

Superin-  
tendent  
for  
Five  
Civilized  
Tribes

CHOCTAW

VOL. 19

FOREMAN  
TRAN-  
SCRIPTS

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

Choctaw - Cattle  
Choctaw - Citizenship  
Choctaw - Doctors  
Choctaw - Federal Relations  
Choctaw - Minerals  
Choctaw - Principal Chief  
Choctaw - Schools

Compiled from original records  
selected by

GRANT FOREMAN



CHOCTAW - CATTLE



South McAlester, Ind. Ter.  
March 13, 1899

Hon. J. George Wright  
U. S. Indian Inspector  
Muscogee, I. T.

Dear Sir:

We notice in the papers of recent date that under the provisions of the Curtis Act, cattle men who now have cattle here in the Indian Territory, under and by virtue of leases made by citizens of the Indian Territory, are ordered to remove their cattle by the Department of the Interior by April 1, 1899.

Will you kindly advise me whether this order will apply to the Choctaw and Chickasaw Nations?

We are representing several men who have large cattle interests in the Choctaw Nation, and have concluded that inasmuch as the Atoka agreement was adopted by the Choctaw and Chickasaw Nations, that the order for the removal of cattle under the Curtis Bill would not apply to these Nations.

Kindly let us hear from you on this matter at your earliest convenience.

Respectfully

(Signed) Harley & Lindly

No. 269  
L. S.

Endorsement: S. McAlester, I. T. Mar. 13, 1899 Harley & Lindly  
Relative to applicability to the Choctaw and Chickasaw Nations  
of the order to remove cattle by April 1, 1899

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3/31/34



CHOCTAW - CITIZENSHIP



This contract made and entered into in duplicate, on the 23rd day of November, 1898, at Sansbois, Indian Territory, by and between Green McCurtain, Principal chief of the Choctaw Nation, of the first part, and James M. Shackelford, of Muscogee, Indian Territory, of the second part.

WITNESSETH: That said Green McCurtain, Principal Chief of the Choctaw Nation, by these presents does employ and engage the said James M. Shackelford, as the attorney of the Choctaw Nation, for one year from the date hereof, to represent the Nation's interest in all citizenship cases in the United States court for the Indian Territory, and before the Commission authorized by law of the General Council approved November 4, 1897, to revise and make a complete roll of all Choctaw citizens and he agrees to furnish at the expense of the Nation all testimony necessary; and also to pay to the said James M. Shackelford the sum of Five thousand dollars (\$5000.00) for his said services in four equal quarterly payments; that said payments shall be paid whether the services require a whole year in performance or not, and to be made by a National warrant at the end of each quarter, being handed to the same James M. Shackelford, which warrant shall be payable by the National Treasurer, and shall be received by the said James M. Shackelford for its full face value. The said James M. Shackelford agrees and does hereby bind himself to become the Nation's attorney as hereinbefore specified, and to be subject to the orders of the Principal Chief of the Choctaw Nation, and to use his best endeavors at all times to protect and defend the interests of the Choctaw Nation in all suits for citizenship, whether the suits be new or old, especially to reopen and reverse the de-



cisions had in the United States Court in the Indian Territory wherein certain persons have been granted citizenship in the Choctaw Nation, it being understood and agreed that should it become necessary for the employment of an assistant the said James M. Shackelford shall employ said assistant at his own expense; that he will, at all times, be in attendance on the Commission and the Courts while in session, to perform his duties under this contract, except such time as may be necessary to attend such important cases as he may now have pending in the courts.

IN TESTIMONY THEREOF the parties hereto have signed their names this, the day and date written above.

Green McCurtain  
Princiapl Chief of the Choctaws

James M. Shackelford

Witness  
N. B. Ainsworth



(Copy)

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DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS WASHINGTON

Feb. 1, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report of January 18, 1899, from Inspector Wright, transmitting a contract between the Principal Chief of the Choctaw Nation and Mr. James M. Shackelford, in which Mr. Shackelford is employed to render professional services on behalf of the Choctaw Nation in connection with the matter of citizenship claims in said nation, at a compensation of \$5000.00 per annum. He also transmits a letter from him to Mr. Shackelford and a letter from Agent Wisdom endorsing Mr. Shackelford, and recommending favorable action with respect to the matter, Also a letter from Green McCurtain, Principal Chief of the Choctaw Nation, in which he informs him that the salary of \$5,000 was intended to be paid out of a certain sum of \$20,000 appropriated in an Act of the Choctaw Nation which was disapproved by the President.

Said Act of the Choctaw Nation was reported on by this office in a letter dated December 3, 1898, with the recommendation that it be disapproved, but no provision was made in the Act for the payment of attorneys fees in connection with the Choctaw citizenship cases, and as the Act was presented at this office it was understood that the sum of \$20,000 appropriated was intended to be applied in payment of the salary and expenses of a certain commission to settle the question of the enrollment of citizens in the Choctaw Nation.



Inspector Wright states in his report that he is not sufficiently familiar with the subject of citizenship cases to report as to the advisability or necessity for the employment of such an attorney, nor as to whether or not the sum of \$5,000 would be reasonable and just.

With respect to the amount of \$5,000 per annum, it is thought that it is not excessive, provided it is intended that said sum should bear the expense of counsel fees in appealing cases to the Supreme Court of the United States, and in defending cases appealed. Mr. Shackelford's contract is rather ambiguous in this regard. It provides for the payment to him of \$5,000 for his services in citizenship cases for one year and authorizes him to procure evidence in all citizenship cases at the expense of the Nation, and also to employ assistance, at whose expense, the contract does not provide. Possibly it could be presumed that it was intended that the services of additional counsel should be paid for out of Mr. Shackelford's compensation, in which case \$5,000 would not be too much. Upon this point, however it is quite indefinite.

But it is not seen what action this Department can take in the premises now that the Act has been disapproved by the President. There was nothing in the Act to show that these attorney fees were to be paid out of the appropriation provided, and the Act was disapproved largely on account of the excessive appropriation made for the purpose designated in the Act.

Of course, this Department would not object to any proper provision for the payment of reasonable fees to attorneys in these cases. The cases are such as arise under the laws of



the United States and they are cases in court in which it is necessary that the technical services of a lawyer should be employed. I can make no recommendation because I know of no steps that could be taken now that the Act has been disapproved and that no other provision has been made by the Choctaw Nation for the payment of these fees.

Very respectfully

Your obedient servant

A. C. Tonner,

Acting Commissioner

(Murchison)



DEPARTMENT OF THE INTERIOR

WASHINGTON

February 24, 1899

Mr. J. George Wright,  
U. S. Indian Inspector  
for the Indian Territory  
Muscogee, I. T.

Sir:

Your communication of the 13th ultimo, forwarding the contract (in duplicate) between Hon. Green McCurtain, Principal Chief of the Choctaw Nation and Hon. James. M. Shackelford, ex-Federal Judge in the Indian Territory, and now a practicing attorney at the Muscogee bar, relative to the fee agreed to be paid said Shackelford of \$5,000 for defending the interests of the Choctaw Nation and prosecuting its claims in the citizenship cases, you are advised that on the 1st instant, the Commissioner of Indian Affairs transmitted your said communication together with said contract, and called attention to the fact that the act of the Choctaw National Council appropriating \$5,000 for paying for the services of said Shackelford was disapproved by the President, and the Commissioner makes no recommendation concerning said contract for the reasons that "the act has been disapproved and that no other provisions have been made by the Choctaw Nation for the payment of these fees."

From the statements made by you the Department would not feel warranted in approving the contract; first, because it does appear that the same is authorized by an existing appropriation act of said Nation, and second, because the



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contract is not, and does not purport to be, drawn in accordance with the provisions of United States law applicable to contracts made with Indians (Sec. 2103 R. S.)

Said contract, together with a copy of the Commissioner's report thereon, is herewith inclosed, and you will duly advise Judge Shackelford of the views of the Department as herein expressed.

Respectfully

Ethan A. Hitchcock

Secretary

Ind. Ter. Div.

282-1899

3 inclosures

Through the Commissioner of Indian Affairs

No. 8

Endorsement: Disapproving contract with James M. Shackelford (Choctaw Nation). Notified Shackelford & McCurtain 2/28/99

Copied GBD 3/27/34



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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory  
March 29, 1899

Hon. J. George Wright  
United States Indian Inspector  
Muskogee, Indian Territory

Sir:

I have the honor to acknowledge receipt of your letter of this date, inclosing an Act (Bill No. 9) of the recent session of the Choctaw Council, authorizing the Principal Chief to employ an attorney for the Nation in citizenship cases, and employing Hon. James M. Shackelford of Muskogee, for such purpose for one year beginning November 23d, 1898, at a salary of \$5,000, in which you ask me to advise you whether I have any information on the matter, and whether in the interests of the Nation, this Act should be approved.

In reply I have to say that a provision of the Indian Appropriation Act, July 1, 1898, authorizes the appeal of citizenship cases in the several tribes in Indian Territory from the United States Courts therein, to the Supreme Court of the United States, and that I am informed that the Principal Chief of the Choctaw Nation has employed Hon. James M. Shackelford as attorney in cases appealed by the Choctaw Nation to the Supreme Court of the United States under said provision, and that a number of Choctaw citizenship cases have already been appealed, under his direction. This is a matter of importance to the Choctaw people and it would appear that they should have



authority to employ counsel to look after such business. This matter, however, being of such character as not to come within the scope of the Commission's duties, I would prefer to submit the matter without further recommendation.

You also inclose another Act of the Choctaw Council (Bill No. 13) creating a Commission to accompany the Dawes Commission in making rolls of the Choctaw citizens, for which purpose an appropriation of \$10,782 is made, and asking me to advise you if, in my opinion, such commission is necessary and of importance, and if I would recommend this Act for favorable consideration. This is a matter of the gravest importance to the Choctaw people, and the Commission provided for in this Act can render most valuable service in assisting the Commission to the Five Civilized Tribes in making a census of the Choctaw people and making rolls of Choctaw citizens and I would therefore recommend this Act for favorable consideration.

Very respectfully

(Signed) Tams Bixby

Acting Chairman

No. 485  
L. S.

Endorsement: Tams Bixby, Acting chairman Dawes Commission, Muscogee, I. T. Rel to Acts of Choctaw Council as to citizenship commissions, etc.

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3/31/34



**CHOCTAW - DOCTORS**



Atoka, Ind. Ter., Jany. 2, 1899

Hon. Geo. Wright,  
U. S. Indian Inspector,  
Muskogee, I. T.

Dear Sir:

We, as members of the medical board of the Choctaw Nation, come to you for advice and assistance in enforcing the law regulating the practice of medicine in this Nation.

We have a good many graduates, who are law abiding men, and obey all laws, and who want to see the quacks made to comply with the law. We have a good law regulating the practice of medicine, if we could only enforce it. Will you kindly advise and assist us in having the medical law enforced.

We, the medical board, frequently get letters from all over the Nation, asking why the quacks are allowed to practice medicine, by Drs. who are graduates. Good many Drs. who hold certificates say there's no justice in allowing the quacks to practice medicine, and by allowing the quacks to go free and unmolested by the law, good many Drs. who are graduates wont comply with the medical law on that account. We dont want any Ark. law; that laws allows all men who have practice medicine for five years a certificate, whether he ever attended a medical college or not. We have many men calling themselves Drs. who never saw a medical college. We want to elevate the practice of medicine, and are trying to see that none practice, except he be a graduate, or well qualified to practice medicine. Many Drs. and many quacks dont get any permits.



Now we come to you and ask your assistance in enforcing this law. It is an outrage on the people and public to allow these quacks to go free and unmolested. We want to protect the competent and law-abiding Drs. We feel sure you can greatly assist us in enforcing this law and believe you will. When you are at Atoka, if convenient and you have the time, please call at Dr. J. W. McClendon's office, and he will give you all the details.

Hoping to get your help and hoping to hear from you soon, and fully,

Yours respectfully

G. W. Harkins, M. D., Vic. pres.

J. W. McClendon, M. D.  
Secretary of the Choctaw  
Medical Board, Choctaw, Nation



## EXECUTIVE OFFICE CHOCTAW NATION

Green McCurtain, Principal chief

Sans Bois, I. T. Feb'y 16th, 1899

Hon. J. George Wright,  
U. S. Indian Inspector  
Muskogee, Ind. Ter.

Sir:-

Yours of the 13th instant inclosing letter from Dr. J. W. McClendon has been received, And in reply, would say that, under the laws of the Choctaw Nation, the Principal Chief is required to appoint a board of medical examiners to consist of three citizens, physicians, whose duty it shall be to examine all persons who desire to engage in the practice of medicine in the Choctaw Nation. Any person standing a satisfactory examination is entitled to a certificate from the board of examiners, upon which the Chief shall authorize the judge of the county in which the holder of the certificate desires to practice, a permit to practice medicine-Durant's Code, Sec. 4-pp. 235-236. This law requires that all persons desiring to practice medicine in the Choctaw Nation shall stand an examination and pay a fee of \$25.00 as examining fee.

Our country is to-day flooded with a class of people calling themselves physicians who have never even made application to the board to be examined. These people are a curse upon the Nation at large as well as upon the people of the communities in which they practice their quacking - not only do they violate and demoralize our medical laws, but they crowd out good physicians and thus deprive us of good medical services. The



few good physicians in our Nation are willing to and do comply with our laws in regard to examinations, but they complain, and with just cause for complaint, that they are done an injustice by being required to comply with a law that does not protect them. I have repeatedly appealed to the U. S. Indian Agent for assistance in remedying this evil, but to no avail. A strict enforcement of the law would serve the purpose, but these people being non-citizens, we can do nothing with them unless we have the cooperation of the U. S. government. Any assistance that you can render in this matter would be a favor to both citizens and non citizens of this Nation.

Very resp't

(Signed) Green McCurtain

Prin. Chief, Choctaw Nation

*McClendon's*  
Endorsement: Returns Dr. J. W. McCurtain's letter complaining of quack doctors and states the nation is flooded with quacks, and any action to get rid of them will be a blessing to all the people.

No. 39  
L.S.

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3/28/34



Department of the Interior  
Office of Indian Affairs

Washington March 9, 1899

The Honorable

The Secretary of the Interior.

Sir:

Enclosed herewith is a report of February 18, 1899, from Indian Inspector Wright, transmitting communications from officers of the Choctaw Nation asking assistance in the enforcement of the laws of that Nation relating to the practice of medicine, which provide for an examination by a medical board to be appointed by the Principal chief of the Nation of all non-citizens located in the Nation for the purpose of practicing medicine. On the passing of satisfactory examination, etc. the non-citizen physician will be given a permit by the board to practice his profession in the Nation.

Inspector Wright transmits these communications with request that he be advised whether any steps shall be taken to enforce this law.

By an opinion dated July 19, 1884, the Attorney-General advised this Department that in the absence of treaty or statutory provisions to the contrary, the Choctaw and Chickasaw Nations have power to regulate their own rights of occupancy and to say who shall participate therein and upon what conditions and hence may require permits to reside in the Nations from citizens of the United States and levy a pecuniary exaction therefor.



The treaties of 1855 and 1866 were considered in this opinion and construed, and the effect of the opinion was to hold that the permit laws of the Choctaw and Chickasaw Nations were valid and that no Department or officer of the United States had any power to control the tax imposed under said laws.

Nothing is contained in any law of Congress or in the Choctaw and Chickasaw agreement passed since this opinion so far as this office has been able to determine which will change the effect of the opinion or which operates to repeal or modify the permit laws in question, and it would therefore appear that the law requiring non-citizen physicians to take examinations for the purpose of obtaining permits is in full force and effect.

As the Department is aware, the courts of the Choctaw Nation have no jurisdiction over citizens of the United States residing in said Nation and the only remedy left to the Nation in case a non-citizen refuses to comply with the law is to secure the removal of the refractory non-citizen from the Choctaw Nation as an intruder.

The practice of medicine is a profession which has a most important influence over the health of the people and all the states have passed stringent laws for the purpose of its supervision. It would seem therefore but right and proper for the authorities of the Choctaw Nation to take all proper and needful steps to protect the citizens of the Nation and other residents there against the malpractice of persons holding themselves out as physicians who may not be qualified to practice the profession.



I therefore have the honor to recommend that Inspector Wright be instructed to give it out that the laws of the Choctaw Nation relating to the practice of medicine are regarded by this Department as valid and binding and that all persons holding themselves out as physicians in said Nation contrary to these laws and who have not obtained permits in accordance therewith, will be liable to removal as intruders in the Indian country.

Very respectfully

Your obedient servant

A. C. Tonner

Acting Commissioner

K.S.M.  
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## DEPARTMENT OF THE INTERIOR

WASHINGTON

March 13, 1899

Mr. J. George Wright,  
U. S. Indian Inspector for  
the Indian Territory  
Muscogee, Ind. Ter.

Sir:

The Department is in receipt of your communication of the 18th ultimo, transmitting a letter of January 2d from the vice-president and secretary of the Choctaw Medical Board, requesting you to assist in the enforcement of the Choctaw law in regard to the practice of medicine in that nation, together with a letter of February 16th from the Principal Chief of said nation, approving the action of said Medical Board, and also stating that the tribal government is unable to enforce its own laws without the "co-operation of the Government."

The Acting Commissioner of Indian Affairs in Transmitting your said report refers to the **opinion** of the Attorney General of July 19, 1884 (18 Opin., 34), in which he advised this Department (syllabus):

"In the absence of treaty or statu<sup>t</sup>utory provisions to the contrary, the Choctaw or Chickasaw Nations have power to regulate their own rights of occupancy and to say who shall participate therein and upon what conditions: and hence may require permits to reside in the Nation from citizens of the United States and levy a pecuniary exaction therefor."

The Acting Commissioner, therefore, recommends that you be



"instructed to give it out that the laws of the Choctaw Nation relating to the practice of medicine are regarded by this office as valid and binding, and that all persons holding themselves out as physicians in said nation contrary to these laws, and who have not obtained permits in accordance therewith, will be liable to removal as intruders in the Indian country."

A somewhat kindred question was considered by the Department upon the request of Judge Harris that you compel the attendance of non-citizens who had been summoned to testify as witnesses before the tribal courts and refused to come, and the Department held that the persons so summoned, who refused to obey the process of the Court, might be removed from the Nation under the provisions of section 2147 of the Revised Statutes of the United States.

The recommendation of the Acting Commissioner is concurred in by the Department, and a copy of his report is herewith inclosed, together with the letters of the Principal Chief and said Medical board, and you will duly advise them of the action of the Department therein.

Very respectfully

(Signed) Tho. R. Ryan

Acting Secretary

Ind. Ter. Div.  
No. 625-1899  
3 enclosures

L.S.  
Copied GBD  
3/28/34

Endorsement; Washington Mar. 13, 1899  
The Secretary. Physicians in Choctaw Nation subject to removal for non-compliance with tribal laws. (Wrote Harkins & McClendon and Chief McCurtain 3-17-99).



## DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

Union Agency  
Muscogee, I. T., May 12, 1899Dr. 5666  

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Sir:

You are informed that the principal chief of the Choctaw Nation complains to this Agency that you are practicing medicine in the Choctaw Nation in violation of the Choctaw law and that you have refused or failed to appear before the Court of Examiners for said Nation for the purpose of obtaining a license, which is required under said law. The Principal Chief therefore reports you as an intruder in said Nation and asks that you be removed from the limits of the same.

You are hereby notified that the laws of the Choctaw Nation relating to the practice of medicine are regarded by the Interior Department as valid and binding, and all persons holding themselves out as physicians in said Nation contrary to these laws, and who have not obtained permits in accordance therewith will be subject to removal as intruders in the Indian country, and you are therefore required to answer the complaint and charge of the said Principal Chief within twenty (20) days from the date thereof, and show cause, if any you have, why you should not be declared an intruder and removed from the limits of said Nation.

Very respectfully

D. M. Wisdom

U. S. Indian Agent

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



South McAlester, Ind. Ter.  
Feb. 23rd, 1899

Hon. J. G. Wright  
U. S. Ind. Com.  
Muscogee, I. T.

Dear Sir:

Enclosed please find a copy of a notice that to-day is being distributed from house to house in the town. This is believed by us to be the only efficacious way by which our people can confront the impending danger. We regard a Quarrantine as impractical because of our lack of authority and financial ability to carry it out efficiently.

We hope you will assist us in carrying out the provisions of this notice by giving it your official endorsement.

Yours respectfully

For the Committee

(Signed) J. D. Bradford

A. L. S.  
No. 25

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4/2/34



## VACCINATE.

On account of the imminent danger of small pox reaching this vicinity from the Creek Nation, where it is said to exist, all persons are hereby notified to be vaccinated by 8 o'clock Monday morning 27th inst.

On or after Monday morning a committee will wait upon the people of the town and ascertain the names of all who have not been vaccinated and their names will be reported at once to Indian Inspector Wright.

Physicians have generously agreed to vaccinate the people at a reduced price.

Done by order of a mass meeting held in South McAlester Monday night, February 21, 1899, at the instance of the Indian Agency of Muscogee.

## COMMITTEE

J. D. Bradford, W. E. Rogers, E. T. Bradley, S. A. Wilkinson,  
B. F. Jobe

(Original of the above, a printed leaflet is attached to letter in files).

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422/34



EXECUTIVE OFFICE, CHOCTAW NATION  
Green McCurtain, Principal Chief

Sans Bois, I. T., Nov. 16, 1899.

Dr. W. P. Hailey,  
Sect'y Board of Health, C. N.,  
Ola, Ind. Ty.

Dear Sir:

There are enclosed herewith letters addressed to the following named parties: Dr. L. R. Martin, Hartshorne, I. T., Dr. Doyle, Conser, I. T., Dr. J. W. Smith, Caddo, I. T., and Dr. B. F. Lucas, Poteau, I. T. You will please attend to these matters.

I am just in receipt of your letter of a recent date in which you state that your Board has no funds upon which to operate and you suggest the advisability of making the time checks that have been issued by J. W. Ellis negotiable. In reply, will say that I have been informed that no Indians were or are now afflicted with small pox in the camps at and in the vicinity of South McAlester, and if that be the case I cannot see my way clear to applying any of the funds appropriated by Council for the settlement of expenses attaching there. While it is true that the matter is an emergency, yet I do not think that the Choctaw Nation should be made to bear the expense of taking care of United States citizens; and I am sure that was not the intention of the Council when the appropriation was made. The United States government is much more able to take care of her own citizens than the Choctaw Nation is hers, much more than is she able to take care of the United States citizen than are the Choctaws to take care of both the Choctaw and United States citizens.



## 2.

I had a talk with the Committee that had this appropriation Bill in charge, and the members of that Committee told me that it was not their understanding of the Bill that it was for the use and benefit of any except citizens of the Choctaw Nation. I would not, therefore, feel authorized to endorse the accounts of expenses incurred in taking care of those other than citizens of the Choctaw Nation.

Now, as to the Atoka cases, I am informed that nearly all of them were citizens of the Choctaw Nation; and in that event, I would be willing to settle the expenses where they were incurred in the actual care of the Indian. But in case of the houses that were destroyed in order to stamp out all vestige of the disease and where the houses were owned and occupied by non-citizens, it is an evident fact that it were the white people that had the disease or else no contagion would have lurked about their places of abode - in such cases, I do not think that any of this fund should be appropriated to pay for the damages done; but that if there is to be any recompense paid for the destruction of such houses, let the U. S. government provide for such settlements.

I am opposed to making this paper negotiable; it is a bad practice for a government, or as for that matter an individual or corporation, to circulate obligations, for once they get out of your control they become bad and troublesome obligations, and have in no few instances been disrupting agencies.

Your Board now has the implicit confidence of the Council, and their actions upon your suggestions have been most liberal con-



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sidering the financial condition of the nation, and should anything bad come from circulating this paper, the blame would be attributed to your Board whether justly or unjustly.

Now, in cases where white people are afflicted with the disease and there is danger of citizens taking it and it is necessary to place guards about the premises to prevent its spread among the citizens, I think the guards' pay should come from the nation, that the physicians services on a white or non-citizen patient should be borne by the non-citizen himself or some of his friends, and if he has no friends it should be borne by the U. S. government.

Very respectfully,

(Signed) Green McCurtain

Prin. Chief, Choctaw Nation.

Copy of letter attached to U. S. Ind. Inspector's file No.469  
in office of Supt. of Five Civilized Tribes, Muskogee, Oklahoma.



November 30, 1899

Honorable J. George Wright,  
U. S. Indian Inspector,  
Muscogee, I. T.

Dear Sir;

I am informed that the Government will probably place a man in charge of the smallpox in the Choctaw nation. If you can, consistently with the best interests of the service, use Dr. R. O. Owen of Vinita, I. T. in this capacity, I shall esteem it a personal favor. He comes from a line of physicians and has had experience in treating smallpox, and I believe will do you faithful service.

Very respectfully

(Signed) Robt. L. Owen

P. S. (in script) He took a course of medicine at University of Va. Graduated at College of Medicine at Richmond Va.

L. S.  
No. 3437

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4/2/34



## BOARD OF HEALTH, CHOCTAW NATION

152

South McAlester, I. T.  
Dec. 14, 1899

Hon. J. Geo. Wright  
U. S. Indian Inspector  
Muscogee, I. T.

Hon. J. Blair Shoenfelt,  
U. S. Indian Agent  
Muscogee, I. T.

Gentlemen:-

The citizens of South McAlester met this afternoon at three o'clock. The town was well represented, and after discussing the situation with reference to smallpox, arrangements were made to have the people of South McAlester vaccinated.

It was the sense of the meeting that the town of South McAlester would be unable to look after the smallpox within its limits, and a committee was appointed to prepare a memorial addressed to the Hon. U. S. Inspector and Indian Agent, asking for an appropriation by the Federal Government to meet the expense incurred in suppressing the disease.

The people of the town in the mass meeting placed themselves on record as believing that smallpox existed in South McAlester and adjacent places, and that there was imminent danger of the spread of the disease. They also passed a resolution endorsing the work of the Board of Health, Choctaw Nation.

It was arranged for a committee of citizens to personally present the result of the meeting and the wishes of the people of South McAlester to the U. S. Inspector and Indian Agent.



This is a brief outline of the work done at the mass meeting but we believe that the town of South McAlester will enthusiastically support any movement looking to the suppression of small pox. We believe that a majority of the people of South McAlester will co-operate with the Interior Department of the Board of Health Choctaw Nation in this work, but we are forced to the conclusion that it would be impossible for the people of the town to meet the expense that would be necessarily incurred. However, all this will be presented to you more fully by the committee who will visit you in person.

Yours very truly

(Signed) LeRoy Long, M. D.

President

R

No. 3635

L. S.

Endorsement: South McAlester, I. T. Dec. 14, 1899. LeRoy Long, Pres. Board of Health, Choctaw Nation. Realtive to action of citizen of South McAlester about smallpox.

Copied GBD  
4/2/34



DEPARTMENT OF THE INTERIOR,  
office of Indian Affairs,

Washington, December 20, 1899.

J. George Wright,

U. S. Indian Inspector,

Muscogee, Indian Territory.

Sir:

This office is in receipt of your communication of the 4th instant, addressed to the Honorable Secretary of the Interior, forwarding correspondence in the matter of small-pox in the Indian Territory, and recommending that an appropriation of \$50,000.00 be asked for, to successfully stamp out the disease.

Your recommendations are concurred in and you are advised that all correspondence has been forwarded to the Honorable Secretary, with the recommendation that Congress be requested to appropriate \$50,000.00 at the earliest practicable date.

The correspondence between the Principal Chief of the Choctaw Nation and the medical board, is herewith returned as requested in letter of the U. S. Indian Agent.

Very respectfully,

(signed) W. A. Jones,

Commissioner.

Copy of letter in Ind. Inspector's file No. 469 in office of Supt. of Five Civilized Tribes, Muskogee, Oklahoma.



EXECUTIVE OFFICE, CHOCTAW NATION  
Green McCurtain, Principal Chief

Sans Bois, I. T.

1899

TO THE MEDICAL BOARD OF THE CHOCTAW NATION,

Gentlemen:-

I desire to instruct you as to your authority and duties under the recent Act of the Choctaw Council appropriating ten thousand dollars to defray expenses necessary to the proper care and protection of the Choctaw people against the small pox malady.

The intention of this appropriation is for the protection of the citizens of this nation and cannot be properly applied for the protection of others than Choctaw citizens. As to the propriety of the handling of this fund for the benefit of the Choctaw citizens, that is a matter trusted to your skilled and better judgment. Primarily the Choctaw people are not responsible for the prevalence of this epidemic now among us; but the question of responsibility is waived in the effort to check the ravages of the disease and prevent its further spread. However, since the infection is greater among the mining class and non-citizen element than among the Choctaw people, it would not be right and just to shift the expense of all quarantine measures and other precautionary incidentals on to the Choctaw government, except as in case of protection to the Choctaws.

You should, therefore, in providing quarantines, detention camps and guard service be careful to note whether or not any Choctaw citizens are beneficiaries of such precautions; and if not, no part of the fund appropriated by the Act of Council referred to should be obligated for such expenses. Where the infection is con-



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finned to mining camps at which no Choctaw citizens are present you should, if your services are needed there, inform the companies that the funds on which you are operating are not available for any other purpose than those of protecting citizens of the Choctaw Nation against the small pox disease, and that if your services are desired by them they should make provision for the payment of all expenses attached. Should the companies refuse to bear such expenses, it would then be well for you to call the attention of the U. S. Indian Agent to the matter and state to him that you have no available expense money for such cases, and ask him to tender the aid of the Department.

In order to prevent imposition I would suggest that where there is a represented exposure of citizens to the disease you make personal investigation and ascertain whether the representations are true or not - whether they are citizens and whether they are really exposed or not - before contracting from this fund obligations thereon. Unless due care is exercised you are liable to be made the victims of fraudulent representations in order to get treatment gratis and for the purpose of getting guard work to do.

Very respectfully,

(Signed) Green McCurtain

Prin. Chief, Choctaw Nation.

Copy of letter attached to U. S. Ind. Inspector's file No. 469  
in office of Supt. of Five Civilized Tribes, Muskogee, Oklahoma.



Coalgate, I. T., May 8th 1901

Hon. J. Geo. Wright, U. S. Ind. Inspector,

Muskogee, I. T.

Dear Sir: - Acting under the instructions of a committee appointed by a mass meeting of this city we write you to acquaint you with the fact, that malignant smallpox has been introduced here and has spread to an extent that it is beyond our control.

Having to depend entirely on voluntary contributions we are unable to establish and maintain a pest camp sufficiently large and well enough equipped to successfully combat it and our people are on the verge of panic.

Will you use your authority to help us to tents and an experienced medical advisor? We do not know who else to turn to in our in our extremity and would feel much relieved by a knowledge that we had your interest and cooperation.

Would you kindly use your influence with the Interior Department to assist us to such help as its superior wisdom may dictate?

J. R. Wood	Geo. E. John	Theo. M. Keller
Mayor	Pres't Com'l Club	Postmaster

Copied from U. S. Ind. Inspector's file No. 12542 in office of Supt. for Five Civilized Tribes, Muskogee, Okla.



## COPY OF TELEGRAM.

Coalgate, I. T., May 8, 1901.

C. L. Jackson,  
Muskogee.

Your wire date. There is between fifty and 75 cases of smallpox in Coalgate, some of which is of a vicious form. Six deaths from its effects within last three weeks.

Production of our mines hampered by its effect. Local authorities doing all they possibly can to prevent its spread. Have instituted quarantine, established pest camp. Having trouble enforcing quarantine regulations. Depending on voluntary contributions for aid. In a conversation with Mayor J. R. Wood this A. M. he stated that the situation was beyond control of local authorities.

C. E. DAVIS.

Copy of copy in office of Supt. of Five Civilized Tribes, Muskogee.



DEPARTMENT OF THE INTERIOR,  
U. S. Indian Inspection Service,  
Lehigh, Ind. Ter., May 8, 1901.

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

Sir: Your message just received and replied to at once on my way to the telegraph office I met and consulted two physicians Drs. Gardner and Wallace.

They both state that the smallpox at Coalgate is of a much more malignant form than what was here at Lehigh there is very little of it here now. The form they have at Coalgate is what some call the black small pox. There has been about eight or ten deaths and about 200 cases. Both Wallace and Gardner pronounce it in a malignant form, told me of the number of cases and the number of deaths.

Very respectfully,

J. F. Fisher.

Copy of U. S. Ind. Inspector's letter No. 12590 in office of  
Supt. of Five Tribes, Muskogee, Okla.



## THE WESTERN UNION TELEGRAPH COMPANY.

5/8/1901 Washington D. C.

Wright Insp

Muskogee I. T.

Mayor wire malignant smallpox rages in Coalgate Fifty to One  
Hundred cases entirely beyond cities control Surgeon General  
Marine Hospital will send Expert Physician to confer with you  
and City authorities department desires immediate report from  
you.

Thos. Ryan Actg. Secy.

Copy of Telegram File No. 2136 in office of Supt. Five Tribes,  
Muskogee, Okla.



Muskogee, Ind. Ter., May 11th, 1901.

Honorable J. George Wright,

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

Sir:-

Acting upon instructions from you to go to Coalgate, Indian Territory, and investigate the report from the Mayor and others of that town that malignant smallpox existed there, and that the people are almost in a panic on account of such epidemic, I have this to report:

I proceeded to Coalgate on May 9th and there met the Mayor, the Board of Health, and a committee of ten, who had been delegated by the Mayor to manage this smallpox epidemic.

I mailed the letters from U. S. Indian Agent Shoenfelt to the Indian Police and informed the Mayor that the Indian Agent had instructed these Indian Police to assist him in carrying out any proclamations he might issue touching this smallpox situation.

I found that they had established a smallpox camp about two miles in the country from the town of Coalgate. I there found twelve cases of smallpox, one of which was of a confluent variety, other varying from very light to semi-confluent cases. The doctors informed me there probably existed twice this number of cases of similar character in the town that had not yet been moved to the camp.

From information from the Mayor and the doctors they have had from three to five deaths during the past three weeks, or since



2.

this epidemic started. Taking into consideration the class of people affected, and the cases that I visited, I am of opinion that this epidemic is not one of malignant smallpox but of the same character of smallpox that has existed for the past two and a half or three years in the Indian Territory, and with the proper precautions, such as you directed in your letter to the Mayor, and which I emphasized to him, the Board of Health and the Committee, I feel sure that they can within a very short time control the epidemic and with a moderate expense, which they are able to raise among themselves. I advised them to abandon their camp, to vaccinate their citizens and compel those already attacked to remain at their homes.

Your letter and the advice I gave them was satisfactory and I believe that there will be but very little more trouble if the suggestions offered are properly carried out.

Very respectfully,

(signed) F. B. Fite, M. D.

Copied from U. S. Indpsector file No. 12638 in office of Supt.  
of Five Civilized Tribes, Muskogee, Okla.



**CHOCTAW - FEDERAL RELATIONS**



Muscogee, Indian Territory, May 18, 1895.

The Honorable,

Jeff Gardner, Principal Chief of the Choctaw Nation,  
Eagleton, Indian Territory.

Sir:-

As representing the Commission to the Five Tribes, I took the liberty a few days since to direct to you a copy of a letter from the President of the United States, and the Honorable Secretary of the Interior, upon the subject of the mission of the Commission to this Territory.

The Commission has also been directed by the President to communicate to you and the chiefs of the other four nations, the fact that they have returned to the Territory for the purpose of renewing their negotiations with the authorities of the several nations in reference to the subject matter committed to them.

They desire to open negotiations with you in accordance with the spirit of the letter of the President heretofore sent to you, and, therefore, they would be gratified to know at what time and where it will be most agreeable to you to meet and confer with them upon that subject, either yourself personally, or others appointed by you for that purpose.



It is not necessary to enlarge at this time upon the purposes and object which the Commission has in charge. Those have been all heretofore presented to you. It is sufficient at this time to assure you that the Commission have not come here to interfere at all with the administration of public affairs in these nations, or to undertake to deprive any of your people of their just rights. On the other hand, it is their purpose and desire, and the only authority they have, to confer with you upon lines that will result in promoting the highest good of your people and securing to each and all of them their just rights under the treaty obligations which exist between the United States and your nations.

If you and your authorities are willing to confer with the Commission upon these questions and along these lines, please indicate to us here in Muscogee, at an early date, when and where and in what manner it would be most agreeable to you to hold such conference.

I have the honor, with much consideration, to be,

Very truly yours,

Henry L. Dawes.

Chairman.

(Same letter as above was addressed to John F. Brown, Principal Chief of the Seminole Nation and to Palmer Moseley, Principal Chief of the Chickasaw Nation, under same date.)

Letter-book copies L. S.  
(Copied by BEW, March 30, 1934.)



Muscogee, Indian Territory, June 3, 1895.

Honorable Jeff Gardner,

Principal Chief, Choctaw Nation,

Eagleton, Indian Territory.

Dear Sir:-

I am in receipt of yours of the 27th ult. and am directed by the Commission to express to you their thanks for a courteous and early reply to their communication of the 18th ult.

They are led, however, to think from your letter that perhaps they have failed to make clear to you the purpose of that request. The Commission understands that neither you as Chief nor any of your citizens except expressly authorized by your National Council, would have any authority which would be binding to negotiate with this Commission upon any of the subjects with which they are charged. The law which created this Commission expressly provides that before any agreement or any proposed agreement can have any binding force upon any one it shall be first approved by your Council, and if so approved it shall be afterwards approved by Congress or go for nothing. So that if you and the Commission should agree upon anything it would not have the slightest binding force until after such approval of both bodies. For this reason the Commission does not ask you to make any agreement with them. What they do desire and what is the purpose of their correspondence is a conference with you, or with some persons selected by you for that purpose,



that you may the better understand what the government of the United States desires of your people, and what modification of the present condition of public affairs among your people would in your opinion be for the best interests of your people, and which you might be willing to propose to your Council at its next meeting for their consideration. Without such preliminary conference it is difficult to see how anything tangible can be brought before them for their consideration. Such a conference can do no harm, if nothing results from it, and the Commission are confident that much good will come of it, and that from it some measure may be arrived at which you can submit to your Council for them to consider. Such a measure could be altered and modified to meet objections while under consideration by your Council if they desired, and up to the last moment of approval, and if in the end it should fail things would remain as before,

The Commission takes this opportunity to assure you that they recognize fully your treaty rights and are instructed to respect them, The United States wants nothing which belongs to your people, either their lands or any other rights they enjoy under their treaties, but they are impressed with the conviction that some change in the present condition of affairs is necessary for the good of your people, and their desire is that you shall make the change yourselves, and this Commission is sent here to aid you in effecting such a change.



The fact that the treaty rights of each nation are distinct and different from those of the others makes a separate conference with each necessary, and one in which all the nations are represented impracticable.

The Commission submits these considerations to you in the hope that they will satisfy you and that its presence here is from no other motive or object than to promote the welfare of your people under the treaty rights secured to them and that you will think it wise to appoint at an early day such a conference as it is here suggested.

An early reply that we may report to the President your conclusions is urgently requested.

I am, with high consideration,

Yours truly,

Henry L. Dawes,

Chairman.



Executive Office, Choctaw Nation,  
Green McCurtain, Principal Chief.

Sans Bois, I. T., Nov. 30th, 1898

Hon. J. Geo. Wright,

U. S. Indian Inspector,

Muskogee, Ind. Ty.

Sir:-

4 I wish to call your attention to a matter in which a vast number of Choctaws, and especially the full bloods, are being defrauded. Parties professing to be, and I suppose are, surveyors, are representing to the illiterate full blood Choctaws that if they do not have their lands surveyed, they will be cheated out of the lands on which they improvements are made, and thus lose all. These full bloods being ignorant of the law and knowing nothing about the lines of survey, figures, etc., are naturally becoming alarmed at the representations of these surveyors. And being over-credulous on this subject, are deeding a part of their land to these surveyors to have them survey the other part. This thing should be stopped, and I therefore write to you that you may take some action in the matter.

According to the terms of the Agreement, the lands are to be surveyed by the U. S. Government without cost to the allottees.

Very respectfully,

(signed) Green McCurtain

Principal Chief, Choctaw Nation.

Copied from Commission to Five Tribes file No. 1540 in office of Superintendent for Five Tribes, Muskogee, Oklahoma.



EXECUTIVE OFFICE, CHOCTAW NATION  
Green McCurtain, Principal Chief

Sans Bois, I. T., Dec 3d, 1898

Hon. Tams Bixby,  
Acting Chm'n Dawes Commission,  
Muskogee, Ind. Ty.

Dear Sir:-

Replying to your communication of the 30th ultimo, will say that, the Choctaw Nation will have a representative at the sittings of your Commission in Mississippi as suggested by you. I expect to appoint Mr. N. B. Ninsworth to that work. Your assurance of courteous recognition of such a representative by the Dawes Commission is acknowledged and appreciate by me on the part of the people whom he will represent.

I will this day write to our National Secretary instructing him to furnish your Commission with copies of all Acts of our Council relating to the Mississippi Choctaws.

The action of the Chickasaws in declining to appoint a Commission to co-operate with the Choctaw Commission in negotiating an amendment to the coal clause, is to be very much regretted. In reply to your suggestion that I confer with Gov. Johnston on this subject, would say that, the suggestion is all well enough, but I fear that any efforts on my part in that direction would be futile, as I think Gov. Johnston is of anti-allotment sentiment and would naturally be averse to taking action in matters of that kind. I hope, however, that I am mistaken in his policy, and that everything will come out all right.

Very respectfully,

(signed) Green M. Curtin,

Principal Chief, Choctaw Nation.

Copied from Commission file Five Tribes file No. 1592 in office of  
Supt. to Five Tribes, Muskogee, Okla.



Executive Office, Choctaw Nation.  
Green McCurtain, Principal Chief.

Sans Bois, I. T., Dec., 14, 1898

Hon. J. Geo. Wright,  
U. S. Indian Inspector,  
Muskogee, Ind. Ty.

Sir:-

Since the Hon. Secretary of the Interior made his ruling to the effect that each and every Choctaw citizen will be required to take up an allotment of 240 acres of land, and will be required to relinquish all rights and claims to any land that they may now hold over and above the 240 acre allotment, I have studied the application of the ruling with all its possibilities, and, with all deference to the judgment of the Secretary, I fear it is going to work hardships upon some of our people. Already has it created commotion among the full bloods who are utterly ignorant of the nature of the ruling. The daily mail deluges this office with letters from full bloods all over the Nation who have become alarmed at the representations of designing parties, and have, in some cases, been led to believe that it is necessary to secure the services of attorneys in selecting their allotments. Such deception is an imposition that should not be allowed to be practiced upon an ignorant people. As a remedy for this evil, I think that a rule nullifying any and all contracts made wherein portions of allotments are to be deeded for services rendered in surveying or selecting lands for another, would serve to check this robbery scheme.

I have been reliably informed that an organized effort will be made by some of the extensive land holders of this Nation to defeat that part of the Secretary's ruling limiting each allottee to 240 acres of land - they contending that the ruling is in direct



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conflict with terms of treaties heretofore made.

Another question arises in contemplation of the Secretary's ruling which is of considerable moment to the allottees, and that is the insecurity of ownership to the 240 acre allotment. Under this ruling no title is given, and in case of death of the allottee his allotment reverts to the Nation. This feature of the ruling is very objectionable in so far as it hazards money spent in improving allotments.

I take liberty, for which I do not want to be understood presumptuous, of suggesting that a better and more satisfactory way of allotting the first apportionment of land would be, to allot 160 acres, the home stead, and give good title to same, and the remainder to be held just as we hold our lands to-day. If then citizens were disposed to make improvements on land in excess of what would be there pro rata share they would do so at their own risk. They would then have fee simple title to this homestead, and any improvements made thereon would in case of death of the allottee, be heired by their own people. These suggestions I make from a careful and considerate study of the question as it occurs to me.

Very respectfully,

(signed) Green McCurtain,

Prin. Chief, Choctaw Nation.

Copied from Commission to Five Tribes file No. 1754 now in files of Superintendent of Five Civilized Tribes, Muskogee, Oklahoma.



## EXECUTIVE OFFICE, CHOCTAW NATION.

Green McCurtain, Principal Chief.

Sans Bois, I. T., January 11th, 1899.

Hon. Tams Bixby,

Act. Chm'n Dawes Commission,

Muskogee, Ind. Ty.

Dear Sir:-

Your favor of the 7th instant came to hand promptly.

In reply I beg to say that I am exceedingly anxious to have the allotment of lands belonging to the Choctaws and Chickasaws, made as soon as possible.

I am opposed to the recent order of the Secretary of Interior, limiting the holdings of land of each member to 240 acres per head; for the reason, that to enforce that order would be contrary to the express terms of the late treaty, and would meet with general dissatisfaction. The allotment of land must in all particulars, be made in strict accordance with terms of the Atoka Agreement, under such rules and regulations, of the Secretary of Interior, as are not inconsistent with the terms of said treaty.

Inasmuch as the Atoka Agreement provides that, the allottee shall receive two patents to his lands, one of which shall be his homestead of 160 acres, which he must designate, and the other patent to lands in excess of his homestead.

I suggest that in order that the members of our tribes may have some feeling of certainty as to their homesteads, and that the allotment may progress as rapidly as possible, that the allotment of 160 acres for the homestead of the allottee, be made at once to



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members of the tribe who wish to have the same set apart as a home-  
stead, and that where members of either tribe hold land in excess  
of this amount, upon which they own improvements, that their  
holding or possession of such lands, be unmolested until time for  
final allotment of the lands remaining unallotted.

To adopt any rule which would materially change the  
holding of lands, before it is definitely ascertained how much  
land each individual is entitled to receive, would be very unsatis-  
factory to all and exceedingly hard to enforce.

I trust that you will give this matter due consideration,  
and that you will request, the Secretary of Interior to modify his  
recent order, so as to embody the suggestions made above.

Very truly,

(signed) Green McCurtain

Prin.Chief, Choctaw Nation.

Copy of letter No. 2092 in Commission to Five Tribes files, now  
in office of Supt. for Five Tribes, Muskogee, Oklahoma.



Carthage, Miss., January 27th, 1899.

Hons. Tams Bixby and T. B. Needles,  
Muskogee, Indian Territory.

Dear Sirs:

We came out Monday from Canton this place, finding the roads pretty bad, but got through safely. Commenced work Tuesday morning, and have enrolled 422 full blood Choctaws, and 193 mixed bloods. The latter all, I think, belong to the LeFlore family. I find it absolutely impossible to fix any connection between the full bloods and the Treaty of 1830, and therefore assume that they are all Mississippi Choctaws, and take them as I come to them. They are poor, illiterate, and helpless, and really in a pitiable condition. Nearly all of them can speak a little English, so as to make themselves fairly understood. I require the other class (mixed breeds) to make very strict showing, and do not find white people seeking to be identified, except those who are apparently of Choctaw descent. We have only enrolled eight persons to-day. It is thought a few will be in to-morrow. Mr. Yancey is putting the evidence as to the mixed bloods, in type, and I am sure we will be able to have all this done when we get through. I understand there will be but few more mixed bloods, but the number of full bloods will go far beyond our expectations. It is thought that there are at least two thousand full bloods, most of them in Nashoba County, where will meet them, at Philadelphia, next week. We will go out there next Sunday. It is thought we will find about as many at Decatur as we have here. We are faring very well, and have been treated most kindly by the people, and indeed have nothing what ever to complain of. It is reported that some of the



2.

Indians have been made to believe that this is a move to compel them to remove to the Territory, and they have been a little why about coming in, but we have treated them kindly, and I think will have no difficulty in getting to them. The grand son of Pushmataha came down from Neshoba, from his people there, to see me and learn about the matter. He stayed a day or two, and talked to me very freely, and went away apparently in fine spirits, saying that he would assure his people that it was alright, and have them come in.

Hope you are getting along nicely with the Creeks, and may succeed in concluding an agreement with them.

If you should conclude that my services are needed else where, more than in Washington, so notify me before the 10th proximo, and I will abide your judgment.

Colonel Needles could not reach us to be of any service to us, without travelling a long distance, possibly 60 miles, over the very worst of roads, and probably in very bad weather, and I do not believe that the service he could render, would justify the exposure and hardships which he would have to undergo. It would be pleasant to us to have him with us, but I do not see the necessity of his coming. We will do the work the very best we can, and hope to accomplish all that could be expected.

With very kind regards to all of our official family.  
Would be glad to hear from you often.

Sincerely yours  
(signed) A. S. McKennon

Copy of Commission to Five Tribes File No. 2260 in office of Supt. of Five Tribes, Muskogee, Oklahoma.



Bokoshe, I. T.  
Nov. 28, 1899

Hon. J. Geo. Wright

Muscogee, I. T.

Very dear sir:-

I am a Choctaw citizen by blood, and 49 years of age, and I as well as many other of the blooded citizens in our vicinity are wanting a change of government in this territory. We are desiring immediate statehood, and are not at all satisfied with the present conditions of things. Nearly all if not quite the full blood Indians that I can hear anything from are republicans and every one to a man is wanting a territorial government,

You see the poor ignorant indian dont know anything of or about allotment etc. and they will stand back when an allotment comes and the inter-married or mixed blood will get the cream of the country. There is just a few intermarried citizens who you might say own all the improved lands and are still renting it, and collecting the rents. While the poor indian who stands off dont know any better than to just let all such parties go ahead, as he dont know anything about the law, etc. If you go and propose to purchase their improvements of which many if not all have more than they can allot or even aim to allot, they set their price so high that the indian cannot buy them. Of course you understand the situation, and I am here to tell you that this condition of affairs is getting to be very grievous down here, and in consequence the Indian is not wanting any more Choctaw government. He simply wants a change and if possible this congress ought to take hold of it just as soon as



it convenes at Washington.

The union party that is among the indians are largely in the majority here in the Choctaw nation and they favor immediate statehood. Also we want to have an expression from you regarding the matter as well as we desire some advise along this line.

Please write us at your earliest convenience.

Your obedient servant

(Signed) James Taylor

A. L. S.  
No. 3417

Endorsement: Bokoshe, I. T. Nov. 28, 1899 James Taylor  
Relative to statehood for Indian Territory.

Copied GBD  
4/2/34



Bokoshe, I. T.  
Dec. 1st 1899

Hon. J. Geo Wright  
Muskogee, Ind. Ter.

Very dear Friend:

I write few line to you. Nearly all Choctaw full blood wants territory government. We dont want wait on Atoka agreement - and our government is no in good (sic) & United States government over Choctaw land - and we have given up entirely, and as soon as I send petition to Congress wants territorial government, etc.

Yours respectfully

(Signed) S(ilas) W. James

Choctaw attorney at law

P. S. When you get this letter you must write to me. Let me hear from you at once. S. W. J.

NO. 3453

A. L. S.

Note: According to Peter J. Hudson, Silas W. James is a Six Town Indian.

Endorsement: Bokoshe I. T. Dec. 1, 1899. S. W. James.

Choctaw wants territorial government.

Copied GBD

4/a/34



CHOCTAW - MINERALS



Kali-Inla Coal Company

135

Alderson, Ind. Ter.

March 3, 1899

Mr. Wright,  
Indian Inspector  
Muskogee, I. T.

Dear Sir:

I understand that it is proposed to oust Boston, labor agitator. Would it be feasible to let the Indian police give it out that they would oust several of the most violent agitators. This would have the effect of inducing them to leave the Territory which would accomplish the desired end.

Yours truly

(Signed) Franklin Bach

Pres.

No. 181  
A. L. S.

Endorsement: Alderson, I. T. March 3, 1899 Franklin Bache  
Relative to ejection of labor agitators.

Copied GBD  
3/31/34



CHOCTAW, OKLAHOMA & GULF RAILROAD CO.

136

Office of General Manager

South McAlester, I. T.  
March 5, 1899

Mr. J. G. Wright

U. S. Inspector Interior Department

Muskogee, I. T.

Dear Sir:

You are fully aware of the partial suspension of mining operations in the Territory and the losses inflicted on the miners and laborers, on the operators and also on the Choctaw Nation, from loss of its revenues.

The actions of a large part of the miners at Krebs and Hartshorne show that they do <sup>not</sup> wish a strike, and that there is no real difficulty between the miners and operators.

The trouble has been cause <sup>side</sup> by James Boston, a representative from Illinois, of the Mine Worker's Union. He admitted to me that miners had made no complaint or demand, but that it was the intention of this Union to force recognition by the operators in their dealings with their men, and to enforce such scale of wages and conditions of mining as they thought best.

If the miners and laborers interested were united in sustaining the claims made by the representative of this organization, I should not address you concerning it; but it is plainly the desire of these men to resume work, and that the previous relation between them and the operators shall not be disturbed; but they are terrorized by the organization and prevented from doing as they otherwise would.



As I have stated above, the losses incurred thereby, are not only to the miners and operators, but also to the Choctaw Nation, and I would respectfully urge on you that this man James Boston and his aiders and abettors be excluded from the Territory as disturbers of the peace and men whose actions are inimical to the well-being of all parties interested.

They have had ample opportunity to sustain the claims they have made and have signally failed and should be required to accept the consequences without further delay, as every day of this continued agitation is a menace to order and security of property and a great injury to all interests involved.

Yours truly

(Signed) Henry Wood

No. 178  
L. S.

Endorsement: South McAlester, I. T. March 5, 1899 H. Wood.  
Relative to strike in coal mines.

Copied GBD  
3/31/34



Fort Smith, Ark.,  
March 11, 1899

J. George Wright  
Muskogee, I. T.  
Dear Sir:-

I beg to call your attention to the existing condition of affairs at the coal mines of the Atoka Coal and Mining co., near Lehigh and the Osage Coal and Mining co. at Krebs, I. T., and to solicit your influence and co-operation in suppressing and preventing violence towards our employees, who desire to continue work.

If our employees, especially those at Krebs are protected from intruders and "walking delegates" who against the protest of the superintendents and officers in charge of the mines, visit the camps and breed dissention and threaten violence, we would have no trouble in operating the mine. If the present condition of affairs continue, it will practically stop the output of coal, thereby not only seriously damaging the coal operators, but also seriously injuring the Choctaw Nation, to which the royalty on coal is paid for the support of their common school.

If you could aid us in keeping from our several camps these "outsiders," it will do much toward quieting the present disturbances.

Your assistance and co-operation is earnestly requested.

Yours truly

(Signed) Ira D. Oglesby, Att.

No. 260      Endorsement: Ira D. Oglesby solicits co-operation  
L. S.      of Inspector to suppress violence at coal mines.

(Note: Mr. Oglesby is attorney for Western coal and mining co. - Denning, Ark.: Osage coal and mining co., Krebs, I. T.; Western coal and mining co., Jenny Lind, Ark.: Atoka Coal and Mining co. Lehigh, I. T.).  
Copied GBD 3/31/34



Union Agency,

Muscogee, I. T., March 17, 1899.

Hon. J. George Wright,  
U. S. Indian Inspector,  
Muscogee, I. T.

Sir:-

I have the honor to state that my order, approved by you, which was issued March 7th, 1899, directed to Capt. J. W. Ellis, U. S. Indian Policeman, South McAlester, I. T., as you will observe from its terms, was an alternative order and simply directed James Boston, who was reported to me as making incendiary speeches to the miners in the Choctaw Nation, which in their effect would agitate the community and bring about undue friction between the operators of the mines and the miners themselves, to cease such agitation or otherwise, if he desired to remain in the Indian Territory and within the bounds of this agency, he must procure a permit from the Chief of the Choctaw Nation, to be approved by the Agency, and if such permit could not be procured, would be expelled from the country.

In making this demand from Mr. Boston, I pursued precisely the course which was followed by this agency in the strike of 1894, and which the records of the Indian office will doubtless attest.

In that year I examined, or caused to come before me for examination, several hundred miners, and in every instance I asked them whether they had a permit or not to remain in the Choctaw Nation, and if they failed to show such permit or give a good reason why they could not procure one or had not procured one, they were declared intruders, and I pronounced judgment against them, and that they



## 2.

were living in the country contrary to law. The Choctaw Nation complained against the miners that they were cutting off the revenue of its government and while the mines remained inactive and the miners were not at work, the output of the mines ~~were~~ was considerably reduced, and to the same extent the royalties due the Choctaw Nation were reduced.

In the present case, Mr. Boston has either induced the miners to strike in the first instance, or he has advised them to stay our<sup>sic</sup> after they had struck, and the effect in either case is the same upon the revenues of the Choctaw Nation.

As you are aware, I am charged by law and by the rules and regulations of the Department, to collect royalties on coal in the Choctaw Nation, and these revenues are to be used for educational purposes. It is the settled policy of the Government, as I understand it, that these revenues shall be collected and paid over to me, and whoever prevents by strikes or otherwise, the working of mines and the consequent out put of coal, is to that extent an obstructionist of the policy of the Government in collecting said revenues through me. I therefore felt, when I issued said order, and feel now, that Mr. Boston was interfering with my legitimate duties as collector of the revenues due the Choctaw Nation from the operators of mines.

It is a fact too, attested and proven by the strike of 1894, that when large bodies of miners are idle, they commit offences against the law in the mining regions. It was proven before me in the strike of 1894, that one Indian alone, towit, Mr. John Simpson of South McAlester, I. T., who lives near the mines at Krebs, had about 200 head of cattle stolen or killed during the continuance of that strike,



## 3.

and he believes, and believed then that the loss of these cattle was directly traceable to the idle miners who had struck at Krebs. Other communities were affected in the same way, and hence I regard all strikes and the congregation of idle miners incident thereto, as a menace to the "repose of society."

If you will read the letter from Mr. S. Guerrier, which accompanies this as an exhibit, you will find that the miners of the Atoka Coal and Mining Co., of which Company he is agent, to the number of 100 men, surrounded a certain house which belongs to said company and ordered five men therein, that they must leave the house and gave them 24 hours in which to leave, and on the morning of the 10th, 75 men assembled at Briar Creek bridge and forced some 10 or 12 men, who were on their way to work, to return to Lehigh. I understand that these miners who threatened the men aforesaid, have been arrested for interference with the operations of said mine and have been called before Judge Clayton of the Central Division of the Indian Territory, to answer the charge of disturbing the peace and otherwise interfering with the use and occupation of said mines by the operators thereof.

There is no doubt, that thousands of men thrown out of employment in any given community, constitute a menace to the repose of society.

Now in the case of Mr. Boston, I have made no unusual demand of him. I have simply asked that he comply with the law of the Choctaw Nation, which requires all non-citizens resident therein, whatever may be their profession or vocation, to obtain a permit from the Choctaw authorities. I do not know whether he is an adventurer or not, but



4.

I believe that he is and that his presence in the coal mining regions is a source of agitation and mischief and that it bodes no good either for the operators themselves or for the miners who blindly follow his lead.

I call your attention to Choctaw laws as to permits, on pages 237,38,39,40,41 and 42, "Compiled Laws of the Choctaw Nation" edition of 1894.

In this connection I herewith transmit to you a printed letter published by James Boston in the "Daily Capital" after the notice of this agency was served upon him. In it he chooses to speak of me as a tool and under the influence and control of corporations. The manner and style of said letter show conclusively that Mr. Boston, if not an agitator, is an inconsiderate person and one that is capable of uttering an absolute falsehood. His statement that I am a tool of a corporation, or anything of that kind, is absurdly foolish as well as false, and if his conclusions are true that miners east of the Mississippi river enjoy their constitutional liberties, make good wages and have better conditions surrounding them than do the miners in the Indian Territory, he ought not to object to the removal of either the miners themselves, or object to the removal of himself as a self constituted leader of said miners, and according to his own theory, it would be really a blessing to the miners if they were removed, and I suppose what would be a blessing to his fellow miners, would be also a blessing to himself. All talk about constitutional liberty, freedom of speech, is simply bosh and not worthy of consideration.

The Indian Territory is not a state; it is governed by treaty stipulations, by rules and regulations of the Department which do not



5.

prevail in the states, and what a man might do in the states consistently with the statutes thereof, he cannot do in this Territory. The Indians by treaties with the Government, are protected "from invasion and from domestic strife", and in the strike of 1894, when the Italian Minister at Washington complained that I had put certain miners out of the Territory, he was informed by the State Department that I had a perfect right to do so because these men should live in the Territory according to the laws governing the same, and should have a passport from the Honorable Secretary of the Interior, which they did not have; that is to say, if the laws of the Territory required permits or passports, they should have such permits or passports, and that therefore my action in ejecting such miners, and miners of other foreign countries, was approved.

I know of no reason why Mr. Boston should be a favored child of fortune and be allowed to remain in the Territory without complying with the local laws applicable to himself and all others of like kind, and for this reason, unless he ceases to agitate and ceases to make incendiary speeches, he ought to be removed from the limits of this agency, and I believe that the sooner it is done the better for all concerned.

The strike of 1894 did not seem to reach a conclusion until I had expelled by the use of the United States troops, about 156 refractory miners who might properly be styled agitators.

Very respectfully,

D. M. Wisdom

enclosures.

U. S. Indian Agent.

(Copied from records in office of Superintendent of Five Civilized Tribes.



## DEPARTMENT OF THE INTERIOR,

138-F

## UNION AGENCY,

C O P Y.

Muscogee, I. T., March 7, 1899.

Capt. J. W. Ellis,

U. S. I. P.,

South McAlester, I. T.

Sir:-

Whereas, I have been reliably informed that one James Boston, who is a non-citizen of the Territory, has appeared in the coal mining regions of this Territory at Alderson, Hartshorne and other places, and has been playing the role of an agitator and inducing men to strike, and thereby stop the running of the Mines in that vicinity, and that said strike is hurtful to the interests of the Choctaw Nation, cutting off its legitimate revenue, and is also a menace to the repose of society, you are therefore directed to notify said Boston, that if he remains in the Territory, he must procure a permit from the Chief of the Choctaw Nation, to be approved by the agency, or otherwise he will be expelled from the limits of the same.

You are authorized to serve a copy of this notice upon him and require him to answer whether he will obey this notice or not, and you will direct him, that he must stop said agitation and that he must procure the permit as above directed.

Please reports service of this notice upon said Boston.

Very respectfully,

(signed) D. M. Wisdom,  
U. S. Indian Agent.

Approved:

(signed) J. Geo. Wright,  
U.S. Indian Inspector.

(Copied from letter press book in office of Supt. Five Civilized Tribes, Muskogee, Okla.)



J.W.Ellis,  
Captain U. S. Indian Police  
for the Indian Territory.

C O P Y.

South McAlester, I. T., March 12, 1899.

Hon. D. M. Wisdom,  
U. S. Indian Agent,  
Muscogee, I. T.

Dear Sir:-

Mass meeting held at Morgan's Grove today at ten o'clock Boston told the miners at Krebs this morning to stay out; they would win if they had to stay out a year. He would not ask them to strike but to stick to the Union until they got what they wanted. That is all the men at Krebs had gone to work they would have been scabs, as the majority in the district were out on a strike. This is about the substance of what Mr. Boston had to say. I had a talk with him last evening. He and his attorneys told me they had written you for fifteen days time to answer. I supposed you saw his letter in the Capital where he takes you and Mr. Ludlow to task; also I suppose you have seen the Fort Smith Times where they say the police were drunk and abusing everybody that belonged to the miner's union. All of this is a lie; not a word of truth in it. I just received news from Gov. McCurtain; he says that Boston cannot get any permit from him, and that he should be put out of the territory; that we have no use for such men in it. I believe that the miners at Krebs, about three hundred of them will go to work tomorrow morning. Mr. Boston is here in the city tonight. Everything seems to be quiet. This is about all the information I can give you at this time.

Very respectfully,

(signed) J. W. Ellis.

(Copied from letter press book in office of Supt. Five Civilized Tribes, Muskogee, Okla.)



C O P Y

South McAlester, I. T., March 11, 1899.

Hon. D. M. Wisdom,  
U. S. Indian Agent,  
Muscogee, I. T.

Dear Sir:-

On yesterday Captain J. W. Ellis served a notice on James Boston, issued by you directing him to leave the Indian Territory, under penalty of removal. Mr. Boston has just consulted us on this matter, and we respectfully ask that you give fifteen days to get our evidence and present our case before you, before you take further action in this matter. We take it, that you have had only one side presented to you, and we feel that when you have fully heard Mr Bostons side that you will not feel like issueing this order to eject him from the Territory. It will take us some time to get up proper affidavits etc. therefore we ask for fifteen days time in which to do the same. Kindly let us hear from you on this matter.

Respectfully yours,

(signed) Harley &amp; Lindly.

(Copied from letter press book in office of Supt. Five Civilized Tribes, Muskogee, Okla.)



COPY

Dow, I.T., March 11, 1899

Hon. Mr. Wisdom,

Indian Agent,

Muscogee, I. T.

Dear Sir:- We, the members of the United Mine Workers of America of Hartshorne, No. 9 Local Union No. 540, do protest against the action taken by you in notifying Mr. James Boston a national member of the United Mine Workers of America, to leave the Indian Ter.

He, not being the promoter of the present strike or any disturbances, but being employed by the United Mine Workers of America in the Indian Ter. to defend their rights as miners in the Indian Ter., which rights are given them by the laws of the U. S. in regard to labor organizations, and we claim the liberty given us by the constitution of the U. S.

(signed) Geo. Carmichael, Pres.

Patrick Connors, Secy.

Seal.

(Copied from letter press book in office of Supt. of Five Civilized Tribes, Muskogee, Okla.)



O.B.G.R. Collect.

April 25, 1899.

Secretary of Interior,  
Washington, D. C.

Principal Chief McCurtain, of Choctaw Nation, through his attorneys by telegram demands removal of James Boston from Choctaw Nation; Choctaw authorities are anxious for immediate action. By the terms of your letter of April twelfth it would seem he ought to be removed. Please wire instructions accordingly.

Zevely

Special Inspector.

(Copied from letter press book in office of Supt. of Five Civilized Tribes, Muskogee, Okla.)



CHOCTAW - PRINCIPAL CHIEF



Talihina, I. T., August 19, 1902.

Hon. J. Geo. Wright,  
U. S. Indian Inspector,  
Muskogee, Indian Territory.

Sir:-

In reply to your letter of the 16th instant, relative to the removal of the Supreme Judge of the Third District by me, I desire to state that on the 25th day of July, 1902, a complaint was filed in this office against the Hon. Wesley Anderson, Supreme Judge of the Third Judicial District, Choctaw Nation, and notice of same was served upon him as provided by law and he failed to appear before me at the time set for answering such charges and I proceeded under the law to hear the evidence in the complaint and decided therefrom that the charges were well founded and I suspended the said Wesley Anderson from acting as such Supreme Judge until our General Council convenes and passes upon the charges preferred against him. Pending the suspension of Mr. Anderson, I appointed the Honorable S. E. Cole as temporary Supreme Judge to perform such duties as are incumbent upon that office, and through my light horse I ordered the said Wesley Anderson to turn over the poll books, papers, records, etc. in his office to the Hon. S. E. Cole, the temporary Supreme Judge, and upon his refusal to do so the poll books, the only available papers of the District and county officers were seized by the light horse and turned over to Mr. Cole - in so doing I consider myself as having acted within the bound of the laws of this Nation as I observe and understand them.

Very respectfully,



COPY

Sans Bois, Indian Territory,

August 30, 1902.

Honorable J. Geo. Wright,  
U. S. Indian Inspector,  
Muskogee, Indian Territory.

Sir:-

As you are probably aware the Choctaws have recently had an election for Principal Chief and other officers. In this campaign I had the honor of being the successful candidate for Chief by a majority of 254 votes, as shown upon the fact of the returns. Mr. T. W. Hunter of Caddo, Indian Territory, was my opponent.

The issues of this campaign were definitely drawn, and briefly stated were simply the pending supplementary agreement and the policies therein contained. Owing to a provision in the agreement relating to the settlement of citizenship question, an element heretofore unknown in Choctaw politics, and by the way a very considerable one too, was drawn into the fight for Principal Chief - namely: Those persons claiming Choctaw-Chickasaw citizenship by virtue of judgments of the United States Court, and commonly known as "court citizens." This element I had to combat with all its allies, and it was of no little consequence, having been so thrown in with politics as to disguise the issue. Thus was the interest in the campaign intensified.

As is always the case, unavoidably so, considerable feeling was engendered in the campaign. And from all indications there are those who are not willing to accept the verdict of the people as expressed by ballot, but are seeking to defeat the public will by forcible and unlawful tampering with the returns. I refer to the action of Gov. Dukes in sending his light horsemen to Supreme Judge



Wesley Anderson and forcibly taking away from him the poll books for the Third District of this Nation, while he (Anderson) was in the act of counting the votes for District and County Officers, as the law directs. This kind of conduct is calculated to cause trouble if pursued, and I have every reason to believe it will be pursued even to more desperate ends, unless some restraining influence is brought to bear upon Gov. Dukes and his friends. I am informed that Gov. Dukes is kept pretty well under the influence of whiskey, patent medicine and other intoxicating liquors, which is no difficult task, until he has almost reached the state of irresponsibility.

In view of the fact that the votes cast for Principal Chief at the last election are to be canvassed and counted at the coming session of the Choctaw (Council), to be held in October next, and as there is now considerable feeling manifest over the result which is already known but not yet declared, and in consideration of the further fact that all indications are to the effect that Gov. Dukes and his friends, the opposing political faction, purpose to finally precipitate trouble or carry their point, I would respectfully suggest the necessity for a detachment of troops to be present on the occasion of the council meeting in order that peace and order may be preserved, and would request that you recommend same to the Department.

Very respectfully,

GREEN McCURTAIN.



## DEPARTMENT OF THE INTERIOR

United States Indian Inspector

for

24918-1902

Indian Territory

Muskogee, Ind. T. Sept. 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith a communication under date of August 30, 1902, from Honorable Green McCurtain, of Sans Bois, in the Choctaw Nation, Indian Territory, in which he advises that in the recent campaign for the election of principal chief and other officers of the tribal government, he has been the successful candidate for chief; that the issues were definitely drawn, and, as is always the case, considerable feeling was engendered; that from all indications there are those who are not willing to accept the verdict of the people, as expressed by ballot, and are seeking to divert the public will by force and unlawful tampering with the official returns. He states that the conduct of the present officials of the tribe is calculated to cause trouble, if pursued; that the present principal chief is kept pretty well under the influence of intoxicants, and as there is now considerable feeling, and as he believes that the opposing political faction purpose to precipitate trouble at the coming session of the National Council, to be held in October next, he suggests the propriety for a detachment of troops to be present on that occasion.

Concerning this matter I have to respectfully report that similar reports were made concerning the election in the Chickasaw Nation, and upon the request of the Governor thereof, the U. S.



Indian Agent proceeded to Tishomingo on the 1st instant, the date that the legislature was to meet, with a squad of Indian police, and co-operated with the U. S. Marshal for the Southern District of the Indian Territory, who was present with a force of deputies. The Agent has just returned from Tishomingo and reports that while there was considerable feeling during the session of the National Legislature, with the presence of the police and deputy marshals, there was no trouble; that the votes were duly canvassed, and Mr. Palmer S. Moseley was declared to be elected Governor.

I do not believe there is any necessity for troops to be stationed at the capital of the Choctaw Nation, but respectfully recommend that the same action in this instance be taken as in the case of the Chickasaws; that the Indian Agent or myself proceed with the police force to Tuskahoma, at the next meeting of the National Council about October 1st next, and take such steps as are necessary to keep peace. I also respectfully recommend that the Attorney General be requested by the Department to direct the U. S. Marshal for the Southern District of the Indian Territory, to assist him in maintaining order at that time, the Indian Agent, myself and Marshal to co-operate with each other.

Concerning the statement of Mr. McCurtain that Principal Chief Dukes sent his "light horsemen" to Supreme Judge Anderson and forcibly took away the poll boxes for the Third District of the Choctaw Nation, I have to respectfully report that upon seeing the account of this matter in the public press, I addressed a communication to the Principal Chief on the 16th ultimo, a copy of which is respectfully enclosed herewith, and his reply, dated the 19th ultimo,



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is also enclosed.

Very respectfully,  
Your obedient servant,

J. Geo. Wright,

U. S. Indian Inspector  
for Indian Territory.

D.H.K.(J)  
Enclosure.



## DEPARTMENT OF THE INTERIOR,

Washington

September 20, 1902.

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

Sir:

The Department is in receipt of a letter from Honorable Spencer B. Adams, Chief Justice of the Citizenship Court, quoting from a letter from Messrs. Mansfield, McMurray and Cornish, relative to the necessity for the presence of the Indian Agent or a troop of soldiers at Tuskahoma during the counting of the vote for Principal Chief of the Choctaw Nation.

On the 18th instant (ITD 5727-1902, the Department advised you fully relative to the action to be taken by you, or the Indian Agent under your direction, at that time.

The Attorney General has been requested, in accordance with your recommendation, to direct the United States Marshal to be present with a sufficient number of deputies to keep the peace.

You are further advised that the Department does not desire and will not tolerate any interference on the part of the United States officers of this Department with the tribal authorities in the discharge of their duties, except whatever may be necessary to preserve order and to keep the peace on that occasion.

The Department desires a full report from you concerning the statements made by Judge Foote in an extract transmitted by



2.

Judge Adams. Should any special exigency arise requiring different action, you will wire the Department for instructions.

Copy of Judge Adams' letter and also copy of the extract of the letter from Judge Foote to Judge Adams, are inclosed herewith.

Respectfully,

(Signed)(Thos. Ryan

Acting Secretary.

2 inclosures.

Copied on October 10, 1934, from files of Superintendent of Five Civilized Tribes, Muskogee, Okla.



Greensboro, N. C. Sept. 18, 1902.

Secretary of the Interior,  
Washington, D. C.

Dear Mr. Secretary:

Please find herewith enclosed extracts from a letter I have just received from Judge Foote, with reference to conditions in the Indian Territory. I am also in receipt of a letter from the firm of Mansfield, McMurray & Cornish, South McAlester, I.T., of the 15th, instant, in which they say:

"The outlook for the ratification of the treaty is good. Gov. Dukes and Gov. Johnson reissued their proclamation on the 26<sup>th</sup> ultimo, recalling the election to vote for the treaty on Sept. 25th. It is very important on that occasion that we either have the Indian Agent or a troop of soldiers at Tishkahomma, for there is great danger, judging from the threats and preparations, that the anti-treaty people are attempting to get in charge of the administration, by seating Hunter as Chief. Maj. Hackett, the present U. S. Marshal, seems to be anxious to be ordered to Tishkahomma. Gov. McCurtain does not want him under any circumstances, or his marshals, to be at Tishkahomma; they are strong partisans and anti-treaty sympathizers, and we do not need them."

This firm is the firm representing the Choctaw and Chickasaw Nations.

I do not desire to worry you with these communications, but thought it well to send this batch to you.

I am, with great respect,

Very truly,

(Signed) Spencer B. Adams.



C O P Y.

Extracts from a letter written by Judge Foote, from South McAlester, I. T., and bearing date the 15th instant.

"The conduct of the parties who oppose the treaty in the Chickasaw Nation have, since I wrote you, been apparently quiet, but, nevertheless, there has been, and is, desperation; and, but for the wise counsel of some disinterested people, an effort would have been made by armed men of the Byrd faction, camped in the woods, near Tishomingo, to have attempted what they failed to do, owing to the cool and deliberate courage and obedience to instructions of Maj. Shoenfeldt, on the first day of September. I think the same desperation exists in the Choctaw Nation; and it is being fanned by Hunter and his friends, some of whom, I regret to say, are Federal officials, whom you know as well as I do. I am satisfied from the most reliable information that I can get, it is the intention of Hunter and his friends to attempt to be seated as chief of the Choctaw Nation, on the 6th day of October next. Their plan is to have the United States Marshal and his deputies, who are undoubtedly sympathizers of Hunter, whatever they may say to the contrary, to go to the capital of the Choctaw Nation, at Tushkahomma, under the orders of the present chief Dukes, who is notoriously a drunkard and utterly unfit for the office he holds, and, under the pretended authority of this man, throw out votes for McCurtain. Such a course would only bring on anarchy and bloodshed. Some of the officers of the Choctaw Nation are desperate and determined, if possible, to thwart the will of the people, and the wellfare of the whole Nation. They have resorted to argument with the colored people and others, to the extent of even claiming that the President of the United States would dishonestly receive a part of the proceeds from a sale of the coal lands. To such an extent have they gone with this charge that McCurtain, in a speech delivered



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publically, stated that if a man who made these statements was in the crowd he would point him out, and the individual referred to, who was a Dr. Hartshorne, Hunter's campaign manager for this county, got up and slunked away. It is also a fact that the some of Dr. Sterrett, who is, as you know, a representative of the United States Government on the Township Commission, worked actively in the field in the last election for Hunter, who is a co-adjutor with his father on the Town-site Commission. The truth is, in my judgment, unless these officers, who are under the orders of the Attorney General and the Secretary of the Interior, are strongly and determindly given to understand that they shall not, under any circumstances, do anything to interfere with the seating of McCurtain, some desperate attempt will be made by these men in the hope, that if Hunter is not seated everything will be thrown in confusion here.

In reference to the treaty, I am glad to be able to inform you that Dukes has been induced to sign an amended proclamation, so that the election on the treaty will take place on the 25th day of September.

It may seem to you that I somewhat overdrawn the picture, but I do assure you that from all the sources of information I have, and which I do not think proper to set forth fully on paper, a more extraordinary unscrupulous set of men than those to whom I refer never existed.

Delicacy, perhaps, would forbid me to speak of those who are like myself officers of the United States Government, but I am perfectly satisfied that those who represent the Government here, have not only helped to carry on this campaign, but to the extent



## 3.

of inducing by misrepresentation, by attacks on the President, these negroes to vote against the treaty, which is beneficial to them as well as to the real Indian. If these men are not strongly and positively ordered to keep their hands off, and from interfering in any wise with the seating of McCurtain and the installment of the Legislature, anarchy will result. In my opinion, if anybody is sent to Tishkahomma it should be Maj. Shoenfeldt, and the United States Marshal and his deputies, who are clearly in opposition to McCurtain and the treaty, should be kept away."



Mr. E.B. Smith of Muskogee told me the following:

When Major Victor Locke, Jr., was in the World War, he was in charge at one time of some colored troops in Georgia. One day while talking to one of his men he told Major Locke that he once had been stationed at Fort Sill and once was sent to Tushkahoma with other colored troops to help quell a little uprising in the Choctaw Nation. Major Locke at once became interested and asked him several questions - enough to satisfy himself that he had really been there - and then he asked him if there were two men in the cupolo of the capitol building at Tushkahoma. He said there were and that the only thing he did while there was to disarm those two men. Then Major Locke told him that he was one of those men. At that the Negro fell down laughing. The Major asked him what was so funny about that. He said that he thought it was funny to think that his commanding officer now had once been his prisoner of war. This happened in 1902.

Rella Watts. (now Rella Cooney)



## DEPARTMENT OF THE INTERIOR,

Washington

September 18, 1902

United States Indian Inspector

for Indian Territory, Muskogee, I. T.

Sir:

September 3, 1902, you transmitted a letter from Hon. Green McCurtain stating that he is apprehensive of trouble when the National Council meets for the purpose of canvassing the votes cast for the candidates for the office of Principal Chief of the Choctaw Nation, and requesting that a company of United States troops be present at Tuskahoma on that occasion.

Forwarding the papers September 15, 1902, the Commissioner of Indian Affairs agrees with you that there is no necessity for the presence of troops, and concurs in your recommendation that the Department of Justice be requested to direct the U.S. Marshal for the Central District of Indian Territory to assist you or the Indian Agent in maintaining order at that time.

In accordance with said recommendation, the Department has this day requested the Attorney General to direct that said Marshal be at Tuskahoma on or about October 1st, with a sufficient number of deputies to keep the peace.

You and the Indian Agent will, therefore, cooperate with the Marshal in this matter. You will also advise Mr. McCurtain that there is no necessity for troops, and that appropriate steps will be taken to preserve the public peace. A copy of the



2.

Commissioner's letter is inclosed.

Respectfully,

(SIGNED)

E. A. Hitchcock

Secretary.

(Copy of records in office of Supt. Five Civilized Tribes,  
Muskogee)



DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, Sept. 15, 1902.

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The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on September 3, 1902, by Inspector Wright transmitting a communication dated August 30, 1902, from Hon. Green McCurtain, of Sans Bois, Choctaw Nation, Indian Territory, in which Mr. McCurtain states that he has been advised that he has been elected Principal Chief of the Choctaw Nation; that there is considerable feeling, and that from all indications there are persons who are not willing to accept the verdict of the people and who are seeking to defeat the public will by force and by unlawfully tampering with the official returns; that the conduct of the present officials of the tribe is calculated to cause trouble; that the present Principal Chief is kept under the influence of intoxicants; and that he (Mr. McCurtain) believes that the opposing political faction proposes to precipitate trouble at the coming session of the National Council to be held in October next; and he suggests the necessity for a detachment of troops to be present on that occasion.

The Inspector refers to the recent election and counting of the votes at Tishomingo, in the Chickasaw Nation and states that order was kept there by the Indian Agent and the Indian police with the cooperation of the United States Marshal with deputy marshals, and he does not believe that there is any necessity for troops at the capital of the Choctaw Nation, but recommends that the same action be taken at the capital of the Choctaw Nation as was taken at the capital of the Chickasaw Nation.



2.

Mr. McCurtain stated that Governor Dukes sent Light horsemen to Supreme Judge Wesley Anderson and forcibly took away from him the poll books for the third district of the Choctaw Nation while he (Judge Anderson) was in the act of counting the votes for district and county officers. Inspector Wright addressed a letter to Governor Dukes relative to that matter and submits for the information of the Department the reply of Governor Dukes in which he states that he proceeded in the matter in accordance with the law and suspended "the said Wesley Anderson from acting as Supreme Judge until our General Council convenes and passes upon the charges preferred against him"; that Judge Anderson declined to deliver the books to S. E. Cole who had been appointed temporary Supreme Judge, and that thereupon Governor Dukes sent his light horsemen to seize the poll books and turn them over to Judge Cole.

The office agrees with the Inspector that there seem to be no reason for the employment of troops at the capital of the Choctaw Nation at the meeting of the National Council there, and respectfully recommends that the Inspector be authorized to proceed in the manner suggested by him.

Very respectfully,  
Your obedient servant,

W. A. Jones,

Commissioner.

W.C.V.(S)



No. 4898

THE WESTERN UNION TELEGRAPH COMPANY

10/7/02

Washington D C

Shoenfelt Ind Agt and Actg Inspr.

Muskogee, I. T.

Do not interfere in tribal affairs of seating members or counting votes your duty is simply to keep the peace to which end the department of justice is instructing its representative to cooperate with you and be largely guided by your suggestions Should bloodshed between factions of tribes be eminent wire me and troops will be asked for to keep the peace

E. A. Hitchcock Secy.

(Copy of telegram in office of Supt. Five Civilized Tribes, Muskogee)



RUSH

Collect Government Rate.

Tushkahoma, Indian Territory, October 8 1902.

Hon. Secretary Interior,

Washington, D. C.

Am very reliably informed that winchesters in large numbers are being brought in here. Conflict between contending factions seems imminent. Have only twelve policemen. Marshals force about the same number. Am doing everything within my power to prevent bloodshed. Troops should not be delayed a moment.

Shoenfelt,

Acting United States Indian Inspector

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Tushkahoma, Indian Territory, October 9  
1902.

Hon Secretary of Interior,

Washington, D. C.

Box containing about forty winchester rifles has been this day seized at station Tushkahoma.

SHOENFELT,

Agent & Acting Inspector.



Tushkahoma, Indian Territory,  
October 13, 1902.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

I have the honor to transmit herewith a brief report confirming my telegram of the tenth instant, in which I stated:

"Imminent danger of a conflict between contending factions. Armed Light Horse in Capitol building refusing admission to certain members and Choctaw citizens. Large crowd Choctaws seeking admission, but are refused by Governor Dukes and supported by armed Light Horse. This action has aroused a feeling of indignation. Have just had conference with United States Marshal. He refuses to adopt my suggestions or be guided by them, or co-operate with me. Unless a company of troops are sent here I firmly believe there will be a clash between the factions. I, therefore, request that a company of soldiers be sent here at once. Your telegram of last night received and have been and now am fully complying with instructions therein."

I regret to state that Marshal Hackett took a different position and viewed the situation differently from what I did and would not consent nor give me his co-operation in disarming the men in the Capitol building who were guarding the door and patrolling the halls with winchesters and pistols. I had a number of conferences with him in reference to preventing a conflict between the contending factions and at all times maintained that the only way to prevent violence and the loss of life was to disarm all persons in the building, and to disarm all persons entering the building, and allow Choctaw citizens to assemble peaceably (under their constitutional right) without molestation or interference from any person, in order that they might proceed in the usual way without interference.

On last Monday morning when the legislative body assembled and tribal officers and apparently peaceable Choctaw citizens walked up the steps to enter the Capitol building, they were confronted with



armed men at the door and these men admitted such persons as they desired to permit in the building and refused admission to others, giving no reason for such refusal, except that they would not be allowed to enter the building. The persons turned away from the building (and I may say that very few were permitted to enter) appealed to me to be permitted to enter their Capitol building, assuring me that they would enter peaceably and that they would not commit violence nor injure any one; that all they asked was to be allowed to enter their own Capitol building.

I then announced publicly to the large crowd of angry and infuriated men to remain quiet, and that myself and the United States Marshal were consulting together and that every effort would be made to permit them to go into the building. In company with Marshal Hackett, upon the request of G. W. Dukes, Principal Chief, we held a conference in the executive chamber. I urged upon him to permit all Choctaws to peaceably assemble in their Capitol and to disarm all persons in the Capitol building, and that, with the co-operation of Marshal Hackett, we would be able to prevent any person from being injured; this, the Marshal refused to do and urged Governor Dukes not to yield nor disarm the men.

Just as the conference closed, probably 150 men made a determined rush for the Capitol building. I met them at the door and prevailed upon them to wait patiently, and told them that we were endeavoring as speedily as possible to arrange with the Principal Chief of the nation for their admission. The Principal Chief then agreed that he would allow certain persons, I think five in number, whom he stated were either members or contested members of the legislature, to enter the building. These persons were then notified to enter the building,



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and I was informed during the afternoon on Monday that a regular legislative body had been organized and it appeared to me that there would be no further trouble.

On Tuesday morning members were turned away and were not permitted to enter the Capitol building. A large crowd of angry men appealed to the Marshal and myself and urged that if they were not permitted to enter the building, at least we protect those persons whom the Governor the day previous allowed to enter and now denied admission. I then conferred with the Marshal and again appealed to him to co-operate with me in disarming every person in the Capitol building and to permit Choctaws to peaceably assemble, disarming them before entering the building, in order that they might proceed with the business which they had been called together to perform. This suggestion he refused to be guided by and stated that he would not assist nor co-operate with me if I attempted to disarm anybody in the building. He then threw a force of deputy marshals around the porch of the building and mounted the steps and stated to the crowd that all persons would be permitted to enter the Capitol building so far as the United States Government was concerned; that the United States Government invited all persons to enter the building, provided they would do so peaceably, one at a time. The first man that walked up on this invitation to enter the building, was met at the door by armed men and was refused admission. He appealed to the Marshal who was standing near the entrance, stating that this man in the door threatened his life, if he entered the building; that he was afraid the men in the door would kill him if he entered the building and appealed to him to protect his life in order that he might pass into the building. The Marshal refused to answer him and was



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ordered off the porch. He then said to the Marshal, "You have stated that all persons could enter the building, if they did so peaceably. I am peaceable and a Choctaw citizen and I desire to go into my Capitol building. If I go in there, I believe the man will shoot me." I then held a hurried consultation with the Marshal, quietly, and stated to him that the life of the man who appealed to him was threatened; that he believed he would be killed, and that I believed he would be killed if he attempted to pass the men with guns and that inasmuch as he had publicly guaranteed them protection, in the name of the United States, it was our duty to protect him; that after they shot him it would be too late to protect him; and that it did seem to me that an invitation from a United States Marshal or myself to enter that building, assuring them protection, provided they entered peaceably, that it was our duty to see that the man was not interfered with by armed men. The only answer the Marshal volunteered to my statement was that he would disarm no one. I then again appealed to him that if the man entering the building was killed after having been invited to enter by the United States Marshal and that when he did so, in a peaceable manner, was met at the door by armed men who told him that if he entered the building he would be shot, and such statement made in the presence of the Marshal, that in my judgment that would not be keeping the peace, but that it was our duty to see that he was not molested, and that if we did that we were clearly within the line of our duty and were keeping the peace and that in doing so we were not interfering with the tribal affairs of the Choctaw Nation. He then stated to me, - "you may disarm those men in the hall and in the door, if you want to do so; I will not be a part to it." I then asked him, - "Will you co-operate with me in disarming these men who prevent persons entering the building peaceably



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upon this invitation given by you?" He answered, - "I will not." I then stated to him, - "Will you co-operate with me in disarming these men, as my police force is not sufficient, there being only 12 of them here?" His answer was, - "I will not. I will not disarm anybody in that building nor in that door." I then asked him, - "Will you assist in protecting my policemen and myself while disarming these men?" His answer was, - "I will not."

I then counseled with the angry crowd and urged them to be peaceful and to make no attempt to overpower the armed men in the building by force, and I assured them that the Government when properly advised of the condition would protect them in their right to enter their Capitol building without interference from anyone, so long as they did so as peaceful citizens.

Green McCurtain and other representative Choctaws then urged me to ask that a company of soldiers be despatched here at once; that he could not control his friends; that they were determined men and were arming themselves and that he was unable to control them if they were barred out of their capitol by an armed force.

Late that night I was informed that several consignments of winchester rifles would be unloaded at the station, and that winchesters and revolvers were being packed in overland. I immediately went to the station and when the train arrived I seized one box of winchester rifles and turned them over to the Deputy United States Marshal. I learned from the agent that one box had been received the night before and was delivered to the parties to whom the same were consigned.

I urged both political factions to refrain from violence and announced that troops had been asked for. This seemed to pacify



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McCurtain's friends as they felt that the arrival of troops would give them an opportunity to enter the building and that the Supreme Judges, the custodians of the poll books, would be protected in entering the building and delivering the same to the proper authorities.

Under the Choctaw law, the vote must be canvassed within the first week of the assembling of the legislature, and on Friday noon when no word was received that troops were ordered, McCurtain's friends became very restless and were preparing to take possession of the building. Late that afternoon I received your telegram that troops had been asked for and that two companies of the 25th Infantry would be despatched to Tushkahoma at once; this very much relieved the situation and all seemed perfectly willing to await the arrival of the troops. On Saturday forenoon I received a message from Major Starr stating that, barring no accidents, he would arrive at Tushkahoma station at 2:30 that afternoon requesting that I meet him at the station, which I did and hurriedly held a conference with him; He immediately started with his troops to the Capitol building, two and one-half miles distant. He arrived at the Capitol about four o'clock in the evening. While in conference with him in reference to the situation Marshal Hackett presented himself and urged upon the commanding officer not to disarm the men stationed at the doors of the Capitol building and in the halls as they were Light Horsemen appointed by T. W. Hunter, Principal Chief of the nation, and to disarm them would be interfering in tribal affairs and a violation of the Choctaw law. I stated to the commanding officer that a body of armed men were stationed in the door and corridors of the Capitol and that they were armed; that they were preventing peaceful citizens from entering their Capitol building in order that they might transact



their legislative and other business. He immediately threw a guard around the building and ordered all armed men in the yard to step on the outside. He then entered the building with a squad of soldiers and disarmed every person who was willing to surrender his arms; those who were not, were requested to step outside of the building and out of the yard, which orders all promptly obeyed. I then announced publicly to the large crowd that had assembled that the building was cleared of all armed forces and that they could enter the building and hoped that they would do so peaceably. All persons entering the building were disarmed and in a few moments all Choctaws desiring to enter the building were on the inside.

I did not enter the building at any time during their session that night, nor have I been in the building since. The only violence that occurred in the building was a few rough and tumble fist fights which occurred during the first hour of the session. I am informed that quite a number of encounters of that character took place, but they soon quieted down and proceeded with the work of canvassing the vote. The result was announced and Green McCurtain was sworn in as Chief of the Choctaw Nation, since which time there has been no demonstration of any kind and I understand that the legislative body is conducting its affairs, and that some of the members of the legislature who were friends and supporters of Mr. Hunter and were present at the same time when the oath of office as principal chief was administered to him have joined what the supporters of McCurtain maintain is the regular organization.

I am now preparing a statement for your information setting forth in detail the contention of both factions. I do not know that I shall be able to complete it before my return to Muskogee as I will



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be obliged to be there not later than the 16th instant in order that I may begin the examination and signing of my Quarterly Account, which must leave Muskogee for Washington not later than the evening of the 19th.

In this connection, I desire to state that I took no part whatever in the counting of the votes, nor the seating of members of the legislature nor in the settling of their contests,- in fact I would not permit either faction to discuss their troubles with me along those lines.

Hoping that my action here will meet with your approval, I have the honor to remain,

Yours obedient servant,

Agent & Acting United States Indian  
Inspector for the Indian Territory.

Copied by RLW from Letter Press Copy Book No. 20 in office of  
Superintendent of Five Civilized Tribes, Muskogee,  
containing letters from U.S. Ind. Inspector to Secretary  
of Interior.



DEPARTMENT OF THE INTERIOR  
United States Indian Inspector  
for  
Indian Territory,

Muskogee, Ind. T. October 20, 1902.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt and respectfully refer to your telegram to me at Tushkahoma, dated the tenth instant, as follows:

"T. W. Hunter wires from Tushkahoma under date of yesterday that he had just been sworn in as Principal Chief of Choctaw Nation. Department has no corroboration of this and asks you to report fully all facts, stating whether vote has been canvassed, and if so, by whom, under what circumstances and with what result; also give specific statement respecting organization and proceedings of legislative body. Prior information was to effect that it was generally conceded the McCurtain had been elected Chief."

In accordance with the instructions contained in this telegram, I wired the Department at some length on the 11th instant, stating the circumstances under which Hunter claimed to have been elected Chief, and supplementing this telegram and referring to my report by mail, under date of the 13th instant, relative to action which had been taken by me to keep the peace in accordance with instructions of the Department, and also referring to the several telegrams to and from the Department while I was at Tushkahoma, I now have the honor to make the following report relative to the entire matter.

In the recent election for tribal officers of the Choctaw Nations, Messrs. Green McCurtain and T. W. Hunter were candidates. The issues were tightly drawn, the principal one being the ratification or rejection of the Supplementary Agreement as ratified by the Act of Congress, approved July 1, 1902, (32 Stats., 641). McCur-



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tain urged the ratification of the Agreement and the Hunter party opposed it. Principal Chief Dukes supported Hunter. From what I can understand, Principal Chief Dukes, in the interest of Mr. Hunter, attempted to remove Mr. Wesley Anderson, the Supreme Judge of the Third District of the Choctaw Nation. This matter has heretofore been brought to the attention of the Inspector and I would respectfully refer to his letter of September 4, last, wherein he forwarded a communication from Honorable Green McCurtain, in which it was stated that there would undoubtedly be trouble at the counting of the votes, and with which letter there was transmitted a copy of a communication from Principal Chief Dukes relative to the removal of Judge Anderson.

Supreme Judges are custodians of the poll books, and it would, therefore, appear that Dukes thought that by removing Anderson, one of such judges, and appointing a new judge it would be to the advantage of Hunter, and in that way he would be able to secure at least a portion of the poll books.

There are three Judicial Districts in the Choctaw Nation, and when an election is held the precinct officers count and seal the vote in their precinct and transmit it to the sheriff of the county, and he to the Supreme Judge of the district and it is by him held until the assembling of the legislature, and it is the duty of the Supreme Judges to deliver the poll books from their districts to the National Secretary, who in turn delivers them to the Speaker of the House of Representatives, who shall proceed to examine and count all the legal votes in the presence of both branches of the General Council and the result shall then be declared.

The election was held on the sixth day of August, 1902, and, from reports of the various districts, it appears that McCurtain



received a majority of 254 votes over Hunter and, as mentioned in telegrams from the Department, it was generally conceded that McCurtain was elected. The poll books for the Third District were sent to Judge Wesley Anderson and afterwards he was set upon by armed Light Horsemen, at the instigation of Principal Chief Dukes, and all poll books for county officers and some for national officers were taken and delivered to one Silas Cole, who thereupon issued certificates of election.

It is maintained by Mr. McCurtain that proceedings to remove Judge Wesley Anderson were illegal; that Anderson applied to the Chief Justice of the Supreme Court of the Choctaw Nation for a writ of injunction against the Chief, but Dukes disregarded it and appointed Silas Cole as his successor. It is also further contended that the question as to the legality of the proceedings by Dukes to remove Anderson were submitted to the National Attorney and that he held the same to be illegal.

As to the vote for Principal Chief in the First and Second Districts, there appeared to be no dispute or question.

Council met in accordance with the provisions of the law on the first Monday of October, 1902, the sixth instant. Armed men, under instructions from Principal Chief Dukes, refused admission to the McCurtain men. These men appealed to me to give them assistance in order that they might be permitted to enter their Capitol building and take part in the organization of the National Council and its proceedings. I held a conference with Principal Chief Dukes, in company with Marshal Hackett, and at first prevailed upon Dukes to admit certain parties who were either members or claimed to be members of the Council, and urged him to allow all other persons who desired



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to peaceably assemble and transact business, but this he refused to do. It appears, however, that, as stated in my previous report, with what few persons the Principal Chief permitted to enter the building both Houses of the legislative body organized, having quorums, with Mr. James Bower President of the Senate and Mr. Robert J. Ward Speaker of the House of Representatives. Afterwards, while in session, members were ordered out of the Capitol by armed men, under instructions from Dukes, and members who had retired were not allowed to return and under the circumstances adjournment was taken. Admission to the Capitol was repeatedly refused by armed men and the Council withdrew and continued their sessions at a hotel near the Capitol building in order, as I understand it, to maintain their organization.

The United States Marshal and myself were appealed to and urged to give access to the Capitol building and protection to parties desiring to enter. I urged the Marshal to aid and assist me in disarming the men who were blocking the door and patrolling the corridors. The Marshal positively refused to assist me in any way and stated that should I attempt to disarm anybody in the building that he would not aid me or support my men in doing so, and intimated that it might not be safe for me to attempt such a radical step.

As stated in my previous report, Mr. Green McCurtain and other representative Choctaws then urged me to request that you send at least one company of infantry in order that the building might be cleared and give the Supreme Judges an opportunity to canvass the vote. These Judges were afraid to enter the Capitol building as they felt certain that the vote of the nation would be taken away from them, and, from what information I could procure, they had in their possession the sealed poll books of 50 precincts out of 51 in the nation.



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When the troops arrived I detailed a detachment of Indian Police to accompany the Supreme Judges to protect them from the hotel to the Capitol building and I requested Marshal Hackett to send at least two or his deputy marshals with my policemen to accompany and guard these Judges from interference, which he refused to do. He immediately went to his camp, withdrew his men and left without even the courtesy of reporting his departure to me and I have not seen him since.

After the Supreme Judges arrived at the entrance to the Capitol I withdrew my policemen and these Judges were escorted and protected by soldiers under command of Major Starr to the Supreme Court chamber, where I understand they delivered the vote in accordance with the Choctaw law; the same was counted and the result declared; that Green McCurtain was then called for by the joint Houses, presented himself and was sworn in as Principal Chief, having been declared elected by a majority of the votes cast at the recent election.

It appears that the possession of the poll books was the bone of contention. They were in the custody of the Supreme Judges as required by the law. It was maintained by McCurtain's friends at Tushkahoma that it was the object and purpose of the Dukes-Hunter people to secure possession of the sealed poll books in the hands of the Supreme Judges and destroy them, especially since there was no provision for a special election and the destruction of such poll books, would, therefore, continue Dukes in office as Principal Chief.

The Choctaw law requires that the vote be counted within the first week of the assembling of the Council. It was feared that the troops would be delayed until the expiration of the week and Dukes



thereby perpetuated as the tribal executive. The arrival of the troops, however, was timely, as I am perfectly satisfied that prior to the expiration of the week there would have been a concerted and desperate effort on the part of the excited and angry members of the two factions, one either to secure possession of the Capitol or the other to secure possession of the poll books.

All that McCurtain's friends insisted upon was that they be given access to the Capitol and afforded protection in counting the votes. In other words that all Choctaws who desired to peaceably and quietly enter the building be allowed to do so, regardless of the political faction with which they might be affiliating.

The organization of the Council, as near as I can ascertain, was never questioned, McCurtain having a majority in the Senate and it was maintained by him that he had at least two majority in the House, but in order to give Hunter a majority in the House three members who presented themselves with certificates from the regular officers of the counties who were authorized to grant such certificates were refused admission to the Capitol and Dukes immediately appointed three members of the legislature, declaring the seats of the three members who presented themselves vacant, giving no cause or reason for doing so. This irritated McCurtain and his friends and, as stated above, they were determined, unless relief was afforded them, to go into the Capitol building regardless of the armed force that was endeavoring to prevent them; this, in my judgment, would have precipitated a serious conflict and many persons would have been killed.

As long as Principal Chief Dukes and Hunter had the support of the United States Marshal, together with his large force of deputies armed with winchesters, they felt that they were in command of the



situation and proceeded, as it appeared to me, in a high-handed and unwarranted manner.

As to the unseating of the three members of the House, if there was any objection to be urged against these members who came with regular certificates and were admitted and sworn in on the first day of the session and turned out on Tuesday, it appears to me that the only way to settle the question of the eligibility or right to a seat in the legislative body should have been passed upon by the Council itself, as under their Constitution such Council is the sole judge of the qualifications of its members.

I have endeavored to procure statements from the leaders of both contending factions and called upon them for same. Mr. McCurtain under date of the 14th instant, furnished a statement in detail relative to the matter, which communication is respectfully transmitted, and referring to the telegram first above quoted, in which you asked me to ascertain under what circumstances, etc., Mr. Hunter had taken the oath as Chief, I made particular effort to procure a statement from Mr. Hunter. I called upon and personally interviewed him, and he stated at that time that he would submit a report in writing, and I respectfully enclose the same herewith, dated the 14th instant, and which gives but little information. He refers, however, to an additional statement which he has up to this time failed to submit, although I have frequently requested him to do so. On the 15th instant I addressed Mr. Hunter a communication, copy of which is respectfully enclosed, in which I acknowledged the receipt of his report of the 14th and asked if he desired to present any other and further facts and circumstances, and that, if so, I would hold my report a reasonable time to allow him to set forth his contentions. In response to



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this note Mr. Hunter stated to my messenger that he was too busy at that time on other matters of vital importance to comply with my request, and I have to this time heard nothing further from him.

As to his statement that he was notified that the vote for Principal Chief had been canvassed, I have to respectfully state that the only votes that had been counted, according to the statement of himself and ex-Chief Dukes, were the votes that were in the possession of Silas Cole, claimed to be the newly appointed Supreme Judge and acting under the orders of Dukes. So far as I can ascertain, the only votes in the possession of Cole were those covering one or two precincts which give a majority to Hunter, leaving probably 48 or 49 precincts out of 51 uncounted and which, as heretofore stated, were afterwards counted in the Capitol building, when the troops arrived and allowed the Judges access thereto, and McCurtain declared elected.

In conclusion, I desire to say most emphatically, while I regret to do so, that had United States Marshal Hackett co-operated with me in removing the irritating cause, to-wit, the armed men in possession of the Capitol building, the whole matter could have been settled and determined on the first day of the session of the Council without the necessity or expense of troops being brought to Tushkahoma.

During the whole time that I was at Tushkahoma I endeavored to exercise good judgment and keep strictly within the lines of legal authority and the instructions of the Department, following out the policy of strict neutrality. My one aim was to allow the tribal authorities to proceed in accordance with their own customs, without lawlessness, and to afford the legislative body full opportunity to assemble in the usual manner, free from all armed or other violent



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interference.

From all I can learn from reliable authority, Green McCurtain has been elected Chief of the Choctaw Nation by a majority of about 250 votes, should all of the votes, including those forcibly taken from Supreme Judge Anderson, have been counted. It will be noted, however, that Mr. McCurtain gives the total number of votes as finally counted by the legislature to be 1645 for himself, and 956 for Hunter, giving McCurtain a majority of 689 votes. These figures I understand to be correct. Up to a few weeks prior to the meeting of this council it was generally conceded by all concerned that McCurtain was elected and that Hunter had given up the election, but it seems that undoubtedly his (Hunter's) friends have influenced him in placing himself in this position, and in justice to him I do not believe that any of this controversy would have arisen had it not been for such influence.

While I was not actually present in the capitol building when the votes were counted, still the information I have received has been obtained from most reliable sources, and I am satisfied is correct. I did not consider that my instructions simply to take such steps as were necessary to keep the peace would permit me to inspect the poll books and see that the votes had been properly counted, but, instead, the council canvassed the votes in accordance with its law and customs, and I accepted the result as given out by them.

I respectfully ask that my report from Tuskahoma, under date of the 13th instant, be considered in connection with this report.

Very respectfully,  
Your obedient servant,

U. S. Indian Agent and Acting Inspector  
for Indian Territory.

J.B.S.(WAC & J).  
Encl



Washington, D. C., November 4, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

In compliance with your request, I have the honor to herewith state additional facts relative to the actions of Marshal Hackett in the matter of keeping or attempting to keep the peace at the Choctaw capitol at Tushkahoma during the recent meeting of the Choctaw legislature when the vote for governor was counted.

I did not meet Marshal Hackett until October 3, the day before I left for Tushkahoma, which is about 150 miles from Union Agency. Upon my arrival with my force of Indian police I discussed existing conditions with the Marshal, and was informed by him that he would disarm no one, and that if Governor Dukes kept the Choctaws out of the capitol building, he would not interfere. I suggested to the marshal that it was our duty to keep the peace and prevent a conflict between the contending factions; also that by disarming the armed forces in the capitol and permitting every Choctaw to go into the building peaceably, we would not be interfering in tribal affairs, but would be simply keeping the peace.

In reply he stated to me positively that he would not disarm any person, and believing that he was timid and fearful of overstepping his authority, I suggested a consultation with United States District Attorney Wilkins, of the Central District, stating to him that I felt certain that Mr. Wilkins would advise him that it was our duty to disarm all persons who were a menace to the peace and who were interfering with Choctaws who had assured us they desired to enter the building as peaceable citizens and would not create a disturbance



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of any kind.

The marshal advised me that he was acting under higher authority and that Judge Clayton, of the Central District of the Indian Territory, had advised him as to his duty; that he was going to follow the advice of the Judge, and was doing so; and that it was no use for us to discuss the matter further. He also informed me that he had consulted with Governor Dukes and had decided that Governor Dukes had authority under the law to prevent persons from entering the capitol building, or to permit them to do so, as he saw fit, and that he would not allow Green McCurtain or anyone else to override the legally constituted authorities.

I thereupon invited his attention to that part of the telegram received by him from the Attorney General which directed him to be "largely guided by my suggestions," in reply to which he stated that he did not propose to be guided by the suggestions of anyone except that of Judge Clayton; that he would disarm no one; that if Governor Hunter refused to admit Choctaws, that was none of our affair; that Governor Hunter's light horsemen were his peace officers, and that if Governor Hunter wanted to fill the building with light horsemen, he could do so; and that he, the marshal, would not be a party to overthrowing their government by disarming light horsemen or any one else.

I urged upon him that I understood we had been ordered there to prevent a conflict between the contending factions; that <sup>we</sup> ~~that~~ were on the ground with sufficient force to maintain order and that if we permitted one faction to take possession of the capitol and keep others out, a conflict was inevitable, which would result in great loss of life; that both factions appeared to be determined, and that



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it seemed to me that so long as we permitted one faction to arm its followers and take forcible possession of the building, we were not keeping the peace and doing our duty; that I believed it was our plain duty as officers of the government to see that all Choctaw citizens who did so peaceably could exercise their constitutional right to enter the capitol ~~building~~ without being interfered with by men armed with Winchester rifles, and further, that it was our duty to see that all Choctaw citizens were not molested in going into and out of the capitol building without regard to the political faction with which they might be affiliating, that by so doing we would be giving the Choctaw people an opportunity to conduct their affairs without interference; that we would be in no way violating our instructions; and that in fact it was our only course in order to prevent bloodshed.

In answer to the above arguments he replied: "You and I are as far apart as the east is from the west; I will disarm no one; I will not assist you in doing so, and will not permit you or anyone else to break the peace."

On the day of the above conversation, the marshal went to the captain and lieutenant of my police force and urged upon them that he was right in no disarming the armed men in the capitol, in this way endeavoring to dissuade them from obeying my orders should decisive action become necessary in order to quell a disturbance.

When this was reported to me by the police officers mentioned, I examined them closely and they assured me positively that what they stated was corrected and that they stood ready at any time to make oath thereto. I know them both to be absolutely reliable men who were not personally interested in the controversy and were



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not parties to either faction, having been on the police force at the Union Agency for the past sixteen years.

The marshal at all times urged Dukes and Hunter to refuse to yield to my suggestions that they disarm the men in the building. He stated to them that armed men had a right there; that they were light horsemen and authorized to bear arms and he was there to see that the laws were upheld; that their government was not overthrown; and that it was for them to say who should or should not enter the building; also that he would be guided largely in his actions by what they advised.

After Mr. Hunter took the oath of office as chief, upon the count of one precinct out of 51, Marshal Hackett, recognized him as governor and used his force of deputies in guarding the capitol building and supporting the armed men inside who were claimed by Hunter to be his light horsemen, and the marshal increased his force of deputies from eight to thirty five without informing me of his action.

The troops arrived on Saturday afternoon. On the Friday night previous, the marshal, in company with Hunter, called upon Green McCurtain at his hotel, and, as I am reliably informed, Hunter proposed to McCurtain to withdraw the armed force, consent to a count of the returns, and to allow McCurtain to take the oath and assume the duties of office if he (McCurtain) would consent to a division of the patronage, to which proposition, I am also informed, McCurtain refused to accede.

On Saturday afternoon, upon the arrival of the troops, Hackett presented himself to Major Starr, the commanding officer, and attempted to induce him to refrain from disarming the men in the



5.

capitol and those who were guarding the corridors and doors, stating to the officer that they were light horsemen appointed by the new governor, Hunter. The marshal also sent for Mr. Hunter and introduced him to Major Starr as "Governor Hunter," The Major declined to discuss the situation with Mr. Hunter, who thereupon withdrew.

It appears that marshal Hackett's conversation convinced Major Starr that there was danger of a conflict between the factions, and he informed marshal Hackett that his idea of preventing a breach of the peace was a removal of the irritating cause, and further, that the government was on the ground with ample force, and if there were armed men in the capitol building who were a menace to the peace, they would and should be disarmed; also that he was therewith sufficient force to prevent bloodshed and would see that this was done.

Against this proposed action the marshal protested, terming it a highhanded outrage and an overthrowing of the Choctaw government by military force. However, he withdrew his deputies and sent them home without informing me of his departure.

Permit me to state that I have no personal feeling in this matter, but have reported the facts as they actually occurred and as my official duty requires me. I beg to further state that every statement made by me can be verified under oath.

Very respectfully,  
Your obedient servant,

United States Indian Agent,  
Union Agency.



**CHOCTAW - SCHOOLS**



## OFFICE OF THE SUPERINTENDENT OF SCHOOLS FOR INDIAN TERRITORY

Muscogee, Ind. Ter.  
December 18, 1899

Honorable J. George Wright,  
U. S. Indian Inspector  
Muscogee, I. T.

Dear sir:

In response to your request, I have made some inquiry concerning the appropriation of \$1000.00 recently made by the Choctaw council for repairs and improvements on the Armstrong Orphan academy. I find that the Council intended to pay that appropriation out of their School Fund, the interest upon which amounts to \$2473.00, and does not come within the provisions of the Curtis bill.

Supt. T. W. Hunter of the Armstrong Academy desires to purchase about forty iron bedsteads, repair floors and ceilings in the Academy building and provide a place where the pupils can bathe.

As all of these repairs and improvements are needed, I would recommend that the appropriation bill be approved.

Respectfully submitted

(Signed) John D. Benedict

Supt. of schools in I. T.

No. 3674  
L. S.

Endorsement: Muscogee, I. T. Dec. 18, 1899 Supt. J. D. Benedict  
relative to Choctaw act to make repairs of Armstrong Academy



(Copy)

Bill No. 47

Choctaw Nation

A RESOLUTION AUTHORIZING THE SALE OF SITE OF SPENCER  
ACADEMY AND ALL PROPERTY BELONGING THERETO

BE IT RESOLVED by the General Council of the Choctaw Nation assembled: That the present site, improvements and property connected and belonging to Spencer Academy be and the same is hereby made subject to sale.

Be it further resolved, that the sheriff of Kiamitia county, Choctaw Nation, is hereby authorized and directed to proceed at once to take an inventory of all the stock, effects and property belonging to the said Spencer Academy, and after giving thirty days notice in the papers published in the Choctaw Nation to offer the same for sale to the highest bidder at public auction.

Be it further resolved, That the sheriff shall sell the farm and pasture and all improvements thereon together, and all other property separately; and that the sheriff shall give the purchaser of the said farm and pasture and improvements thereon, the preference of paying cash in full, or one half down and the other half on a credit of twelve months by giving a note with good security, bearing ten per centum interest per annum from date of sale, payable to the National Treasurer of the Choctaw Nation, or his successors in office.

Be it further resolved, that the sheriff shall sell the cattle by the bunch, the hogs by the bunch, the horses and mules single or by the span; the house furniture by the bed



room set, and all other effects, such as farm implements, harness, wagons, hacks, windmill, shop tools, etc. separately.

Be it further resolved, That the sheriff shall be allowed Five dollars per day, not to exceed ten days, for actual services rendered in carrying out the sale directed by this resolution.

Be it further resolved, that the sheriff shall turn into the National treasury all cash collected from the sale of said Spencer Academy and the property belonging thereto, accompanied by a full and complete report of the same.

Be it further resolved that the sheriff is hereby authorized to give a bill of sale of any and all property sold under the direction of this resolution to the purchasers in the name of the Choctaw Nation if demanded.

Be it further resolved that this resolution take effect and be in force from and after its passage and approval.

Approved October 31, 1900. G. W. DUKES? Principal Chief of the Choctaw Nation.

Disapproved January 30, 1901 WILLIAM MCKINLEY

(see D-1713)



## DEPARTMENT OF THE INTERIOR

WASHINGTON

January 30, 1901

U. S. Indian Inspector  
for the Indian Territory  
Muskogee, I. T.

Sir:

The resolution of the General Council of the Choctaw Nation entitled "A resolution authorizing the sale of the site of Spencer Academy and all property belonging thereto" was disapproved by the President January 30, 1901.

Said resolution was transmitted by you January 11, and by the Indian Office January 22, 1901, and it is returned herewith for proper disposition. Departmental letter to the President and a copy of the report of the Indian Office are enclosed herewith.

Respectfully

(Signed) Tho. R. Ryan

Acting Secretary

Ind. Ter. Div.  
317-1901  
3 enclosures.

No. 1713  
L. S.



DEPARTMENT OF THE INTERIOR.

F.  
1471

Washington.

December 10, 1900

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

Sir:

The Department is in receipt of your communication of December 3, 1900, forwarded by the Commissioner of Indian Affairs on December 8, 1900, enclosing therewith a letter addressed to you by the Superintendent of Schools in the Indian Territory, with reference to the conditions existing at the Spencer Academy Farm in the Choctaw Nation.

You report that said Academy was one of the Choctaw Boarding Schools taken charge of by the Department a year ago, and the expenses of which have been paid from the proceeds of coal and asphalt royalties; that the main school building at said place was destroyed by fire in June last, of which full report was made to the Department, and the school was discontinued; that a custodian was placed in charge of all the property by the Superintendent of Schools and is still in charge of the same; that after the fire occurred it was proposed to transfer the live stock, implements and household furniture to other academies in the Choctaw Nation where they could be used to advantage, but the Superintendent of Schools of the Choctaw Nation protested against such action without the consent of the tribal authorities, and in order to preserve harmony the pro-



2.

perty was allowed to remain there until the meeting of the Choctaw Council in October last, at which time arrangements were made for the Superintendent to have a consultation with the School Board of the Choctaw Nation concerning the disposition of said property.

You call attention to the statement of the Superintendent that during the first week in October he attended the session of said Council and met members of said School Board, but was unable to induce them to hold a meeting or discuss any school matters, and that when he left there the Speaker of the Choctaw House and also the President of the Choctaw Senate promised the Superintendent that if any legislation concerning the schools should be taken up by their Council he would notified in order that he might confer with them concerning the same, and that several resolutions and school acts have been passed by the National Council of said nation without consultation with the Superintendent of Schools; that among said resolutions one was passed instructing the sheriff of one of the counties in the Choctaw Nation to sell all the property belonging to the Spencer Academy, and in compliance with said resolution the sheriff advertised said property for sale, as appears from a printed slip enclosed by the Superintendent in his said communication.

The Superintendent also reports that he notified the Principal Chief that in his judgment said resolution should be approved by the President of the United States in order to give



## 3.

it validity, but that the Principal Chief stated that the property in question belonged to the Choctaw Nation, and it was proposed to sell it and turn the proceeds over to the Choctaw Treasurer unless said nation was prohibited from doing so by the United States authorities.

It is further stated by the Superintendent that it would be a dangerous precedent to permit the sale of said property without the consent of this Department, for the reason that the nation might attempt to sell property belonging to other academies if such action were acquiesced in.

The Superintendent also reports that the property in question is located in a thinly settled neighborhood about twelve miles from the nearest village and probably would bring very little; that nearly all the articles could be used to advantage at other schools, and the expense of purchasing such articles would thereby be avoided; that the 25,000 shingles advertised for sale were purchased since the Department assumed control of the schools and were paid for out of the coal royalty fund, and that the grain and some of the cattle and hogs referred to in said advertisement also being to a former superintendent, who, under his contract with the Commissioner of Indian Affairs, was to have the crop which was raised upon the school farm.

The Superintendent of Schools urges that some action be taken upon the matter immediately as the Choctaw authorities propose to sell everything remaining at said school on December 20, 1900, unless prevented from doing so by the United States authorities.



*E.*

Attention is called by you to the contents of the printed notice advertising the sale of said property which includes one farm of 160 acres and one pasture of about 300 acres, and you state that "It is not understood by what authority the Choctaw tribal authorities could dispose of said property"; that all the other articles advertised for sale, with the exception of the shingles, and excepting the articles belonging to the former superintendent, "were the property of the Choctaw Nation and furnished by them for this school in years past."

You ask that the matter be considered and that you be advised "whether or not the United States Attorney could be instructed to enjoin the Choctaw tribal officials from disposing of any of this property, in view of the fact that it is at present under the control of the Department."

In reply, you are informed that it is considered advisable that you confer with the proper United States Attorney and if, in his judgment, a suit can be maintained, that he be requested to bring such action in the court to restrain the tribal authorities from disposing of any property mentioned in said advertisement in which the United States has an interest or property right.

Inasmuch as the Principal Chief of the Choctaw Nation states that "they propose to sell it (the property) and turn the proceeds over to the Choctaw Treasurer unless they are prohibited from doing so by the United States authorities,"



5.

you will notify said Principal Chief in writing that the Department will not acquiesce in said sale but take steps to enjoin the same in the proper judicial tribunal if it shall be found that a suit can be maintained. You should also notify Mr. Wallace B. Butz, the late superintendent of the Spencer Academy, of the proposed sale by said sheriff in order that he may take such action as he deems proper to protect his interest in any of said property.

Inasmuch as the sale is advertised for December 20th the Department has sent you a telegram instructing you relative to the institution of judicial proceedings to enjoin said sale.

In transmitting your said report no recommendation is made by the Commissioner of Indian Affairs, but a copy of his report is enclosed herewith.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

Ind. Ter. Div.  
4052-1900  
1 enclosure

Endorsement: #1471 Washington Dec. 10, 1900, Secretary. Confirms telegram to confer with property U. S. Attorney rel. to taking action to prevent sale of Spencer Academy property.

Copied by RLW 4/6/34



DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

Washington January 22, 1901

The Honorable

The Secretary of the Interior

Sir:

I have the honor to transmit herewith a report made on January 18, 1901, by J. George Wright, U. S. Indian Inspector for the Indian Territory, transmitting a resolution of the Choctaw National Council approved by the Principal Chief October 31, 1900, entitled, "A resolution authorizing the sale of site of Spencer Academy and all property belonging thereto."

The resolution provides that the sheriff of Kiamitia county Choctaw Nation, shall ~~to~~ proceed to take an inventory of all the stock, effects, and property belonging to Spencer Academy and sell the same, after giving thirty days' notice in papers published in the Choctaw Nation. It further directs the method of making the sale and the compensation to be allowed the sheriff and directs that he shall turn into the National Treasury all cash collected.

The Inspector transmitted a report made to him on January 11, 1900, by Superintendent of Schools, John D. Benedict, wherein Mr. Benedict states that the Spencer Academy burned last summer and that he was of the opinion that it would be advisable to distribute the personal property remaining to the other Choctaw Academies; that The Choctaw authorities claimed that



the property was paid for out of the general fund and they ought to be permitted to sell it and turn the proceeds back into such a fund.

He says that there are still remain<sup>ing</sup> on the old Spencer Academy grounds an old dormitory building, two old barns, fencing, orchard, and one pump, all of which will be of no use to the school authorities; and that the intention is, as he understands it, to simply sell the right to take the land and improvements as an allotment. Continuing he states that the horses, mules, and cattle are rather old and not very valuable and that the farm implements, harness, and wagons are of little value. It is Mr. Benedict's opinion that if it were possible to approve a portion of the bill and disapprove the remainder it would be better to provide that such articles of personal property as could be used to good advantage in the other academies be transferred to them and that the Choctaw authorities be authorized to sell what remains.

He recommends that under the circumstances the bill be approved and states that "in the mean time I think I can make arrangements with the Governor of the Choctaw Nation by which we may be permitted to transfer some of the beds and bedding to the other academies."

The Inspector recommends the disapproval of the resolution because in his opinion, its approval would be recognizing the authority and right of the Choctaw ~~Nation~~ Council to control Choctaw school affairs.

This office does not understand that the Department has taken entire control of the Choctaw school property, nor does it



understand that the Department has in any instance attempted to control the disposition of school property of the Choctaw Nation. It cannot, however, recommend the approval of the act because, although this property may have been paid for out of money taken from the general fund of the Choctaw Nation, it soon became, as/as purchased, school property and it would not be proper to divert funds arising from the sale of such property from the school fund of the Choctaw Nation to the general or any other fund. It is also noted that the Choctaw authorities assume the right to dispose of this property without submitting its resolution adopted for that purpose to the President for his approval and that it was necessary to have recourse to the Courts in order to prevent the disposal of the property. This action of the Choctaw authorities should not be lost sight of in passing upon the resolution.

Very respectfully

Your obedient servant

W. A. Jones

Commissioner

No. 1713



## DEPARTMENT OF THE INTERIOR

WASHINGTON

January 29, 1901

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), a resolution of the General Council of the Choctaw Nation entitled "A resolution authorizing the sale of site of Spencer Academy and all property belonging thereto."

Said resolution declares" that the present site, improvements and property connected and belonging to Spencer Academy be and the same is hereby made subject to sale." It further authorizes the Sheriff of the Kiamitia county, in said nation, to take an inventory of all the property belonging to said academy, and after giving thirty days' notice by publication to expose the same for sale to the highest bidder at public auction.

The resolution prescribes the terms upon which said Sheriff shall sell the farm and pasture and improvements thereon, also the other property mentioned therein. The resolution fixes the fees for the services rendered by the Sheriff, and requires the proceeds to be turned into the treasury of said nation. It further authorizes the Sheriff to give a bill of sale of any and all property sold under said resolution upon demand of the purchase.



The United States Indian Inspector for the Indian Territory on January 18, 1901, forwarded said resolution with a report thereon, together with a communication from the United States Superintendent of Schools, to whom said resolution was referred by the Inspector for report.

The Superintendent of Schools recommended, under all the circumstances that the resolution be approved, but the Inspector recommends, in view of the action of the Department relative to the schools in the Choctaw Nation, that said act be approved.

The Commissioner of Indian Affairs forwarded said report of the Inspector on January 22, 1901, and states that he cannot recommend the approval of said resolution for the reason that it would not be proper to divert funds arising from the sale of such property from the School Fund to the General or any other Fund. He also calls attention to the fact that the tribal authorities assume the right to dispose of said property without submitting the resolution adopted for that purpose to the President for his approval.

The act appears to be objectionable for the reasons stated by the United States Indian Inspector and the Commissioner of Indian Affairs. I have therefore to recommend that it be disapproved.

The report of the Inspector and the letter of the Superintendent of Schools, together with a copy of the report of the Commissioner of Indian Affairs, are inclosed herewith.

Respectfully

(Signed) E. A. Hitchcock  
Secretary



## DEPARTMENT OF THE INTERIOR

WASHINGTON

February 2, 1901

United States Indian Inspector  
for the Indian Territory

Muskogee, I. T.

Sir:

The Department is in receipt of your communication dated January 18, 1901, in which reference is made to your report submitting for executive action a resolution of the Choctaw National Council authorizing the sale of certain property at one Spencer Academy which was burned a year ago, and inclosing therewith a communication from the Superintendent of Schools with reference to the property remaining at said Academy, in which the Superintendent states that the Choctaw authorities had advertised the same for sale, and reciting the action taken by the courts to stop the proposed sale of the property.

You report that the Superintendent states that the property consists of a few old buildings, beds, bedding and other household furniture, 27 head of cattle, 49 hogs, 4 old mules, 2 old horses and 25,000 shingles: that the sheriff of the Choctaw Nation took possession of the cattle and horses, and that the custodian of said Academy is still in possession of the balance of the property.

The Superintendent of Schools recommends that the property remaining at said Academy be distributed to the other schools, and that the Choctaw authorities be permitted to sell the remainder.



You recommend that the Superintendent be authorized to distribute the remaining property of Spencer Academy to other schools where needed, including the hogs if they can be so transferred. You respectfully request to be advised whether the Indian Agent is authorized to dispose of the hogs after due advertisement, and deposit the moneys arising therefrom to the credit of the nation in the usual manner.

You further recommend that no action be taken by the Department relative to the cattle and horses at the present time until said stock be returned, which will doubtless be done when the tribal authorities ascertain that the stock cannot be disposed of.

The Commissioner of Indian Affairs forwarded your said communication on January 22d, and states that he has recommended the disapproval of the resolution referred to by the Inspector, and if that recommendation be concurred in the property will remain, part in the possession of the custodian at the Spencer Academy, and part in the possession of the sheriff of the Choctaw Nation. The Commissioner concurs in your recommendation relative to the disposition of the property. The department sees no objection to taking the action indicated by you, and is also of the opinion that the swine may be disposed of after advertisement and the moneys placed to the credit of the Choctaw Nation. You have been heretofore advised that said resolution was disapproved by the President. The communication of the Superintendent of schools and a copy of the report of the Commissioner are inclosed herewith.

Respectfully

(Signed) Tho. R. Ryan

No. 1715

Acting secretary

L. S.  
Endorsement: Approves recommendation of Inspector relative to disposition of Spencer Academy property

Copied GBD 4/2/34



## WHEELOCK SEMINARY

E. H. WILSON, Sup't.

Garvin, I. T. March 28, 1899

Mr. Geo. Wright,  
Inspector of Indian Schools,  
Muscogee, I. T.

Dear Sir:

The Board of Education of the Choctaw Nation has honored me with the Superintendency of Wheelock Seminary to succeed Mr. E. H. Wilson.

I have not yet received my contract, but on receipt of same will you vouch for the payment of warrants drawn in my favor? My home being in Ohio, I am a stranger at the Banks in this section. Now if you can assure the payment of the above named warrants, such action will greatly help me in providing for the School. The Board electing me for this position so suddenly has given me no time to act.

Trusting that I am not asking too great a favor of you and waiting your reply I am,

Yours very truly

(Signed) W. W. Appleton

No. 493  
L. S.

Endorsement: W. W. Appleton, Garvin I. T. 3/28. Has been elected Supt. of Wheelock Seminary. Asks rel. to getting pay on warrants issued to him.

Copied GBD  
3/31/34



(Copy)

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DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

Washington  
January 20, 1899

The Honorable

The Secretary of the Interior

Sir:

Enclosed herewith is a letter of January 13, 1899 from Inspector Wright, transmitting an act of the Choctaw Council, instructing the Board of Education, with the recommendation that the same be approved.

The act provides in three sections:

(1)--That the Board of education be instructed to recall at the end of the first term of the present session all scholars now attending college, whether in the Territory or any of the States, and suspending indefinitely an Act of the Nation allowing said Board to send scholars to college:

(2)--That the Board be instructed to ask the Secretary of the Interior to use the first \$24,350, coming into the Treasury from coal and asphalt, in defraying the expenses of two orphan academies, Jones Academy, Tushkahoma Institute and Spencer Academy: stating the amount to be expended on each institution.

(3)--That if the Board deems it for the best of all they shall stop the neighborhood shcools and Tushkalusa Academy at the end of January 1898. (It is presumed that this date is a clerical error and that January 1899 is intended).



Inspector Wright discusses the different features of the act, but it is not deemed necessary for this office to rehearse ~~that~~ discussion, except with reference to section two, relating to a direction of the Board of Education to apply to the Secretary of the Interior for the application of a specific sum arising from royalties on coal and asphalt to certain schools. As to this, Inspector Wright suggests that it would not appear to require the sanction of the President to this provision, for the reason that under the provisions of the Choctaw and Chickasaw agreement coal royalties are to be used for the purpose of education, under such rules and regulations as the Secretary of the Interior may prescribe.

As to this, it will be noticed that the act does not make an appropriation from the royalties arising out of the coal leases, but directs that its Board of Education shall apply to the Secretary of the Interior for the disbursement of a part of these royalties in defraying certain expenses.

This appears to be a proper and competent thing for the Council to do, with the approval of the President, inasmuch as the Secretary has not yet made any regulations for the disbursement of these royalties, and it amounts merely to information which may be acted on by the Secretary, if found correct and proper. I have, therefore, that the act in question be approved.

Very respectfully

W. A. Jones

Commissioner



## EXECUTIVE OFFICE, CHOCTAW NATION

Sans Bois, I. T.

March 10th, 1899

Hon, J. Geo. Wright,  
U. S. Indian Inspector  
Muskogee, I. T.

Sir;

Yours of the 7th instant to hand and contents noted. And inreply, will say that, under the terms of the Agreement, I do not see how we could school the Freedmen, as they are excepted from the benefits arising from the coal fund. Heretofore we have schooled the Freedmen, have done so even since the ratification of the Agreement, but it was a mere matter of courtesy to them that we did so since the Agreement became cooperative. The only interest that the Freedmen can claim here now is their one hundred and forty acres of land, as they have no interest in our funds.

This man A. L. Brown, is a Chickasaw Freedman, he and his entire outfit, and should apply to the Chockasaws and not the the Choctaws.

Very respectfully

(Signed) Green McCurtain

Principal Chief, Choctaw Nation

No. 321  
L. S.

Endorsement: Sans Bois, I. T. Mar. 10, 1899 Green McCurtain Choctaw Nation cannot school the freedmen. A. L. Brown is a Chickasaw Freedman, and should apply to that Nation.



## DEPARTMENT OF THE INTERIOR

## OFFICE OF INDIAN AFFAIRS

Washington Jan. 28, 1901

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to acknowledge the receipt of your letter of the 9th instant calling for a report on a letter from Lura A. Rowland requesting the aid of the Department in securing the passage of a bill for appropriation to support the International School for the Blind at Fort Gibson, I. T., and in reply to your request for a report will state have delayed making the same until a report could be returned through this Office from the Indian Inspector upon a letter forwarded to him on the same subject from your Office on Dec. 28. This report has just been received and is herewith inclosed. I am, however, in receipt of another communication from Miss Rowland of the 17th instant in which she asks the efforts of this Office to obtain some assistance from Congress for the support of the school in the way of an appropriation, stating that they are still struggling on in the endeavor to keep this little school under headway, but have no means with which to carry on work except where they can raise by private solicitation: that it is true that the Cherokee Indian Council last year and this appropriated the small sum of \$500 to aid them, but it is of course insufficient of itself to support the same; that the white children have no provision made for them, and there at least twelve seeking admission. She states she understands that a bill was drawn up by Hon.



J. S. Little last year asking for the sum of \$10,000 for this purpose, which bill met the approval of the entire Committee on Indian Affairs, so it is stated. She therefore asks me to do all in my power to get the bill passed by the present session of Congress.

The Indian Inspector in referring to Department letter under date of Dec. 28, and returning the communication above referred to, states that he referred the same to the Superintendent of Schools for report and recommendation and transmits his communication. The Superintendent reports that he has recently visited and inspected this school: that comfortable school rooms and sleeping rooms have been fitted up in the old stone barracks which had formerly belonged to the old military post of Fort Gibson, but as yet they are not well furnished; that Miss Rowland, the Principal and proprietor of the school, is a blind lady about 35 years of age, and a graduate of the Arkansas State Institute for the Blind; that she seems to be very anxious to fit up a school for the blind in Indian Territory, although she is hampered for want of funds. The Superintendent further reports she has had charge of two blind Choctaw children; that the girl is Alice James, age 14, and the boy Gibson Robinson, age 16; that the girl has been in the school for two or three terms, that the boy entered in September last, and both are making reasonably good progress and seem to be pleased with the school. He therefore recommends that Miss Rowland be paid at the rate of \$25 per month per pupil for the tuition, necessary books, board, medical attendance, etc. for these two children, and this allowance to begin with September 1st, 1900, and that she be paid quarterly upon executing the proper vouchers and



reports. The Inspector further says the act of the National Council of the Choctaw Nation providing for an appropriation to defray the expenses of these two children was disapproved by the President of the United States on December 24, 1900, but the Choctaw authorities by this act have shown their desire to care for these blind children, and he therefore concurs in the recommendation and request of the Superintendent of Schools that the necessary authority be granted in accordance with his suggestions, provided funds can be so used.

Concerning this matter I would respectfully state that this Office is at a loss to know how it is possible for it to render any assistance to Miss Rowland in securing an appropriation from Congress for the support of these white and Indian children. As it appears from the reports of the Inspector and Superintendent of Schools this is a deserving case, I would be pleased to add my commendation to any reasonable bill looking to her relief.

The suggestion of the Inspector that the two Choctaw children be paid for at \$25 per month each seems in the line of good policy, and if these funds are available I respectfully recommend that authority be granted for the Commissioner of Indian Affairs under the rules and regulations relating to education in Indian Territory to enter into a contract with Miss Lura A. Rowland for the education of these two Choctaw children at the compensation named, and to be payable out of the Choctaw coal and royalty fund, if in the judgment of the Department it is applicable to such a case.

I have acknowledged the receipt of Miss Rowland's letter and



stated to her that this office is powerless to further the legislation which she has requested, although it would approve any measure for the relief of her school if the same was placed under the supervision of the Department.

Very respectfully

(Signed) A. C. Tonner

Acting Commissioner

No. 1716



## DEPARTMENT OF THE INTERIOR

WASHINGTON

February 4, 1901

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

Sir:

The Department is in receipt of your communication of H January 22, 1901, in response to departmental letter of December 28, 1900, directing you to make a report upon the advisability of paying the tuition of two blind Choctaw children now in attendance at the International School for the Blind at Fort Gibson, Indian Territory. You return the communication, dated November 26, 1900 from Miss Laura A. Rowland, Principal of said school, and also transmit a communication from the Superintendent of Schools in the Indian Territory, dated Jan. 19, 1901, in which he states that he has recently inspected the school, which is conducted in the old stone barracks formerly belonging to the old Military Post of the Fort Gibson; that the building contains comfortable school and sleeping rooms, but the same are not as yet very well furnished; that Miss Laura A. Rowland, the Principal, is a blind lady about 35 years of age, and a graduate of the Arkansas State Institute for the blind; that she has had charge of two blind Choctaw children, Alice James, age 14, and Gibson Robinson, age 16, that the girl has been in the school for two or three terms; that the boy entered in September last, and both are making reasonably good progress. He therefore recommends that Miss Rowland be paid at



the rate of \$25.00 per month per pupil, for the tuition, necessary books, and board, medical attention, etc., of these children, and that said allowance begin with September 1, 1900.

You state that the act of the National Council of the Choctaw Nation, providing for an appropriation to defray the expenses of these two children was disapproved by the President on December 24, 1900, but, as the Choctaw authorities by this act have shown their desire to care for these blind children, and in view of the report of the Superintendent of Schools, you concur in the recommendations and request that the necessary authority be granted, provided that the funds can be used.

The Acting Commissioner of Indian Affairs, on January 28, 1901, forwarded your said communication and recommended that authority be granted for the Commissioner of Indian Affairs, under the rules and regulations relating to education in Indian Territory, to enter into a contract with Miss Rowland for the education of said Choctaw children at the compensation named, to be payable out of the Choctaw coal and royalty fund, if in the judgment of the Department it is applicable to such a case.

The Department concurs in said recommendation, and the Commissioner of Indian Affairs has been advised this day. A copy of said report of the Acting Commissioner is inclosed herewith.

Respectfully

(Signed) F. L. Campbell

Acting Secretary

Ind. Ter. Div.  
353-1901

Endorsement: Washington Feb. 4, 1901  
Secretary. Commissioner has been authorized to make contract with Miss Laura A Rowland for care of two blind Choctaw children.

L.S.  
No. 1716

Copied GBD 3/29/34



So. McAlester, I. T.  
Nov. 4, 1904.

Supt. Jno. D. Benedict,  
Muskogee, I. T.

Sir: Complying with your letter of Oct. 29, I submit a general report of the tribal school buildings and grounds of the Choctaw nation.

There are four school buildings known as Jones Academy, Armstrong Academy, Tushkahoma Academy and Wheelock Academy.

Jones Academy.

This building is a three story brick situated on the north side of the one hundred and sixty acres reserved for the school. A three acre tract is enclosed by a good board fence. The building is on the north side of this tract and fronts to the south.

Main building: The main building is about 110 ft. frontage by 60 ft. back. The west wing of the basement floor contains the sewing room, bath room and one sleeping room. The east wing contains engine room and one large sleeping room. The size of each of these wings is about 16 feet by 16 feet. There are four sleeping rooms each about 16 feet by 16 feet, between the east and west wings- a ten foot hall extends from wing to wing on the north of the four sleeping rooms. The west and east wings of the second floor each contains a large recitation room and a sleeping room. There are four rooms and a hall between the wings of same dimensions as those described on basement floor.



Each of the wings on the third floor contains five sleeping rooms, each about 12 feet by 12 feet and a four foot hall extending the length of the five sleeping rooms. The four sleeping rooms are between the wings, the same as those of first and second floors. A ten foot hall or entrance is between the second and third rooms of the four rooms between the two wings.

Extension: On the north of the main building, there is an extension about 30 feet by sixty feet. The basement is used for kitchen, pantry and dining-room. The second floor is used for an assembly or chapel room and the third floor contains five sleeping rooms, each 12 feet by 12 feet, on each side of a six foot hall running the entire length of the extension.

Other buildings: Besides the main building there are two small frame buildings and a frame barn. The two small frame buildings are used for wash-house, work shop and store house. These buildings including the barn and main school building are old and are not in good repair.

I think a fair cash value of the main building is \$3000.00 and that of the other buildings including the fence enclosing the school property is \$500.00. I think the land reserved for this school is worth about \$6.00 per acre or \$960.00 for the tract. This makes a total cash valuation of the improvements and land belonging to the school of \$4460.00



## Tushkahoma Academy

The description given for Jones Academy will apply to this building as they are constructed on the same general plan, each containing the same number of rooms and of the same dimensions. The building faces east and is situated on the west side of the one hundred and sixty acres reserved. The building is old and in better repair than Jones Academy, and I consider a fair cash value of this building to be \$3500.00 and that of the barn and other outbuildings to be \$500.00. I consider \$6.00 an acre to be a fair cash valuation of the land reserved for this school. A fair cash valuation of the land and property belonging to this school is \$4960.00.

## Armstrong Academy.

This is an old two-story brick building situated nearly in the center of the 160 acres reserved.

Main building: The main building is about 100 ft. by 36 ft. The building faces east, and on the south side of the main entrance, there are four rooms, each 16 by 16 on each side of a four foot hall, on both first and second floor. On the north side of the main entrance, there are three large sleeping rooms on each floor.

Extension: Extending back from Main building and north of the main entrance there is an extension 60 by 36 ft. The lower part of which is used for dining room and kitchen, and



upper floor for school room. This building is in rather dilapidated condition and I think \$2000.00 a fair cash valuation for it.

Other buildings: There is a storey and half frame building used for wash house and work shop, and a frame barn. The valuation of these two buildings is \$400.00. The land reserved for the buildings is worth about \$6.00 an acre. The total cash valuation of the property and land belonging to this school is \$3360.00

#### Wheelock Academy

This is an old two story frame structure situated in about the center of a ten-acre tract. The other 150 acres reserved is situated about a mile south of the Academy.

The main building is about 80 by 36 ft. There are nine rooms, hall and stairway, on first floor, and nine sleeping rooms on second floor.

Extension: Extending back of the west of Main building, there is an extension 60 ft. by 30 ft. The lower floor containing the dining-room and kitchen, and the upper floor contains ten small sleeping rooms.

Other buildings: There are two small frame buildings, one used for laundry, and other for store room; a one story frame building, containing three rooms used for school purposes, and a frame barn.



The valuation of the main building is \$1500.00 and of the other buildings \$1000.00. The ten acres upon the school property is situated is worth about \$5.00 an acre, and the other 150 acres is valuable farming land, and worth about \$8.00 per acre. The total cash valuation of the property and land belonging to this school is \$3750.00.

Very respectfully

Calvin Ballard

Supervisor

Endorsement: 11-141904 Calvin Ballard So. McAlester I. T.  
Submits report concerning value of School buildings and grounds.

Copied by G. B. D.  
3/26/34



On November 9, 1885, an Act of the Choctaw National Council was approved by Edm. McCurtain, Principal Chief, Choctaw Nation, appropriating a total of \$3450.00 for support of the following Choctaw girls, Students in the States, for that scholastic years:

Nettie Russell	\$200.00
Lena Dunn	\$200.00
Eliza Vinson	\$225.00
Virinia Riddle	\$200.
Serena Hebert	\$200.
Hannah Graham	\$275.
Elsie Hudson	\$325.
Katie Nale	\$325.
Jennie Wyatt	\$325.
Florence Thompson	\$325.
Lorena Harlin	\$325.
Florence Turnbull	\$325.
Mary LeFlore	<u>\$200.</u>

Total for Girls	\$3450.
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T. E. Robinson	\$300.00
W. H. McKinney	350.00
Albert Folsom	300.00
Simon Dwight	300.00
William Durant	300.00
Robert Miller	300.00
Joe Homma	300.00
Peter Hudson	300.00
Joseph Thompson	300.00
Albert P. Fisk	150.00
J. T. Ainsworth	<u>150.00</u>
James Bowers	

Total for Boys	\$3350.00
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On November 6, 1886, an Act of Choctaw National Council was approved by T. McKinney, Principal Chief, Choctaw Nation, appropriating \$3575.00 for support of girls and \$3550.00 for support of boys, students in the states, for that scholastic year, as follows:



2.

Lena Dunn	\$200.00
Kattie Nail	\$325.00
Jennie Wyatte	\$325.00
Virginia Riddle	\$200.00
Eliza Vinson	\$200.00
Czrennia Hebert	\$200.00
Florence Turnbull	\$325.00
Jane Thompson	\$325.00
Sarah Wilson	\$325.00
Abbie Morris	\$325.00
Annie Carney	\$325.00
Maryann Holson	\$325.00
Elizabeth Hodges	\$150.00

Total for Girls \$3575.00

Simon T. Dwight	\$300.00
Robt. Miller	\$300.00
Joseph Homma	\$300.00
Joseph Thompson	\$300.00
Albert P. Fisk	\$300.00
Robt. C. Krebbs	\$300.00
Alexander Williams	\$300.00
James Bowers	\$200.00
James T. Ainsworth	\$200.00
Joshua Bohannon	\$300.00
John W. Durant	\$300.00
Peter Hudson	\$300.00
Campbell LeFlore, Jr.	\$150.00

Total for Boys \$3550.00

On November 7, 1887, an Act of Choctaw National Council was approved by Thompson McKinney, Principal Chief, Choctaw Nation, appropriating \$7975.00 for support of girls and boys, students in the states, during current years, as follows:

Lousinda Maytubby	\$200.00
Kate Moncrief	325.00
Jennie Wyatt	325.00
Virginia Riddle	200.00
Florence Turnbull	325.00
Jane Thompson	325.00
Winnie Jefferson	325.00
Mary Holson	325.00
Elizabeth Hodges	250.00
Annie James	325.00
Lettie Hailey	150.00
Elsy Cravat	325.00
To be an orphan	300.00



## 3.

To be an orphan	\$300.00
Simon T. Dwight	\$300.00
Robert C. Miller	300.00
H. C. Harrison	250.00
Abner H. Clay	300.00
Albert P. Fisk	300.00
Eli Burns	275.00
James Bowers	250.00
James T. Ainsworth	250.00
Joshua Bohanan	300.00
John W. Durant	300.00
Peter Hudson	300.00
Hampton Tucker	250.00
Wilburn Johnson	300.00
Levi W. Bohanan	300.00

Copied from Choctaw Bound Volume in office of Supt. of Five  
Civilized Tribes, Muskogee, by RLW 4/7/34