

## ITI FABVSSA

### **A New Chahta Homeland: A History by the Decade, 1850-1860**

Over the next year and a half, Iti Fabvssa is running a series that covers Oklahoma Choctaw history. By examining each decade since the Choctaw government arrived in our new homelands, and using Choctaw-created documents, we will get a better understanding of Choctaw ancestors' experiences and how they made decisions that have led us into the present. This month, we will be covering 1850-1860, a decade of dealing with the central issues for the Treaty of 1855, its fallout and the lead up to the U.S. Civil War.

The beginning of the decade was notably marked by the Constitution of 1850. One major change was the reorganization of Choctaw Nation's court system. The four districts – Apuckshunnube, Pushmataha, Moshulatubbee and Chickasaw – were divided into counties, each with their own court. This greatly increased the number of judges throughout Choctaw Nation. Each county established a “court ground” where they held elections. Having a local court ground also made travel distances for people shorter, encouraging greater participation. Judges were elected for a two-year term and handled issues regarding divorce, probate (wills), preliminary hearings for individuals charged with major crimes and minor offenses where the penalties did not exceed fifty dollars. Today, many of these county court records are available for viewing in the Choctaw National Records at the Oklahoma Historical Society. Despite the improvements brought about by this new constitution, Choctaws continued to have unresolved issues involving the U.S. and past treaties.

When Choctaw leadership signed the 1820 Treaty of Doak's Stand, Choctaws secured a massive stretch of land that included all of what is now southern Oklahoma and part of the Texas panhandle as part of the new Choctaw homeland. Today's reservation is just a small fraction of that original land cession. When the U.S. government ceded these lands to Choctaws in anticipation of removal, these were the homelands of other Indigenous nations, particularly Caddo, Quapaw, Wichita and Comanche. When the U.S. ceded these lands to Choctaws, it did not have the authority to do so. Nations like the Delaware, Shawnee, Kickapoo, Wichita and Comanche, whose land was also included, did not agree to such a cession to the Choctaws. They still saw these lands as part of their homelands which resulted in conflict between the removed Southeastern nations and some of these western nations.

Despite council meetings between Choctaw, Chickasaw and Plains nation leaders to negotiate peace between them throughout the 1830s and 1840s, agreements were not long-lasting. The land conflict with Western Indigenous nations became a constant source of problems for the Chickasaws in particular. Since Chickasaws lived in the western-most district, they experienced more raids than the three Choctaw districts. Chickasaws even called on the U.S. government to build forts in their territory so they could better protect themselves from raids. This problem only added to the grief of the Chickasaws, who found their political placement within Choctaw Nation increasingly unsatisfactory.

Despite the 1850 Constitution's organizational changes that gave Chickasaws greater representation in government, Chickasaws were still unhappy with their status as a district within the larger Choctaw Nation. Understandably, they wanted to govern their own nation as

they had done for generations. But this conflicted with U.S. government policy which was working to reduce the number of Native governments and to integrate them into the U.S. political system. Chickasaws raised the issue in their letters to the Bureau of Indian Affairs and called for them to separate the nations. Chickasaw desire for political separation from the Choctaw Nation became a negotiating point that the U.S. government used to its benefit in discussions regarding other issues Choctaw leaders were focused on resolving.

According to the 1830 Removal treaty, the U.S. government planned to sell the lands in the homeland and provide the Choctaw national government with the “net proceeds.” Since Article 14 of Dancing Rabbit Creek allowed Choctaws to choose whether to stay or move westward, some decided to stay in the homeland and accepted 640-acre allotments. All these individuals were supposed to be registered by U.S. Agent William Ward, but he sabotaged many of these records and told people to move west instead. Without a proper record of Choctaws who stayed, the U.S. government sold many Choctaws’ allotments against their wishes. The money from the sale of these lands, or net proceeds, was then supposed to be provided to the Choctaw national government in Indian Territory. Along with the net proceeds, Choctaws were also supposed to be compensated for any lost livestock and improvements. But the U.S. failed to pay out in a timely manner, and its settlement became a major area of focus in Choctaw negotiations with the U.S. This became known as the Net Proceeds Case.

The issues regarding the Net Proceeds Case, Plains Indigenous nations’ raids and Chickasaws’ desire for political separation culminated in the Treaty of 1855. This treaty significantly divided the massive land mass the Choctaws initially gained in 1820. All of the lands between the 100th and 98th meridian became known as the Leased District. After paying the Choctaw Nation \$800,000 for their lands west of the Chickasaw district, the U.S. government could use the land to resettle Wichita and other western Plains nations. With the signing of the Treaty of 1855, the Choctaw land base shrunk considerably – decreasing from over 23.7 million acres to a mere 6.688 million acres.

Since the Treaty of 1855 split the Choctaws and Chickasaw into two separate nations, Choctaws needed a new constitution. In January 1857, a small group of prominent Choctaws met at Skullyville, a town twelve to fifteen miles southwest of Fort Smith, at the Choctaw Agency. Since Choctaws received per capita payments from the U.S. government at the Choctaw Agency, as promised by treaty, it was named after the Choctaw word for money, “iskulli.” When other Choctaw citizens read the drafted constitution, it was very unpopular. This was in part because this particular constitution was seen as representing the interests of the slave-owning Choctaw minority that wanted to keep chattel slavery as an institution. Some prominent Choctaw families, particularly mixed-blood ones, had picked up the practice of chattel slavery while in the homelands and brought slaves over on the Trail of Tears. Most Choctaw families, particularly the traditional fullblood ones, did not own slaves. Another problem was that the new Skullyville constitution eliminated the office of the district chief and replaced the three chiefs with a single governor. Some saw the usage of the title “governor” as a step towards dismantling the Choctaw Nation and making it part of the United States. The Skullyville constitution was only approved by a minority of Choctaw citizens.

In May 1858, another group of Choctaws met at Doaksville to draft and approve a completely different constitution than the one proposed at Skullyville. They also elected a new set of district chiefs. With this, the Choctaw Nation had two governments involving two different

factions. Civil war loomed as a possibility and this drew the attention of the U.S. government, which threatened to send in federal troops. By October 1859, the two governments worked with one another to create a government more aligned with what the majority of Choctaws actually wanted. At the close of 1859, Choctaws decided they would hold a constitutional convention in January 1860. While things began to settle in Choctaw Nation, turmoil in the U.S. increasingly impacted Choctaw Nation.

Additional reading resources on this period are available on the Choctaw Nation Cultural Service webpage (<https://choctawnationculture.com/choctaw-culture/additional-resources.aspx>). Follow along with this Iiti Fabvssa series in print and online at <https://www.choctawnation.com/history-culture/history/iti-fabvssa>. If you have questions or would like more information on the sources, please contact Megan Baker at [meganb@choctawnation.com](mailto:meganb@choctawnation.com).

Next month, we will cover the period of 1860-1870 when Choctaws found themselves involved in the U.S. Civil War and its aftermath.

