of the State of Arkansas, crosses the said river, and running thence due south to Red River thence  
“up Red River to the point where the meridian of one hundred degrees west longitude crosses the same, thence north along ~~the same~~ ~~the same~~  
“said meridian to the main, Canadian river: thence down said river to its junction with the Arkansas River: thence down  
“said River to the place of beginning”  
[U. S Stat at Large XI. 611\_]

The effect, in this regard, of the Treaty of 1866 [U S. Stat at Large \_\_\_\_] has been only to confirm the Choctaw and Chickasaw Nations in their title to their lands as set forth in the preceding acts.

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11 Article 19. (A)

“The United States shall  
“as soon as practicable, cause ~~to be~~ ~~to be~~  
the eastern and Western boundary  
“lines of the tract of Country described in this 1st Article of this Convention, and the western boundary of the  
“Chickasaw district as herein defined  
“to be now and permanently marked”  
[U. S. Stat at Large XI. 615]

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[margin note] Meador  
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The above obligation so far as pertains to the Eastern boundary, which is our Western boundary, the Indians claim has never been performed, by the United States, according to Treaty; and that when surveyors were sent out for that purpose with original instructions bearing date Oct 13. 1857. to survey a due south line from the initial point mentioned, to Red River\_ that they survey several miles South on the true Meridian, when ~~the~~ it was discovered that the divergence from the old line, was such, that it would take off near one hundred and seventy five (175 000) acres of the State of Arkansas if run through upon that meridian\_ and that such representation was made by the citizens ~~of~~ ~~of~~

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along the border to our state authorities\_ that through these influences, new instructions were issued from Washington City, while the surveyors were on the line of survey, bearing date of Jan 8th 1858. directing the said surveyors instead of taking a due south course, as originally directed according to treaty, to retrace an old line known as the Downs and Conway line surveyed in 1824\_ before the existance of the treaty in question. The Downs and Conway line having been run previous to this treaty, and not mentioned in it as the proper boundary, but the survey of a due south

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line being called for would seem to indicate the correctness of this position assumed by the contestants.

It is proper here that I should state, that, when these new instructions were received, Captain James S. Williams, Commissioner on behalf of the State of Arkansas, entered his protest, and asked to be relieved\_ stating in his letter of resignation-

“I cannot destroy my personal and professional reputation, by subscribing to surveys which

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“I have ascertained to be inaccurate\_ No opinion, no instruction emanating “from the Department of the Interior can ever in my [~~]~~ opinion [~~]~~ judgement, “transmute a line inaccurately run into a line running strictly in “compliance with the terms of a Treaty\_ The simple fact is this: The line defining the Eastern Choctaw boundary, “in the Treaty of Jan 20th 1825 has “never been run. That line of course exists, altho it has never been, blazed marked nor surveyed\_ and its southern “points on red river refered to in the treaty of May 6th 1828 also exists although there is no mark made to indicate it\_ Mr Downs did not run the “Choctaw line in accordance with the Treaty of 1825\_ He did not run a due south line\_ Therefore his line is not the line of the Treaty of 1855\_ These two treaties define the

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“line in identical terms\_ It is  
my duty to superintend and see that  
the line is run in accordance with  
the treaty\_ Therefore I cannot subscribe,  
nor certify to Mr Down’s line,  
“which is no more in accordance  
“with the treaty, than if he had

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commenced at the initial point on”  
“the Arkansas River, and had run a”  
“SouthEast or a Southwest line.  
“Whether Mr Down’s line takes off  
Territory from the State of Arkansas  
“or takes away lands belonging to  
the Choctaws is no question for”  
“me\_ no point in my argument\_  
I can only satisfy myself by  
“superintending and seeing that the”  
“line is run\_”

Such is the testimony of Commissioner  
Williams on file in the Auditors office in his letter of  
resignation.

The report of U. A. Surveyors  
Jones & Brown refers also to  
a “fundamental error” in this survey\_  
referring as the contestants claim  
to an inaccurate allowance made  
for the variations of the magnetic  
needle.

To recapitulate this in brief,  
the Indian Nations in question  
claim\_

1\_ That the due south line from  
the initial point. one hundred

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paces east of Old Fort Smith on  
the Arkansas, to Red River, is the

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boundary according to treaty\_ and  
that it has never been run\_

2. That the Downs and Conway  
line, although starting from the  
proper initial point, is not a due  
south line: is not now, ever was  
admitted as the boundary line. was made  
before the Treaty granting the territory  
in question, and had no reference  
when made to the fulfillment of said Treaty\_

3\_ That when adopted in 1858,  
in lieu of a new, due south survey  
from the aforementioned initial point,  
it was, without the consent of the  
Choctaw & Chickasaw Indian Nations,  
and contrary to all the treaties with  
said nations, from the year 1825 to  
the present date.

I have thus in detail presented  
such facts as I understand to come  
within the scope of my instructions,  
and which I trust may be of service  
in any future investigation of the  
question. and an very respectfully  
your obt servt.

C V. Meador  
Special agent  
Indian boundary.

Jan 8th 1871.

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[page torn] Copy Instructions

Executive Department State of Arkansas  
Little Rock Sept 1st 1869

To whom it may concern

Whereas official information has been received at this Executive Department: that the Choctaw and Chickasaw tribes of Indians bordering west of the State of Arkansas, are likely soon to renew the prosecution of claims against the Government of the United States, for the reclamation of Territory claimed by said Indian Tribes, and recognized as a part of the state of Arkansas, or for compensation for the same; and whereas the official authority of the State of Arkansas has been requested to cooperate with said Indian Tribes in a preliminary investigation of the facts upon which such issue is made, and for the purpose of an amicable adjustment of the same:

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Now therefore know all men by these presents that I Powell Clayton Governor of the State of Arkansas do hereby appoint Dr C V Meador to proceed to the Councils or other proper authority of said Choctaw and Chickasaw Indian Tribes for the purpose above mentioned and with authority to investigate records in the Archives of the State of Arkansas relative to the disputed boundary in question and report such facts as may be elicited to this department

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In Testimony Whereof  
I have hereunto set my  
hand and caused to  
be affixed the seal  
of the State at Little  
Rock this 1st day of  
September in the year  
of Our Lord One Thousand  
Eight Hundred and Sixty  
nine\_ Powell Clayton  
Governor

(Seal)

By. the. Governor  
Robt J. T. White Secretary of State

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Little Rock Arks  
Jan 8th 1871  
Meador Dr C.V.

Report in  
relation to disputed  
boundaries of Indian  
Nations.

Investigation

Dr Meadors  
Report