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Legal Terms from the Choctaw Council Meetings of 1826–1828

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Peter Perkins Pitchlynn and the Council Meetings Records

As we began to translate the manuscript that eventually became the published book *A Gathering of Statesmen: Records of the Choctaw Council Meetings 1826–1828 [by] Peter Perkins Pitchlynn*, my editor and long-time collaborator Henry Willis and I expected to encounter forms of the Choctaw language that perhaps would not have survived modernization, the ravages of attrition, and the eclipse of other dialects.[1] As it turned out, the language of that time and place was remarkably similar to that of modern-day fluent and older speakers, though not of younger ones. This article concerns that document's choices for a political and legal vocabulary to describe new, nontraditional institutions that sometimes paralleled American ones. I emphasize that this article does not represent an exhaustive study of all early Choctaw legal terms. I focus on Peter Perkins Pitchlynn's manuscript in particular because it is perhaps the earliest such document surviving, its context is easily understood, and its secretary/author is the same throughout.

One of the best-known Choctaw leaders and statesmen of the nineteenth century, Pitchlynn's background and education bespeaks his knowledge of legal issues and his ability to write in a high register and lends significance to the words he chose to record in the Council Meetings notes. He led a lively intellectual life and the sizable cache of papers and letters he produced has supported his reputation as one of the leading Choctaw intellectuals of his time. Peter Pitchlynn's father, John Pitchlynn, had been placed in the care of the Choctaws as an adolescent when his own father, British trader Isaac Pitchlynn, suddenly died while in Choctaw country in 1774. John, who spoke

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the Choctaw language, married a woman from a prominent Choctaw family and after her death then married a second Choctaw woman.[2] At the time such white-Choctaw marriages were accepted and not rare. The matrilineal Choctaws conferred tribal membership upon children of a Choctaw mother and a white father, and could garner advantages such as formal education, the ability to speak English, and recognition in European and later American society. Like Peter Pitchlynn, the children of such unions consequently often rose to positions of leadership within tribal governments. However, friction between factions of the tribe—those that favored increased acceptance of and even assimilation with white American ways, especially education, and those that fought to preserve traditional ways—created a tumultuous decade from 1820 to 1830.

The Pitchlynn family favored accommodation of American institutions.[3] Peter Pitchlynn was educated in at least two institutions, including the Choctaw Academy located in Blue Springs, Kentucky, studying subjects such as moral philosophy and history in the classical education of the time. He also became a captain of the Choctaw Lighthorsemen at a young age. Even as a very young man he became increasingly prominent in Choctaw tribal affairs, as he deeply immersed himself into the contentious politics of Removal. When the bulk of the Choctaw people moved to Indian Territory (1831–1833), Pitchlynn remained in the thick of Choctaw politics, especially on the level of treating with the United States government. He served as principal chief of the Choctaw Republic from 1864 to 1866.

Pitchlynn was chosen to be the secretary for the Choctaw council meetings that were held between August 1826 and August 1828. On August 5, 1826, the first meeting was held "on the bank of the Noxubee River in present Oktibbeha County, Mississippi."[4] The notes from these meetings were bound into a manuscript. From the manuscript itself, we know that the meetings from the second meeting forward were held in the Northeast District, Yakni Ahepvtukla, also called the Okla Tannap. The meetings were organized to deliberate on and to create new laws for the Choctaw people—in no small part because both side-by-side existence with American institutions and the different points of view of the growing "mixed–blood" population were bringing increased pressure.

There is speculation about whether these meetings were initiated to formulate what might be called a "constitution." David Baird judges the 1826–1828 meetings to have been tasked with creating a constitution. The American Board of Commissioners for Foreign Missions prepared a summary of the first meeting in 1827 that refers to it as such. Lester Hargrett, who collected this manuscript, also describes it as a "constitution." Angie Debo, however, is more careful in describing the products of the meeting: "This circumstance (the deaths of two district chiefs) may have hastened the constitutional change that took place in 1826 when a Council of the entire Nation adopted a system of elective Chiefs who should hold office for four years. At the same time the Council adopted a code of written laws."[5] The English word "constitution" has a very specific connotation in law: to apply this term to the council notes is too big a leap. Given that the newly formed Choctaw government in Oklahoma prepared a constitution and deposited it with the United States agent in 1834, it is safer to presume that the council notes prefigure the later constitution. While the form of

these notes includes a term that could mean "article" (see section titled "Anumpa") and their content includes some prescriptions for lawmaking procedures, many other topics are more typical of municipal government legal instruments, such as instructions for how to handle loose livestock and specific allotments of money to be made to certain persons. Generally, a "constitution" would not concern itself with mundane and topical issues.

The Pitchlynn Manuscript

The "Pitchlynn manuscript," as I will refer to it here, is a handwritten twine-bound manuscript of 109 pages that uses a version of Cyrus Byington's orthography to record the proceedings of these council meetings in the Choctaw language.[6] Our translation is exclusively from this handwritten manuscript in Choctaw. Part of Pitchlynn's daughter's collection, the manuscript was acquired by Lester Hargrett and eventually by the Western History Collections at the University of Oklahoma, where Phillip Carroll Morgan discovered it in the Pitchlynn collection. Morgan, a graduate student studying nineteenth-century Choctaw authors, among them Pitchlynn, brought a copy of the original Pitchlynn manuscript to Mr. Willis and myself for inspection and, if possible, translation into English.[7]

I know of three other summaries of the content of the council meetings, all in English. One is handwritten on ruled paper whose lines are printed in blue and red; the second is typed; and the third is handwritten on coarse yellowed paper with thread holding several pages together.[8] These English summaries lack any notations of dates of appearance and authors. All appear to be versions of each other with respect to wording and differ significantly from the Choctaw version. The yellowed paper version contains a summary of only the meetings held on August 28 and 29, 1828. None of them contains the first twenty-three pages of the Pitchlynn manuscript regarding the original meeting of August 5, 1826, which describe the way the council meetings would be organized and include the names of the eighty-one signatories attending.

Additionally, while the Choctaw version names David Folsom as one of the principal chiefs from the first meeting and Levi Folsom as the district chief in all other meetings, the English versions name David Folsom as the district chief. The English versions use "etc., etc." when naming participants, while the Choctaw version always includes all names. Only the Choctaw version has a claimed author: on page twenty-three appears "*Ilvppa he moma ho e holissochi* [We all wrote this], Moses Foster, P. P. Pitchlynn." With regard to writing style, which will be discussed further in this article, the Choctaw version uses a particular register to open and close each meeting. The English versions dispense with such language or do not attempt to reproduce it.

Goals and Methods

Mr. Willis and I had several critical choices to make before undertaking translation of the Pitchlynn manuscript. The overarching question was: which audiences would be served? We immediately agreed that the translation should serve persons who would be interested in it for its content and relevance to Choctaw people. Hence, there

would be no interlinear glosses or linguistic instruction. Along these lines, we chose not to use literal translations when such translations would produce clumsy, strange-sounding, alienating results. It was Mr. Willis's explicit intention that the translation should reflect the legal register that a document of such consequence would embody: he rejected any suggestion that Choctaws could not or would not speak in a high register. Finally, we kept footnotes in the translation to a minimum: including only those that were required to disambiguate the text, we left historical interpretations and contextualizing to the historians.

Since this document was written before the general dissemination of Byington's dictionary—although Pitchlynn's spelling system is essentially Byington's, the first draft of his grammar appeared in 1834[9]—it is worth comparing Byington's last revisions, which were published in 1915, with the commoner terms that appear in Pitchlynn's manuscript.[10] This article also references two other nineteenth-century dictionaries, Ben Watkins's *Choctaw Definer* and Allen Wright's *Chahta Leksikon*.[11] I also have referenced legal language from one version of the laws and treaties, translated by A. R. Durant, Davis Homer, and Ben Watkins.[12]

The legal terms that appear here are grouped morphologically into the very small categories of *borrowings* (of English words)and *calques* (a direct translation of an English extended meaning or use of an English word formation), discussed in the next section, as well as the much larger category of *extensions* of existing Choctaw words.

I reproduce Pitchlynn's spellings, including his variations, as they appear in the transliterated manuscript. Underscoring represents a nasal vowel. The letter <v> represents the short central mid vowel. That vowel is written as upsilon <ʊ> in other works and is so transcribed when citing them.

Hereafter, when Choctaw words are referenced from the Pitchlynn manuscript and compared with the translation made in *A Gathering of Statesmen*, page citations from these volumes will appear in parentheses; the first number refers to the Pitchlynn manuscript, and the second number to *A Gathering of Statesmen*.

Legal Terms and Their Analyses

This article analyzes terms from a group of semantic concepts signifying laws and legislation; leaders; political entities; military and law enforcement; civil officials; and abstract forms of money. First, however, I discuss the significance of the observation that two types of word formation, borrowings and calques, appear only sparsely in the manuscript, in strong contrast to later Choctaw documents.

Remarkably, Pitchlynn rarely resorted to simple borrowing of English words to express what were most probably American political concepts, and at the very least, new ways of thinking about how Choctaw society was to be governed. Certainly, the simplest way to capture a new concept that already has a "foreign" word assigned to it is to merely borrow that word and rephonologize it. This strategy has become ubiquitous in Native American languages as those languages increasingly lose speakers and with them, the dynamism to coin new words. So, it is indeed remarkable that Pitchlynn borrowed so few English words in his secretarial notes.

Of note are only two borrowings that he uses routinely: *kvpitvni* (captain) and *committie* (committee) in various spellings, among them *Committie, Committee, Kammitte, Kamiti, and Komiti*. *Kvpitvni* seems to have been borrowed from Spanish *capitán* well before the manuscript was written. Swanton says as much in his brief review of military terms, and of course the Choctaws were in contact with Spaniards from their first encounter with them in the late-seventeenth century (in naming two military officers, Pitchlynn also uses *Mecha* [Major] in one instance).[13] Indeed, he is fully aware of the borrowing, as he includes an English gloss: *Mecha* (Major) *Iahokatvbi . . . Mecha* (Major) *Holvbi* (26, 78).

Of the two interesting calques Pitchlynn creates in the manuscript (use of an English word formation or a direct translation of an English extended meaning), one is the term *seconded*. In fact, writing that a proposed law was "not seconded," he uses the term *iktuklo* (not be two; 5, 17). Directly above *iktuklo* he has written the numeral "2," signaling his awareness of his translation process. The other calque appears with his phrase for a subcommittee consisting of eight members, or an "eight-man committee." He terms this both as *hatak untuchina ho Committie* (man being eight committee; 7, 26) and as *Committee hatak untuchena* (committee man eight; 9, 31).

Instances of extensions of existing Choctaw words are much more frequent; Pitchlynn presumably strove to use Choctaw words to extend related ideas for his Choctaw audience. Importantly, Pitchlynn has an appreciable number of variations on each of his "base word" choices. Choctaw word formation, unsurprisingly, permits a number of derivations and compounds from the same root. Pitchlynn has clearly not settled on a single term for many concepts: he is shown to occasionally use a different variation of a term in the same sentence (numerous examples will be presented in following subsections). This behavior bespeaks the fluidity of his choice of terms: they have not yet been lexicalized, so as he chooses each one in each new sentence, he uses both different lexical items and the same lexical item in different forms.

Because these words have definitions and usages within the language, during our translation the most difficult task proved to be selecting an English counterpart that would map to the actual concept being depicted, and not merely a paraphrastic or metaphorical description. For reasons which will become clear when we discuss specific legal topics, rather than to simply gloss the literal Choctaw meanings, from the beginning we accepted that others might well prefer another term but worked to provide an acceptably equivalent English term.

The article concludes with a number of *many-to-many* mappings in both English and Choctaw: that is, a single Choctaw term will have a number of English translations associated with it, and a single English term will have a number of Choctaw translations, all depending on both context and felicity. I have selected the concepts and terms in both languages that most frequently appear in these mappings, grouping them in their variations. Because there are dozens to hundreds of occurrences of these terms, they will not be individually cited by page number. These concepts are those pertaining to laws and their articulations and distribution of public and private monies, as well as terms for leaders, civil officials, political organizations, and personnel and organizations concerned with law enforcement and the military.

Government and Lawmaking

The self-governing Choctaws of course were concerned with describing their own institutions and traditional procedures and the native Choctaw vocabulary of this era generally lacked words for specifically Euro-American notions of voting, meetings, legislators, and the general conduct of government. At times, however, Pitchlynn uses words that denote traditional institutions in order to refer to Euro-American notions, while at other times in his efforts to capture those notions, he uses and reuses terms in various combinations.

Anumpa

Among the extended words getting the most use is *anumpa,* with hundreds of occurrences. *Anumpa* has a very large semantic field covering concepts of speech, communication, language, word, declaration, and the like. *Vlhpisa,* a form of *apesa* (to judge), has a similarly large semantic field relating to concepts of correctness and suitability. *Anumpa* has been translated as "law," "article," "legislation," and "document." Compounds of *anumpa* include *anumpa nana vlhpisa* (word that is a correct thing), *anumpa vlhpisa* (correct word), and *anowa anumpa* (narration word, also "law" or "article"). To label what we would term "articles," Pitchlynn uses the compound *anumpa aishtia* (starting speech) followed by a number. We also see that many renderings of the concept "law" are made with the notions of "correct speech." The concept is also often rendered simply as *nanimvlhpisa* (that which is correct for one).

Examples 1–6 below, from the first pages of the manuscript, show six usages of *anumpa* and some of the compounds and phrases which deal with how the committee will handle its business. The Choctaw words and their translations are bolded.

(1) ***Anumpa*** *mak kia pim anukfila kvt* (1,4; These **concerns** are; literally, in a resumptive use from the previous sentence, "but these words that we are thinking about").

(2) ***anumpa*** *ilvppvt* ***vlhpisvt taiyahak*** *ma* (2, 6; this **legislation**; literally, "these words completely fitting").

(3) ***Anumpa aishtia vmmona*** *kvt ilvppak oke* (2, 8; This is the **first article**; literally, "first beginning speech." *Vmmona* means the "original, first," and subsequent sections are labeled with consecutive numbers).

(4) ***anumpa nana vlhpisa*** *kvt . . .* ***anumpa vlhpisa*** *mato* (4, 16; these **laws**. . . these **laws**; literally, "speech a fitting thing, fitting speech").

(5) ***anumpa nana fehna*** *hatuk mvt aiahlit vlhpiesashke* (5, 19; these **important words** shall have been ratified). The choice of *nana fehna*, "important," led Mr. Willis to translate this phrase literally.

(6) ***anumpa himona vlhpihisa*** *kvno* (6, 21; these **new laws**; literally, "words new being made fitting").

Even this very small sample of uses of *anumpa* shows how varied appropriate English glosses might be. Moreover, it shows how much variation Pitchlynn employed in his word construction; in particular, to refer to the general concept of law, he employs variant forms *vlhpisvt* and *vlhpihisa* (becoming proper), along with the simpler and commoner modifier *vlhpisa*, even in the same sentence.

Later documents, particularly the Law and Treaties from 1837–1866, which was translated into Choctaw by A. R. Durant, Davis Homer, and Ben Watkins, have lexicalized *nan vlhpisa* to mean "law."[14] Byington's last version of his dictionary, finished in 1868 and published in 1915, gives *anumpa vlhpisa*.[15] Ben Watkins's *Choctaw Definer*, an English-to-Choctaw lexicon of many fewer entries than Byington's, gives *nan vlhpisa* and *anumpa vlhpisa*.[16] Allen Wright's *Chahta Leksikon* gives *anumpa vlhpisa*.[17] The term for "law" seems to have been eventually lexicalized around these two versions.

Apisa/apesa

A second heavily used Choctaw word is the verb *apisa*, also spelled *apesa* (order, judge; *vlhpisa* is a derivation of this verb). Besides its ubiquitous use in the form *vlhpisa*, as seen in the examples above, the verb is frequently chosen to mean "pass legislation." In example 7, Pitchlynn again does not settle on a single form, but generally chooses from among the morphological variations *apihi̱sa*, *vlhpihi̱sa*, and *vlhpiesa*.[18]

(7) *Yakokmvt* ***nana apihi̱sa*** *akinli* (18, 61; "And so it is (we) are thus **passing laws**"; literally, "repeatedly judging/ordering things").

In comparison, Allen Wright's phrase for "make laws" uses the straightforward *anumpa vlhpisa ikbi* (*ikbi* is "make"), while Byington does not specifically treat this notion.[19]

Expressing Consensus

Since consensus, rather than majority opinion, is the Choctaw cultural standard, the rules of the council sessions required unanimous agreement. Indeed, the Pitchlynn manuscript frequently refers to the need for consensus and uses several terms to denote ratification and unanimity. Pitchlynn formally closes nearly all sessions with language attesting that "we have ratified this law and are in agreement," although the actual words vary, sometimes considerably. Further, with one exception, he ends each session with, "we attach our names." Example 8 is taken from the first large session of August 5, 1826. An extensive paragraph precedes the signature page, with eighty-one signatories.

(8) *Anumpa ilvppv vlhpihi̱sa kvt im anukfila achvfa bieka hocha chiyvt apesvt im vlhtaiyahvshke* (22, 68; The council, in session, has finalized this law and is in unanimous agreement.

Example 9 is from the June 12, 1828 session:

(9) *Kommiti vlheha pia kvt* ***pi hochifo kvt anumpa ilvppa e lapalihinchishke*** (32, 104; We are the committee named here and **we attach our names**; literally, "we attach our names to this speech").

The last sessions have a more standardized concluding statement, particularly those of the final meeting on August 28–29, 1828:

(10) *Anumpa ma il aiahlichit pin taiyaha hocha anumpa hatukmvno pi hohchifo ka e lapalihinchishke* (69, 190; We have come to our conclusion with passing this law and we hereby attach our names). This phrase appears virtually the same way in ten of the amendments of the August 28–29 sessions and Mr. Willis has translated it in a

number of valid ways (64, 178; We have come to our decision about these laws and hereby attach our names).

To analyze the first part of the phrase, *anumpa ma ilaialhichit pin taiyaha*, *aialhichi* is "from + make true" and is used to mean "fulfill" or "bring about the truth," while *taiyaha* means "completely." To these we can add the first-person plural pronominals *il* and *pin* to arrive at the concept "we completely fulfill/make true this law," which could be rendered in English with a number of synonyms. To denote unanimity and agreement, as in example 11 below, Pitchlynn uses *itim achvfvt*, "being one with each other," and variations such as *pim aiachvfvt hvppin taiyashashke*, "we are completely one," or literally, "we are one, we are complete."

(11) *anumpa mvto* ***pim aiachhvfvt hvppin taiyashke*** (71, 115; **We all agree** on this amendment; literally, "we are one and we are complete").

Terms for the actual running of the sessions—"in session," "vote," "veto," "elect," "second," "committee"—are similarly various and variable. To describe the legislators in session, Pitchlynn uses the Choctaw *chiya* (be seated) both alone and in phrases. He does not use a particular word or phrase for "vote," per se; rather, the legislators "are in agreement." As discussed, the word for "second" is a calque based on the number two, *tuklo*, and "committee" is borrowed from English. Pitchlynn has a rather complicated description of what we might call a "veto"; our translation renders it "if the head man says it is not valid or two think it is not valid, this law shall not pass" (5,17).

The Concept of Leaders

The extension of Choctaw words to numerous possible English terms is particularly noticeable in discussions of political leaders. Certain terms are highly restricted to their original cultural domains, while others are allowed to describe persons who make up the new kind of government.

Hochitoka and *holitopa*

Pitchlynn refers to the persons forming the legislative body whose business he recorded with variations of the Choctaw words *hochitoka* (important ones), *holitopa* (esteemed, honorable, beloved, worthy), and the like. Often compounded with *hatak* (man), Pitchlynn uses *hochitoka, Chahta Hochitoka Moma Anumpuli* (all the important Choctaw speakers, translated as Elected Council), *hatak hochitoka anumpuli* (important men who speak), *Chahta okla hochito* (important Choctaw people), *hatak holitopa vlheha* (group of esteemed men), to mean elected people, leaders, heads of the Assembly, legislators, officials, and officers. In some cases, Mr. Willis's nuanced intuitions governed the choice of an English word. It was important to choose English terms with a narrower scope to assist readers to make sense of the document in its context as an active compilation of laws. Here, for example, is an example of a common usage:

(12) ***Hatak hochitoka anumpulit itvnaha*** *kvt ont afvmmi achvfa a itintaklaka ai itvnaha kvt hitukla* (3, 9; **Legislators** shall meet twice within one year; literally, "important men speaking together").

It did not seem to us that these labels had real distinctions in rank, except for those with *miko*, when actual chiefs or headmen were intended.

Miko

The Choctaw word *miko* is the traditional word for tribal leader or chief. Swanton has reported that *miko* refers to several levels of headman, ranging from the three who governed the three traditional districts to the lesser and more local leaders of individual villages.[20] Pitchlynn uses it sparingly in the manuscript when identifying individuals. *Miko* is used for the three district chiefs (Tvpenahumma, David Folsom, and Greenwood LeFlore), and the Ahepvtukla District Chief (Levi Folsom). In one usage we translated *Nahullo miko* as "White authorities" (12, 41). The numerous other uses of *miko* often appear in the phrase *hatak miko* (often spelled *miko*), literally "man chief," such as *hatak miko moma* (all the chief-men) to refer to persons who hold some level of leadership distinct from *hatak holitopa*.

On two occasions Pitchlynn uses *ishahli*, also spelled *ishahli*, whose verbal meaning is "be superior to." We have variously translated it as "his superior" when in a military context and as "those in charge" in the legislative context.

Apisa/apesa Again

Another common word used to denote persons in government is one of the forms of *apisa*, which we have already seen in terms for "law." In cases when we were able to ascertain specific meanings, the nominal form *apesa* is variously compounded and used in derivations to refer specifically to judges and also to persons with special knowledge or status. For example, Pitchlynn uses *hatak nana apesa* (96, 228; man who judges things) for "judge," and for lawmakers or persons who have their status in general as well. He also uses a related term for such persons, *nanapesachi* (one who oversees things). Similarly, Byington also gives *apesa, hatak nan apesa,* and *nan apesa* for "judge,"[21] while Watkins gives both *hatak nan apesa* and *nan apesa,* but also the English borrowing *chvch*.[22] Alternatively, Wright defines *nan apesa* both as "the legislative council" and "a councilman" and does not mention "judges."[23]

(13) *Yvmohmi kvt* ***ishahli*** *mvto,* ***hatak nana apesa*** *yona atokoli tok ona yvmohmit aiashashashke* (3, 13; It shall be that **those in charge** shall proceed to elect **statesmen**; literally, "those who are superior shall do so to choose men who judge things").

(14) ***hatak ilvppa nan vlhtoboka*** *kvto . . .* ***nanapesachi*** *kvto hielashke* (7, 27; **these men who have been selected** . . . these **lawmakers** shall be put into place; literally, "these men who have been chosen . . . these persons-who-judge-things shall be made to stand").

When Pitchlynn refers to the spiritual leaders of his tribe, he always uses *hopaii*, and this word never has an extended reference.[24]

Political Groups

The most striking use of a Choctaw word with extended meaning is *ulhti* (council fire). The Choctaw term refers to the ceremonial fire that marked decision-making gatherings in the traditional culture.[25] The term was extended in the manuscript, beginning

on the first page, to refer to the three traditional cultural and dialect districts, named previously: Okla Hannali, Okla Falaya, and Ahepvtukla/Okla Tvnnvp. In the manuscript, *ulhti* always refers to these districts; in versions of Byington's dictionary it has been further extended to mean "government, state." The manuscript uses "Ahepvtukla ulhti" to refer specifically to the government of that district.

Pitchlynn uses the term *okla talaia* (people settled in a place) to refer to the Choctaw nation, in the sense of the whole of the Choctaw people. He uses *oklushi*, the diminutive of *okla* (people), in its usual meaning of "tribe." He uses *hatak vpi humma* (red race men) to distinguish any Native from whites, who are *nahollo* or *nahullo*, and sometimes literally *hatak nipi tohbi* (white flesh men), and persons of African descent *hatak lusa* (black men). For "nation," Byington's dictionary simply uses *okla* or *oklushi*, and even *yakni* (land).[26] In contrast, Wright uses *oklushi* for "tribes" and it is not included in Watkins's Definer.[27]

Examples 15–16 show distinctions in the contexts of the terms *okla talaia* and *yakni*:

(15) *anumpa himona ilvppa . . . aiahlit* ***pim okla talaia*** *onah hlipulli makinlashke* (5, 21; this new law . . . permitted and approved by **our Nation**, through this procedure; literally, "our settled people in (this) place").

(16) ***Yakni ilvppa*** *il aiahanta kvt* ***Chahta okla*** *e moma pi hochihifo kako pimmi hoke* (5, 23; **This land** where we reside belongs to all people who are called **Choctaw people**).

Terms for more specialized political bodies, both elected and appointed, very often include the word *itvnaha* (assembled). Pitchlynn comes to prefer phrases such as *hatak hochitoka anumpulit itvnaha* (important men assembled to speak) and clipped versions such as simply *itvnaha*. He occasionally uses *itahobvt anumpuli* (speak and exchange together), which we have translated as "to conference."

Military and Law Enforcement

The manuscript has many occasions to refer to defense and peacekeeping personnel and organizations. However, except in the particular case of the Lighthorsemen, the manuscript does not clearly distinguish between defenders of the Choctaw people against other political entities, those who are put in charge of political decisions, and those who maintain civil order. In all three cases, personnel are denoted with the word *tvshka* (warrior). In addition, the manuscript sets out a number of the duties and privileges of the Lighthorsemen who, in addition to keeping order, were charged with judgment and execution of capital cases.[28]

The manuscript's first page addresses the *tvshka puta* (all warriors; militaries). At the end of the first meeting, on August 5, 1826, one section for the signatories is devoted to *kvpitvni* (captains) and *tvshka*; however, it is unclear whether use of *tvshka* in this particular section denotes all such military occupations, including the *isuba ominili tvshka* (warrior riding on a horse), the term specific to the Lighthorsemen.[29] *Tvshka achvfa* (one undivided group of warriors) is a company or brigade. There is one use of *intvshka pehlinchit* (one's managed warriors), which we have translated as "brigade" (94, 236). The manuscript frequently refers to *kvpitvni* of these brigades and

once to *i shahli*, which we have translated as "his superior" (see subsection regarding *miko* above).

Significantly, *kvpitvni* and *tvshka* also appear in instances when the political organization is being laid out in the beginning of the document, such as "every district captain shall have a military assistant (*nakni tvshka*; male warrior) assigned to him" (3, 12) and "this particular assistant (*nakni tvshka*) is authorized to counsel" (4, 14). It continues, "if the speakers (*hatak anumpuli vhleha*), captains (*kvpitvni puta*), and the attachés of the captains (*in tvshka achvfa i kvpitvni alapali* (the company attached to their captain) are present, they may override the decision" (5, 18). Seemingly, *tvshka* and *kvpitvni* carry multiple meanings that in translation might be better articulated with a larger number of terms, much like *anumpa*. Yet, closely differentiated military and law enforcement terms do not appear in the work of nineteenth-century lexicographers Byington, Wright, and Watkins either. In this example, the context prompted our choice of "military assistant":

(17) *Yvmohmihkmvt* ***ulhti a ilaiyuka ya kvpitvni vhleha****; yvmohmikmvt* ***nakni tvshka achvfa hatak kvpitvni ma alapalashke*** (3,12; It shall be thus: **every district captain** shall have a **military assistant assigned to him**; literally, "every district captain shall have one male warrior attached to that captain man").

Civil Officials

The manuscript refers to civil officials by using a variety of expressions that require consideration of their contexts. An official who might conduct a wedding is *hatak holitopa* (esteemed man), constructed with the ubiquitous *holitopa*, which has a large semantic field having to do with positive valuation; as we saw earlier, *hatak holitopa* is also used to refer to legislators.

While the Choctaw term *itawaiyachi* (marry) is readily applied, a "religious wedding ceremony" is rendered *vbanumpa ishtika*, formed with *vba* (upward) + *anumpa* (speech) and *isht* (with) + *hika* (stand). Although Byington lists the nearly identical *vba anumpa isht ika*, he defines it as "a homily," or a "speech delivered while standing."[30]

The manuscript also mentions administrative positions such as stray animal management and instruction of the young. In these cases, the duties themselves are paraphrased, as in "the one who has taken the trouble in handling the stray stock" (80, 216); "a smith who is skilled in working on all things" (103, 255); and "a skilled man of knowledge" (105, 258).

Terms for Money in its Many Manifestations

Euro-American concepts of payment that diverge from straightforward purchase and trade intruded into early nineteenth-century Choctaw life, and thus the manuscript discusses debt, allotments, salaries, and wills, as well as fines and liens. Some Choctaw terms match concepts closely without needing added extensions, while others lack a single word that could be extended to cover extreme semantic narrowness, forcing the writer to paraphrase. Concepts such as "lien" and "escrow" provide clear examples. "Lien" is paraphrased as "but if the animal's owner comes with the exact price at the

end of six months, he will pay the delayed charges to the bidders and the animal will be returned to him" (79, 214), and "escrow" becomes "the money will be held and will remain in the particular district where it is banked" (80, 215).

The Choctaw word for "money" seems to have been in use for an extended time, since trade with Europeans was already centuries old. *Tvli* (metal, stone) already had developed an extended meaning for "coins" (and hence, "money") and *tvli holisso* (metal paper, money paper) was commonly used for "dollars." When Pitchlynn notes prices, this is followed by the numbers spelled out in Choctaw. Four hundred and fifty dollars, for example, is rendered *tvli holisso tahlepa ushta pokoli tahlapit aiena* (24, 72; literally, "metal paper four hundred five tens as well").

The conveners of the meetings had to deal with fiscal management as part of writing the civil code. Among the most important tasks was the distribution of tribal monies, which could be termed funds, allotments, grants, payments, and perhaps other synonyms. Pitchlynn chooses *nanvlhpita* (sometimes *nanilhpitta*; that which is donated), derived from *ipeta* (to feed, furnish). This term is used to refer not only to the funds that the Choctaws will spend or have access to, but also to the payments they make, with meaning distinguishable by context. We have translated *nanvlhpita tvli holisso* simply as "money payments." In one instance, *nanvlhpita* is used to mean "paymaster." Byington explicitly defines *nan ilhpita* as "a benefaction, a present, the annuity received from the United States."[31]

(18) *nana isht vlhpisa* ***tvli holisso*** *atukmvno yakohmi* (108, 265; **funding** for the policies [we have been] making; literally, "paper money").

(19) ***Nanilhpitta*** *nana atampa* (107, 262; Excess **funds**; literally, "that which is donated").

(20) *iklvnna kvshapa kvt* ***Ahepitukla ulhti tvli holisso ai itolah*** (96, 244; half will be placed in the **Ahepvtukla government account**.) *Ai itolah* is properly "lie there," so a more literal rendering is "half a portion lies there (with) the Ahepvtukla district monies."

Closely related to the concept of funds are debt and bills. *Aheka*, the Choctaw term for "owe, what is owed," is easily mapped to those concepts. Pitchlynn uses both *aheka* and its derivative *nanaheka* to refer specifically to debt and unpaid bills and it is not extended to other meanings.

(21) *Yvmohmi Hatak mi̲ko vto ilap bieka hocha nana kvno* ***aheka*** *ihi̲kbi tuk ma* ***nanvlhpita*** *yokvto isht vlhtoba hekeyushke* (8–9, 30; It shall be passed that the **district allotment** cannot be used to pay for personal **debts** of the leader; here, we clarified the context of the allotment by adding the modifier "district").

Fines

The Pitchlynn manuscript's criminal codes describe two forms of punishment, fines and corporal punishment. The Choctaw word *attobi* includes in its semantics "pay," and "repay," but it also extends to atonement, which may be why Pitchlynn chose it to denote fines. Pitchlynn here makes use of the morphological distinction between *im*

atobbi (be fined) and elsewhere, employs its participial form *im vlhtoba* (to yield; be paid) to discuss wages. Similarly, Byington uses *vlhtoba* to mean both "fine" and "pay."

(21) *tvli holisso vlhpisa mvt pokoli tuchina akocha mvt tahlapi aiena hona isht* ***im atobbi*** *makinlashke* (62, 176; he shall **be fined** the appropriate amount of thirty-five dollars).

(22) *Hvshi hvnali* ***atobba he*** *ocha nan vlhpoa mvno ishi makinlashke* (67, 184; [Someone] **must pay** [expenses] for six months and then may take the animal).

Inheritance

The manuscript is heavily concerned with inheritance, the customs of which may have been undergoing considerable change as white men intermarried with Choctaw women and altered the *iksa*, the matrilineal moiety system under which men were responsible for their sisters' offspring, while their own came under the tutelage of their *imafo* (mother's oldest brother).[32] As Angie Debo explains: "When a man died, his property was claimed by his brothers or other members of his *iksa* to the exclusion of his own children."[33] Notably, the Pitchlynn manuscript directs men to provide for their own children and wives, while a special section treats property owned by Choctaw women with white husbands. The Choctaw word *im ilayak* (property, belongings) is used unambiguously to refer to all forms of inheritance, while *kvshapa* maps easily to "portion," making this part of the translation straightforward.

The concept of a written will, however, was an entirely new development that brought Pitchlynn more difficulty. His solution was to default to variations of the well-used terms *anumpa* and *apesa* (discussed earlier in this article), so that "wills" can be distinguished from "laws" only by context. For "will," his terms are *apesa*, *nanapesa*, *anumpa*, *im anumpa*, *nanvlhpisa*, and *nana ma apesa*, which when glossed literally yield "ordered from," "what is ordered," "word," "one's word," "that which is correct," and "that which has been ordered." In contrast, Byington's dictionary did settle on a term for "will": *imissa*, based on *issa* (quit), which can also be extended to "yield."[34] Wright defines *immissa* as "a promise,"[35] while Watkins does not include this word.

Pitchlynn does choose different terms in order to distinguish written wills from the other named civil document, marriage licenses, for which he simply uses *holisso* (paper; 57, 157).

Comparisons with the Laws and Treaties

In addition to Pitchlynn's manuscript, I examined the 1894 compendium of Choctaw laws and treaties from the years 1837, 1855, 1865, and 1866,[36] translated by A. R. Durant and his assistants Davis Homer and Ben Watkins.[37] At the time of these translations, Choctaw people were very often educated in English. The difference between the Pitchlynn manuscript and the laws and treaties is notable in the extensive and unsurprising use of loanwords in the *Treaties*, including, in only a small sample, *kammishanna* (commissioner), *Senit* (Senate), *neshvn* (nation), and *atikel* (article).[38] The inroads of English into the legal terms are also manifest in translators' practice of occasionally rendering words in either English or Choctaw and then noting

a provisional translation in parentheses, as in these examples: Government (*I lvp apehliehchi okla*), Plesitent [President] (*Mi̲ko*), and *iskvli itahobbi* (tax).[39]

Several of Pitchlynn's lexical forms are also maintained in the laws and treaties. For example, in contexts when money is actually being counted, the laws and treaties still uses *tvli holisso* together with the numbers spelled out. However, the French borrowing *iskuli* (from *escalin*) is used in other financial contexts, as when *iskvli itahobbi* is used to convey "gathered money" for taxes. A second preserved use is the term for the Lighthorsemen, spelled *Issuba ombinilli Tvshka*. Since the Lighthorsemen remained the primary law enforcement entity in the Choctaw Republic in the Indian Territory, it is surely the case that the Choctaw term was often upon the lips of the populace.

As translators of the laws and treaties, Durant, Homer, and Watkins created a Choctaw expression to mean "the united Choctaw people" that Pitchlynn does not use: *Chahta ai uchvffa* or *Chahta okla auchvffa*; as we have discussed, Pitchlynn uses *aiuchvffa* to describe unanimity in voting.[40] The laws and treaties also has lexicalized *Nanvlhpisa* to mean "laws"; "judge" is now the English borrowing *chvch*; and significantly, the word "will" now appears with quotation marks and is often capitalized, suggested that the translators had been unable to bring an acceptable Choctaw term to mind, but were fully conscious of their lapse.[41]

What Persists, What Evolved, and What Was Replaced: Implications for Language Attrition

Comparison of the Pitchlynn manuscript to dictionaries prepared decades later and the laws and treaties shows that few Choctaw-language legal terms were truly lexicalized to gain common circulation. Nearly always, terms with great semantic specificity began to be borrowed from English, even when a good Choctaw candidate was available. The Pitchlynn manuscript demonstrates that a few words were pressed to serve so many needs that phrasal modification or clear context was necessary to distinguish between the many valid possibilities that these broad words could encompass, including *tvshka* (warrior), *anumpa* (speech), and *apisa* (to judge). In such a situation, an English borrowed term would serve to clarify the reference and replace the too-broad Choctaw term, as this article has discussed regarding *anumpa* and "will."

This analysis also shows that from early days to the present, Choctaw words that carry great cultural weight underwent little or no semantic extension, such as *ulhti* (council fire), *mi̲ko* (chief, headman), *hopaii* (spiritual leader), and *Issuba ombinili tvshka* (Lighthorsemen). Similarly, words that denoted concepts that could be readily mapped to English counterparts did not require semantic extension and thus were also retained, such as *aheka* (to owe), *im alayak* (belongings), *kvshapa* (portion), and *itawaiyachi* (to marry).

Comparative analysis has revealed that some Choctaw terms that the educated, prominent writer chose from his vocabulary to create this early document have retained their currency in modern Choctaw, but others did not. One might skeptically suggest that since this single early document was itself the primary historical source of the vocabulary, the terms Pitchlynn used were limited to only one man's thinking and

other terms were in general use, albeit unwritten. However, Peter Pitchlynn was not only highly educated, but deeply immersed in Choctaw-American politics, strongly connected to both worlds. His choices are probably the best examples we can reasonably examine.

A likelier analysis draws on observations taken from the study of language attrition and death. Sarah Thomason's careful treatment of how languages become endangered discusses in particular how native vocabulary comes to be replaced by words from the language of the dominant group. She observes, "When attrition occurs, the most obvious loss is in specialized lexical domains."[42] The lexical domain of Choctaw legal terms had to arise rapidly and most Choctaw speakers at the time, even fluent ones, would almost never use them in everyday conversation. Thomason further points out that fluent speakers "know that there were old words for these things, but they can't think of them."[43] In the cultural context of the time, the English terms had so much greater salience that they simply replaced the Choctaw terms, even in a Choctaw language document of great importance. We see this phenomenon exemplified in the writing of the Choctaw Treaties of 1894, in which A. R. Durant, Davis Homer, and Ben Watkins, fluent Choctaw speakers who lived in both the English-speaking and Choctaw-speaking worlds, reached for "chʊch" [judge] and "will" even when Choctaw terms were extant and available.

In tandem with the replacement of vocabulary with another language's terms, a threatened language is not creating new terms that keep pace with the evolution of culture. Among the most interesting features of this manuscript is how Pitchlynn's efforts reflect the pressures on the Choctaw language when he works to describe judges, lawmakers, and other persons in government. Had the language not been pressured, we would expect these terms to have been narrowed and lexicalized: a term for judge, a separate term for legislator, and so forth. Instead, perhaps unconsciously, Pitchlynn repurposed Choctaw words by extending meanings and with variations in form, as we have seen in the case of *apesa*, *hatak nan apesa*, *nanapesachi*.

Created by the Choctaw Nation of Oklahoma Dictionary Committee over a period of fourteen years, a modern Choctaw dictionary was completed in 2016.[44] The new dictionary is intended to be a "user-friendly, learner's dictionary" that does not seek to supplant the older dictionaries but specifically draws on the knowledge of the most fluent available contemporary Choctaw speakers.[45] It thus provides a good comparison with nineteenth-century sources of Choctaw vocabulary. The traditional word *ulhti* is still defined as "district," which is how Pitchlynn used it. The 2016 dictionary continues Pitchlynn's use of *nan apesa* to cover "council member, legislator, congressman, senator, judge." *Nan vlhpisa* continues to mean "law," and *tvshka* to mean "warrior." In quite a semantic skip from Pitchlynn's frequent term for "honorable and powerful persons," *hat(t)ak holitopa* is now defined as "wealthy person."[46] Interestingly, a Choctaw term for "important persons" that is pervasive in the Pitchlynn manuscript, *hattak hochitoka*, does not appear. Specialized military terms such as "brigade," "attaché," or terms specifying rank such as "captain" or "sergeant" are also absent.

Supporting my hypothesis that specialized legal vocabulary would not be salient enough to become lexicalized, I found that a number of English legal terms do not

appear in the 2016 dictionary. Although not an exhaustive sample, these include "government," "will," "pass laws," "committee," "article," and "fine." One new legal term is *hattak nan ikhʋna* (knowledgeable person) for "lawyer," listed side-by-side with the loaned English word *laya*. *Anumpa* continues to have several senses and to appear in a few compounds, although most likely this does not reflect the full range of words available to good speakers. However, the dictionary does not list any of the restricted senses of *anumpa* that we have inferred from Pitchlynn's usages, such as "law," "article," "legislation," and "document."

Ultimately, Pitchlynn's body of legal terms seems to form a lacuna in Choctaw vocabulary. Unable to get a toehold among Choctaw speakers of the nineteenth and twentieth centuries, Choctaw legal terms were prevented from evolving and becoming lexicalized due to the rapid encroachment of English into that sphere, while contemporary evidence suggests that twenty-first-century speakers have turned their attention and vocabulary-building to concepts more salient to their daily lives. We are fortunate to have this nineteenth-century record of specialized Choctaw language.

Notes

1. Marcia Haag and Henry Willis, *A Gathering of Statesmen: Records of the Choctaw Council Meetings 1826—1828 by Peter Perkins Pitchlynn* (University of Oklahoma Press, 2013). Mr. Willis died on June 21, 2016. He is missed and cannot be replaced.

2. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972).

3. Clara Sue Kidwell, "Introduction," *A Gathering of Statesmen: Records of the Choctaw Council Meetings 1826–1828*, 28–29.

4. Baird, *Peter Pitchlynn*, 25.

5. The use of the term *constitution* seems to have led some scholars to make a correspondence between the laws deliberated in the meetings with a general "constitution," rather than a careful consideration of what a constitution would entail. David Baird's book *Peter Pitchlynn* straightforwardly refers to this document as a "constitution" at 25–26; Angie Debo is careful to distinguish the 1826 meeting from constitutions that were written later in *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1972), 48–49. Also see Lester Hargrett, *A Bibliography of the Constitutions and Laws of the American Indians* (Cambridge: Harvard University Press, 1947) . Kidwell's introduction to Pitchlynn's *A Gathering of Statesmen* describes an appendix to the "Eighteenth Annual Report of the American Board of Commissioners for Foreign Missions" stating that "some principles were fixed, and adopted in the form of a written constitution" in the 1826 meeting (4). See *Report of the American Board of Commissioners for Foreign Missions, Compiled from Documents Laid Before the Board, at the Eighteenth Annual Meeting, Which was Held in the City of New York, October 10, 11, 12, and 15, 1827* (Boston: Printed for the Board by Crocker and Brewster, 1827).

6. Cyrus Byington began living among the Choctaws in 1820, sent as a Presbyterian minister to Christianize and educate them. He remained with them all his life, developing an enduring orthography, writing not only a somewhat succinct grammar, but also the most important dictionary extant; and with a team of native speakers, translated both the New Testament and parts of the Old Testament of the Bible. See Clara Sue Kidwell, "Choctaws and Missionaries in Mississippi before 1830," in *Pre-removal Choctaw History: Exploring New Paths*, ed. Greg O'Brien (Norman: University of Oklahoma Press, 2008), 206–7.

7. An image of the Pitchlynn manuscript can be accessed at the University of Oklahoma Western History Collections website, https://digital.libraries.ou.edu/cdm/singleitem/collection/pitchlynn/id/834/rec/482.

8. This set of documents can be accessed at https://digital.libraries.ou.edu/cdm/singleitem/collection/pitchlynn/id/859/rec/1.

9. D. G. Brinton, "Introduction," in John Swanton, *A Dictionary of the Choctaw Language* (Washington, DC: Smithsonian Institution, Bulletin 46, 1915), viii.

10. Cyrus B. Byington, *A Dictionary of the Choctaw Language* (Washington, DC: Smithsonian Institution, Bulletin 46, 1915). Even though many spellings in the manuscript are not those that appear in Byington's dictionary, because the orthography is the same throughout the Pitchlynn manuscript we translators had only modest difficulty deciphering words after we became familiar with the handwriting.

11. Ben Watkins, *Complete Choctaw Definer, English with Choctaw Definition* (Van Buren, AK: J. W. Baldwin, 1892), https://archive.org/details/completechoctawd00watkrich; Allen Wright, *Chahta Leksikon: A Choctaw in English Definition. For the Choctaw Academies and Schools* (St. Louis, MO: The Presbyterian Publishing Company, 1880), https://play.google.com/books/reader?id=xoYaPwAACAAJ&printsec=frontcover&source=gbs_atb_hover&pg=GBS.PP1.

12. Choctaw Nation of Oklahoma, A. R. Durant, Davis Homer, and Ben Watkins, *Chahta oklah i̲ nanvlhpisa noshkobo micha nanvlhpisa. Mikmvt afammih 1837, 1855, 1865, 1866 kash nanitimapisa tok* [*Constitution and Laws of the Choctaw Nation, together with the Treaties of 1837, 1855, 1865 and 1866*] (Dallas: John F. Worley, 1894), https://catalog.hathitrust.org/Record/010446728.

13. John Swanton, *Source Material for the Social and Ceremonial Life of the Choctaw Indians* (Washington, DC: Smithsonian Institution, Bulletin 103, 1931), 94.

14. This usage begins with the title page of Choctaw Nation of Oklahoma, et al., *Constitution and Laws of the Choctaw Nation* (1894), and continues throughout the document.

15. Byington, *A Dictionary of the Choctaw Language*, 48.

16. Watkins, *Complete Choctaw Definer,* 39.

17. Wright, *Chahta Leksikon,* 23.

18. Like other Muskogean languages, Choctaw signals changes in aspect with morphological changes to the verbal stem. These have been analyzed since publication of Byington's grammar in 1870. The semantic differences in the differently marked aspects are not readily rendered into English but are not important for the purposes of this article.

19. See Wright, *Chahta Leksikon*, 23.

20. Swanton, *Source Material*, 90–98.

21. Byington, *A Dictionary of the Choctaw Language*, 484.

22. Watkins, *Complete Choctaw Definer*, 38.

23. Wright, *Chahta Leksikon,* 91.

24. *Hopaii* might be translated as "prophet" or "shaman" in English. This person was distinguished from *alikchi* (healer), who concentrated on more purely medical arts.

25. 25. H. B. Cushman, *History of the Choctaw, Chickasaw, and Natchez Indians* (Norman: University of Oklahoma Press, rpt. 1999 [1899]), 174.

26. Byington, *A Dictionary of the Choctaw Language,* 505.

27. Wright, *Chahta Leksikon,* 97; Watkins, *Complete Choctaw Definer*.

28. In 1824, Greenwood LeFlore and David Folsom organized this law enforcement body and Peter Pitchlynn was its first head of company. See Devon Abbot Mihesuah, *Choctaw Crime and Punishment* (Norman: University of Oklahoma Press, 2009), 24.

29. This phrase is often spelled *ombinili* or *o̲binili*. It is formed from o̲ (on) and *binili* (sit). Pitchlynn always uses the *ominili* spelling.

30. Byington, *A Dictionary of the Choctaw Language*, 71.

31. Ibid., 272.

32. Clara Sue Kidwell discusses the effects of Choctaw-white intermarriage in detail in *The Choctaws in Oklahoma: From Tribe to Nation, 1855—1970* (Norman: University of Oklahoma Press, 2007), 4–7. She continues this discussion in the introduction to *A Gathering of Statesmen*, op. cit.

33. Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1961), 15.

34. Byington, *A Dictionary of the Choctaw Language*, 606.

35. Wright, *Chahta Leksikon*, 78.

36. Choctaw Nation of Oklahoma, et al., *Constitution and Laws of the Choctaw Nation*.

37. Ibid.

38. Ibid.; *Kammishana* appears on page 90, *Senit* on 93, *neshvn* on page 30, and *atikel* on page 8.

39. Ibid.; examples on pages 86, 89, and 89, respectively.

40. Ibid., 10.

41. Ibid.; examples on pages 111 and 256, respectively.

42. Sarah G. Thomason, *Endangered Languages: An Introduction* (Cambridge University Press, 2015), 57.

43. Ibid., 59.

44. Choctaw Nation of Oklahoma Dictionary Committee, *Chahta Anumpa Tosholi Himona* [*New Choctaw Dictionary*] (Durant, OK: Choctaw Nation of Oklahoma, 2016), available at http://www.choctawstore.com/choctaw-nation-dictionary-hard-cover.html.

45. Ibid., "Acknowledgements," np.

46. Ibid.; *ulhti* at 166; *nan apesa* and *nanvlhpisa* at 123; *hattak holitopa* at 59.