

SUPERIN-
TENDENT
FOR
FIVE
CIVILIZED
TRIBES

CHICKASAW

VOL. 17

FOREMAN
TRANSCRIPTS

Copies of

M A N U S C R I P T S

In the Office of the

SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA

Chickasaw - Agricultural Leases
Chickasaw - Attorneys
Chickasaw - Buildings
Chickasaw - Cattle
Chickasaw - Citizenship
Chickasaw - Federal Relations
Chickasaw - Ferries & Bridges
Chickasaw - Foreign Relations
Chickasaw - Hunting & Fishing
Chickasaw - Intruders
Chickasaw - Land Division
Chickasaw - Laws, Compilation & Publishing
Chickasaw - Marriage
Chickasaw - Minerals
Chickasaw - National Council
Chickasaw - Per Capita
Chickasaw - Permits to Non citizens

Compiled from original records

selected by

GRANT FOREMAN

CHICKASAW - AGRICULTURAL LEASES

1

Office of
J. F. SHARP,
Attorney at Law;

Purcell, Ind. Ter.

January 30th, 1899

Hon. G. George Wright

Muscogee, Indian Territory.

Dear Sir:-

I write to ask you a number of questions on behalf of several citizen clients of mine concerning renting lands for the present year. In the first place, will citizens be permitted to lease to non-citizens more than 240 acres for each allottee in cases where the heads of families are holding tracts of land largely in excess of that amount for each member of the family. For instance, take a case where there are five in a family and heretofore they have been holding, we will say--3000 acres of cultivating land; now in the event that they will be allowed to allot but 240 acres per head, which is the supposed case would be 1200 acres, what will be done with the other land--will it have to be let go without being placed in cultivation, or what course would you advise citizens to adopt. Bear in mind that the parties that I have in mind are desirous of complying with the law but at the same time want what others will get and what is their just rights. Again, how about the sale of lots inside of an incorporated town or city in the Chickasaw Nation; will the citizen who held the land before the act of incorporation be allowed to sell off lots inside of the corporate limits

of the city or town and if not, what is there to prevent citizens or non-citizens from taking up vacant land inside of the incorporation and building upon them prior to the time, of course, that the town-site commissioners get to work appraising and setting off the lots. Again, suppose there are large tracts of cultivating land inside of the corporate limits of a city or town, can the original lease holder occupying such land not laid out and occupied by lots and improvements, put a crop in said lands.

I am asked daily concerning the leasing of lands on what will be in excess of the holdings of the present Indian occupants and the fact that there seems to be no settled view on the subject, at least in this part of the territory, is going to, I fear, cause much valuable land to remain uncultivated this year. Most of the best farmers have already broken out a good part of their land and it will be but two or three weeks until oat sowing commences according to the practice of ordinary seasons. Many good men are unable to get land to cultivate and are moving away owing to the very uncertain condition that is now prevailing and I would thank you very much for as full and complete an answer along the lines indicated as your valuable time will permit of.

Thanking you for past favors, I am,

Very respectfully, yours,

J. F. Sharp.

(Endorsed) Union Agency No. 2373 Commission to Five Tribes, recd. Feb. 14, 1899 J. F. Sharp, Purcell, I.T.-----Asks questions relative to renting of lands for this year.-----

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(Copy)

Ardmore, I.T. December 15, 1899.

To the Hon. Dawes Commission,

Muscogee, I.T.

Gentlemen:

We herewith submit the proceedings of a meeting held in the city of Ardmore, I.T. participated in by some seventy-five farmers, and some seven or eight Lawyers.

And since there is another side to this question and very large interest involved, and the present welfare of some thirty thousand people is at stake; we wish to briefly submit the following, for the consideration of your Hon. body, and for your actions in the premises as you may see proper.

First--It will be observed that the stroke in the right direction to if possible defeat, and evade the law under which we now live, and which directs the action of your Hon. body in the premises, and if success in any degree is met with by there action the unsettled condition will yet remain, for an indefinite time. (Sic)

Second--The relief sought requires money to pay lawyers fee, who are back of and behind this whole matter, and there is nothing asked for in this memorial that is not fully provided for in the act of Congress, June 28, 1898, and last of all we are fully assured that such meetings resolutions, and public demonstrations is conducive of only one thing, and that is the results as we now see it in the Chickasaw Nation, and if some pediment is not placed in the way of such influence, anarchy will reign supreme in this Nation, for in the short space of time that has elapsed since this move was set on foot the peaceful condition of (#72)

-2-

of hundreds have been destroyed, and peaceable contract (Sic) between citizens and Non-citizens, hitherto entered into, for the coming year have been disavowed, upon the part of the renter and joined the rebellious element, and where peace, and harmony existed only a few days ago, now only discord, disention and strife remain. We can truthfully say that ten days ago 90% of the lease farmers, were preparing, for a compliance with, all laws and rightful conditions, but the hope of delaying the correction of present evils, a revault and complete distruction of what godd (Sic) had been accomplished, is the result.

There is not more than one lease holder in a hundred that could hope to recover under Section 3, of that June the 28th 1898. on the contrary a judgment would issue, against all most all of them, and the very worst of consequences, can and is the only outcome of all such conventions.

Now as to those only where are notifying the Lesse to quit, being newly admitted citizens, will say that among those in our knowlege (Sic) who are doing so are such as Scott, Hawkins, county Judge of Tishamingo County, Ed ~~Turner~~, county Clerk, Thomas, Underwood, Sheriff, Dr. Fulsom, B. Burns, H. Colbert, G. F. Truay, Ex. Gov. Bird, B. F. Bird, W. P. Rubottom, R. McClise, and not less than five hundred names can be given by us, all of which are among the oldest full bloods, and citizens, whose citizenship never was questioned, who are notifying persons that they want possession of the lands on the 1st day of January 1900 that they have

selected, for their future homes, and the real facts are these that a few men who have lived here, for from fifteen to twenty-five years, and have injoyed the fullest freedom, and resources of this country, backed up by a few lawyers, who hope thereby to get a fee, are at the back of this whole matter, and your Hon. body is hereby entreated to use every means in your department to immediately stop such things, realizing as we do, that the turning point remains but a few days.

Yours most obediently.

U.S. Citizens.

Signed.

Indian Citizens.

W. F. Beard.

Aven Kelton.

W. H. H. Keltner.

E. R. Pool

J. E. McCarty

W. N. Price.

I.W. Folsom

A. E. Folsom

W. F. Mull, M. D.

Mrs.M. L. Frizzell.

Louis Seely.

Bén F. Reynolds.

J. W. Parker.

G. W. Cade.

L. L. Blake.

Bet Blake.

J. O. Muller.

Rolen V. Mullen.

H. D. McIntyre.

C. A. Scaife, M. D.

T. V. Dollins.

J. L. Spencer.

A. H. Frizzell.

A. J. Gardenhire.

Walton Patterson.

Blumer Anderson.

Julian Anderson.

S. T. Lindsay.

L. D. Worcester.

C. A. S_troud.

Charley Brown

(Endorsed) Union Agency # 72 Petition of Chickasaws for removal
of non-citizen lease holders. Dec. 15, 1899.

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Ardmore, I.T.

December 15th, 1899.

To the Honorable Dawes Commission,

Muscogee, I.T.,

Gentlemen:

We herewith submit the proceedings of a meeting held in the City of Ardmore, I.T. participated in by some seventy five farmers, and some seven or eight lawyers.

And since there is another side to this question and very large interest involved, and the present welfare of some thirty thousand people is at stake; we wish to briefly submit the following, for the consideration of your Honorable body, and for your actions in the premises as you may see proper.

First. It will be observed that the stroke was in the right direction to if possible defeat, and evade the law under which we now live, and which directs the action of your Honorable body in the premises, and if success will yet remain, for an indefinite time.

Second. The relief sought requires money to pay lawyers fee, who are back of and behind this whole matter, and there is nothing asked for in this memorial that is not fully provided for in the act of Congress, June 28, 1898, and last of all we are fully assured that such meetings, resolutions, and public demonstrations is conducive of only one thing, and that is the results as we now see it in the Chickasaw Nation, and if some impediment is not placed in the way of such influence, anarchy will reign supreme in this Nation, for in the short space of time

that has elapsed since this move was set onfoot the peaceful condition of hundreds have been destroyed, and peaceable contract between citizens and non citizens, hitherto entered into, for the coming year have been disavowed, upon the part of the renter and joined the rebellious element, and where peace, and strife remain. We can truthfully say that ten days ago 90 % of the lease farmers were preparing for a compliance with all laws and rightful conditions, but the hope of delaying the correction of present evils, a revolt and complete destruction of what good had been accomplished is the result.

There is not more than one lease holder in a hundred that could hope to recover under Section 3, of that June the 28th, 1898, on the contrary a judgment would issue against almost all of them, and the very worst of consequences can and is the only outcome of all such conventions.

Now as to those who are notifying the Lessee to quit, being newly admitted citizens, will say that among those in our knowledge who are doing so are such as Scott, Hawkins, county judge of Tishomingo County, Ed. Turner, County Clerk, Thomas, Underwood, Sheriff, Dr. Fulson, B. Burns, H. Colbert, G. F. Truay, Ex. Gov. Bird, B. F. Bird, W. P. Rubottom, R. McClise, and not less than five hundred names can be given by us, all of which are among the oldest full bloods, and citizens whose citizenship never was questioned, who are notifying persons that they want possession of the lands on the 1st day of January 1900 that they have selected for their future homes, and the real facts are these that a few men who have lived here for from fifteen to twenty five years, and have enjoyed the fullest freedom, and resources of this country,

7682.

backed up by a few lawyers, who hope thereby to get a fee, are at the back of this whole matter, and your Honorable body is hereby entreated to use every means in your department to immediately stop such things, realizing as we do, that the turning point remains but a few days.

Yours most obediently.

Signed.

U. S. Citizens.

Indian Citizens.

W. F. Beard,

J. O. Muller.

Aven Kelton.

Rolen V. Mullen.

W. H. H. Keltner.

H. D. McIntyre.

E. R. Pool.

C. A. Scaife, M. D.

J. E. M'Carty.

T. V. Dollins.

W. N. Price.

J. L. Spencer.

I. W. Folsom.

A. H. Frizzell.

A. E. Folsom.

A. J. Gardenshire.

W. F. Mull, M. D.

Indian Citizens-continued.

Mrs. M. L. Frizzell.

Bet Blake.

Louis Seely.

Walton Patterson.

Ben F. Reynolds.

Blumer Anderson.

J. W. Parker.

Julian Anderson.

G. W. Cade.

S. T. Lindsay.

L. L. Blake.

L. D. Worcester.

C. A. Stroud.

Charley Brown.

No. 7682.

(Endorsed) Commission to Five Tribes. Received Dec. 18, 1899 Beard, W. F. and Thirty other citizens, Ardmore, I.T. 12/15/99.----Transmitting conclusions of a Mass Meeting of farmers and lawyers, and petition Commission's consideration and aid; also news paper clipping-a report of the proceedings.----

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SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR

Washington, D.C.

I.T.D. 6182-1906,
709-1906.

April 18, 1906.

United States Indian Inspector,
for Indian Territory, Muskogee, I.T.

Sir:

The Department is in receipt of your communication of March 7, 1906 (D 54150-1906), relative to a petition from Lillie E. Carter, of Ada, Ind. Ter., alleging that one J. R. Dexter secured a lease covering her land, by fraud and misrepresentation, and asking that the same be cancelled, which petition was referred to you for consideration, report and recommendation by departmental reference of January 20, 1906.

It appears that the matter was referred by you to the Indian Agent for report; that the case was set for hearing at Ardmore, Ind. Ter., on February 17, 1906, but the complainant failed to appear; and that the matter is now in the hands of one of the field men of the Agent for investigation.

You state that the case is similar to many other complaints made to the Indian Agent that leases are obtained by fraud and misrepresentation, which cases are investigated as rapidly as possible, and where the facts warrant it, the matter is referred to the proper United States Attorney with request that proceedings be instituted in Court to cancel the lease.

You recommend that Lillie E. Carter be advised that the matter

-2-

is being investigated by the Indian Agent, and that proper action will be taken to present the same to the United States Attorney in accordance with the provisions of the act of March 3, 1905, if the facts warrant such procedure.

Forwarding your report April 11, 1906 (Land 22210), the Indian Office concurs in your recommendation. A copy of Indian Office letter is inclosed.

The Department approves your action in the matter, and has advised Lillie E. Carter's attorney in accordance with your recommendation.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 13950 Received Apr. 23, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, April 18, 1906. Secretary.-----Approves action of Inspector in the matter of the petition of Lillie E. Carter of Ada, I. T. to have lease covering her land secured by fraud cancelled.-----

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DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.15692-1906.

September 13, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

July 2, 1906, the Acting Attorney-General transmitted a bill of C.J.Davenport, amounting to \$23.40, for taking and transcribing the testimony in the case of the United States ex rel. Esau Seely vs. J. L. Henson.

The suit was instituted for the purpose of cancelling a lease made by Seely, a Chickasaw Indian, to Henson, on the ground of inadequacy of compensation and fraud, under the act of Congress approved March 3, 1905 (33 Stat., 1060).

The Acting Attorney-General requested to be advised whether there is any fund or appropriation under the control of this Department from which this bill could be paid.

The Indian Office on July 12, 1906, expressed the opinion that the expenses referred to are payable from the appropriation for the Five Civilized Tribes Commission, the services having been rendered in compliance with the provisions of said act of March 3, 1905, and that the bill should be paid by claim through that office. September 5, 1906, it requested authority be granted for the payment of the claim from the appropriation, "Commission, Five Civilized Tribes."

15310.

-2-

The bill in question is inclosed and it is requested that you report direct thereon with recommendation, as soon as practicable.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

(Endorsed) Union Agency No.15310 Received Sep.18,1906 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C.Sep,13, 1906.Secretary.----Encloses for REPORT bill of C. J. Davenport for taking testimony in certain suit for cancellation of a lease, advising Ind.Office expresses opinion same should be paid from appro. "Commission, Five Civilized Tribes."-----

CHICKASAW - ATTORNEYS

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs.

Washington,

April 29, 1899.

Refer in reply to the following:

Land.
17705-1899.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report of April 12, 1899, from Inspector Wright, transmitting an Act of the Chickasaw Nation, approved by the Governor thereof on December 19, 1899, "making appropriation to pay Gen. H.E. Paine for services, and for other purposes".

The Act appropriates an aggregate sum of \$386 to be paid to Gen. H.E. Paine, a balance of attorney fees of \$62 for his services in connection with the case of the Choctaws and Chickasaws against the Wichitas, etc., and to pay \$324 expended in the printing of the brief of Gen. Paine in said case.

Inspector Wright says that as these services appear to have been rendered and the printing of the brief appears to have been necessary, he would recommend that the Act be approved.

In transmitting this Act the office has no doubt whatever as to the fact of the services having been rendered, and the necessity for the printing of the brief, and it therefore concurs in the

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recommendation of Inspector Wright that the same be approved.

Very respectfully,
your obdient servant,

A.C. Tonner,

Acting Commissioner.

(K.S.M.)

P.

(Endorsed) Union Agency No. 171. Received May 15, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, May 8, 1899. Secretary---Returns Chickasaw Act to pay H. E. Paine, approved.

DEPARTMENT OF THE INTERIOR.

Washington.

May 3, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the Act of Congress approved June 28, 1898, (30 Stat., 495), an act of Chickasaw Nation entitled: "An act making appropriation to pay General H. E. Paine, for services, and for other purposes."

The preamble to said act recites that \$94.00 remain "due General H. E. Paine for printing his brief in the case of the Choctaws and Chickasaws vs. the Wichitas et.al. in the Court of Claims;" that the brief of said Paine in said case which is now pending in the Supreme Court of the United States, "is now ready for the printer and will cost the further sum of Two Hundred and Thirty Dollars;" and that said Nation owes said Paine "a balance for Atty's fee of Sixty-Two Dollars."

Section 1 of said act makes an appropriation of \$386.00 out of any funds of the Chickasaw Nation not otherwise appropriated, "for the purpose of paying said H. E. Paine for said briefs and for the said balance due him as attys. fee."

Section 2 of said act directs the National Auditor of Public Account to issue his warrant in favor of said Paine on the Treasury of said Nation for the above amount.

Said act was approved by the Governor of said Nation on December 19, 1898. It is recommended for approval by the United

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States Indian Inspector for the Indian Territory, and his recommendation is concurred in by the Acting Commissioner of Indian Affairs

I have, therefore, to recommend that said act be approved. A copy of said report of the Acting Commissioner, and said letter from the U. S. Indian Inspector, are enclosed herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.
1321-99.
3 enclosures.

DEPARTMENT OF THE INTERIOR,

Washington.

January 4, 1900.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), "H. R. Bill No. 46" of the Chickasaw Nation, entitled "An Act approving the contract of Mansfield, McMurry & Cornish for legal services, and making appropriation therefor."

Said act was approved by the Governor of said nation September 20, 1899.

The preamble recites that the Governor of said nation on July 20, 1899, entered into a contract with Mansfield, McMurray and Cornish, attorneys at law, to represent the Chickasaw Nation in all matters of citizenship now pending before the Dawes Commission, the Secretary of the Interior of the United States and the United States courts to the final completion and approval of the rolls of the Chickasaws; said contract to be subject to be annulled by the Legislature of the Chickasaw Nation after two years from the date thereof; It also recites the compensation for said legal services as fixed in said contract, is the sum of \$5,000.00 per annum, and in addition the actual and necessary expenses incurred in the performance of

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their duties by said attorneys, an account of which is to be rendered under oath to the Governor of the Chickasaw Nation on the 20th of each month to be certified by him for payment.

Section 1 of said act ratifies and approves said contract.

Section 2 makes an appropriation for the payment of the sum stipulated therein, the amount for traveling expenses, clerical help and other itmes not to exceed the sum of \$2,700.00.

Accompanying said act is the report of the United States Indian Inspector for the Indian Territory, wherein he states that said act was refereed to the Commission to the Five Civilized Tribes for report whether, in their judgment, the services stipulated for in said contract are necessary, and encloses therewith the report of the Acting Chairman of said Commission recommedning that the bill be approved. In his said recommendation the Acting Chairman states: "It is of the utmost importance that the nation be represented by legal counsel in citizenship matters. The firm which has been retained for that purpose stand high in the profession, and the compensation sought by this bill to be paid is not regarded by the Commission as unreasonable."

The Indian Inspector recommends the approval of said act, and his recommendation is also concurred in by the Commissioner of Indian Affairs. The Indian Inspector, in addition, has for-

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warded the original contract made by the Governor of the Chickasaw Nation with said firm and which is referred to in said act.

In view of the reports made by the Acting Chairman of said Commission, the United States Indian Inspector and the Commissioner of Indian Affairs, I have to recommend that said bill be approved.

The letters of said Acting Chairman, said Inspector and a copy of the report of the Commissioner of Indian Affairs are enclosed herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.
3557-1899.
4 enclosures.

(Endorsed) Union Agency No.539.Received Jan.16,1900.Office of U.S.
Indian Inspector for Indian Territory.Washington, Jan.10,1900.
Secretary----Chickasaw Act approving contract of Mansfield,McMurray
& Cornish APPROVED.

Refer in reply to the following:

Land
60482-1900.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

Dec. 18, 1900.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on Dec. 4, 1900, by J. George Wright, U. S. Indian Inspector for the Indian Territory.

It appears from the Inspector's report and from the enclosed papers that the Governor of the Chickasaw Nation directed Messrs. McKennon, Mansfield, McMurray & Cornish to represent the Chickasaw Nation in the matter of the incompetent claims; that there is no contract between the Chickasaw Nation and the said firm of attorneys for such employment, nor is there any understanding as to compensation, that matter being left to adjustment; that the Indian Agent, being uncertain as to whether or not he should recognize the attorneys, inquired of the Inspector; and that the Inspector, being uncertain as to what should be done inquires of the Department.

The Inspector suggests that a recognition of the attorneys for the purpose mentioned might be claimed by them as a tacit approval of their employment and the right to hereafter claim compensation.

Messrs. Mansfield, McMurray & Cornish are citizenship attorneys for the Chickasaw Nation. McKennon, Mansfield, McMurray &

-2-

Cornish are not, so far as this office understands employed in any capacity by the Chickasaw Nation and there is at present no warrant of law authorizing the payment of compensation to them for any services which they may render to the nation. However, the nation should probably be represented by counsel before the Agent in the matter of the defence of the Chickasaw incompetent claims. It is therefore respectfully recommended that the Inspector be advised that there is no objection to the appearance of the attorneys mentioned, but that they should be distinctly advised in writing that their recognition in no wise gives them, so far as the Government is concerned, any claim for compensation or in any wise binds the Department to recommend the approval of an act of the Chickasaw Nation providing compensation for their services in that particular.

Very respectfully,
Your obedient servant,

W. A. Jones.

Commissioner.

W. C. V. (L'e)

(Endorsed) Union Agency No. 1558. Received Jan. 7, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 31, 1900, Secretary---No objections to McKennon, Mansfield, McMurray & Cornish appearing as attorneys for Chickasaw Nation; in incompetent matters.

CHICKASAW - Capital

Oct. 16, 1902

AN ACT AUTHORIZING THE GOVERNOR OF THE CHICKASAW NATION TO LEASE
THE CAPITOL BUILDING FOR A LAND OFFICE.

Section 1. Be it enacted by the Legislature of the Chickasaw Nation that the Governor of said Nation shall be and he is hereby authorized to lease to the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, the Capitol Building of the Chickasaw Nation to be used by said Dawes Commission as a Land Office for the allotment of the lands of the Chickasaws, upon such terms and conditions as to him may be deemed expediant and just; said lease to remain in full force and effect during the entire time of said allotment and its completion. All moneys accruing from said lease to be placed in the treasury of the Chickasaw Nation for the use and benefit of said Nation.

Section 2. Be it further Enacted that the Governor of the Chickasaw Nation be and is hereby authorized and directed to arrange for the rental or lease of a building of suitable dimensions to accomodate the Legislature and officers of the Chickasaw Nation during the occupancy of said Capitol Building by the Dawes Commission for a Land Office.

Section 3. That this act be in full force and effect from and after its passage and approval.

Recommended by I.A. Burris

Passed House, this 10 day of October, 1902

Joe Guess, Speaker.

Attest W. B. Mead, Clerk.

Passed the Senate this 10 day of October, 1902.

J. W. Parker, President of Senate.

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Attest Frank Smith, Secretary Pro Tem.

Approved this 16th day of October, 1902.

P. S. Mosely

Governor of Chickasaw Nation.

(Endorsed) Union Agency # 142 Act of Chickasaw Council author-
izing use of Capitol Building as Land Office.

FIRE ASSOCIATION PHILADELPHIA.

Tishomingo, I.T.

May 30th, 1907.

Hon. J. George Wright,

U.S. Indian Agent, Muskogee, Ind. Terry.

Dear Sir:-

I had the contract to provide quarters for the United States Court at this place and had the misfortune to loose the building occupied as a Court House by fire recently. I desire to continue my contract but for the limited time the Government is now renting court quarters I would not be justified in rebuilding the house. The Chickasaw Capital building here is vacant, or practically so, and I have communicated with Gov. Johnston with a view of obtaining that building, repairing and furnishing same and convert it unto a United States Court House. Gov. Johnston has referred me to you. I would be willing to rent the building from month to month, repair it and keep it in repair, pay the rental agreed upon quarterly or monthly and at the end of the term leave it in good repair. From the fact that the building is now in a bad condition considerable money would have to be expended in order to get it into a habitable condition, then there would be the additional expense of furnishing, maintaining etc. My contract with the Department is \$1250.00 per annum so you see I could not afford to pay very much for the building and pay the cost of repairing, furnishing, and maintaining myself. The

-2-

building would be better preserved by being used than by standing vacant as it now is. The holding of the Chickasaw Legislature in the building would not interfere with the use of the building for Court purposes.

Kindly let me hear from you in regard to this matter, and if you would consider the proposition to rent me the building as suggested, kindly advise who I shall take up the details of the matter with and what is necessary to be done. It is imperative that something be done at once, so kindly let me hear from you at your earliest convenience and oblige.

Very respectfully,

J.W. Muldrow

(Endorsed) Union Agency # 64292 Received May. 31, 1907. Office of U.S. Indian Inspector for Indian Territory. Tishomingo. T.T. May 30, 1907. J. W. Muldrow Relative to the renting of the Chickasaw Capitol Building for U.S. Court.

EXECUTIVE DEPARTMENT
CHICKASAW NATION.

27 Executive Officers.
(Douglas H. Johnston, Gov.
(J.E. Colbert. Nat. Secretary.
(T.B. Thompson, Nat. Treasurer.
(Charley Colbert, Auditor of
(Public Acct's.
(Willie Kemp, Attorney Gen.
(Joe Newberry, Sup't Public
(Instruction.

Tishomingo, T. Territory.
6/24/07#

Hon. J. George Wright,
U.S. Indian Agent,
Muskogee, I.T.

Dear Sir:

I am in receipt (Sic) of your letter of recent date, referring to using the chickasaw Capitol building for a United States courthouse, and in reply to same beg to say that after the court-house was burned, I agreed that the government might use the Capitol building and apply the rents to necessary repairs and furnishings, which so far as the nation was concerned would be agreeable. Mr. Muldrow who owned the court-house building which burned, thought that he could make the necessary repairs and furnish the building and carry out his contract with the Government, but later, when I talked him two or three days since, he did not seem inclined to make the necessary expenditures to repair and furnish the building, not knowing what will be done relative to statehood, nor whether the building would be used long enough under his contract with the Government to justify the necessary outlay of money to put the building in proper condition to meet the demands of the court.

So far as the nation is concerned it would still be agreeable for the building to be used as a court-house and the

-2-

rents to be applied to repairs and equipment, if this would be satisfactory to the Interior Department, but I am unable to say at present what Mr. Muldrow desires to do about the matter.

Yours very respectfully.

D.H. Johnston,

Governor, C. N.

DHJ/ECP.

(Endorsed) Union Agency # 64781 Received June. 25, 1907. Office of U.S. Indian Inspector for Indian Territory. Tishomingo, I.T. June 24, 1907. D. H. Johnston. Relative to using the Chickasaw Capitol building as a U.S. Court house.

CHICKASAW - CATTLE

29

Union Agency,

Muscogee, I.T., April 6th, 1899.

Mr. Hamp Willis, U.S.I.P.,
Kingston, I.T.

Dear Sir:-

You are hereby notified that complaint has been made to me by H. O. Love, permit collector, Pickens County, Chickasaw Nation, that one W. R. Moore, the largest beef feeder in the Territory, refused to pay tax on his beef steers, fed in the limits of Ardmore, where I presume his feed pen, or ranch, is located.

You are hereby directed to go to his residence and call on the said W. R. Moore in person and direct him, if said complaint is true, that he will be required to pay the tax imposed by the Chickasaw law, which was approved Dec. 14th, 1898 by the Governor of the Chickasaw Nation and afterwards approved by the President of the United States.

His annual permit tax on cattle is 25¢ per head. You will, however fully investigate this matter and report facts to me for future action, but at the same time you will inform Mr. Moore that it is the purpose of the Department to enforce the permit law as stated above. Your early attention to this matter is required.

Very respectfully,

D.M.Wisdom,

Approved:

U.S.Indian Agent.

J.Geo.Wright,
U.S.Indian Inspector.

(Endorsed) Union Agency Press Book No. 2 Letter 499.Muskogee, Okla.

F.

DEPARTMENT OF THE INTERIOR,

Washington,

August 7, 1899.

United States Indian Inspector
for the Indian Territory.

Sir:

The Department is in receipt of your communication of the 21st ultimo, acknowledging the receipt of departmental letter of the 12th of said month, transmitting a copy of the report of the Commissioner of Indian Affairs dated July 12, transmitting a letter from the Principal Chief of the Choctaw Nation, enclosing his correspondence with you and the United States Indian Agent, Shoenfelt, relative to the royalties required to be paid under the laws of said nation for hay cut therein for sale and barter, wherein you expressed the opinion that,

"where a citizen had selected in good faith the lands which he desired to take for himself and minor children, and had taken actual possession of the same, that he should be entitled to the use and benefits of such without the necessity of paying a royalty on the hay he cuts thereon."

Reference is made by you to the provisions of sections 16, 17 and 18 of the act of June 28, 1898 (30 Stat., 495), and the prospective allotments issued October 7, 1898, and the amendments thereto issued March 18, 1899.

You also refer to departmental letter of July 6th forwarding to you for consideration and early action, a communication

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From Mr. A. L. Nail dated July 1, 1899, relative to "cattle taxes which he stated the Collector of the Chickasaw Nation was endeavoring to collect" from said Nail, for 3680 head of cattle brought into said nation by him and placed in the "Colbert pasture" containing 16,000 acres.

Said Nail alleges that he is a non-citizen and has rented for the year 1899 "the allotments" of certain citizens of said nation, which they had selected for themselves and families as being the pro rata share to which they would be entitled, and has entered into a written agreement with such parties to pay ten cents per acre for each allotment. Nail further states that prior to the shipment of said cattle from Texas, he paid taxes on the same in Texas, and that said cattle were taken directly to the rented land and have never been grazed on the public domain of said nation.

The tax collector of the Chickasaw Nation seeks to collect a tax of twenty-five cents per head on said cattle, under the provisions of an act of said nation, approved by the President on January 19th, 1899, entitled "An Act to provide for a more equitable permit law, and for other purposes." Section 2 of said act, quoted by you, provides that -

"Any non-citizen who owns horses, jacks or jennets, mules or other cattle, and who holds them upon the public domain or within the Chickasaw Nation, shall be required to pay an annual permit tax of twenty-five cents per head for each horse, jack, jennet, mule or bovine, and five cents per head for each sheep and goat so held within this nation; Provided, That two cows and calves and two horses, or two mules, or one horse and one mule, or two

-3-

work oxen, belonging to each head of a family shall be exempt from the provisions of this Act."

Mr. Nail states that he has informed the Chickasaw permit collector that he would write you at once and obtain your construction of said section, and if you construed the law as the collector did, he, Nail, "would pay him the tax at once."

You ask to be advised in the premises. The Commissioner of Indian Affairs, in forwarding your said communication, refers to the reports of the Indian Office dated July 21th and July 15th, 1899.

The Department has ruled on the hay question, and advised you by letter dated the 5th instant, that a royalty of fifty cents per ton is due Choctaw nation under its laws on all hay cut within its limits for sale or barter. It follows, that under the terms of said section 2 of said act of the Chickasaw Nation, its permit collector is authorized to collect an annual permit tax of twenty-five cents per head on the cattle owned and held by Mr. Nail "within the Chickasaw Nation," as set forth in his said letter.

There does not appear to be any particular hardship in this case, for Mr. Nail, according to his own statement, has agreed to pay only ten cents per acre, while in the Creek Nation the lessees, under contracts submitted for approval, have agreed to pay not less than twenty-five cents per acre, and in many instances from thirty to forty cents per acre.

The Department does not express any opinion upon the validity of the contracts alleged to have been made by Mr. Nail, because the same have not been submitted.

The only question decided herein is, that said annual permit tax is collectible by the tribal authorities of the Chickasaw Nation, upon cattle owned and held by non-citizens within said nation.

You will advise Mr. Nail and the Principal Chief of the Chickasaw Nation in accordance with the views herein expressed.

Respectfully,

Tho. R. Ryan,

Acting Secretary.

Ind. Ter. Div.
1878, 1976,
2020, 2166,
2232-1899.

(Endorsed) Union Agency No. 301. Received Aug. 12, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, Aug. 7, 1899. Secretary----Holds that A. L. Nail must pay tax on cattle in Chickasaw Nation.

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DEPARTMENT OF THE INTERIOR,
I. T. D.
3734-1901. Washington.
File 2734-1899.

The United States Indian Inspector
for the Indian Territory.

Sir:

The Department is in receipt of your report dated August 12, 1901, inclosing a communication from the United States Indian Agent, Union Agency, dated August 10, 1901, forwarding a letter from the Governor of the Chickasaw Nation, dated the 5th instant, in which he incloses a report addressed to him from the permit and cattle tax collector for the Chickasaw Nation, containing the names of non-citizens owning cattle and grazing the same within the limits of the Chickasaw Nation and upon which they decline to pay the required tribal permit tax.

The Governor of the Chickasaw Nation requests that these parties, together with their cattle, be removed from the limits of the Chickasaw Nation, which request is concurred in by the United States Indian Agent in his report.

Attention is called by you to the former action of the Department relative to the matter and to the opinion of the Attorney General, concerning the duty of the Department to remove cattle pastured on public lands without Indian permit or licence upon the request of the tribal authorities.

You also call attention to Section 16 of the Act of Congress approved June 28, 1898(30 Stat.,495), relative to the

-2-

right of citizens to receive the rents from grazing or agricultural lands which he is in possession of to the amount of his reasonable share, and that to which his wife and minor children are entitled.

Reference is also made to the letter of the Department of July 21, 1901, in the case of Mr. A. L. Nail, of Chickasha, Indian Territory, wherein you were advised that he was required to pay the annual permit tax upon cattle owned and held by him within said Nation.

You request that, if the Department considers that non-citizens, together with their cattle, should be removed from the Chickasaw Nation for failure to pay this permit tax, "whether such cattle are held on the 'public lands' or upon pro rata shares of citizens under lease", that the necessary order be issued to the United States Indian Agent for the removal from the Chickasaw Nation, Indian Territory, of

Jim Lanier
John Ellis
Chris Ailey

Wince Lanier
L. C. Wantland

together with all cattle owned and held by them in said Nation.

You also recommend that the cattle belonging to the following named parties be removed, said parties not residing within the limits of the Chickasaw Nation, viz:

Kansas City Live Stock Commission Company
Henry Johnson
G. M. Roundtree
L. L. Briggs
E. M. Yates
T. B. Kelley,

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The Commissioner of Indian Affairs forwarded your said report on August 22, 1901, and expressed the opinion that the provisions of said section 16, quoted by you, does not in any way conflict with section 2 of the Chickasaw act approved January 19, 1899, by the President, which act provides that a permit tax shall be levied upon non-citizens who hold cattle and other stock "upon the public domain or within the Chickasaw Nation"; that in his judgment the persons mentioned by you should be removed from the Chickasaw Nation and also that their cattle and the cattle of all those persons within the Chickasaw Nation where the owners of the cattle are not located therein, should be removed; and he also transmits a letter with the request that it be approved and returned to him for transmission through you to the Agent.

The Department concurs in the recommendation and incloses a copy herewith for your information.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 2621. Received. Aug. 30, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 24, 1901. Secretary-----Agent will be authorized to remove certain non-citizen cattlemen, also certain cattle, from Chickasaw nation, a/c non-payment of tax.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 3368-1902.

June 3, 1902.

United States Indian Inspector
for the Indian Territory,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your report dated May 17, 1902, submitting therewith, for the consideration of the Department, a draft of regulations governing the enforcement of the Act of the Chickasaw Legislature, approved by the Governor on May 3, 1902, and by the President of the United States on May 15, 1902.

Said regulations contain a quotation from Section 29 of the Act of Congress approved June 28, 1898 (30 Stats., 495), relative to the approval of the acts of the legislative bodies of either the Choctaw or Chickasaw nations by the President, and also continuing the tribal government for eight years from March 4, 1898.

The regulations also quote said Act of the Chickasaw Legislature in full and the regulations following in eight sections.

Special attention is called to section 5 of the regulations, which declares--

"Where cattle are held by a citizen and mortgaged to a non-citizen, said cattle shall be considered as belonging to such non-citizen, and subject to these regulations and taxes."

You state that you apprehend "that many cattle introduced will be held in citizens' names, and the owners thereby seek to evade the payment of the taxes," and you express the opinion that such cattle could be removed and that if no regulation is made

-2-

covering such instances, "the majority of the cattle held in the Chickasaw Nation would be in the manner above indicated."

You further report that if it meets with the approval of the Department, the Revenue Inspector for the Creek Nation will also supervise the payment of said taxes in the Chickasaw Nation, and that the Nation will be divided into districts to be supervised by district inspectors.

Concerning the removal of stock under the provision of Section 6, you ask to be advised "if it is desired in each instance that report be made to the Department and authority obtained to proceed with the removal before action is taken by the Indian Agent," and you express the opinion that considerable trouble will arise in the enforcement and collection of said taxes as it appears that the tribal officers have heretofore been unable to collect the cattle taxes, and on this account the owners of stock have been led to believe that said tax could not be enforced.

You further recommend that the necessary authority be granted for the present Revenue Inspector for the Creek and Cherokee Nations, to supervise the work in the Chickasaw Nation, the proportionate share of his salary and traveling expenses to be paid from the funds collected.

You also recommend that you be authorized to employ such additional assistance as may be found necessary; that you cannot, at the present time, state just how many of these assistants it will require, and you ask authority to employ said assistance at not more than seventy-five dollars per month and transportation,

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to be carried upon the irregular roll of the Revenue Inspector and paid from the collections made.

You also recommend that said regulations, together with the preamble, be printed and furnished in pamphlet form, and that a supply of five thousand copies be furnished you at the earliest practicable date, or that you be authorized to have them printed at Muskogee, in order that they may be issued in the quickest possible time.

The Acting Commissioner of Indian Affairs forwarded your said report on May 28, 1902, and states that he sees no objections to the regulations, except Section 5; that he does not believe that said Section should be embodied in the regulations for the reason that if cattle owned by a citizen be mortgaged to a non-citizen, the latter does not obtain title thereto, and that if the Section should be approved as recommended, the enforcement thereof would be restrained by the court, if application be made therefor.

The regulations have been carefully examined, and the Department does not find any objection thereto except as to said Section 5, which should be amended as follows: By inserting after the word "non-citizen," in the second line of said Section, the words "not in good faith but for the purpose of evading the payment of taxes," and also after the word "as" in said line strike out the words "belonging to," and insert in lieu thereof the words "owned by or held," so that the Section as amended will read:

Section 5. Where cattle are held by a citizen and mortgaged to a non-citizen, not in good faith but for the purpose of evading

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the payment of taxes, said cattle shall be considered as owned or held by such non-citizen, and subject to these regulations and taxes.

Said regulations, with the amendments above quoted noted thereon, have been approved, and you are authorized to have printed five thousand copies thereof for distribution, and you will transmit to the Department for its use, five hundred copies of the same.

With reference to your recommendation that the Revenue Inspector for the Creek Nation be authorized to supervise the payment of said taxes in the Chickasaw Nation, and to divide the said Nation into districts to be supervised by district inspectors, the same is also approved. You will, however, transmit to the Department, for its approval, a description of the districts into which said Nation is to be divided for taxation. You will also, at the same time, transmit to the Department, for its approval, the names of the persons recommended for district inspectors, together with the compensation each should have.

The department considers it advisable that authority be obtained, in each instance, from the Commissioner of Indian Affairs and the Secretary of the Interior, prior to the removal of any stock by the Indian Agent under these regulations.

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A copy of the report of the Acting Commissioner is transmitted herewith.

Respectfully,

Thos. Ryan.
Acting Secretary.

2 inclosures.

(Endorsed) Union Agency # 4197 received Jun. 9, 1902. Office of U.S. Indian Inspector, for I.T. Washington, June 3, 1902. Secretary. Approves draft of regulations relative to collecting cattle taxes in Chickasaw Nation, with certain modifications; authority granted to have 5,000 copies printed; should report concerning districts the nation is divided into and names of persons recommended for district inspectors; authority should be obtained before removal of any cattle.

Land
43274-1902,
44015-1902.
Auth.76973-1902.

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,

Washington, July 26, 1902.

The Honorable

The Secretary of the Interior.

Sir:

On July 23, 1902, this office forwarded to the Department a telegram from Inspector Wright dated July 22, 1902, requesting that authority be wired Agent Shoenfelt for the removal of W.H.Thompson and John Delashmutt, together with their cattle, from the Chickasaw Nation for non-payment of cattle tax.

At the same time a telegram was transmitted granting the authority requested, except that it did not authorize the removal of the cattle. The said telegram was duly approved and forwarded to this office for transmission to the Agent on July 23, 1902 (ITD-4450).

The office is now in receipt of a telegram from the Inspector dated July 25, 1902, asking that the authority be modified so as to include the removal of the cattle of the parties named.

The former telegram should have authorized the removal of the cattle. It is therefore thought proper to wire the Agent authority for the removal of said Delashmutt and Thompson, together with their cattle, from the Chickasaw Nation and the Indian Territory. A telegram has accordingly been prepared and is herewith inclosed with the recommendation

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that it be approved and returned to this office for transmittal to the Agent.

It is believed that the inclosed telegram to the Agent will give him all the authority necessary for the removal of not only the persons named, but their cattle.

Very respectfully,

Your obedient servant,

A.C.Tonner

Acting Commissioner.

WCV
D

2 inclosures.

(Endorsed) Union Agency No.4559 Received Aug.4,1902 Office of U.S.Indian Inspector for Indian Territory. Washington, July 29, 1902. Secretary.-----Rel.telegram requesting that authority be wired Agent Shoenfelt for the removal of W.H.Thompson and John Delashmutt, together with their cattle, from the Chickasaw Nation for non-payment of cattle tax.----

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 5113-1902.

August 21, 1902.

United States Indian Inspector
for the Indian Territory,
Muskogee, I. T.

Sir:

The Department is in receipt of your report dated August 12, 1902, relative to requesting authority to remove cattle and the owners thereof from the Chickasaw Nation, by telegram, and suggesting that the U. S. Indian Agent for the Union Agency be authorized to remove cattle where held unlawfully, without procuring specific authority in each instance.

Reference is made by you to paragraph 6 of the regulations of June 3, 1902, governing the introduction by noncitizens of live stock in the Chickasaw Nation, Indian Territory, and to a suggestion in your letter dated May 17, 1902, that the Indian Agent be authorized to promptly remove all cattle as being there unlawfully where the parties refused to pay the required tax within ten days after receiving notice and after the matter had been investigated by your office; and to the reply of the Department under date of June 3, 1902, wherein it was held that it was advisable that authority should be obtained in each instance from the Commissioner of Indian Affairs and the Secretary of the Interior prior to the removal of any stock by the Indian Agent under said regulations, and you state that in compliance therewith authority has been asked by

4686.

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telegram.

You report that the amount of money received by the Indian Agent on account of "these cattle taxes" up to August 6, 1902, is \$6,580.75, and that many of the larger stockholders in the Chickasaw Nation have declined to pay the tax.

You forward a copy of the notice served upon said cattlemen and also a communication from Revenue Inspector Cobb requesting authority for the removal of the parties therein named, and upon whom notice had previously been served. You report that it is important that the necessary authority be secured and that action be taken by the Indian Agent at the earliest possible date, to remove cattle belonging to parties who fail to pay at the expiration of the ten days. You state that to request such authority by mail after the expiration of the ten days would seriously interfere with the collection of said tax, and cause considerable delay and expense, for the reason that it requires from 12 to 16 days to communicate with and receive replies from the Department when letters are sent through the usual channels, and that during that time the conditions in many instances have entirely changed, either by the disposal of cattle to citizens of the nation, or the removal of the cattle to another section of the country, or for other causes. You further report that -

"As the only information to be furnished the Department in each instance, is the names of the parties, together with the fact that they have refused or neglected to pay such tax, and in view of the complications, delay and expense, as above suggested, which would be caused by requesting the necessary authority by mail,"

you request that the authority be furnished by telegram.

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Reference is made by you to section 2117 and also to section 2147 of the Revised Statutes, and to the opinion of the Attorney General dated September 7, 1900, holding that the Department has authority to remove cattle pastured on the public lands without Indian permit or license where such permit or license is required, and you further state that the Indian Agent has been authorized in one or two instances to remove any cattle found within the limits of the Seminole Nation which were there contrary to law, and you again suggest that if the Indian Agent can be authorized to remove cattle under said section 2147 "without procuring specific authority in each instance," action could be promptly taken at the expiration of the ten days' notice.

The Acting Commissioner of Indian Affairs forwarded your said report on August 19, 1902, and suggests that the revenue inspectors and other officers engaged in collecting the cattle taxes should clearly and distinctly state the names of the parties, the number of cattle to be removed, the length of time they have been in the Chickasaw Nation, and any other facts which may aid the Department in arriving at a conclusion, and if there be any reason why the Chickasaw statutes and sections 2147 and 2149 of the Revised Statutes are not applicable, as, for instance, "the ownership of a town lot by the owner of the cattle, these facts should also be stated."

The Department concurs in the main with the suggestions of the Acting Commissioner, and does not consider it advisable to authorize the U. S. Indian Agent to remove cattle under the provisions of section 2147. Indeed, it has heretofore held,

as stated by you, that authority should be obtained in each instance from the Commissioner, approved by the Secretary, before action is taken relative to the removal of persons or property from the Indian Territory.

Concerning the suggestion of the Acting Commissioner as to the desirability of stating whether the owner of the cattle is the owner of a town lot, your attention is invited to departmental letter dated June 30, 1902, in response to your communication of June 10, same year, wherein you were instructed that,

"Whenever the person from whom the tax is to be collected is 'in lawful possession of any lots or parcels of land in any town or city in the Indian Territory which has been designated as a town site under existing laws and treaties,' and the only method or means of enforcing the payment of the tax is by removing such person from the Territory, a demand for the tax seems, under your statement, to be idle and need not be made, but ~~wherever~~ the tax can be collected in any other manner such as is suggested by your letter and that of the Indian Office, you will make the usual demand and proceed with the collection."

It is not considered that because a person is "in lawful possession of any lots or parcels of land in any town or city in the Indian Territory which has been designated as a town site under existing laws and treaties" he is exempt from the payment of taxes due upon cattle under the Chickasaw law, and action may be taken against the cattle in order to enforce the payment of the lawful tax.

A copy of the report of the Acting Commissioner is inclosed.

Respectfully,
Thos. Ryan
Acting Secretary.

(Endorsed) Union Agency No. 4686 Received Aug. 2, 1902 Office of U.S. Indian Inspector for Indian Territory. Washington, August 21, 1902. Secretary.-----Relative to removal of cattle and the owners thereof from the CHICKASAW NATION, Indian Territory.-----

Special.

D E P A R T M E N T O F T H E I N T E R I O R .

W A S H I N G T O N .

ITD.458-1903.

January 17, 1903.

W.V.D.

The Attorney-General,
Sir:

Referring to the previous correspondence relating to the Proceedings in replevin in the United States Court for the Southern District of the Indian Territory (Townsend, Judge), whereby cattle men, who are non-citizens of the Chickasaw Nation and who are insisting upon grazing their cattle upon the lands of the Chickasaw Nation without paying the permit fee or tribal tax prescribed by the Chickasaw laws, are now seeking, by such replevin proceedings, to intercept or avoid the removal of their cattle from the Chickasaw Nation by the Indian Agent, who is acting under regulations issued by the Secretary of the Interior, I beg to call your attention to the following telegram received by me from the Acting Indian Inspector, who is also Indian Agent:

Muskogee, I.T., January 16th, 1903.

Sec'ty Interior,

Washington, D. C.

Referring to telegram fourteenth instant, under regulations, Chickasaw cattle not being seized for taxes, but are removed for being unlawfully within Indian country, have advised with the District Attorney, and maintain cattle not being seized

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but being removed, under provisions Intercourse law, requested him to bring matter formally before Judge Townsend, asking for an order directing clerks refrain from issuing writ of replevin for cattle being removed under intercourse law. He advises preparing bill asking for injunction, but is satisfied court will not grant desired relief, and if appealed, will probably not be decided for a year. District Attorney states this request not in accordance with his judgment and has so advised Attorney Gen'l, and requests the Department secure an opinion from Attorney General. Section fifty-five eighty-one Mansfield's digest provides for delivery of property replevied to party suing out writs at the expiration of two days. It is my opinion that cattle can again be rounded up and removed after the expiration of two days that are found within Chickasaw Nation, although they have been once replevied. Am clearly of the opinion that writs of replevin cannot be invoked to prevent Secretary of Interior enforcing intercourse laws. We claim no ownership in cattle, simply removing them when found within Indian country, in accordance with decision of courts. Respectfully request that if Department concurs in my opinion I be directed to proceed accordingly.

Shoenfelt,
Acting Inspector.

The permit fee or tribal tax in question is prescribed in the Chickasaw act of May 3, 1902, which was approved by the President May 15, 1902, under section 29 of the act of Congress of June 28, 1898 (30 Stat., 495, 512). A copy of this Chickasaw act is printed on page 1 of the Regulations transmitted herewith

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Section 2 of such Chickasaw act prescribed:

That such privilege or permit taxes shall hereafter be payable to such person or persons, and collected under such rules and regulations as may be prescribed by the Secretary of the Interior.

And section 4 thereof also prescribes:

That such privilege or permit taxes shall be due and payable annually, upon demand, and if such taxes are not paid when demanded, the live stock upon which such taxes are due, shall be held to be in the Chickasaw Nation without its consent, and unlawfully upon the lands of the Chickasaws, and the presence of such live stock, and owners or holders thereof, within the limits of said Nation, shall be deemed detrimental to the peace and welfare of the Chickasaw Indians.

In addition to being an authorized law of the Chickasaw Nation (Maxey v. Wright, 54 S. W. Rep., 807; 17 Op. A. G., 134; 18 Id., 34; 23 Id., 214; 23 Id., 528), this act is also a regulation of the President within the meaning of section 463, 2058 and 2114 of the Revised Statutes, which constitute part of the intercourse laws enacted by Congress under express Constitutional authority.

The removal of these cattle, which, by reason of the non-payment of the permit fee or tribal tax, are unlawfully within the Chickasaw Nation, and unlawfully depasturing the lands of the Chickasaw tribe, is not only supported by the Chickasaw act before cited, but is also warranted by sections 2147, 2149 and 2150 of

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the Revised Statutes, in addition to those last cited. The regulations of the Secretary of the Interior carrying into effect this Chickasaw act, whether it be regarded as a law of the Chickasaw Nation or as a regulation of the President, one or both, were made in the exercise of supervisory and directorial authority specifically given to the Secretary of the Interior by the third subdivision of section 441 of the Revised Statutes and by sections 463, 2058 and 2149 of the Revised Statutes.

The Secretary's regulations are also, in contemplation of law, to be treated as acts of the President. Wilcox v. Jackson (12 Pet., 498, 513; Wolsey v. Chapman (101 U. S., 755, 769, 770; Marbury v. Madison (1 Cranch, 137, 166); In re Neagle (39 Fed. Rep., 833, 860.)

By articles 7 and 14 of the treaty of June 22, 1855 (11 Stat., 611,) it was stipulated that all persons, not being citizens or members of the Chickasaw Nation, found within its limits, shall be considered intruders, and be removed from and kept out of the same "by the United States agent, assisted, if necessary, by the military;" and that the United States shall protect the Chickasaws from aggression by white persons not subject to their jurisdiction and laws.

There being no authority whatever, anywhere, for a judicial ascertainment of who are intruders, or for a judicial enforcement of the treaty and statutory provisions relating to such intrusion as is here under consideration, it follows, from

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the express provisions in sections 441, 463, 2058, 2114, 2147, 2149 and 2150 of the Revised Statutes, that the matter is one which is by law committed to the Indian Bureau, of which the Secretary of the Interior is the head, subject only to the superior control of the President, and that the matter is therefore one of administration in the Executive Departments, over which courts have no authority or control. This is shown by the decisions of the Supreme Court in the recent cases of Cherokee Nation v. Hitchcock and Lone Wolf v. Hitchcock. See, also, the sixth proposition (p. 75) of defendants' brief in Morris v. Hitchcock, a copy of which is transmitted. A review of the decisions in Chinese exclusion cases given in Lem Moon Sing v. United States (158 U. S., 538), shows that it is fully settled that congress may commit the enforcement of the alien exclusion laws exclusively to executive officers, without judicial intervention, and that where this is done the action of the designated executive authority is conclusive and not open to examination by the courts. The last paragraph in the Lem Moon Sing decision (p. 549) applies this in the following way:

To avoid misapprehension, it is proper to say that the court does not now express any opinion upon the question whether, under the facts stated in the application for the writ of habeas corpus, Lem Moon Sing was entitled, of right, under some law of treaty, to re-enter the United States. We mean only to decide that that question has been constitutionally committed by Congress to named officers of the executive department of the government for final determination.

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The action of the executive department in determining what persons and property are unlawfully in the Chickasaw Nation, and should therefore be removed, is equally conclusive.

Another rule which is applicable to the situation here under consideration is, that an action of replevin will not lie for personal property which is in the custody of the law. Cobby on Replevin (secs. 317, 318) Wells on Replevin (sec. 254); Shinn on Replevin (217, 228); Dixwell v. Jones (2 Dill., 184; s. c., 7 Fed. Cas., 767, No. 3937); Day v. Compton (37 L.J.L., 514); Slocum v. Mayberry (2 Whar., 2); Freeman v. Howe (24 How., 458).

These cattle which are being removed from the Chickasaw Nation in the manner and under the authority hereinbefore shown are, while in the course of removal by the Indian Agent, in the custody of the law, and for that reason alone are not subject to replevin. As stated by Judge Cooley, in Weimer v. Bunbury (30 Mich., 201, 215)--

To require that the action of the Government, in every instance where it touches the right of the individual citizen shall be preceded by a judicial order or sentence after a hearing, would be to give to the judiciary a supremacy in the state and seriously to impair and impede the efficiency of executive action.

Because of the exigency of the situation, because these cattle men have had recourse to two courts of equity and have been unsuccessful in each, and because, as I believe, the matter is not subject to judicial examination or control, I respectfully suggest, if it meets your approval, that the United States Attorney for the southern district of Indian Territory, and the Acting Inspector and Agent, be instructed, the former by you and the

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latter by me, that the administration and execution of the intercourse laws and treaties in question are matters in which the courts can not interfere or impede executive action, and that therefore the removal of cattle thus unlawfully in the Chickasaw Nation should proceed in the prescribed and accustomed manner, without regard to the actions in replevin and the writs issued therein.

In whatever form any matter is herein stated, it is intended to be presented only by way of suggestion, for your consideration, in order that there may be like action in the two Departments. I beg to ask for as early a response as may be convenient.

Very respectfully,

E. A. Hitchcock,

Secretary.

(Endorsed) Union Agency No. 5606. Received Jan. 26, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, Jan. 23, 1903. Secretary---Encloses copy of letter from Attorney General to U. S. Attorney for Southern District, relative to removal of cattle, etc.

D E P A R T M E N T O F T H E I N T E R I O R

WASHINGTON.

I.T.D. 3916-1905.

April 19, 1905.

United States Indian Inspector
for Indian Territory,
Muskogee, I. T.

Sir:

The Department is in receipt of your letter of April 4, 1905, transmitting a communication dated March 20, 1905, from S. H. Taylor, Revenue Inspector, reporting relative to the introduction of certain cattle into the Chickasaw Nation by J. S. Todd, of Muskogee, I. T., for the purpose of feeding said cattle at the cotton-seed oil mill at that place. The Revenue Inspector reports that Mr. Todd is indisposed to pay the introductory tax of 25 cents per head, his view and that of his attorneys being that the tax should only be paid upon cattle introduced for the purpose of grazing. In order to adjust the matter fairly, Mr. Todd has deposited a certified check for \$300.00, payable to the order of the Indian Agent, and you refer the matter to the Department for its decision.

You inclose a copy of regulations governing the introduction of holding of live stock in the Chickasaw Nation, approved June 3, 1902, and invite attention to the language of the act of the Chickasaw National Legislature, and section 1 of the regulations prescribed thereunder, which requires that

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there shall be paid certain privileges taxes "upon live stock owned or held by non-citizens within the limits of the Chickasaw Nation."

You state that it would appear that the Department would have no discretion in cases of this character, but would be required to collect the sum of 25 cents for each head of cattle introduced by Mr. Todd into the Chickasaw Nation and held within the limits thereof, whether for grazing, feeding or any other purpose, and you recommend that you be instructed to take action accordingly, if your views meet the approval of the Department.

Reporting in the matter April 13, 1905, the Indian office states that Mr. Todd is liable for a tax of 25 cents per head upon all the cattle introduced by him, and recommends that you be instructed to see that such tax is collected. The Indian Office also states that it believes you should satisfy yourself that the amount deposited with the Agent is sufficient to pay the introduction tax on all cattle introduced by Mr. Todd since January 1, 1904. A copy of its letter is inclosed.

The Department concurs in the Indian Office recommendation, and you are requested to take action accordingly.

Respectfully,
Thos. Ryan.
Acting Secretary.

Endorsed: Union Agency # 11453, Received April 25, 1905. Office of U.S. Indian Inspector for Indian Territory. Washington, April 19, 1905. Secretary. Should collect cattle tax from J. S. Todd, on cattle introduced by him into Chickasaw Nation, for feeding purposes.

DEPARTMENT OF THE INTERIOR,
United States Indian Inspector
For
INDIAN TERRITORY.

Muskogee, Ind. T.,

Chickasha, I.T. March 25, 1907.

Mr. J. Geo. Wright,

Inspector, Muskogee, I.T.

Dear Sir:

Up to this time I have sent in over \$6,000 grazing tax on unallotted land in this part of the Chickasaw Nation, and still there is more to follow: I find that to secure the returns we should the public domain must be looked after vigorously right now, before the grazing season begins: it is absolutely impossible for me to be in all the various places that I really should visit just at this time; Indian Policeman Jos. Phillips knows the country and people well, and has helped me in this work before; it would be of great benefit if he could be detailed to assist me for a while, to go ahead, and see the people, etc. I understand he is at present at work, but I believe this duty is most important RIGHT NOW, and I respectfully ask that he be ordered to report to me at once.

Respectfully,

J.B.Kelsey.

(Endorsed) union agency no. 62744 Recd. Mar. 27, 1907 Office of U.S. Ind. Insp. for I.T. Department of the Interior, Muskogee, I.T. Chickasha I.T. Mar. 25, 1907 U.S. INDIAN INSPECTOR FOR INDIAN TERRITORY, J.B. Kelsey.-----Asks that Indian Policeman Jos. Phillips be detailed at once to assist him in work of collecting grazing tax in Chickasha Nation.-----

CHICKASAW - CITIZENSHIP

(Seal)

Chickasaw Nation.

EXECUTIVE DEPARTMENT.

Executive Officers:

CHICKASAW NATION.

Douglas H. Johnson,
Governor.
Charles D. Carter,
Nat'l Secretary.
Palmer S. Moseley,
Nat'l Treasurer.
Wm. T. Ward,
Attorney General.

Tishomingo, I.T.

Dec. 3, 1898.

Hon. A. S. McKennon,
Member Dawes Commission,
Muscogee, I.T.

Dear Sir:- Acting Secretary of the Interior, Thos. E. Ryan, in a communication to our National Secretary, on the 15th ultimo, relative to the bill passed by our legislature, entitled "An Act creating a Commission to act with the Dawes Commission, in enrolling citizens, and Freedmen, in the Chickasaw Nation", uses the following language, "On the 17th ultimo the Commissioner returned said acts with his report thereon, in which he stated, with reference to the act creating a commission to act with the "Dawes Commission, in enrolling citizens and freedmen of the Chickasaw Nation, that in a former report dated September 30, 1898, made by him on a letter from ex-Governor R. M. Harris of the Chickasaw Nation who protested against the approval of said act by the President, he recommended that the matter be referred to the Dawes Commission

for report in order that the Department might be fully prepared to, consider said Act when presented. The Commissioner further stated that one of the members of the "Dawes Commission", Mr. McKennon" informally stated that the objection raised by Mr. Harris to the approval of the act, namely that before the same could be approved and the committee provided for therein be appointed by the Governor of the Nation, the labors of the Dawes Commission with respect to the matter for which said committee is to be appointed would be completed, or so nearly so, that a new committee (Mr. Harris having appointed one without compensation) could render no practical services, was true"

He further states that for this and other reasons, it has been recommended that the President disapprove said bill, and since that time the bill has been returned with Presidential disapprove said bill, and since that time the bill has been returned with Presidential disapproval.

This measure was instituted and passed with a desire to act in harmony with the Dawes Commission, and all other parties interested. In fact it was generally understood that your Commission had expressed a desire to have our people furnish a committee to assist you, as provided by this act; and it certainly does seem that injustice has reached the climax, if our property is to be divided, and we deprived of representation before the distributing authority.

As I understand, your Commission has yet to register the entire citizenship of the Choctaw Nation, and in the Choctaw Nation there are a great many Chickasaws to be enrolled, and even if not a Chickasaw is enrolled in the Choctaw Nation, our people would be equally interested, in preventing names being recorded on the

Choctaw Citizenship Roll, that are not entitled to be there: Therefore, I do not think it can be said that the labor of the Dawes Commission, with respect to this matter, is completed, until the entire roll of citizenship is finished.

The disapproval of this proceeding, by the President, places our Commission in an extremely embarrassing position; since as you are aware, they were appointed, and have spent their means and time, in the performance of such service, and now it seems that none of them will ever be paid for their labor. I would be pleased to hear from you, fully, concerning this matter, at your earliest convenience.

Very respectfully,

D. H. Johnston

Gov. C. N.

(Endorsed) # 1543 Commission to Five Tribes, Muskogee, Oklahoma, received Dec. 3, 1898. D. H. Johnson, Govr. Tishomingo, I.T. With reference to the disapproval by the president of an Act of the Chickasaw Council creating a citizenship Committee.

S.C. Treadwell. Wm. H. Murray.
Foremerly of Ft. Worth, Tex.

W. M. Lucas.

TREADWELL, MURRAY, AND LUCAS.
ATTORNEYS AND COUNSELORS AT LAW.

Tishomingo, Ind. Ter.
Dec. 21, 1898.

Dear Tams Bixby

Muskogee, I.T.

Dear Sir:

Your letter containing the account of B. F. Kemp et al,
was received yesterday.

A bill has passed the legislature providing for the full pay of all Chickasaw Commissioners, colored Commission and witnesses.

I trust it will be approved by the President.

Truly,

Wm. H. Murray.

(Endorsed) # 1884, Received Jan. 3, 1899. W. H. Murray, Tishomingo, 12/21/98. Bill for expenses of Chickasaw citizenship Commission has passed Nat'l Council.

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COMMISSIONERS.

Henry L. Dawes
Tams Bixby
Archibald S. McKennon,
Thomas B. Needles.

DEPARTMENT OF THE INTERIOR,
Commission to the Five
Civilized Tribes.

Allison L. Aylesworth, Secretary

Ardmore, Ind. Ter.

Jan. 20, 1899.

Hon. Tams Bixby,

Acting Chairman

Muskogee, Ind. Ter.

Dear Sir:-

I enclose herewith for your consideration some ancient documents acquired accidentally (?) and in which, subject to your wishes, I desire to retain a proprietary interest.

They reveal these facts:

- 1st That the date of the Treaty of Fort Smith and the date determining the status of Choctaw and Chickasaw Freedmen, was Sept. 13, 1865.
- 2nd That pursuant to an act of the Chickasaw Legislature, and in compliance with a proclamation of the Gov. of the Chickasaw Nation, the Chickasaw slave holders reported in 1865 the names, ages, sex, etc of slaves held by them on Sept. 13, 1865.

It occurred to me that the Choctaw Nation may have taken the same action, and that certified copies of the slave records of these nations might be used as a basis of the Commission's Freedmen rolls in said Nations. I believe Capt. McKennon required each freedman applicant for enrollment to identify

2258.

-2-

himself with some particular owner and it may be feasible to check copies of the 1865 record from the testimony taken by Mr. Cornish.

I regret that I was unable to procure a greater number of the certified lists of slaves but regardless of the fact that I was willing for one, or several more slight accidents (?) to happen, like a man with an accident policy (usually) I came off without an additional scratch.

Respectfully,

P.B.Hopkins.

(Endorsed) Union Agency No.2258 Recd.Feb.4,1899 P.B.Hopkins,
Ardmore,I.T.Jan.20,1899 Ardmore,I.T.Rel----to certain rolls per-
taining to Chickasaw Freedmen.----

S.C.TREADWELL, Wm.H.MURRAY, W.M.LUCAS.
Formerly of Fort Worth, Tex.

TREADWELL, MURRAY & LUCAS,
ATTORNEYS AND COUNSELORS AT LAW.

Practice in all the Courts of the Indian Territory
and in Texas.

Notary in Office.

Tishomingo, Ind.Ter.,
Jan. 28th, 1899.

Hon. Tams Bixby,
Acting Chairman Dawes Com.
Muskogee, I.T.

Dear Sir:

Just one month ago, or on the 28th day of December A.D. 1899, was born another Chickasaw, as evidenced by the affidavit herewith, to Mrs. Ellen Chandler, (the Mother) a Chickasaw by birth and Bud Chandler (the Father) a non citizen. Mrs. Chandler was enrolled at Ardmore. She was on a visit at the date of the child's birth, and the affidavit physician is the agency physician at Anadarko. These people desire this Chickasaw heir-apparent to be enrolled.

Wherefore I shall ask you to put him, the said Joseph B. Chandler, on a card, and kindly notify me of such action that I may assure them that he is not lost, nor denied all the "Rights and privileges of other Chickasaws," as the Intermarried man was want to say.

With sentiments of highest regards,

Yours sincerely,

Wm.H.Murray.

These people, I think, live at Ninakah, I.T.
2246.

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(Endorsed) Union Agency No.2246 Recd.Feb.2,1899 Wm.H.Murray,
Tishomingo,I.T.Jan 28,1899.----Furnishes physician affidavit of
birth of child.----

COMMISSIONERS:
TAMS BIXBY, Department of the Interior,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE. COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
commission to the Five Civilized Tribes.

Muskogee, Indian Territory,
August 26, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the tenth instant in which you state that the attention of the enrollment division of your office has been called to a letter of the Commissioner in Charge under date of August 6, 1904, relative to certain contests instituted at your office by persons who were granted citizenship in the Choctaw and Chickasaw Nations by the decrees of the United States Courts in Indian Territory, and from which no appeals were taken to the Choctaw and Chickasaw Citizenship Court.

In this connection you request to be advised as early as practicable whether persons who occupy similar status to those mentioned in general office letter of August 6, 1904, should be allowed to institute contest proceedings at your office as you have been under the impression that only those persons whose names appear as indexed upon the list of "Court Claimants" furnished your office, showing that their cases had been appealed to the Choctaw and Chickasaw Citizenship Court, should be allowed

3411.

-2-

to institute such contests, in addition to those persons who appear upon the list of undertermined applicants for enrollment.

In this connection your office is directed to permit contests to be instituted by persons appearing upon your records as applicants for enrollment whose rights have not been finally determined. This direction applies not only to persons who are applicants before the Commission to the Five Civilized Tribes, but also to persons who were admitted by judgments of the United States Court and whose cases are now pending before the Choctaw and Chickasaw Citizenship Court and also to such persons as did not have certified to or appeal their cases to the Choctaw and Chickasaw Citizenship Court within the time prescribed for that purpose.

As to those cases pending before the Commission to the Five Civilized Tribes your office has been and will be in the future promptly notified of the final disposition of such cases by the Commission. In the event of the enrollment of such persons and the approval thereof by the Secretary of the Interior your office will be furnished with the approved schedules containing the names of such persons. Where the enrollment has been refused by the Commission, you will be notified when the decisions of the Commission refusing the applications have been affirmed by the Secretary of the Interior.

As to those persons admitted to citizenship in the Choctaw and Chickasaw Nations by the United States Court in Indian Territory and whose cases have been certified or appealed to the Choctaw and Chickasaw Citizenship Court your office has heretofore been advised of the rendition of decrees by the Choctaw and Chickasaw

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Citizenship Court denying citizenship to such persons.

Where an applicant has been denied citizenship by a decree of the Choctaw and Chickasaw Citizenship Court the Certification of such decree to the Commission is sufficient evidence of the denial of his or her citizenship and the dismissing from the records of the Commission of any proceedings that may at that time be pending. No further action has been taken by the Commission as to persons denied by the Choctaw and Chickasaw Citizenship Court than to advise your office of the certification to the Commission of the decrees of the Court denying such applicants.

As to those persons whose rights are in any manner dependent upon persons whose cases are pending before the Choctaw and Chickasaw Citizenship Court but who are not actually parties litigant before that Court, the Commission will dismiss the applications of such persons from the enrollment records of the Commission. Of this action your office will, from time to time, be advised.

As to the class of persons who were admitted by judgments of the United States Court in Indian Territory and whose cases have not been certified or appealed to the Choctaw and Chickasaw Citizenship Court your Attention is invited to the following language in an opinion of the Assistant Attorney General of the United States of May 9, 1904, as follows:

"That annulment of the United States court judgment affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprives the applicant of a favorable judgment as to devolve upon him the
3411.

duty of causing his cause to be transferred to the Citizenship Court."

This doctrine applies equally to those persons who were admitted by the United States Court on appeal from an unfavorable decision of the Commission to the Five Civilized Tribes. As to all of the persons who were admitted by the United States Court and who have failed to appeal to the Choctaw and Chickasaw Citizenship Court the Commission will issue orders dismissing such applications from the enrollment records for want of jurisdiction.

In all of these cases wherein the citizenship of any person has not been finally determined either by the Commission to the Five Civilized Tribes or by the Choctaw and Chickasaw Citizenship Court you will permit contests to be instituted and take no action relative to the dismissal of any proceedings pending before your office until you are specifically advised and directed as to the final disposition of such applications by the Commission. In no instance should your office take the initiative in dismissing any proceedings wherein the rights of the applicants to enrollment appear upon your records as undetermined.

Respectfully,

Tams Bixby,

Chairman.

(Endorsed) Union Agency No.3411. Received Aug.29,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory.Relative----- certain contests instituted by persons granted citizenship in the Choctaw and Chickasaw Nations by decrees of the U.S.Courts in Ind. Terry, and from which no appeals were taken to the Choctaw and Chickasaw Citizenship Court.-----

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COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Wm. O. BEALL,
Secretary.

Address only the
Commission to the Five
Civilized Tribes.

Muskogee, Indian Territory,
August 27, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Referring to original Chickasaw enrollment card 369 Lucy Thompson et al you are informed that the name of Cornelius Thompson, son of Lucy Thompson, age one year, a full blood, his father being Culberson Thompson a Chickasaw residing in the Choctaw Nation, First District, has today been placed on said card as number 3 thereon and the following notation has been placed on said card.

"No. 3 born March 31, 1901; application for his enrollment was made by father, Culberson Thompson, at So. McAlester, I. T. Dec. 22, 1902. Affidavits as to birth of No. 3 executed at Harts-horne, I. T. Dec. 24, 1902 and received at office of Commission at Muskogee, I. T. Dec. 26, 1902. No. 3 enrolled August 26, 1904."

You are therefore requested to make like addition and notation on the duplicate of corresponding number in your possession.

Respectfully,

Tams Bixby,

3548.

Chairman.

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(Endorsed) Union Agency No. 3548. Received Sep. 6, 1904. Commission to the Five Civilized Tribes, Muskogee, Indian Territory. Regarding--original Chickasaw enrollment card 369 Lucy Thompson, Chickasaw--addition of her one year son to rolls.----

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Ter.

October 18, 1904

Fred T. Marr,

Chief Clerk Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

I have been advised by Mr. S. H. Spooner, Special United States Attorney, Indianapolis, Indiana, that he called your office up by telephone (sic) some few days ago and requested information relative to the enrollment of Robert Pettis, of Tatum, Indian Territory, as a citizen or freedman of the Chickasaw Nation; that he was advised by you that the matter would be looked up and he would be informed as to what was shown by the records of your office in regard to this matter; that he remained at Roff a day and a half waiting for your office to call him up, which was not done, and that he could not, during that time, although he made several attempts, be placed in telephonic communication with your office.

You are requested to make a report in this matter.

Respectfully,

Tams Bixby

CHAIRMAN.

(Endorsed) # 4305. Received Oct. 19, 1904. Five Civ. Tribes.
relative to enrollment of Robert Pettis, of Tatum, I.T.

CHICKASAW - FEDERAL RELATIONS

Washington, D. C., February 8th, 1897.

To the Senate and House of Representatives of the United States of America in Congress Assembled:

We, the undersigned Commissioners upon the part of the Chickasaw Nation of Indians appointed under an act of the Chickasaw Legislature to negotiate with the Honorable Commissioners of the United States created by an act of Congress and appointed by the President to negotiate with the Five Civilized Tribes, beg leave to submit the following:

1st: We regret to say that we have not been able to agree to the agreement made between the Commissioners of the United States and the Choctaw Nation.

The agreement made and entered into in December, last, at Muskogee, Indian Territory, between the United States Commissioners and the Commissioners upon the part of the Choctaw Nation (to which the Chickasaw Nation was not a party, for the reason that up to that time the Chickasaw Nation had not authorized Commissioners to make such agreement), in order to reach allotment in severalty in fee to each allottee, provides; "That, in consideration of the mutual agreements and undertakings herein contained, it is agreed as follows:

In consequence of the common interest of the citizens of the Choctaw and Chickasaw Nations in the lands

of said Nations, and the possible contingent reversion of the same to the United States, and in order to facilitate the carrying into effect the provisions of this agreement to allot said lands in separate, individual ownership among said citizens and rendering most useful to said Nations their mining operations and town-sites, and for other purposes, it is agreed that immediately upon the final ratification of this agreement, each of the principal Chiefs or Governors of said Nations shall be by such ratification authorized to execute and deliver to the United States in the name of his Nation a deed conveying to the United States in trust all the interest of said tribe or nation in the lands of the Choctaw and Chickasaw Nations in the Indian Territory, which deed shall be in trust for the sole purpose, and no other, of carrying into effect the provisions of this agreement touching the division and allotment of said lands in individual holdings by the citizens of said Nations, and the provisions herein required in respect to said lands; which deed shall be in form satisfactory to the Attorney General of the United States, and shall specifically define the nature and all limitations of said trust required by this agreement and the requirements of the United^{States} in executing the same; and the United States shall accept such conveyance in trust for the sole purpose of executing and carrying into effect the requirements of this agreement in respect to said lands, and is hereby required, in so doing, by some duly authorized officer to execute and deliver a patent to each allottee and

purchaser of a town lot, so that he may have the evidence under the authority and seal of the United States of a fee simple title, subject only to the restrictions required by this agreement and specified in the instrument itself."

To this mode of conveyance is the greatest objection made by the Chickasaw Nation; that objection is founded upon the well-known fact that years ago the Congress of the United States granted to certain railroad companies alternate sections of the public domain, some of which run through the lands owned by the Choctaw and Chickasaw Nations. And while it is true that when the grants were made there was no public land of the United States within the Territorial limits of the Choctaw and Chickasaw Nations-- and there is none now-- the Indians hold the fee to these lands; and, inasmuch as the Government of the United States had no title to these alternate sections when the grant was made, yet we fear that should our two Nations voluntarily convey the fee title to our lands to the United States, that when done, it would be claimed by the Railroads that the title in the alternate sections heretofore granted would inure to themselves; the result of which might cause long litigation between the railroads claiming the grants and such allottees as had selected allotments upon the alternate sections embraced in the grant, and, perhaps in the end, lose their homes. For this reason, more than all others, we, the Chickasaws, have refused to sign said agreement. This may be imaginary danger; nevertheless, we prefer

to let the title remain in the Indian people of the two Nations until the allotments are completed and each allottee placed in possession of his or her allotment; then for the Congress of the United States to pass an act authorizing the Executives of the Choctaw and Chickasaw Nations, respectively, without unnecessary delay, to cause patents to be issued to each allottee under the seal of their respective Nations, conveying to such allottee all the right, title, claim and interest of each and every member of the respective tribes in and to said land thus allotted to the allottee. And the United States shall cause patents to be issued to each allottee, conveying all right, title, claim and interest of the United States in and to the lands thus allotted or otherwise including the possibility of reversion to the United States, to such allotment.

We assure you that we are not only willing but anxious to join our brother Choctaws in an agreement with the United States by which our lands may be allotted and outstanding claims adjusted and such other changes in our government as present conditions require-

We are now ready to agree to the allotment of all the public domain belonging to the Choctaw and Chickasaw people, equally between their own citizens, freedmen excepted, and excepting such as may be found necessary for specific uses; provided, the fee title remain in the respective tribes until the allotments are completed and each allottee placed

in peaceable possession of his or her allotment, and all other persons removed therefrom; and when such allotment shall be completed, the Executives of the two Nations or Tribes be authorized and required by Congress to deliver under his hand and the Great Seal of the two Nations, within a reasonable time, to each allottee a patent conveying to him or her all the title of his said tribe in and to such allotment, according to the conditions and limitations in this agreement; after which the United States shall cause patents to be issued to each allottee, which patent shall be taken and held to be a relinquishment to such allottee of all interest of every name and nature of the United States in the same; Provided; further, that the United States pay to the Chickasaw Nation their claim against the United States for arrears of interest on their trust funds; this claim is known, fixed and acknowledged by the United States, therefore not in dispute; that, for their interest in that tract of country known as the leased district including Greer County, and other claims, they are willing to submit to the United States Senate as a Board of Arbitration.

T O W N S I T E S .

We will agree to lease the town lots in the different Towns for an annual ground rental; the Chickasaws think they ought to be allowed to designate the Towns to be so leased, and to fix the exterior limits of each, for the reason that

we desire to allot as much of the common domain to our people for homes as is possible, for we regard fixed homes as the foundation of civilization.

-:-

M I N E R A L S .

We are willing to agree that all minerals, including oil, Coal, Natural Gas and Asphalt, in or under the lands allotted, shall not pass to the allottee but the title to the same shall remain in the United States in trust for the sole use of the Chickasaw and Choctaw citizens, freedmen excepted.

-:-

R E V E N U E S .

We are willing for the United States to collect all our revenues growing out of royalties on minerals, stone, or timber, and the leasing of town lots, and hold the same in trust, or so much thereof as may be necessary, for educational purposes; the balance, or so much thereof as may be necessary to sustain the honor, integrity and expenses of our local government, to be at the disposal of our own Legislature.

-:-

L O C A L A F F A I R S .

-:-

Our people feel that in making allotments of our lands, leasing or selling town lots, fixing the boundaries,

and the boundaries of all lands reserved from allotment for public buildings, cemeteries, &c., that they should be represented by a Commission of their own people selected by the authorities of their local Government.

-:-

O U T S T A N D I N G C L A I M S .

The reason we ask payment of arrears of interest, long since due on our trust fund, and a mode of settling our interest in the leased district before we change our long-cherished system of holding lands in common to that of severalty, is because our people understood when your Honorable Commission was first appointed that if we would agree to allotment of our lands and the adjustment of minerals and town-sites, they would settle all outstanding claims we might have against the United States; besides, we think it right, for we know from experience that it usually requires about two generations, and a large sum of money, to prosecute to final judgment an Indian claim against the United States. For that, and other various and just reasons, we want to settle up, as we go, the arrears of interest claim, was found due us by the United States Court of Claims and the award of the Secretary of the Interior, as provided in the 4th Article of the Treaty of 1852; and payment has been recommended no less than seven times-- always acknowledged to be due us by the Department that keeps the Books; not our

books, but the Books of the United States. There being no dispute between the government and the Chickasaw Nation, we respectfully ask payment; and, as heretofore stated, we are willing upon our part as stipulated in the Choctaw agreement, to submit the claim of the Choctaws and Chickasaws to that tract of land commonly known as the balance of the leased district, including Greer County to the Senate of the United States as a Board of Arbitration.

Always being ready and willing to agree to a fair and equitable adjustment of our local affairs, as well as all claims that we may have against the United States, or that they may have against us.

Trusting in the justness of our cause and the honor and integrity of the United States, we truly hope soon to reach an amicable settlement of all matters touching the interest of the Choctaw and Chickasaw people and the United States.

With great respect,

We have the honor to be,

Your obedient servants,

(Signed) R. M. Harris, Chairman Com.

Wm. L. Byrd

R. L. Byrd

S. B. Kemp

D. C. Walker

Wm. M. Guy

Issac O. Lewis

Richard McTish ✓

Isiah Brown

(Endorsed on back: Memorial of the Chickasaw Nation to the
Congress of the United States.)

Signed Memorial.

(Copied by BEW, March 28, 1934.)

CHICKASAW CORRESPONDENCE.

Washington, D. C., February 11th, 1897.

To the Honorable Dawes Commission.

Gentlemen:-

We have the honor to hand you copy of memorial this day presented to the Congress of the United States.

Very respectfully,

R. M. Harris,

Governor of the Chickasaw Nation &

Chairman ex-Officio of

The Chickasaw Nation.

Copy L. S.

(Copied by BEW, March 28, 1934.)

Executive Department, Chickasaw Nation,

R. M. Harris, Governor.

Tishomingo, I. T., Nov. 8th, 1897.

Chairman Dawes Commission,

Muscogee, I. T.

Dear Sir;-

Our Legislature has ratified the Treaty entered into at Atoka, I. T. Same was ratified on the thirtieth day of October, 1897. I will issue my proclamation soon for the people to vote on same, as the law directs, and as soon as the election is had, will inform you as to the result.

Will send you copy of our roll as soon as the printer finishes same.

Very respectfully,

R. M. Harris,

Governor, C. N.

Pr National Secretary, C. N.

Copy L. S.

(Copied by BEW, March 28, 1934.)

Duncan, I. T., Feb. 17, 1899.

Hon. John S. Hammer,
United States Marshall,
Southern District, Indian Territory,
Ardmore, I. T.

My Dear Sir:

I submit to you the following statement relative to the charges sent to the Honorable Secretary of the Interior at Washington, D. C. by Mrs. Katy Green, of Comanche, I. T., against me.

The party was evicted under a writ of possession, in re. of J. W. Weaver vs. S. F. Green and W. H. Green, in an action of forcible entry and detainer. The writ was issued on January 5, 1899, by the Clerk, at Ryan, I. T., and served on the 7th day of Jan. 1899, the defendant being allowed ten days in which to make bond and retain possession of the place. In failing to execute said bond on Jan. 19th, 1899, I dispossessed defendants and placed the plaintiff J. W. Weaver in possession thereof, he having executed his bond of \$900.00 with B. F. Melton, J. B. Patterson, and R. J. Allen as sureties thereon. The men who assisted me in removing the defendants were J. D. Stegall of Duncan, I. T., and one of J. W. Weaver's hired hands. We removed their goods as carefully as possible, and also that I was not in any way under the influence of liquor; any of J. W. Weaver's family will bear me out in this statement, relative to being intoxicated. The stove she claims to have been broken was a very old worn out one, and in placing it in the wagon it came to pieces and was partly broken. I did in the case only as my duty as an officer required. I will say further that upon investigating the matter you will find that the party whose name is signed to the telegram is a club foot and a woman of unsound mind in the strongest sense of the word and could not have sent the message.

Her husband she refers to is a man 30 years her senior and married her to obtain a right as a citizen in the Chickasaw Nation. You can find the truth of this matter by writing to the following named parties: G. A. Still, Cashier of the Merchants and Planters Bank, J. W. Wisenart, a merchant; W. T. Howell, M. D., J. L. McFall, U. S. Constable; J. B. Patterson, a merchant; R. B. Frensey, a merchant, and H. M. Wolverton, U. S. Commissioner of Duncan, I. T.

I am, yours very truly,

T. E. Lilly,
Deputy.

DEPARTMENT OF THE INTERIOR.
Washington, March 2, 1899.

Mrs. Katie Green,
Comanche, Indian Territory.

Madam:

Your complaint, by telegram, dated January 20, 1898, against Deputy Marshall T. E. Lilly, Duncan, Indian Territory, was referred to the United States Indian Inspector, for the Indian Territory, for investigation and report.

On the 21st ultimo said Indian Inspector transmitted to the Department a report from the United States Marshal, dated Ardmore, Indian Territory, February 18, 1899, inclosing copy of the answer of the said Lilly to the charges made by you.

Said copy is inclosed herewith for your information.

Respectfully,

(signed) E. A. Hitchcock,
Secretary.

Ind. Ter. Div.
176-489-1899.
1 inclosure.

Through the Commissioner of Indian Affairs and the
Indian Inspector for the Indian Territory.
Original mailed to Mrs. Green March 6, 1899.

(Endorsed) Union Agency # 13, received Mar. 6, 1899, Office of
U. S. Indian Inspector for I. T. Washington, March 2, 1899. Sec-
retary. Addressed to Mrs. Katy Green: Enclosing letter from T. E.
Lilly, Deputy U. S. Marshall, in answer to charges made against him.

AN ACT PROVIDING FOR A COMMISSION ON BEHALF OF THE CHICKASAW NATION TO NEGOTIATE A TREATY WITH THE UNITED STATES COMMISSION TO THE FIVE CIVILIZED TRIBES, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE CHICKASAW NATION:

Section 1. That the Governor of the Chickasaw Nation is hereby authorized and directed to appoint four persons who, together with himself as chairman ex-officio, constitute a Commission to meet the United States Commission to the Five Civilized Tribes, and jointly with such Commission as may be created and appointed on behalf of the Choctaw Nation, negotiate a Treaty, supplementary to the "Atoka Agreement", providing for ratifying and closing the citizenship rolls, and the adjustment and settlement of all other matter affecting the rights and interests of the Choctaws and Chickasaws; and such treaty that may be made to that end shall become effective only when submitted and ratified in like manner as the "Atoka Agreement."

Section 2. That the compensation of the members of said Commission shall be four dollars per day and expenses while engaged in actual service; and such amount is hereby appropriated for that purpose, and the National Auditor shall issue his warrant for the compensation of each member, upon the certificate of the Governor, and the National Treasurer shall pay the same out of any money in hands, or that may come into his hands not otherwise appropriated.

Approved January 10, 1901.

D.H. Johnston

Governor Chickasaw Nation.

Approved February 5, 1901. WILLIAM McKINLEY.

(See D-1738)

DEPARTMENT OF THE INTERIOR,
Washington.

February 7, 1901.

United States Indian Inspector
for the Indian Territory,
Muskogee, I.T.

Sir:

The act of the Chickasaw Nation entitled "An Act providing for a Commission on behalf of the Chickasaw Nation to negotiate a treaty with the United States Commission to the Five Civilized Tribes, and for other purposes," approved by the Governor January 10, 1901, was transmitted by you January 19th and by the Indian Office January 30th.

Said act was approved by the President February 5, 1901, and it is inclosed herewith for proper disposition, together with departmental letter to the President and copy of the report of the Indian Office.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
463-1901.
3 inclosures.

(Endorsed) Union Agency No. 1738 Received Feb. 14, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, February 7, 1901 Secretary.-----Chickasaw Act providing for commission to negotiate treaty with Dawes Commission APPROVED.-----

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D.5435-1901.

January 17, 1902.

The President.

Sir:

I have the honor to submit herewith for executive action under the provisions of section 29 of the act of June 28, 1898 (30 Stat., 495), an act of the Legislature of the Chickasaw Nation entitled "An Act creating a commission on behalf of the Chickasaw Nation to negotiate a treaty supplementary to the Atoka agreement with the United States Commission to the Five Civilized Tribes and for other purposes."

Said act authorizes the Governor of the Chickasaw Nation to appoint a commission of four members to meet the Commission to the Five Civilized Tribes and negotiate a supplemental agreement providing for the ratifying and closing of the citizenship rolls and the adjustment and settlement of all other matters affecting the rights and interests of the Choctaw and Chickasaw Nations, and declares that said agreement shall become effective only upon being ratified by vote of the "Chickasaw and Choctaw people in like manner as the Atoka agreement."

Section 2 of said act fixes the compensation of the members of the commission at five dollars each per day while in actual service, and ten cents per mile one way mileage

-2-

over the most direct railway route, and appropriates the sum of \$1,000, or so much thereof as may be necessary. The National Auditor is also directed to issue his warrants upon the national treasurer upon the certificate of the Governor of the Chickasaw Nation for the compensation and mileage.

The United States Indian Inspector for the Indian Territory recommends that said act be approved, and his recommendation is concurred in by the Commissioner of Indian Affairs.

On August 5, 1901, the Department authorized the Commission to the Five Civilized Tribes to negotiate with the representatives of the Choctaw and Chickasaw Nations, "having in view the fixing of a date for closing the rolls, a modification of the plan for the allotment of lands, and such other remedial and supplementary features as are apparently required to carry out the general provisions of the Atoka agreement." The Commission was directed, before signing the agreement to submit a draft thereof to the Department in order that modifications might be made, if any were deemed necessary.

There appears to be no legal or other objection to said act, and I have, therefore, to recommend that the same be approved. The Inspector's report and a copy of the Commissioner's letter are inclosed herewith.

Respectfully,

E.A.Hitchcock.

Secretary.

3 inclosures.

-3-

(Endorsed) Union Agency No.3442 Received Jan.30,1902 Office
of U.S.Indian Inspector, for Indian Territory.Washington,
Jan.20,1902 Secretary.-----CHICKASAW ACT creating commis-
sion to negotiate treaty supplemental to Atoka Agreement
APPROVED Jan.20,1902.-----

CHICKASAW CAPITAL,
R.H.SIMPSON, Editor.

Tishomingo, I. T.,

August 12, 1902.

Hon. Tams Bixby,

Chairman of Dawes Commission,

Muskogee, I. T.

Dear Sir:

A large number of our citizens, including myself, are extremely anxious that you should come to Tishomingo and deliver an address to the Indian citizens on the Supplemental Agreement. We are all of opinion that an address from you and an explanation of the agreement and its bearing on the welfare of the Indian Citizens will have great weight with many of the Indians who are still in doubt on the subject, and would tend largely to the ratification of the agreement. If you can come, and will fix a date which will suit your convenience, we will arrange for a large meeting of Indian Citizens from the surrounding country. For one, I feel that your coming will result in much good, for I think the Indians will accept what you tell them as the truth. While we all are of opinion that the agreement will carry, we desire to leave nothing undone that will tend to that result.

On behalf of our citizens, I can assure you of a cordial reception, and that we will use our best endeavors to make your stay while with us as pleasant as possible. We recognize that you have many calls on your time and much labor to perform in the arduous work of the Commission but I sincerely hope that you

819.

-2-

can see your way to come to us.

Hoping for a favorable response and with assurance of highest considerations, I remain,

Yours very truly,

R.H.Simpson.

(Endorsed) Union Agency No.819 Relative-----To Tams Bixby, Chairman of Dawes Commission, delivering an address to the Indian citizens at Tishomingo, on the Supplemental Agreement, giving them an explanation of same.-----

D E L E G A T I O N B I L L

WHEREAS, Many questions of grave importance to the Chickasaw people will be brought to the attention of the Department of the Interior and the present and coming session of Congress:

AND WHEREAS, Much will be done at Washington during the next few months looking to the final determination of the tribal affairs of the Chickasaw people, which condition seems to necessitate representation of the Chickasaw people before the Department of the Interior and Congress in the near future if ordinary prudence deserves consideration:

AND WHEREAS, we the members of the Chickasaw Legislature in special session assembled have profound faith in the wisdom and sincerity of the Governor of the Chickasaw Nation in the premises:

THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE CHICKASAW NATION, That the Governor of the Chickasaw Nation be hereby empowered and authorized to appoint a delegation consisting of three citizens of the Chickasaw Nation, whose duty it shall be to go to Washington, D. C., and represent the Chickasaw people in all matters wherein their interests are involved and which may demand their attention.

BE IT FURTHER ENACTED, That the compensation of said delegates for their services as such shall be One Thousand (\$1000.00) each, and upon approval of this act by the Governor of the Chickasaw Nation and the President of the United States, The Auditor of Public Accounts of the Chickasaw Nation shall issue warrants to each of the delegates appointed under this act in the amounts as hereinabove mentioned, and the Treasurer of the

Chickasaw Nation shall pay the said warrants out of any funds in his hands or which may come into his hands, and which are not otherwise appropriated.

Passed the House this the 20th day of December, A.D.1906.

Recommended by F. O. Smith.

C.H.Brown,

Speaker of the House.

Attest:

W. F. Ward,

Clerk of the House.

Passed the Senate this the 22nd day of December, A.D.1906.

M. V. Cheadle,

President of the Senate.

Attest:

O. D. White,

Secretary of the Senate.

Approved this the 22 day of December, A. D., 1906.

D. H. Johnston,

Governor of the Chickasaw Nation.

THE WHITE HOUSE

January 25, 1907.

APPROVED:

T. ROOSEVELT.

(Endorsed) Union Agency No.16716 Received Feb.11,1907 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C.Jan. 28,1907.Secretary.-----Returns approved act of Chickasaw Legislature providing for a delegation to visit Washington to represent Chickasaws before Congress and the Department.-----

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.1438-1907.

January 28, 1907.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

There is returned herewith for appropriate disposition the act of the National Legislature of the Chickasaw Nation, received with your letter of January 5, 1907, providing for a delegation to visit Washington to represent the Chickasaw people before Congress and the Departments in all matters wherein their interests are involved. Said act was approved by the President on January 25, 1907.

A copy of Indian Office letter of January 21, 1907 (Land 1923-07), submitting your report, is inclosed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner of Indian Affairs.

2 inclosures.

CHICKASAW - FERRIES & BRIDGES

AN ACT

To authorize Mrs. Mattie O. Fisher to establish and maintain a ferry at the Fisher crossing on the Washita River.

WHEREAS, The Washita River is a deep and wide stream, impassible except by boats at most seasons of the year; and

WHEREAS, The Fisher Crossing on said river is at a place on the road leading from Oakland to Tishomingo and various other important towns in the Chickasaw Nation, and a great necessity exists for the establishment and maintenance of a ferry at such crossing; THEREFORE, Be it enacted by the Legislature of the Chickasaw Nation, That Mrs. Mattie O. Fisher is hereby authorized to establish and maintain a ferry at the Fisher crossing about two miles south of Tishomingo on the Washita River for the accomodation of travelers and emigrants, drovers and the public generally, and to secure her rights against trespass she is hereby authorized to fence the landing on each side of said river and put up gates if desirable.

Sec.1. Be it further enacted that said Mrs. Mattie O. Fisher shall at all times keep a good, trusty and efficient boatman at said ferry, and a commodious and safe ferry boat for the use of all persons desiring to cross said river at such point.

Sec.3. Be it further enacted that said Mrs. Mattie O. Fisher shall be allowed to charge the following rates for the passage of persons, stock and so forth;

For each vehicle and team-----	50 ¢
Other stock, per head,-----	10 ¢
Sheep, goats, and hogs, per head,-----	5 ¢
Man on horse,-----	25 ¢
Footman,-----	10 ¢

Sec.4. Be it further enacted that the rights and privileges herein given Mrs. Mattie O. Fisher shall be and remain in full force and effect for the period of ten years from and after the passage of this Act; this Act take effect from and after its passage.

Recommended by JAS. COLBERT.

Passed the House of Representatives February 10, 1899

Attest; M.V.CHEADLE, Speaker.

J.L.Thompson, Clerk.

Passed the Senate February 11, 1899.

SIMON KEMP, President of the Senate.

Attest;

R.L. REAM, Secretary.

APPROVED, February 11, 1899.

D.H.JOHNSTON,
Governor Chickasaw Nation

Attest;

C.D.CARTER,

National Secretary.

EXECUTIVE MANSION,

Washington, March 7, 1899,

Approved; WILLIAM McKINLEY.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, March 3, 1899.

The Honorable

The Secretary of the Interior.

Sir;

Enclosed herewith is a report of February 23, 1897, from Inspector Wright transmitting an act of the Chickasaw National Council renewing the charter of a ferry run by a Mrs. Fisher, at the Fisher Crossing, on the Washita River.

The act appears to be in proper form and is duly certified and Inspector Wright recommends its approval, in which recommendation this office concurs.

Very respectfully,
Your obedient servant,

A.C. Tonner.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

Washington.

March 6, 1899.

The President.

Sir;-

I have the honor to submit herewith, for executive action, under the provisions of the Agreement set out in Section 29 of the Act of Congress, approved June 28, 1898 (30 Stat., 495), an Act of the Legislature of the Chickasaw Nation entitled, "An Act to authorize Mrs. Mattie O. Fisher to establish and maintain a ferry" at the Fisher crossing on the Washita River."

Said Act was approved by the Governor of the Chickasaw Nation on the 11th ultimo, and it is recommended for approval by the United States Indian Inspector for the Indian Territory, whose recommendation is concurred in by the Commissioner of Indian Affairs. I have, therefore, to recommend that said Act be approved by you, and enclose herewith the letter of the Indian Inspector and a copy of the report of the Commissioner transmitting the same.

Respectfully,

E.A. Hitchcock.

Secretary.

Ind. Ty. Div.
560-1899.
3 enclos.

DEPARTMENT OF THE INTERIOR,
Washington,

March 8th, 1899.

Mr. J. George Wright,

U.S. Indian Inspector
for the Indian Territory,

Muscogee, Ind. Ter.

Sir;

The act of the Legislature of the Chickasaw Nation entitled "An Act to authorize Mrs. Mattie O. Fisher to establish and maintain a ferry at the Fisher crossing on the Washita River", approved by the Governor of said nation on February 11, 1899, was submitted to the President on the 7th instant, and returned by him approved on the same day. Said act and the departmental letter of transmittal to the President together with a copy of the report of Acting Commissioner of Indian Affairs thereon are herewith transmitted to you for appropriate action.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
560-1899.
3 Inclosures.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 29 Received Mar 13, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, March 8, 1899. Secretary.-----Returns Act of the Chickasaw Legislature entitled-"An Act authorizing Mrs. Mattie O. Fisher to establish and maintain a ferry at the Fisher crossing on the Washita River." Approved by the President on March 7, 1899.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1968-1903.
6298-1902.

February 26, 1903.

United States Indian Inspector
for the Indian Territory,
Muskogee, Indian Territory.

Sir:

February 14, 1903, the Acting Inspector reported relative to a communication from Joseph F. Swords, of Sulphur, Indian Territory, in regard to the desire of residents of that town to encroach upon the government reservation at Sulphur for the purpose of erecting a bridge across Rock Creek. The Acting Inspector reports that he found upon personal inspection, that the bridge should be constructed upon the street south of the one where the same is now contemplated, and he states that he understands that the proposed bridge is to be built by popular subscription, and the control of the same to be turned over to the municipal government. In view of the fact that such a bridge would be of great benefit to the town, and as he can not see how it could interfere with the reservation at this time, he recommends that permission be granted to construct this bridge with the piers and abutments upon the government reserve, with the understanding that the same is to be a temporary structure and subject to removal at any time upon the request of the proper authorities.

Reporting in the matter February 24, 1903, the Acting Commissioner of Indian Affairs concurs in the Acting Inspector's recommendation.

-2-

You are authorized to advise the parties in interest that they are at liberty to construct the bridge in accordance with the recommendation of the Acting Inspector, upon a proper written agreement entered into with you.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan
Acting Secretary.

1 inclosure.

(Endorsed) Union Agency # 5887 received Mar. 13, 1903. Office of the U. S. Indian Inspector for Indian Inspector. Washington, Feb. 26, 1903. Secretary. Approves recommendation of Inspector relative to request of Jos. F. Swords, of Sulphur, I. T., in matter of constructing a bridge on Government reserve.

DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.4610,6090-1906.

April 27,1906.

Direct.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

Referring to your report of March 14, 1906, relative to the petition of certain citizens of the town of Sulphur for permission to place a bridge on the Sulphur Springs Reservation, Indian Territory, across Rock Creek, on Muskogee Avenue, there is inclosed a copy of a letter of the 26th instant from the Acting Secretary of the Treasury, in which several objections are found to the plans and specifications for the proposed steel bridge received with your letter of the 6th instant.

The Department therefore declines to approve such plans and specifications, and you will so advise the Superintendent of the Reservation, who will properly inform the parties in interest.

Respectfully,

Thos.Ryan

1 inclosure.

First Assistant Secretary.

(Enclosure) Union Agency No.13973 Received Apr.30,1906 Office of U.S.Indian Inspector for Indian Territory.Washington, April 27, 1906.Secretary.----Disapproves plans and specifications for bridge across Rock Creek in the Gov't. Reservation at Sulphur, I.T.----

CHICKASAW - FOREIGN RELATIONS

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

WASHINGTON.

January 3, 1900.

J. George Wright, Esq.,

U. S. Indian Inspector,

Muscogee, Indian Ter.

Sir:

Referring to your letter of December 20, 1899, relative to the location of the new 98th meridian, marking the boundary between the Chickasaw Nation and the Kiowa, Comanche and Apache Reservation, you are advised that the Acting Secretary of the Interior, on Dec. 27, 1899, declined to approve the mineral lease in favor of John W. Light, for the quarrying of stone on the Kiowa & Comanche Reservation in the vicinity of Chickasha, pending the determination of the true boundary line between the Chickasaw Nation and said reservation. The Acting Secretary also directed this office to instruct the U. S. Indian Agent of the Kiowa & Comanche Agency to take the steps necessary to protect the lands in dispute until the question concerning the new boundary shall be definitely determined.

You are also advised that Col. Randlett, U. S. Indian Agent of the Kiowa & Comanche Agency, has been instructed in the matter in accordance with the direction of the Acting Secretary.

Very respectfully,

A. C. Tonner.

O.M.M.(B)

Assistant Commissioner.

(Endorsed) Union Agency # 505 received Jan. 6, 1900. Office of U.S. Indian Inspector for the I. T. Washington, Jan. 3, 1900. Commissioner. Kiowa Indian Agent directed to protect stone on strip between new and old survey of 98th meridian.

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DEPARTMENT OF THE INTERIOR.
Washington.

May 23, 1900.

United States Indian Inspector

for the Indian Territory,

Muscogee, Indian Territory.

Sir;

The Department is in receipt of a communication dated the 10th instant from Captain J. S. Standley, Delegate of the Choctaw Nation, in which he states:

"By way of giving opportunity to parties whose improvements are affected by the recent location of the 98th degree of west longitude between the Red and Canadian Rivers, to make private disposal of their improvements, I have the honor to suggest that through some officer or agency of the Department you give early notice that the newly established line is the true line and all parties interested should govern themselves accordingly.

"If the notice is given sufficient publicity I think the parties affected can make reasonable sale of their improvements and obviate further public action in respect to the same."

Said communication was referred to the Commissioner of Indian Affairs on the 12th instant for consideration, report and recommendation.

The Department is now in receipt of a report from the Acting Commissioner, dated the 18th instant, in which he approves the suggestion made in said communication above quoted, and states that:

"Public notice can be given of the re-establishment of the meridian and the parties in interest informed that they will be given a reasonable time, (say five months) in which to dispose of their improvements on the most favorable terms they can obtain. If, at the expiration of that time, any of the parties have failed to dispose of their improvements the Department can undoubtedly send an Inspector, or a Special Agent, to ascertain the character and value of all the improvements undisposed of, and thus be prepared to submit to Congress at the beginning of the next session an exact estimate of the amount of the money required to compensate the parties in interest."

The Acting Commissioner recommends that the course above suggested be pursued.

The Department approves of the suggestions made, and you will accordingly give the notice as suggested, and report your action thereon to the Department as soon as practicable.

A copy of the communication from the Acting Commissioner is enclosed herewith.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.
1578, 1664-1900
1 Inclosure.

(Endorsed) Union Agency # 802 received May 28, 1900 Office of U. S. Indian Inspector for I. T. Washington, May 23, 1900. Secretary.
Give public notice of re-establishment of 98th Meridian.

Land
29343-1900

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,

Washington, July 3, 1900.

J. George Wright, Esq.,

U.S. Indian Inspector for Indian Territory,
Muscogee, Indian Territory.

Sir:-

There is inclosed herewith for your information, copy of office letter of this date, addressed to Col. J. F. Randlett, U.S. Indian Agent of the Kiowa & Comanche Agency, Oklahoma, with reference to the lessees of pastures on the Kiowa and Comanche Reservation, lying along the eastern portion of the reservation, being permitted to remain in occupancy of the entire area covered by their respective leases until the expiration of the same - March 31, 1901.

As you will see this involves the lands lying east of the new 98th Meridian, which have been decided to be within the Chickasaw country. For the reasons set out in the letter to Col. Randlett, the Office has deemed it the wiser course to permit said lessees to remain in possession of the lands originally covered by their leases. At the expiration of said leases, it is thought that the question of jurisdiction over said lands will end.

Very respectfully,

W. A. Jones

O. M. M. (H)

Commissioner.

(Endorsed) Union Agency No.873 Received Jul.6,1900 Office of
U.S.Indian Inspector for Indian Territory. Washington, July 3,
1900. Commissioner.----Encloses copy of letter written Randlett,
U.S.Indian Agt.Kiowa and Comanche Agency, in re "98th
meridian lands."----

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DEPARTMENT OF THE INTERIOR,
Washington.

February 21, 1901.

United States Indian Inspector
for the Indian Territory,
Muskogee, I.T.

Sir:

The Department is in receipt of your communication dated February 4, 1901, in which reference is made to departmental letter dated January 28th last, inclosing a communication from Messrs. King, Shepherd and Palmer, relative to the arrest of one John Gaines by military authorities.

You invite attention to your communication of January 30, 1901, transmitting a letter from the commanding officer of Fort Sill, relative to Choctaw and Chickasaw citizens taking lands originally located in the Fort Sill wood reserve as an allotment, which lands were thrown into the Chickasaw Nation by the resurvey of the 98th meridian.

You suggest that the inclosed communication be submitted, with your letter of the 30th ultimo, to the War Department with such suggestions as the Department deems proper in the premises.

You have heretofore been advised of the action of the Department in requesting the War Department to cause an executive order to be issued, modifying the former limits of the Fort Sill

wood reservation so as to make the eastern line conform to the 98th meridian as fixed by the resurvey.

It is not deemed necessary to refer the communication of Messrs. King, Shepherd and Palmer, but they will be advised by the Department of the action heretofore taken in the premises.

Your letter was forwarded by the Commissioner of Indian Affairs February 8, 1901, and a copy of his communication is inclosed herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
319, 548-1901.
1 inclosure.

(Endorsed) Union Agency No. 1826 Received Mar. 1, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, Feb. 21, 1901. Secretary.-----Relative to letter of King Shepherd and Palmer concerning arrest of John Gaines by military authorities.-----

Subject: Modification of Executive Order of June 4, 1892.

WAR DEPARTMENT,

J.A.G.O.

7237-B

WASHINGTON,

File No. 46008-I; A.G.O.

March 9, 1901.

The President:

By Executive Order of June 4, 1892, published in G. O. #43, A. G. O., 1892, a tract of land, referred to therein as "located on the Kiowa and Comanche Reservation" in Oklahoma, was reserved and set apart as a wood reservation for the post of Fort Sill, Oklahoma Territory. The eastern boundary of the reservation, as fixed by the order, was the "boundary line between the Kiowa and Comanche Reservation and the Chickasaw Nation, as surveyed and marked;" which was the 98th Meridian. Under the requirements of the act of June 28, 1898 (30 Stats., 495), a new survey of this Meridian has been made; and according to the new survey the line falls about a mile and a quarter west of the old location. The new location of the 98th Meridian is accepted by the Interior Department as the true boundary between the Kiowa and Comanche Reservation and the Chickasaw Nation, so that a portion of the wood reservation, as fixed by said Executive Order, is within the limits of the Chickasaw Nation, contrary to the intention in setting apart the wood reservation.

In accordance with the recommendation of the Interior Department, I have the honor to request that the Executive Order of June 4, 1892, reserving and setting apart the wood reserva-

-2-

tion for the post of Fort Sill, Oklahoma Territory, be modified so as to make the eastern boundary of that reservation coincident with the new 98th Meridian as surveyed and marked pursuant to act of Congress of June 28, 1898 (30 Stats., 495).

Very respectfully,

Elihu Root

Secretary of War.

(Endorsed) Union Agency No. 2008. Received Apr. 8, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, April 1, 1901. Secretary----Encloses copy of letter from Secretary of War modifying limits of Fort Sill wood reservation.

Land
44,490-1901.

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
Washington,

September 12, 1901.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a communication from J. George Wright, U.S. Inspector for the Indian Territory, addressed to you under date of August 12, 1901, acknowledging receipt of office letter of May 31, concerning the disposition of improvements belonging to Indians of the Kiowa Indian Agency, to citizens of the Chickasaw Nation, which improvements were affected by the relocation of the 98th Meridian, he states that since that time he has had the matter up with Lt. Col. James F. Randlett, U.S. Indian Agent of the Kiowa Agency, concerning the disposition of the improvements belonging to the Indians of the Wichita reservation, and transmits a communication from Col. Randlett, under date of August 2d, addressed to the Inspector, transmitting a copy of a report to him by one of his farmers, giving a list of all the improvements owned by the Indians of the Wichita reservation which were affected by the relocation of the 98th Meridian, with the statement that such improvements have been disposed of to citizens of the Chickasaw Nation at a reasonable compensation.

The Inspector recommends, in view of the report of the Indian Agent that private arrangements have now been made for

the disposition of the remainder of the improvements affected, that no further action be taken in the matter, as it would appear unnecessary that any legislative action be had in the premises. With this recommendation this office concurs.

With Inspector Wright's communication there are transmitted the letter of William Philips, Agency Farmer, and the letter of Agent Randlett, referred to by the Inspector.

The copy of Inspector Wright's letter is retained in this office.

Very respectfully,
Your obedient servant,

A.C.Tonner,
Acting Commissioner.

(J.F.A.)

P.

(Endorsed) Union Agency No.2767 Received Sep.27,1901 Office of U.S.Indian Inspector, for Indian Territory. Washington, D.C., Sept. 16, 1901. Secretary.----Approves report relative to disposition of improvements of Wichita Indians to Chickasaw citizens, affected by relocation of 98th meridian.----

SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR

Washington, D.C.

I.T.D.2604-1906.

February 20,1906.

The United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

The act of the National Legislature of the Chickasaw Nation received with your letter of February 1, 1906, entitled:

"An act to ratify an Act entitled: 'An Act to ratify an agreement by and between the adjusting Commission on the part of the Choctaw Nation with a like Commission on the part of the Chickasaw Nation' passed by the Legislature of the Choctaw Nation, on the 30th day of June, 1905,"

is returned herewith for appropriate disposition, the same having been approved by the President on February 19, 1906.

A copy of Indian Office letter of February 13, 1906, submitting your report, is also inclosed.

Respectfully,

Thos. Ryan

First Assistant Secy.

Through the Commissioner of Indian Affairs.
2 inclosures.

(Endorsed) Union Agency No.13456 Received Feb.27,1906 Office of U.S.Ind.Inspector for I.T.Washington, Feb.20,1906. Secretary.----- Returns act of Chickasaw National Legislature entitled "An act to ratify an act entitled 'An act to ratify an agreement by and between the adjusting commission on the part of the Choctaw Nation with a like commission on the part of the Chickasaw Nation, 'passed by the Legislature of the Choctaw Nation on the 30th day of June,1905" approved by the President Feb.19,1906.-----

AN ACT

• • • • •

AN ACT TO RATIFY AN ACT ENTITLED "AN ACT TO RATIFY AN AGREEMENT BY AND BETWEEN THE ADJUSTING COMMISSION ON THE PART OF THE CHOCTAW NATION WITH A LIKE COMMISSION ON THE PART OF THE CHICKASAW NATION?" PASSED BY THE LEGISLATURE OF THE CHOCTAW NATION AND APPROVED BY THE GOVERNOR OF THE CHOCTAW NATION, ON THE 30th DAY OF JUNE, 1905.

-----oo0oo-----

WHEREAS, A Commission was created by the Legislature of the Chickasaw Nation on the 19th day of November, 1904, to make adjustment of coal royalties and other disputed questions, between the Choctaw and Chickasaw Nations;

W H E R E A S, Said Commission, consisting of William H. Murray, J. Wes Parker and David Folsom, has reached an agreement with a like Commission representing the Choctaw Nation, adjusting certain differences between the Choctaw and Chickasaw Nations, as to amounts of money, upon disputed royalties and boundary claims, collected by the respective tribes, prior to the ratification of the Atoka Agreement, and said agreement awards to the Chickasaw Nation the sum of Seventeen Thousand Twenty-five Dollars and fifty cents, -less the pro rata share of the Chickasaw Nation in the expense incurred by the Choctaw Nation, in the prosecution of suit against the Government for the amount due in settlement of the Eastern Boundary dispute, -said pro rata share of expense amounting to One Thousand, Twenty-one Dollars and fifty-three cents:

W H E R E A S, Said agreement has been approved by the Legislative authority of the Choctaw Nation and the Governor thereof, on the 30th day of June, 1905, a copy of the act approving same, as well as a copy of the agreement of said Commission settling all disputes and differences arising prior to the ratification of the Atoka Agreement, being hereto attached and made a part

hereof; T H E R E F O R E,

BE IT ENACTED by the Legislature of the Chickasaw Nation, that said agreement, made and entered into by and between the said Adjusting Commission of, and representing the Chickasaw Nation, with a like Commission on the part of the Choctaw Nation, be, and the same is hereby ratified as to the settlement of all claims for monies due the Chickasaw Nation, upon boundary disputes and coal and other royalties, collected in any manner by either Nation, prior to the establishment of United States jurisdiction, as provided by the said Atoka Agreement, upon the ratification of the same, and that this shall operate as a full settlement upon the payment of the sum of Sixteen Thousand, Three Dollars and ninety-seven cents, (\$16,003.97), to the Chickasaw Nation, or to its legal representative, by the Choctaw Nation.

That this Act take effect from its passage by the Legislature and approval by the Governor.

Approved this the 9th day of Nov. 1905.

D.H. JOHNSTON,
Governor Chickasaw Nation.

THE WHITE HOUSE,
February 19, 1906.
Washington, D.C., _____

Approved:

T. ROOSEVELT.

CHICKASAW - HUNTING & FISHING

COPY

Oklahoma, O. T., Nov. 19, 1900.

Hon. Secretary of Agriculture,
Washington, D. C.

Dear Sir:

I am deputy game warden for this, Oklahoma County. The Santa Fe R. R. Passes here and on south through Cleveland County going into the Indian Territory at Purcell. The Carter Brothers at Purcell are buying quail by the 1000 dead or alive, and paying prices for them that no local demand justifies--if the people there lived on nothing else they could not eat them--quail are being sent there from all the country south of here. These men are shipping this game North and East, and I do hope you will take some steps to stop it. I am powerless, and there seems to be no officer in the Indian Territory looking after the matter.

Yours respectfully,

(Signed) WHIT M. GRANT.

(Copy of typewritten copy)

Copied by RLW Apr. 6, 1934.

DEPARTMENT OF THE INTERIOR

Washington

C.
L.R.S.

December 3, 1900.

The United States Indian Inspector
for the Indian Territory,
Muscogee, I. T.

Sir:

The Department is in receipt of a communication from the Secretary of Agriculture, dated the 28th ultimo, inclosing therewith a copy of a letter from Mr. Whit M. Grant, Deputy Game Warden at Oklahoma, O. T., stating that large numbers of quail are being shipped from Purcell, I. T.

Said communication is inclosed herewith, and you will cause the matter to be investigated, and if it is found to be illegal you will request the United States District Attorney to take appropriate action in the matter.

Respectfully,

(Signed) Thos. Tyan

Acting Secretary.

Ind. Ter. Div.
3925-1900
1 inclosure

Endorsement: #1444 Washington, Dec. 3, 1900. Secretary.
Refers letter from Whit M. Grant relative quail shipping.

Copied by RLW 4/6/34

DEPARTMENT OF THE INTERIOR

94

WASHINGTON

January 12, 1901

United States Indian Inspector
for the Indian Territory
Muskogee, I. T.

Sir:

The Department is in receipt of your report of December 29, 1900, relative to the shipping of live quail from various places in the Indian Territory, as directed by departmental letter dated October 29, 1900.

You report that you have referred the matter to the United States Attorney at Ardmore, requesting him to take proper action in the matter.

You are advised that your action in the premises is approved by the Department.

A copy of your report, together with a copy of the letter of the Commissioner of Indian Affairs transmitting the same, dated January 8, 1901, has been forwarded to the Secretary of Agriculture for his information.

Respectfully

(Signed) E. A. Hitchcock

Secretary

Ind. Ter. Div.
105-1900

Endorsement; Jan. 12, 1901. Acknowledges report concerning shipment of quail from territory.

L. S.
No. 1638

Copied GBD
3/29/34

Govt. Rate. Charge Acct.

Muscogee, I.T., April 6th, 1899.

Mose Chigley, Indian Police,

Davis, I.T.

Marshal Hammer reports large shipment live quails at Purcell go there and investigate. If captured in Indian Territory hold same and reports facts by wire.

D. M. Wisdom,

Agent.

Govt. Rate. Charge Acct.
Muskogee, I.T. April 6th, 1899.

Mose Chigley, Indian Police,
Davis, I.T.

Marshal Hammer reports large shipment live quails (Sic)
at Purcell go there and investigate. If captured in Indian Ter-
ritory hold same and report facts by wire.

Wisdom,
Agent.

WESTERN UNION TELEGRAPH COMPANY

8F. JØ MC.....30 Paid. Govt.....2:35P

Purcell, I.T. April, 6th-99

Wright, Indian Inspr.
Muskogee, I.T.

Persons here have several thousand live quail boxed for shipment
cannot you order indian Police Man here to turn same loose,
answer.

Hammer U.S. Marshal

(Endorsed) Union Agency # 605 Received April 6, 1899 Office of
U.S. Indian Inspector for Indian Territory. Purcell, I.T.
April 6, 1899. Hammer, Marshal. Wants police to turn several
thousand live quails (Sic) loose which are about to be shipped.

Union Agency,
Muscogee, Ind. Terry., June 14th, 1899.

S. S. Dumas,
President First National Bank,
Van Alstyne, Texas.

Sir:-

Permission is hereby given yourself and party to hunt in the limits of the Chickasaw Nation for a period of thirty days from date hereof, provided you hunt for pleasure only and not for speculation and profit.

Very respectfully,

J. Blair Shoenfelt,
U.S. Indian Agent.

Approved:
J. Geo. Wright.
U.S. Indian Inspector.

(Endorsed) Union Agency, Press Book # 3, Letter # 103, Muskogee,

DEPARTMENT OF THE INTERIOR,
Washington,

October 29, 1900.

The Honorable,

The Secretary of Agriculture.

Sir:

The Department has the honor to acknowledge the receipt of your communication of October 16, 1900, enclosing a letter from Mr. Len D. Whittemore, of Redlands, California, in which, referring to the act of May 25, 1900 (31 Stat., 187), he asks if an order cannot be issued to him "to have live quails shipped in here from the Indian Territory for propagating purposes."

You request copies of existing laws and regulations governing the capture of game in the Indian Territory and to be informed if Indians have the right to dispose of game dead or alive; whether tribal governments have the right to regulate the killing or disposition of game, and whether "existing regulations" will permit the shipment of a limited number of live birds for breeding purposes without allowing the wholesale export of such birds for market purposes.

You informed the Department that you are advised that large numbers of quails are being netted and shipped alive from Wayne, Chickasaw Nation, Indian Territory, and other points on the Gulf, Colorado and Santa Fe Railway, and asked to be informed if such shipments can be prevented under said act of May 25, 1900.

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It provides:

"The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this Act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed. * * *

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this Act, * * * *

Sec.3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed."

The Department is in receipt of a report of October 25, 1900, from the Commissioner of Indian Affairs in the matter, a copy of which is enclosed.

While it is true, as stated by the Commissioner, that sections 26 and 28 of the act of June 28, 1898, provide that all the tribal governments in the Indian Territory should be abolished, and that the laws of the various tribes should not be enforced in the courts, section 29 of said act provides that the tribal governments of the Choctaw and Chickasaw Nations "shall continue for a period of eight years from the fourth day of March, eighteen hundred and ninety-eight." The tribal

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game laws of those nations, if not in conflict with some act of Congress, can be enforced. Either the Creek, Cherokee, Choctaw or Chickasaw Nation is authorized to pass laws, but said laws must be approved by the President as provided in the act of June 7, 1897 (30 Stat., 62-84), and Section 29 of the act of June 28, 1898 (30 Stat., 495). The approved laws of the Creek and Cherokee Nations are enforced through regulations of this Department.

A copy of the act of the Chickasaw Legislature of September 23, 1896, and a copy of the Choctaw law approved October 30, 1888, in regard to hunting, trapping, fishing, etc., are enclosed. You will see that these laws are stringent, prohibit the shipment of game, and affect both Indian citizens and non-citizens. There is enclosed also copy of the Cherokee law.

The tribal government of the Seminole Nation was continued by the act of July 1, 1898 (30 Stat., 567). Its laws do not have to be submitted to the President for approval.

It is therefore apparent that the laws of Arkansas, mentioned by the Commissioner of Indian Affairs, are not applicable to the Choctaw, Chickasaw and Seminole Nations in the manner stated by him. Besides the sections of the Arkansas law quoted by him, except section 1669, are "locally inapplicable" and in conflict with section 2137, R. S. U. S.

The Department is not informed as to any game laws by either the Creek, or Seminole Nation, and it has promulgated

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no regulations in regard to hunting in the nations of the Five Civilized Tribes.

As stated by the Commissioner, section 2137, R.S.U.S.,-

"Every person, other than in Indian, who, within the limits of any tribe with whom the United States has existing treaties, hunts, or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of five hundred dollars" -

is applicable to noncitizens hunting or trapping in the Indian Territory. The Department held, however, on March 4, 1899, in a letter to Mr. J. F. Skiff, Director of Columbian Museum, Chicago, Illinois, that this section does not apply to naturalists hunting solely for scientific purposes, but in such cases permission to go into the country should be obtained from the executive of the tribe.

Should any individual desire to ship birds from either of these nations for breeding purposes, an application submitted through the United States Indian Inspector, Mr. J. George Wright, at Muskogee, Indian Territory, would receive due consideration.

As to whether shipments mentioned as being carried on in the Chickasaw Nation can be prevented under the act of May 25, 1900, the Department considers that they could, but the Attorney General apparently would be the proper one to give you legal advice in the matter.

The Inspector's attention will be called to the apparent

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violation of the law by the parties making such shipments,
with instructions to investigate the matter and make a report
and recommendation to this Department.

Respectfully,

E. A. Hitchcock

Ind.Ter.Div.
3454, 3560-1900.
3 enclosures.

Secretary.

(Endorsed) Union Agency No.1310.Received Nov.6,1900.Office of U.S.
Indian Inspector for Indian Territory.Washington, Nov.3,1900,
Commissioner.----Forwards letter from Dept. rel. to live quail being
shipped from Wayne,I.T., for investigation and report.

D E P A R T M E N T O F T H E I N T E R I O R.

WASHINGTON.

February 11, 1901.

United States Indian Inspector
for the Indian Territory,
Muskogee, I. T.

Sir:

The Department is in receipt of your communication dated January 31, 1901, referring to your report of December 28, 1900, relative to the unlawful shipping of quail and game from the Indian Territory.

You also transmit "copy of a telegram from a policeman to the Indian Agent, Union Agency, wherein he states:

'Made raid on Carter quail man and he refused to give possession or allow me search. Am certain they have quail. Wire Instructions.'"

You also transmit a copy of a telegram from the United States Attorney to said Indian Agent, in which he states:

"Impossible to render assistance requested. Our court holds quail not game. Their shipment no violation of law."

You suggest that if it be deemed advisable by the Department the matter be referred to the United States Attorney General for his information and consideration.

The Commissioner of Indian Affairs forwarded your said report on February 6, 1901, and concurs in your recommendation.

The Department approves of the suggestions and has this day transmitted a copy of your letter, together with a copy of the report

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of the Commissioner of Indian Affairs, and copies of said telegrams, to the Attorney General for his information and such action as he deems proper in the premises.

Respectfully,

Thos. Ryan.

Acting Secretary.

Ind.Ter.Div.
514-1901.

(Endorsed) Union Agency # 1763 received Feb. 16, 1901 office of U. S. Indian Inspector for I. T. Washington, Feb. 11, 1901, Secretary. Washington, Feb. 11, 1901. Has referred Judge Townsend's decision that quail is not game to Attorney General.

D E P A R T M E N T O F T H E I N T E R I O R.

WASHINGTON.

FEBRUARY 19, 1901.

United States Indian Inspector
for the Indian Territory,
Muskogee, I. T.

Sir:

The Department is in receipt of a communication from the
Attorney General as follows:

"In reply to your letter of the 11th instant (I.T.Div.,
51401901, L.R.S.), I have the honor to say that I have today in-
structed the U. S. Attorney at Ardmore, I. T., to consult with
Agent Shoenfelt and see to it that the unlawful shipments of quail
from the southern district of Indian Territory are vigorously pro-
secuted and that the game laws are enforced.

Please instruct Mr. Shoenfelt to furnish W. B. Johnson, the
U. S. Attorney, with such evidence as he may have or obtain."

You will advise the United States Indian Agent to furnish the
evidence as requested, and you will also inform the District Attorney
of any other evidence that may come to your attention relative to
the matter.

Respectfully,

Thos. Ryan.
Acting Secretary.

Ind.Ter.Div.
701-1901.

(Endorsed) Union Agency # 1815 received Feb. 26, 1901. office of
U. S. Indian Inspector for I. T. Washington, February 19, 1901.
Secretary. Quotes letter from Atty. General rel. shipment of quail.

CHICKASAW - INTRUDERS

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

June 17, 1899.

United States Indian Inspector
for the Indian Territory.

Sir:

The Department is in receipt of your communication of the 8th instant upon the complaint of S. F. Green, of Commanche, I.T., relative to the ejectment of his wife, Katy Green, by a Deputy U. S. Marshall, and enclosing therewith your letter to the United States Attorney, at Ardmore, requesting him to make an investigation and submit to you a report thereof.

You also enclose a letter from the United States Commissioner at Duncan, Indian Territory, making a report to the United States Attorney, in compliance with his request, in which he states that Mr. Green was dispossessed of the land under a writ of restitution issued from the United States Court, but that he returned thereon and was removed a second time, and that his wife died some time thereafter, and not from any cause of being removed by a Deputy U. S. Marshall, as claimed by Mr. Green.

You state that "under these circumstances it would appear that no further action was necessary in this matter."

Your said communication was forwarded by the Acting Commissioner of Indian Affairs on the 15th instant without any recommendation.

The Department concurs in your said suggestion, and Mr. Green will be so advised by the Department.

The papers submitted with your said communication are herewith returned.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

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Ind. Ter. Div.
1725-99.
3 enclosures.

Through the Commissioner of Indian Affairs

(Endorsed) Union Agency # 218, received Jun. 24, 1899. Office of U.S. Indian Inspector for Indian Territory. Washington, June 17, 1899. Secretary. Returns papers relative to complaint of S. F. Green.

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector.
for
Indian Territory.
Muscogee, Ind.T.
July 10, 1900.

The Honorable,

The Secretary of the Interior.

Sir:-

Under date of April 7, 1900, an order was issued by the Department to the United States Indian Agent, Union Agency, for the removal of one E. C. Baker from the Chickasaw Nation, Indian Territory.

I enclose herewith a copy of a letter from Mr. J. W. Ellis, Captain U.S. Indian Police, dated June 18, 1900, and addressed to Hon. Wm. B. Johnson, United States Attorney for the Southern District, Indian Territory, advising him that, in compliance with orders from the United States Indian Agent, he had removed said Baker from the Indian Territory, and that he had returned thereto. Under date of June 20, 1900, the United States Attorney advised me of the receipt of such letter from Mr. Ellis, and asked what steps it was desired should be taken, as he was advised Baker was insolvent and nothing could be collected if the United States should recover judgment for the penalty of \$1000.00.

Under date of July 2, 1900, I addressed a communication (copy herewith) to Mr. Johnson, requesting that he have bench warrant issued for Baker and proceed against him criminally for having returned to the Indian country after having been removed therefrom, and enclosing for his information a copy of the opinion of Judge Springer, holding that action could be brought by criminal, and not civil, procedure.

On July 6, 1900, I addressed Mr. Johnson again on this #4, L. 30-32.

subject, referring to my letter of July 2, and asking him to advise me what steps he had taken in the matter.

In reply thereto he advises me, under date of July 9 (copy herewith), that the court there (Judge Townsend), after being shown the decision of Judge Springer--

"stated that he did not believe a criminal prosecution would hold, where the statute simply provided a penalty for re-entering the Indian country, and therefore did not agree with that opinion, and I agree with him.

"This office, however, is making a thorough investigation of the question, and if I conclude that a criminal prosecution can be maintained, I will begin it, otherwise, not, unless specially instructed to do so by the attorney general."

A copy of the opinion of Judge Springer above referred to was recently informally left by me in the office of the Commissioner of Indian Affairs, and I understand that a copy has also been made in the Indian Territory Division of the Department. I understand that there are numerous other opinions bearing upon this same subject, where parties have been prosecuted criminally for returning to the Indian country after having been removed therefrom.

In view of the fact that the Governor of the Chickasaw Nation has asked that other persons be removed from the limits of said Nation for refusing to comply with the tribal laws, and as a person has also been recently removed from and returned to the Cherokee Nation, it is important that some action be taken in reference to this man Baker, for returning to the Chickasaw

-3-

Nation, where he now is, after having been removed therefrom.

I therefore respectfully request that it be ascertained from proper authorities whether parties have been proceeded against criminally for returning to the Indian country in other instances, and if so, that the Attorney General be asked to direct the District Attorney for the Southern District to so proceed in this instance, as it is important that prompt action be taken in the matter, otherwise it will be useless to remove others from the Indian Territory.

I respectfully ask to be advised in reference to this matter as early as practicable.

Very respectfully,
Your obedient servant,

U.S. Indian Inspector, for the
Indian Territory.

J.G.W. (Mc)

(Endorsed) Press Book # 4, Office of U.S. Indian Inspector,
Muskogee, Oklahoma, Letter # 30-32.

Department of the Interior,
Washington,

July 28, 1900.

Commissioner of Indian Affairs.

Sir:

The Department is in receipt of a communication dated July 25th from Acting Attorney General Thompson, in which he states:

"In compliance with the request contained in your letters of the 10th and 18th instant (I.D. 2166, 2341-1900, L.R.S.), I have today directed Wm.B.Johnson, U.S.Attorney at Ardmore, I.T., to institute and press to trial criminal proceedings against E.C.Baker, a white man, charged with having unlawfully returned to the Chickasaw Nation after having been ejected therefrom".

The quotation from said letter is given herein that you may be duly informed of the action being taken by the Department of Justice.

Respectfully,

Thos.Ryan,

Acting Secretary.

Ind.Ter.Div.
2474-1900.

(Endorsed) Union Agency No.975 Received Aug.6,1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Aug.3, 1900, COMMISSIONER----Transmits copy letter from Department stating that Acting Attorney General Thompson has instructed U.S.Attorney Johnson at Ardmore to bring suit against E.C.Baker for returning to I.T.----

CHICKASAW - LAND DIVISION

A MEMORIAL.

TO THE DAWES COMMISSION TO ESTABLISH THE PRELIMINARY
ALLOTING BOARD AT TISHOMINGO.

WHEREAS, the Honorable, The Secretary of Interior, has premulgated the rules of his Department to govern the work of allotting the lands in severalty to the members of the Five Civilized Tribes, which directs the Honorable Dawes Commission to establish an office in each of the said Tribes where any citizen may file his declaration as to his present possessions, and his further intention of allotting the same; and,

WHEREAS, Tishomingois now the Chickasaw Capital, made so in the early dawn of the Tribe's Constitutional Government, and so continued through all the meandering strides to attain a government of Liberty and Law--a site named in just honor of our first good chief, Tishominco, the Father of Our country, and contemporaneous with George Washington, the Gather of HIS country,--the United States of America. It is to that god (Sic) old chief and the old State House on these hills, to which, for more than a half-centuary, (Sic) that the humble full-blood has looked for assistance, for justice, for protection under our system during all our efforts to master the arts of consitituional government, just as the sovereign American citizen in the early days of the Great Republic, looked to their Chieftain, and after his death, together to their National Capitol, which bears his name. Hither still this humble class, the full-blood the most patient, but most deserving of the tribe, feels safe in traveling. Any trouble or expense our Guardian Government, the United States of America, can save them; any reasonable consideration, ought to be vouchs-

1803

-2-

afed to them: Therefore,

BE IT RESOLVED BY THE SENATE (THE HOUSE CONCURRING) OF THE
CHICKASAW NATION:

That the Honorable Dawes Commission be, and the same
are, hereby most earnestly petitioned to establish the said land
office or preliminary allotting board for their tribe in our
Capitol, Tishomingo, where their friends, and the leading, in-
fluent members of the tribe may advise this class as to their
obligations and duties;

BE IT FURTHER RESOLVED, That this is not in any manner to en-
dorse the rulings of the department, nor to effect our rights
under the Atoka Agreement, nor to bind us in any manner to any
manner to any ruling of the Department, which may be in conflict
with said agreement.

Recommended by

D. H. Johnston.

Passed the Senate December 16th, 1898. Nelson Chigley, Pres.
Protem Senate. Attest. R. L. Ream. Secty.

Passed the House December 20th 1898. M.V. Cheadh. Attest. J.G.
Thompson Clerk.

EXECUTIVE DEPARTMENT

EXECUTIVE OFFICERS:

Douglas H. Johnston.
Governor.

Chas. D. Carter.
Nat'l Secy.

Palmer S. Moseley.
Nat'l Treasurer.

Wm. T. Ward.
Attny. Gen.

C H I C K A S A W
N A T I O N.

Tishomingo, I.T. Dec. 20, 1898.

Hon. James Bixby,

Acting Ch'm'n Dawes Com.,

Muskogee, I.T.

I send herewith a MEMORIAL to your Hon. Commission,
petitioning for the establishment of the Land Office, or
Preliminary Allotting Board, for this Nation, in Tishomingo.

Yours truly,

D. H. Johnston

Governor.

Chickasaw Nation.

(Endorsed) # 1803. Received Dec. 27, 1898. Commission to Five
Tribes. D. H. Johnston Gov. Tishomingo. 12/20/98.
Incloses a petition for the establishment of a land office
at Tishomingo.

Ardmore, I.T.

Dec. 26, 1898.

Hon. J. Geo. Wright.

Dear Sir:

I have several renters on my farm who rented my land in money rent who have given me their notes payable on the 1st of Oct. '98, who each have paid me about one-half due me. The places that they are on I think of moving the improvements off as I cannot sell them so far. I think that these men will try to give me trouble as the impression is against the non-citizens that they can hold possession of the places.

I know that there is a penalty of \$100. per day against any Chickasaw Citizen for holding over more than his allotment is there any for a non-citizen holding the land of a citizen without his consent. Nearly all the land around Ardmore is held by non-citizens and they do not seem to think that they will be molested but will continue to hold it. I was talking with a non-citizen a few days ago. He said that he had 400 acres he did not claim to hold it under any citizen and he seemed to talk as though he would have no trouble in holding and seemed to not be any way uneasy about it. There must be thousands of acres held so. They have prevented our citizens from making improvements near this town. I have to buy all my wood from them. They have fenced up hundreds of acres of woodland solely for the timber to sell. They have been selling it here ever since Ardmore was established and doing today and every day. Are the U.S. intercourse laws repealed.

I would be glad if you would pay this part of the nation a

visit. You can not form any opinion of the people and the country without you do.

I think that I can refer you to Mr. Wisdom as to my standing and etc. I am sorry to have to take up any of your time and only necessity compels me to do so.

Most respectfully

Abel D. Chase.

(Endorsed) # 1837, Received Dec. 27, 1898. Department of the Interior. Muskogee, I.T. Abel D. Chase, Ardmore, I.T. Writes about his right to remove improvements of of surplus lands. Also reports large holdings of Indian lands by whites.

November 30, 1899.

TO THE HONORABLE DAWES COMMISSION.

MUSCOGEE, IND. TER.

We, the undersigned citizens of the Chickasaw Nation, respectfully petition YOUR HONORABLE BODY to establish the Land Office for the Chickasaw Nation at Tishomingo. In-as-much as all National business has long been transacted there; our citizens are accustomed to going there; are well acquainted with the business people: can obtain financial or other aid there, which might not be possible in any other town, the full-blood people would much prefer transacting their Official business in Tishomingo to going to a larger or a rail-road town, THEREFORE we respectfully ask that Tishomingo be selected the site for the Chickasaw Land Office.

N A M E S

Wm. Rennie,
Jno. E. McLish,
Alex Rennie Jr.
Clayborn Pickens
Isaac Fillmore
T.J. Chapman,
Jas. Perkins,
Henry Greenwood,
W.G. Ward,
Calvin Dyro,
A.H. Collent,
T.M. White,
R.L. Boyd,

7045

N A M E S

D. A. Chatman,
J. Silloytusky
Frazier McLish
John Pickens
Z.M. McCurtain,
his
Thompson x Pickens
mark
Harvey (his x mark) Peter
Joe (his x mark) Underwood
William Underwood
W.W. Poyner,
H.L. Muldrow Jr.,
Charles McSwain,

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N A M E S

J.W.Byrd
 Jas.Frazier,
 Livie Newberry,
 Charley Brown,
 Joe Guess,
 Nicholas Ashala,
 Geo.W.Burris,
 Sobe Guess,
 Emey W.Waitakars, Jailor
 B.H.Colbert,
 W.E.Jones,
 H.H.Burris,
 Sam Maytubby,
 Jimmie Case,
 Albert Collins,
 J.M.Franklin,
 W.H.Duncum,
 M.C.McGhee,
 Victor Johnston,
 A.P.McKinney,
 Alfred Humes.

N A M E S

R.M.Harris, Ex.Gov.
 T.B.McLish, Dist.Clerk C.N.
 W.M.Kingsbery,
 John Folsom,
 Geo.H.Kingsbery,
 Eben Brown,
 J.W.Harris,
 J.O.Lauero,
 Campbell,Henderson,
 Lewis, Keel,
 Colbert Keel,
 Gilbert Kaney,
 McKinney, John,
 Ben Pashaka,
 W.M.Delby,
 Josiah Brown,
 A.S.McDonald,
 C.H.Brown, Represenative.
 E.R.Pitchlynn,

(Endorsed) Union Agency No. 7045 Commission to Five Tribes, recd.
 Nov. 30, 1899.Committee (unsigned) Tishomingo, I.T.11/27/99.
 ----Submitting list of citizens who petition the Dawes Commission
 that a Land office be established at Tishomingo.----

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 27, 1900.

The President.

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), an act of the Legislature of the Chickasaw Nation entitled "An Act authorizing and directing the Governor to take such steps as may be necessary to protect the interests of the Chickasaw Nation in the matter of the Chickasaw Freedmen and Western lands, and to report his action to the Legislature."

The United States Indian Inspector for the Indian Territory in his report states that the preamble of said act declares that several thousand persons, known as Chickasaw Freedmen, are holding lands in the Chickasaw Nation, although they have never been adopted and have no right to citizenship or interest in tribal property; and that Congress has directed the Commission to the Five Civilized Tribes to make a roll, and place each freedman in possession of forty acres of land, to be held until his status shall be determined in such manner as may be provided by Congress; also, that there are large areas of lands lying west of the 98th meridian, compensation for which the Chickasaws have never been able to secure, and it becomes necessary that said matters be settled at the earliest possible date.

The act authorizes the Governor to inform himself on the freedman question and of the rights and interests of the Chickasaws in said lands lying west of the 98th meridian, and afterwards to take such steps as, in his judgment, may be necessary and proper, and declares that the compensation for any services that may be rendered under said act shall be made only from the lands so recovered, or their

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proceeds, and requires the Governor to report his action to the next session of the Legislature.

The Inspector states that he submitted said act to the Commission to the Five Civilized Tribes on December 1, 1900, and requested to be furnished any information or suggestions which the Commission might desire to offer concerning the advisability of approving said act; that the Acting Chairman on December 5th reported that he saw no objection to the act, and said Inspector submits the same for such action as the Department deems proper.

The Commissioner of Indian Affairs states that he understands that the claims of the Chickasaw people to the lands known as "Greer County", Texas, and to the lands lying west of the 98th meridian, were finally determined by a recent decision of the Supreme Court of the United States, and hence there is no necessity for the employment of any attorneys in the premises.

The act appears to be objectionable for the reasons stated by the Commissioner, and I have, therefore, to recommend that the same be disapproved. The letter of the Inspector and Acting Chairman and copy of report of the Commissioner of Indian Affairs are enclosed.

Respectfully,

Tho. R. Ryan,
Acting Secretary.

Ind.Ter.Div.

4253-1900.

4 enclosures.

(Endorsed) Union Agency # 1588 received Jan. 11, 1901. Office of U. S. Indian Inspector for I. T. Washington, Jan. 4, 1901, Secretary. Chickasaw Act authorizing Gov. to act in re Freedmen and Western lands,--DISAPPROVED.

NEW ENGLAND NATIONAL BANK
Capital, Surplus and Profits \$400,000.00

J.F.DOWNING, President.
C.J.HUBBARD, Vice President.
GEO.B.HARRISON, Jr., Cashier.
F.T.CHILDS, Asst.Cashier.

KANSAS CITY, MO.

Sept. 29, 1902.

Secretary of the Interior,
Washington, D. C.

Dear Sir:-

Under the new Supplemental Treaty with the Chickasaw and Choctaw Nations, providing for the establishment of a Land Office in each Nation, we wish to urge upon you the naming of Chickasha, Indian Territory, as a place for the location of one of these offices. Chickasha, we regard as the most promising city in the Indian Territory today, and believe it will be for the benefit of the people of the Territory to have an office located there.

Very truly yours,

J. F. Downing,

President.

(Endorsed) Union Agency No.17575 Recd. Oct. 9,1902 Department, Ryan, Washington, D. C. October 3, 1902----Enclosing letter from the President of the New England National Bank of Kansas City, Missouri, relative to the establishment of a land office at Chickasha.----

DEPARTMENT OF THE INTERIOR.

ITD 6016, 6017-1902. Washington. October 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith two letters, each dated September 30, 1902, one from the President of The Importers' & Traders' National Bank of New York, the other from the Vice President of The Hanover National Bank of the City of New York, in relation to establishing a land office at Chickasha, Indian Territory. The Department desires your report and recommendation in the matter.

Respectfully,

Thos. Ryan,

Acting Secretary.

Edward Townsend, President.
 H. H. Powell, Cashier.
 G. H. Hulin, Asst. Cashier.
 G. H. Blish, Asst. Cashier
 C. F. Regan, Asst. Cashier

THE IMPORTERS & TRADERS NATIONAL BANK
 of New York

New York,
 Sept. 30th, 1902.

Hon. Ethan A. Hitchcock,

Secretary of the Interior, Washington, D. C.

Dear Sir:-

We understand that the new supplemental treaty with the Chickasaw and Choctaw Nations provides for the establishment of a land office in each of the Nations. We take the liberty of writing to you at the request and on behalf of our esteemed correspondent H. B. Johnson, Esq., Cashier of The First National Bank of Chickasha, Indian Territory, to respectfully call your attention to the advantages offered by Chickasha as a location for one of such land offices.

We are informed that there is no town more centrally located and that has better railroad facilities than Chickasha, as two roads from the East and the main line of the Rock Island, North and South, pass through that place.

We beg to state that we have known Mr. Johnson well and favorably for many years, and his father and grandfather before him, and place confidence in the representations made by him as to the advantages possessed by his place for the purpose above indicated.

We trust you will see your way to favorable consideration of his request, and beg to remain,

Yours respectfully,

Edward Townsend, President.

UNITED STATES DEPOSITARY

Jas. T. Woodward, President.
 Jas. M. Donald, Vice President.
 Wm. Halls Jr. Vice President.

William Logan, Cashier.
 Wm. I. Lighthipe, Asst Cash.
 Elmer E. Whitaker, Asst. Cash.

Capital \$3,000,000.
 Surplus \$5,000,000.

THE HANOVER NATIONAL BANK
 of the city of New York

9 & 11 Nassau St.

NEW YORK

September 30th, 1902.

Temporary address,
 7 Wall Street.

Hon. Ethan A. Hitchcock,
 Secretary of the Interior,
 Washington, D. C.

Sir:

At the request of one of our good friends in Indian Territory, we write you in regard to the establishment of a land office in Chickasha. We understand that offices will soon be opened in the Chickasaw and Choctaw nations, and while we are unfamiliar with the merits of the case, we feel that our correspondent would not urge the selection of a point unless it were well adapted. Will you be good enough to consider Chickasha in this connection, and any favor you may show it will be greatly appreciated.

Respectfully,

James M. Donald.

Vice Pres.

(Endorsed) Union Agency No. 17577 Recd. Oct. 9, 1902 Department,
 Ryan, Washington, D. C. October 3, 1902.-----Enclosing letters
 relative to the establishment of a land office at Chickasha.-----

COMMISSIONERS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C.R.BRECKINRIDGE.
W.E.STANLEY.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
Secretary.

Address only the
Commission to the Five Civilized Tribes.

Atoka, Indian Territory,

June 2, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Referring to telegraphic communications between this and your office of May 26, 1903, and your letter to the Commissioner in Charge of this office of May 28, 1903, relative to allotment made at your office on May 23, 1903, by Nicholas Frazier for and on behalf of his wife, Lina Frazier, Choctaw by blood No.11201, and the issuance of a citizenship certificate here to said Line Frazier on May 26, 1903, you are advised that said citizenship certificate was issued before the receipt of your notice that one had been issued to her by you on May 23, 1903. Said citizenship certificate was issued here to said Lina Frazier on the forenoon of May 26, 1903, and she thereupon made application for herself for an allotment of land in the Choctaw Nation.

In checking over your notices of the issuance of citizenship certificates on May 23, 1903, which were received here on the afternoon of May 26, 1903, we discovered that you had issued one to said Line Frazier, and therefore no record was made of her application
182.

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for an allotment of land in the Choctaw Nation as aforesaid.

There is herewith enclosed, for your consideration and appropriate action, one copy of the testimony in the matter of the application of Lina Frazier, Choctaw by blood No.11201, for an allotment of land in the Choctaw Nation for herself. This testimony discloses the fact that said Nicholas Frazier has abandoned his said wife, Lina Frazier; that she desires to take her allotment in the Choctaw Nation, and that she had no knowledge that her husband had selected an allotment for her in the Chickasaw Nation until she saw him at Atoka on May 27, 1903.

In view of all the facts and circumstances, as disclosed in the aforesaid mentioned testimony, should not the allotment made to said Lina Frazier at your office on May 23, 1903, be cancelled, in order that she may be permitted to take her allotment in the Choctaw Nation where she resides, and desires to take her homestead?

Respectfully,

William H. Angell

Clerk in Charge.

(Endorsed) Union Agency No.182 Recd.Jun.4,1903 Choctaw Land Office, Atoka, Ind.Ter., June 2, 1903.-----Relative to allotment made at Chickasaw Land Office May 23, 1903 by Nicholas Frazier for and on behalf of his wife, Lina Frazier.-----

Folsom, I.T.

July 24, 1903

Dawes Comition (Sic)

Atoka I.T.

Gents:

As you already understand I supose (Sic) that I am one of those so called Court Citizens I have improvements both in the Choctaw and Chickasaw Nations I own section 32 in Chickasaw Nation township 4 Range 8 East have it under a good 4 wire fence a good house and some **of it** cultivated I own the North West quarter of section 34 and the south east quarter of section 27 have it all in cultivation I own all of section 26 and also a fraction of section 27 also south half of section 23 and 80 acres block south east corner of section 22. I have all of which lies in township 4 range 8 E. I have in my possession all of said land in cultivation and under a wire fence. Owing to my condition I am not allowed to file on my land. Would you protect my land from allotment until my matters are settled and now I have 13 in family to alot (Sic) and you can look after the land and see if I have land in excess or not. The very best appraisements that I can make I am short some where between 300 and 500 acres of land Will you please send me a map of township 4 range 8 E of the Choctaw Nation and the appraised value of said land that I have specified so I may know what I am doing.

Yours Truly

E.J.Horne.

Muskogee, Indian Territory, October 14, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

There is inclosed you herewith letter of September 21, 1903, (General Office 26082-1903) from Chas. W. Walters, of Ardmore, Indian Territory, in which he states that on September 8 he directed a letter to the Commission relative to the applications for allotment to his wife, Esabel Walters and Simon and Sibbie Boatman, but has never received any reply thereto.

An examination of the records of this office show that there was received on September 11, 1903, a letter from Esabel Walters of Ardmore, Indian Territory, (General Office 24776-1903) which was on that date referred to your office for proper disposition. This letter is not in the files of this office nor have we any record of any reply thereto, drafted by your office and forwarded to the General Office for copying and mailing.

It is also noted that this is true relative to other correspondence recently referred from this office to the Chickasaw Land Office for proper disposition.

Innumerable letters of inquiry are received at the General Office relative to matters of allotment in the Chickasaw Nation, which it has been deemed expedient to forward to your office for proper disposition. These letters, when received at the General

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Office, are indexed and entered of record and properly belong to the files of the General Office. We have no record of the return by your office of letters referred for appropriate action since August 1, 1903.

It is also noted that this office has not been furnished with the originals of letters prepared at your office since the above date, and we are, therefore, in total ignorance of the purport of the correspondence prepared and mailed from the Chickasaw Land Office.

If you will remember, at the time of the establishment of the Choctaw and Chickasaw Land office, April 15, 1903, certain "Rules and Regulations governing the conduct of the Choctaw and Chickasaw Land Offices of the Commission to the Five Civilized Tribes" were prepared, and agreed to by you. Owing to the fact that at the time of the preparation of such rules you were in Tishomingo, and the absence of Commissioner Breckinridge from Muskogee, the rules were not formally adopted at any meeting of the Commission, but were signed by Commissioner Needles, you and myself, and copies thereof were furnished your office, the Choctaw Land Office and the general office.

These rules and regulations were formally adopted at a meeting of the Commission held at the general office at Muskogee, Indian Territory, On August 28, 1903, at which were present Commis-

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sioners Bixby, Needles and Stanley.

In connection with the procedure of your office I desire especially to invite your attention to that section of the rules and regulations referred to as adopted relative to Correspondence as follows:

"1. Letters received at the general office and referred to the land offices for reply are to be copied at the land office and replies thereto prepared, the letters of reply to be initialed by the clerk in charge and by the employe who may have originally prepared the same, all such replies are to be transmitted to the general office for copying and mailing. In the absence of the Commissioner the Clerk in Charge will send all replies to the general office for signature as well as to be copied and mailed.

2. Copies of letters referred to the land offices and copies of replies thereto are to be indexed and filed in cabinets files for that purpose. Original letters, after copies and replies have been made, as herein indicated, will be returned to the general office.

3. Letters of inquiry received at the land offices are to be copied at the offices and replies thereto prepared as in the case of letters referred to the land office by the general office.

4. Letters of inquiry relative to citizenship and enrollment and applications for classification of land and segregation of coal and asphalt lands are to be referred to the general office for reply.

5. All letters from the Commission to the land offices are to be briefed, indexed and filed in the order received.

6. Letters from the land offices to the general office are to be signed by the Commissioner in Charge or, in his absence, by the clerk in charge, and copied in letter books provided for that purpose."

Apparently these rules and regulations have not been followed by your office and a great deal of embarrassment has been caused to the work of the general office in consequence thereof. I am merely calling this matter to your attention in order that you may take the proper steps to rectify this non-observance of these rules and regulations. I do not think it necessary for me to point out the embarrassment that the present procedure of your office has caused the general office.

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Our mail, as received, is consecutively numbered and the employes of the general office are invariably required, after answering a letter of inquiry, to see that it is returned to the mailing office in order that it may be placed in its proper number in the files. The retention by your office of all letters referred to you for reply has caused the utmost embarrassment and annoyance in endeavoring to locate the present whereabouts of such letters.

Another cause of annoyance is the fact that this office is often in receipt of letters of inquiry referring to some previous letter received from the Commission and after a most thorough search the only conclusion we can reach is that the former letter must have been prepared and mailed direct from your office without the general office having any cognizance whatever of the contents thereof.

Recently we have had several cases of this character, and in reply to such letters have advised the inquirers that we had no record of any former letter in regard to the matter having been forwarded from the Commission.

It is also apparent from letters received from applicants for enrollment in the Choctaw and Chickasaw Nations that your office has been pursuing the policy of advising such applicants relative to their rights to enrollment and citizenship. This is in direct contradiction to rule four above quoted.

It was the intention and even now is the policy of the Commission to deal with all matters relative to citizenship in the Choctaw and Chickasaw Nations at the general office and the Choctaw and Chickasaw Land Offices are merely to make the allotments to such

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citizens and freedmen of the Choctaw and Chickasaw Nations whose names appear upon the final rolls as approved by the Secretary of the Interior.

It was with the idea of avoiding any necessity for the two land offices dealing with citizenship matters that the Commission adopted the rule that applications for allotment in the Choctaw and Chickasaw Nation should only be received from such persons whose names appeared upon the final rolls as approved by the Secretary of the Interior.

It is impossible for your office, in view of the absence of any citizenship records, intelligently to reply to inquiries regarding the rights to enrollment of individuals unless their enrollment has been approved by the Secretary of the Interior.

I am sure that you can see the necessity for the adoption of the rules above quoted and the embarrassment that must be consequent upon non-conformity therewith. I have, therefore, most earnestly to request that these rules relative to correspondence be strictly adhered to by your office and that such letters as have heretofore been referred to your office for reply be returned to the files of the general office. I appreciate that it will be a matter of considerable work to now prepare for copying in the general office letter books such letters as have been drafted and mailed direct from your office and for the present we can leave this matter in statu quo.

In conclusion I have to request that the original letter of Esabel Walters referred to your office on September 11, 1903, be

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promptly replied to and that the original letter as referred, the letter inclosed herewith, and the reply as prepared by your office and signed by you be transmitted to this office for copying and mailing.

Respectfully,

Commissioner in Charge.

(Endorsed) Union Agency No. 145.---Carbon of letter to Chickasaw Land Office calling attention to improper handling of correspondence.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

December 1, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

I desire to call the attention of the Commission of the following report of the violation by the Chickasaw Land Office of the Rules governing the conduct of the Choctaw and Chickasaw Land Offices of the Commission, the "Rules and Regulations governing the Selection of Allotments and the Designation of Homesteads in the Choctaw and Chickasaw Nations" adopted by the Commission March 24, 1903, and the various resolutions of the Commission affecting the work of that office from time to time:

ALLOTMENTS.

1.

The Chickasaw Land Office has not ascertained from allottees whether railway stations have been located upon or adjoining the lands allotted where such lands are selected for townsite purposes in accordance with the provisions of the resolution of the Commission of March 27, 1903, as follows:

"Resolved that the Commission make special all proceedings incident to those allotments of land upon which towns or proposed towns or railroad stations

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are located, not exceeding six hundred and forty acres for one point."

(See letter of general office to Chickasaw Land Office of April 21, 1903)

The Chickasaw Land Office has not required of allottees that they designate as a homestead land the appraised value of which shall be as near as practicable to \$520.64, as provided by paragraph 4 under the head of "Allotments" of the Rules and Regulations governing the Choctaw and Chickasaw Land Offices, as follows:

"In the determination of a homestead selection, the appraised value thereof shall be as near as practicable to \$520.64, computed from the appraised value of the nearest quarter-quarter-quarter subdivision."

the Chickasaw Land Office:

Clara L. McCollum, Choctaw roll by blood 9584, April 20, 1903, appraised value of homestead allotment \$100.00. George W. Baldwin, Choctaw roll by blood 4778, April 21, 1903, appraised value of homestead, \$162.50. Katie O'Brien, Chickasaw roll by blood, 3405, April 21, 1903, Appraised value of homestead allotment \$580.44. Maud Folsom, Choctaw roll by blood 6441, May 4, 1903, appraised value of homestead allotment

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\$484.75. Cora Coffee, Chickasaw roll by blood 3048, May 19, 1903, appraised value of homestead allotment \$560.10. Sallie Sharp, Chickasaw roll by blood 1908, May 22, 1903, appraised value of homestead \$580.01.

3.

The Chickasaw Land Office has notified persons whose enrollment has been approved by the Secretary of the Interior that a notation would be made upon the records of that office of the land desired in allotment and that the citizen making such request would be notified in the event that any other citizen or freedman makes application for such land.

It was understood that this rule was only to apply to such persons whose enrollment had not been approved by the Secretary of the Interior, in order that they might have opportunity to institute contest provided such land was selected by any other citizen whose enrollment had been approved.

Where the enrollment of the person making the request had been approved he or she should have been notified to appear at the land office and select his or her allotment.

(See letter of general office to Chickasaw Land Office of May 8, 1903.)

4.

Reports of allotments made by the Chickasaw Land Office have not been expeditiously forwarded from the Chickasaw Land Office to the Choctaw Land Office and the general office at Muskogee.

(See general office letter of May 18, 1903, to

Chickasaw Land Office.

See allotment to Thomas Watson, Choctaw roll by blood Number 919).

5.

No allotment certificates have so far been prepared by the Chickasaw Land Office and forwarded to the general office in accordance with the resolution of the Commission adopted September 16, 1903, as follows:

"Resolved, That allotment certificates and certificates of homestead allotments be prepared and issued to such citizens and freedmen of the Choctaw, Chickasaw and Cherokee Nations as have heretofore or may hereafter, select and have designated their allotments, where no contest has been instituted against such selections: Provided, That no such certificate be delivered to the allottee until after thirty days from the date of selection; Provided further, That when such certificates have been prepared at the Choctaw, Chickasaw and Cherokee Land Offices, same be transmitted to the general office of the Commission at Muskogee, Indian Territory, for checking with the ledger accounts kept of allotments to individual citizens, and for the signature of the Chairman of the Commission. And Provided Further, That no memoranda of selection, other than the regular certificate of allotment, shall hereafter be issued at any land office."

(See general office letter of September 17, 1903, to Chickasaw Land Office.)

6.

Relinquishments have been taken at the Chickasaw Land Office of a portion of the selection and approved copies of such relinquishments forwarded to the Choctaw Land Office and the general office with instructions that the original reports made by the Chickasaw Land Office be corrected. The General Office has repeatedly requested of the Chickasaw Land Office in cases of this character to prepare and forward a substitute report. To these requests the Chickasaw Land Office has not replied.

In numerous relinquishments it has been impracticable to ascertain whether a portion or the entire selection has been relinquished.

(Examples. allotment of Ambrose Key, Choctaw roll by blood 6781; Silman Meashintubby, Choctaw roll by blood 5892; Andres Beam, Chickasaw by blood 2085.)

7.

From reports received from the Chickasaw Land Office it does not appear that that office has promptly indicated upon its records such lands as railroad companies have sought to acquire under the provisions of the act of Congress approved February 28, 1902, entitled "An Act to grant the right of way through the Oklahoma Territory and the Indian Territory, to the Endi & Anadar-ko Railway Company, and for other purposes" and properly deducted the areas of such lands from allotments as provided by the resolution of the Commission of September 21, 1903, as follows:

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"Resolved, That in all instances where the Commission is advised that any railroad company has filed a plat with the Secretary of the Interior and the Indian Agent for Indian Territory, for the purpose of acquiring land under the act of Congress approved February 28, 1902, entitled 'An act to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid & Anadarko Railway Company, and for other purposes' said land in the Choctaw, Chickasaw and Cherokee Nations be withheld from allotment."

(See general office letter of September 9, 1903, to Chickasaw Land Office.)

Example: Allotment to Sinie Lawrence, Chickasaw by blood Number 4567.

8.

Up to and inclusive of October 31, 1903, the Chickasaw Land Office had reported 524 "H" applications consecutively numbered. The General Office is unable to understand the purpose of these "H" applications, inasmuch as the rules provide that applications cannot be received from any persons except those whose enrollment has been approved by the Secretary of the Interior with the exception of those cases where contest proceedings have been instituted. The Chickasaw Land Office, up to and inclusive of October 31, 1903, reported 425 contests, the number of "H" applications exceeding the number of contests reported by 99.

The total number of "H" applications reported up to and inclusive of November 21, 1903, is 641. This office has requested the Chickasaw Land Office to advise just what lands of the Chickasaw Nation are involved in contest proceedings and what disposition had been made of the additional "H" applications.

(See general office letter of October 22, 1903 to Chickasaw Land Office.)

CONTESTS.

1.

The Chickasaw Land Office, immediately upon receipt of a complaint in contest cases, docketts the case and if the complaint is not in proper form, returns the same to the attorney or the contestant. This action is contrary to the general policy of the Commission and the procedure of the other offices, requiring that complaints be in proper form before the same are filed and the cases docketed.

(See general office letter of May 16, 1903 to the Chickasaw Land Office.)

2.

The Chickasaw Land Office has proceeded to the trial of contest cases where the citizenship of the contestee is undetermined.

(See contest cases of Robert Clark for Perry Clark, contestant, vs. William Filmore, contestee; also Hays, contestant, vs. Brashears, contestee, W. H. L. Campbell, interpleader. See general office letter of November 3, 1903, to Chickasaw Land Office.

3.

While the rules in contest cases permit the preparation of complaints by the clerk in certain meritorious cases, yet it was contemplated that the office should prepare all or any considerable number of complaints, but I am informed the contest clerk has been preparing a majority of the contest complaints, making no discrimination.

CORRESPONDENCE.

1.

The Chickasaw Land Office has not, since August 1, 1903, returned to the general office any letters received at the general office and referred to the Chickasaw Land Office for reply, contrary to rule 1 under the head of "Correspondence" of the Rules and Regulations governing the Choctaw and Chickasaw Land Offices, as follows:

"Letters received at the general office and referred to the land office for reply are to be copied at the land office and replies thereto prepared; the letters of reply to be initialed by the Clerk in Charge, and by the employe who may originally prepare the same. All such replies are to be transmitted to the general office for copying and mailing. In the absence of the Commissioner the Clerk in Charge will send all replies to the general office for signature as well as to be copied and mailed."

2.

The Chickasaw Land Office has not, since August 1, 1903, transmitted to the general office for copying and mailing any letters prepared at the Chickasaw Land Office, contrary to rule 1

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under the head of "Correspondence" above quoted.

3.

In the absence of the Commissioner in Charge letters prepared at the Chickasaw Land Office have not been transmitted to the general office for signature, copying and mailing, as provided in rule 1 under the head of "Correspondence" above quoted.

4.

In the absence of the Commissioner in Charge, letters prepared at the Chickasaw Land Office have been signed by the Clerk in Charge, in the name of the Commissioner in Charge, and initialed by the Clerk in Charge, contrary to rule 1 under the head of "Correspondence" above quoted.

5.

The Commissioner in Charge of the Chickasaw Land Office, during his absence from the Land Office, has had mail prepared for his signature and forwarded to him, contrary to the provisions of Rule 1 under the head of "Correspondence" above quoted.

6.

Letters received at the Chickasaw Land Office have been replied to from that office, the original letter received and the copy of the reply thereto being retained at the Chickasaw Land Office, contrary to rule 3 under the head of "Correspondence" as follows:

"Letters of inquiry received at the land office are to be copied at the office and replies thereto prepared as in the case of letters referred to the land office by the General Office."

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7.

Letters of inquiry relative to citizenship and enrollment and applications for classification of lands and plats showing the coal and asphalt segregation received at the Chickasaw Land Office have been replied to direct from that office, contrary to rule 4 under the head of "Correspondence" as follows:

"Letters of inquiry relative to citizenship and enrollment and applications for classification of land and segregation of coal and asphalt lands are to be referred to the general office for reply."

8.

Letters received at the Chickasaw Land Office, instead of being copied at the land office and reply thereto prepared(Sic) and forwarded to the general office for copying and mailing, have been returned by the Chickasaw Land Office to the writer without the drafting of a reply.

(See letter of Robert Dyer to the Chickasaw Land Office.)

The infringement of the rules and regulations of the Commission and the disregard of its adopted resolutions, above referred to, and the examples quoted, have been ascertained from the records of the general office. It is impracticable to demonstrate from the records of the Chickasaw Land Office the infringements of these rules and regulations, owing to the fact that

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this report is of necessity made from the daily reports forwarded by the Chickasaw Land Office and such returned correspondence as reaches this office.

Respectfully,

Tams Bixby,

CHAIRMAN.

(Endorsed) Union Agency # 15 Letter of W. O. Beall relative to violation of rules at Chickasaw Land Office.

Land.
1485-1904.

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
Washington.
Jan. 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed, herewith, report from Inspector Wright, dated January 5, 1904, transmitting a resolution of the National Council of the Chickasaw Nation, approved by the Governor of said Nation November 25, 1903, entitled:

"A Resolution relative to the disposition of Poteau strip."

The resolution is as follows:

"Whereas, under the Atoka Agreement and the Supplementary Agreement a certain strip of land lying between the city of Fort Smith, Arkansas, and the Arkansas and Poteau Rivers, extending up said rivers to the mouth of Mill Creek is reserved from allotment; and

"Whereas, in the Atoka Agreement it is provided that such strip of land "shall be disposed of in the same manner and for the same purposes as provided for town lots herein, but not until the Choctaw and Chickasaw Councils shall direct such disposition to be made thereof," and

"Whereas, it is the view of the Legislature of the Chickasaw Nation (the Council of the Choctaw Nation concurring) that such strip of land should be disposed of in the manner provided

of in the manner provided without further delay; therefore.

BE IT RESOLVED BY THE LEGISLATURE OF THE
CHICKASAW NATION

That the Honorable Secretary of the Interior be requested to take such steps as in his judgment may be necessary and proper to make disposition of the strip of land above referred to, at the earliest practicable time, in the manner provided for the disposition of town lots in the Atoka Agreement.

The Inspector refers to his report of December 3, 1903, transmitting a similar resolution of the National Council of the Choctaw Nation, and says it would appear that the lands referred to should be disposed of as provided in the original agreement, and he recommends the approval of the resolution transmitted herewith; also that steps be taken to dispose of such lands as requested by the National Council of the Choctaw Nation and the National Legislature of the Chickasaw Nation.

In connection herewith attention is respectfully invited to Department letter of January 14, 1904, transmitting to the Inspector the resolution referred to by him, which was approved by the President on January 12, 1904.

It is believed that the resolution transmitted should be laid before the President with request that he approve it, and I so recommend.

Very respectfully,
A.C. Tonner,
Acting Commissioner.

GAW:LKS.
3 Inclosures.

(Endorsed) Union Agency No. 8752 Received Feb. 15, 1904. Office of U.S. Indian Inspector, Indian Territory, Washington, Feb. 6, 1904. Secy.--Chickasaw Act providing for disposition of Poteau strip appd. by Pres. Feb. 3, 1904.

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COMMISSIONERS:

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary

Address only the
Commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
July 21, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that at a session of the Commission to the Five Civilized Tribes held at the general office of the Commission at Muskogee, Indian Territory, on July 14, 1904, the following was unanimously adopted:

"That no application for relinquishment of allotment be received at the respective land offices after the nine months following the date of selection."

Your office will observe strict conformity to this order in the future in the matter of the reception of applications to relinquish.

Respectfully,

T. B. Needles.

Commissioner in Charge.

(Endorsed) Union Agency No. 2979 Received Jul. 23, 1904 Commission to the Five Civilized Tribes, Muskogee, Indian Territory. ---- Regarding adoption --- that no application for relinquishment of allotment be received at the respective land offices after the nine months following the date of selection. ----

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
commission to the Five Civilized Tribes.

Muskogee, Indian Territory,
July 21, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you advise that Thompson Killcrease recently appeared before your office and sought to relinquish a portion of the filing made by him for his mother Tohkey Killcrease, Chickasaw roll by blood #445, on February 2, 1904, which allotment was selected under authority of letters of guardianship issued by the county and probate judge of Pontotoc County, Chickasaw Nation. In conclusion you request to be advised as to what method of procedure should be adopted by your office in connection with accepting testimony in the matter of this application to relinquish, inasmuch as the Commission does not recognize the authority of guardians appointed under the tribal courts in the Choctaw and Chickasaw Nations.

It appears from our records that Tohkey Killcrease is seventy-four years of age and that Thompson Killcrease was, on January 12, 1904, by the County and Probate Judge of Pontotoc
2976.

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County, Chickasaw Nation, appointed her curator and entrusted with the person and property of the said Tohkey Killcrease. Apparently, this appointment was made for the reason that Tohkey Killcrease was "aged and infirm."

In this connection your attention is invited to the rules and regulations of the Commission governing the selection of allotments in the Choctaw and Chickasaw Nations, and also section 70 of the Act of Congress approved July 1, 1902 (32 Stats., 641), as follows:

"Allotments may be selected and homesteads designated... for aged and infirm persons by duly appointed agents under power of attorney."

Apparently, there was no necessity for the issuance of the letters of guardianship and curatorship by the county and probate judge of Pontotoc County, Chickasaw Nation, and that the proper procedure in this matter would have been for Tohkey Killcrease to authorize her son, Thompson, under power of attorney, to make selection for her.

Inasmuch as the Commission will not now recognize the authority of Thompson Killcrease to act in behalf of Tohkey Killcrease under letters of guardianship and curatorship issued by the Chickasaw tribal court, you will not permit him in such capacity to make application to relinquish the allotment heretofore selected for his mother. Tohkey Killcrease is apparently competent to act for herself, but on account of her age and infirmity it is impracticable for her to appear before your office.

2976.

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There is no reason why she should not authorize Thompson Killcrease, her son, under power of attorney to act in her behalf, and when so authorized by her you will permit Thompson Killcrease to make application to relinquish the lands heretofore selected by him in behalf of Tohkey Killcrease.

Respectfully,

T.B.Needles,

Commissioner in Charge.

(Endorsed) Union Agency No.2976.Received Jul.23,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory.Relative---- Thompson Killcrease asking to relinquish a portion of the filing made by him for his mother Tohkey Killcrease,Chickasaw----

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COMMISSIONERS:

TAMS BIXBY, Department of the Interior,
THOMAS B. NEEDLES,
C.R.BRECKINRIDGE. COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
July 26, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

There is enclosed herewith for insertion in the volumes of decisions in your office, copy of decision of the Acting Secretary of the Interior, rendered on July 18, 1904, in Creek Land Contest No.700, entitled McIntosh versus Ballard, et al.

Respectfully,

T.B.Needles,

Commissioner in Charge.

(Endorsed) Union Agency No.3041 Received Jul.28,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory.Relative--
--Land Contest No.700, entitled McIntosh versus Ballard, et al --
--

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COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
Commission to the
Five Civilized Tribes.

Muskogee, Indian Territory.
August 4, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 1, 1904, transmitting Allotment Patents for citizens by blood and intermarriage of the Choctaw and Chickasaw Nations, checked with the records of your office. In your letter, you note certain exceptions.

In reference to Allotment Patent No. 50 to Lula Myrtle Russell, Choctaw Roll by Blood No. 13232, the patent is in error in reciting that Lula Myrtle Russell is a citizen of the Chickasaw Nation. A new Patent will be prepared and forwarded to your office for checking.

In reference to Allotment Patent No. 58 to Cecelia Burris, Chickasaw Roll by Blood No. 147, in as much as your office reports that a portion of this selection is involved in contest proceedings pending before your office, execution and delivery of the Patent will be withheld until disposition of the contest.

In reference to Allotment Patent No. 74 to Lota Orin Russell, Choctaw Roll by Blood No. 13234, in as much as the land 3109.

-2-

selected is reported by your office to be involved in contest proceedings, execution and delivery of the patent will be withheld until the final disposition of the contest.

In reference to Allotment Patent No.78 to Stugler E. Robinson, Choctaw Roll by Blood No.10777, we note the omission of the word "Range" in the first description. A new Patent will be prepared for this selection and will be forwarded to your office for checking with your records.

In reference to Allotment Patent No.93 to John F.Rennie, Chickasaw Roll by Blood No.3924, you report that an arbitrary allotment of land valued at \$17.50 was made to John F.Rennie on July 14, 1904, at his request, which land is not included in Allotment Patent No.93. This patent as prepared is correct and will be executed and delivered to the allottee, in as much as it appears that the selection of allotment made by John F.Rennie on April 22, 1903, is in excess of \$1008.74. A separate patent will be prepared and delivered for the additional selection of \$17.50, made on July 14, 1904, after the expiration of nine months from the date of the making of the allotment.

In reference to Allotment Patent No.209 to Edmond Wesley, Choctaw Roll by Blood No.4733, you invite attention to the fact that the land covered in the patent is covered by two Certificates, dated April 27, 1903, and May 4, 1903. This patent as prepares is correct and will be executed and delivered to the allottee.

In this connection, you are advised that Patents are being prepared where the total appraised value of the selection

of the allotment is equal to or in excess of \$1008.74, and provided that nine months has elapsed from the date of the last selection. The Patents in such cases are given the date of the Certificate of the last selection. In as much as a period of more than nine months has expired since both the selections of April 27, 1903, and May 4, 1903, of Edmond Wesley, there is no reason why delivery of the patent should be withheld, it being the policy of this office to include, where practicable, all of the land selected in one Patent.

In reference to Allotment Patent No. 268 to Nettie Chandler, Choctaw Roll by Blood No. 45, in as much as your office reports that a portion of the land described therein is involved in contest proceedings pending before your office, further action relative to the execution and delivery of this Patent will be suspended until the final disposition of the contest.

In reference to Allotment Patent No. 294 to Lee Scroggins, Choctaw Roll by Blood No. 13543, you report that a portion of the land described therein is involved in contest proceedings now pending before the Commissioner of Indian Affairs. In as much as this contest has not been finally disposed of, further action relative to the execution and delivery of the Patent will be suspended until final disposition of the contest.

In reference to Allotment Patent No. 343 to Benjamin Franklin Harris, Chickasaw by Blood, Roll No. 3652, you invite attention to the fact that the land described in the Patent is covered by two certificates, one dated April 30, 1903, and the other dated May 1st, 1903. In as much as the total appraised 3109.

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value of the selection made by Benjamin Franklin Harris is equal to \$1040.00, the Patent as prepared will be executed and delivered, a period of more than nine months having elapsed from the date of the last selection, it being the policy of this office, as far as practicable, to include all the selections of an allottee in one Patent. Allotment Patent No.343 has been made to cover both the selections of April 30, 1903, and May 1,1903, the patent,however, bearing the date of the last Certificate.

Referring to Allotment Patent No.436 to Jacob Folsom, Choctaw Roll by Blood No.9541, you advise that the date of the Patent should be May 2nd,1903. You are advised, however, that your daily report forwarded to this office covering land described in the Patent bears date of May 1,1903. If the allotment was selected on May 2,1903, you are requested to so advise this office, in order that your report of allotment may be corrected, when a new Patent will be prepared under date of May 2,1903.

In reference to Allotment Patent No.438 to Jesse James Turnbull, Choctaw Roll by Blood No.13725, in as much as you report that the land described in the Patent is involved in contest proceedings pending before your office, further action looking to the execution and delivery of this patent will be suspended until the final disposition of Chickasaw Contest No.334.

Respectfully,
T.B.Needles.
Commissioner in Charge.

(Endorsed) Union Agency No.3109. Recd.Aug.5,1904 Commission to the Five Civilized Tribes,Muskogee,Ind.Territory.----Regarding, transmitting Allotment Patents for citizens by blood and intermarriage of the Choctaw and Chickasaw Nations----

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
Commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
August 4, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

In the matter of checking Patents prepared by this office to citizens and freedmen of the Choctaw and Chickasaw Nations and forwarded to your office for checking, it is especially desired that, in the event that any errors are discovered by your office in these Patents prepared at the general office, you attach to each Patent a slip specifically stating the error, in order that correction may be made upon the return of the Patent to the General Office.

In the event it is discovered that any of the lands described in such Patents is found by your office to be involved in contest proceedings, you will attach to the Patent a slip giving the number of the contest, the names of the contestant and the contestee, a description of the land in contest, and the present status of the case.

It is not the intention of this office to forward any Patents when the land described is involved in contest proceedings. In as much, however, as this office is almost entirely

3108.

-2-

dependent upon your office for information in regard to contest proceedings, it is earnestly desired that the utmost care be taken by your office in the checking of Patents with your contest records.

Respectfully,
T.B.Needles.
Commissioner in Charge.

(Endorsed) Union Agency No.3108 Received Aug.5,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory.----Regarding checking Patents prepared by office of Commissioner in charge, and attaching slips to Patents with errors, that they might be corrected when returned to the General Office.----

COMMISSIONERS:
TAMS BIXBY,
Thomas B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

WM. O. BEALL,
Secretary.

Address only the
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory,
August 5, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory,

Dear Sir:

There are returned to you herewith, approved, arbitrary allotments made at your office to Nora Doser, Chickasaw Freedman roll Number 1666 and Willie Anderson, Choctaw by blood Roll Number 13603.

Respectfully,

T. B. Needles.

Commissioner in Charge.

(Endorsed) Union Agency No. 3136. Received Aug. 6, 1904. Commission to the Five Civilized Tribes, Muskogee, Indian Territory. Regarding approved, arbitrary allotments to Nora Doser, Chickasaw Freedman and Willie Anderson, Choctaw----

COMMISSIONERS:
TAMS BIXBY,
THOMAS B.NEEDLES,
C.R.BRECKINRIDGE,

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
Commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
August 5, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory,

Dear Sir:

There are returned you herewith, approved, arbitrary allotments to Joe Alexander, Chickasaw freedman roll, Number 3361, Josie Jackson, Chickasaw Freedman roll Number 3091, and Robert Jackson, Chickasaw freedman roll Number 3093.

Respectfully,

T.B.Needles.
Commissioner in Charge.

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(Endorsed) Union Agency No.2135 Received Aug.6,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory.Regarding--returned arbitrary allotments of Joe Alexander, Josie Jackson, Robert Jackson, all Chickasaw freedman----

DEPARTMENT OF THE INTERIOR.

COMMISSIONERS: COMMISSION TO THE FIVE CIVILIZED TRIBES.

TAMS BIXBY

THOMAS B. NEEDLES

C. R. BRECKINRIDGE

WM. O. BEALL.

SECRETARY.

Muskogee, Indian Territory,

August 5, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

There is returned herewith, refused, one copy of the application of Nathan H. Byars, Chickasaw by Intermarriage, roll Number 115, to relinquish certain land heretofore filed on by him, one copy having been retained for the records of this office.

Respectfully,

T.B.Needles,

Commissioner in Charge.

(Endorsed) Union Agency No. 3139. Received Aug. 6, 1904.
Commission to the Five Civilized Tribes, Muskogee, Indian Territory.
Regarding refused copy of the application of Nathan H. Byars, Chickasaw by Intermarriage, to relinquish certain land heretofore filed on by him----

COMMISSIONERS:

TAMS BIXBY,
THOMAS B. NEEDLES,
C.R.BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
Commission to the Five
Civilized Tribes.

Muskogee, Indian Territory,
August 23, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

You are requested to return to this office, for consideration in connection with applications to relinquish, Chickasaw Homestead Certificates Nos. 6020 and 6613 and Chickasaw Allotment Certificate No. 7831.

Respectfully,

T.B.Needles,

Commissioner In Charge.

(Endorsed) Union Agency No. 3382 Received Aug. 26, 1904 Commission to the Five Civilized Tribes, Muskogee, Indian Territory. Regarding---- Commissioner in Charge, Chickasaw Land Office, to return for consideration in connection with applications to relinquish, Chickasaw Homestead Certificates Nos. 6020 & 6613 and Chickasaw Allotment Certificate No. 7831----

COMMISSIONERS:

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. Beall,
Secretary.

Muskogee, Indian Territory.

August 23, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your office letter of the 18th instant, transmitting for appropriate action, confessions of judgment and notices in Chickasaw Allotment Contests Nos. 444 and 445, entitled James Versus Ameah-tubbee.

Said confessions of judgment have been approved and are herewith returned to your office, together with the notices which have been duly signed.

Respectfully,

T. B. Needles.

Commissioner in Charge.

(Endorsed) Union Agency No. 3371 Received Aug. 24, 1904. Commission to the Five Civilized Tribes, Muskogee, Indian Territory. Regarding acknowledgment of letter, transmitting for appropriate action, confessions of judgment and notices in Chickasaw Allotment Contest Nos. 444 and 445, and entitled James Versus Ameah-tubbee.-----

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

September 8, 1904.

Mr. Fred T. Marr,

Clerk in Charge, Chickasaw Land Office,
Tishomingo, Indian Territory,

Dear Sir:

I am sending you today under separate cover a new oath, form 72. This form I have been instructed to use by the Secretary of the Interior and you are requested to have all persons in your employe today, to take this oath at once and return to me. Should any of these employes, regular or irregular, leave the service before September 30, have them take this oath again upon the date they sever their connections with the Commission. At the end of the quarter, September 30, have all persons then in the employe of the Commission, under your supervision, take this oath and transmit same with your September pay roll. When a new employe enters the service require him to take this oath when he enters upon duty and forward it to this office at once.

Very respectfully,

Rees Evans.

Special Disbursing Agent.

(Endorsed) Union Agency No. 3597 Received Sep. 9, 1904 Commission to the Five Civilized Tribes, Muskogee, Indian Territory. Relative--to form 72, a new oath for employes entering or leaving the service.-----

COMMISSIONERS:
TAMS BIXBY,
THOMAS B.NEEDLES,
C.R.BRECKINRIDGE,

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
August 24, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

There is returned you herewith, approved, one copy of the application of William J. Shelton, Chickasaw roll by inter-marriage, Number 348 to relinquish land heretofore selected by him in allotment, one copy having been retained for our files.

Respectfully,

T.B.Needles,

Commissioner in Charge.

(Endorsed) Union Agency No.3384 Received Aug.26,1904 Commission to the Five Civilized Tribes,Muskogee, Indian Territory.----Regarding-- approved application of William J.Shelton, Chickasaw, by intermarriage to relinquish land----

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COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
Commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
August 26, 1904.

Commissioner in Charge,
Chickasaw Land Office,

Dear Sir:

Referring to your daily reports of lands allotted to Tecumseh Walton, Chickasaw by Blood, Roll No. 519, it appears that on August 13, 1904, there was allotted to the said Tecumseh Walton, as a homestead, lands in the Chickasaw Nation equal in value to \$520.00; that on August 17, 1904, there were allotted to him as an allotment exclusive of homestead lands equal in value to \$430.00, and that on August 18, 1904, there were allotted to him lands equal in value to \$250.00, making the total appraised value of the lands allotted to the said Tecumseh Walton equal in value to \$1200.00, which is in excess of the amount he is entitled to select under the law.

You are directed to take the necessary steps to adjust the above allotments, in order that the lands allotted to Tecumseh Walton will not be in excess of \$1041.28.

Respectfully,
Tams Bixby,
Chairman.

-2-

(Endorsed) Union Agency No. 3416 Received Aug. 29, 1904 Commission
to the Five Civilized Tribes, Muskogee, Indian Territory. Regarding--
--lands allotted to Tecumseh Walton, Chickasaw by Blood----

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COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory,
August 31, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:-

Your office was instructed by wire today as follows:

"Effective September first, your office is instructed to receive applications for allotment, from eight-thirty a.m. to twelve noon, devoting the remainder of the day to the preparation and checking of certificates. Letter follows."

Confirming the above, you are directed to receive applications for allotments from 8.30 a.m. to 12 noon, of each day that your office is open. In the afternoon, you will close the office for the reception of applications for allotments, devoting the entire time of your clerical force to the preparation and checking of allotment certificates, in order that this work may be completed at the earliest practicable date.

You will promptly transmit to this office all allotment certificates heretofore prepared and checked by your office, in order that the same may be executed and delivered without delay.

Respectfully,

Tams Bixby
Chairman.

(Endorsed) Union Agency No.3501 Received Sep.3,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory.Relative-- --order to office, instructing to receive applications for allotment, from 8;30 A.M. to twelve noon, the remainder of the day to the preparation and checking of certificates.-----

COMMISSIONERS:
TAMS BIXBY,
THOMAS B.NEEDLES,
C.R.BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
Commission to the Five
Civilized Tribes.

Muskogee, Indian Territory,
September 7, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

For the purpose of defining the time within which parties in contest cases heard at your office may file briefs and arguments, you are requested to instruct the contest clerks at the conclusion of each hearing, to ask the parties if either of them desire to file a brief and argument and if they so desire, to allow not exceeding fifteen days from that time within which to serve same on the adverse party and to file it with the records of the Commission, allowing the adverse party a like time after the service is had on him to serve and file a reply brief.

Respectfully,

Tams Bixby

Chairman.

(Endorsed) Union Agency No.3628 Received Sep.13,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory.Regarding--
--time contest cases to be heard should file briefs and arguments

COMMISSIONERS:
TAMS BIXBY,
THOMAS B.NEEDLES,
C.R.BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
Commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
September 13, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:-

There is enclosed you herewith a letter addressed to J.Edgar White, directing him to report for duty at the General Office at Muskogee, Indian Territory, immediately upon receipt of such letter. Upon delivery of this letter to Mr.White, You will have him cease all connection with the Chickasaw Land Office, and advise him that his presence at the General Office in Muskogee is desired with the least practicable delay.

Respectfully,

Tams Bixby

Enc. ART. 60

Chairman.

(Endorsed) Union Agency No.3649 Received Sep.14,1904 Commission to the Five Civilized Tribes, Muskogee, Indian Territory.-----Regarding J.Edgar White to report for duty at the General Office, Muskogee Indian Territory and cease connections with the Chickasaw Land Office.-----

COMMISSIONERS:
TAMS BIXBY,
THOMAS B.NEEDLES,
C.R.BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
Commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
September 20, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:-

I am in receipt of applications for annual leave, submitted by employes of your office and recommended by you, as follows: Clara Mitchell Wood, for a period of 21 days commencing October 10, 1904; William Barrowman, for a period of 19 days commencing October 10, 1904; Edward G. Rothenberger, for a period of 21 days commencing September 26, 1904.

I have amended these applications for leave to a period of ten days each, and have granted the same, to be effective as follows: Clara Mitchell Wood, for a period of ten days beginning October 10, 1904; William Barrowman, for a period of ten days beginning October 10, 1904; Edward G. Rothenberger, for a period of ten days beginning September 26, 1904.

In view of the fact that your office is apparently at present in urgent need of the retention of your entire force, I have not deemed it consistent to grant the leaves of absence for the entire periods applied for. It is most urgently desired that

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all allotment certificates be prepared and transmitted for signature at the earliest practicable date. It is also desired that the patents to allotments in the Chickasaw Nation heretofore prepared and forwarded to your office be checked and returned with the least possible delay, in order that the same may be transmitted to the chief executives of the Choctaw and Chickasaw Nations for execution.

In view of the fact that you have recently applied to this office for the services of an additional stenographer in the taking of testimony in allotment contest cases, it is presumed that the stenographers now assigned to this duty have a large amount of untranscribed notes upon their books. It is the desire of the general office that stenographers transcribe their notes with the least possible delay, in order that pending contest cases may be disposed of.

It is probable that at some time in the latter part of the year, when the pressure of business is not so great as at present, further leave of absence can be permitted these employes.

Respectfully,

Tams Bixby,

Chairman.

(Endorsed) Union Agency No.3762. Received Sep.23,1904 Commission to the Five Civilized Tribes.Relative-----applications for annual leave, amendment of applications and approval of same-----

COMMISSIONERS:

TAMS BIXBY,
 THOMAS B. NEEDLES,
 C. R. BRECKINRIDGE.

Department of the Interior,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
 Secretary.

Address only the
 Commission to the Five
 Civilized Tribes.

Muskogee, Indian Territory.
 September 20, 1904.

Commissioner in Charge,
 Chickasaw Land Office,
 Tishomingo, Indian Territory.

Dear Sir:-

Your letter of the 19th inst., to the Special Disbursing Agent, in reference to the leave of absence of Henry J. Hills, for a period of twenty days beginning September 6, 1904, has been referred to me.

I note that Mr. Hills has been absent from duty since the date named in his application for leave. His original application was received at this office on August 25, 1904, and I suspended action thereon, and am somewhat surprised to learn that, without the approval of his application for leave, he has seen fit to absent himself from duty.

I return you herewith the original application, transmitted by you on August 23, 1904, and the copy transmitted to the Special Disbursing Agent with your letter of the 19th inst., and desire in connection therewith to call your attention to rule 7 of the rules and regulations governing the conduct of the Choctaw and Chickasaw Land Offices, as follows:

"No leave of absence will become effective until approved."

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Also, rule 9, as follows:

"Applications for annual leave, and leave without pay, will be granted by the Commissioner in Charge only in cases where the absence of the employe will not interfere with the work of the office and in cases of urgent necessity."

You are requested to have Mr. Hills submit an explanation of his absence from duty without the approval of his application for leave of absence at the earliest practicable date, with return of the within enclosures.

Respectfully,

Tams Bixby.

ART.119.

Chairman.

(Endorsed) Union Agency No.3768 Received Sep.23,1904 Commission to the Five Civilized Tribes, Muskogee,Indian Territory.Regarding the leave of absence of Henry J.Hills, for a period of twenty days----

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory,

September 28, 1904.

Fred T. Marr,

Clerk in Charge, Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

Enclosed herewith find copy of letter relative to leaves.
In the future you will be guided by same.

Very respectfully,

Rees Evans

Special Disbursing Agent.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1904

COMMISSIONERS:

Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Wm. O. Beall,
Secretary.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your telegram of this date inquiring if application of J. Ernest Williams for leave has been granted, and in reply thereto I have this day wired as follows:

"Replying your telegram leave of absence granted J. Ernest Williams for six days beginning October seventeenth."

In this connection I desire to call your attention to the fact that telegrams in regard to leaves of absence of employees, being a personal matter with such employees, should be paid for by them.

You should, therefore, have Mr. Williams pay for the telegram forwarded by you and our reply.

Respectfully,

T. B. Needles,
COMM. IN CHARGE.

Indexed--COMMISSION TO FIVE TRIBES. Chickasaw Land Office.
4279, Received October 17, 1904. Comm. to Five Tribes, Muskogee,
Indian Territory. Relative leave of absence J. Ernest Williams.

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COMMISSIONERS.

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory
September 20, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

On July 23, 1904, your attention was invited to the fact that the total appraised value of lands allotted to, and applied for by, Imon McGee, Chickasaw by Blood, Roll No. 3116, amounted to \$1552.50, and you were requested to take the necessary steps to adjust this allotment so that the same would not be in excess of \$1041.28.

On July 27, 1904, you advised the General Office that Alec McGee, father of Imon McGee, had that day been notified to appear before your office to make the necessary corrections in his former filings.

In as much as a sufficient time has elapsed for the said Alec McGee to appear before your office and correct the filings for his son, Imon McGee, and he has failed so to do, you are directed to prepare for the signature of the Chairman an order cancelling the allotment of lands to said Imon McGee on May 27, 1904, the appraised value of which amounted to \$512.50, in order 3770.

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that the total appraised value of lands allotted to, and applied for by, said Imon McGee will not be in excess of the amount to which he is entitled under the law.

Respectfully,

Tams Bixby

Chairman.

(Endorsed) Union Agency No. 3770 Received Sept. 23, 1904, Commission to the Five Civilized Tribes, Muskogee, Indian Territory. Regarding-- adjustment of allotment of Imon McGee, Chickasaw, so that same would not be in excess of \$1041.28----

COMMISSIONERS:
TAMS BIXBY.
THOMAS B.NEEDLES.
C.R.BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Chickasaw
Allotment

Address only the
commission to the Five Civilized Tribes.

Tishomingo, Indian Territory

September 21, 1904.

M. E. Gilmore,

Stonewall, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of September 19,
1904, from Conway, transmitting report covering your work at camp
No. 4.

Of the allotments reported by you I find the land covered by
eighteen of them has heretofore been filed on and said reports
are herewith returned, being for the following named persons:

Tobias Colbert, Sadie Williams, Clifford Clark, Jackson
Black, Silvia Clark, Millie Clark, Robert Peters, Mary
Grayson, Andy Black, Walton Harris, Gano Stephens (Deceased),
Hiram Pickens, Oskie Collins, Annie Sealy, Seely Owens, David
Owens, John C. Daggs, Blance Wilburn,

In some of the above allotments a portion of the land
was not filed on but such an amount of it had been already taken
up as to render it impracticable to allot what was left.

I would suggest that you forward corrected allotments
for the above named persons at the earliest possible date. In
connection with reporting allotments made by you, while there is
4026.

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probably no doubt that it is more convenient for you to report them all at one time when your work at each camp is finished, still I believe if you would adopt the practice of making daily report, where possible, we would no doubt find less land reported by you filed on when we come to check up your arbitrary allotments.

In this connection I believe also that we should defer sending you townships showing land filed on as long as possible in order that we may bring filings made as nearly up to date as we can, for instance, if I send you townships one to six, south, ranges seven and eight, east, showing land filed on as of this date, some of them will probably have quite an amount of additional land filed on by the time you reach them. Let me know just which township you expect to take up first and if we could arrange it so that I could send you one township every two or three days or every other day, as they will be needed by you, I think we can bring filings much nearer up to date and enable you to avoid reporting lands for allotment that have already been filed on.

I also return applications of Silvia Smith, Choctaw Freedman roll No.3014, and Mary Ann Colbert, Choctaw Freedman roll No.3012. Ten acres of the land reported for Mary Ann Colbert had already been filed on and the application of Silvia Smith was not signed. In as much, however, as the enrollment of these two persons was approved September 26, 1903, the year subsequent to said approval will expire next Monday after which you could report arbitrary allotments for them in the regular way, which I would suggest your doing instead of the applications in this case.

That portion of land reported by you that was found to have

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already been filed on I have indicated on the plats or blanks by yellow shading.

Respectfully,

Fred T. Marr.

Chief Clerk.

CY-2 1/2

(Endorsed) Union Agency No. 4026.----Rel.to letter covering work at camp No. 4 at Conway, re. land allotments being reported that have been filed on heretofore.----

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary

address only the commission
to the Five Civilized Tribes.

Muskogee, Indian Territory,
September 28, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

I inclose you herewith letter prepared at your office under date of September 21, 1904, addressed to Maurice E. Gilmore, Stonewall, Indian Territory, and evidently forwarded to this office through error as it is signed by Fred T. Marr, Chief Clerk, and doubtless was intended to be forwarded to Mr. Gilmore direct from your office.

I fully concur in the views expressed by you in this letter and you will forward the same to Mr. Gilmore. You will also prepare a letter to Mr. Gilmore instructing him in the future to forward to your office a daily report of the progress of his work and of such land as he finds subject to allotment in the Chickasaw Nation.

You are directed, in the future, where any matters involving the policy of the Chickasaw field party are referred to in letters addressed by you direct to Mr. Gilmore, to forward a copy of such letters to Muskogee for the information of the general office.

Respectfully,
Tams Bixby--Chairman.

COMMISSIONERS:

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Address only the
Commission to the Five civilized
Tribes.

Muskogee, Indian Territory,
September 26, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

There is enclosed you herewith, complete record in Chickasaw Allotment Contest No. 528, entitled Sweeney Jefferson versus Louisa Grayson.

It appears from said record that on May 1, 1903, the land was selected for Louisa Grayson by her husband John Grayson; that the name of Louisa Grayson is identified as being opposite No. 914 upon the approval roll of citizens by blood of the Chickasaw Nation. The return of service in said contest states that the same was had upon Louisa Grayson by delivery to Gibson T. Grayson, father and natural guardian in charge of said Louisa Grayson.

This office is of the opinion that service in this case was had upon the wrong Louisa Grayson.

The record is therefore returned you for further action.

Respectfully,

Tams Bixby,

Enc. Y-1

Chairman.

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(Endorsed) Union Agency No.3943 Received Sep.27,1904,Commission to five tribes, Chickasaw Land Office, Muskogee,Indian Territory. Complete record in Chickasaw Allotment Contest No.528, entitled Sweeney Jefferson versus Louisa Grayson.----

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COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C.R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O. BEALL.
Secretary.

Address only the
commission to the Five Civilized Tribes.

Muskogee, Indian Territory
September 29, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

I desire to call your attention to what appears as carelessness in the work of several of the employes of your office. A number of letters prepared at your office under date of September 26, 1904, and evidently by W. C. Bunn inasmuch as the inclosures transmitted with such letters bear the initials "W.C.B." are now before me. These letters are very poor specimens of typewriting; they are full of typographical errors and corrections and the typewriting in every instance is poor.

Your attention is particularly invited to your letter of September 26, 1904 in reference to the allotment of Sophie Cobb, Choctaw roll by blood Number 1717. This is but a sample of the character of this work. I wish you would impress upon Mr. Bunn and the other stenographers in the employ of your office that the letters prepared must be typographically correct and that greater attention must be shown to details in this respect.

Mr. Bunn has now been in the employ of the Commission for
4024.

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over two years and should by this time be familiar with the requirements of the Commission in this direction.

I also note that in marking inclosures to accompany letters from your office the same are in many instances identified by large initials being written in red or blue pencil. A neat identification mark in the corner of any inclosure as folded will serve every purpose and will not give the inclosure such an untidy appearance.

It is also noted that the inclosures transmitted by your office in numerous instances are unidentified by any inclosure mark whatever while in other instances from two to five inclosures bear the same mark of identification. All of this seeming carelessness necessitates a great deal of additional work at this office in properly identifying the inclosures to the letters as forwarded.

I desire also to call your attention to the arbitrary allotments which are being returned to you today. I am not at all satisfied with the appearance of this work. Instead of being characteristic of neatness the papers are indicative of carelessness. The rubber stamps used for the purpose are not clean, the impressions in but few instances are perfect while in several instances these papers which are to become official records of the Commission have been used as memoranda for the calculation of areas and other purposes.

I do not consider it necessary to invite your attention to each particular case of the character mentioned but in order to emphasize my position in this matter, call your attention to the

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following cases:

Arbitrary allotment to Jackson Porter, Chickasaw roll by blood Number 751. The words "Arbitrary allotment" are not uniformly stamped, the fac simile of the signature "Tams Bixby" is evidently dirty or the pad which is being used is in that condition. The word "Tishomingo" as stamped upon the citizenship certificate is inverted upon the citizenship certificate. In the allotment blank the date "September 23 1904" is not upon any line while the second time the name "Jackson Porter" is used it is practically illegible.

Referring to the allotment to Harriett Kemp, Chickasaw freedman roll Number 1130 the stamp "Arbitrary allotment" is not used while the fac simile signature "Tams Bixby" is so dim that it is practically illegible and is stamped in the extreme right of citizenship certificate.

In the allotment to Nelson Killcrease, Chickasaw roll by blood Number 726 the fac simile signature "Tams Bixby" is entirely omitted from the citizenship certificate.

The above enumerated examples but illustrate the general character of the work presented by these arbitrary allotments. I am now calling these matters to your attention in order that you may impress upon the employes of your office that these papers are not in the nature of memoranda or merely for the temporary use of the Commission but become permanent records and should be of such a nature as not only at the present but at any future time may be the subject of the closest scrutiny.

You will invite the attention of the employes of your office

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to these matters and urge upon them the exercise of greater care both in the matter of typewriting and the preparation of official papers.

Respectfully,

Tams Bixby,

Chairman.

(Endorsed) Union Agency No.4024. Received Oct.1,1904 Commission to the Five Civilized Tribes.----Rel.to attention being called to the stenographers, regarding their typographical errors and corrections, stating that these are permanent documents to be the subject of the closest scrutiny at any time in the future.----

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C.R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
commission to the Five Civilized Tribes.

Muskogee, Indian Territory,

September 30, 1904.

Mr. Fred T. Marr,

Chief Clerk, Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

I am in receipt of your letter of September 22, inclosing orders for the appointment of Arthur B. Schaeffer, of Kansas, as an irregular stenographer, at \$4.00 per day, dated September 1, 1904, and of L. C. McElmurry, irregular janitor, at a salary of \$1.25 per day, dated September 1, 1904.

In transmitting these orders of employment you recommend that the same be approved as of September 1, 1904, if consistent with the rules of the Commission and I have prepared an order for the employment of Mr. McElmurry as of September 1, 1904. The appointment of Arthur B. Schaeffer will be made the subject of a separate communication.

In this connection I desire, however, to call your attention to Section 1 under the head of "Employment" of the Rules and Regulations governing the conduct of the Choctaw and Chickasaw Land Offices of the Commission to the Five Civilized Tribes, as 4062.

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follows:

"1. The Commissioner in Charge and the Clerk in Charge are authorized to employ additional assistance to meet emergencies as provided in Rule 12 of the Rules of the Commission, the authority of the Commissioner being the same as therein defined for a Commissioner in Charge of a division of work, and the authority of the Clerk in Charge to be the same as defined in said rule for the Secretary of the Commission. Provided, that in case of temporary employment of janitor it shall be at a compensation not to exceed one dollar per day, and of interpreter at a compensation not to exceed two dollars per day."

I appreciate that from time to time as emergencies arise it becomes necessary for your office to secure the temporary employment of janitors and interpreters, and under the authority vested in you by Rule 12 of the Commission, in connection with the rule above quoted, you are authorized to do so, Rule 12 of the regulations of the Commission being as follows:

"The Secretary may, in case of emergency, employ additional assistance no engagement to be for a longer period than one week, the total expenditure by the Secretary of this character shall not exceed the sum of twenty five dollars for any one week, and he shall report all such actions to the Commission at its succeeding meeting."

You should, immediately upon such employment, report to this office the emergency existing therefor and the name of the employee with the compensation to be allowed. You should not, however,

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exceed in any case the authority conferred by the rules as above quoted.

Respectfully,

Tams Bixby,

Chairman.

(Endorsed) Union Agency No.4062 Recd. Oct. 4,1904.Commission to the Five Civilized Tribes.----Rel.Orders for appointment of stenographer and janitor to the Five Civilized Tribes.----

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter.

Oct. 4, 1904.

Mr. Fred T. Marr,

Clerk in Charge, Chickasaw Land Office

Tishomingo, Ind. Ter.

Dear Sir:

Herewith find my official checks on the United States Assistant Treasurer, St. Louis, Mo., for services rendered by the members of the Chickasaw Land Office for the month of September, 1904 as follows:

Fredrick T. Marr	385317	\$150.00
John H. Carlock	8	133.34
Harry. C. Risteen	9	125.00
Lewis S. Dolmas	20	125.00
Charles A. Burdine	1	100.00
William Barrowman	2	100.00
J. Ernest Williams	3	100.00
Clara Mitchell Wood	5	100.00
Albert H. Collins	6	100.00
Lewis G. Nichols	7	100.00
William H. Evans	8	79.33
William C. Bunn	9	85.00
Lee Eddy	30	100.00
Willis S. Rountree	1	85.00
Helen C. Miller	3	75.00

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Paul B. Taylor	4	85.00
Sydney W. Burton	5	75.00
Alex Folsom	6	60.00
W. E. Warden	7	45.00
D. E. Turner	8	14.00

Very respectfully,

Rees Evans

Special Disbursing Agent.

(Endorsed) # 4103, Received Oct. 6, 1904. Commission to Five Tribes. Muskogee, I. T. Relative to payroll of members of Chickasaw Land Office.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter.

October 11, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant recommending that Mr. H. C. Risteen be placed in charge of the contest work at the Chickasaw Land Office to fill the vacancy caused by the resignation of Lewis S. Dolman, and that W. C. Bunn be transferred to the enrollment division for the issuance of citizenship certificates and other clerical work of that division.

You are directed to assign Mr. Risteen as contest clerk at the Chickasaw Land Office and temporarily delegate Mr. Bunn to the issuance of citizenship certificates and other clerical work of the citizenship division of your office. The matter of the permanent assignment of some employe to fill the vacancy caused by the transfer of Mr. Risteen will be made the subject of a further communication.

Respectfully,

Tams Bixby
Chairman.

(Endorsed) # 4172, Received Oct. 12, 1904. Commission to Five Tribes, Muskogee, I. T. Concerning H. C. Risteen put in charge of contest work at Chickasaw Land Office.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

COMMISSIONERS:

October 11, 1904.

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKENRIDGE,

Wm. O. Beall,
Secretary.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingto, Indian Territory,

Dear Sir:

There is inclosed herewith copy of order this day issued relative to issuance of certificates of allotment for lands awarded to contestants in allotment contest cases in the Choctaw, Chickasaw and Cherokee Nations. Hereafter, where there is an outstanding certificate of allotment covering lands awarded to contestants in allotment contest cases, you will address a letter to the United States Indian Agent, advising that such land has been awarded to the Contestant, and that the certificate, describing the same by number, is of no effect as to that portion of the land.

Respectfully,

Tams Bixby,

CHAIRMAN.

Indexed. COMMISSION TO FIVE TRIBES. Chickasaw Land Office. # 4125,

Received Oct. 13, 1904. Relative certificates for allotment.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

October 13, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

In view of the fact that deductions for railroad purposes are being made from time to time from lands which in some cases are involved in contest, this office deems it advisable to call you attention to a certain class of cases which may arise in Chickasaw allotment contests and to advise you of the procedure to be adopted in such cases.

Where a citizen or freedman selects his allotment and thereafter a plat of a railroad traversing the same is filed with the Secretary of the Interior and the Indian Agent as provided by the act of Congress approved February 28, 1902 (32 Stats., 43) and subsequent to the filing of such railway plat another citizen or freedman files his complaint in contest and makes application to select that portion of said original allotment selection which is traversed by said railroad, the contestant should be required to file his complaint and make application for the land as selected by the contestee including the amount afterwards sought to be acquired for railroad purposes and the record in the contest case should show that subsequent to the application of the contestee and prior to the application of the contestant, proceed-

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ings were instituted to have a portion of said land set apart for railroad purposes.

In the event the contestee prevails in the contest case, the deduction should not be made but should the land in controversy be awarded to the contestant, he should receive the land in controversy less the amount sought to be acquired for railroad purposes.

In any cases of this character which come to your notice after a hearing has been had in a contest case, the matter should be immediately taken up with the general office so that in the event a decision has not been rendered therein, proper deduction may be made.

Respectfully,

T. B. Needles.

COMMISSIONER IN CHARGE.

(Endorsed) Commission to Five Civilized Tribes # 4269, Received Oct. 15, 1904. Relative to Law governing filing of railway plats in connection with Chickasaw allotment contests.

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D E P A R T M E N T O F T H E I N T E R I O R.
C O M M I S S I O N T O T H E F I V E C I V I L I Z E D T R I B E S

Muskogee, Indian Territory,
October 14, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

There are returned to you herewith, unsigned, the following Chickasaw Homestead Certificates, and your attention is invited to the discrepancies noted:

<u>No.</u>	<u>Name of Allottee.</u>	<u>Remarks.</u>
8510	Sallie Bench, A 12897	Certificate dated June 3, 1904. report dated June 17, 1904.
8511	Eliza Dixon, A 12898	Certificate dated June 3, 1904. report dated June 17, 1904.
8538	Elmira Whale, A 15414	Cert. dated June 18, 1904; Report dated June 20, 1904.
8549	Jonas R. Harris, B 620	Cert. dated June 21, 1904; Report dated June 20, 1904.
8586	Rosa Gray A 259	Cert. Dated June 23, 1904; Report dated June 25, 1904.
8611	Robert L. Cotten, A 14997	Report shows Cert. No. 8610.
8773	Benjamin B. Carnes, A 12169	Cert. shows N/2 of SE/4 of SW/4 S 19 T 5 N R 5 w; Re- port shows N/2 of NE/4 of SW/4.
8830	Ethel Brown, C 2160	Cert. dated July 11, 1904; Report dated July 12, 1904.
8855	Nettie Inza Harkins, C 2292	Cert. dated July 12, 1904; Report dated July 13, 1904.

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<u>No.</u>	<u>Name of Allottee.</u>	<u>Remarks.</u>
8914	Girtie Arizona Mauldin, A 509	Roll shows name to be Gertie.
8933	J. R. Shannon, D 268	Report shows Cert. No. 8923.

You are requested to investigate these discrepancies and advise this office accordingly, returning Certificates for signature. Relative to discrepancies in Chickasaw Homestead Certificates.

Respectfully,

T. B. Needles.
COMMISSIONER IN CHARGE.

Indexed. COMMISSION TO FIVE TRIBES. Chickasaw Land Office.

No. 4261, Received Oct. 14, 1904. Comm. to Five Tribes, Muskogee, I.T.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

October 14, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fourth instant, transmitting copies of the testimony of John E. Goldsby taken at your office on October 1, 1904, relative to the improvements owned by him and his family in the Chickasaw Nation, Indian Territory. You advise that you have, in accordance with this testimony, made a permanent reservation of the land indicated by Mr. Goldsby, which you state he is holding as allotments for himself and family.

You further state that the entire allotments designated for John E. Goldsby and Linniel E. Goldsby have heretofore been filed on by other persons and contests have been filed by John E. Goldsby for himself and Linniel E. Goldsby.

I desire, in returning these papers, to call your attention to the fact that these reservations are not in the nature of allotments.

The order of the Secretary of the Interior of September 7 as amended by Departmental telegram of September 13, 1904, was to reserve from allotment the homes and improved lands of such persons whose names were found upon the tribal rolls of the

Choctaw and Chickasaw Nations in the possession of the Commission

and who had been admitted to citizenship in such nations by the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896 (29 Stat., 321) and by the United States Court on appeal but whose cases had not been certified or appealed to the Choctaw and Chickasaw Citizenship Court for trial de novo.

It is immaterial in the determination of these reservations whether or not the persons for whom such reservations are made are the owner of improvements upon tracts of land to which they would be entitled as their pro rata share in the event that their enrollment as citizens had been approved. As an example, should John E. Goldsby have been only owner of improvements on ten acres of land in the Chickasaw Nation that would be the only reservation to be made under the directions of the Department. The Commission has construed the Department's instructions as not permitting a reservation for any of these persons of an amount of land in excess of the pro rata share of a citizen.

I have as to those tracts of land not involved in contest, issued an order October 13, 1904, reserving the same from allotment and as to the tracts of land heretofore filed on by Cecil Gallamore and Zada Gallamore and involved in Chickasaw allotment contests Numbers 610 and 611, directed that no further action be taken looking to the allotment of said tracts of land until further directions. A copy of this order has this day been forwarded the Choctaw Land Office.

I note that in your letter of the fourth instant you state that the land designated for John E. Goldsby and Linniel E. Goldsby, has been heretofore filed on by other persons and contests have been filed by him for himself and in behalf of Linniel E. Goldsby. In this connection your attention is invited to the fact that on December 9, 1903, your office reported "H" application Number 703 and 704 of land applied for by John E. Dol~~g~~sb~~y~~, the total appraised value of the land applied for by John E. Goldsby amounting to \$2036.70. Your office has not reported any land applied for by Linniel E. Goldsby and it is presumed that an error has been made in reporting John E. Goldsby as contestant in Chickasaw allotment contests Numbers 610 and 611. Your daily reports of December 9, 1903, heretofore forwarded are also returned you herewith and you are requested to forward this office corrected reports of lands applied for by John E. Goldsby and Linniel E. Goldsby on December 9, 1903.

Respectfully,

Thomas B. Needles.

COMMISSIONER IN CHARGE.

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(Endorsed) Five Civilized Tribes # 4251 Received Oct. 15, 1904. Relative to contest cases of John E. Goldsby and Linniel E. Goldsby.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Ter.

October 17, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

I am in receipt of a telegram from Camden H. West, in which he states that he can come at once to transcribe the notes which he has taken in Chickasaw Allotment Contest Cases, and I have this day wired him to report at Muskogee as soon as possible.

You are requested to immediately forward to the Commission at this place all the untranscribed note-books of testimony which was taken by Mr. West during his connection with the Commission, and which are not in your office, in order that they may be here when Mr. West arrives and the same may be transcribed as soon as possible.

Respectfully,

Tams Bixby

CHAIRMAN.

(Endorsed) Commission to Five Civilized Tribes. # 4297. Received October 18, 1904. Instructions to Chickasaw Land Office, Tishomingo, I.T. to send untranscribed note books to office at Muskogee, I. T. for transcription.

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POTTER, BOWMAN & POTTER
Attorneys at Law
Ardmore, I.T.

10/18/04.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:-

We enclose you herewith our appeal to the Commission of Indian Affairs of Chickasaw Allotment Contest No. 274 and consolidated cases. We have delivered a copy of this appeal to the attorneys for the contestees and you will notice on the last page their acceptance of service.

We would request that all of the papers be transmitted to the Commission of Indian Affairs, and if the contestees file a brief we should like to have an opportunity to reply to it.

Yours truly,

POTTER, BOWMAN & POTTER.

WFB.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tishomingo, Ind. Ter.
October 19, 1904.

Potter, Bowman & Potter,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of October 12, transmitting contestant's appeal in Chickasaw Allotment Contest No. 274. In reply, you are advised that this appeal is filed out of time; the time for filing appeal expired October 14. The appeal of contestant has been forwarded to the Commission at Muskogee for their decision.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

October 21, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

There is enclosed you herewith, letter from Messrs, Potter, Bowman & Potter, dated October 12, 1904, with which was transmitted appeal to the Commissioner of Indian Affairs in Chickasaw Allotment Contest No. 274, also letter prepared at your office replying to said letter in which you state that the time for filing the appeal expired on October 14th and that said appeal was not filed within the required time.

It appears from the letter of Messrs. Potter, Bowman & Potter, above mentioned, that the same was received at the general office on October 13, 1904.

The office is also in receipt of your letter of October 19, 1904. transmitting said appeal.

It appears from the foregoing that said appeal was filed within the required time, towit on October 13, 1904, and said appeal together with the letter of Potter, Bowman & Potter and the letter addressed to the latter by your office, are enclosed you herewith for appropriate action.

Your attention was invited to the fact that this Commission is without authority to pass upon the question of the

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sufficiency of an appeal to the Commissioner of Indian Affairs, which question rests entirely with the said Commissioner.

You will therefore hereafter receive appeals even though filed out of time and forward same to the general office for transmittal to the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby,
Chairman.

(Endorsed) # 4411 Commission to Five Civilized Tribes, Muskogee, Ind. Ter. Received Oct. 24, 1904. Relative to Contest Case No. 274, Chickasaw Allotment. Appeal transmitted by Potter, Bowman & Potter, Ardmore, I. T.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.10498-1904

October 18, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith, for early report and recommendation, upon the suggestion of the Acting Commissioner of Indian Affairs in his letter of October 12, 1904, a letter of September 17, 1904, from J. S. Mullen, inclosing certain papers, which are also herewith transmitted, relative to the application of Wilkin Taylor to relinquish certain lands filed upon by him at the Chickasaw Land Office in October, 1903.

The Department desires to be advised upon what you base your ruling that "no application to relinquish land filed on by a citizen or freedman will be considered by this Commission if a period of more than nine months has elapsed since the date of the original filing."

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

(Endorsed) Union Agency No. 4551 Received Nov. 2, 1904 Commission to the Five Civilized Tribes, Muskogee, Indian Territory. Relative---- Matter of the allotment of lands of the Choctaws and Chickasaws to Wilkin Taylor, Choctaw, regarding copies of letters between the Commission and Secy of the Interior re. no application to relinquish land filed on by a citizen or freedman will be considered by the Commission if a period of more than 9 mo. has elapsed since the date of the original filing.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter.

October 22, 1904.

Mr. Fred T. Marr,

Clerk in Charge, Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

Enclosed herewith find inspection certificate for one wash tub and two buckets, purchased by you some time ago, also one for Remington Typewriter sent you in place of the one forwarded by you for repairs.

Your account for electric light bill is returned herewith as an error was made in the subtraction on ticket No. 2046. Kindly have account corrected and return same to this office for payment.

Bill for \$12.46 for ice is also returned, this account should be prepared on form 4 as heretofore.

Relative to the bill of the Monk Hardware Co., for \$5.65 made in July relative to mop sticks, rim lock and moving and storing of stoves I have to request that you make requisition to the Commission for the three first mentioned articles and it would be well enough to explain the use of the lock also advise why it was impossible to wait until the mop sticks could be sent you from here as we carry a supply on hand.

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Relative to moving and storing of stoves it seems as if there was no other available space your coal house could have been used and your janitors could have done your moving as was done in all of the other offices of the Commission.

Relative to check of Lilburn H. Evridge I have to advise that when the Chairman approves the employment of said person I can mail you check and not before.

In future I earnestly request that you get all accounts for one quarter prepared and into this office not later than 3 days after the end of the quarter. They should not be mixed with those of the succeeding quarter.

Very respectfully,

Rees Evans

SPECIAL DISBURSING AGT.

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(Endorsed) # 4370 Commission to Five civililzed Tribes. Received October 24, 1904. Muskogee, Ind. Ter. Relative to accounts at Chickasaw Land Office.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

October 24, 1904.

Mr. Fred T. Marr,

Clerk in Charge, Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

I am sending you herewith order on the Monk Hardware Co., for brooms, stoves and cuspidors. Mr. Bixby suggests that your purchase of a stove be of a very plain manufacture and without ornaments and at as reasonable price as possible.

Very respectfully,

Rees Evans.

Special Disbursing Agent.

(Endorsed) Union Agency No. 4119 Received Oct. 25, 1904. Commission to the Five Civilized Tribes, Muskogee, Indian Territory. Relative---
---Order of Supplies.----

Tishomingo, Ind. Ter., May 21st, 1906.

The Honorable E. A. Hitchcock,

Secretary of the Interior Department, U. S. A.,

Washington, D. C.

Honorable Sir:

We, your Petitioners, to-wit: M. V. Cheadle, W. T. Ward, A. B. Hughes, D.H. Johnston and W. T. Smith, citizens by blood and inter-marriage of the Chickasaw Nation, and who have heretofore filed and allotted the lands due us as such duly enrolled citizens of the Chickasaw Nation, most respectfully call your attention to the fact that jointly, our allotments and portions thereof lying on the stream known as "Blue" or "Big Blue"; to-wit: commencing at the South line of the North-west quarter of Section 32, Township (Sic) 2 South, Range 7 East, and ending with the South line of Section 27, Township 3 South, Range 7 East, directly covering or embracing the said stream of "Big Blue", a distance of about 6 and 1/4 miles and confined to our allotments, with the exception that in this distance, one Chickasaw Freedman by his allotment covers 220 yards and one Choctaw 220 yards, with whom we expect to treat satisfactorily and amicably in our undertaking.

We further represent that the stream, "Big Blue," which runs through our lands above described, has valuable water powers, which was the greatest inducement to us in allotting said lands. Now, under the late Congressional Act of April 26th, 1906, known as the Five Tribes Bill, provides among other things in Section 25, Page 10, that companies may organize, condemn and take our property from us. In view of this necessity, to protect our-

selves and have the benefit, to some extent, of this, our water powers, we are trying to take steps, under said Act, to organize a company to utilize this power which rightfully belongs to us, and in which we are entitled to the preference, as we own the lands embracing said stream, as outlined in a general way herein-before. It being our aid to take steps and cover the objects and purposes agreeably to the rights and privileges given by the said Section 25 of said Act of Congress, entitled: "An Act to Provide for the Final Disposition of the Affairs of the Five Civilized Tribes, in the Indian Territory, and for Other Purposes,"

Page 10, Public- No.129.

We further represent that we are led to believe that other people solely for a speculative purpose, having nothing invested nor any rights upon the lands, are taking steps under said Act, to get in ahead of us and monopolize this power. In our judgment these people have no good faith in the development of said water power, except a desire to get franchises in order to sell and speculate thereon.

It is this class of companies that we desire to here, most solemnly, offer our protest against.

As Indian Citizens, we wish to be known in the business world, and seeing that if we did not take up this water power proposition,-it being on our lands,-that some other persons would.

T H E R E F O R E: We respectfully beg of you to give us time to perfect our organization that we may be enabled to comply with the requirements of said Act of Congress, and any company presenting at your Department applications for franchises to any water powers on the lands described by this our petition and pro-

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test, we ask that they be held until we can present our claims to have the same covered by a Charter granted to our company.

Any further information you might desire to have, we will be pleased to furnish upon request so to do.

Again, we beg your protection in this matter as our supervisor, for which we are in duty bound to pray.

Signed; M.V.Cheadle
W. T. Ward
A.B.Hughes
D.H.Johnston
W.T.Smith

(Endorsed) Union Agency No.14273 Received May 31,1906 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C.May 29, 1906.Secretary.-----Refers for appro action petition of M.V.Cheadle and others, of Tishomingo, I.T.citizens of Chickasaw Nation relative franchises to any water powers on lands described in said petition.-----

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DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 12308, 12916-1906.

August 1, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

On June 26, 1906, you transmitted a communication from Mr. Ike Adler, of Davis, Ind. T., in which he states that one Mose Chigley, a Chickasaw by blood, had his restrictions removed July 28, 1905. and asks if he can lawfully sell or mortgage his allotment at this time, in view of the provisions of the act of April 26, 1906.

You state that you have informed different parties that in your opinion full-blood Indians could not sell or dispose of their land after April 26, 1906, whether their restrictions had been removed prior to that time or not, but different parties contend that full-blood Indians had the right to sell where their restrictions had been removed prior to April 26, 1906. You therefore refer the question to the Department for definite determination.

Reporting July 7, 1906 (Land 54747), the Indian Office considers that Congress can now exercise no jurisdiction over that portion of the allotment of a full-blood Indian upon which restrictions have been removed prior to April 26, 1906. A copy of its letter is inclosed.

14882

The Assistant Attorney-General on July 24, 1906, rendered a decision, approved the same day, in which he states that he is of opinion that the Indian in this case "was without power thereafter to alienate or mortgage his allotted lands." A copy of said opinion is inclosed.

Respectfully,

Jesse E. Wilson
ASSISTANT SECRETARY.

THROUGH THE COMMISSIONER OF
INDIAN AFFAIRS.

2 inclosures.

(Endorsed) Union Agency # 14882 Received Aug. 9, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Aug. 1, 1906. Secretary***** Encloses approved opinion of Asst. Atty-Gen. holding according to Act of April 26, 1906, full-blood Indians cannot dispose of land after passage of such Act whether restrictions had been removed prior to that time or not.

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DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D. 2598-1907.

February 13, 1907.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

In view of your recommendation of January 5, 1907, departmental instructions of November 20, 1906, to withhold applications for the removal of restrictions upon allotted lands within a radius of ten miles of the towns of Wheeler and Madill, in the Chickasaw Nation, Indian Territory, on account of the discovery of oil near such towns, are hereby rescinded. You will instruct the U.S. Indian Agent at Union Agency accordingly.

Respectfully,

Thos. Ryan.
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

(Endorsed) Union Agency # 15616 Received Feb. 23, 1907. Office of U.S. Indian Inspector for Indian Territory. Washington D.C. Feb. 13, 1907. Secretary. Rescinds departmental instructions to withhold applications for removal of restrictions upon certain allotted land in Chickasaw Nation, and advises to instruct Agent.

CHICKASAW - LAWS, Compilation & Publishing

AN ACT
FOR THE RELIEF OF J. W. BYRD.

Section 1. BE IT ENACTED BY THE LEGISLATURE OF THE CHICKASAW NATION: That the sum of ~~three~~ hundred and sixty dollars be and the same is hereby appropriated out of any money in the National Treasury, or which may hereafter be placed therein, not otherwise appropriated, to pay J. W. Byrd for services as seargent for the Law-revision Committee appointed to revise and codify the laws of the Chickasaw Nation for the term of ninety (90) days at the rate of four dollars per day, and the Auditor is hereby directed to issue his warrant on the Treasurer for the sum of three Hundred and Sixty Dollars, and the Treasurer is authorized and directed to pay the same. And that this Act tak effect from and after its passage and approval. (Recommended by Lewis Seely).

Passed the House of Representatives February 6, 1899,

M. V. Cheadle, Speaker H. R., Attest: J. L. Thompson,
Clerk H. R.

Passed the Senate February 8, 1899,

Simon Kemp, President, Pro tem;

Attest, Wm. M. Guy, Secretary pro tem.

Approved February 8, 1899,

D. H. Johnston, Governor Chickasaw
Nation.

Attest: C. D. Carter,
Nat'l Secretary.

EXECUTIVE MANSION, WASHINGTON, March 7, 1899,

APPROVED: William McKinley.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, March 3, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed herewith is a report of February 23, 1899, from Inspector Wright transmitting, with favorable recommendation, and act of the Chickasaw Legislature appropriating \$360 to pay for the services of the Sergeant of the Law Revision Committee appointed to revise and codify the laws of the Chickasaw Nation.

As it appears from the papers which accompany this act, which is duly certified by the National Secretary of the Nation that the services were rendered and that the amount appropriated is due therefor, Inspector Wright's recommendation for favorable action is concurred in by this office.

Very respectfully,
Your obedient servant,
A. C. Tonner.
Acting Commissioner.

K.S.M.

L'e

DEPARTMENT OF THE INTERIOR.
Washington.
March 6, 1899.

The President,

Sir:

I have the honor to submit herewith, for executive action under the provisions of the agreement set out in Section 29 of the Act of Congress, approved June 28, 1898 (30 Stat., 495), an Act of the Legislature of the Chickasaw Nation entitled "An Act for the relief of J. W. Byrd."

Said Act make an appropriation of \$360 to pay for the services of the sergeant of the law revising committee appointed to revise and codify the laws of the Chickasaw Nation. Favorable action is recommended by United States Indian Inspector for the Indian Territory, and also by the Commissioner of Indian Affairs. I have, therefore, to recommend that said Act be approved by you, and enclose herewith the letter of said Indian Inspector and copy of said report of the Commissioner of Indian Affairs.

Respectfully,

E. A. Hitchcock.
Secretary.

Ind. Ty. Div.
561-1899.
3 enclosures.

DEPARTMENT OF THE INTERIOR.
Washington.

March 8th, 1899.

Mr. J. George Wright,

U. S. Indian Inspector,
for the Indian Territory,

Muscogee, Ind. Ter.

Sir:

The act of the Legislature of the Chickasaw Nation entitled "An Act for the relief of J. W. Byrd", approved by the Governor of said nation on **February** 8, 1899, was submitted to the President on the 7th instant, and returned by him approved on the same day. Said Act and the departmental letter of transmittal to the President together with a copy of the report of the Acting Commissioner of Indian Affairs thereon are herewith transmitted to you for appropriate action.

Respectfully,

Thos. R. Ryan.
Acting **Secretary**.

Ind. Ter. Div.
561-1899.
3 inclosures.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 30, received Mar. 13, 1899, office of U. S. Indian Inspector for Indian Territory; Washington, Mar. 8, 1899 The Secretary. Returns Act of the Chickasaw Legislature entitled

An Act for the relief of J. W. Byrd. Approved by the President.

AN ACT Providing for Translation and publishing of the Atoka Agreement, Curtis Act and an Act of Congress of the United States Governing the Tribal Courts of the Indian Territory;

WHEREAS, The Act of November 2nd., 1897, providing for the translation and publishing of laws of the Chickasaw Nation to be translated in the Choctaw language and published, "One thousand copies"(1000) in English and five hundred (500) copies in Choctaw. And said Act does not provide for the printing and translation of the atoka Agreement, Curtis Act and an Act passed by Congress taking effect January 1898 governing the tribal courts of the Indian Territory; and

WHEREAS, It is of great importance and a necessity to the Chockasaw people as these Acts govern their homes, lands, and property; and as these laws can yet be included in our new law books now being printed but not yet completed, with additional cost of less expense than being printed separately; and, with the above laws, the new laws would be complete to date; now, therefore,

BE IT ENACTED BY THE LEGISLATURE OF THE CHICKASAW NATION:

Sec.1. That the sum of eight hundred and fifty dollars (\$850.00) be appropriated out of any money in the National Treasury not otherwise appropriated, for the printing and translation of the Atoka Agreement, or "Choctaw and Chickasaw Agreement with the Dawes Commission of the United States"/ the Curtis Act, and an Act passed by Congress taking effect January, 1898, governing the tribal courts of the Indian Territory.

Sec.2. Be it further enacted, that the Governor of the Chickasaw Nation is hereby authorized and empowered to enter into a contract with P.T.Foley, of Parsons, Kansas, and D.A.Homer, of Atoka, Indian Territory, for the publishing and translation of the Atoka Agreement, Curtis Act, and the Act of Congress taking effect January, 1898, and to include same in the new law-books already under their contract, and upon completion of the above work the Governor of the Chickasaw Nation shall issue his certificate on the National Auditor who shall issue his warrant on the National Treasurer in payment of same; and this Act take effect from and after its passage and approval by the President of the United States.

Recommended by D.H.Johnston, March 22, 1899.

APPROVED: March 23, 1899,
D.H.Johnston,
Governor Chickasaw Nation.

ATTEST: C.D.Carter, National Sec'y,
Chickasaw Nation.

EXECUTIVE MANSION,

WASHINGTON, April 11, 1899,

APPROVED: WILLIAM McKINLEY.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

April 6, 1899.

The Honorable

The Secretary of the Interior.

Sir;

Enclosed, herewith, is a report, dated March 29, 1899, from Inspector Wright, transmitting an Act of the Chickasaw Legislature, making appropriation of \$850 for the purpose of translating and printing the Choctaw and Chickasaw agreement, the Curtis Act, and an Act passed by Congress, taking effect on January 1, 1898, governing tribal courts of the Indian Territory.

The idea seems to be to publish the acts in question, in the language of the Chickasaw Indians, to be distributed among those who do not read and understand English. The purpose seems to be a proper one, and the appropriation is not excessive, in any way.

I therefore have the honor to recommend that the Act be approved.

Very respectfully,
Your obedient servant,

A.C. Tonner,
Acting Commissioner.

(K.S.M.)

P.

DEPARTMENT OF THE INTERIOR,
Washington.

April 8, 1899.

The President,

Sir;

I have the honor to submit herewith for executive action, under the provisions in section 29 of the Act of Congress approved June 28, 1898, (30 Stat., 495), an act of the Legislature of the Chickasaw Nation entitled; "An Act providing for Translation and Publishing of the Atoka Agreement, Curtis Act, and an Act of Congress of the United States governing the Tribal Courts of the Indian Territory."

Section 1 of said Act makes an appropriation of \$850.00 for the purposes set out in the title of said Act.

Section 2 authorizes the Governor of said Nation to enter into a contract with certain persons therein named for the publishing and translation of said agreement and Acts, "and to include same in the new law books all ready under their contract, and upon completion of the above work the Governor of the Chickasaw Nation shall issue his certificate on the National Auditor who shall issue his warrant on the National Treasurer in payment of the same."

Said Act was approved March 23, 1899.

The U.S. Indian Inspector for the Indian Territory thinks that the sum appropriated for publishing and translating the Acts referred to is excessive, but says there is no doubt that the publication is necessary, and if said Act is considered sufficiently specific in

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the requirements for the amount to be paid, he recommends that the same be approved.

The Acting Commissioner of Indian Affairs, in forwarding said Act, states: "The purpose seems to be a proper one, and the appropriation is not excessive, in any way," and he recommends that the Act be approved.

It seems to be desirable that the Acts referred to be printed and translated into the language spoken by the Indians, in order that they may have an intelligent understanding of the requirements contained therein. I have, therefore, to recommend that said Act be approved.

A copy of the report of the Commissioner, together with the letter of the Indian Inspector, is enclosed herewith.

Respectfully,

E.A.Hitchcock

Secretary.

Ind.Ter.Div.
996-1899.
3 enclosures.

DEPARTMENT OF THE INTERIOR,
Washington.

April 14, 1899.

J. George Wright,
U.S. Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir;

Enclosed herewith you will find an act of the Chickasaw Nation entitled: "An Act to provide for translation and publishing of the Atoka Agreement, Curtis Act, and an Act of Congress of the United States governing the tribal courts in the Indian Territory."

Said act was submitted to the President for executive action on the 8th instant, and was approved by him on the 11th instant. You will forward the same to the Executive Secretary of the Chickasaw Nation.

You will find enclosed herewith said departmental letter, together with a copy of the report of the Acting Commissioner thereon.

Respectfully,

E.A. Hitchcock.

Secretary.

Ind. Ter. Div.
996-99.
3 enclosures.

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency Number 115. Received Apr 20, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, April 14, 1899. Secretary.----Returns Chickasaw Act authorizing publishing of Agreement, etc. Approved--

CHICKASAW - MARRIAGE

Nov. 3, 1899

H.R. Bill No. 45

AN ACT AMENDING AN ACT ENTITLED "AN ACT REQUIRING ALL NON-CITIZENS TO REMAIN IN THE CHICKASAW NATION FOR A PERIOD OF TWO YEARS BEFORE THEY CAN PROCURE A LICENSE TO MARRY A CITIZEN OF THIS NATION."

APPROVED OCTOBER 19th, 1876, AS AMENDED SEPTEMBER THE 24th, 1887.

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WHEREAS, It appears that the Chickasaw inter-marriage laws are abused by designing persons for the purpose of further attempting to acquire property rights in the Chickasaw Nation, and

WHEREAS, A compliance or non-compliance with such Chickasaw inter-marriage laws, has no effect upon the legality of an inter-marriage under and by the authority of the laws of the United States, heretofore put in force by Congress;

Therefore,

BE IT ENACTED BY THE LEGISLATURE OF THE CHICKASAW NATION;

That section I of the Act of October 19th, 1876, as amended by the Act of September 24th, 1887, entitled "An act requiring all non-citizens to remain in the Chickasaw Nation for a period of two years before they can procure a license to marry a citizen of this Nation" be amended so as to read as follows:

Section I. That before a non-citizen can procure a license to marry a citizen of this Nation, he or she shall be of good moral character and industrious habits, and shall have resided in the county where such marriage license is sought to be procured, for a period of two years immediately preceeding such application, and shall be recommended by ten good and responsible citizens by

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blood of this Nation; and such citizens shall certify that the applicant is of good moral character and industrious habits, and has resided in the county where such license are sought to be procured for a period of two years immediately preceeding such application; and the County Judge being satisfied with the petition shall grant the license to marry under the existing law, and the person so applying for such marriage license shall pay the sum of one thousand dollars, five of which shall be retained by the County Judge issuing such license, and nine hundred and ninety-five dollars shall be placed in the national treasure of the Nation for national purposes; and that this Act take effect from and after its passage and approval by the President of the United States.

Recommended by Guy Keel.

Passed the house this the 2nd day of Nov.1899.

(signed)Joe Newberry

Speaker of the House

Attest:

Signed-M.C.Murray

Clerk pro tem.

Passed the Senate, this the 3rd day of Nov.1899.

Signed-Dave Seely

President of the Senate.

Attest:

signed-J.W.Byrd

Secretary of the Senate.

Approved Nov.3,1899

signed-D.H.Johnston,

Governor of the Chickasaw Nation.

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Attest:

(Signed) C.D.Carter,
National Secretary.

(Endorsed) Union Agency No.64 Relative----Copy of Chickasaw
Marriage Law.-----

DEPARTMENT OF THE INTERIOR,
Washington.

December 8, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), an act of the Chickasaw Nation entitled "H. R. No. 45, An Act amending an Act entitled 'An Act requiring all noncitizens to remain in the Chickasaw Nation for a perior of two years before they can procure a license to marry a citizen of this nation', approved October 19th, 1876, as amended September the 24th, 1887."

Said act was approved by the Governor of said nation November 3, 1899.

The preamble recites that the Chickasaw intermarriage laws are abused by designing persons for the purpose of attempting to acquire property rights in the Chickasaw Nation; that a compliance or noncompliance with such laws has no effect upon the legality of an intermarriage under and by authority of the laws of the United States in force in said nation.

Section 1 of said act amends section 1 of the act of October 19, 1876, as amended by the act of September 24, 1887, entitled "An Act requiring all non-citizens to remain in the Chickasaw Nation for a period of two years before they can pro-

cure a license to marry a citizen of this Nation," so as to require that before a noncitizen can procure a license to marry a citizen of the Chickasaw Nation he or she shall be of good moral character and industrious habits, and shall have resided in the county where such license is sought to be procured for a period of two years immediately preceding such application, and shall be recommended by ten good and responsible citizens by blood of said nation, and such citizens shall certify that the applicant is of good moral character and industrious habits, and has resided in the county where such license is sought to be procured for a period of two years immediately preceding such application; that the County Judge, if satisfied with the petition, shall grant the license to marry under the existing law, and the person so applying for such marriage license shall pay the sum of one thousand dollars, five of which shall be retained by the County Judge issuing such license, and nine hundred and ninety-five dollars shall be placed in the National Treasury of the nation for national purposes.

In response to a letter from the Governor of the Chickasaw Nation, Commissioner A. S. McKennon of the Commission to the Five Civilized Tribes states that

"That prospect of an early division of the lands and other property of the Choctaw and Chickasaw Nations in the Indian Territory, approximating in value the sum of \$3,000 per capita,

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together with the fact that persons who intermarry with the members of those Nations under their laws will probably receive a per capits share in such distribution, has caused a rush in the matter of intermarriages between white persons - particularly white men - and Choctaw or Chickasaw citizens, and this, for the past several months, has obtained to a shocking degree. Men of all ages, many of them purely adventurers are searching out marriageable women, with little or no regard to congeniality or fitness, or to the questions of age or personal appearance, and securing licenses as required by the law and intermarrying with them. As may be plainly seen this is done for the purpose only of securing property rights as members of the tribes. This desire is unblushingly indulged with no effort whatever to conceal the purpose of the unions thus made, and the result may be easily foreseen: abandonment of the women so taken for wives when the men have secured title to their lands with, possibly, a conveyance by the wife of her share of the land to them."

The Commissioner concludes: "The members of this Commission have seen so much of the abuses hereinbefore described that they feel no hesitancy in recommending the approval of this Act of the Chickasaw Legislature."

Said act is also recommended for approval by the United States Indian Inspector for the Indian Territory, whose recommendation is concurred in by the Commissioner of Indian Affairs.

In view of the representations made by Commissioner McKennon and said reports of the United States Indian Inspector and the Commissioner of Indian Affairs, I have to recommend that said act be approved.

The letters of Commissioner McKennon and the United States Indian Inspector for the Indian Territory, together with the report of the Commissioner of Indian Affairs, are enclosed

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herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.
3556-1899.
4 enclosures.

(Endorsed) Union Agency No. 478. Received Dec. 26, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, Dec. 19, 1899. Secretary---Returns Chickasaw Act requiring residence in nation of 2 years before non-citizen shall intermarry.

APPROVED.

H/R Bill No.45.

EXECUTIVE DEPARTMENT
Chickasaw Nation.

Tishomingo City
December 18, 1899.

I, C. D. Carter, National Secretary of the Chickasaw Nation, do hereby certify that the foregoing is an Act of the Legislature of the Chickasaw Nation, passed at its regular session November 1899, as is evidenced by the official signatures of the presiding officers of both houses of said Legislature, and approved by D.H. Johnston, Governor of said Nation, in his official character on Nov.3, 1899, and I do hereby submit the same for the approval of the President of the United States under the provisions of the agreement concluded on the twenty-third day of April 1897, at Atoka, Indian Territory, between the United States and the Choctaws and Chickasaws, and the Act of Congress of June 28th, 1898, entitled, "An Act for the protection of the people of the Indian Territory, and for other purposes."

IN WITNESS WHEREOF, I have hereunto signed my name as National Secretary of the Chickasaw Nation, on this 6 day of November, 1899, and caused the Great Seal of the Chickasaw Nation to be affixed.

(Signed) C.D.Carter

National Secretary Chickasaw Nation.

EXECUTIVE MANSION
Washington, D.C. December 18, 1899

Approved William McKinley.

CHICKASAW - MINERALS

Dougherty, I.T.

Jany. 24, 1899.

Mr. Bigby:

Kind Sir:

I received your letter today. I have the quarry fenced and have had it fenced for a long time and know must I take my fence away. There are parties here are taken stone out of the quarry and building with the stone there are one stone building going up know know I ask you what to do must I notify them knot to get any more stone or knot I dont want to lay my self liable to the laws to do right the stone are all ways bin mine but you say I must knot sell any; know please write me what to do. It looks very hard that noncitizens can take the my stone and build store houses and pay nothing for the stone and make money out of it when I am knot aloud to do it; there are a large store house being built here know with my stone and I am knot aloud to have one cent for it. Must I lock the gates to my stone quarry or must I let them go on building there are a great deal of stone being used here know in our town building houses chimnies sellars found rations and other ways must I give all up to those people witch ought to be mine. There has bin a little town built between the quarry know and the farm and the quarry lies on a part of the section. The town are on there about 25 or 30 acres of good land near by the quarry. Know I have explane the best I can about it to you. Know please tell me what to do. I ask nothing only what is right. I dont want to do nothing wrong that is why I write this to you.

Please answer this letter as soon as you can so I will know
2231.

what to do about the stone for the building.

Yours respectfully,

J.T.Johnson.

(Endorsed) Union Agency No.2231 Recd.Jan.30,1899 J.T.Johnson,
Dougherty,I.T. Jan. 24,1899----Rel. to a stone quarry.----

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ACCOUNTS PAYABLE

ATOKA COAL AND MINING CO. To, D.M. Wisdom, U.S. Indian Agent Dr.
 Union Agency, Muskogee, I.T.
 Account, Chickasaw Nation.

Date Voucher Made Feb. 20, 1899.

Date Liability Incurred.
 Jany. 1899.

FOR and in full for royalty due the
 United States account of the Chickasaw Nation,
 on coal mined by the Atoka Coal and Mining Co.
 during the month of Jany. 1899 as directed by the
 Interior Department, Washington, D.C. under an
 amendment issued Jany. 6, 1899 effective Jany. 1,
 1899, to rules and regulations governing Mineral
 leases &c. Approved Nov. 4, 1898.

Said royalties as provided therein being paid
 through the Indian Agent in charge of the Union
 Agency under circular instructions issued by the
 Interior Department, dated July 21, 1898.

Mine No. 5	9.562	<u>05</u>	tons @ $2\frac{1}{2}$	\$239.05	
Mine No. 6	10.376	<u>00</u>	" " "	259.40	\$498.45

State of Missouri,)
) -ss.
 City of St. Louis)

R.M. McDOWELL, being duly sworn according to the law, doth
 depose and say that he is Vice-President and General Manager of
 the Atoka Coal and Mining Co.; that the foregoing is a true copy
 of an original account received during the month of January 1899,
 from J.S. Cameron, Cashier of the Atoka Coal and Mining Co.,

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Lehigh, I.T.; that it has been examined and found to be correct to the best of his knowledge and belief.

R.M McDowell.

Subscribed and sworn to before me, this 23rd day of February, 1899.

My commission expires Sept. 2, 1900.

Henry G. Herbel.

Notary Public, City of St. Louis.

I CERTIFY, that the above is a true copy of an original account rendered by J.S. Cameron, Cashier, duly authorized and approved for payment by R.M. McDOWELL, General Manager; that the same has been examined by me and found correct; that it has been duly registered and filed in General Auditor's Office.

S.B. Schmzler

General Auditor.

By A. Furmiss.

RECEIVED of ATOKA COAL AND MINING CO. Four hundred, ninety eight and -----45/100-----dollars, in full of above account.

(Endorsed) Union Agency No. 233 Accounts payable ATOKA COAL AND MINING CO. DISBURSEMENT VOUCHER----for Royalty for month of January, 1899. amount \$498.45----Received at Union Agency, Muscogee, I.T. February 25, 1899.----

Feb. 20, 1899

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ACCOUNTS PAYABLE

OSAGE COAL AND MINING CO., To D.M.Wisdom, U.S. Ind. Agt. Dr.
Union Agency, Muskogee, I.T.
Account, Chickasaw Nation.

Date Voucher made Feb. 20, 1899.

Date Liability Incurred.

January 1899.

FOR and in full for royalty, due the
United States account of the Chickasaw Nation,
on coal mined by the Osage Coal and Mining Co.
during the month of January 1899.

As directed by the Interior Department,
Washington, D.C. under an amendment issued Jan'y.
6, 1899 effective January 1, 1899 to rules and
regulations governing mineral leases reapproved
November 4, 1898.

Said royalties as provided therein
being paid through the Indian Agent in charge
of the Union Agency under circular instructions
issued by the Interior Department, dated July
21, 1898.

Mine No. 5	5.775 <u>95</u>	tons @	2 $\frac{1}{2}$	\$144.40	
Mine No. 10	1.707 <u>75</u>	" "	"	42.69	
Mine No. 11	10.341 <u>20</u>	" "	"	258.53	
Mine D. & S.	4.276 <u>40</u>	" "	"	<u>106.91</u>	\$552.53

State of Missouri,)
City of St. Louis.,) -ss.

R.M. McDOWELL, being duly sworn according to the law, doth

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depose and say that he is Vice-President and General Manager of the Osage Coal and Mining Co.; that the foregoing is a true copy of an original account received during the month of January 1899, from T.W.Clelland, Cashier of the Osage Coal and Mining Co., Krebs, I.T.; that it has been examined and found to be correct to the best of his knowledge and belief.

R.M.McDowell.

Subscribed and sworn to before me, this 23d day of February 1899.
My commission expires September 2, 1900.

Henry G. Herbel

Notary Public, City of St. Louis.

I CERTIFY, that the above is a true copy of an original account rendered by T.W.Clelland, Cashier, duly authorized and approved for payment by R.M.McDOWELL, General Manager; that the same has been examined by me and found correct; that it has been duly registered and filed in General Auditor's Office.

S.B.Schmzler General Auditor.

By A. Furmiss.

RECEIVED, of OSAGE COAL AND MINING CO. Five hundred, fifty two--
and-----53/100---dollars, in full of above account.

(Endorsed) Union Agency No. 232 Received at Union Agency Muskogee,
I.T. February 25, 1899. ACCOUNTS PAYABLE **OSAGE COAL AND MINING CO.
DISBURSEMENT VOUCHER. For Royalty --January 1899--amount \$442.53----

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J. BURRIS,
Coal and Asphalt Trustee,
Chickasaw Nation.

Tishomingo, Ind. Ter. May 11, 1899.

Mr. J. Geo. Wright,
U.S. Indian Inspector,
Muskogee, I.T.

Sir:

I am in receipt of your letter under date of April 29, 1899, informing me that the act of the Chickasaw Legislation, entitled "An Act fixing salary of Chickasaw Coal Trustee" was approved by the President of the United States on April 17, 1899, and that the National Secretary had been duly notified of the action thereon.

I wish to say in this connection that upon receipt of the above information, also after having been notified by the National Secretary that the Act had been approved, I went to the National Secretary for a certificate to the National Auditor for a warrant which I think is due me under this act for the number of quarters that I have worked since my qualification. He (the Secty) seemed to doubt whether under the act he had the authority to issue certificate as I desired, but thought he could only issue from the time the time the President approved the act, so you see by this construction I will not be allowed to draw a warrant until three months from the date of the President's approval of the act and will not, under this act, be allowed anything for my services rendered, previous to the approval of same.

I would respectfully ask your construction of the law.

Very respectfully,

L.C.Burris

Trustee C.N.

(Endorsed) Union Agency No.1023 Received May 15,1899 Office of
U.S.Indian Inspector for Indian Territory.Tishomingo,I.T.,May
11,1899.L.C.Burris.-----Relative to warrants for his salary as
Trustee-----

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DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 9, 1899.

United States Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your communication of the 1st instant, in which reference is made to your former letter transmitting leases of the Brunswick Asphalt Company of mineral lands for asphalt in the Chickasaw Nation, and enclosing a certified copy of articles of incorporation to be attached to said leases, with the request that the original charter submitted with said leases be returned to you and that this certified copy take the place of said original charter which the Brunswick Asphalt Company desires to be returned to them.

You will find enclosed herewith the original charter of said company which you will duly transmit to the company.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.
3399,3574-1899.
1 enclosure

(Endorsed) Union Agency # 461, received Dec. 18, 1899. Office of U.S. Indian Inspector for I.T. Washington, Dec. 9, 1899. Secretary Returns original charter of Brunswick Asphalt Co.

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Land
2749-1900

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,

Washington,
January 17, 1900.

J. Geo. Wright, Esq.,
U.S. Indian Inspector,
Muscogee, Ind. Ter.

Sir:

There is herewith enclosed, a letter from the Hon. Roger Q. Mills to Hon. R. B. Hawley, relative to certain oil leases in the Chickasaw Nation, Indian Territory.

Mr. Mills alleges that application was made by his son, Charles, in June last, for oil leases in the Chickasaw Nation; that the land was surveyed, report made, and that \$500 was paid in advance on five leases of 960 acres each; that a proper bond has been executed and forwarded to the mineral trustees at McAlester, but that the approval of the lease or leases has been much delayed. All of which is fully set forth in the said enclosed letter.

Mr. Mills seeks to set in motion an inquiry relative to this delay, and it is, therefore, the wish of this office that you will please take the matter in hand for investigation, and report your findings at your earliest convenience.

Very respectfully,

W. A. Jones

Commissioner.

C. F. H. (B)

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(Endorsed) Union Agency No.547 Received Jan.20,1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Jan.17,1900. Commissioner.----Refers letter of Hon.R.Q.Mills relative to applications of his son Charles for oil leases, Chickasaw Nation.----

COMMISSIONERS:

TAMS BIXBY,
THOMAS B.NEEDLES,
C.R.BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
Commission to the
Five Civilized Tribes.

Muskogee, Indian Territory,
August 18, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

There is returned you herewith letter prepared at your office, under date of August 16, 1904, to Gibson _ Cassidy, Tishomingo, Indian Territory, together with copy of reply prepared at this office in lieu thereof.

Your office will in the future be governed accordingly in the furnishing of information relative to names and addresses of allottees, in response to inquiries of this character.

Respectfully,

T.B.Needles,

Commissioner in Charge.

AB.1-18-a

(Endorsed) Union Agency No.3318 Received Aug.22,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory,Regarding--- addresses received from Post Office that persons developing oil and asphalt on their allotments, might be communicated with regarding same.-----

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
Commission to the Five
Civilized Tribes.

Tishomingo, Indian Territory,
August 16, 1904.

Gibson & Cassidy,
Tishomingo, Indian Territory.

Gentlemen:

Replying to your letter of August 12, 1904, you are
advised that the records of this office show the post office
addresses of persons mentioned in your letter to be as follows:

Elain Charley, Lukfata, Indian Territory;
Sampson Williams, Garvin, Indian Territory;
Eliza Duncan, Wyley, Indian Territory;
Charles Howard, Wyley, Indian Territory;
Nellie John, Wyley, Indian Territory;
Caroline Miller, Antlers, Indian Territory;
Daniel Miller, Antlers, Indian Territory;

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory,
August 19, 1904.

Gibson & Cassidy,

Tishomingo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 12, in which you ask the post office addresses of several persons named therein, and state that you desire this information in order that you may communicate with these persons relative to the development of the oil and asphalt on their allotments.

In reply to your letter you are advised that the Commission cannot undertake to furnish information of this character.

Respectfully,

Chairman.

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Land
25310-1900

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, May 29, 1900.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of May 12, 1900, addressed to Inspector Wright, with which was enclosed a communication of May 10, 1900, from Mr. Clarence B. Douglas requesting certain information relative to the applications of the Arbuckle Asphalt and Mining Company for certain mining leases in the Chickasaw Nation, Indian Territory, which was referred to Inspector Wright for consideration and immediate report, there is transmitted herewith, a report from Inspector Wright dated May 23, 1900, in which it is stated that replying to office letter of May 1, 1900, enclosing letter of April 30, 1900, from Mr. Douglas relative to the applications of the Chickasaw Oil and Asphalt Company for leases of certain lands in the Chickasaw Nation, information as to the status of the applications of the Arbuckle Asphalt and Mining Company was furnished this office.

Inspector Wright further states that the Arbuckle Asphalt and Mining Company originally executed with the mining trustees, 7 leases, that these were informally presented to the Honorable Secretary of the Interior by him during his recent visit to Washington; that he was directed to notify said company that the

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Secretary would not consider so many leases with one company; that if said company desired to make application for one tract of 960 acres, that it would be considered and that on May 15, 1900, he addressed a letter to Mr. J. F. Sharp of the Arbuckle Asphalt Mining Company, in which it was stated:

"In reply you are respectfully advised that the Honorable Secretary of the Interior is not granting more than one lease to any asphalt company, it being considered that a lease of 960 acres will contain as much asphalt as can be worked out by any one company during the life of a lease. If your company desires to make application for one lease covering a portion of the lands originally applied for, same will receive due consideration."

Inspector Wright further states that since said time, he has not heard any thing from said company and that a protest has been filed in his office by John H. Chambers of Purcell, Indian Territory, against the issuing of a lease to the Arbuckle Company for the land covered by its original application No. 1, and that said protest is now pending in his office awaiting the further action to be taken by said company.

Referring to that portion of Inspector Wright's report which mentions the reference by this office of a letter from Mr. Douglas relative to the applications of the Chickasaw Oil and Asphalt Company, I have the honor to advise you that Inspector Wright furnished the office with the desired information in a report dated May 17, 1900, and that Mr. Douglas was furnished said information by this office, in a letter dated May 23, 1900.

Very respectfully,
Your obedient servant,

A. C. Tonner

Acting Commissioner.

G. A. W. (B)

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(Endorsed) Union Agency No.816 Received June 5, 1900 Office of U.S.Indian Inspector for Indian Territory. Washington, May 31, 1900. Secretary.----Approves report on letter of Clarence B.Douglas, in re applications of of (Sic) Arbuckle Asphalt Co.

DEPARTMENT OF THE INTERIOR,
Washington.

July 31, 1900.

United States Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your communication of the 19th instant, forwarding a communication from Mr. S. A. Walker, Vice President of the Acme Cement Plaster Company, of St. Louis, Missouri, in which he states that they desire to procure a lease of cement lands in the Chickasaw Nation for the purpose of manufacturing cement plaster, and desiring to be advised if such lands can be leased either from the Government or from the individual Indians who claim the lands as their allotments.

Reference is made by you to the opinion of the Assistant Attorney General on May 14, 1900, approved by the Department, in which it was held that no mineral other than coal and asphalt could be leased by the Department in the Choctaw and Chickasaw Nations.

You request to be advised if individual Indians can make such leases, and, if so, whether said leases shall be submitted and approved by the Department.

The Acting Commissioner of Indian Affairs in forwarding your said communication under date of July 27th, states that "It is clear that the Mining Trustees for the Choctaw and Chicka-

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"saw Nations have no authority to enter into a lease for the
"mining of cement plaster, and I am unable to find any Statute
"which would authorize an individual Indian to enter into such
"a lease," and he expresses the opinion that it would be bad
policy to encourage the making of such leases even though such
action might be legal. He recommends that you be advised that
the Department is unable to aid said company in securing a lease
of the lands which it desires.

The Department concurs in the opinion expressed by the
Acting Commissioner, and returns the papers transmitted in your
communication, together with a copy of the Acting Commissioner's
report.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
2485-1900.
3 inclosures.

(Endorsed) Union Agency No. 974 Received Aug. 6, 1900 Office
of U.S. Indian Inspector for Indian Territory. Washington,
July 31, 1900. Department. ---- Unable to aid Acme Cement
Plaster Co. in procuring a lease in Chickasaw Nation.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

October 9, 1900.

United States Indian Inspector
for the Indian Territory,
Muscogee, I. T.

Sir:

The Department is in receipt of your communication of the 28th ultimo, enclosing therewith a letter from the Honorable D. H. Johnston, Governor of the Chickasaw Nation, nominating Mr. Charles D. Carter as Mining Trustee for the Chickasaw Nation, in place of Mr. L. C. Burris whose time will expire October 8th or thereabouts.

You state that Mr. Carter was, until recently, National Secretary of said nation, and that you do not know anything to his detriment, nor are you acquainted with his qualifications for the position. You also state that you do not know of any Chickasaw citizen better qualified, and it is presumed that the endorsement of the Governor is sufficient. You accordingly recommend that said nomination receive favorable consideration.

The Commissioner of Indian Affairs forwarded your said letter on the 4th instant, and states that the Indian Office knows of no reason why it should object to the appointment of Mr. Carter, and therefore recommends that he receive said appointment.

The position of Mining Trustee, under the agreement set out in section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), is a very responsible one, and while the Department desires to accede to the wishes of the Governor of the Chickasaw Nation as expressed in his said letter, yet it is considered necessary to be further advised concerning the qualifications of Mr. Carter, and especially whether he has had practical experience in mining operations,

and if so, to what extent.

You are therefore directed to ascertain, either from the Governor of the Chickasaw Nation or in any other manner you may deem advisable, whether Mr. Carter has had practical experience in mining operations, the extent thereof, and any other facts going to show that he is thoroughly qualified to perform the duties of Mineral Trustee for said nation. You will report to the Department as nearly as practicable the result of your investigation.

A copy of the report of the Commissioner of Indian Affairs is enclosed herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.
3344-1900.
1 enclosure.

(Endorsed) Union Agency # 1188 Received office of Indian Inspector for I. T. Oct. 15, 1900. Washington, Oct. 9, 1900. Secretary. Wants further report as to qualifications of C. D. Carter for Mining Trustee.

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DEPARTMENT OF THE INTERIOR,
Washington.

June 4, 1901.

I.T.D.530, 2127-1901.

United States Indian Inspector
for the Indian Territory,
Muskogee, I.T.

Sir:

On January 30, 1901, you made report concerning the operations of the Royal Cement Plaster Company in mining gypsum at Marlow, Chickasaw Nation, in accordance with directions in departmental letter dated August 15, 1900.

In accordance with your suggestion, the Department on February 11, 1901, referred the matter to the Assistant Attorney General for this Department for his opinion upon the legal status of said company, with a request for a suggestion as to the action that should be taken by the Department in the premises.

The Department is in receipt of the opinion of said officer dated June 1, 1901, which was approved the same day, in which he suggests that said company be given notice that it is occupying the land in question without authority of law, and that it must within a reasonable time, to be fixed in such notice, show cause why it should not be compelled to

vacate and remove from the land.

You will accordingly notify the officer of said company in accordance with said suggestion, and fix the time at thirty days within which answer should be made to the rule to show cause.

A press copy of the opinion of the Assistant Attorney General is inclosed herewith.

Respectfully,

E.A.Hitchcock.

Secretary.

1 inclosure.

(Endorsed) Union Agency No.2268 Received Jun.10,1901 Office of U.S.Indian Inspector for Indian Territory.Washington, June 4, 1901.Secretary.-----Encloses copy of opinion of Asst. Atty.Gen.Relative to, operations of Royal Cement Plaster Co.-----

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 3858-1902.

July 18, 1902.

United States Indian Inspector
for the Indian Territory,
Muskogee, Indian Territory.

Sir:

June 10, 1902, you transmitted the application of the Farmer Asphalt Company for a lease covering asphalt lands in the Chickasaw Nation, as follows: NE/4 of Sec. 29, NW/4, N/2 of SW/4, NW/4 of SE/4, and SW/4 of NE/4 of Sec. 28, T 2 N., R 6 E., containing 480 acres.

It appears that the company has sunk a shaft on the land desired about 146 feet, and has taken therefrom about 75 tons of asphaltum; that it has \$8,500. on hand for mining operations, and claims it will produce 2,000 tons the first year, 5,000 tons the second year, and 6,000 tons the third year. It is stated that the manager of the company is a resident of the Chickasaw Nation and engaged in asphalt mining business, having had seven years experience therein; and it appears that the company is a corporation organized under the laws of the Indian Territory, with a capital stock of \$50,000., \$10,000. of which has been subscribed and paid into the treasury for bona fide mining operations.

You and the Mining Trustees recommend that the application be approved, as it is believed that the parties are in earnest and will mine the material if it can be done profitably,

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and as they are amply able to operate a lease should one be granted.

The Acting Commissioner of Indian Affairs, June 20, 1902, reporting in the matter, concurs in your recommendation. The Department also concurring, the application has been approved and is returned herewith.

Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

(Endorsed) Union Agency No. 4476. Received. Jul. 24, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, July 18, 1902. Secretary----Application of the Farmer Asphalt Company, for asphalt mining lease in the Chickasaw Nation, Approved.

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Land.
48982-1902.

DEPARTMENT OF THE INTERIOR,
Office Of Indian Affairs,
Washington,

August 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made August 15, 1902, by Inspector Wright, forwarding a lease entered into in quadruplicate on July 5, 1902, by the Mining Trustees of the Choctaw and Chickasaw Nations and the Ardmore Coal & Power Company, of Ardmore, Indian Territory, for the following lands in the Chickasaw Nation:

SE/4 of SE/4 of section 8; S/2 of S/2 section 9; W/2 of SW/4 and SW/4 of NW/4 section 15; N/2, and SE/4, and NE/4 of SW/4 section 16; NE/4 of NE/4 section 17; NE/4 of NE/4 section 21; and NW/4 of NW/4 section 22, T 5 S, R 2 E.

The application of said company was approved by the Secretary June 24, 1902, and the lease follows the application. The papers are in proper form and have been duly executed. Faithful compliance with the terms of the lease are guaranteed by a bond in the penal sum of \$50,000 by the U.S. Fidelity & Guaranty Co.

The Inspector recommends that the lease be approved and the office respectfully concurs in his recommendation.

Very respectfully,
Your obedient servant,
A.C. Tonner,
Acting Commissioner.

GAW
D
9 inclosures.
4690.

CHICKASAW - NATIONAL COUNCIL

Land.
12199-1905.

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
Washington.

March 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

January 13, 1905, the Acting United States Indian Inspector for the Indian Territory transmitted for Executive action an Act of the National Council of the Chickasaw Legislature, approved by the Governor November 19, 1905, entitled:

"An Act authorizing the Governor of the Chickasaw Nation to have a brief history of the Chickasaw Nation and its people printed and making an appropriation therefore."

January 30, 1905, the act was returned to the Inspector for the Indian Territory, with statement that it was vague and indefinite, and that the Office did not believe the information furnished was sufficient to warrant recommendation that it receive favorable Executive action. It was suggested that the author of the work, the magnitude thereof, the character of the history and the estimated expense, the size of the book, the character of the binding, the estimated cost of compiling, and the estimated cost of printing and publishing, be furnished.

I now have the honor to enclose a report from Inspector Wright, dated February 10, 1905, resubmitting the act. He agrees with the views expressed by this Office, and says the act is entirely too indefinite. It simply appropriates \$5,000 for

the Foley Railway Printing Company, without specifying in any manner the character of the work. Inspector Wright recommends the disapproval of the act. He suggests that he be directed to advise the Governor of the Chickasaw Nation of the action taken and the reasons therefore, and that if the legislature of said nation still desires to have compiled a brief history of the Chickasaw Nation and its people, and an act covering the points raised by this Office is passed, it will receive such consideration as the showing and facts warrant.

For the reasons set forth by the Inspector, I believe that the act should be disapproved, and I concur in his recommendation that it be submitted to the President for Executive action, with request that he disapprove the same.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

GAW-Ma

(Endorsed) Union Agency No. 11297 Received Mar 28, 1905 Office of U.S. Indian Inspector, for Indian Territory. Washington, Mar. 21, 1905. Secretary.-----Chickasaw Act making appropriation for printing a history of Chickasaw People, disapproved by President, March 18, 1905.-----

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 4545-1906.

April 27, 1906.

The United States Indian Inspector

for Indian Territory. Muskogee, Ind. Ter.

Sir:

On April 30, 1906, the Department sent a telegram to Hon. Douglas H. Johnston, Tishomingo, Indian Territory, as follows:

You are requested to forward to the Department for the consideration of the President the original acts of the Chickasaw Nation, duly certified, as required by law, said acts being entitled as follows:

An act to increase the salary of the Governor and Members of the Legislature of the Chickasaw Nation, approved April 1, 1904, and also.

An Act authorizing and requesting the Governor and the Treasurer of the Chickasaw Nation to borrow the sum of \$26,195.35 to pay the expenses of the present session of the Legislature, exclusive of the \$4 per day allowed by law, for the expenses of the members and officers of the present session of the Legislature, approved December 20, 1905, and

An Act appropriating a sum of money sufficient to defray the expenses of the present session of the Legislature from and including the 4th day of September 1905, up to and including the 20th day of December, 1905, approved December 20, 1905.

-2-

On April 25, 1906, the Department received a telegram from Governor Johnston, dated April 23, 1906, in which he states: "Will instruct national secretary send acts as requested at once, D. H. Johnston, Governor."

Respectfully,

Thos. Ryan.
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

(Endorsed) Union Agency # 14025 Received May 3, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, April 27, 1906. Secretary. In re telegram sent the Governor of the Chickasaw Nation relative to certain Chickasaw acts.

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DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.20376-1906.

October 16, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

Referring to your report of September 26, 1906, transmitting an act of the National Legislature of the Chickasaw Nation, approved by the Governor September 18, 1906, offering a reward and making an appropriation to pay same for the arrest and conviction of the murderer or murderers of Ben C. Collins, you are advised that said act was approved by the President October 15, 1906. It is returned herewith for appropriate action.

A copy of Indian Office letter of October 10, 1906 (Land 85012), submitting your report, is inclosed.

Respectfully,

Thos. Ryan,

Through the Commissioner
of Indian Affairs.

Acting Secretary.

2 inclosures

(Endorsed) Union Agency No. 15775. Received Oct. 22, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Oct. 16, 1906. Secretary. Advises approval by the President of Act of Chickasaw National legislature appropriating \$1000 as reward for arrest and conviction of murderers of Ben C. Collins..

CHICKASAW - PER CAPITA

293

C O P Y.

Tishomingo, I. T., April 8, 1899.

Hon. J. Geo. Wright
U. S. Indian Inspector,
Muscogee, I. T.

Dear Sir:

Having been informed that papers have been filed with you protesting the per capita distribution, by parties setting up individual claims to that part of the Arrears of Interest, placed to the credit of the Nation under the title of "Incompetent funds", I feel it my duty on behalf of the Nation, to make some explanation of this matter that the Department may be fully advised in the premises.

I call your attention to the fact that there has been no "Incompetents" as a class, nor funds known as "Incompetent Funds" since our removal West of the Mississippi (See Art. II of the Treaty of 1833; and Art 4 and 6 of the Treaty of 1834.) All have shared equally, with but one exception, in all funds; and this claim, of these individuals is based upon that one, a payment made some years ago to supposed "Incompetnts" (Sic). We have a roll on which thay payment was made, and that payment was both unjust and unsatisfactory, and we could not tolerate such another fraudulent payment. The pay-rolls shows that some persons drew out of as many as eight or ten claims--these claims were established by parol testimony, only; we have no record of any testimony. I find from this roll that the parties who drew embraced the heads of the families of nearly the entire Chickasaw people, with very

-2-

few exceptions. Those who did not draw were generally those who did not contend for it. In many cases where there were contests over claims, "Compromises" were freely made, and thus they divided it, the loudest claimants securing the greatest number of shares.

The only just way, I believe, by which this balance of the Arrears of Interest, amounting to \$272,668.486, can be disposed of, is by an equal per capita distribution as provided for in said per capita payment Act.

On behalf of the Nation I ask that you disregard any and all such individual claims, and to approve of the per capita payment act.

Very truly and respectfully,

D. H. Hohnston,

Gov. Chickasaw Nation.

Stonewall, Ind. Ter.
May 21st 1899.

Hon. J. George Wright:

U.S. Indian Inspector

Muskogee, I.T.

Dear Sir:

I wish to explain some matter of facts in regard to the incompetent claimants in accordance with the Chickasaw Law creating the distribution of the incompetent passed and approved April 6th 1889. You will find that it provides for three commissioners to be appointed by the Governor to decide who is the heir of those old original incompetents by evidence of witnesses under oath and according to Section 6 of the same act when any case was allowed. The commissioners give a certificate attested by the clerk with seal attached, Upon which the auditor of Public accounts issued his warrent on the National Treasurer for the payment of same out of \$99,280.41 Chickasaw Incompetent fund. This was done in May and June 1889 and the heirs of those old Original Incompetents was paid off to the amount of 15 per cent of the original claim. The three commissioners that was appointed was (myself. H. Colbert) J. D. Collins, and Lewis Keel. The latter was chairman. We claim that the legislature of 1889 of April 6 has decided the question of the Incompetent fund and the law is still in force because it never has been repealed by another act, and we also

-2-

hold that the three commissioners that was appointed under the act of April 6, 1889 by Governor Wm. L. Byrd never have been discharged from duty by the appointment of others. I claim we are yet the commissioners on this incompetent fund under said act and still have the right to issue certificates for the amount due each incompetent claimant.

The recent legislation in providing for a per capita payment decided that there was no incompetents that the original incompetents had become extinct and the fund of the incompetents become National fund, but this is a false. There were some of the old original incompetents living at the time the claim was paid and there are at the present time still living. Some of the old original incompetents that proved up these claims under said act. The act itself is unjust and illegal because it proposes to take individual money belonging to individuals and make it national fund, for the purpose of per capita payment robbing the heirs and some of the old original incompetents themselves, to pay it to parties who have no right to it.

Hoping to hear from you soon, I remain,

Humphrey Colbert.

(Endorsed) Union Agency # 1084, Received May 22, 1899 Office of U.S. Indian Inspector for Indian Territory. Stonewall, I.T. May 21, 1899. H. Colbert. Relative to payment of Chickasaw Incompetent Funds.

DEPARTMENT OF THE INTERIOR.

Washington.

June 20, 1899.

United States Indian Inspector
for the Indian Territory.

Sir:

Referring to your communication of April 3rd, transmitting an act of the Council of the Chickasaw Nation, passed at a special session in March, 1899, entitled "An Act to provide for a per capita distribution to the Chickasaw people, and for other purposes," which was approved by the Governor of said Nation on March 23, 1899, you will find herewith a letter from H. E. Paine, dated the 19th instant, counsel for the Chickasaw Nation, in which he requests,

"That their application, for the payment of the interest on the Incompetent Fund to the citizens of the Chickasaw Nation per capita, may be referred to Inspector Wright, for an investigation and report respecting the practicability of a distribution of that interest per stirpes among the heirs (lineal and collateral) of the original Incompetents."

Inasmuch as it is deemed advisable that the Department shall have all the information practicable before passing upon the question, you will make a report in accordance with the request of Mr. Paine above set forth, at your earliest convenience.

Respectfully,

Ind.Ter.Div.
1330,1742-99
1 enclosure.
Through the

Tho. R. Ryan.
Acting Secretary.

Commissioner of Indian Affairs.

(Endorsed) Union Agency No.221.Received Jun.27,1899.Office of U.S.
Indian Inspector for Indian Territory.Washington,June 20,1899.
-Secretary---Encloses letter of Gen.H.E.Paine relative to per capita
appropriation Act, Chickasaw Nation.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 7, 1899.

United States Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir:

On the 24th of August last, the Department considered the provisions of the act of the Chickasaw Nation entitled "An Act to provide for a per capita distribution to the Chickasaw people, and for other purposes," under the appropriation in the agreement set out in section 29 of the act of Congress approved June 28, 1898 (30 Stat., P. 495). Said act of the Chickasaw Nation was approved by the Governor of said nation on March 22, 1899.

Section one of said act declares that the sum of \$272,668.486, including the amount placed to the nation's credit as "Incompetent Fund" by the United States Indian Office, "be and the same is hereby converted and appropriated for the distribution per capita among the Chickasaw citizens by a bonded officer of the United States Government, upon a roll prepared hereafter by the Chickasaw Nation."

In the preamble to said act it is stated that under article 5 of the treaty of May 24, 1834 (7 Stat. L., 450), "All funds including Incompetent Funds escheated to the Chickasaw Nation upon their removal to their new home west of the Mississippi, and said transfer to the general National Funds is hereby

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declared and confirmed, there being now no incompetents under the provision of said treaty."

The Department recommended that said act be disapproved by the President for the reasons set forth at length in said letter to the President, which was forwarded to you on September 7th, 1899, with said act which was disapproved by the President on August 24th last.

In Article IV of said treaty of May 24th, 1834, it is provided that the consideration received from the sale of reservations belonging to the incompetents, "shall remain as part of the general Chickasaw fund in the hands of the Government until such time as the Chiefs in Council shall think it advisable to pay it to the claimant or to those who may rightfully claim under said claimant, and shall so recommend it."

In said departmental letter to the President a quotation is made from Article VI of said treaty, and it is stated:

"It is quite manifest that the provisions of said Article VI do not warrant the conclusion that the funds belonging to the Incompetents "escheated to the Chickasaw Nation upon their removal to their new home west of the Mississippi" and there is no legal authority whereby the Chickasaw Nation can transfer said incompetent fund to the general fund of said Nation and disburse the same per capita to all of its individual members.

It will be noticed that the language of said section 29 is that the amount appropriated shall 'be placed to the credit of the Chickasaw Nation with the fund to which it properly belongs.'

While it is true that the said Incompetent Fund cannot be disbursed to the individual members of the Chickasaw Nation per capita, yet in view of the language in said 4th article it may be questioned whether the Department is authorized to disburse said fund to those incompetents whom it shall find entitled to a share

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in the same in the absence of any legislative action of the Chickasaw Nation requesting the same, or without express direction by act of Congress as to the manner of the disbursement of said Incompetent Fund. This question will receive further consideration by the Department."

In view of the provision in said Article IV relative to said fund, it is deemed advisable that the attention of the Governor of the Chickasaw Nation should be called to the same, and that he should be requested to recommend the passage of an act by the Legislature of the Chickasaw Nation requesting the Secretary of the Interior to ascertain the names of the persons and the amount of shares to which each of such persons may be entitled to receive under said treaty, in order that appropriate legislative action may be recommended to Congress authorizing the Secretary of the Interior to disburse said fund to those legally entitled to the same.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind.Ter.Div.
1330,2355-1899.

(Endorsed) Union Agency No. 368. Received Oct. 15, 1899. Office of U. S. Indian Inspector for Indian Territory. Department, Oct. 7, 1899, Secretary-----Rel. to Chickasaw Act to authorize a per capita payment.

DEPARTMENT OF THE INTERIOR,

Washington.

June 2, 1900.

United States Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir:

On August 10th last you made a report and recommendation in regard to the petition of the "Chickasaw Incompetents", in response to departmental letter of June 20, 1899.

On January 4, 1900, the Department referred to the Assistant Attorney General for the Interior Department the act of the Chickasaw Nation entitled "H. R. Bill No. 26 - An Act to provide for a per capita payment the Chickasaw people," requesting his opinion whether the so-called "Incompetents" and their descendants are entitled to any portion of the money mentioned in said bill, whether the Chickasaw Nation is entitled to the same, or any part thereof, and whether the distribution of said sum, or any part thereof, can be made by the United States Government under the provisions of said bill.

On January 18, 1900, the Assistant Attorney General rendered his opinion, which was approved by the Department on the same day, in which he held:

"that the so-called Incompetents and their descendants, if in existence and susceptible of identification, are entitled to that portion of said money stated in said bill that represents interest upon the principal of the Incompetent Fund; that the Chickasaw Nation is entitled to the remaining portion of said money, and that the distribution of money belonging to the Incompetent Fund cannot be legally made by the United States Government under said bill;"

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and that further legislation by Congress was necessary to enable the Department to make a legal distribution of the funds mentioned in said bill. A copy of said opinion was transmitted to you on April 13th last.

The Indian Appropriation Act (page 25), approved May 31, 1900 (Public No. 131), provides:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the act of June twenty-eighth, eighteen hundred and nine-eight, and credited to the 'incompetent fund' of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this Act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe and also the amount of such fund to which they are severally entitled, their respective shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred."

The Department desires a report from you relative to the best method of ascertaining the identity of the "incompetents" and the amount of the fund to which each may be entitled as his respective share, with such regulations as you deem necessary, and report the same through the Commissioner of Indian Affairs at the earliest practicable moment.

Your attention is called to the fact that the proof to be

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furnished by the "survivors of the original beneficiaries of said
"fund and * * * such heirs of deceased beneficiaries," must
be made "within six months from the passage of this Act," namely,
six months from May 31, 1900.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind.Ter.Div.

526-1899.

293-1900.

(Endorsed) Union Agency No.818 Received Jun.7,1900 Office
of U.S.Indian Inspector for Indian Territory.Washington,
June 2, 1900.SECRETARY.-----Relative to "Chickasaw Incompetents,"-
as to best method of ascertaining their identity, etc.-----

DEPARTMENT OF THE INTERIOR.

Washington.

November 2, 1900.

United States Indian Inspector
for the Indian Territory,
Muscogee, I.T.

Sir:

Referring to your letter of October 23, 1900, transmitting communication from the United States Indian Agent enclosing a communication from the Governor of the Chickasaw Nation dated the 19th ultimo, relative to the matter of taking testimony in connection with "incompetent" claims filed under the act of May 31, 1900 (31 Stat., 221), you are advised that a copy of the Governor's letter, received with a letter from him of the same date, was transmitted to the Commissioner of Indian Affairs on October 24, 1900, for report and recommendation; that on October 25, 1900, the Commissioner reported, and on October 26th the following telegram was sent by the Department to said executive: "Commissioner reports adversely to changing regulations on incompetent claims. Department concurs. Copy of report will be mailed to you." And the Commissioner of Indian Affairs was advised as follows:

"The Department is in receipt of your communication of the 25th instant (Land 52616-1900), acknowledging the receipt of departmental letter of the 24th instant transmitting for your consideration, report and recommendation, a letter dated the 19th instant from D.H. Johnston, Governor of the Chickasaw Nation, enclosing a copy of a letter written by him on said date to the United States Indian Agent at Muscogee, Indian

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Territory, relative to the method of the procedure provided for the establishment of claims to portions of the Chickasaw "incompetent" fund.

The Governor has been advised by wire that the regulations heretofore issued will not be changed, and also in writing to the same effect."

A copy of the Commissioner's letter of October 30th, reporting upon your communication, is enclosed.

The Commissioner recommends that you be informed that the instructions heretofore given in this matter will govern the Agent in determining the cases which may arise under said act.

The Department concurs in this recommendation, and you will proceed accordingly.

Respectfully,

F.E.Campbell

Acting Secretary.

Ind.Ter.Div.
3616-1900.
1 enclosure.

(Endorsed) Union Agency No.1312 Received Nov.8,1900 Office of U.S.Indian Inspector for Indian Territory.Washington, Nov.2, 1900, Secretary.----Former regulations on "Incompetent" claims will not be changed.----

Land
1861-1901

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
Washington,
January 14, 1901.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on Jan. 5, 1900, by J. Blair Shoenfelt, U.S. Indian Agent, Muscogee, I.T., through the Inspector for the Indian Territory, relative to the matter of certain claims filed by persons who allege that they are descendants of original Chickasaw incompetents.

Agent Shoenfelt states that 243 claims, aggregating something over \$175,000, have been filed in his office; that the evidence is extremely unsatisfactory, consisting of affidavits made by "standing witnesses;" and that frequently he finds by reference to the evidence book of 1889, which book contains a record of the evidence given at that time when certain other incompetent claims were paid, that persons claiming as heirs of certain of the original incompetents had received payment and that at the present time certain other persons claiming as heirs of the same original are demanding payment, the record made at this time and that made in 1889 being contradictory. He further states that in quite a number of instances two separate sets of claimants appear, alleging descent from the same incompetent. As illustrating this state

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of affairs, the Agent transmitted nine claims as samples of the character of those now on file in his office. It is his opinion that in but few, if any, of the claims would the Department be justified in ordering payment and he also states that he has "no hesitancy in stating that there undoubtedly are a number of persons in the Chickasaw Nation entitled to participate in this fund, but it certainly seems to me that they have failed to sufficiently establish their identity to justify the Government in recognizing them as incompetents or descendants of incompetents and of paying them the amounts claimed."

The Agent is evidently of the opinion that a further investigation should be had; that the claimants and their witnesses should be cross-examined; and that the Choctaw Nation should have the right to offer rebutting evidence should it desire to do so.

The act of May 31, 1900, provides that payments shall be made to those incompetents who within six months after the passage of the act establish their claims. The burden of proof necessarily rests upon the claimant. If he fails to establish his claim, his application for payment will be denied. The office does not understand that the Chickasaw National Government has been denied the privilege of examining the papers in the case or of filing evidence, and while it must be conceded that ex parte evidence is usually unsatisfactory and not to be relied on, nevertheless the exigencies of the case caused the Department to make the regulations which it did relative to the matter

-3-

of establishing these claims, and it seems to the office that it is too late now for the Agent to urge a different method of procedure, and as stated by him, the subject has been fully discussed and considered and he has been fully instructed in the premises.

It is respectfully suggested that, if upon examination of the papers herewith enclosed the Department is of the opinion that more time should be given to the claimants and to the Chickasaw Nation or that an Agent of the Department should be detailed to investigate and report upon these claims, then it might be well to recommend to Congress that the time for making proof or investigation or both be extended. If that course is not deemed best, then the office believes that the Agent should be instructed, and so recommends, to adjudicate the claims, making his report in each particular case and forwarding them to this office together with such records as he may have tending to in any wise throw light upon the character of the claimants, their genealogy, or their right to receive any part of the fund in question.

Very respectfully,
Your obedient servant,

W.A.Jones.

Commissioner.

W.C.V.(L'e)

(Endorsed) Union Agency No.1570 Received Feb.16,1901 Office of U.S.Indian Inspector for Indian Territory.Washington, January 25, 1901, Secretary.-----Relative to adjustment of Chickasaw Incompetent claims.-----

DEPARTMENT OF THE INTERIOR.

Office of the Assistant Attorney-General.

Ind.Ter.Div.
421-1901.

Washington, February 21, 1901.

The Secretary

Of the Interior,

Sir:

I have examined the papers relating to claims to share in the Chickasaw Incompetent fund, submitted with your letter of the 4th instant for my consideration.

The act of May 31, 1900 (31 Stat., 221), authorized and directed the Secretary of the Interior to pay out and distribute in the manner therein provided, the fund known as the Chickasaw "Incompetent Fund". The manner of payment was prescribed as follows:

First, there shall be paid to such survivors of the original beneficiaries of said fund, and to such heirs of deceased beneficiaries as shall, within six months from the passage of this act, satisfactorily establish their identity, in such manner as the Secretary of the Interior may prescribe, and also the amount of such fund to which they are severally entitled, their several shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid, shall be distributed per capita, among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund, not presented within the period aforesaid, shall be and the same are hereby barred.

Among the papers is a memorandum prepared in the Indian Territory Division, showing what action has been taken in respect to claims for a share of this fund. Public notice of the provisions of said act was given and many claims were presented supported by affidavits. The question now arises as to whether further evidence in support of such claims or against them may be received after the expiration of the period fixed in the law.

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A letter prepared in the Indian Office giving the agent at the Union Agency instructions in respect to claims under said act, was approved by this Department with a modification requiring notice to be given the Governor of the Chickasaw Nation of the filing of all claims. The Indian Agent, after receipt of this letter, issued a general notice July 23, 1900, for all persons to present their claims under said act before October 31, 1900, and in conclusion it was said in that notice:

After October 31st, parties having submitted claims will be duly notified of the time when they can appear personally before the United States Indian Agent, for the purpose of furnishing any additional desired information or proof.

By letter of October 12, 1900, the Commissioner of Indian Affairs instructed the agent that it was not contemplated that oral testimony should be taken but that it was intended that claimants should establish their claims by written evidence, that the time within which such claims must be established would expire November 30, instead of October 31, 1900, that no evidence in support of such claims could be received after November 30, and directed him to notify each person who had presented a claim that he would be required to file the evidence in support thereof prior to November 30, and to give public notice to the same effect in the same manner he had given the original notice. This action of the Commissioner of Indian Affairs was approved by the Department. Under date of October 15, 1900, the Agent issued a notice in which it was said that evidence in the shape of affidavits or depositions or documentary evidence in support of claims to share in said fund would be received at the Union Agency up to and including

-3-

November 30, 1900, and that the agent would not appear at any place in the Chickasaw Nation for the purpose of taking oral testimony, but all such claims must be established in the manner therein indicated and with the testimony pertaining thereto filed in the agent's office on or before November 30, 1900.

The agent has reported to the Indian Office that 243 claims, amounting to over \$175,000, have been filed; that the evidence is extremely unsatisfactory; that a reference to the Chickasaw book of 1889, which contains a record of the evidence taken when certain other "incompetent" claims were paid, shows that persons claiming as heirs of certain original "incompetents" were then paid and that now other persons claim as heirs of those same "incompetents"; that in a number of instances two separate sets of claims appear, alleging descent from the same incompetent," and that he has no hesitation in saying that undoubtedly there are a number of persons in the Nation entitled to share in this fund but that in his opinion they have failed to satisfactorily establish their identity and that the Department would be warranted by the evidence now submitted in paying but few of the claims presented. The Commissioner of Indian Affairs transmitted this report with his letter of January 15, 1901, saying:

The Agent is evidently of the opinion that a further investigation should be had; that the claimants and their witnesses should be cross-examined; and that the Choctaw (Chickasaw) Nation should have the right to offer rebutting evidence should it desire to do so.

The Commissioner after saying that under the law the burden of establishing a claim rests upon the claimant; that it is not understood that the Chickasaw Nation has been denied the privilege of filing

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evidence in respect to claims presented; that while ex parts(Sic) evidence is usually unsatisfactory the exigencies of the case caused the Department to adopt this plan, and that it is now too late for the agent to urge a different method of procedure, concludes with a recommendation as follows:

It is respectfully suggested that, if upon examination of the papers herewith enclosed the Department is of the opinion that more time should be given to the claimants and to the Chickasaw Nation or that an agent of the Department should be detailed to investigate and report upon these claims, then it might be well to recommend to Congress that the time for making proof or investigation, or both be extended. If that course is not deemed best, then the Office believes that the agent should be instructed, and so recommends, to adjudicate the claims, making his report in each particular case and forwarding them to this office together with such records as he may have tending to in anywise throw light upon the character of the claimants, their genealogy, or their right to receive any part of the fund in question.

By letter of January 25, 1901, the Department, referring to this report and accompanying papers, said:

The papers have been carefully examined and the Department concludes that under all the circumstances the agent should make a report upon each claim to your office, transmitting all papers in support thereof, and that you will forward each report with your recommendation thereon for departmental action. You will instruct the United States Indian Agent accordingly.

The law is plain and explicit that the claims to be paid before a distribution per capita among the members of the Chickasaw Nation were to be such as should be satisfactorily established within six ~~months~~ from the passage of the act. While the notice first given by the agent was in error and misleading as to the date at which the time for presentation of claims would expire and in that it indicated that claimants would be allowed to present further proof after the expiration of such period, yet the mistakes were corrected by the subsequent

-5-

notice, so that there seems to be no just cause for complaint because of these mistakes. This Department has no authority to extend the time prescribed by the act within which claims must be satisfactorily established and the papers now submitted do not, in my opinion, demonstrate a necessity for an extension by Congress. If such necessity shall hereafter be shown, action may then be taken.

As the matter is now presented the course adopted by the Department and the instructions given in said departmental letter of January 25, 1901, are, in my opinion, entirely proper.

The papers submitted are herewith returned.

Very respectfully,

(signed) Willis Vandevanter
Assistant Attorney-General.

Department of the Interior,
February 21, 1901,
Approved:
E. A. Hitchcock,
Secretary.

(Endorsed) Union Agency # 2066 received Apr. 22, 1901 office of U. S. Indian Inspector for I. T. Washington, February 23, 1901, Secretary. Transmits copy opinion Assistant Attorney General relative to modification of Dept. instructions as to payment of Chickasaw Incompetent Fund.

STATEMENT IN BEHALF OF THE INCOMPETENT CLAIMANTS OF THE CHICKASAW NATION.

TO THE HON. E. A. HITCHCOCK,
SECRETARY OF THE INTERIOR.

Sir:

In compliance with a request of Hon. J. Geo. Wright, United States Inspector for the Indian Territory we beg to submit this our second and a fuller statement in reference to the disposition of the Chickasaw Incompetent fund.

When the Chickasaws were preparing to abandon their Eastern for their Western home, Some sixty or seventy years ago, their respective reservations were sold. They had then Individual reservations. Then some of these Indians were considered quite competent to manage their individual affairs though others were not. This fact made a discrimination in the sales of said reservations, as is set forth in the fourth article of the treaty of 1834. According to said treaty we find that all the Chickasaws who obtained certificates of competency were allowed to sell their respective reservations for a fair consideration which consideration they were allowed to receive and enjoy as they saw fit. But the following clause of the 4th article of the treaty of 1834 directs the disposition of the reservations of those who were considered incompetent and were (Sic) unable to obtain a certificate of competency. The clause is as follows: "And where such certificate (Sic) is not obtained the same (the reservations) may be sold; but the consideration thereof shall remain as apart of the general Chickasaw fund in the hands of the government until such time as the Chiefs and Council shall think it advisable to pay to the claimant or to those who may rightly claim under said claimant and shall so recommend it".

Now this is the origin of the Incompetent fund which was at a subsequent date paid out to the incompetents. It was later developed that in said payment some incompetents did not receive their share of said fund and that some incompetents were wrongfully paid same. This fact is set forth and remedied by the following clause in the fourth article of the treaty of 1852: "It is also alleged by the Chickasaw that there are numerous cases in which moneys held in trust by the United States for the orphan and incompetent Chickasaws have been wrongfully paid out to persons having no right to receive the same. It is therefore further agreed that all such cases shall be investigated by the agent of the United States under the direction of the secretary of the Interior, and if it shall appear to the satisfaction of said secretary that any of the Orphans and Incompetents have (Sic) been defrauded by such wrongful payment, the amount thus missapplied (Sic) shall be accounted for by the United States as if no such payment had been made".

This, in accordance with the clause above quoted, was investigated by the Secretary of the Interior, in 1889, and in accordance therewith the government of the United States set apart as belonging to the Incompetents mentioned in said clause the sum of \$99280.41, leaving it to the Secretary of the Interior and the Chickasaw People to say who were intitled (Sic) to this fund. This sum was paid to the original Incompetent referred (Sic) to in above clause or their heirs. The names of said original (Sic) Incompetents were (Sic) ascertained (Sic) and furnished to the Chickasaw Nation by the Secretary of the Interior.

Now the question arises did this \$99280.41 belong to those Incompetents? And if so the interest on same for 48 years at 5% per annum allowed by the Atoka Agreement also belongs to them. The Opponents of the Incompetents deny their right to said sum and attempt to sustain said

denial by two allegations: The first is that the Incompetents are extinct or that it is impossible to ascertain who are the rightful heirs and second that the five year limitation set fourth in the 6th article of the treaty of 1834 converts said fund in to a national fund.

As to the first allegation we deny that all of the Incompetents are extinct or that it is impossible to ascertain the rightful heirs of said people. There are now, at least four original (Sic Incompetents living, whoes (Sic) names are or on the roll of the Incompetents furnished the nation by the Secretary of the Interior, in 1889. It further objected that there were some who by fraud received a part of this 1889 payment and this we admit is to be lamented yet it is no reason why those who honestly and rightfully established their claims should be rejected.

The following contains the essential sections of the enactment of 1889, by the Chickasaw Legislature, under which enactment said claimants were established:

"Sec. 1.- Be it enacted by the legislature of the Chickasaw Nation, that the Governor shall appoint three competent commissioners to be known and styled, Chickasaw Commissioners on Incompetent fund, and before said commissioners enter on their duties they shall take the oath of office before some judge of the Nation that they will hear and determine all claims presented by the incompetent claimants, and that they will decide on said claims, and that they will render a decision on the ground of right and justice. That the commissioners shall elect (Sic) one of their number chief commissioner and two of the commissions shall be a Quorum to transact business."

"Sec. 3. Be it further enacted that the commissioners are here by empowered under this act to administer oaths to witnesses and take depositions of all witnesses in the incompetent claim only, and to swear in the clerk, bailiff and interpreter for the commissioners, and make such rules and regulations to expedite the business of the commissioners".

Sec. 4.- Be it further enacted that the clerk shall keep the books and papers of the commissioner's court, and keep a minute book of all transactions. The bailiff shall open court and preserve order and arrest all disorderly persons and turn them over to the county sheriff (Sic) to be dealt with according to law. The duties of the interpreter shall be to interpret for the commissioners and claimant who has claims to present for adjudication and for their counsel in the case".

Now, from above enactments we must presume that the claimants to the fund of 1889 were established legally in the truest comprehension of the term and necessarily to this the interest on said fund. But if the Department be of the opinion that too many claimants to said fund were wrongfully established to allow the list of claimants so established to be the medium of designating to whom this interest money should be paid then must those whoes (Sic) undoubted identification as either original Incompetents or heirs of same be deprived of money which is placed to their credit? Because some have not satisfactorily established their claims does this justify the nation in depriving of a fund those who have and can again prove themselves to be the rightful claimants? The nation can not deny the existence of original incompetents or their heirs nor can the nation say that none can be identified as such, for numerous claimants can be established to the satisfaction of the nation and the Department.

Hence we are forced to know that there are both original incompetents and heirs whoes (Sic) identification can be established.

As to the second allegation of the nation that according to the sixth article of the treaty of 1834 this incompetent fund is converted into a national fund by a five years limitation, dating from

1834., we maintain that this limitation clause could not apply to this present fund for as we have shown, it was provided for in the treaty of 1852, article 4., -18 years later and there can be found no where in the treaty of 1852 a clause limiting the existance of this as an incompetent fund. If it is contended that the five years limitation refers to the incompetent fund then five years from 1834, or in 1839 the fund ceased to belong to the incompetents and went to the nation as a general fund. but the framers of the treaty of 1852 did not so interpret it according to its fourth article nor did the act of Congress in 1889 so construe it because said act appropriated the principal) \$99280.41 for the benefit of the incompetents. The Chickasaw Legislature also failed to give it this construction in 1889 and lastly it is not the interpretation of common sence and just reason that this limitation clause contemplated such extortion as to hold this individual money in trust for five years only and then rob the individual of his title to said trust fund forever.

We quote the language used in the treaty of '34 inreference to the five years limitation, insisted upon by the opponents of the incompetents, It is as follows "But where the estate, as provided in this article, comes to the children and having so come, either of them die, the survivor or survivors of them shall be entitled to the same. But this rule shall not endure longer than five years, nor beyond the period when the Chickasaws may leave their present for a new home".

It will be observed that this is in reference to those who should inherit in case one of the Incompetents die. And after saying, in effect, brothers and sisters- children of a decease incompetent- should inherit from each other, in case of the death of one of the brothers or sisters, they further say but this rule etc." Evidently refering (Sic) to the rule of children inheriting from each other.

Had they ment (Sic) as the other side claims that this was to trasfer (Sic) this fund to the nation at the expiration of five years we believe they would have said so and not have spoken of it as a Rule.

Now we are forced to the conclusion that there is an incompetent fund and that there are both incompetents and heirs of incompetents now living whoes (Sic) identity can be proven to the satisfaction of right and justice. If there are incompetents and an incompetent fund then what else is there to do but to pay the incompetents that which stands credited to them?

We repeat that the fact that the roll of claimants established by the act of '89 is not sufficiently reliable one is no argument against the existence of an imcompetent fund. And if some orriginal (Sic) incompetents are still living and there are heirs of other incompetents whoes (Sic) identity has been and can again be made a certenty (Sic) then it seems that they should have their share of this fund which stands to their credit. The gist of our whole contention is that there are incompetents and that there is an incompetent fund. Incompetents both orriginal (Sic) and those who can establish their identity as heirs to the dead ones to the satisfaction of any reasonable requirement. An incompetent fund which does not stand credited to the nation under the title of Incompetent fund but which stands belonging to the incompetents from which it takes its title.

On the roll of original incompetants there are 320 names so each one of the four living incompetents whoes (Sic) names appear on said roll should get 1/320th part of the incompetent fund. If the orignal be dead then those who can proove themselves to be the rightful heirs of said orriginal (Sic) should have 1/320 divided among them. Now the original roll furnished by the Secretary of the Interior, in 1889 shows that four original incompetents are still living and they contend for their 1/320 part of this incompetent fund. Also the heirs of other

incompetents who can establish their identity (Sic) as such to the satisfaction of any probate tribunal contend that this 1/320 part should be divided among them. In persuance of the foregoing statement we respectfully ask that the recent act of the Chickasaw legislature disbursing this fund as a percapita payment be disapproved by the President of the United States.

All of which is respectfully submitted,

Geo. W. Burris

Attorney for Incompetents.

Answer to Statement of Incompetents, offered and signed by
G. W. Burris, their Attorney.

Hon. E. A. Hitchcock,

Secretary of the Interior,
Througy (Sic) the Hon J. Geo. Wright,

U.S. Indian Inspector, at Muskogee, Ind. Ter.

Sir:- In answer to the brief signed by G.W. Burris Attorney for Incompetent claimants, (Sic) who under takes to explain the origin (Sic) of the Incompetent claims, and this interest in question, which he claims has accrued on the \$99,280.41, paid out to them in the year of 1889, by the Chickasaw (Sic) Legislature. I shall try to maintain my position and allegations I made in my general brief- here with enclosed - showing that the Incompetent claimants (Sic) (so called) have not got the right idea of their claim. The first mistake Mr. Burris makes in his brief in these words, "now this is the origin (Sic) of the Incompetent fund, which was at a subsequent date paid out to the Incompetents; it was later developed that in said payment some Incompetents did not receive their share (Sic) of said funds and that some "competents" were wrongfully paid the same". Now this is a mistake the competent did not receive the portion of the incompetents money which was charged wrongfully paid out to persons having no right there-to, but the Indian traders alleged to, in my brief, are the parties to whom it was paid and the remedy under the 4th article of the Treaty of 1852 making it the duty of the Secretary of the Interior to investigate and if satisfied of the facts, then the United States should make same good as if no payment had ever been made; this coincides with the treaty set up in my brief, and which was consummated (Sic) by the award of the Secretary of the Interior of the \$99,280.41, which thus now pretended claimants (Sic) drew as a final settlement (Sic) of all such claims in the premises in 1889, and in pursuance of the act of the Chickasaw Legislature said payment is fully explained in my general brief. Mr. B Burris in his brief uses this language, "now the question arises did this \$99,280.41, belong to those Incompetents? and if so the interest one (Sic) same for 48 years at five percent annum allowed by the Atoka agreement also belongs to them". I shall admit that the \$99,280.41 did belong to certain original Incompetents, it having been awarded by the Secretary of the Interior as full and final satisfaction (Sic) of their claims resulting from the circumstances, when the Indian traders fraudulently beat the said Incompetents out of their money claim in the U.S. Treasury more fully explained but I claim that this interest now in question did not accrue on this \$99,280.41, but it accrued on the Chickasaw trust fund, being the two items of principle named in said Atoka Agreement (Sic) of 1898, to wit on the sum \$184,143.09 and \$56,021.49, dropped (Sic) from the books (Sic) of the United States prior to Dec. the 31st and 1840 and March 1850 and restored in 1887, more fully explained in my general brief now then we must conclude from the contentions of these claimants (Sic) that they are seeking interest on the \$99,280.41, which has never as yet been allowed and which has no right to be allowed because the principle \$99,280.41, was excepted (Sic) as a final settlement (Sic) of all such claims in the premises besides there is now law or treaty which pays interest to individual claimants (Sic) as I can find under the treaties of 1832, and 1834, under which their

claims originated and in as much as these claimants (Sic) now want interest on the \$99,280.41, and the Nation whom I represent and who claimed the interest on the \$184,143.09, and the \$56,021.49, there should be no controversy between us for we do not claim the same thing at all and you will see at once that the so called incompetent claimants (Sic) do not know but little about these old money claims as I alleged more fully in my general brief. Mr. Burris admits that some of the money of 1889 was paid out to the persons having no right to it, or fraudulently - and says it is to be lamented - but he now contends that there at least four of these Incompetents any how and he bases his claim principally for them out of the 611 Incompetents who drew in 1889 he is sure he can establish four and I do not doubt but that he can in the way and manner it was done in 1889, but if the claimants (Sic) be required to first prove by reliable or unimpeachable witnesses (Sic) just who the original Incompetents were whom he or she married - how many children were born under such marriage and these children grew up, and so on down the line, until it reached the present claimant (Sic) so as to establish the degree of relationship between the present claimant (Sic) and the original Incompetent, and likewise if there be no such lineal (Sic) heirs, then the collateral heirs, step by step as before and I claim that it would be an impossibility at this day and time the next contention of Mr. Burris, is shown by the act of the Chickasaw Legislature in sections 1, 3, and 4, of said act - to this I will say as in my general brief that the intention of this is good but I suppose he presents this to show how strict the requirements there of are I drafted this law and had it been complied with according to its design said money would not have been paid out because it was believed then as now that the claims could not be rightfully and justly established but an opportunity (Sic) was given and the claims established as stated in my general brief. Mr. Burris says this money now in question is placed to the credit of the Incompetents. why then does the Treaty say it is to be placed to the "Nation's" credit with the fund to which it properly belongs: meaning the "Nation's" fund to which it properly belongs? why was it not directed to be placed to the credit of the "Incompetent funds", if such it be? Again Mr. Burris undertakes to show and claim that of the interest in question, if such it be, claimed to be interest on the \$99,280.41 that the four original Incompetents he claims could be established should have one - three hundred and twentieth (1-320) part of said sum. Thus he is taking it from a proratta standpoint: here I think he has made another mistake, even if it should be held to belong to the original Incompetents: for the reason it could not be a fund to be prorated, it being an individual fund originally would still be individual because the reserves of Incompetents did not all sell for the same price. Some might have been good land; others bad, ranging in prices from a dollar and twenty five cents an acre down, and each individual Incompetent had his own individual account. Then if this were interest on those amounts each Incompetent's amount of interest would have to be calculated on his individual amount of principle; and in case interest was allowed them his heirs would then prorate said interest, and I believe this would necessitate a very difficult complication and tedious to calculate and disburse, it being appropriated as it was in

a consolidated amount. I do not believe there was any other intention on the part of the Law makers than it was to go and should go to the whole Nation; not to individuals. To illustrate what I mean by the alligation (Sic) that this sum of a little over \$216,000., now in question, as arrears of interest which these Incompetents are now claiming as interest on the \$99,280.41 which they got through our Legislature in 1889, cannot be a sum to be prorated as Mr. Burris claims it must be- I will make this comparisson (Sic).

1st A.B.Original Incompetent	his share	sold for	\$1.25,	per acre	Amt.	\$150000
2ond.C.D.	"	"	"	"	80	120000
3rd.E.F.	"	"	"	"	75	100000
4th G.H.	"	"	"	"	60	80000
5th I.J.	"	"	"	"	50	60000

and so on in this way, each original Incompetent own his seperate and different amount of money, as his principle resulting from the sales of their reserves then of this \$216,000., a portion of the arrears of interest accrued in Chickasaw trust fund so says the treaty of 1898, was the interest consolidated on the principle of these several Incompetents; then an estimate would have to be made, showing just how much of this interest, \$216,000., was due on each amount of each original Incompetent then the heirs of each original Incompetent would proratta the interest so found due on the principle amount of the Incompetents so claimed under the whole sum of the \$216,000., could not be paid out proratta to these claiments, (Sic) because some would be entitled to more than others as the amounts of their ancestors (Sic) were greater than others and the ones whose claims were greater originally of course would get more interest than others whose interest had smaller amounts & and there fore I contend that to "figure" out the sum justly would be wrather (Sic) complicated and tedious they did not proratta the payment of the \$99,280.41, only to the ballance (Sic) left after all had drawn as it was only 15% of the whole amount appropriated and it was accepted as a final settlement, (Sic) the claiments (Sic) who drew under the original Incompetent "figured" the 15% on the amount put oposite (Sic) each Incompetents name on the roll and hence some got larger amounts while others got smaller amounts but Mr. Burris claims a straight proratta payment to the claiments (Sic) of 1889, of the \$216000., as I fail to see how that would or could be just if it was their money they claim it to be and accrued on different amounts of principle as would necessarily be the case he also claims this sum \$216,000. as interest on the \$99,280.41, drawn in 1889, if this be true it disproves the Atoka Agreement which makes the appropriation hence I think I have shown that Mr. Burris has the wrong theory and I take it as evidence of his ignorance of the claim and forgetfulness of the different treaties provisions from where ever the \$99,280.41, came. I have in my brief followed it from where the original Incompetents sold their claims to the Indian traders and afterwards the Nation claimed the sails (Sic) were fraudulent. and where the Secretary of the Interior was authorized to investigate and make the proper awards, all the way from 1837 and 1838 and to 1887 when the award of the \$99,280.41, was made in full satisfaction of such claims and there and then the Incompetent claims ceased and now do not exist any more besides when their lands were sold and that there from was put in the U.S. Treasury as part of the general Chickasaw fund. no interest was provided for to be paid said claiments (Sic) because at the time, it was not

thought then, that it would long until the chiefs in council would see fit to recomend (Sic) it paid out to the said claiments (Sic) and there fore no interest was provided to be paid the claiments (Sic) but when these claiments (Sic) sold out said claims that fact checked the chiefs in council paying out and in 1869, the Nation found in said sales then and investigation by the Secretary of the Interior was occasioned and it checked and terminated in the award of the \$99,280.41, in 1887, and then if these money drew interest at all, it drew it as a part of the general Chickasaw fund and the Nation received the same and is still getting it yet. the principle which they got in 1889, is all they could hope to get unless the Department should see fit to allow them interest on said \$99,280.41, but which no law requires it to do, that I know of believing that I have very fully and plainly answered Mr. Burris's contentions. I shall rest leaving the five years limitation clause of treaty of 1834, to the Department to interpet and explain the where about of the results of said limitation clause and if any such estates escheated under said clause who were the beneficiaries there of, all of which I respectfully submit.

M. V. Cheadle
of the
Chickasaw Nation

CHICKASAW- PERMITS TO NON CITIZENS

DEPARTMENT OF THE INTERIOR,

Office of U. S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind.T., August 2, 1900.

7163-'00.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a communication from the United States Indian Agent, Union Agency, dated August 1, 1900, transmitting a letter from Hon. D. H. Johnston, Governor of the Chickasaw Nation, enclosing a report from the permit and tax collector for Pickens County, Chickasaw Nation, containing a list of the names of 505 non-citizens residing and doing business within the limits of said Nation who refuse to pay the taxes provided for by the Chickasaw laws, and the Governor of the Chickasaw Nation therefore recommends that they be removed from the limits of said nation.

The United States Indian Agent states that a few of the persons whose names appear upon the list enclosed have not been directly notified by his office, but that all are aware of the existence of the tax laws of the Chickasaw Nation, and have been notified from time to time by the authorities of said nation, and many of them received a letter from his office, which had been extensively circulated and printed in the newspapers in the Chickasaw Nation, to the effect that the Governor had made complaint that they were non citizens and had refused to pay their permit tax, and they were thereby notified that the act of the Chickasaw National Legislature providing for the

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payment of taxes had been approved by the President of the United States, the Department of the Interior held that such taxes were lawful, and the Nation had the right to levy and collect the same from non-citizens, and that all such who refused to comply with the law imposing said tax were subject to removal as intruders, and they were therefore directed to immediately pay the taxes to the authorized agents of the Chickasaw Nation.

The Indian Agent suggests that if the Department will issue a proclamation to non-citizens residing in the Chickasaw Nation, notifying them that in order for them to remain in said nation they will be required to comply with the laws thereof, and that all failing to comply with the requirements will be removed together with their personal effects, and that after the time specified in the proclamation the Department would proceed to remove parties remaining in default, such notice or proclamation would have the desired effect.

Notice has also been circulated through the Chickasaw Nation that traders will be required to pay the tribal tax, or suffer removal from the Nation, as authorized by Office letter "Land-32919-1899" dated July 15, 1899.

The act of the Chickasaw Legislature providing for this permit and cattle tax which it appears these non-citizens decline to pay, was approved by the President of the United States January 14, 1899 (See "Constitution, Treaties and Laws of the Chickasaw Nation, 1899," page 440).

Section 9 of said act provides that -

"Any non-citizen subject to a permit tax under the provisions of section one of this act, and who shall refuse to pay his permit tax after due notice for thirty days, shall be deemed an intruder by virtue of the Intercourse Law of the United States of America and subject to removal; and such intruder shall be reported

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to the United States Indian Agent (or Inspector) to the Five Civilized Tribes, and shall forthwith be removed from the Chickasaw Nation, under the direction of said United States Indian Agent or Inspector."

I respectfully invite attention to my letter of July 26, 1900, enclosing a communication from Hon. D. H. Johnson, Governor of the Chickasaw Nation, requesting the removal of parties therein named, who also refused to comply with the permit laws of said nation.

If these tribal laws are to be enforced in the Chickasaw Nation, and if, as provided by the recent agreement, the governments of the Choctaw and Chickasaw Nations are to continue for eight years from June, 1898, it would appear that some action is absolutely essential to require these non-citizens to comply with such laws.

I therefore respectfully recommend that a proclamation, as suggested by the United States Indian Agent, be prepared and issued by the Department, notifying all non-citizens in the Choctaw and Chickasaw Nations that the governments of said nations are to continue for the period named in the recent agreement, and that during such time said nations have the right to enact laws, which are to be approved by the President of the United States; that such tribal laws as well as those previously enacted by the respective councils of the Choctaw and Chickasaw Nations are still in force, and that all non-citizens residing in said nations will be required to pay the taxes imposed thereby, even if they have purchased lots in towns within said nations, as held in a recent opinion of the Assistant Attorney General and approved by the Honorable Secretary, and that all parties refusing to pay such taxes within a certain time named (I suggest that a period of thirty days be given from the date of issue of the notice or --press book no. 4-letter 191.--

proclamation) will be removed from the limits of said nations.

As I have before suggested to the Department, it is desirable that prompt action be taken in reference to parties resisting the payment of these taxes, otherwise that my present instructions be modified, in order that this office and the Department may be relieved from the constant criticisms and comments made throughout this section of the country in reference to issuing notices that taxes must be paid, and subsequently taking no further action in the matter with reference to parties who refuse to comply with such instructions and regulations of the Department.

Very respectfully,

Your obedient servant,

J.Geo.Wright,

U.S.Indian Inspector, for
the Indian Territory.