

SUPERINTENDENT
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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)

Feb. 24, 1831
to
Dec. 22, 1900

Compiled from original records
selected by

GRANT FOREMAN

OK.S.

T R E A T Y.
Between
THE UNITED STATES OF AMERICA.
and the
CHOCTAW NATION OF INDIANS.

Concluded September 27, 1830-Ratified February 24, 1831.

A N D R E W J A C K S O N

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, A Treaty between the United States of America and the Mingoes, Chiefs, Captains and Warriors, of the Choctaw Nation, was entered into at Dancing Rabbit Creek, on the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty, and of the Independence of the United States the fifty-fifth, by JOHN H. EATON & JOHN COFFEE, Commissioners on the part of the United States, and the Chiefs, Captains, and Head men of the Choctaw Nation, on the part of said Nation; Which Treaty, together with the supplemental article thereto, is in the words following, to wit:

A TREATY OF PERPETUAL FRIENDSHIP, CESSION, AND LIMITS, ENTERED INTO BY JOHN H. EATON AND JOHN COFFEE, FOR AND IN BEHALF OF THE GOVERNMENT OF THE UNITED STATES, AND THE WARRIORS, MINGOES, CHIEFS, CAPTAINS, AND THE CHOCTAW NATION, BEGUN AND HELD AT DANCING RABBIT CREEK, ON THE FIFTEENTH OF SEPTEMBER, IN THE YEAR EIGHTEEN HUNDRED AND THIRTY.

WHEREAS, THE GENERAL ASSEMBLY OF THE STATE OF MISSISSIPPI ~~HAS EXTENDED~~ THE LAWS OF SAID STATE TO PERSONS AND PROPERTY WITHIN THE CHARTERED LIMITS OF THE SAME, AND THE PRESIDENT OF THE UNITED STATES HAS SAID THAT HE CANNOT PROTECT THE CHOCTAW PEOPLE FROM THE OPERATION OF THESE LAWS: NOW, THEREFORE, THAT THE

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CHOCTAWS MAY LIVE UNDER THEIR OWN LAWS, IN PEACE WITH THE UNITED STATES AND THE STATE OF MISSISSIPPI, THEY HAVE DETERMINED TO SELL THEIR LANDS EAST OF THE MISSISSIPPI, AND HAVE ACCORDINGLY AGREED TO THE FOLLOWING ARTICLES OF TREATY:

ARTICLE 1--

Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoes, Chiefs, and Warriors of the Choctaw Nation of Red People; and that this may be considered the Treaty existing between the parties, all other treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

ARTICLE 2--

In consideration of the conditions, The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi river, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith, where the Arkansas river; running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red river, and down Red river to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeably to the Treaty made and concluded at Washington City, in the year 1825. The grant to be executed so soon as the present Treaty shall be ratified.

ARTICLE 3--

ARTICLE 3--

In consideration of the provisions contained in the several articles of this Treaty, the Choctaw Nation of Indians consent and hereby cede to the United States the entire country they own and possess east of the Mississippi river; and they agree to remove beyond the Mississippi river, early as practicable, and will so arrange their removal that as many as possible of their people, not exceeding one-half of the whole number, shall depart during the falls of 1831 and 1832; the residue to follow during the succeeding fall of 1833; a better opportunity in this manner will be afforded the Government, to extend to them the facilities and comforts which it is desirable should be extended in conveying them to their new homes.

ARTICLE 4--

The Government and People of the United States are hereby obliged to secure to the said Choctaw Nation of Red People and their descendants; and that no part of the of the land granted them shall ever be embraced in any Territory or State; that the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of Red People and their descendants; but the United States shall forever secure said Choctaw Nation from and against all laws, except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, Treaties, and Laws of the United States; and except such as may, and which have been, enacted by Congress, to the extent that Congress under the Constitution are required to exercise a legislation over Indian affairs. But the Choctaws, should

this Treaty be ratified, express a wish that Congress may grant to the Choctaws the right of punishing, by their own laws, any white man who shall come into their nation and infringe any of their national regulations.

ARTICLE 5--

The United States are obliged to protect the Choctaws from domestic strife, and from foreign enemies, on the same principles that the citizens of the United States are protected; so that whatever would be a legal demand upon the United States for defence, or for wrongs committed by an enemy on a citizen of the United States, shall be equally binding in favor of the Choctaws; and in all cases where the Choctaws shall be called upon by a legally authorized officer of the United States to fight an enemy, such Choctaw shall receive the pay and other emoluments which citizens of the United States receive in such cases; provided, no war shall be undertaken or prosecuted by said Choctaw Nation but by declaration made in full Council, and to be approved by the United States, unless it be in self-defence, against an open rebellion, or against an enemy marching into their country; in which cases they shall defend, until the United States are advised thereof.

ARTICLE 6--

Should a Choctaw or any party of Choctaws commit acts of violence upon the person or property of a citizen of the United States, or join any war party against any neighboring tribe of Indians, without the authority in the preceding article, and except to oppose an actual or threatened invasion or rebellion, such person so offending shall be delivered up to an officer of the

United States, if in the power of the Choctaw Nation, that such offending shall be punished, as may be provided in such cases, by the laws of the United States; but if such offender is not within the control of the Choctaw Nation, then said Choctaw Nation shall not be held responsible for the injury done by said offender.

ARTICLE 7--

All acts of violence committed upon persons and property of the people of the Choctaw Nation, either by citizens of the United States or neighboring tribes of Red People, shall be referred to the President of the United States, who shall examine into such cases, and see that every possible degree of justice is done to said Indian Party of the Choctaw Nation.

ARTICLE 8--

Offenders against the laws of the United States, or any individual State, shall be apprehended and delivered to any duly authorized person, where such offender may be found in the Choctaw country, having fled from any part of the United States; but in all such cases, application must be made to the agent or chiefs, and the expense of his apprehension and delivery provided for and paid by the United States.

ARTICLE 9--

Any citizen of the United States who may be ordered from the Nation by the agent and constituted authorities of the Nation, and refusing to obey, or return into the Nation without the consent of the aforesaid persons, shall be subject to such pains and penalties as may be provided by the laws of the United States in such cases. Citizens of the United States, travelling peaceably under the authority of the laws of the United States, shall be

under the care and protection of the Nation.

ARTICLE 10--

No person shall expose goods or other articles for sale as a trader, without a written permit from the constituted authorities of the Nation, or authority of the laws of the Congress of the United States, under penalty of forfeiting the articles; and the constituted authorities of the Nation shall grant no license except to such persons as reside in the Nation, and are answerable to the laws of the Nation. The United States shall be particularly obliged to assist to prevent ardent spirits from being introduced into the Nation.

ARTICLE 11--

Navigable streams shall be free to the Choctaws, who shall pay no higher toll or duty than citizens of the United States. It is agreed further that the United States shall establish one or more post offices in said Nation, and may establish such military post roads, and posts, as they may consider necessary.

ARTICLE 12--

All intruders shall be removed from the Choctaw Nation, and kept without it. Private property to be always respected, and on no occasion taken for public purposes, without just compensation being made therefor to the rightful owner. If an Indian unlawfully take or steal any property from a white man, a citizen of the United States, the offender shall be punished. And if a white man unlawfully take or steal any thing from an Indian, the property shall be restored, and the offender punished. It is further agreed that when a Choctaw shall be given up to be tried for any offense against the laws of the United States, if unable to employ counsel to defend him, the United States will do it, that his trial may

be fair and impartial.

ARTICLE 13--

It is consented that a qualified agent shall be appointed for the Choctaws every four years, unless sooner removed by the President; and he shall be removed on petition of the constituted authorities of the Nation, the President being satisfied there is sufficient cause shown. The agent shall fix his residence convenient to the great body of the people; and in the selection of an agent immediately after the ratification of this Treaty, the wishes of the Choctaw Nation on the subject shall be entitled to great respect.

ARTICLE 14--

Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this Treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity (Sic) for each unmarried child which is living with him over ten years of age, and a quarter-section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not (Sic) the privilege of a Choctaw citizen, but if they ever remove, are not to be

entitled to any portion of the Choctaw annuity.

ARTICLE 15--

To each of the chiefs in the Choctaw Nation, to wit, Greenwood Leflore, Nutachachie, and Musholatubbe, there is granted a reservation of four sections of land, two of which shall include and adjoin their present improvement, and the other two located where they please, but on unoccupied unimproved lands; such sections shall be bounded by sectional lines, and with the consent of the President they may sell the same. Also, to the three principal chiefs, and to their successors in office, there shall be paid two hundred and fifty dollars annually, while they shall continue in their respective offices, except to Mushulatubbe, who, as he has an annuity of one hundred and fifty dollars for life from a former treaty, shall receive only the additional sum of one hundred dollars, while he shall continue in office as chief; and if in addition to this the Nation shall think proper to elect an additional principal chief of the whole to superintend and govern upon republican principles, he shall receive annually for his services five hundred dollars; which allowance to the chiefs and their successors in office shall continue for twenty years. At any time when in military service, and while in service by authority of the United States, the district chiefs under and by selection of the President shall be entitled to the pay of majors; the other chief under the same circumstances shall have the pay of a lieutenant colonel. The speakers of the three districts shall receive twenty-five dollars a year for four years each; and the three secretaries, one to each of the chiefs, fifty dollars each for four years. Each captain of the Nation, the

number not to exceed ninety-nine, thirty-three from each district, shall be furnished upon removing to the West with each a good suit of clothes and a broadsword, as an outfit, and for four years, commencing with the first of their removal, shall each receive fifty dollars a year, for the trouble of keeping their people at order in settling; and whenever they shall be in military service by authority of the United States; shall receive the pay of a captain.

ARTICLE 16--

In wagons, and with steamboats, as may be found necessary, the United States agree to remove the Indians to their new homes at their expense, and under the care of discreet and careful persons, who will be kind and brotherly to them. They agree to furnish them with ample corn and beef, or pork, for themselves and families, for twelve months after reaching their new homes. It is agreed, further, that the United States will take all their cattle, at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money after their arrival at their new homes; or other cattle, such as may be desired, shall be furnished them, notice being given through their agent of their wishes upon this subject, before their removal, that time to supply the demand may be afforded.

ARTICLE 17--

The several annuities and sums secured under former treaties and sums secured under former treaties to the Choctaw Nation and people, shall continue as though this Treaty had never been made. And it is further agreed that the United States, in ad-

dition, will pay the sum of twenty thousand dollars for twenty years, commencing after their removal to the West, of which, in the first year after their removal, ten thousand dollars shall be divided and arranged to such as may not receive reservations under this Treaty.

ARTICLE 18--

The United States shall cause the lands hereby ceded to be surveyed, and surveyors may enter the Choctaw country for that purpose, conducting themselves properly, and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the Nation, or the lands to be sold, before the Choctaws shall remove. And for the payment of the several amounts secured in this Treaty, the lands hereby ceded are to remain a fund pledged to that purpose, until the debt shall be provided for and arranged. And further, it is agreed, that in the construction of this Treaty, wherever well-founded doubt shall arise, it shall be construed most favorably towards the Choctaws.

ARTICLE 19--

The following reservations of land are hereby admitted; To Colonel David Folsom four sections, of which two shall include his present improvement, and two may be located elsewhere, on unoccupied unimproved land.

To L. Garland, Colonel Robert Cole, Tuppanahomer, John Pytchlynn, Chas. Juzan, Johokebetubbe, Eaychahobia, Ofehoma, two sections each, to include their improvements, and to be bounded by sectional lines; and the same may be disposed of and sold, with the consent of the President. And that others not provided

for may be provided for, there shall be reserved as follows:

FIRST. One section to each head of a family, not exceeding forty in number, who, during the present year, may have had in actual cultivation, with a dwelling-house thereon, fifty acres or more.

SECOND. Three quarter-sections, after the manner aforesaid, to each head of a family, not exceeding four hundred and sixty, as shall have cultivated thirty acres and less than fifty, to be bounded by quarter-section lines of survey, and to be contiguous and adjoining.

THIRD. One half-section as aforesaid to those who shall have cultivated from twenty to thirty acres, the number not to exceed four hundred.

FOURTH. A quarter-section as aforesaid to such as shall have cultivated from twelve to twenty acres, the number not to exceed three hundred and fifty, and one-half that quantity to such as shall have cultivated from two to twelve acres, the number also not to exceed three hundred and fifty persons. Each of said class of cases shall be subject to the limitations contained in the first class, and shall be so located as to include that part of the improvement which contains the dwelling-house. If a greater number shall be found to be entitled to reservations under the several classes of this article than is stipulated for under the limitation prescribed, then and in that case the chiefs, separately or together, shall determine the persons who shall be excluded in the respective districts.

FIFTH. Any captain, the number not exceeding ninety persons, who, under the provisions of this article, shall receive less than a section, he shall be entitled to an additional quantity of half a section, adjoining to his other reservation. The several reservations secured under this article may be sold with the consent of the President of the United States; but should any prefer it, or omit to take a reservation for the quantity he may be entitled to, the United States will, on his removing, pay fifty cents an acre, after reaching their new homes, provided that before the first of January next they shall adduce to the agent, or some other authorized person, to be appointed, proof of his claim, and the quantity of it.

SIXTH. Likewise children of the Choctaw Nation residing in the Nation, who have neither father nor mother, a list of which, with satisfactory proof of parentage and orphanage being filed with the agent in six months, to be forwarded to the War Department, shall be entitled to a quarter-section of land, to be located under the direction of the President, and with his consent the same may be sold, and the proceeds applied to some beneficial purpose, for the benefit of said orphans.

ARTICLE 20--

The United States agree and stipulate as follows: That for the benefit and advantage of the Choctaw people, and to improve their condition, there shall be educated under the direction of the President, and at the expense of the United States, forty Choctaw youths for twenty years. This number shall be kept at school, and, as they finish (Sic) their education, others,

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to supply their places, shall be received for the period stated. The United States agree, also, to erect a Council-house for the Nation, at some conveneint (Sic) central point, after their people shall be settled, and a house for each chief; also, a church for each of the three districts, to be used also as school-houses, until the Nation may conclude to build others; and for these purposes ten thousand dollars shall be appropriated; also fifty thousand dollars, viz: twenty-five hundred dollars annually shall be given for the support of three teachers of schools, for twenty years. Likewise there shall be furnished to the Nation three blacksmiths, one for each district, for sixteen years, and a qualified millwright for five years. Also, there shall be furnished the following articles: twenty-one hundred blankets; to each warrior who emigrates, a rifle, moulds, wipers, and ammunition; one thousand axes, ploughs, hoes, wheels and cards, each; and four hundred looms. There shall also be furnished one ton of iron, and two hundred weight of steel, annually, to each district, for sixteen years.

ARTICLE 21--

The chiefs of the Choctaws have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilege of a Delegate on the floor of the House of Representatives extended to them. The commissioners do not feel that they can, under a treaty stipulation, accede to the request, but at their desire present it in the Treaty, that Congress may consider of and decide the application.

Done and signed and executed by the commissioners of the United States, and the chiefs, captains, and headmen of the Choctaw Nation, at Dancing Rabbit Creek, this twenty-seventh day of September, eighteen hundred and thirty.

JOHN. H. EATON, (Seal)

JOHN COFFEE, (Seal)

In presence of--

E. BREATHITT,
Sec'ry to the Commissioners.

WM. WARD, Agent for Choctaws.

JOHN PITCHLYNN, U. S. Interpreter.

M. MACKEY, U. S. Interpreter.

G. S. GAINES, of Alabama.

R. P. CURRIN,

LUKE HOWARD,

SAMUEL S. WORCESTER,

JNO. N. BYRN,

JOHN BELL,

JNO. BOND.

Greenwood Leflore,

Musholatubbee, his X mark

Nittucachee, his X mark

Eyarhocuttubbee, his X mark

Iyacherhopia, his X mark

Offahoomah, his X mark

Archalater, his X mark

Onnahubbee, his X mark

Holarterhoomah, his X mark

Hopiunchahubbee,	his X mark
Zishomingo,	his X mark
Captainthalke,	his X mark
James Shield,	his X mark
Pistiyubbee,	his X mark
Yobalaruncehahubbee,	his X mark
Holubbee,	his X mark
Robert Cole,	his X mark
Mokelareharhopin,	his X mark
Lewis Perry,	his X mark
Artonamarstubbe,	his X mark
Hopeatubbee,	his X mark
Hoshahoomah,	his X mark
Chuallahoomah,	his X mark
Joseph Kincaide,	his X mark
Artooklubbetushpar,	his X mark
Metubbee,	his X mark
Arsarkatubbee,	his X mark
Issaterhoomah,	his X mark
Chohtahmatahah,	his X mark
Tunnuppashubbee,	his X mark
Okecharyer,	his X mark
Hoshhopia,	his X mark
Warsharshahopia,	his X mark
Maarshunchahubbee,	his X mark
Misharyubbee,	his X mark
Daniel McCurtain,	his X mark
Tushkerharcho,	his X mark

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Hoktoontubbee,	his X mark
Nuknacrahookmarkee,	his X mark
Mingo hoomah,	his X mark
Pisinhocuttubbee,	his X mark
Tullarhacher,	his X mark
Little Leader,	his X mark
Maanhutter,	his X mark
Cowehoomah,	his X mark
Tillamoer,	his X mark
Imnullacha,	his X mark
Artopilachubbee,	his X mark
Shupherunchahubbee,	his X mark
Nitterhoomah,	his X mark
Oaklaryubbee,	his X mark
Pukumma,	his X mark
Arpalar,	his X mark
Holber,	his X mark
Hoparmingo,	his X mark
Isparhoomah,	his X mark
Tieberhoomah,	his X mark
Tisholarter,	his X mark
Mahayarchubbee,	his X mark
Arlarter,	his X mark
Nittahubbee,	his X mark
Tishonouan,	his X mark
Warsharchahoomah,	his X mark
Isaac James	his X mark
Hopiaintushker,	his X mark

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Thomas Leflore,	his X mark
Arnokechatubbee,	his X mark
Shokoperlukna,	his X mark
Posherhoomah,	his X mark
Robert Folsom	his X mark
Arharyotubbee,	his X mark
Kushonolarter,	his X mark
James Vaughan,	his X mark
James Karnes,	his X mark
Tishohakubbee,	his X mark
Narlanalar,	his X mark
Pennasha,	his X mark
Inharyarker,	his X mark
Motubbee,	his X mark
Narharyubbee,	his X mark
Ishmaryubbee,	his X mark
James McKing,	
Lewis Wilson,	his X mark
Istonarkerharcho,	his X mark
Hohinshamartarher,	his X mark
Kinsula chubbee,	his X mark
Emarhinstubbee,	his X mark
Gysalndalra, bm.	his X mark
Thomas Wall,	
Sam S. Worcester,	
Jacob Folsom,	
William Foster,	

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Ontioerharcho,	his X mark
Hugh A. Foster	
Pierre Juzar,	
Jno. Pitchlynn, Jr.	
David Folsom,	
Sholohommastube,	his X mark
Tesho,	his X mark
Lauwechubee,	his X mark
Hoshehammo,	his X mark
Ofenowo,	his X mark
Ahekoche,	his X mark
Kaloshoube,	his X mark
Atoko,	his X mark
Ishtemeleche,	his X mark
Emthtohabe,	his X mark
Silas D. Fisher,	his X mark
Isaac Folsom,	his X mark
Hekatube,	his X mark
Hakseche,	his X mark
Jerry Carney,	his X mark
John Washington,	his X mark
Phiplip,	his X mark
Meshameye,	his X mark
Ishteheka,	his X mark
Heshohomme,	his X mark
John McKelbery,	his X mark
Benjm. James,	his X mark.

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Tikbachahambe,	his X mark
Aholiktube,	his X mark
Walking Wolf,	his X mark
John Waide,	his X mark
Big Axe,	his X mark
Bob,	his X mark
Tushkochaubbee,	his X mark
Ittabe,	his X mark
Tishowakayo,	his x mark
Folehommo,	his X mark
John Garland,	his X mark
Koshona,	his X mark
Ishelyohamube,	his X mark
Oklanowa,	his X mark
Neto,	his X mark
James Fletcher,	his X mark
Silas D. Pitchlynn,	his X mark.
William Trahorn,	his X mark.
Toshkabemmitto,	his X mark.
Tethetayo,	his X mark.
Emokloshahopie,	his X mark.
Tishomita,	his X mark.
Thomas W. Foster,	his X mark.
Zadoc Brashears,	his X mark
Levi Perkins,	his X mark
Isaac Perry,	his X mark
Isholonocka Hoomah,	his X mark
Hiram King,	his X mark

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Ogla Enlah,	his X mark
Nultlahtubbee,	his X mark
Tuska Hollattuh,	his X mark
Panshastubbee,	his X mark
P. P. Pitchlynn,	his x mark
Joel H. Nail,	his X mark
Hopia Stonakey,	his X mark
Kochoomma,	his X mark
William Wade,	his X mark
Panshstickubbee,	his X mark
Holittankchahubbee,	his X mark
Kothoantchahubbee,	his X mark
Eyarpulubbee,	his X mark
Okentahubbe,	his X mark
Living War Club,	his X mark
John Jones,	his X mark
Charles Jones,	his X mark
Isaac Jones,	his X mark
Hocklucha,	his X mark
Muscogee,	his X mark
Eden Nelson,	his X mark

Various Choctaw persons have been presented by the chiefs of the nation, with a desire that they might be provided for; being particularly deserving, an earnestness has been manifested that provision might be made for them, It is, therefore, by the undersigned commissioners here assented to, with the understanding that they are to have no interest in the reservations, which

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are directed and provided for under the general treaty to which this is a supplement.

As evidence of the liberal and kind feelings of the President and Government of the United States, the commissioners agree to the request as follows, (to wit:) Pierre Juzan, Peter Pitchlynn, G. W. Harkins, Jack Pitchlynn, Israel Folsom, Louis Leflore, Michael Lefore, and Allen Yates and wife, shall be entitled to a reservation of two sections of land each, to include their improvement where they ar present reside, with the exception of the three first named persons, and Benjamin Lefore, who are authorized to locate one of their sections on any other unimproved and unoccupied land, within their respective districts.

ARTICLE 2--

And to each of the following persons there is allowed a reservation of a section and a half of land, (to wit:) James L. McDonald, Robert Jones, Noah Wall, James Campbell, G. Nelson, Vaughn Brashears, R. Harris, Little Leader, S. Fostor, J. Vaughn, L. Durans, Samuel Long, T. Magagha, Thos. Everge, Giles Thompson, Thomas Garland, John Bond, William Leflore, and Turner Brashears; the two first named persons may locate one section each, and one section jointly on any unimproved and unoccupied land, these not residing in the nation; the others are to include their present residence and improvement.

Also, one section is allowed to the following persons, (to wit:) Middleton Mackey, Wesley Train, Choclehoma, Moses Foster, D. W. Wall, Charles Scott, Molly Nail, Susan Colbert, who was formerly Susan James, Samuel Garland, Silas Fisher,

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D. McCurtain, Oklahoma, and Polly Fillecuthey, to be located in entire sections to include their present residence and improvement, with the exception of Molly Nail and Susan Colbert, who are authorized to locate theirs on any unimproved unoccupied land.

John Pitchlynn has long and faithfully served the nation in character of United States interpreter; he has acted as such for forty years; in consideration it is agreed, in addition to what has been done for him, there shall be granted to two of his children, (to wit:) Silas Pitchlynn and Thomas Pitcylhnn (Sic), one section of land each, to adjoin the location of their father; likewise to James Madison and Peter, sons of Musholatubbee, one section of land each, to include the old house and improvement where their father formerly lived, on the old military road adjoining a large prairie.

And to Henry Groves, son of the chief Natticache, there is one section of land given to adjoin his father's land.

And to each of the following persons half a section of land is granted on any unoccupied and unimproved lands in the districts where they respectively live, (to wit:) William Harkins, James, D. Hamilton, William Juzan, Tobias Leflore, Joa. Doke, Jacob Folsom, P. Hays, Samuel Worcester, George Hunter, William Train, Robert Nail, and Alexander McKee.

And there is given a quarter-section of land each to Delia and her five fatherless children, she being a Choctaw woman residing out of the nation; also, the same quantity to Peggy Trihan, another Indian woman residing out of the nation, and her two fatherless children; and to the widows of Pushmilaha and

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Pucktshenubbee, who were formerly distinguished chiefs of the nation, and for their children, four quarter-sections of land each, in trust for themselves and their children.

All of said last mentioned reservations are to be located under and by direction of the President of the United States.

ARTICLE 3--

The Choctaw people, now that they have ceded their lands, are solicitous to get to their new homes early as possible, and accordingly they wish that a party may be permitted to proceed this fall to ascertain whereabouts will be most advantageous for their people to be located. It is therefore agreed that three or four persons, (from each of the three districts,) under the guidance of some discreet and well qualified person or persons, may proceed during this fall to the west, upon an examination of the country. For their time and expenses the United States agree to allow the said twelve persons two dollars a day each, not to exceed one hundred days, which is deemed to be ample time to make an examination. If necessary, pilots acquainted with the country will be furnished when they arrive in the west.

ARTICLE 4--

John Donly, of Alabama, who has several Choctaw grandchildren, and who for twenty years has carried the mail through the Choctaw nation, a desire by the chiefs is expressed that he may have a section of land; it is accordingly (Sic) granted; to be located in one entire section, on any unimproved and unoccupied land. Allen Glover, and George S. Gaines, licensed traders in the Choctaw nation, have accounts amounting to upwards of nine thousand dollars against the Indians, who are unable to pay their said debts without distressing their families; a desire is ex-

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pressed by the chiefs that two sections of land be set apart to be sold, and the proceeds thereof to be applied toward the payment of the aforesiad (Sic) debts. It is agreed that two sections of any unimproved and unoccupied land be granted to George S. Gaines, who will sell the same for the best price he can obtain, and apply the proceeds thereof to the credit of the Indians, on their accounts due to the abovementioned Glover and Gaines; and shall make the application to the poorest Indian first. At the earnest and particular request of the chief, Greenwood Leflore, there is granted to David Haley, one half-section of land, to be located in a half-section on any unoccupied and unimproved land, to be compensation for a journey to Washington City, with despatches to the Government, and returning others to the Choctaw Nation.

The foregoing is entered into, as supplemental to the treaty concluded yesterday.

Done at Dancing Rabbit Creek, the 28th day of September 1830.

Jno. H. Eaton, (L.S.)
Jno. Coffee, (L.S.)

In presence of

E. Breathitt, Sec'y to Com.
W. Ward, Agent for Choctaws,
M. Mackey, U.S. Interpreter.
John Pitchlynn, U.S. Interp.
R. P. Currin,
Jno. W. Byrn,
Geo. S. Gaines.

Greenwood Leflore,	his X mark.
Nittuchachee,	his X mark.
Mushulatubbee,	his X mark.
Offahoomah,	his X mark.
Eyarhoeuttubee,	his X mark.
Iyaeherhopia,	his X mark.

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Holubbee,	his X mark.
Onarhubbee,	his X mark.
Robert Cole,	his X mark.
Hopiaunchahubbee,	his X mark.
David Folsom,	his X mark.
John Garland,	his x mark.
Hopiahoomah,	his X mark.
Captain Thalko,	
Pierre Juzan,	his X mark.
Immarstarher,	his X mark.
Hoshimhamartar,	

NOW, THEREFORE, BE IT KNOWN, THAT I, ANDREW JACKSON, President of the United States of America, having seen and considered said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their resolution of the twenty-first day of February, one thousand eight hundred and thirty-one, accept, ratify, and confirm the same, and every clause and article thereof, with the exception of the preamble.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and thirty-one, and of the Independence of the United States the fifty-fifth.

ANDREW JACKSON.

By the President:

M. VAN BUREN,
Secretary of State.

Union Agency # 57. Copy of Choctaw treaty of 1830.

(Endorsed)

Washington, D. C.
Dec. 3rd 1870

Dear Nephew:

Your letter written the 20th of last month I received this afternoon, and I thank you for the news you give me of what was done by the Council.

In regard to the Freedmen in the Nation my advice to them is to remain quiet and to have nothing to do with any white man who may come into the Nation pretending to be their freinds, or claiming authority from Washington to advise them-- These white men are only adventurers, who are trying to bring about difficulties between the Freedmen and the Choctaws believing the U.S. would interfere and that they would make money for themselves.

My advice to our Freedmen, as I said before, is to remain quiet and to obey the laws and they will be protected and cared for, until other arrangements are made for them. They should not listen to these white men who come among them, telling them to sign papers, to hold meetings and to get up petitions to Congress--for they are not the Freedmen's friends and they can do them no good, but may get them into a great many difficulties-- Let our Freedmen beware of them, and have nothing to do with them.

Congress will meet day after tomorrow and I am ready to go to work to fight for the interests of the Choctaw people--I expect to have a hard fight with the R.R. speculators--for they

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will be here with all kinds of schemes to get Congress to grant them lands to build their roads.

The President has assured me, in regard to the survey of the lands in the Chickasaw district--that before any land office is established or any division of the lands in severalty is made, the whole matter should be investigated by the U.S. Attorney General, and if he found my view of the matter correct the whole survey should go for naught, and the Secy. of the Interior has recommended in his Report to Congress--that the matter should be thoroughly investigated before the establishment of any land office at Boggy Depot is authorized &c. I shall do all I can, even if the survey shall be made, to have it go for nothing.

I received a letter from Dr. Bond, and also from others, stating that Sampson Folsom and Dr. Bond were appointed by the Council in the old delegation in the place of Israel Folsom and Sam Garland--I have also heard that the council did not appoint them--I wish you would write me immediately and tell me all you know about the matter.

We all send our love to all our relatives and friends.

Your Uncle.

P/P/ Pitchlyn.

To H.C. Harris
Clarksville, Tx.

(Photostatic copy of original letter in regard to Freedmen and survey of land in Chickasaw Nation.) Filed in Union Agency Records.

* C H O C T A W ***** N A T I O N *

LUSHKA HOMINA

Nelson, Ind.Ter. July 4, 1884

Hon. H. C. Harris

Harris Ferry, I.T.

Dear Sir:

Yours of April 15th to hand have sent by this mail a letter to Rev. W. M. Keeth in regard to proposition made by Missionary board as I had a letter from him some time ago in regard to the matter.

The Election in August is favorable so far as I have been able to find out, Ed being in the majority in nearly every county heard from. I hope all will prove well in the end. This leaves myself and family well, and I hear of no complaints among the neighbors.

Truly yours,

J.F. McCurtain
PRINCIPAL CHIEF
Choctaw Nation

Pro.

Jno. R. James
Private Sec.

(Photostatic copy of original letter written by Principal Chief of Choctaw Nation, filed with records of Union Agency at Muskogee, Oklahoma.)

This agreement witnesseth, that T. W. Hunter has been duly appointed Superintendent of Armstrong Orphan Home by the Board of Education of the Choctaw Nation, and for his services he is to receive the sum of Twelve Hundred (\$1200.00) per annum payable quarterly according to law.

As such Superintendent he is to take charge of and manage the home, receiving seventy Choctaw Boys, to procure two competent teachers and furnish medical attendance, board, fuel, clothing and lodging for the boys and conduct the said home in every way after the manner of a well regulated orphan home. He is to defray all expenses necessary to the successful operation of the school. He is to receive the sum of seven thousand dollars quarterly as provided by law and render an itemized and correct account of the same, the balance if any belonging to the home, also the additional sum of fifteen hundred dollars for the salary of two competent instructors.

The said T. W. Hunter in all things to be governed strictly by the law of the Choctaw Nation governing and regulating the management of boarding schools.

Given under our hands and seal, this the 26th day of January 1894.

Amos Henry, 1st District,
Ed Wilson, 2nd District,
D. A. Riddle 3d District,
J.B. Jeter Supt. T. Schools.
T. W. Hunter.

Approved this the Jan. 26th A.D. 1894.

W.N. Jones
Principal Chief
Choctaw Nation.

June 25, 1894.

This agreement witnesseth that J. B. Jeter has been duly appointed Superintendent of the Spencer Academy by the Board of Education of the Choctaw Nation and for his services he is to receive the sum of Twelve Hundred (\$1200.00 Dollars per annum, payable quarterly according to law. As such Superintendent, he is to take charge of and to manage the Academy receiving one hundred Choctaw boys not less than 12 years of age, to procure competent instructors and furnish medical attendance, board, fuel, clothing and lodging for the boys and conduct the Academy in every way after the manner of a well regulated, high grade boarding school.

He is to defray all expenses necessary to the successful operation of the school. He is to receive the sum of Ten Thousand Dollars quarterly as provided by law and render a correct account of the same, the balance if any belongs to the scholl(Sic); also the additional sum of Nineteen Hundred and Fifty Dollars for the salary of competent instructors. The said J. B. Jeter in all things to be governed strictly by the law of the Choctaw Nation governing and regulating the management of Boarding Schools.

Signed this 25th day of June at Spencer Academy, Choctaw Nation, A. D. 1894.

J.B. Jeter
Amos Henry 1st District.
E. H. Wilson 2d District
D. A. Riddle 3d District.

APPROVED:
W. N. Jones.
Principal Chief, Choctaw Nation, I.T.

This agreement witnesseth, that E. H. Wilson has been duly appointed Superintendent of the Wheelock Female Orphan Home by the Board of Education of the Choctaw Nation, and for his services he is to receive the sume (Sic) of Twelve Hundred (\$1200.00) Dollars per anhum, payable quarterly according to law.

As such Superintendent he is to take charge of and manage the Home receiving fifty Choctaw girls, to procure two competent teachers and furnish medical attendance, board, fuel, clothing and lbdging for the girls and conduct the said home in every way after the manner of a well regulated orphan home.

He is to defray all expenses necessary to the successful operation of the home. He is to receive the sum of Five Thousand Dollars quarterly according to law and render a correct account of the same, the balance if any belonging to the school, also the additional sum of Fifteen Hundred Dollars for the salary of two competent teachers.

The said E. H. Wilson in all things to be governed strictly by the law of the Choctaw Nation governing and regulating the the management of boarding schools.

Signed this 25th day of June at Spencer Academy, Choctaw Nation A.D. 1894.

Signed: E.H.Wilson
Amos Henry 1st District
D. A. Ridder 3d District
J. B. Jetes Supt. Schools.

APPROVED:
W. N. Jones
Principal Chief
Choctaw Nation.
I.T.

Fort Smith, Arkansas, October 30, 1895.

To the

Honorable Olosachubbee, Chairman, and members of
Committee appointed by the National Council,
Choctaw Nation.

Tushka Homma, Indian Territory.

Gentlemen:-

Accompanying this letter we have the honor to submit
in writing the proposition made to you on yesterday.

We respectfully ask a careful consideration of the
same and an early reply of your action.

Respectfully,

Henry L. Dawes

Chairman.

Frank C. Armstrong

Archibald S. McKennon

Thos. B. Cabaniss

A. B. Montgomery

Copy of Letter Press Copy, signed, in office of Supt. of
Five Civilized Tribes, Muskogee, Okla.

Copied by RLW 5/2/34

Fort Smith, Arkansas, October 30, 1895.

To the

Honorable Olosachubbee, Chairman, and members of
Committee appointed by the National Council,
Choctaw Nation.

Tushka Homma, Indian Territory.

The undersigned Commissioners appointed for that purpose by the United States, propose to negotiate with the Choctaw Nation for the purpose of exchanging by said nation upon terms that shall be just, fair and reasonable to all concerned or interested therein, the present tribal title of said nation to its lands and other property for an equal division thereof among all citizens of the tribe entitled to share therein, and an adjustment and full settlement of all demands, claims and other unsettled matters of any kind existing between the United States and said nation, so far as may be necessary and proper for the ultimate creation of a territorial or state government under authority of the United States, embracing said Choctaw Nation and such other nations of the Indian Territory as may desire to become a part thereof.

The United States to put each person in possession of the lands to which he is so entitled, without expense to him and the tribal government to remain in authority until the completion of the changes herein proposed, and as much longer as shall be agreed upon in such negotiations.

Henry L. Dawes,
Frank C. Armstrong
Archibald S. McKennon
Thos. B. Cabaniss,
A. B. Montgomery

Copy of Letter Press copy, signed, in office of Supt. of Five Civilized Tribes, Muskogee. Copied by RLW 5/2/34

EXECUTIVE OFFICE..CHOCTAW NATION.

Sans Bois, I.T.

Nov. 15th, 1897.

Hon. Tams Bixby,
Act. Chairman, Dawes Commission,
Muskogee, I.T.

Dear Sir:-

I have the honor to notify your honorable Commission that our National Council ratified the Agreement made between the commissions representing the Choctaw and Chickasaw Nation and the Dawes Commission.

It was ratified on Nov. 3rd. and passed the House by a vote of 12 to 8, and the Senate by 8 to 4.

Trusting that we will be successful in having it ratified by Congress with as little modification as possible,

I am respectfully,

Green McCurtain,

P. C.C.N.

(Endorsed) # 112, Commission to Five Tribes, Received Nov. 17, 1897, McCurtain Gov. Sans Bois, I.T. 11/15/97. Notifies Commission of ratification of treaty.

EXECUTIVE OFFICE, CHOCTAW NATION.

GREEN McCURTAIN, PRINCIPAL CHIEF.

Sans Bois, I.T.,

April 18th, 1898.

Hon. A. L. Aylesworth.

Sec'ty of Com. to the Five Civilized Tribes.

Muskogee , I.T.

Dear Sir:-

I am in receipt of your communication of the 11th. inst. wishing me to furnish you with the number of Indian citizens, and colored citizens in the Choctaw Nation, for the purpose of enabling you to ascertain the amount of space that will be required in the blanks to be prepared by the Commission.

The roll I furnished the Commission contained 14258 names of citizens by blood: 3703 colored citizens: and 945 intermarried white citizens. But this is not the authentic roll of the Choctaw citizens because it was not approved by me as Principal Chief. My reason for not approving the rolls was that I had ascertained that there were about 60 names that had been put on the rolls through fraud; also that there were 375 or 400 colored citizens who had been prevented from enrolling by designing persons. Our last General Council created a new citizenship Commission to investigate these frauds, and to prepare a new roll. We are now at work on this roll and as soon as it is completed we will furnish the Dawes Commission with a copy of it. But in preparing your blanks I think you will be safe in preparing the following number: Citizens by blood.--14256.-- Citizens by intermarriage, 950.-- Citizens by adoption or colored citizens.

4200.

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Our Nation is composed of three Districts, 1st., 2nd., & 3rd. and these three Districts are subdivided into counties as follows:

The First District embraces the Counties of SANS BOIS, SKULLYVILLE, SUGAR LOAF, GAINES and TOBUCKSY.

The Second District embraces the Counties of JACKS FORK, KIAMITIA, ATOKA, BLUE, AND JACKSON.

And in preparing our rolls we enrolled those Choctaws living in the Chickasaw Nation as living in the Chickasaw District.

Respectfully,

Green McCurtain.

P.C.CC. N.

(Endorsed) # 389. Commission to Five Tribes. Muskogee, Oklahoma
Received April 19, 1898. McCurtain, Green. Sans Bois, I.T.
11/18/98. Relative to number of Citizens in Choctaw Nation.

J. W. EVERIDGE
 Superintendent
 Public Instruction
 Choctaw Nation.

Grant, I. T. May 25, 1898.

Hon. J. Geo. Wright,
 U. S. Indian Inspector,
 Muscogee, Ind. Ter.

Sir:-

In regard to the Mission School at Old Good Land this school is run by some board and is located in a full blood neighborhood the Indian children are taught wether (Sic) the Nation pays or not, there are two schools in this County one at Old Good land and the other at Coal Springs and that is run by the Mission Board. I had no authority of law to advise them to continue their schools I simply did it under a letter received from your Honor, dated Feb. 14" 1898, advising me to continue the St. Agnes neighborhood school. There are no appropriation made to pay teachers for teaching after December, 31" 1898 the Choctaw Board of Education would have no authority of law to call on the proper Trustee to issue a warrant with out an appropriation made by Council, if the Choctaw Board of Education has to pass on these reports the teachers will simply have to wait until the Coctaw (Sic) Council convenes, which will be next October and make an appropriation for these teachers.

Yours Truly,

J.W.Everidge

(Endorsed) Union Agency No. 1136 Received May 26, 1899 Office of U.S. Indian Inspector for Indian Territory. Grant, I.T., May 25, 1899. J.W.Everidge.-----Rel. to the neighborhood school taught since Dec. 31, 1898, at Goodland-----

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

Pittsfield Mass.

Oct. 12, 1898.

The Honorable C. N. Bliss,

Secretary of the Interior:-

Sir:

I am in receipt -- remailed to me in Washington P. O. -- of your letter of the 4th inst., enclosing for "a report thereon as soon as practicable," copies of two letters from Hon. Green McCurtain, Principal Chief of the Choctaw Nation, seeking the aid and cooperation of the Hon. Secretary in certain proposed legislation by the Council of that Nation relative to timber depredations and taxes to relieve the indebtedness of the counties.

The avowed object of the proposed legislation is most commendable, and its attainment is very necessary, but the Department could not safely "approve" or "commend" in advance the propriety and wisdom of any measures the character and features of which are not disclosed.

Mr. McCurtin seeks by some legislation hereafter to be drafted:

1. To prohibit the cutting off of the timber and otherwise denuding, before actual allotment, of the land likely to fall, when allotment comes, to others than those who are despoiling it for present gain.

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There can be no question but that such proceedings must be stopped, and if there is not already sufficient power in the Courts for that purpose any wise measure of legislation that will accomplish it is most desirable. I think that, while such legislation can, in no event, do harm, yet the Courts have already sufficient power and can exercise it at any moment without waiting for legislation. The treaties of 1855 and 1866 both declare, expressly, that each and every Choctaw and Chickasaw is a tenant in common with every other Choctaw and Chickasaw in each and every portion of the territory and that the United States will defend him in that right. Now nothing is clearer in law than that one co-tenant cannot, as against his co-tenant, commit waste on the common property. The United States Courts in the Territory are clothed with full equity powers, and the second section of the "Curtis Bill" gives them ample jurisdiction over all tribal property and all parties interested in it. I cannot see the need of further power to enjoin against waste in the fullest manner. Still judicious legislation may well be in aid of that power.

11. Mr. McCurtain seeks further an assurance in advance of the aid and cooperation of the Honorable Secretary in proposed legislation that by a system of taxation will relieve the Counties of the burden of their present indebtedness.

It is certainly most desirable, if not necessary to relieve in some way the counties from their indebtedness at as early a day as possible, but what is the best method of such relief no one can give an opinion of any value in the absence of any information as to the character or amount of such indebtedness or under what circumstances it was contracted. It would

1408

be well to first call upon Mr. McCurtain for an exact statement of the amount of indebtedness of each county, for what it was incurred, and by whom it is now held, and whether there is any suspicion of illegality or other stain attaching to any of it. With this information before it the Department could better judge of what it would be wise to recommend than it can at present.

It may not be out of place to suggest that the tendency in those, who happen to be in control as these agreements take the place of the old order of things, in their respective nations, will be to the adoption, now that they have the power, of harsher measures against those who have been contending against the new order of things, than would be wise or beneficial in results. It is very desirable to draw, as much as possible, all these opponents into cooperation rather than repulse them by unnecessarily harsh legislation.

This seeking the committal of the Department in advance to proposed legislation should not be encouraged. It may, for want of sufficient information, lead to embarrassment.

I am with great respect,
Truly yours,
Henry L. Dawes,
Chairman.

(Endorsed) Union Agency No. 1408 Commission to Five Tribes, Recd. Nov. 15, 1898 Department, Washington 11/9/98-----With reference to certain legislation enacted by Choctaw council, requiring approval of the President.-----

BILL NO. 48.

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

-oOo-

AN ACT

REPEALING AN ACT EMPLOYING AND APPOINTING S. GUERRIER
SPECIAL AGENT AND ATTORNEY OF THE CHOCTAW NATION.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION
ASSEMBLED:

That the Act of the General Council of the Choctaw Nation
entitled "An Act appointing a Special Agent and Attorney to in-
vestigate the royalty and permit accounts, and collect money
due for royalty and permits," approved November 9, 1897, and
which Act declared S. Guerrier said Special Agent and Attorney,
is hereby repealed; and this Act shall take effect and be in
force from and after its passage.

Passed the House Oct. 28, 1898,

Joe Dukes,
Speaker of the House of Representatives.

Passed the Senate, Oct. 28, 1898,

H. P. Ward,
President of the Senate.

APPROVED: OCTOBER 28, 1898,

Green McCurtain,
Principal Chief of The
Choctaw Nation.

(S E A L)

EXECUTIVE MANSION, March 1, 1899,

APPROVED: William McKinley.

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:-

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 their 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,

Green McCurtain.

Principal Chief, Choctaw Nation.

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(Endorsed) Union agency no. 1540 Commission to Five Tribes. Recd. Dec. 3, 1898 Green McCurtain, Gov. Choctaw Nation, Sans Bois, I.T.---- Complains about unauthorized surveyors imposing upon citizens and asks some action be taken to stop it.

Muscogee, I.T. Dec. 2nd, 1898.

Respectfully referred to The Commission of the Five Civilized Tribes for consideration and appropriate action. Gov. McCurtain has been advised of this action and that the Commission has been advised of this action and that the Commission will communicate with him on the subject.

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

N O T I C E--

TO MISSISSIPPI CHOCTAW INDIANS:

The Dawes Commission has thought it necessary and proper to give definite information of the manner in which it will perform the duty of identifying Mississippi Choctaws, imposed upon it by the following provision of Section 21, of the Act of Congress, June 28, 1898:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in Choctaw lands under Article 14 of the Treaty between the United States and the Choctaw Nation, concluded September 27, 1830, and to that end, they may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Section 14, of the Treaty above referred to, is as follows:

"Article XIV. Each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent, within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as

may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

It will be observed that the benefits extended under this Article of the Treaty, are limited to Choctaw heads of families, who, within six months from the ratification of the Treaty, February 24, 1831, signified their intention to remain and become citizens of the States, together with their children therein mentioned. **Proof**, showing a compliance with these provisions by applicants or their ancestors, will be required in every case, and exhibits of records and documents, properly verified, showing these facts, will be received. No written pleadings, depositions or affidavits, in any case, will be received or filed by the Commission; but applicants or the head of each family desiring to be identified, under said Section of the Treaty will be required to appear in person, before the Commission at one of its appointments for oral examination under oath, from which, and the documentary evidence above named, the Commission will determine the identity of applicants, and no further expense to applicant is necessary than to so appear be-

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fore the Commission with documentary evidence aforesaid. All expenses of the Commission and of its work are paid by the government and no charge will be made against any person appearing before it.

The Commission, in performing this duty, will not be accompanied or attended by any one, outside of its own clerical assistants, in any degree authorized to speak for or act with it.

The Commission is NOT AUTHORIZED TO ENROLL Mississippi Choctaws as Choctaw citizens. Its duty is to IDENTIFY them, as persons who come within the provisions of said Article 14, and to make report thereof to the Secretary of the Interior, and Congress will doubtless, make provisions for the rights of such persons to be determined by the Courts. If such determination be in their favor, they will then be enrolled, and entitled to participate in the allotment of Choctaw lands.

TAMS BIXBY,
A. S. McKENNON,
T. B. NEEDLES,

Members of Commission.

Muscogee, Indian Territory,

December 2, 1898.

TO THE MISSISSIPPI CHOCTAW INDIANS.
OF THE STATE OF MISSISSIPPI.

The work of allotting the lands of the Choctaw Nation, and distributing to the Choctaw Indians an equal per capita share of tribal money, is progressing, under the supervision of Congress, through the authenticated agents of the government, the Commission to the five civilized tribes.

Under the fourteenth article of the Choctaw Treaty of 1830, all the Mississippi Choctaw Indians and their lineal descendants, now residing in Mississippi or elsewhere, as well as all the Choctaw Indians and their lineal descendants who reside in the Choctaw Nation, are entitled to share equally in the distribution of the Choctaw lands and money.

The law requires that all Mississippi Choctaws and their blood descendants shall be identified as such and have their names entered upon the official Choctaw Indian roll as a condition precedent to their sharing in the land and money, and it is important that this be attended to without any more delay than possible.

Being thoroughly conversant with the law and the legal methods whereby all bona fide Choctaw Indians may secure their tribal rights, I will accept employment as an attorney to file and look after applications for Choctaw identify, and official enrollment by Mississippi Choctaw Indians and their lineal descendants. I have arranged with a number of gentlemen who reside in Mississippi to receive applications, arrange as to fees, etc. and I beg to say that any Choctaw Indian, or the descendant of

a Choctaw Indian, who resides in Mississippi, who desires my services, can secure them promptly and faithfully by calling on either of the following persons, to-wit:

Hon. Press Groves and Mr. Rufe L. Johnson, at Ofahoma Leake County, Miss., Mr. Joe Neal, Carthage, Leake County, Miss., Mr. Claud Thompson, Kosciusko, Miss., Felix Thompson, on Carthage Road, seventeen miles from Kosciusko, near Conway, Thomas Anderson, Ofahoma, Leake County, Miss., W. R. Warwicke, ex-Sheriff Leake County, Miss., who resides near Tuscola P. O., W. H. Golden, J. P., Ofahoma, Leake County, Miss., Mr. Thomas Faucett, Newton County, Miss.

Any contract made with either of the above named will be faithfully carried out by me.

There is no cost fee to be deposited when applications are filed, the only expense to applicants being attorney fee, and the small expense incident to having their witnesses at the place in Leake, Neshoba and Newton Counties, where, in company with some one of the Dawes Commission, I will be in January to take depositions to prove up the cases I may have in hand.

That I will be able to secure the full recognition and official enrollment of every bona fide Mississippi Choctaw Indian, and direct lineal descendants, goes without the saying, and to evidence my good faith, and firm belief in my power to succeed, the greater part of my fee will be contingent upon my winning the case. The retainer fee to be paid me by each family is nominal, and will only be used in defraying my expenses looking after the interests of my clients.

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As to my capacity, integrity, honor and faithfulness to the interests of my clients, I refer to the bench and bar of Central Mississippi, and to all the old citizens who knew me in the days of yore.

Any attorneys of Mississippi who may have cases can, if they wish, send me their data, and I will file and attend to the cases for an equal division of fees.

I hope all the Choctaws of Mississippi will come forward and claim their inheritance. They are entitled to their own, and no juggling by the "gang of Indian managers" can keep them out of it if proper steps are taken to secure it.

Respectfully,

GEO. P. M. TURNER,

Lock Box 498,
Muskogee, Ind.Ter.

Persons wishing to correspond with me personally can address me as above. Any questions asked I will answer. Any information desired will be furnished promptly.

GEO. P. M. TURNER.

December 1, 1898.

MISSISSIPPI CHOCTAWS.

1. What is your name?
2. What is your age?
3. What is your post office address?
4. Where do you now live?
5. Do you claim as a Mississippi Choctaw?
6. Do you claim under article fourteen of the treaty of Dancing Rabbit Creek?
7. Did you ever take advantage of the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek?
8. Did your ancestors ever take advantage of the provisions of this article?
9. Did you or any of your ancestors ever claim or receive any land as a beneficiary under article fourteen of the treaty of 1830?
10. When did you leave Mississippi?
11. Did you come direct from Mississippi to the Choctaw Nation?
12. Where did you go from Mississippi?
13. Have you either the original patent, or a certified copy of the patent to the land received by your ancestor or yourself under said article fourteen of the treaty of 1830?
14. Do you claim under article fifteen of the treaty of Dancing Rabbit Creek?
15. Do you claim under article nineteen of the treaty of Dancing Rabbit Creek?
16. Do you claim under the supplement to the treaty of Dancing Rabbit Creek?
17. What proportion of Choctaw blood do you claim to have?

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18. Are you married?
19. Have you your marriage license and certificate?
20. What are the names of your children now under twenty-one years of age and unmarried, and what are their ages?
21. Are all of such unmarried children under twenty-one years of age now living at home?
22. What is the citizenship of your wife?
23. Is there any additional statement in regard to your case that you desire to make? You will be permitted to offer any additional evidence in the form of affidavits or statements which you may desire to present. In the event that the Commission denies the application of yourself, or any of the members of your family, you will be so advised in writing, and any testimony, statements, affidavits or other evidence which may be offered in your case will be forwarded to the Honorable Secretary of the Interior when the rolls of the Citizens of the Choctaw Nation are sent to him for final approval.

CHOC TAWB YB L O O D.

1. What is your name?
2. What is your age?
3. What is your post office address?
4. Where do you live?
5. Are you a Choctaw?
6. Do you make application as a Choctaw by blood?
7. What is the name of your father?
8. Is he living?
9. Is he on the Choctaw roll?
10. To what county and district does he belong?
11. What is the name of your mother?
12. Is she living?
13. Is she on the Choctaw roll?
14. To what county and district does she belong?
15. To what county and district do you belong?
16. How long have you lived in the Indian Territory?
17. Have you been outside of the Indian Territory within the last two years?
18. For what purpose did you leave the Territory, and how long were you absent?
19. Have you ever been enrolled by the Choctaw tribal authorities?
20. On what roll does your name appear?
21. Did you ever apply to the Choctaw tribal authorities for citizenship in the Choctaw Nation?
22. Were you admitted or rejected by the tribal authorities?
23. Did you take an appeal, or did the nation take an appeal in your case, to the United States Court?

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24. Were you admitted by the court?
25. Did you apply to the Dawes Commission in 1896 for admission to citizenship in the Choctaw Nation?
26. Were you admitted or rejected by the Dawes Commission?
27. Did you or the Nation appeal from the decision of the Commission to the United States Court?
28. Were you admitted by the United States Court?
29. When was the judgment of the United States Court rendered in your case, and have you a copy of such judgment?
30. What proportion of Choctaw blood do you claim to have?
31. Are you married?
32. Under what law were you married?
33. Have you your marriage license and certificate?
34. Where were you living at the time of your marriage?
35. What was your wife's name before she was married?
36. Is her name on the Choctaw rolls?
37. To what county and district does she belong?
38. On what rolls does her name appear?
39. What is the name of her father?
40. Is he a Choctaw?
41. To what county and district does he belong?
42. What is the name of your wife's mother?
43. Is she a Choctaw?
44. To what county and district does she belong?
45. What proportion of Choctaw blood does your wife claim?
46. What are the names of your children now under twenty-one years of age and unmarried, and what are their ages?

-3-

47. Are all of such unmarried children under twenty-one years of age now living at home?

48. Is there any additional statement in regard to your case that you desire to make? You will be permitted to offer any additional evidence in the form of statements or affidavits or other proper papers which you may desire to present. In the event that the Commission denies the application of yourself or any of the members of your family, you will be so advised in writing, and any testimony, statements, affidavits or other evidence which may be offered in your case will be forwarded to the Secretary of the Interior when the rolls of the citizens of the Choctaw Nation are forwarded to him for approval, for review by him.

Union Agency # 59. List of questions to be propounded applications for enrollment as citizens of the Choctaw and Chickasaw Nations.

EXECUTIVE OFFICE, CHOCTAW NATION.

Green McCurtain, Principal Chief.

Sans Bois, I.T.

Dec. 14th, 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 1754.

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 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 allotment of acreage. 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 today. 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 their homestead, and any improvements made thereon would in case of death of the allottee, be heired (Sic) by their own people. These suggestions I make from a careful and considerate study of the question as it occurs to me.

Very respectfully,
Green McCurtain,
Prin.Chief, Choctaw Nation.

(Endorsed) Union Agency No.1754 Commission to Five Tribes.Green McCurtain-Prin.Chief, Choctaw Na.SansBois,I.T.--Protests against schemes of designing parties practice upon full bloods in matter of selecting allotments-and makes certain recommendations.----

N O T I C E T O M I S S I S S I P P I C H O C T A W S

MEMBERS OF THE DAWES COMMISSION WILL BE PRESENT AT

C A R T H A G E, L E A K E C O U N T Y,

December 19 to 24, 1898, Inclusive,

P H I L A D E L P H I A, N E S H O B A C O U N T Y,

December 26 to 31, 1898, Inclusive,

D E C A T U R, N E W T O N C O U N T Y,

January 2 to 7, 1899, Inclusive,

For the purpose of identifying all Choctaw Indians residing in the State of Mississippi, as required by the Act of Congress approved June 28, 1898, who claim rights as such Indians, to lands in the Choctaw Nation, Indian Territory, under Article 14 of the Treaty of 1830, between the Choctaw Nation and the United States.

The head of each family or some adult member of the family must appear before the Commission at one of these appointments for identification, and to give the Commission such information of the family as may be required.

TAMS BIXBY,
A. S. McKENNON,
T. B. NEEDLES,

Members of the Commission.

South McAlester, I.T.
Dec. 22nd, 1898

Hon. Tams Bixby.

Commission Dawes Com.

Muskogee, I.T.

Dear Sir:

Your article in regard to the methods of "so called" surveyors who are operating in the Territory, has been of service, in this part of the nation--From what I am told--of the methods, The representations made and the quality of work that is being done by some of these men; They deserve all the condemnation you give them--and more. I am a civil engineer, and surveyor. I have been in government service, and South McAlester has been my home, for some years. I desire to ask advise and information, in regard to work, that has been offered me here. There are some men who have improvements, in two or more sections. They want a description, that will enable them to cover their improvements, with their claims. So that they will not conflict with others rights. And be able to intelligently describe at the land office, (when opened) what territory they want to cover, with their allotments. Since your article appeared, I have advised these people, to write to you for information in regard to this matter. I was under the impression that such notes as they wanted would be of service to them when they filed their claims, and would save the land office both time, and trouble. I **have concluded** to write you, and ask if such notes as I describe, would not be of service to the individual. If not, it would be folly for them to go to even the small expense necessary in getting them. I have made two surveys, for individuals here. One to locate a

stone quarry, and the other to strighten fences. But I have suspended all work of this kind until I hear from you. Capt. McKennon of your Commission, knows me, and I refer you to Judge Clayton. U.S. Marshall, Grady, and F. S. Genning, of this place. I desire to do nothing contrary to the wishes, and intentions, of your Commission, and I will certainly do no work for the people, that is not of service to them. Trusting that you will give this matter consideration.

I have the honor to remain,

Very Respectfully,

W. P. Halliday.

P. O. Box 150.

(Endorsed) # 1885, Commission to Five Tribes, Muskogee, Oklahoma
Received Jan. 3, 1899. W. P. Holliday, So. McAlester, 12/22/98.
Is a surveyor and inquires as to the value of private surveys; if
acceptable to the Commissions.

Engine, Miss.

Dec. 29th, 1898

Hon. Tams Bixby, A. S. McKennon, Needle.

Muskogee, I.T.

My Dear Sir:

I received postponement which you send to me. I will given notice agen best i can. I been given notice throught where Choctaw is first postponement. I be sure glad when your all come. I been write to Hon. John S. Williams many time. want Choctaw claims. that I am. I ask you this one thing. What kine book you will bring with and showing to us. let me told you this one thing. it is right or not. one white men lawyer of carthage he git 200 Choctaw already now. said will git or 1/2 of land. one man near my he bring Treaty Book showing to Choctaw and make little meeting and let him proved his claims. Many Choctaw the signed his name given to that man take or 1/2 of land.

McDonald, the is Capt. he said fixed up befor commission come and give order to Choctaw and take care to when you all be at Philadelphia and gived to you. I dont want do that myself. I said I wand do what commission say. I wand be with you all long if it you let me. I speak before commission to Choctaw. I wand all Choctaw go in to you. I write to me soon, and told all bout what you wand do me. I am full blood Choctaw Mississippi Choctaw can not talk english language deeper.

Your truly

Seborn Smith.

(Endorsed) 1959 Comm. to 5 tribes. recd. 1/10/99 Seborn Smith, Engine Miss. 12/29/99-As to postponement of engagement with Miss. Choctaws.-

F A R M E R ' S A G R E E M E N T .
FOR THE YEAR OF 1899.

-*-*-

CHOCTAW NATION, :-
Blue County, :

Dec.. A. D., 1898.

We the undersigned non-citizens and renters on the farms of A. W. Folsom do hereby agree to pay for our permits to cultivate said farm in good farmerlike manner and keep said farm and its appurtenances in good repair as long as I stay on it. Will not do any extra work, only first making a contract for to receive pay for the same. Otherwise will not charge or ask for the same. Also will gather out the corn crop by the first of October and deliver one-third of it in the cribs of the owner. One third of wheat and oats at the thresher, if threshed, if not, to be delivered like the corn Stock fields after the crops gathered, will have full control by the owner. And the cotton to be gathered out by the first of November, one-fourth of which in money to be delivered to the owner, the renters can keep all of the cotton seed for handling all the cotton, so there will be no extra expenses to the owner. If the crops are not gathered at the time specified the owner can proceed and take charge of the same. Also will not plant sorghum cane in the farm. One quarter of an acre for garden free, for all over that rent is required. Also will not transfer the rented land without the consent of the owner, and will keep all kinds of stock out of the farm before crops are gathered and strictly guard against approach of fire in due time and will not burn off stock field for to break land.

Witness: Respectfully, * T.B.
This is the best thing that ever happened.

Benington, Ind. Ter.
Jan. 4th, A.D. 1899

Commissioners:-

Dear Sir:

Please your honor I herewith inclose to you one copy of Farmers Agreement which I went to the expense of formulating a plan. As I thought was al-right, but the renters on our farms is against signing it. Would like to know what to do nix. The agreement covers nearly all which hithertofore we been agravated and just take what we can get, debare us from useing stockfield all winter and keep anyone soweing wheat or doe anything with the farms just by leting there crops stay in the field nearly all winter, by gathering little at a time. Everything specified in the agreement has a good reason in it.

Very respectfully,

A. W. Folsom.

1960

(Endorsed) # 1960, Commission to Five Tribes, Muskogee, Okla.
Received Jan. 10, 1899. A. W. Folsom. Farmers Agreement.

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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

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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 unsatisfactory 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,

Green McCurtain,

Prin.Chief, Choctaw Na.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington.

Jan. 24, 1899.

Hon. Tams Bixby,

Chairman, Commission to the

Five Civilized Tribes, Muscogee, I.T.

Sir:

Pursuant to your request of November 28, 1898, there will be transmitted to you by express today a copy of the last annuity payment made under the supervision of D. H. Cooper, Indian Agent, by the United States to the Choctaw Indians for the years 1856, 1857 and 1858. It may be proper to state in this connection that this copy was taken from the records on file in the office of the Auditor for the Interior Department, U. S. Treasury Department, and every effort has been made to obtain an accurate copy. Owing, however, to the illegibility of some of the original papers, considerable difficulty has been experienced in deciphering some of the names of the annuitants. If such errors are found, they are certainly excusable, for the reason above stated.

Very respectfully,

A.C. Tonner,

Commissioner (Asst)

(Endorsed) Union Agency No 2229 Recd. Jan. 30, 1899 Department
Washington, D.C. Jan 24, 1899----Rel. to certain Choctaw rolls.----

ACCOUNTS PAYABLE.

ATOKA COAL AND MINING CO., Co. D.M.Wisdom, U.S. Indian Agt. Dr.
 Union Agency, Muskogee, I.T.
 Account Choctaw Nation.

Date Voucher made Feb. 20, 1899

Jany. 1899 FOR and in full for royalty due the United States, account of the Choctaw Nation on coal mined by the Atoka Coal and Mining Co. during the month of Jany. 1899.

As directed by the Interior Department, Washington, D.C. under an amendment, issued Jany. 6, 1899, effective Jany. 1, 1899, to rules and regulations governing mineral leases or approved Nov. 4, 1898.

Said royalties as provided therein being paid through the Indian Agent in charge of the Union Agency under circular instructions issued by the Interior Department dated July 21, 1898.

Mine No. 5	9562. <u>05</u>	tons	@	7½	\$717.15	
Mine No. 6	10376. <u>00</u>	"	"	7½	<u>778.20</u>	\$1,495.35

State of Missouri,) ss.
 City of St. Louis.)

R.M. McDOWELL, being duly sworn according to the law, doth depose and say that he is Vice-President and General Manager of the Atoka Coal and Mining Co.; that the foregoing is a true copy of an original account received during the month of January 1899, from J.S. Cameron Cashier of the Atoka Coal and Mining Co., Lehigh,

-2-

I.T.; that it has been examined and found to be correct to the best of his knowledge and belief.

R.M.McDowell.

Subscribed and sworn to before me, this 23d day of February, 1899.
My commission expires Sept. 2, 1900.

Henry G. Herbel

Notary Public, City of St. Louis.

I CERTIFY, that the above is a true copy of an original account rendered by J.S. Cameron, Cashier, duly authorized and approved for payment by R.M. McDOWELL, General Manager, that the same has been examined by me and found correct, that it has been duly registered and filed in General Auditor's office.

S.B. Schmzler General Auditor

RECEIVED, of Atoka Coal and Mining Co. fourteen hundred, ninety five-----and 34/100----dollars, in full of above account.

(Endorsed) Union Agency No. 233 Received at Union Agency Muscogee,

I.T. February 25, 1899. DISBURSEMENT VOUCHER, ATOKA COAL AND MINING CO. for ROYALTY, month of January 1899----

ACCOUNTS PAYABLE

OSAGE COAL AND MINING CO.,

To D.M.Wisdom U.S.Indian Agt. Dr.
Address Union Agency, Muskogee, I.T.
Account Choctaw Nation

Date Voucher Made February 20, 1899.

Date Liability Incurred.

January 1899.

FOR and in full for royalty due the
United States account of the Choctaw Nation
on coal mined by the Osage Coal and Mining Co.
during the month of January 1899.

As directed by the Interior Department
Washington, D.C. under an amendment issued January
6, 1899 effective January 1, 1899, to rules and
regulations governing mineral leases or approved
November 4, 1898.

Said royalties as provided therein
being paid, through the Indian Agent in charge
of the Union Agency under circular instructions
issued by the Interior Department, dated July
21, 1898.

Mine No. 5	5.775 <u>95</u>	tons @ $7\frac{1}{2}$	\$433.20	
Mine No. 10	1.707 <u>75</u>	" " "	128.08	
Mine No. 11	10.341 <u>20</u>	" " "	775.59	
Mine D.&.S.	4.276 <u>40</u>	" " "	<u>320.73</u>	\$1,657.60

State of Missouri,) ss
City of St. Louis.)

R.M. McDOWELL, being duly sworn according to the law, doth

depose and say that he is Vice-President and General Manager of the Osage Coal and Mining Co.; that the foregoing is a true copy of an original account received during the month of January 1899, from T.W.Clelland Cashier of the Osage Coal and Mining Co., Krebs, I.T.; that it has been examined and found to be correct to the best of his knowledge and belief.

R.M.McDOWELL.

Subscribed and sworn to before me, this 23d day of February 1899. My commission expires September, 2, 1900.

Henry G. Herbel.

Notary Public, City of St. Louis.

I CERTIFY, that the above is a true copy of an original account rendered by T.W.Clelland, Cashier duly authorized and approved for payment by R.M.McDOWELL, General Manager; that the same has been examined by me and found correct; that it has been duly registered and filed in General Auditor's Office.

S.B.Schmzler General Auditor.

By A.Furmiss.

RECEIVED, of OSAGE COAL AND MINING CO.---Sixteen hundred, fifty seven and-----60/100 dollars, in full of above account.

(Endorsed) Union Agency No. 232 Received at Union Agency, Muscogee¹

I.T. February 25, 1899 Accounts payable OSAGE COAL AND MINING CO. DISBURSEMENT VOUCHER for ROYALTY, month of January 1899.----

OFFICE OF DISTRICT ATTORNEY,
First Judicial District Choctaw Nation

Sans Bois, I.T. Feby. 22, 1899.

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

Sir;

Complaint has been made to me by various parties, including the county Judge of Skullyville county, that the citizens in this district are not complying with the permit law of this Nation; and I have been requested to circulate a letter of warning that these violators and others as well may know that the Choctaw permit law is yet in force and will be executed.

The idea seems to be prevalent that since the adoption, by the Choctaw people, of the Atoka Agreement and its ratification by Congress, the permit law of this Nation is a dead letter. What construction they put upon the Agreement by which they arrive at this conclusion, I am unable to say, but I am of the opinion that the construction is strained for a pretext by which they hope to escape the permit tax.

Under the Choctaw law, each and every Choctaw citizen by blood, inter-marriage or adoption having non-citizens under their employ as renters or hirelings, are required to make application to the Judge of the county in which such non-citizen employees reside for permits for them, and are required to pay five dollars for each renters permit and two dollars and fifty cents for each hireling's permit. For the payment of permits where the non-citizens are under the employ of citizens, the citizens employing them are directly responsible to the Nation. The permit taxes are collected by the

sheriffs of the different counties and by them paid into their respective county treasuries.

This tax is the counties chief reliance for revenue and without it their funds are soon exhausted and their paper almost worthless.

Some time since U.S. Indian Agent Wisdom gave out a letter for publication in which he very plainly, I thought, stated that we could collect this tax as we formerly did, but it seems that it failed to have the desired effect.

I have written you at length stating the case, and shall await your reply before acting on the requests of the county officials. A letter from you with the privilege of quoting it, would in all probability awaken these people to the facts concerning the permit law in this Nation, and especially in this district.

Circuit Court for this (First Judicial) district convenes the first Monday in May at Red Oak, Ind.Ty., and should it suit your convenience, would be glad to have you visit us during the term.

Very Respectfully,

D.C. McCurtain,

Dist. Atty, First Judicial

District, C.N.

BILL NO. 25

CHOCTAW NATION.

-----ooOoo-----

AN ACT
APPROPRIATING MONEY TO PAY WESLEY ANDERSON.

Be it enacted by the General Council of the Choctaw Nation assembled:

That the sum of Twenty-five hundred dollars(\$2,500.00), is hereby appropriated to pay Wesley Anderson of Jacksfork Col., for services as Commissioner to Washington, D. C., in securing the ratification by Congress of the Agreement made at Atoka, Ind. Ter., April 23rd, 1897: and this Act shall take effect and be in force from and after its passage.

Passed the House Oct. 22, 1898.

JOE DUKES,
Speaker of the House of Representatives.

Passed the Senate Oct. 25, 1898.

H. P. WARD,
President of the Senate.

(SEAL)

APPROVED: October 25, 1898.

GREEN McCURTAIN,
Principal Chief of the Choctaw Nation.

Executive Mansion, February 26, 1899.

APPROVED:

WILLIAM MCKINLEY.

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

February 21, 1899.

The Honorable

The Secretary of the Interior.

Sir:

With a report dated December 2, 1898, the office submitted two acts of the Choctaw National Council, with remarks and recommendation. One of these acts appropriated \$2500 to pay Wesley Anderson for services as Commissioner to Washington to secure the ratification of the Choctaw and Chickasaw agreement.

With your letter of December 8, 1898, said act was returned to Inspector Wright in the Indian Territory to be returned to the National Secretary of the Choctaw Nation, to be certified and sealed in accordance with the views expressed by this office in the report, upon the necessity of having acts of the councils of these Indian Nations to be presented to the President clearly and neatly engrossed before the signatures of the presiding officers were attached thereto.

The office is now in receipt of a report dated February 4, 1899, from Inspector Wright, who again submits the said act properly and neatly engrossed and duly certified in accordance with the Choctaw and Chickasaw agreement, with recommendation that the same be all laid before the President for his approval. Concurring in Inspector Wright's report, it is recommended that the said act be transmitted for the approval of the President.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1899.

The President:

Sir:

I have the honor to submit herewith, for executive action, under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), entitled "An Act for the protection of the people of the Indian Territory, and for other purposes", and act of the General Council of the Choctaw Nation entitled, "An Act appropriating money to pay Wesley Anderson".

Said act provides: "That the sum of twenty-five hundred dollars, (\$2,500.00), is hereby appropriated to pay Wesley Anderson of Jacksfork Co., for services as Commissioner to Washington, D. C. in securing the ratification by Congress of the Agreement made at Atoka, Ind. Ter., April 23, 1897". Said act was approved by the Principal Chief on October 25, 1898.

The U. S. Indian Inspector for the Indian Territory recommends it for favorable consideration, and the Commissioner of Indian Affairs concurs in his recommendation, and a copy of the report of the Commissioner together with the letter of said Inspector is herewith inclosed.

I have, therefore, to recommend that said act be approved.

Very respectfully,

(Signed.)

ETHAN A. HITCHCOCK,

Secretary.

Ind. Ter. Div.
453-1899.

DEPARTMENT OF THE INTERIOR.
Washington.

March 2, 1899.

J. George Wright,

U. S. Indian Inspector for
the Indian Territory,
Muscogee, Ind. Ter.

Sir:

Bill No. 25 of the Choctaw Nation, entitled "An act appropriating money to pay Wesley Anderson," transmitted by your communication of the 4th ultimo was duly submitted to the President for executive action, with the recommendation that the same be approved. On the 26th ultimo, said Bill was returned by the President duly approved, and the same is herewith transmitted to be duly forwarded by you to the National Secretary of the Choctaw Nation together with accompanying letter of transmittal to the President, dated the 25th ultimo. A copy of the report of the Commissioner of Indian Affairs on said Bill is also herewith inclosed for your information.

Respectfully,

E. A. Hitchcock.

Ind. Ter. Div.
453-1899

Secretary.

3 inclosures.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 15 received Mar. 7, 1899, office of U. S. Indian Inspector for Indian Territory; Washington, March 2, 1899. Secretary, returns Choctaw bill No. 25, "An act to pay Wesley Anderson", approved.

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DEPARTMENT OF THE INTERIOR,
Washington.

February 27th 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 11th instant, transmitting a copy of a contract between W.H. Harrison, National Agent of the Choctaw Nation, and the St. Louis and San Francisco Railroad Company, authorizing the latter to procure or quarry stone within said nation for ballast purposes, and also an application from Messrs. B. Lantry Sons, of Strong City, Kansas, (through Mr. P. L. Soper, solicitor for the Indian Territory for said railroad company) for a lease on certain lands in the Choctaw Nation for the purpose of quarrying and furnishing ballast stone to the Gulf, Colorado & Santa Fe Railroad, with request that you be advised of the views of the Department thereon, and you call attention to the provisions of the Act of Congress of June 28, 1898 (30 Stat., 495) as follows;

"Sec. 29. It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw Nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), * * * Such coal and asphalt mines * * * shall be under the supervision and control of two trustees."

And the further provision as follows;

"All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under nine hundred and sixty acres, * * * * "

You state that the mineral trustees contend that under the Agreement only coal and asphalt mines are reserved to the members of the tribes to be leased by said trustees and that the other minerals are to be the property of the citizen to whom the land containing them is allotted. You further request to be advised if land containing stone may be leased under the provisions of said agreement, or, if not, will the Department permit individual members of the tribes to dispose of such stone as may be found on their allotments for their own private use. You also request to be advised on the question of the rate of royalty to be paid for the mining of said stone, in case the same shall be leased under said agreement, and call attention to the fact that in the copy of the contract inclosed the rate is fixed at ten cents per car load, while the rate proposed to be paid by Messrs. Lantry & Sons is five cents per car load for each and every car shipped from the point where they propose to operate, or ten cents for each car load of stone taken by them beyond the railroad right of way, i.e., on the lands of the tribe.

In transmitting your said communication together with the copy of said contract, the Commissioner of Indian Affairs calls attention to the regulations issued by the Department on October 7, 1898, wherein provision is made for leasing not only coal and asphalt lands, but also of all other mineral-bearing lands including sand or gravel deposits and stone quarries, and

that the construction of the Agreement in said regulations is the correct interpretation to be given. He further states that it is inexpedient to suspend the regulations as to all other minerals except coal and asphalt to allow an opportunity for the Agreement to be amended, inasmuch as stone for ballast is required by the railroad companies, and in case they are unable to procure it in the Indian Territory they would be forced to get it elsewhere; that the royalty fixed in said regulations for stone was in contemplation of such stone being excavated for building purposes and could be measured as building stone; that such stone as would be used for ballast would not be so valuable as building stone, and the royalty thereon would have to be fixed in accordance with said regulations by a comparison, as nearly as possible, between the value of such stone and that of granite; that his office has no means of determining accurately what this royalty should be but the Inspector should be instructed that the royalty ought to be such as would be fair and reasonable both to the lessee and to said nations.

The Department concurs in the opinion expressed by the Commissioner of Indian Affairs that under said provision of the Agreement, to wit; -- "All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under nine hundred and sixty acres" the Department was warranted in the construction placed thereon in the regulations issued October 7th last, the last part of section 6 whereof prescribes;

"And all lessees of stone quarries shall be required to pay a royalty on granite of not less than ten cents per cubic yard for all stone quarried, measured by run of quarry, and on all stone other than granite the royalty shall be proportionate to the comparative value of such stone with the value of granite, as may be agreed upon."

It is clear that under said provision leases may be made by the mineral trustees as prescribed in said regulations, and the rate of royalty should be, as stated by the Commissioner, "such as would be fair and reasonable both to the lessee and to the nations".

This construction is in harmony with the ruling of the Department in similar cases concerning the proper construction of the word "mineral" in the public land laws of the United States. In the case of *The Pacific Coast Marble Company v. Northern Pacific Railroad Company et al.* (25 L.D.233), wherein the question is carefully considered and elaborately discussed the Department held (syllabus);

"Whatever is recognized as mineral by the standard authorities, whether of metallic or other substances, when found in the public lands in quantity and quality sufficient to render the land more valuable on account thereof than for agricultural purposes must be treated as coming within the purview of the mining laws."

You will, therefore, advise the mineral trustees of the Choctaw and Chickasaw nations of the views of the Department as herein expressed, and you will ascertain and report the fair and reasonable rate of royalty that should be fixed in each particular case under said regulations.

Respectfully,

E.A.Hitchcock

Secretary.

Ind.Ter.Div Through Com.Ind.Affairs.
451-1899.

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(Endorsed) Union Agency Number 10 Received March 3, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, Feb 27, 1899. Secretary.-----Mineral, other than coal and asphalt, Choctaw & Chickasaw Nations, subject to lease by Trustees.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

Feb. 28th, 1899.

The President.

Sir:

I have the honor to submit herewith for executive action under the provisions of the agreement set out in section 29 of the Act of Congress approved June 28th 1898 (30 Stats., 495), an Act of the General Council of the Choctaw Nation. Said Act provides "that the Act of the General Council of the Choctaw Nation, entitled "An Act appointing a special agent and attorney to investigate the royalty and permit accounts, and collect money due for royalty and permits", approved November 9th 1897, and which act declared S. Guerrier said special agent and attorney, is hereby re-pealed; and this Act shall take effect and be in force from and after its passage". Said Act was approved by the Principal Chief of the Choctaw Nation on October 28th 1898. A copy of the same was returned to the U. S. Indian Inspector for the Indian Territory on December 27th, last, with a request for "a proper certificate in accordance with the requirements as set forth in former letters upon the subject". On the 4th instant the Inspector returned said act and recommends "that the same be disapproved for the reason stated in my said letter of December 6th, 1898". After referring at some length to the allegations made by the Principal Chief against Mr. Guerrier, he says; "I would therefore recommend that this Act be disapproved, unless it is considered that no action should be taken in as much as ~~the~~ previous Act was not approved, or that he has a vested right as claimed".

The Commissioner of Indian Affairs in his report upon said letter of the Inspector dated December 6th, states, that he is "somewhat surprised to find that this matter of the employment of Mr. Guerrier, for the purpose specified, is still considered a live question"; that by Departmental letter of March 4th 1898, it was "decided in effect that the Choctaw Nation could not, without the approval of this Department, employ Mr. Guerrier as the attorney for the Nation in the matters about which it was attempted to employ him under legislation of the Nation." It was also "decided that the employment of Mr. Guerrier had not been presented to the Department in proper form to entitle it to the sanction of the Department and remarked "more than this considered as a contract or as a law it seems to me to be improvident and unwholesome. It does not seem to me that sufficient safeguards are provided to secure efficient and faithful service on the part of agent and attorney, and that his fee is exorbitant". The Commissioner further states "if the Department thinks that it was competent for the Choctaw Nation to employ Mr. Guerrier in the manner attempted and that by the Act under which he claims employment the Nation became bound for his compensation, or he was authorized to act for them, I would recommend that Inspector Wright be directed to have the National Secretary of the Choctaw Nation certify this act in accordance with the agreement, and when the same is received so certified, that the President be requested to approve the same."

Whether the act of said Nation employing and appointing said Guerrier special agent and attorney of the same was proper or not need not be herein considered. At the time of its passage the law did not require its approval by the President. It is considered that said Nation has a right to terminate said em-

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ployment by its legislative action, subject to the approval thereof by the President. If Mr. Guerrier has a vested right against said Nation the repeal of the act employing him will not affect such right.

In view of all the circumstances of the case I am of the opinion that the repealing act of the Choctaw Nation approved by its Principal Chief October 28, 1898, should have the favorable recommendation of this Department, and I have therefore to request that the same be approved by you.

Copies of the reports of the Commissioner dated December 13, 1898, and the 21st instant, together with the letters of the U. S. Indian Inspector dated December 6, and February 4, are herewith inclosed.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
110-98, 452-'99
5 Inclosures.

Shady Point, I.T. Feb. 29, 1899

Ozark Mining & Manufacturing Co.

In account with; D.M. Wisdom, U.S. Indian Agt.

To royalty on one hundred and thirty five tons coal mined at its mine at Hobart Choctaw Nation, during the month of January 1899, at 10¢ per ton \$13.50.

W.E. Hailey, General Manager of the Ozark Mining and Manufacturing Company, being duly sworn, upon his oath states the above statement is true to the best of his knowledge and belief.

W.E. Hailey

Gen. Mgr.

Subscribed and sworn to before me, a notary public in and for the Central District of the Indian Territory, this 27th day of Feb. 1899.

J.B. Jones

Notary Public.

(Endorsed) Union Agency No. 10 Received Jun. 12, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Ozark Mining and Mfg. Co. Shady Point, I.T. for month of Jan. 1899 amount \$13.50----

Union Agency,

Muscogee, I.T., March 1, 1899.

Mr. F. M. Williams,

Limestone, I.T.

Dear Sir:-

Yours received in regard to the necessary proceedings to have a townsite established at Limestone.

Sec. 14 of the Curtis Bill, provided, that the inhabitants of any city or town in the Territory, having 200 or more residence therein, may proceed by petition to the U. S. Court in the district in which such city or town is located, to have the same incorporated, as provided in Chapter 29 of Mansfield's Digest of the Statutes of Ark.

After the town has been incorporated, the agreement made between the Dawes Commission and the Choctaw Nation, provides, that the Commission shall lay out townsites, to be restricted as far as possible to their present limits etc. You will therefore understand that your first duty is to file a petition for the incorporation of your town, and that it must contain 200 or more residents before such petition is filed.

I am not well posted as to the number of inhabitants in Limestone, but I hardly think at this time it contains a sufficient amount of pupulation to be incorporated, but on this point you are better advised than I am. I would advise you to procure a copy of the Curtis Bill and read it for full particulars.

Very respectfully,

D. M. Wisdom.
U.S. Indian Agent.

Approved:

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

(Endorsed) Union Agency, Muskogee, Okla. Press Book, #1, Let.#65

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Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, March 3, 1899.

The Honorable

The Secretary of the Interior.

Sir;

Enclosed herewith is a report of February 24, 1899, from Inspector Wright, transmitting a communication to him from D.C. McCurtain, the District Attorney for the First Judicial District in the Choctaw Nation, complaining on account of the failure or refusal of parties in that Nation to pay the permit taxes for renters and hired men prescribed by the laws of said Nation.

Mr. McCurtain in his letter seems to expect this Department to assist the Nation in the collection of these revenues. Unquestionably the permit laws of the Choctaw Nation are in as full force and effect now as they were prior to the ratification of the agreement, there being nothing in the agreement repealing or modifying the same.

Heretofore the office, under the direction of the Department, has undertaken to remove non-citizens within the Chickasaw Nation who refused to pay the permit tax required of them by the laws of that Nation. When the troops were put into the field for the purpose of these removals, it was found that the officers of the Chickasaw Nation had received, in almost all instances, the permit tax required of the non-citizens and had given receipts therefor but had made no return to the Nation.

As the Choctaw law directs the citizen, who rents the land to the non-citizen or who employs the non-citizen to work his farm, to pay this tax, and as the courts of the Choctaw Nation have not been

deprived of their usual jurisdiction under the Choctaw laws, it seems to the office that this matter of the collection of this permit tax is entirely within the power of the Choctaw authorities. If the citizens of the Choctaw Nation refuse to pay the permit tax, the remedy is in a proper proceeding in the Choctaw courts to compel compliance with the law. The Choctaw Nation has nothing in the world to do with any arrangement that may be made between a citizen of the Nation and a non-citizen laborer with respect to the payment of the tax. The interest of the Nation goes simply so far as to effect the collection of the tax and so far as the Nation is concerned, the person who pays it is a matter of indifference. It would seem, therefore, that if the District Attorneys of the various districts in the Choctaw Nation would institute proper proceedings against these delinquent citizens, the tax could be collected or the party would be punished under the law of the Nation for its violation.

I have the honor therefore to recommend that Inspector Wright be instructed to advise Mr. McCurtain and all others applying that while the permit law of the Choctaw Nation is in full force and effect, the Nation must take all proper steps through its own courts to enforce the collection from its own citizens of the permit tax.

Very respectfully,
Your obedient servant,

A.C. Tonner,

Acting Commissioner.

United States of America,

Indian Territory.

Central District. s.s.

Noah Samples, being duly sworn, on his oath says:

That he is engaged in operating a coal mine near the town of McAlester, Indian Territory. That the amount of coal produced and shipped from said mine during the month of January, 1899, was 1115.05 tons of screened coal. That the above and foregoing quantity of coal is the total amount put out by him during the said month of January, within the Indian Territory, and that the royalty due on the said amount of coal is \$111.50.

Noah Samples.

Subscribed and sworn to before me, this March 3, 1899.

S. Gurvier.

Notary Public.

(Endorsed) Union Agency No. 239 Received at Union Agency Muskogee, I.T. Sworn statement accompanying remittance of Noah Samples, McAlester, I.T. for month of Jany., 1899 amount \$111.50----

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M.J.SMITH, Manager.

JAMES ELLIOTT, Sec. and Treas.

WILBURTON COAL COMPANY,
Miners and Shippers of Coal.

Wilburton, Ind.Ter.,
March 5, 1899.

Hon. D. M. Wisdom,

U.S.Indian Agent,

Muscogee, I.T.,

Dear Sir:-

We beg to report the output of our mines for the
month of January 1899 as follows,

4373 tons of lump coal at .10 cents per ton \$437.30

we also enclose our check St-Louis exchange for the amount royalty
due the Indian Nation,

Kindly acknowledge receipt and oblige,

Yours very Truly,

W.C.& M.Co,

Per M. J. Smith
Manager,

(Endorsed) Union Agency No.17 Received Apr.15,1899 Office of
U.S.Indian Agent,Muscogee,Ind.Ter. Sworn statement accompanying
remittance of Wilburton Coal Co.Wilburton,I.T. for month of
January,1899 Amount \$437.30----

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DEPARTMENT OF THE INTERIOR.
Washington.

March 6, 1899.

Mr. J. George Wright,
U. S. Indian Inspector,
Muscogee, Indian Territory.

Sir:

You will find inclosed herewith Bill No. 28, Choctaw Nation, entitled "An Act instructing the Board of Education", approved by the Principal Chief of said Nation on October 25th 1898.

Said Bill was submitted to the President for executive action on the 28th ultimo and was returned by him approved on the 1st instant. You will forward said Act to the National Secretary of said Nation, and you will find enclosed herewith a copy of Departmental letter of transmittal, which is returned for the files of your Office.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
191, 463-1899.
2 inclosures.
Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 25, received Mar. 11, 1899 Office of U. S. Indian Inspector for Indian Territory. n Washington, March 6, 1899. Secretary. Bill No. 28, Choctaw, "An ACT instructing the Board of Education", approved.

DEPARTMENT OF THE INTERIOR.
Washington.

February 28, 1899.

The President.

Sir:

I have the honor to submit herewith for executive action under the provisions of the agreement set out in section 29 of the Act of Congress approved June 28th 1898 (30 Stats., 495) an Act of the General Council of the Choctaw Nation, entitled "An Act instructing the Board of Education". Said Act was approved by the Principal Chief of the Choctaw Nation, October 25th 1898. It contains three sections, which provide:

"Sec. 1. That the Board of Education is hereby instructed to re-call at the end of the first term of the present session, all scholars now attending college, whether in the Territory or in any of the States: and the Act allowing the Board to send scholars to college is hereby suspended indefinitely.

"Sec. 2. That the Board is hereby instructed to ask the Secretary of the Interior to use the first Twenty-four Thousand, Three Hundred and Fifty dollars (\$24,350.00), which shall come into the Treasury from coal and asphalt, to defray the expenses of the two orphan academies, Jones Academy, and Tushkahomma Institute, and Spencer Academy, giving to the last three Five Thousand Dollars, (\$5,000.00), each, and to Wheelock School, Twenty-Seven Hundred and Fifty Dollars, (\$2,750.00), and to the Orphan School at Atoka, under Rev. Rishel, now under contract with the School Board, Twenty-Seven Hundred and Fifty Dollars (\$2,750.00), and to Armstrong Orphan Academy Thirty-Eight Hundred and Fifty Dollars (\$3,850.00).

"Sec. 3. That if the Board deems it for the best interest of all it shall stop the neighborhood schools and Tushkaloosa Academy at the end of January, 1899".

The Commissioner of Indian Affairs in transmitting said Act states that he made a report on the same January 20th 1899, when a certified copy of the Act was transmitted for Departmental consideration, with favorable recommendation. The certified copy was returned by the Department on January 25th 1899, to the United States Indian Inspector for the Indian Territory. In his original report the Commissioner of Indian Affairs recommends the approval of said

The Pres.

Act, and he renews said recommendation in his report of February 21, 1899.

The Department concurs in said recommendation and incloses herewith the letter of Inspector Wright, together with copies of the said reports of the Commissioner of Indian Affairs, and I have therefore to request that said Act be approved by you.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
463-1899, 191- '99.
4 inclosures.

BILL NO. 28.

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

-oOo-

AN ACT
INSTRUCTING THE BOARD OF EDUCATION.

Sec. 1. Be it enacted by the General Council of the Choctaw Nation assembled, That the Board of Education is hereby instructed to re-call at the end of the first term of the present session, all scholars now attending college, whether in the Territory or in any of the States: and the Act allowing the Board to send scholars to college is hereby suspended indefinitely.

Sec. 2. Be it further enacted, That the Board is hereby instructed to ask the Secretary of the Interior to use the first Twenty Four Thousand, Three Hundred and Fifty Dollars (\$24,350.00), which shall come into the Treasury from coal and asphalt to defray the expenses of the two Orphan Academies, Jones Academy, Tushkahomma Institute, and Spencer Academy, giving to the last three Five Thousand and Four Hundred Dollars (\$5,000/00), each, and to Wheelock School, Twenty-seven Hundred and Fifty Dollars (\$2,750.00), and the Orphan School at Atoka, under Rev. Rishel, now under contract with the School Board, Twenty-seven Hundred and Fifty Dollars (\$2,750.00), and to the Armstrong Orphan Academy Thirty-eight Hundred and Fifty Dollars (\$3,850.00).

Sec. 3. Be it further enacted, That if the Board deems it for the best interest of all it shall stop the neighborhood schools and Tuskaloosa Academy at the end of January 1899.

Passed the House, Oct. 21, 1898,

Joe Duke's,

Speaker of the House of Representatives.

Passed the Senate, Oct. 24, 1898,

H. P. Ward,

President of the Senate.

APPROVED: Oct. 25, 1898,

Executive Mansion, March 1, 1899,

GREEN McCURTAIN?

Approved: WILLIAM MCKINLEY.

PRINCIPAL Chief, Choctaw

United States Of America,
Central District, Ind.Ter.

I, Pat Harley, do solemnly swear that I am operating what is known as the John Harrison Strip Pit, situated about two miles South of Lehigh, I.T. and that during the month of February, 1899, I taken out and mined from said strip pit (97) ninety seven tons of coal. That the above is a true correct and accurate account of the coal I mined and taken from said Pit.

Pat Harley

Subscribed and sworn to before me this the 6th day of March, 1899.

A.T. West,

Notary Public.

(Endorsed) Union Agency No. 245 March, 8, 1899 Muscogee, I.T. ---- Sworn statement accompanying remittance of Pat Harley, Lehigh, I.T. for month of February, 1899. amount \$9.70 ----

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DEPARTMENT OF THE INTERIOR.
WASHINGTON.

March 6th, 1899.

J. George Wright,
U. S. Indian Inspector,
Muscogee, Indian Territory.

Sir:

Bill No. 48, Choctaw Nation, entitled "An Act repealing and Act employing and appointing S. Guerrier, Special Agent and Attorney of the Choctaw Nation", approved by the Principal Chief of said Nation on October 28th 1898, was submitted to the President for executive action on the 28th ultimo. On March 1st said Bill was returned approved by the President.

I inclose said Bill to be forwarded by you to the National Secretary of said Nation, for appropriate action, together with said Departmental letter and a copy of the report of the Commissioner of Indian Affairs thereon, for the files of your Office.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
1110-'98, 452-'99
3 inclosures.
Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 24, received Mar. 11, 1899, office of U. S. Indian Inspector, I. T.; Washington, March 6, 1899. Secretary, Bill No. 48, Choctaw, repealing an Act appointing S. Guerrier Special Agent and attorney, approved.

DEPARTMENT OF THE INTERIOR,

Washington,

March 7th, 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 24th ultimo, transmitting a letter from Mr. D. C. McCurtain, district attorney for the first judicial district, Choctaw Nation, in which he states that the enforcement of the permit law of that nation is difficult "owing to the idea having grown up that these laws are a dead letter since the passage of the Act of Congress approved June 28, 1898 (30 Stat., 495). You state that said permit tax is payable to the sheriff of the county by the citizen employing the renter "or hireling", and in case he fails to pay the tax the citizen is subject to prosecution and fine by the courts of the Nation.

The Acting Commissioner of Indian Affairs in transmitting your said communication recommends that you be instructed "to advise Mr. McCurtain and all others applying that while the permit law of the Choctaw Nation is in full force and effect, the Nation must take all proper steps through its own courts to enforce the collection from its own citizens of the permit tax."

By Section 29 of the Act of Congress approved June 28, 1898 (30 Stat., 495) the tribal government of the Choctaw Nation is continued for the period of eight years, and courts thereof are continued with certain jurisdiction, except as modified by the provisions of said Act. It is within the jurisdiction of said

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tribal courts to enforce the collection of said permit tax from the citizens of said Nation, and the recommendation of the Acting Commissioner of Indian Affairs is therefore concurred in, and a copy of his said report together with the letter of Mr. McCurtain is herewith inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
563-1899.
2 Inclosures.

Through Commissioner
of Indian Affairs.

(Endorsed) Union Agency No. 23 Received Mar 11, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, March 7, 1899. Secretary.-----Relative to permit tax in Choctaw Nation.-----

DEPARTMENT OF THE INTERIOR,

Washington.

March 8th, 1899.

Mr. J. George Wright,

U.S. Indian Inspector
for the Indian Territory,

Muscogee, I.T.

Sir;

The Department is in receipt of your communication of the 11th ultimo, inclosing a letter from Mr. George Hayden who, on behalf of the Ft. Smith and Western Railroad Company, made application for twenty-eight leases of coal lands in the Choctaw Nation, asking that he be not required to file a bond of \$50,000 for each of the twenty-eight leases, but that a blanket bond of \$200,000 or \$250,000 be required for the whole number of leases, for the reasons set forth in detail in his communication. You refer to departmental letter of January 4, 1899, wherein the Department concurred in the recommendation of the Commissioner of Indian Affairs that the bond required of the lessees in the Choctaw and Chickasaw nations should not be fixed at less than \$50,000, and you state that "while it does not appear that a bond of \$50,000 for any one lease would be unreasonable, to require such an amount for each of the 28 leases granted to one person or company making an aggregate bond of \$1,400,000.00, particularly where mines have not yet been developed nor quantity of coal capable of development ascertained, it might operate as an

-2-

obstacle to the investment of capital and the development of this country," and you suggest that "the requirement of a bond of \$50,000.00" be not made in every instance where a number of leases are made to the same party, and "that each applicant be given consideration separately for the best interests of all concerned."

The Commissioner of Indian Affairs in transmitting your said letter refers to the action of the Department in permitting the Choctaw, Oklahoma and Gulf Railroad Company "to file a blanket bond in the penalty of \$75,000 to cover thirty different indentures of lease", and states that "in view of the action of the Department in the case of this company, it would seem proper and right that the Ft. Smith and Western Railroad Company should be given a like privilege, and I therefore have the honor to recommend that Inspector Wright be instructed to advise the latter company that a bond of \$75,000 to cover the twenty-eight proposed indentures of lease in the Choctaw Nation would be accepted by the Department for the purpose, it being understood of course that the sureties on said bond shall be regarded as sufficient, and the bond shall be subject to approval by the Secretary of the Interior after consideration upon its merits."

The amount of the bond should be sufficient to secure the payment of royalties, and in the case of the Choctaw, Oklahoma and Gulf Railroad Company, the Department fixed the amount at \$75,000, on representation that the quantity of coal mined would not exceed one million tons per annum, the royalty on which for six months would be \$50,000.

The Department concurs in your recommendation that "each applicant be given consideration separately for the best interests of all concerned."

If there are no other reasons known to you why the Ft. Smith and Western Railroad Company should be required to give a larger bond than that prescribed for the Choctaw, Oklahoma and Gulf Railroad Company, above referred to, you will advise said company that a bond of \$75,000 to cover all of the twenty-eight leases, if otherwise free from objection, will be approved by the Department. A copy of the Commissioner's report is inclosed herewith, together with the letter of Mr. George Hayden transmitted by you.

Respectfully,

Thos. Ryan
Acting Secretary.

Ind. Ter. Div.
454- 577-1899.
2 Inclosures.

Through the Commissioner
of Indian Affairs.

(Endorsed) Union Agency number 28 Received Mar 13, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, March 8, 1899. The Secretary.-----Fixes bond for 28 leases of Ft. Smith & Western R'y Co. at \$75,000.00-----

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,

Washington, March 6, 1899.

The Honorable
The Secretary of the Interior.

Sir;

The office is in receipt, by Department reference for consideration, report and recommendation, of a report of February 11, 1899, from Inspector Wright, relative to the matter of the bond of the Fort Smith and Western Railroad Company, which company desires to make twenty-eight leases in the Choctaw Nation for the purpose of mining coal.

It appears from the records of this office that this report from Inspector Wright was, by error, made an enclosure of a report from him on same date, relative to the matter of mining stone in the Choctaw and Chickasaw Nations, to be used as ballast for the road beds of certain railroads in the said Nation, on which the office reported February 20, 1899, and that consequently said report was transmitted to the Department without a submission of the views of the office on the matter to which it relates.

According to the conclusion heretofore reached by the Department, this railroad company would be required to file bond in the aggregate penalty of \$1,400,000, but the Department has since, on the application of the Choctaw, Oklahoma and Gulf Railroad Company, permitted that company to file a blanket bond in the penalty of \$75,000, to cover thirty different indentures of lease.

In view of the action of the Department in the case of this company, it would seem proper and right that the Fort Smith and Western Railroad Company should be given a like privilege, and I therefore have the honor to recommend that Inspector Wright be instructed to advise the latter company that a bond of \$75,000 to cover the twenty-eight proposed indentures of lease in the Choctaw Nation would be accepted by the Department for the purpose, it being understood of course that the sureties on said bond shall be regarded as sufficient, and the bond shall be subject to approval by the Secretary of the Interior after consideration on its merits.

In making this recommendation I do not overlook the fact that the Fort Smith and Western Railroad Company has suggested a willingness to make a bond of \$200,000, or of \$250,000 should the Department require the same, and this recommendation is based on the idea that if in the opinion of the Department \$75,000 is sufficient to cover thirty leases by the Choctaw, Oklahoma and Gulf Railroad Company, that amount would also be sufficient to secure twenty-eight leases by the Fort Smith and Western Railroad Company.

Very respectfully,

Your obedient servant,

A.C.Tonner,

Acting Commissioner.

K.S.M.(G)

STATE OF MISSOURI)
) ss.
 CITY OF ST. LOUIS)

W.P. Heath, of lawful age being duly sworn, certifies that he is Secretary and Treasurer of the Kansas & Texas Coal Company, a corporation organized under the laws of the State of Missouri (with general office at St. Louis, Mo.), and operating coal mines in the Choctaw Nation, Indian Territory, and does further certify that the following is a true report as taken from the records of said company of the number of tons of coal produced by said company in the Choctaw Nation during the month of January 1899 that is subject to a royalty of ten cents per ton under the terms of its contract with the Choctaw Nation dated March 27, 1895, to-wit:

From Mine No. 2 Krebs, Ind. Ter.

3356 tons at 10¢	\$335.60
------------------	----------

From Mine No. 52 Cherryvale, Ind. Ter.

7427 tons at 10¢	742.70
Total	<u>\$1078.30</u>

Subscribed and sworn to before me a Notary Public within and for said city and state in duplicate this 10th day of March A.D. 1899----

James J. McDonald
 Notary Public.

My commission expires on the June 16, 1900.

(Endorsed) Union Agency No. 249 Received Mar. 13, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Kansas & Texas Coal Co for month of Jan'y, 1899 amount \$1078.30----

Union Agency,
Muscogee, I. T.
March 11, 1899.

Mr. S. Guerrier,
South McAlester, I. T.

Dear Sir:-

Your letter of the 10th instant, in which you advise me that on Thursday, the 9th instant, there were 25 men at work in #6 mine at Lehigh, and on that day Mr. John Cameron, Asst. Supt. of the Atoka Coal & Mining company employed five more men, who agreed to go to work, and rented them one of the Company's houses to live in. You further state that on the 9th instant about 8 o'clock at night, one hundred men surrounded the house and told these men that they must leave the camp and gave them 24 hours in which to leave. You further advise me that 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.

You are informed that under the agreement made between the Choctaw and Chickasaw Nations and the Dawes Commission, that the following provision was adopted;

"It is further agreed that the United States courts now existing, or that may hereafter be created, in the Indian Territory shall have exclusive jurisdiction of all controversies growing out of the titles, ownership, occupation, possession, or use of real estate, coal, and asphalt in the territory occupied by the Choctaw and Chickasaw tribes;"

press book no. 1--letter 196.

-2-

It would therefore seem that the lessees of the mines, as stated by you, under said provision have the right to go into the U. S. Court and protect themselves in the use and occupation of said coal mines, and I would advise the said lessees to apply to the U. S. Courts for the proper remedy. The men who interfered with the workers at said mines are also disturbers of the peace and are guilty of a misdemeanor under the Arkansas laws extended over the Territory, so that it seems there is both a civil and a criminal remedy for interferences and disturbances of the kinds indicated in your letter.

I therefore have no hesitation in recommending to you that you apply to the U. S. Courts, as agent of said mines, for what I deem to be a speedy and effective remedy.

Very respectfully,

D. M. Wisdom.

U. S. Indian Agent.

Approved;

J. Geo. Wright,

U. S. Indian Inspector.

3/15/99

-:SOUTHWESTERN COAL & IMPROVEMENT COMPANY:-
Statement of the Output of Coal for the Month of

February, 1899,
of the Coal Mines operated by the above Company at its
Mines located at and near Coalgate,
Choctaw Nation,
Indian Territory.

All Coal Produced;-

Total amount in tons, per contract with National Agents, 11,419.50

Total amount at ten cents per ton, \$ 1,141.95

State of Kansas, |
County of Labette | ss

D.C. Welch, of lawful age, being first duly sworn, upon his oath deposes and says that he is the Auditor of the Southwestern Coal & Improvement Company, and as such keeps an accurate account of the business of the Company, and of the output of coal of said Co. at Its mines located at and near Coalgate, Choctaw Nation, Indian Territory, and that he made the above and foregoing statement of the output of coal for the month ending February 28th, 1899, and the above is a correct statement of the output in tons, together with the amount of royalty due on same, and further affiant saith not.

D.C. Welch.

Subscribed and sworn to before me this the 15th day of March, 1899.

Otta L. Caldwell.

Notary Public.

My Commission expires Jan. 15th, 1901.

(Endorsed) Union Agency No. 266 Received Mar. 25, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of So. Western Coal & Imp. Co. St. Louis, Mo. for month of Febry. 1899 amount \$1141.95----

Paris Female College,
T. J. Sims, President.

Cor. Sherman and High Streets.

Paris, Texas March 16, 1899

Mr. Thos. Ryan

Dear Sir;

I wrote to your department awhile back in regard to eight Choctaw pupils in our College for four months and everything furnished.

My bills have been approved some time ago by the late Superintendent of Choctaw Nation, but I cannot get any satisfaction or information as to settlement. I wrote to Mr. J. Geo. Wright, and he told me to wait developments, but I have been waiting now for nearly seven months and nothing develops.

We have been compelled by this deferred settlement, to dismiss two of our teachers, greatly to our hurt, but we could not pay them. Certainly justice would demand that some one should pay for these big losses sustained by our college.

We are in imperative need of the money. If in your power to give us light or hasten instructions, please do so and it will be highly appreciated.

Respectfully,

T. J. Sims.

(Endorsed) Union Agency number 77 Received Apr 1, 1899 Office U.S. Indian Inspector for Indian Territory. --- Sims, T. J. President Paris Female College, refers to former letter relative to unpaid bills for board of eight Choctaw pupils & asks that some action be taken looking to settlement. Dept. of the Interior refers to U.S. Ind. Inspector

STATE OF MISSOURI)
) ss.
 CITY OF ST. LOUIS)

W.P. Heath, of lawful age being duly sworn, certifies that he is Secretary and Treasurer of the Kansas & Texas Coal Company, a corporation organized under the laws of the State of Missouri (with general office at St. Louis, Mo.), and operating coal mines in the Choctaw Nation, Indian Territory, and does further certify that the following is a true report as taken from the records of said company of the number of tons of coal produced by said company in the Choctaw Nation during the month of February 1899 that is subject to a royalty of ten cents per ton under the terms of its contract with the Choctaw Nation dated March 27, 1895, to-wit:

From Mine No. 2 Krebs, Ind. Ter.	
2189 tons at 10¢	\$218.90
From Mine No. 52 Cherryvale, Ind. Ter.	
7149 tons at 10¢	714.90
Total	<u>\$933.80</u>

M.B. Hass

Subscribed and sworn to before me a Notary Public within and for said City and State in duplicate this 20th day of March A.D. 1899----

James J. McDonald
 Notary Public.

My commission expires on the June 16th, 1900.

(Endorsed) Union Agency No. 259 Received Mar. 22, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Kansas and Texas Coal Co. St. Louis, Mo for month of February 1899 amount \$933.80----

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

March 21, 1899.

J. George Wright,

U.S. Indian Inspector for the Indian Territory,

M u s c o g e e, Indian Territory.

Sir;-

Inclosed herewith you will find map showing the location of the asphalt mining claim of the Chickasaw Mining Co. in the Choctaw Nation, Indian Territory, showing a conflict with the claim of M. & A. Schneider. The attorney for said company requests that the leases executed to said Schneiders be not approved, but that the matter be referred to you with direction to investigate the same and make a report in accordance with law and the rules and regulations prescribed by the Department. You will make the investigation as requested, and in due time make report thereon.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
706-1899
1 inclosure.

Through the Commission of Indian Affairs.

(Endorsed) Union Agency Number 62 Received Mar 27, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, March 21, 1899. Secretary.-----Encloses map showing conflict between asphalt claims of Chickasaw Mining Co. and M. & A. Schneider.-----

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DEPARTMENT OF THE INTERIOR.
Washington.

March 22, 1899.

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

Sir:

The Department is in receipt of your communication of the 11th instant, transmitting letters asking for pay of Choctaw teachers' certificates, and making suggestions in reference to the payment of said tribal indebtedness. You refer to Departmental letter of the 4th ultimo regarding the settlement of the indebtedness of the schools of the Choctaw Nation, and submit with your letter "three communications--one from T. T. Ross, of Ada, Indian Territory, inclosing a certificate in favor of B. T. Hill for \$30. for services rendered as teacher; and two from Edith Webster for an aggregate of \$14. for similar communications on file in your office, and that the claims are for teachers employed in the neighborhood or day schools, and you recommend that the certificate of the Superintendent of Public Instruction of the Nation should be required as evidence of the validity of the claim against the Nation, and you suggest that "such claims should be paid by the U. S. Indian Agent", and "the claims for the operation of the boarding schools" should be submitted to the Department as directed by said Departmental letter. The Commissioner of Indian Affairs, in transmitting your said communication, states, "After careful consideration of the case, the Office is of the opinion that the payment of these claims will be expedited if made by the Agent of the Union Agency, as suggested by Inspector Wright.".....and he recommends that

the regulations referred to by you be modified so as to permit the payment of this particular class of claims by the Indian Agent of the Union Agency, "upon the evidence prescribed by the regulations and with the approval of the Inspector." Your said recommendation, concurred in by the Commissioner of Indian Affairs, is approved by the Department, and the regulations prescribed on February 4, 1899, are hereby modified in accordance with said recommendation.

The papers transmitted with your said letter are herewith returned.

Respectfully,

Thos. R. Ryan.

Acting Secretary.

Ind. Ter. Div.
719-602-1899
3 inclosures

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 65, received Mar. 27, 1899 office of U. S. Indian Inspector for I. T.; Washington, March 22, 1899, Secretary. Directing that Choctaw neighborhood school certificates be paid by Indian Agent.

WILBURTON COAL COMPANY,

Wm. Busby, President,
Jas. Elliott, Sec. and Treas.
M. J. Smith, Gen'l Manager.

March 24, 1899,

Wilburton, Ind. Ter.,

Hon. D. M. Wisdom,

U. S. Indian Agt,

Muscogee, I. T.,

Dear Sir:-

We beg to report the output of our mines for the month of February 1899 as follows:

2307 tons of lump coal at .10 cts, per ton \$230.70

we also enclose our check St. Louis Exchange for the amount of royalty due the Indian Nation,

Kindly acknowledge receipt and oblige,

Yours very truly,

W. C. & M. Co.,

Per M. Smith.

Manager,

Indian Ter.
Central Dist. ---SS

Be it known, that on this day came before me, a Notary Public, within and for the Central Dist. Duly Commissioned and Acting M. H. Sparrow, Cashier Wilburton C. M. Co, to me well known and stated that the foregoing statement is correct so far as he knows.

Witness my hand and seal as such notary public, this first day of April 1899.

E. B. Hamilton,

(Endorsed) Union Agency No. 45 Received Apr.17,1899 Office of
U.S.Indian Agent,Muscogee,Ind.Ter.Sworn statement accompanying
remittance of Wilburton Coal Co.Wilburton,I.T.for month of
February,1899 Amount \$230.70----

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DEPARTMENT OF THE INTERIOR,
Washington.

March 25, 1899.

J. George Wright,
U.S. Indian Inspector
for Indian Territory,
Muscogee, Indian Territory.

Sir;

The Department is in receipt of your communication of the 11th instant inclosing a letter from Mr. J. B. Jeter, Supt. Spencer Academy, with notices to him from the Merchants Bank, of Ft. Smith, Ark., concerning two notes given by him to said Bank, to secure which Mr. Jeter deposited with said Bank Choctaw warrants.

You also inclosed copy of your letter to the Bank asking for extension of time, and stating that you have a large number of communications from interested parties, including teachers in the Choctaw Nation, asking when payments may be expected. You further state that there is deposited from royalties on coal, asphalt to the credit of the Choctaw and Chickasaw Nations the sum of \$63,768.80, which is applicable for school indebtedness in said Nation since July 1st last. You ask that the Comptroller of the Treasury be asked to make decision as early as possible with reference to the manner of settling the past and present school indebtedness, as submitted by your letter dated January 16, 1899.

Your said communication was returned to the Commissioner of Indian Affairs on the 10th instant for recommendation and report, and I am in receipt of his report in which he states that the question of the payment of the indebtedness seems to have been settled by the regulations for the Indian Territory, dated February 4, 1899, approved by the Department, section 2 of which is

quoted. He further states that if you will proceed in accordance with said instructions and forward the claims to the Indian Office they will be acted upon and sent to the accounting officers of the Treasury without delay.

The recommendation of the Commissioner is approved, and you will be governed in accordance with said instructions in order that said indebtedness may be paid as speedily as possible.

Said letter of Mr. Jeter and the two inclosures are returned herewith.

Respectfully,

Thos. Ryan
Acting Secretary.

Ind. Ter. Div.
603-1899
747-1899
3 inclosures.

Through the Commissioner
of Indian Affairs.

(Endorsed) Union Agency Number 75 Received Mar 31, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington Mar 25, 1899 Secretary.-----Returns J.B. Jeters letter about payment of Choctaw school indebtedness with instructions.

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

--00--

AN ACT

APPROPRIATING MONEY TO REIMBURSE ISAAC GARLAND.

WHEREAS, Judgment for Fourteen Dollars was rendered against Isaac Garland in the United States Commissioner's Court at Whitefield, I.T., for medical services in favor of Dr.J.R.Butler in attending one Bradshaw who was shot while resiting (sic) arrest by United States Indian Policeman Frank Webb, who by order of United States Indian Agent Wisdom assisting Isaac Garland as Sheriff of Sans Bois County in collecting royalty on hay, and

WHEREAS, the Judgment together with costs and fees amounted to the sum of Forty-seven dollars and thirty-five cents (\$47.35), which amount was paid by the said Isaac Garland, THEREFORE,

Section 1. Be it enacted by the General Council of the Choctaw Nation Assembled: That the sum of Forty-seven dollars and thirty-five cents is hereby appropriated out of any money in Treasury, not otherwise appropriated, to reimburse Isaac Garland for the amount expended by him in satisfying said judgment and paying the costs and fees of said case.

Section 2. Be it further enacted, that the National Auditor is hereby authorized and directed to issue his warrant to the said Isaac Garland for said sum, and this Act shall take effect and be in force from and after its passage and approval.

Passed the House March 24, 1899.

JOE A. DUKES, speaker of the House of Representatives.

Passed the Senate March 24, 1899.

H.P. WARD, President of the Senate.

APPROVED, March 25, 1899.

Green McCurtain,
Principal Chief of the
Choctaw Nation.

EXECUTIVE MANSION, Washington, D.C.

April 11, 1899.

APPROVED:

WILLIAM McKINLEY.

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

April 6, 1899.

The Honorable

The Secretary of the Interior.

Sir;

Enclosed, herewith, is a report of March 29, 1899, from Inspector Wright, transmitting an Act of the Choctaw Council, appropriating \$47.35 to reimburse Isaac Garland on account of a judgment rendered against him by one of the U.S. Commissioners for medical services in favor of Dr. J. R. Butler, who attended one Bradshaw, who was shot while resisting arrest by the U.S. Indian Police acting under orders from the U.S. Indian Agent, in assisting Mr. Garland, as Sheriff, in collecting royalties.

Inasmuch as it seems that the U.S. Commissioner has given judgment against Mr. Garland for the sum of money which this is appropriated to reimburse, I recommend that the President be requested to approve the Act.

It is deemed expedient, however, to say that this recommendation is made with some hesitation, and only because favorable action is recommended by Inspector Wright. It seems to the office that if Mr. Garland were proceeding within the law, and in the regular discharge of his duty, he would not be liable for the expense of medical attendance on the person who was shot while resisting lawful arrest. If he was proceeding in accordance with the law, and in the regular performance of his duty,

-2-

he should not be held liable, and the judgment of the Commissioner of the U.S. Court against him would appear to be an error, but in the absence of any proof to the contrary, the office should accept and regard this judgment against Mr. Garland as conclusive of the fact that he was acting beyond his authority, and was, in harsh language, guilty of a breach of the peace in the shooting of the man.

No facts are given, however, on which this office could determine whether the Commissioner gave a proper judgment against Garland, or whether it was erroneously given against him. Therefore the recommendation contained in this report relies exclusively on information which it is presumed Inspector Wright has, and which induced him to make his recommendation.

Very respectfully,
Your obedient servant,

A.C. Tonner,
Acting Commissioner.

(K.S.M.)

P.

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DEPARTMENT OF THE INTERIOR,

Washington.

April 8, 1899.

To the President,

Sir;

I have the honor to submit herewith for executive action, under the provision in Section 29 of the Act of Congress approved June 28, 1898 (30 Stat., 495), a Bill No. 17, Choctaw Nation, entitled "An Act appropriating money to reimburse Isaac Garland."

Said Bill was approved by the Principal Chief of said Nation on March 25th, 1899. It provides for the payment of \$47.35 to Isaac Garland for judgment against him in U.S. Commissioner's court for medical services in favor of Dr. J. R. Butler, in attending one Bradshaw who was shot while resisting arrest by U.S. Indian police, who by order of U.S. Indian Agent was assisting said Garland, as sheriff, in the collection of royalties. The U.S. Indian Inspector recommends the approval of said act, and his said recommendation is concurred in by the Acting Commissioner of Indian Affairs.

I have, therefore, to recommend that said act be approved.

A copy of the report of the Acting Commissioner of Indian Affairs, together with the letter of said U.S. Indian Inspector is inclosed herewith.

Very respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
987-1899.
3 inclosures.

DEPARTMENT OF THE INTERIOR,

Washington.

April 14, 1899.

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

Sir:

Enclosed herewith you will find an act of the Choctaw Nation entitled: "An Act appropriating money to reimburse Isaac Garland."

Said act was submitted to the President for executive action on the 8th instant, and was approved by him on the 11th instant. You will forward the same to the Executive Secretary of the Choctaw Nation.

You will find enclosed herewith said departmental letter, together with a copy of the report of the Acting Commissioner thereon.

Respectfully,

E. A. Hitchcock.

Ind. Ter. Div.
987-99.
3 enclosures.

Secretary.

Through the
Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 119 Received Apr. 20, 1899 Office of
U.S. Indian Inspector for Indian Territory. Washington, April
14, 1899. Secretary.----Returns Choctaw Act to reimburse Isaac
Garland, approved.----

M.J.SMITH, President.

W.E.HAILEY, General Manager.

OZARK MINING & MANUFACTURING CO.

Shady Point, Ind. Ter.

March 25, 1899

Ozark Mining & Manufacturing Co.

D.M.Wisdom,

U.S.Indian Agent;

Royalty on 1036 tons coal shipped from its mines at
Hobart, I.T. during the month of Feb. 1899, at 10¢ per ton-----

\$103.60

Ozark Mining & Mfg. Co.

W.E. Hailey

Genl. Mgr.

W.E. Hailey, General Manager of the Ozark Mining and Mfg. Co. being
duly sworn upon oath states that the above statement is true as
he verily believes.

W.E. Hailey
General Mgr.

Subscribed and sworn to before me, a notary public in and for
the central district of the Indian Territory this 28 day of
March 1899.

Bertha L. Frederick.
Notary Public.

(Endorsed) Union Agency No. 11 Received Mar. 29, 1899 Office of
U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying
remittance of Ozark Mining & Mfg Co. Shady Point, I.T. for month
of Feby. 1899 amount \$103.60----

BILL NO. 16.

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

*****0*****

AN ACT

APPROPRIATING MONEY FOR THE PAYMENT OF STUART, LEWIS & GORDON.

WHEREAS, a certain contract has been made and entered into between Green McCurtain, Principal Chief of the Choctaw Nation, and the law firm of Stuart, Lewis & Gordon, whereby said firm agreed to specially appear before the United States Court for the Southern District at Ardmore, Indian Territory, and secure the elimination from the judgments of the Court of all persons whose names, subsequent to said judgment, had, through fraud or otherwise, been entered thereon as adjudged citizens or members of the Choctaw tribe of Indians, and

WHEREAS, It was agreed in said contract that the said Stuart, Lewis, & Gordon, should be paid for each person whose name was stricken from said judgments, the sum of Fifteen dollars, (\$15.00), and for the hotel expenses of said firm while actually engaged in such work, to be paid in Choctaw warrants, and

WHEREAS, A number of names have already been stricken from said judgments and others in similar condition soon to be so eliminated from other judgments, THEREFORE,

SECTION 1. Be it enacted by the General Council of the Choctaw Nation Assembled: That the said contract be and the same is hereby approved, and the sum of Twenty-five hundred dollars is hereby appropriated, to pay the obligations of said contract, said sum, or so much thereof as may be necessary shall be paid to the said firm of Stuart, Lewis & Gordon for rendered and expenses incurred in said contract, provided no warrant shall issue to said Stuart, Lewis & Gordon until their account has been approved by the Principal Chief.

2.

SECTION 2. Be it further enacted, That the National Auditor is hereby authorized to issue his warrant upon the National Treasurer in favor of said firm upon the requisition of the Principal Chief, and this Act shall take effect and be in force from and after its passage and approval.

Passed the House March 24, 1899.

(Signed) Joe A. Dukes,
Speaker of the House of Representatives.

Passed the Senate March 24, 1899.

(Signed) T.C.P. Ward,
President of the Senate.

APPROVED: March 25, 1899.

(Signed) Green McCurtain,
Principal Chief of the Choctaw Nation.

-----oOo-----

EXECUTIVE MANSION, WASHINGTON, D. C.

July 3, 1899.

APPROVED,

(Signed) William McKinley.

(The Great Seal)
(of the Choctaw)
(Nation.)

P E R R Y B R O S.,
Coal Operators,

Coal-Gate, I;T., March 27, 1899.

Mr. J. Geo. Wright,

Dear Sir:-

We herewith inclose you check for \$67.00 settlement of royalty for month of Feby, 1899, for 670 tons screened coal at 10 cents per ton--\$67.00. We make money order to your order and payable in St.Louis Mo. Please send receipt and oblige,

Yours truly,

(Signed) Perry Bros.

We hereby certify that the above (670) tons is the total amount of coal mined by us in the month of Feby.1899.

Perry Bros.,

G.H.V.Perry.

Sworn to and subscribed before me this 27th day of Mar.1899.

A.E.Perry.

(Endorsed) Union Agency No.269 Received at Union Agency, Muscogee, I.T. Sworn statement accompanying remittance of Perry Bros.Coal-Gate, I.T. for month of Feby.1899 amount \$67.00----

Union Agency,
Muscogee, I.T.

March 28, 1899.

Mr. J. H. Needham, Supt.,
Mexican Gulf Coal & Transportation Co.,
Howe, I.T.

Dear Sir:-

Yours received in which you state that the above named company is opening mines one half miles west of Howe and you want to know if you can use a saw mill for your own use to be used exclusively for the mines without infringing on the late act of the timber law.

You are informed that a mining company in my opinion, has the right to cut timber for their immediate use, after their application for lease has passed through the formula prescribed by the Rules and Regulations of the Interior Department. See Art. 3 of Regulations under the provisions of agreement of April 23rd, 189 and ratified by Congress June 28th, 1898, and thereafter shall pay for all timber cut on their said lease at the usual rates to the particular tribe in which his lease is located. I send you copy of regulations.

Very respectfully,

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

D. M. Wisdom,
U.S. Indian Agent.

(Endorsed) Union Agency Press Book no. 1 letter 382. Muskogee, Okla.

DEPARTMENT OF THE INTERIOR.
Washington.

March 28, 1899.

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

Sir:

The Department is in receipt of a report of the Commissioner of Indian Affairs, upon your communication with inclosures relative to the cutting of railroad ties in the Choctaw Nation, and the Commissioner states:

"that there is no authority of law under which any timber can be sold, either by the authorities of the Choctaw and Chickasaw Nations or by the officers of this Department. This, of course, applies to the sale of timber for commercial purposes and not the cutting of trees for fuel to be used in the Nation.

"The cutting of railroad ties would clearly be a violation of Section 5388, Revised Statutes, as amended by the Act of June 4, 1888 (25 Stats., 116),"

and he recommends that you be instructed to advise the authorities of the Chickasaw Nation that the cutting of railroad ties by Mr. Hussey as desired cannot lawfully be permitted.

The question of the cutting of timber has heretofore been the subject of consideration by the Department, and you were particularly advised in the Departmental letter of March 25, 1899, in reference thereto. The views expressed by the Commissioner are not considered by the Department to be in conflict therewith. A copy of his said report is inclosed herewith for your information.

Respectfully,

Thos. R. Ryan.

Acting Secretary.

Thro' Com'r of Ind. Af.
Ind. Ter. Div.
752-1899. 1 inclosure.

(Endorsed) Union Agency # 86, Received Apr. 3, 1899. Office of
U.S. Indian Insp. for Ind. Ter. Wash. Mar. 28, 1899. Sec.

(Endorsed) cont'. Relative to cutting Railroad ties in Choctaw Nation.

Advise also governs Chickasaw Nation.

Copies to Folsom, McCurtain, & Johnson 4/3

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DEPARTMENT OF THE INTERIOR.
WASHINGTON.

March 28, 1899.

J. George Wright,
U. S. Indian Inspector
For the Indian Territory,
Muscogee, Indian Territory.

Sir:

The Department is in receipt of a report from the Commissioner of Indian Affairs upon your communication with enclosures relative to the cutting of railroad ties in the Choctaw Nation, and the Commissioner states:

"that there is no authority of law under which any timber can be sold either by the authorities of the Choctaw and Chickasaw Nations or by the officers of this Department. This, of course, applies to the sale of timber for commercial purposes and not the cutting of trees for fuel to be used in the nation.

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and he recommends that you be instructed to advise the authorities of the Chickasaw Nation that the cutting of railroad ties by Mr. Hussey as desired cannot lawfully be permitted.

The question of the cutting of timber has heretofore been the subject of consideration by the Department, and you were particularly advised in the Departmental letter of March 25, 1899, in reference thereto. The views expressed by the Commissioner are not considered by the Department to be in conflict therewith. A copy of his said report is enclosed herewith for your information.

Respectfully,

Thos. Ryan,

Acting Secretary.

I. T. Div. 752-1899.

Union Agency,
Muscogee, I.T.
March 31, 1899.

Mr. O. D. Marchbanks,
Whitefield, I.T.

Dear Sir:-

Yours received in which you state that Judge Garland has fenced up the mail route between Whitefield and Tamaha, and thereby causing great inconvenience to the travelling public and also hinders you in carrying the mail over said route.

You will notify Judge Garland that he must not obstruct mail routes in the Territory as it is a violation of the treaty provisions, and if he continues to do so, I will order a policeman to cut his fence and also have him indicted.

Very respectfully,
D.M. Wisdom,
U.S. Indian Agent.

Approved;

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

-: SOUTHWESTERN COAL & IMPROVEMENT COMPANY:-

Statement of the Output of Coal for the month of

January, 1899,

of the Coal Mines operated by the above Company at its

Mines located at and near Coalgate,
Choctaw Nation,
Indian Territory.

All Coal Produced:-

Total Amount in Tons, as per contract with National Agents 13,249.30

Total Amount @ ten cents per ton, 1,324.93

State of Kansas,) ss
 County of Labette,)
)
)
)

D.C. Welch, of lawful age, being first duly sworn, upon his oath deposes and says that he is the Auditor of the Southwestern Coal & Improvement Company, and as such keeps an accurate account of the business of the Company, and of the output of coal of said Co. at its mines located at and near Coalgate, Choctaw Nation, Indian Territory, and that he made the above and foregoing statement of the output of coal for the month ending January 31st, 1899, and the above is a correct statement of the output in tons, together with the amount of royalty due on same, and further affiant saith not.

D.C. Welch.

Subscribed and sworn to before me this the 1st day of March, 1899.

Otta L. Caldwell
Notary Public.

My Commission expires Jan 15th, 1901.

(Endorsed) Union Agency No. 244 Received at Union Agency, Muscogee,
 I.T. Mar. 31, 1899 Sworn statement accompanying remittance of So.
 Western Coal and Imp. Co. for month of Jan'y. 1899 amount \$1324.93----

March 31, 1899

United States of America

Indian Territory
Central District--ss.

D.Edwards, being duly sworn, on his oath says that he is the senior member of the firm of D.Edwards & son, operating coal mines near McAlester, I.T. and Fairview, I.T; that the output of coal for the month of January, 1899, at Fairview, I.T. was 199 tons; that the output of coal for the month of January, 1899, at McAlester, I.T. was 952.2 tons, the total output by the firm of D.Edwards & son for the month of January, 1899, being 1151.2 tons; that this firm has not put out any coal at any other point in the Indian Territory during the month of January, 1899; nor has this affiant; that the amount of royalty due by the said firm of D.Edwards & Son for the month of January, 1899, aforesaid, in accordance with figures heretofore given, is \$115.12.

D.Edwards.

Subscribed and sworn to before me this 24th day of February, 1899.

S.Guerrier.

Notary Public.

My Commission expires January 2, 1900;

(Endorsed) Union Agency No.229 Received at Union Agency, Muscogee, I.T. March 31, 1899 Sworn statement accompanying remittance of D.Edwards & Son McAlester, I.T. for month of Jany. 1899 amount-- \$115.12----

D.M.HAILEY, President.

JAS.ELLIOTT, General Manager.

HAILEYVILLE, IND.TER.

Hon.D.M.Wisdom,U.S.Ind.Agt.

HAILEY COAL AND MINING COMPANY..

Miners and Shippers of Coal,

--and Dealers in--

GENERAL : MERCHANDISE : AND : MINERS' : SUPPLIES.

Statement of coal mined and royalty due thereon,
for months of OCTOBER, NOVEMBER and DECEMBER 1898.

OCTOBER	Tons screened coal	152.75	@ 12 $\frac{1}{2}$	19.10	
NOVEMBER	" "	"	291.77	" "	36.47
DECEMBER	" "	"	398.07	" "	49.83
					<u>\$ 105.40</u>

James Elliott.

General Manager
Hailey Coal & Mining Co.

Subscribed and sworn to before me this the 27th day of January
1899.

E.H.Doyle

Notary Public.

(Endorsed) Union Agency No.228 Received at Union Agency,Muscogee,
I.T. Sworn statement forwarded to U.S.Indian Inspector March
31,1899. Sworn statement accompanying remittance of Hailey Coal and
Mining Co. for months of Oct,Nov, and Dec.1898 amount \$105.40----

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

April 3, 1899.

The Honorable

The Secretary of the Interior.

Sir:

On the 21st of March, 1899, there was received in this office a report from Inspector Wright, transmitting a report to him from U. S. Indian Agent Wisdom, and other papers, marked Exhibit "A" to Exhibit "P", inclusive, and relative to the matter of the proposed removal of one James Boston, illegally within the Choctaw Nation. Pending the consideration of this report and accompanying papers in this office, an informal request was made by the Chief of the Indian Territory Division, of your office, asking for the immediate transmission of these papers to the Department.

The question being one of some importance, and there being no time to prepare a report, and furthermore being one which was raised by a telegram from the Department, of which this office had no information, the said papers were transmitted in accordance with this request, by endorsement, on March 29, 1899.

The office is now in receipt of Department letter of March 30, 1899, returning the papers for consideration, early report, and recommendation, in duplicate.

Pursuant to the direction contained in this letter, the attention of the Department is invited to Section 2147 of the Revised Statutes, which is in effect, that the Superintendent of Indian Affairs and the Indian Agents and Special Agents shall

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have authority to remove from the Indian country all persons found therein contrary to law, and that the President shall have authority to direct that the military force of the United States be employed in such removal.

The Attorney General in an opinion, dated July 19, 1884, advised this Department that in the absence of treaty or statutory provision to the contrary, the Choctaw and Chickasaw Nations have the 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. In the course of this opinion, the Attorney General examined the treaties with the Choctaws and Chickasaws, and the Statutes of the United States, and found nothing to prevent the enforcement by those nations of their existing permit laws. (18 Opinions Attorney General, 34).

No Act of Congress has passed or agreement with those nations been reached since this opinion which operates to deprive the nations of the right to regulate this occupancy, or to prescribe rules upon which persons, not members of the tribe, can enjoy privileges within the nation.

From the report of Inspector Wright and Agent Wisdom, and the accompanying papers, it appears that this man Boston is within the Choctaw Nation without a permit from the nation therefor, and is there contrary to law. This being so, the Indian Agent has the authority to remove him therefrom.

-3-

I do not deem it essential in connection with this report to discuss the relations between the miners and the mine operators in the Choctaw Nation, which appears to be involved in this matter, further than to say that it is not the wish of this office to so use the power of the United States as to oppress any honest labor employed in mining operations in the Choctaw and Chickasaw Nations, but that it seems to the office that miners within the Choctaw and Chickasaw nations who quit the employ of operators there, and who refuse to take out permits in accordance with the laws of the nations to reside in the nations, remain a menace to the peace and welfare of the Indians so long as they continue idle and to reside in the nation.

With these remarks, Inspector Wright's report is herewith, returned, with the recommendation that he be advised that it is not the intention of the Department to interfere with the right of any person to quit the employ of any other person engaged in mining operations in the Choctaw Nation, but that the power of the government must be used to prevent any act of lawlessness which would be detrimental to the peace and welfare of the Indians.

Very respectfully,
Your obedient servant,

A. C. Tonner.

(K.S.M.) P.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

United States Indian Inspection Service.

Muscogee, I. T., April 27, 1899.

Hon. Green McCurtain,
Principal Chief, Choctaw Nation,
Sans Bois, Indian Territory.

Sir:

On the 25th instant I received the following telegram from Judge C. B. Stuart, of the firm of Stuart, Lewis & Gordon, who is the attorney of the Choctaw Nation:

"McCurtain demands by telephone, through this firm, that Boston be removed, if he has no permit."

Upon the receipt of said telegram I telegraphed the Honorable Secretary of the Interior as follows:

"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 12th it would seem he ought to be removed. Please wire instructions accordingly."

I am just now in receipt of the following telegram from the Honorable Secretary:

"Telegram received: was Mr. Boston notified of the decision of the Department of the 12th instant, and does he refuse to take out a permit in accordance with the laws of the Choctaw Nation: demand of Chief McCurtain should be in writing with reasons therefor."

You will see from this that the Department will take no action in this matter until you reply by letter to the letter of Inspector Wright, dated the 18th instant.

Your request ought to show, first (if it be the fact) that Boston refuses to take out a permit in accordance with the laws of the Choctaw Nation, and second, if he has made

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application for a permit and it has been refused him by the authorities of the Choctaw Nation, this fact ought to be recited.

Unless your letter to the Inspector here will show that Boxton refuses to take out a permit or that he has made application for one and it has been refused him, the Department will take no action in the matter.

If he has made application for a permit and it has been denied the reason for denying the same should be set out and in addition, if you want him removed, whether he has made an application for a permit or not, then you should set out the reasons in full why you desire his removal.

I herewith enclose you a copy of the letter of the Honorable Secretary of the Interior, dated the 12th instant, above referred to. Following the language of the telegram from Secretary Hitchcock, above quoted, you will see that it is his opinion that Mr. Boston ought to be notified of the contents of this letter. You will therefore please serve upon him a notice of the requirements of the Department, and in your report set out the fact that you have served him with such notice.

Very respectfully,

J. W. Zevely

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

Union Agency,
Muscogee, I.T.,
April 4th, 1899.

Mr. E. O. Harrison,
Caddo, I.T.

Dear Sir:-

Yours received in which you state that you are a merchant doing business at your place, under a license issued from this agency, and also paying royalty on said business. You further state that in due course of business you have gathered some cattle and want to know if you can hold such cattle on the public domain of your nation.

You are informed that it has been the custom heretofore, to allow licensed traders who have gathered a bunch of cattle in due course of trade, to let them run upon the public domain, provided he held them for a short period and had bought them simply in exchange for goods.

Under the new order of things, however, when allotment is likely to take place, I do not think it will be proper to permit merchants to gather herds of cattle and let them run on the public domain, because it has always been really a violation of the law to hold cattle upon the public domain. I would advise you to make some arrangement to put your cattle in a feed pen or enclosure and then dispose of them at the earliest opportunity.

Very respectfully,
D.M.Wisdom,
U.S.Indian Agent.

Approved:
J.Geo.Wright--U.S.Indian Inspector.
(Endorsed) Union Agency Press Book No. 2 Letter 472.Muskogee,Okla.

Union Agency,
Muscogee, I.T.
April 4th, 1899.

Mr. E. O. Harrison,
Caddo, I.T.

Dear Sir:-

Yours received in which you state that you are a merchant doing business at your place, under a license issued from this agency, and also paying royalty on said business. You further state that in due course of business you have gathered some cattle and want to know if you can hold such cattle on the public domain of your nation.

You are informed that it has been the custom heretofore, to allow licensed traders who have gathered a bunch of cattle in due course of trade, to let them run upon the public domain, provided he held them for a short period and had bought them simply in exchange for goods.

Under the new order of things, however, when allotment is likely to take place, I do not think it will be proper to permit merchants to gather herds of cattle and let them run on the public domain, because it has always been really a violation of the law to hold cattle upon the public domain. I would advise you to make some arrangement to put your cattle in a feed pen or enclosure and then dispose of them at the earliest opportunity.

Approved; J. Geo. Wright
U.S. Indian Inspector.
(Endorsed) Union Agency press-
book no. 1-letter 472.-
Muskogee, Oklahoma.-----

Very respectfully,
D.M. Wisdom,
U.S. Indian Agent.

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DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
Washington.

April 6, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report of March 29, 1899, from Inspector Wright, transmitting an Act of the Choctaw Nation, appropriating \$131 to reimburse S. J. Homer, National Secretary, for his actual expenses incurred in making a trip to Washington, such trip being made at the request of the Principal Chief, for the purpose of obtaining information relative to the form and preparation of acts of the general council to be submitted to the President of the United States, under the Act of June 28, 1898.

Mr. Homer came to this city with the consent of this office, and the Department will observe that the trip has resulted in a more intelligent and efficient carrying out of that part of the agreement which requires acts of the National Council to be submitted for the President's approval. The amount is very small, considering the journey, and other expenses necessary for Mr. Homer to make, and I therefore recommend that the President be requested to approve the Act.

Very respectfully,
Your obedient servant,
A. C. Tonner,
Acting Commissioner.

(K.S.M)P.

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DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.
Washington. April 6, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report of March 29, 1899, from Inspector Wright, transmitting an Act of the special session of the Choctaw National Council, relating to the orphan academy at Atoka, Indian Territory.

This act appropriates \$2,750 out of the school fund of the Choctaw Nation, to pay the expense of maintaining the orphan Academy at Atoka, under a contract entered into on March 12, 1898, by the Board of Education with Mr. E. R. Rishel, the Principal of said Orphan Academy, and authorizes the Board of Education to enter into another contract with the same party on the same terms for the scholastic year commencing September 1, 1899, and ending June 1900. It also authorizes the National Auditor to issue warrants upon the National Treasurer for the amount appropriated.

Inspector Wright in discussing this act, approves of section one, but disapproves of section two.

The office does not see any necessity for the legislation contained in this act. The Choctaw and Chickasaw agreement gives the Secretary of the Interior discretion as to what sums of money shall be used for educational purposes in the Choctaw and Chickasaw nations. Of course the Department will use its efforts first to pay any proper and legitimate obligation assumed in connection with the school prior to the passage of the Act of June 28, 1898.

I have therefore the honor to recommend that the Act be laid before the President, with the request that he disapprove the same,

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(K.S.M.)
P.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
Washington. April 6, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report, dated March 29, 1899, from Inspector Wright, transmitting an Act of the Choctaw National Council, prohibiting the introduction of cattle into that nation during certain times of the year. The Act is a competent exercise of the police power of the nation, and appears to be necessary on account of the dangers from infected cattle that might be introduced therein, which are liable to entail heavy losses on the citizens and non-citizens lawfully residing in the nation. The particular provisions of the act appear to be competent and well considered.

I have the honor, therefore, to recommend that the same be forwarded to the President, with the request that he give favorable consideration thereto, and approve it.

Very respectfully,

Your obedient servant,

A. C. Tonner,
Acting Commissioner.

K.S.M.
P.

DEPARTMENT OF THE INTERIOR.

Washington. April 8, 1899.

The President:

Sir:

I have the honor to submit herewith, for executive action, under the provision in Section 29 of the Act of Congress approved June 28, 1898 (30 Stat., 495,) Bill No. 14, Choctaw Nation, entitled "An Act relating to the Orphan Academy, at Atoka, Indian Territory", approved by the Principal Chief of said Nation March 25, 1899.

Section 1 of said act authorizes the Board of Education to carry out the provisions of the contract made and entered into on March 12, 1898, by said board with E. H. Rishel, Principal of said Orphan Academy, and the sum of twenty-seven hundred and fifty dollars is appropriated out of the school funds of said Nation for said purpose, during the remainder of the present school session.

Section 2 of said act authorizes the Board of Education -- "if it deems it necessary for the best interests of the nation, to enter into a similar contract with said E. H. Rishel for the scholastic year commencing September 1, 1899, and ending June 1900".

Section 3 directs the national auditor to issue his warrant upon the Treasury for said sum of \$2750.

The U. S. Indian Inspector for the Indian Territory in transmitting said act, recommends the approval of section 1 thereof, but suggests that if it be the purpose of the Government to take entire control of said schools, it would appear to cause confusion in the management of the same if the Board of Education of the Choctaw Nation is to make contracts of this character in the future, and he submits said act for such action by the Department

as may be deemed proper.

The Acting Commissioner of Indian Affairs in forwarding said act and letter of the Indian Inspector, says--"the (Indian) office does not see any necessity for the legislation contained in this act. The Choctaw and Chickasaw Agreement gives the Secretary of the Interior discretion as to what sums of money shall be used for educational purposes in the Choctaw and Chickasaw nations. Of course, the Department will use its efforts first to pay any proper and legitimate obligation assumed in connection with the school prior to the passage of the Act of June 28, 1898", and he recommends that said act be disapproved.

Said recommendation is concurred in by the Department, and I have, therefore, to request that said act be disapproved by you.

A copy of the Acting Commissioner's report, together with the letter of said U. S. Indian Inspector, is herewith inclosed.

Very respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
985-1899.
3 Inclosures.

146
J. W. Everidge

Superintendent Public
Instruction
CHOCTAW NATION.

Grant, I.T. April 8, 1899.

Hon. J. Geo. Wright

U.S. Ind. Ter.

Sir:

Please send me the number of warrant and amount of them and if they were received in good shape. I sent them by registered letter that is the Nat warrants of E. H. Wilson and T. W. Hunter. There seems to be a slip some where with Mr. Hunter's warrants. Please let me hear from you at once.

Inclosed find copy of T. W. Hunter's, E. H. Wilson's, and J. B. Jetes' contract. If you prefer, the original contract, I can send them.

Yours truly,

J.W. Everidge
Supt. Public Schools.

(Endorsed) Union Agency # 637 Received April 10, 1899. Office of U. S. Indian Inspector for Indian Territory. Grant, I.T. April 8, 1899. J.W. Everidge. Wants list of warrants sent. Encloses copies of contracts with school Supts.

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DEPARTMENT OF THE INTERIOR.
Washington,

April 8, 1899.

The President,

Sir:

I have the honor to submit herewith under the provision in Section 29 of the Act of Congress approved June 28, 1898 (30 Stat., 495) Bill No. 4, Choctaw Nation, entitled "An Act to reimburse S. J. Homer", approved by the Principal Chief of said Nation, March 22, 1899.

Said act makes an appropriation of \$131.00 out of any money in the Treasury, not otherwise appropriated, to reimburse S. J. Homer, National Secretary, for the actual expense incurred in making a trip to Washington, D. C., at the request of the Principal Chief, for the purpose of obtaining information relative to the form and preparation of acts of the General Council, to be submitted to the President for approval.

The U. S. Indian Inspector for the Indian Territory recommends that said Act be approved and his said recommendation is concurred in by the Acting Commissioner of Indian Affairs. I have, therefore, to recommend that said act be approved.

A copy of the report of the Acting Commissioner, together with the letter of said U. S. Indian Inspector, is herewith inclosed.

Very respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
986-1899.
3 Inclosures.

Union Agency,
Muscogee, I. T.,
April 8th, 1899;

Mr. J. W. Sage,
Poteau, I. T.

Dear Sir:-

Yours received in which you report that there are three or four saw-mills within 15 miles of Poteau that are running and you state that one more is to be set up in a few days.

As I have no policeman near Poteau and it is difficult for this office to make an investigation of the matter, I wish you would write to me and give me the names of the parties who are running said mills, the exact location of the same and any other particulars that will throw light upon the subject, at as early a day as possible, and I will investigate the matter and take appropriate action in regard to the same.

Very respectfully,
D. M. Wisdom.
U. S. Indian Agent.

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

(Endorsed) Union Agency-Muskogee, Oklahoma. Press book No. 2-
Letter 28.

149

DEPARTMENT OF THE INTERIOR.
Washington,

April 8, 1899.

The President.

Sir:

I have the honor to submit herewith, for executive action, under the provision in Section 29 of the Act of Congress approved June 28, 1898 (30 Stat., 495). Bill No. 5, Choctaw Nation, entitled "An Act regulating the introduction of foreign cattle into the Choctaw Nation."

Said act was approved March 23d, 1899, by the Principal Chief of said Nation. The U. S. Indian Inspector for the Indian Territory in transmitting the ~~same~~ states that by the provisions of section one thereof "it is made unlawful for any person to introduce into the Choctaw Nation, from any state or surrounding nation, any cattle of any kind, except during the months of November and December, and then only to be kept in feed pens and legal enclosures, and not to be turned loose on the public range". Section 2 of said act provides a penalty of \$5 per head for each head of cattle introduced in violation of this law, and upon failure to pay same within ten days, said fine shall be collected by sale of the cattle. Section 3 provides that said sale shall be after thirty days notice. Section 4 provides that any non-citizen introducing cattle as therein prohibited shall be reported by the District Attorney, to the U. S. Indian Agent and the nearest U. S. Commissioner, to be prosecuted under the laws of the United States. Section 5 provides that any violation of the provisions of section 1 shall be held to be a trespass upon the public domain of the Choctaw Nation.

The U. S. Indian Inspector recommends that said act be favorably considered, and his said recommendation is concurred in by the Acting Commissioner of Indian Affairs. I have, therefore, to

recommend that said act be approved by you.

A copy of the report of the Acting Commissioner of Indian Affairs, together with said letter of the U. S. Indian Inspector, is herewith inclosed.

Very respectfully,

E. A. Hitchcock.
Secretary.

Ind. Ter. Div.
988-1899.
3 inclosures.

Bill No. 5.
CHOCTAW NATION.

---o00o---

AN ACT
REGULATING THE INTRODUCTION OF FOREIGN CATTLE INTO
THE CHOCTAW NATION.

WHEREAS, The introduction of Texas cattle into the Choctaw Nation has been detrimental to the native cattle thereof, by bringing in diseases such as Spanish fever and Black Leg, and

WHEREAS, It has been a custom of cattlemen who introduce such cattle to let them run at large on the public domain and to drift unattended, and thus drifting carry the small herds of cattle away from their ranges, causing great loss and inconvenience to the citizens, and to the non-citizens who pay their permits, and

WHEREAS, The allotment of our lands in severalty and the taking of each citizen of his rightful share, which must of necessity break up the holding of large bodies of land in pastures is under the Agreement in the near and immediate future, THEREFORE,

Section 1. Be it enacted by the General Council of the Choctaw Nation Assembles, That from and after the passage of this Act and its approval by the Principal Chief, and by the President of the United States, it shall be unlawful for any person or persons to introduce into the Choctaw Nation from any state or surroundings Nations any cattle of any kind except during the months of November and December, and then only to be kept in feed-pens and legal enclosures, and not to be turned loose on the public range.

Section 2. Be it further enacted, That any one guilty of a violation of this law shall be indicted by the Grand Jury and on conviction thereof, shall be fined in the sum of Five Dollars (\$5.00)

per head for each head of cattle introduced, and the fine so imposed, upon failure by the defendant to pay the same within ten days, shall be collected by the sheriff by public sale of said cattle.

Section 3. Be it further enacted, That the public sale herein mentioned shall be made by the sheriff on thirty days public notice, said notice to be given by posting notices in three public places in the county wherein said sale is to take place, and sale shall be by public auction.

Section 4. Be it further enacted, That any non-citizen introducing cattle as herein prohibited, shall be by the District Attorney wherein the cattle are allowed to run at large on the range, reported to the U. S. Indian Agent, and also to the nearest U. S. Commissioner within whose jurisdiction the offense is committed to be prosecuted under the laws of the United States.

Section 5. Be it further enacted, That any violation of the provisions of Section 1 of this Act shall be held to be a trespass upon the Public Domain of the Choctaw Nation and punished as such, and this Act shall take effect and be in force from and after the approval herein provided.

Passed the House March 22, 1899.

(Signed) Joe A. Dukes,

Speaker of the House of Representatives.

Passed the Senate March 21, 1899.

(Signed) H. P. Ward,

President of the Senate.

Executive Mansion, Washington, D. C.

April 11, 1899. Approved:

William McKinley.

APPROVED: March 22, 1899.

(Signed) Green McCurtain,

Prin. Chief of Choctaw

Nation.

DEPARTMENT OF THE INTERIOR,
Washington.

April 10, 1899.

The President,

Sir;

I have the honor to submit herewith for executive action, under the provisions of section 29 of the Act of Congress approved June 28, 1898, (30 Stat., 495), Bill No. 13, Choctaw Nation, being "An Act creating a Commission to accompany the Dawes Commission in making a roll of Choctaw citizens."

Section 1 of said Act authorizes the Principal Chief of said Nation to appoint a commission consisting of three members to aid the Commission to the Five Civilized Tribes in making up the roll of Choctaw citizens, and provides for the employment of a clerk for the commission appointed under said Act, and declares that it shall be his duty to make a full record of the proceedings and to keep a complete roll of citizens similar to that kept by said Commission to the Five Civilized Tribes.

Section 2 fixes the salary of each commissioner and the clerk at \$1,800.00 per annum.

Section 3 makes provision for the summoning of witnesses to appear in behalf of said Nation before the Commission to the Five Civilized Tribes, and fixes their compensation at \$1.50 per day for attendance and five cents per mile for each mile traveled.

Section 4 provides for the election of one of the members

of the Indian commission as chairman, and authorizes said commission to formulate rules and regulations.

Section 5 provides for the appointment of a bailiff, and fixes his compensation at \$3.50 per day for each day actually engaged in serving processes, and authorizes the commission to coerce, in the same manner as County Judges, the attendance of all witnesses duly summoned in behalf of said Nation.

Section 6 declares that the term of office of said commissioners and clerk shall expire when the roll of Choctaw Citizens shall be completed by said Commission to the Five Civilized Tribes, and authorizes the Principal Chief, for good and sufficient cause, to remove any member of the Commission from office prior to the expiration of the term of office, and fill vacancies that may occur.

Section 7 appropriates the sum of \$10,782.00, or so much thereof as may be necessary, subject to the order of the Principal Chief, to carry out the provisions of said Act.

Said Act was approved by the Principal Chief on March 24, 1899, and the Acting Chairman of the Commission to the Five Civilized Tribes, to whom said Act was referred by the Indian Inspector for report and recommendation, states:

"This is a matter of 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 taking a census of the Choctaw people and making rolls of Choctaw citizens, and I would therefore recommend this Act for favorable consideration."

The United States Indian Inspector recommends the approval of said Act, and on the strength of the approval of the U.S. Indian Inspector and the Acting Chairman of the Commission

-3-

to the Five Civilized Tribes, the Acting Commissioner of Indian Affairs concurs in their said recommendations. I have, therefore, to recommend that said Act be approved.

A copy of the report of the Acting Commissioner, together with the letter from the U.S. Indian Inspector, and copy of the letter of the Acting Chairman, is enclosed herewith.

Respectfully,

E.A. Hitchcock.

Secretary.

Ind. Ter. Div.
994-1899.
4 enclosures.

(Endorsed) Union Agency No. 130 Received Apr. 24, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, April 18, 1899. Secretary.-----Returns Choctaw Act creating a Commission to Act with Dawes Commission approved.-----

McAlester, I.T.,
April 10, 1899.

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

Dear Sir:

Your letter of the 7th instant, relating to the leases of the Caddo Asphalt Mining Company, is received. In reply, will say the leases have been made out and were ready to be forwarded to you, but your notice of the contest of the Chickasaw Asphalt Company with M. & A. Schneider's leases was received, and we laid them aside and will make a further examination of all the properties. We visited these lands in person and called up the citizens who live near these leases and questioned them and we never heard of the Chickasaw Asphalt Company's claim. It now develops that they not only had a claim, but works on lands leased to M. & A. Schneider. This being the case, we think it best to look over the Caddo Asphalt Company's lands again, as Mr. Schneider was acting for all these parties and assured us that there was no conflict of any kind.

Yours truly,

N.B. Ainsworth
Trustee.

(Endorsed) Union Agency No. 641 Received Apr. 11, 1899 Office of U.S. Indian Inspector for Indian Territory. McAlester, I.T., April 10, 1899. Ainsworth & Burris, Trustees. ---- Will look over land again before sending leases of Caddo Asphalt Co. ----

DEPARTMENT OF THE INTERIOR,
Washington.

April 10, 1899.

The President,

Sir;

I have the honor to submit herewith for executive action, under the provisions in section 29 of the Act of Congress approved June 28, 1898, (30 Stat., 495), Bill No. 9 of the Choctaw Nation, being, "An Act to authorize the Principal Chief to employ an Attorney for the Nation in citizenship cases, and making an appropriation therefore, and for other purposes."

Said Act was approved by the Principal Chief of the Choctaw Nation on March 23, 1899.

The first section of said Act authorizes the Principal Chief to employ James M. Shackelford as attorney and counselor of the Choctaw Nation in citizenship cases for the term of one year, beginning November 23, 1898, at a salary of \$5,000.00 for the year; the said Shackelford to pay out of said salary all his personal expenses, and all necessary aid and help in the prosecution of the work for which he is employed.

Section 2 of said Act appropriates the sum of \$5,000.00 to pay the salary of said Shackelford, and directs the Auditor to issue warrants at the end of each quarter for the same.

The Inspector transmits a copy of a letter from the Acting Chairman of the Commission to the Five Civilized Tribes, in

-2-

which he states: "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." The Indian Inspector states that he is not sufficiently acquainted "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 the sum of \$5,000. would be reasonable and just."

The Acting Commissioner of Indian Affairs, in forwarding said Act, states: "Among other things that Mr. Shackelford will be required to do is to pay for all necessary aid or help in the prosecution of his work, out of the salary provided. The services to be rendered are important and necessary * * "and he recommends that said Act be approved.

Said recommendation of the Acting Commissioner is concurred in, and I have, therefore, to recommend that said Act be approved.

Respectfully,

E.A. Hitchcock.

Secretary.

Ind. Ter. Div.
972-1899
4 enclosures.

Union Agency,
Muscogee, I. T.,
April 11th, 1899.

Mr. Frank Moore,
McAlester, I. T.

Dear Sir:-

Yours received in which you state that you are Special Deputy Sheriff of Tobucksy Co., Choctaw Nation, and that you have considerable trouble in enforcing the laws. You also state that you have quite a lot of trouble with peddlars of all kinds, who refuse to pay permits. You are informed that Mr. Alf. McCay, U. S. Indian Police, is located at McAlester, where you live, and you are authorized to ask him to co-operate with you in collecting permits off of said peddlars, and upon his report of the refusal to pay by such peddlars, I will endeavor to take appropriate action in the matter.

As to other intruders, you should make out a list of them and report them to the Principal Chief of the Choctaw Nation, and upon his demand for their removal I will also take the proper action as the facts may warrant. You are authorized to say to non-citizens residing in the Choctaw Nation, that they should pay their permits according to Choctaw Law to the proper officers of the Choctaw Nation authorized to collect same, and if they do not pay such permits, they will be enrolled as intruders by this agency and will be treated as such.

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

Very respectfully,
D. M. Wisdom.
U. S. Indian Agent.

(Endorsed) Union Agency, Muskogee, Okla. Press book no. 2-letter 54.

McAlester, I. T., April 11, 1899.

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

Dear Sir:

I have yours of the 10th instant, enclosing the opinion of the Department on the question of leasing minerals other than coal and asphalt.

I take it for granted that this decision is final and binding; and, while I am still of the opinion that the decision is clearly erroneous and am sorry I did not get to present my views on the question, I shall accept it in good faith and act accordingly.

In regard to royalty on these other minerals; I will say that I think ten (10) cents a car on ballast would be about right. As to the other minerals, I will give you my idea on them at some future time.

Yours truly,

N.B. Ainsworth

Trustee.

(Endorsed) Union Agency No. 662 Received Apr. 12, 1899. Office of U.S. Indian Inspector for Indian Territory. McAlester, I.T., April 11, 1899. N.B. Ainsworth, Trustee. ---- Will accept decision concerning leasing of other than coal or asphalt. Reports on royalty for ballast. ----

A T O K A B A P T I S T A C A D E M Y .

Atoka, I.T. April 12, 1899.

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

Dear Sir:

I have written to Mr. Benedict asking if he can not soon visit our school and determine by personal inspection whether the Department of the Interior can recommend a continuance of the contract now existing. You probably remember that at the Called Council of the Choctaws an act was passed giving the Board of Education the Privelege of renewing the contract. We are willing to continue the good work, but wish to avoid all misunderstandings and delays. Our teachers have a right to know soon if they will be needed here another year. Whatever you and Mr. Benedict can do to help us to understand what to depend upon will be greatly appreciated. We wish to know if the Department is willing to honor contracts that may be made in accordance with the acts of the Choctaw Council.

We shall also be delighted with the first assurance of cash on the warrant sent you some time ago. Also on Neighborhodd school warrants.

We have been so pressed for means that I wrote to the bank in Paris, Texas, to know if more money can be obtained on the warrant placed with them last year. The reply is No: They

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also state that the warrant can not now be sold for more than 80¢ on the dollar. This seems hard when it is known that the money has been appropriated to pay all of the outstanding warrants, and also that money belonging to the Choctaws has been collected with which to pay the school warrants of this year.

Respectfully,

E. W. Rishel.

(Endorsed) Union Agency # 688 Received of E. H. Rishel. April 13, 1899. Office of U.S. Indian Inspector for Indian Territory. Atoka, I.T., April 12, 1899. Relative to renewal of his contract and pay of warrants.

C H O C T A W , O K L A H O M A & G U I F R. R. C O .

MINING DEPARTMENT.
Office of Superintendent of Mines.

Edwin Ludlow,
Sup't of Mines.

Francis F. Gowen
President.

H A R T S H O R N E, I N D. T E R.

April 12, 1899.

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

Dear Sir:

The strike situation at this place is arriving at the crucial stage when the strikers see that they are defeated and having expended their money and credit are liable to get hungry. They attribute their defeat to the negro miners and are extremely bitter, and at their meeting it was openly talked that the only thing left for them to do was to start a racewar, and I know that there are some characters amongst the strikers who are sufficiently desperate men to carry out any programme of that kind that may be laid out for them. It may come through a deliberately planned (Sic) attack to make a raid through the darky quarters some night or what is much more liable, it may start from a personal altercation between a white and a negro. The situation is in my opinion rather critical and I would like to have your advice as to the best method of controlling it.

The latter part of last month your Indian Police all went home as they had business which they said they had to attend to on the first of April. Everything was so quiet at that time that I told them they need not come back until I wired for

-2-

them. Yesterday I telegraphed to both Plummer and Ward and asked them to return here today, but have not heard from them. I do not like to increase the number of guards around the mines too much as that would certainly scar up the darkies and cause them to arm themselves, which would be the worst thing possible under the circumstances. I have given strict orders to the deputy marshals not to allow any liquor in the camp of any kind and to arrest any one that they catch carrying arms, whether they are white or black.

If there was any possible way by which a troop of regular soldiers could be stationed in this field until this trouble was over it would prevent any possibility of any riot or race war, as their very presence would preserve peace and be a strict notice to both sides that they must each attend to their own business.

I would be very much obliged if you would have Plummer and Ward come back here, as they know this town and the people and could do more than any strangers, and I would be very glad to have the benefit of your advice in handling this situation, so that there will be no break of the peace of this place.

Yours respectfully,

Edwin Ludlow.

(Endorsed) Union Agency # 687 Received April 13, 1899. Office of U.S. Indian Inspector for Indian Territory. Hartshorne, I.T., April 12, 1899. Edwin Ludlow, Supt. Mines. Relative to condition of strike of miners.

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DEPARTMENT OF THE INTERIOR.
Washington.

April 12, 1899.

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

Sir:

The Department is in receipt of your communication of the 18th ultimo in response to telegram sent to you on the 17th ultimo, as follows:

"A copy of notice to James Boston seventh instant, signed by Wisdom approved by you, has been filed here. Make full report in writing concerning the matter, and suspend action on notice until further advised."

In your said communication you enclose a report of Indian Agent Wisdom, dated the 17th ultimo, concerning the notice to Mr. Boston referred to in said telegram, together with all other communications in connection with said matter, marked exhibits "A" to "P" inclusive. You state that in said report of Agent Wisdom he calls attention to the notice to Mr. Boston, directing him to cease the agitation among the miners, as had been reported, and if he desired to remain in the Indian Territory "to procure a permit from the proper authorities, to be approved by him, and if such permit could not be procured, he would be expelled therefrom"; that in making this demand upon Mr. Boston the Agent pursued precisely the same course which was followed by him in charge of the Union Agency in the strike of 1894. Reference is also made to the copy of Agent Wisdom's letter dated March 7, to the Captain of the Indian Police, advising him that it was reported that Mr. Boston, a non-citizen, had appeared in the coal mining region inducing men to strike,

and directing said Ellis to notify said Boston that if he remained in the Territory he must procure a permit from the Chief of the Choctaw Nation, to be approved by the Agency; otherwise, he would be expelled therefrom.

A further reference is made to the several requests of parties for suspension of the order to said Boston. You call attention to the provisions of section 2 of the laws of the Choctaw Nation of 1894, page 239, which prescribes the procedure for obtaining permits to transact business in the Choctaw Nation by non-citizens desiring to reside therein, and state that in the various rulings of the Department it has been held that under the provisions of the agreement set out in section 29 of the Act of Congress approved June 28, 1899, (30 Stat., 495), the tribal governments of the Choctaw and Chickasaw Nations are continued for eight years, except as specially modified in said agreement, and that said Nations had the right to require permits from non-citizens desiring to do business or remain in the Indian Territory:

"and that those refusing to pay such permit tax were subject to removal from such nation under the provisions of section 2149 R. S. "

You also state that the notice to Mr. Boston did not expressly order his removal, but advised him of the requirement to procure a permit,

"and was issued for the purpose of giving him due notice of the position he occupied in the Territory. The further object of requiring the permit to be approved here was to ascertain that such permit had been properly issued."

Attention is also called by you to the letter of the U. S. Indian Agent to Mr. Guerrier (exhibit F), advising him to apply to the United States courts for proper action relative to

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the interference with the operation of the mines by miners under the provision of said agreement in said section 29.

You further report that no action has been taken by the Indian Agent in reference to the difficulty between coal operators and the miners,

"further than to station several Indian Policemen in the vicinity of the mines for the purpose of preserving order and reporting any overt acts by any person."

You also state that it has been the desire and intention of your office

"not to interfere in any manner in the present controversy between coal operators and miners further than as required strictly by law, and requiring outsiders in sympathy with parties interested, but not directly connected with the trouble, to also comply with the recognized laws in procuring permits to cover their residence in the nation.***** No further action concerning the notice to Mr. Boston will be taken until further advised."

The Acting Commissioner, in forwarding your said report, invites the attention of the Department to section 2147 of the Revised Statutes,

"which is in effect, that the Superintendent of Indian Affairs and the Indian Agents and Special Agents shall have authority to remove from the Indian Country all persons found therein contrary to law, and that the President shall have authority to direct that the military force of the United States be employed in such removal."

He further calls attention to the opinion of the Honorable Attorney General, dated July 19, 1894, (18 Opinions Attorney General, 34), in which he

"advised this Department that in the absence of treaty or statutory provision to the contrary, the Choctaw and Chickasaw Nations have the 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."

He further states:

"No Act of Congress has passed or agreement with those

nations been reached since this opinion which operates to deprive the nations of the right to regulate this occupancy, or to prescribe rules upon which persons, not members of the tribe, can enjoy privileges within the nation."

It is further stated by the Acting Commissioner that

"it appears that this man Boston is within the Choctaw Nation without a permit from the nation therefor, and is there contrary to law. This being so, the Indian Agent has the authority to remove him therefrom."

The Acting Commissioner disclaims any intention

"to so use the power of the United States as to oppress any honest labor employed in mining operations in the Choctaw and Chickasaw Nations,"

and he recommends that you be advised,

"that it is not the intention of the Department to interfere with the right of any person to quit the employ of any other person engaged in mining operations in the Choctaw Nation, but that the power of the government must be used to prevent any act of lawlessness which would be detrimental to the peace and welfare of the Indians."

The relation of the Indian Tribes to the United States government has been elaborately considered and conclusively settled by the decisions of the courts and of this Department. The Supreme Court, in the case of the Cherokee Nation vs. the State of Georgia, (5 Peters, page 1), speaking through Chief Justice Marshall, said:

"They, (the Indians), may more correctly perhaps be denominated "Domestic Dependent Nations." They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases; meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants, and address the President as their "Great Father." They and their country are considered by foreign nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political union with them, would be considered by all as an invasion of our territory and an act of hostility.

The same view is expressed by the Supreme Court in the case of Worcester vs. the State of Georgia, (6 Peters, 515), where the relation of the Cherokee Nation to the State of Georgia and the United States was again elaborately considered. This last case was cited by Mr. Justice Miller in delivering the opinion of the

Supreme Court in the case of United States vs. Kagama, (118 U. S., 375), in which he said:

"These tribes are the wards of the nation. They are communities dependent on the United States. Dependent largely for their daily food. Dependent for their political rights. They owe no allegiance to the States, and receive from them no protection. Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the federal government with them and the treaties in which it has been promised, there arises the duty of protection and with it the power. This has always been recognized by the Executive and by Congress, and by this Court, whenever the question has arisen. **** The power of the general government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection, as well as to the safety of those among whom they dwell. It must exist in that government, because it never has existed anywhere else, because the theater of its exercise is within the geographical limits of the United States, because it has never been denied, and because it alone can enforce its laws on all the tribes."

Moreover, by section 8 of article 1 of the Constitution of the United States, Congress is given the power (inter alia),

"To regulate commerce with foreign nations, and among the several States, and with the Indian Tribes." (Underscore mine.)

Under said clause Congress has passed laws from time to time for the government of the Indian country. (See sections 2127 to 2157, Revised Statutes).

By section 441 of the Revised Statutes, the Secretary of the Interior is charged with the supervision of public business "relating to the Indians." Section 463 (idem) provides that,

"The commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations."

Section 465 (idem) declares:

"The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian Affairs, and have the settlement of the accounts of Indian Affairs."

In the case of Wilcox vs. Jackson, (13 Peters, 498-513,

decided in 1839), the Supreme Court declares:

"The President speaks and acts through the heads of the several Departments in relation to subjects which appertain to their respective duties. Both military posts and Indian affairs, including Agencies, belong to the War Department. Hence, we consider the act of the War Department in requiring this reservation to be made, as being in legal contemplation the act of the President; and, second, that the reservation thus made was, in legal effect, a reservation made by order of the President, within the terms of the Act of Congress."

Section 2147 of the Revised Statutes declares that,

"The Superintendent of Indian Affairs, and the Indian Agents and Sub-Agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal,"

and section 2149 (idem) reads:

"The Commissioner of Indian Affairs is authorized and required with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgement of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the Agent to effect the removal of such person."

On October 19, 1889, the Assistant Attorney General for the Interior Department rendered an opinion, in which the question of removal of persons under the provisions of law above quoted was considered, and in which it is stated:

"Whether a person is in an Indian country "without authority" of law, or whether his "presence within the limits of the reservation," is "detrimental to the peace and welfare of the Indians," must be determined primarily by the enlightened judgement of the Commissioner of Indian Affairs. But, if so found, with the approval of the Secretary of the Interior, the offending person or persons may be summarily removed from any tribal reservation."

This opinion was approved by the Department, and subsequently cited in a letter to the Chairman of the Cherokee Nation, dated April 26, 1892.

From the foregoing it would appear that the proper procedure relative to the removal of persons under said section 2149 is for

the Agent or Indian Inspector to make a report of the facts and circumstances to the Commissioner of Indian Affairs, for his determination "primarily," and if he shall determine that the persons complained of are subject to removal, he should report the matter to the Secretary of the Interior for his approval. Similar action was directed by the Department on December 6th last in the case of the application of Isaac O. Lewis, Judge of the District Court of the Chickasaw Nation, requesting the enforcement of the attendance of non-citizens upon the tribal courts who declined to testify in criminal cases pending therein. In said Departmental letter a reference was made to said opinion of the Assistant Attorney General for the Interior Department.

The position of the Department is correctly stated, that the Choctaw and Chickasaw Nations have the right to require permits to be taken out in accordance with their tribal laws by non-citizens of said Nations, who desire to carry on business or remain therein. The validity of said laws has been sustained, not only in the opinion referred to by the Acting Commissioner, but also prior thereto, by Attorney General McVeigh in an opinion rendered June 25, 1881, (17 Opinions, Page 134).

The Department is not charged with the duty of approving or disapproving the permits issued by the tribal authorities of said Nation. The only duty relative thereto incumbent upon the government is to enforce the provisions of law above referred to, when complaint is made by the tribal authorities relative to the status of persons claimed to be in said Territory contrary to the provisions of the tribal laws.

The Department concurs in the recommendation of the Commissioner that

"It is not the intention of the Department to interfere with the right of any person to quit the employ of any other person engaged in mining operations in the Choctaw Nation, but that the power of the government must be used to prevent any act of lawlessness which would be detrimental to the peace and welfare of the Indians."

Such action, either by the Executive Department, or by resort to the courts, will be taken as may be considered proper in any given case.

From an examination of the papers before me, there does not seem to be any good reason why Mr. Boston should not obey the requirement of the tribal authorities and take out a permit if he desires to remain in the Territory, and you will accordingly notify the Principal Chief of the Choctaw Nation that in case Mr. Boston refuses to take out a permit in accordance with the laws of said Nation, if he desires to remain or transact business therein, upon information thereof given to you by the Principal Chief, action will be taken by the Executive Department in accordance with the views above expressed.

A copy of the report of the Commissioner is enclosed herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
933-1899
1 enclosure.

Through the
Commissioner of Indian Affairs.

(Endorsed) Union Agency # 108, received Apr. 18, 1899. Office of U. S. Ind. Inspector for I. T. Washington, April 12, 1899. Secretary. James Boston must procure permit.

Union Agency,
Muscogee, I. T.,
April 13, 1899.

Mr. J. D. Ward,
U. S. I. P.,
Coalgate, I. T.

Dear Sir:-

You are hereby directed to proceed at once to Hartshorne and preserve the peace between miners and do according to instructions heretofore issued to you. You will be exceedingly conservative in whatever you do and it will be your duty to arrest men who are introducing liquor and carrying arms, and you will cooperate at all times with the U. S. Marshal, so as to prevent any collision between miners who are at work and those who are not at work.

Very respectfully,

D. M. Wisdom,
U. S. Indian Agent.

Approved;

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

Union Agency,
Muscogee, I. T.,
April 13th, 1899.

Mr. C. W. Plummer,
U. S. I. P.,
Wapanucka, I. T.

Dear Sir:-

You are hereby directed to proceed at once to Hartshorne and preserve the peace between miners and do according to instructions heretofore issued to you. You will be exceedingly conservative in whatever you do and it will be your duty to arrest men who are introducing liquor and carrying arms, and you will cooperate at all times with the U. S. Marshal, so as to prevent any collision between miners who are at work and those who are not at work.

Very respectfully,
D. M. Wisdom,
U. S. Indian Agent.

Approved:

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

(Endorsed) Union Agency - Muskogee, Oklahoma. Press book no. 2--
letter 102.

DEPARTMENT OF THE INTERIOR.
Washington.

April 14, 1899.

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

Sir:

On the 8th instant the Department submitted to the President for executive action under the provision of section 29 of the Act of Congress approved June 28, 1898, (30 Stat., 495), Bill No. 14 of the Choctaw Nation, entitled: "An Act relating to the Orphan Academy at Atoka, Indian Territory," approved by the principal chief of said Nation March 25, 1899.

In forwarding said act you recommended the approval of section 1 thereof, but suggested that "If, therefore, it is the purpose of the Government to take entire control of their schools, it would appear to cause confusion in the management of the same if the Board of Education of the Choctaw Nation is to make contracts of this character in the future," and the Acting Commissioner of Indian Affairs in forwarding said act and your said letter, states:

"The (Indian) office does not see any necessity for the legislation contained in this act. The Choctaw and Chickasaw agreement gives the Secretary of the Interior discretion as to what sums of money shall be used for educational purposes in the Choctaw and Chickasaw nations. Of course the Department will use its efforts first to pay any proper and legitimate obligation assumed in connection with the school prior to the passage of the Act of June 28, 1898."

and he recommended the disapproval of said Act. The Department concurred in said recommendation, and on the 11th instant the President disapproved said act.

It is not intended by this action to cause said orphan academy at Atoka, Indian Territory, for which said act made an app-

ropriation, to be discontinued, but since the Department has decided that the regulations concerning education in the Indian Territory issued on March 4, 1899, are applicable to the Choctaw Nation, it is desirable that the future contracts relative to the schools in said Nation shall be made as provided in said rules and regulations.

Inasmuch as the said act may be considered as expressing the desire of said Nation that said school shall be continued under its present management, the Superintendent of Schools for the Indian Territory should be directed, if practicable, to investigate said school and make report thereon, in order that action may be duly taken with reference to its management in the future.

You will accordingly advise the principal chief of the views herein expressed, and also instruct the Superintendent of Schools for the Indian Territory to make a report upon said school as soon as practicable.

A copy of said act and said departmental letter, together with a copy of the report of the Acting Commissioner, are enclosed herewith for appropriate action by you.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
985- 99
3 enclosures.
Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 122, received Apr. 20, 1899, Office of U. S. Ind. Inspector, for I. T. Washington, April 14, 1899.
Secretary. Returns Choctaw Act relating to Atoka Orphan Academy, disapproved.

DEPARTMENT OF THE INTERIOR.
Washington.

April 14, 1899.

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

Sir:

Enclosed herewith you will find an act of the Choctaw Nation entitled: "An Act to reimburse S. J. Homer."

Said Act was submitted to the President for executive action on the 8th instant, and was approved by him on the 11th instant. You will forward the same to the Executive Secretary of the Choctaw Nation.

You will find enclosed herewith said departmental letter, together with a copy of the report of the Acting Commissioner thereon.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
986-99.

3 enclosures.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 117, received Apr. 20, 1899. office of

U. S. Indian Inspector. for I. T. Washington. Apr. 14, 1899.

Secretary. Returns Choctaw Act to reimburse S. J. Homer, approved.

M.J.SMITH, Manager.

JAMES ELLIOTT, Sec. and Treas.

WILBURTON COAL COMPANY
Miners and Shippers of Coal

Wilburton, Ind. Ter.,
April 14, 1899

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

Dear Sir:-

We beg to report the output of our mines for the month of
March 1899 as follows,

2626 tons of lump coal at 10 cts per ton \$262.60

We also enclose our check for the amount of royalty due the
Indian Nation,

Kindly acknowledge receipt and oblige,

Yours very Truly

W.C. & M. Co.,

Per M.J. Smith, Manager,

Central Dist.
Ind. Ter. --SS

Be it known that on this day came before me a Notary Public,
within and for the Central Dist., Duly commissioned and acting,
M.J. Smith Mgr. Wilburton C.M. Co. to me well known and stated
that the foregoing was correct to the best of his knowledge.
In witness whereof, I hereto fix my hand and seal this 14th day
of April 1899.

E.B. Hamilton.

N.P.

(Endorsed) Union Agency No. 72 Received Apr. 24, 1899 Office of U.S.
Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying
remittance of Wilburton Coal Company Wilburton, I.T. for month of
March 1899 amount \$262.60----

CHOCTAW, OKLAHOMA & GULF RAILROAD COMPANY.

Mining Department.

Office of Superintendent of Mines.

Hartshorne, Ind.Ter.

Edwin Ludlow,
Supt. of Mines.

Francis F.Gowen,
President.

April 14, 1899

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

Dear Sir:

I arrived here yesterday morning and have made an investigation of the strike situation at this place. I have been talking with a number of union men and they say they expect trouble at this place almost any time. There was one union man made the expression in my presence and also in another man's presence that was with me, that he would lose his own blood rather than lose this strike, and they also claim that if they can frighten the negroes away from this camp that have been imported by the Company their cause would be won. In my opinion I think that the case is a critical one and should be watched with extreme care. If the strikers should attempt to use violence or to stop the men that are now working here what shall I do in the matter.

I expect to remain here until there is a change for the better in the situation and I hope you will instruct me fully in regard to it.

Yours respectfully,

C.W.Plummer.

Indian Police.

(Endorsed) Union Agency No.711 Received Apr.15,1899 Office of U.S. Ind.Inspector for I.T. Hartshorne, I.T.,April 14,1899.C.W.Plummer, U.S.Indian Police.----Reports conditions at scene of strike.----

U.S. Marshal.
J.P.Grady

DEPARTMENT OF JUSTICE.

F.S.Genung,
Chief Office Dep.

U N I T E D S T A T E S M A R S H A L ' S O F F I C E ,
Central District, Indian Territory.

SOUTH MCALESTER. April 14th 1899.

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

Sir:-

Your favor of 13th inst., relative to strike conditions in this Dist., to hand. Replying to same I beg to say that, at the beginning of the strike trouble in this Dist. I made application to the Attorney General for authority to appoint as many as fifty special deputies of the necessity demanded it, and the authority asked for was granted. Up to this time I have not found it necessary to appoint but twelve special deputies, leaving me a reserve force to draw from of about forty men. With this force at my command I feel amply able to cope with the difficulties presented and maintain the peace, and would deprecate the sending of troops into the District, considering it not only unnecessary but a reflection on my ability to preserve the peace.

I have given my personal attention to the strike and feel that I am fully master of the situation up to this time and fully able to meet any emergency that may arrise in the future,

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with that assistance you can give me with the Indian Police,
without asking for troops.

Very respectfully,

J.P.Grady.
U.S. Marshal, Cent. Dist.

(Endorsed) Union Agency # 712 Received April 15, 1899. Office of
U.S. Indian Inspector for Indian Territory. South McAlester, I.T.
April 14, 1899. J.P. Grady, U.S. Marshal. Relative to strike.

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DEPARTMENT OF THE INTERIOR.
Washington.

April 14, 1899.

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

Sir:

Enclosed herewith you will find an act of the Choctaw Nation, entitled: "An Act regulating the introduction of foreign cattle into the Choctaw Nation."

Said act was submitted to the President for executive action on the 8th instant, and was approved by him on the 11th instant. You will forward the same to the Executive Secretary of the Choctaw Nation.

You will find enclosed herewith said departmental letter, together with a copy of the report of the Acting Commissioner thereon.

Respectfully,

E. A. Hitchcock.
Secretary.

Ind. Ter. Div.
988-99
3 enclosures.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 121, received Apr. 20, 1899 office of U. S. Indian Inspector for Indian Territory. Washington, April 14, 1899. Secretary. Returns Choctaw Act relative to introduction of cattle, approved.

Union Agency,
Muscogee, I. T.,
April 15th, 1899.

Mr. W. B. Stamps,
LeFlore, I. T.

Dear Sir:-

Yours received in which you ask me if a doctor can be forced to go before the Choctaw medical board, or is the practice of medicine regulated by the Arkansas law.

You are informed that the practice of medicine is not regulated by the Arkansas Statute in the Choctaw nation, but is regulated by the Choctaw law. A doctor who assumes to be qualified to practice his profession, ought not to be forced to go before the Choctaw board, but he ought to go himself. Your failure to make proper application to practice medicine in the Choctaw Nation, will put you in the class of intruders.

Respectfully yours,
D. M. Wisdom,
U. S. Indian Agent.

Approved;

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

(Endorsed) Union Agency-Muskogee, Oklahoma. Press book no. 2--
letter 117.

April 15, 1899

AN ACT

MAKING APPROPRIATION FOR STUDENTS IN THE STATES.

Be it enacted by the General Council of the Choctaw Nation Assembled:

SECTION 1. That the sum of Twelve thousand five hundred dollars is hereby appropriated to defray the expenses of forty students attending school in the states; Twenty boys, and Twenty girls, to be expended in proportion of Three hundred dollars each for boys, and Three hundred and twenty-five dollars for each girl.

SECTION 2. That this act take effect and be in force from and after its passage.

Approved, November 4, 1892.

W.N. Jones,
Principal Chief of
Choctaw Nation.

---oOo---

THIS IS TO CERTIFY, That the above and foregoing is a full, true and correct copy of the original Act of the Choctaw General Council, now on file in the office of the National Secretary.

(SEAL)

IN TESTIMONY WHEREOF, I, Solomon J. Homer, National Secretary of the Choctaw Nation, have hereunto affixed my official signature and the Seal of the said Nation, this the 13, day of April, 1899.

Solomon J. Homer.
National Secretary of
The Choctaw Nation.

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(Endorsed) Union Agency # 715 Received April 15, 1899. Office of U.S. Indian Inspector for Indian Territory. Caddo, I.T., April 14, 1899. S. J. Homer. Relative to laws concerning students in states.

A T O K A B A P T I S T A C A D E M Y,

INSTRUCTORS

EDWIN H. RISHEL, Principal.

J.G. MASTERS, Teacher in Higher
Dept.

BLANCHE WILLIS, Intermediate Dept.

MARY HORNEY,)
LIZZIE S. ALDEN,) Primary Dept.

MRS. E. H. RISHEL, Matron.

LYDIA S. PIEPGRAS,)
ANNA L. CLARK,) Asst. Matrons.

ANNA L. MOORE, Music and Kindergarten.

OPEN TO BOTH INDIANS AND WHITES.

THOROUGH WORK IN ALL DEPARTMENTS.

SPECIAL ATTENTION GIVEN TO THE

CARE OF INDIAN ORPHANS.

Atoka, I.T. April 15, 1899.

Hon. J. Geo. Wright.

U.S. Indian Inspector,

Dear Sir:

I learn that the Act of the Choctaw Council appropriating money for the expenses of the orphans in our school for the last half of the year can not be approved because of the provision for making contracts. The Secretary holds that as he is charged with the disbursement of School funds, all school accounts must be made under his direction. So far as I am concerned, I shall not object to that, I have been anxious for the representatives of the Department to visit us as you know. Please inform me at once how the failure of approval of the act in question may affect our financial affairs. So far as the Choctaws are concerned we now have full authority, but what of the money to cover the last half of the year's expense. I have you and Mr. Benedict for authority for continuing the school through the last half of the year, and this act of the council would authorize the Auditor to issue his warrant, but now it seems as if all this counts for naught.

-2-

Please inform me what steps are necessary in order to secure what is due for the last half of the year. I shall also be glad for information respecting the warrant I sent you in March.

Can not you or Mr. Benedict soon visit our school and let us know what to depend upon for next year? If we continue, I shall want the same teachers, If we cannot continue, the teachers should have due notice, and secure appointments elsewhere.

Respectfully,

E. W. Rishel.

(Endorsed) Union Agency # 730. Received April 17, 1899. Office of U.S. Indian Inspector for Indian Territory. Atoka, I.T., April 15, 1899. E. H. Rishel. Relative to appropriation act for this year's expenses. etc.

EXECUTIVE OFFICE,

CHOCTAW NATION.

Green McCurtain, Principal Chief.

Sans Bois, I.T.

April 17th, 1899.

Hon. J. Geo. Wright,

U.S. Indian Inspector,

Muskogee, Ind. Ty.

Sir:-

Replying to yours of the 4th instant, in which you ask to be advised as to whom Miners' Permit Taxes and Timber Royalties accruing in the Choctaw Nation should be paid, will say that, since January the first of the present year all such taxes and royalties are to be paid to the District Collectors. The District Collectors for this Nation are as follows: J.S. Forrest, District Collector for First District; J.E. Harris, District Collector for Second District and J.H. Miller, District Collector for Third District. And I this day appoint I.W. Folsom of Ardmore, Ind. Ty., to look after the interests of this Nation up in the Chickasaw Nation, and collect the Choctaw Nation's part of such taxes and royalties accruing in the Chickasaw Nation.

Very respectfully,

Green McCurtain.

Prin. Chief. Choctaw N.

(Endorsed) Union Agency # 770 Received April 20, 1899. Office of U.S. Indian Inspector for Indian Territory. Sans Bois, I.T. April 17, 1899. G. McCurtain, P. Chief Gives names of permit and royalty collectors.

DEPARTMENT OF JUSTICE,

J.P. Grady,
U.S. Marshal.

F.S. Genung,
Chief Office Dep.

UNITED STATES MARSHAL'S OFFICE,
Central District, Indian Territory,

SOUTH McALESTER, April 18th, 1899.

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

Dear Sir:

Yours of the 15th was received in due time.

I note very carefully what Mr. Plummer has to say. I have just returned from Hartshorne and other mining camps, and find everything unusually quiet. In fact, we have had less work for the marshals since the strike began than we ever have had for the same period of time since I have been marshal of the district. In fact, the strikers have been on their good behavior; and it seems to be their disposition to avoid trouble. There has not been the slightest trouble in the mining camps between the strikers and those who are at work since the strike began. In fact, the only trouble that has occurred in the camps, especially at Hartshorne, has been between the men employed working for the company. In fact, the only trouble has been of that nature between Mr. James Brazil and one Cable. They two had a personal encounter. And one other difficulty between John Banks and John White, two niggers working for the company. In my judgment, there is not the

-2-

slightest indication of a race war.

Yours truly,

J. P. Grady

U.S. Marshal.

(Endorsed) Union Agency # 758 Received April 19, 1899. Office of U.S. Indian Inspector for Indian Territory. South McAlester, I.T. April 18, 1899. J. P. Grady, U. S. Marshal. Relative to condition of strike.

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DEPARTMENT OF THE INTERIOR,
Washington.

April 18th, 1899.

J. George Wright,
U.S. Indian Inspector
for the Indian Territory,

Muscogee, Ind. Ter.

Sir:

On the 10th instant, the Department submitted to the President, for executive action, under the provisions of Section 29 of the Act of Congress approved June 28, 1898 (30 Stat., 495), Bill No. 9, Choctaw Nation, being "An Act to authorize the Principal Chief to employ an Attorney for the Nation in citizenship cases, and making an appropriation therefore, and for other purposes." Said act was approved by the President on the 13th instant, and it is herewith enclosed, together with said departmental letter, and a copy of the report of the Acting Commissioner of Indian Affairs relative to said act, for proper disposition by your office.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.
972-1899.
3 Inclosures.

Through the Commissioner
of Indian Affairs.

(Endorsed) Union Agency No. 128 Received Apr. 24, 1899 Office
of U.S. Indian Inspector for Indian Territory. Washington,
April 18, 1899. Secretary.-----Returns Choctaw Act to employ
attorney, approved.-----

McAlester, I.T. April 19, 1899.

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

Dear Sir:

We have several leases prepared for asphalt claims.

Please give us instructions how to fill out the blanks as to the rate to be paid as royalty on the asphalt. In other words, shall we state 60 cents per ton on refined asphalt, or 60 cents per ton on crude asphalt? You will notice that the leases read simply "per ton on each and every ton produced."

Yours truly,

N.B. Ainsworth.
TRUSTEE.

(Endorsed) Union Agency # 782 Received April 20, 1899. Office of U.S. Indian Inspector for Indian Territory. McAlester, I.T., April 19, 1899. N. B. Ainsworth, Trustee. Asks instructions relative to royalty on asphalt.

McAlester, I.T. April 19, 1899.

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

Dear Sir:

I gave you in person to-day the leases (28 in number) of the Sans Bois Coal Company, duly signed and witnessed, and will ask you to have the Company sign the same and execute their bond to you.

We have some other leases on hand and will have the parties sign them and will send the leases to you, as soon as possible.

Yours truly,
N. B. Ainsworth.
TRUSTEE.

(Endorsed) Union Agency # 779 Received April 20, 1899. Office of U.S. Indian Inspector for Indian Territory. McAlester, I.T., April 19, 1899. N. B. Ainsworth, Trustee. Has forwarded 28 leases with Sans Bois Coal Company.

STATE OF MISSOURI)
)ss.
 CITY OF ST. LOUIS)

W.P. Heath, of lawful age being duly sworn, certifies that he is Secretary and Treasurer of the Kansas & Texas Coal Company, a corporation organized under the laws of the State of Missouri (with general office at St. Louis, Mo.), and operating coal mines in the Choctaw Nation, Indian Territory, and does further certify that the following is a true report as taken from the records of said company of the number of tons of coal produced by said company in the Choctaw Nation during the month of March 1899 that is subject to a royalty of ten cents per ton under the terms of its contract with the Choctaw Nation dated March 27, 1895, to-wit:

From Mine No. 2 Krebs, Ind. Ter.

10 tons at 10¢	\$1.00
----------------	--------

From Mine No. 52 Cherryvale, Ind. Ter.

75 tons at 10¢		7.50
	Total	<u>\$8.50</u>

M. B. Hass.

Subscribed and sworn to before me a Notary Public within and for said City and State in duplicate this 19th day of April A.D. 1899.

James J. McDonald

Notary Public.

My commission expires on the 16th day of June 1900.

(Endorsed) Union Agency No. 70 Received Apr. 24, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Kansas and Texas Coal Co. St. Louis, Mo for month of March 1899 amount \$8.50----

EXECUTIVE OFFICE, CHOCTAW NATION.
Green McCurtain, Principal Chief.

Sans Bois, Indian Ter.
April 20th, 1899.

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

Sir:-

Yours of the 18th inst., enclosing the Act of the Choctaw council relating to the granting of permits to non-citizens farmers and common laborers, and asking the necessity and object of said Act, has been received. In reply, will say that, the punitive provision to the Permit Law, set forth in Section 6 of the law approved October 1888, Compilation of 1894, page 242, was repealed (Sic) by an Act of council at its regular session, October 1897, Bill No. 46, page 36, Acts and Resolutions of the General Council of the Choctaw Nation, passed at its regular session, October 1897p and is, therefore, not the present punitive provision to said Law. Section 3 of the law of 1897 is as follows:

"Be it further enacted, That upon the failure of said offenders to pay their fines, they shall each receive not less than fifteen nor more than thirty-nine lashes on his bare back, and be discharged from further obligation in that particular case."

Now the prime object in passing the Permit Law was, to get a permit law upon our statute book bearing the approval of the

-2-

President, thinking, thus, to give it more force and respectability; and to secure the President's signature to our Permit Law, it was necessary to re-enact it with certain changes, especially in the punitory provision.

Another object in passing this Permit Law was, to make the payment of fees of the clerk and sheriff in the issuance and collection of permits conditioned upon the actual collection of said permits; heretofore it has been a custom practiced by the county clerks and sheriffs to draw their fees from the county funds (usually script) whether the permits were collected or not. Section 2 of this Act makes the provision above stated, that the payment of fees is conditioned on the collection of the permits.

I think this fully states the object of this Permit Law, and I trust that it may merit your favorable recommendation.

Very respectfully,

Green McCurtain.
Principal Chief, Choctaw Nation.

(Endorsed) Union Agency # 837 Received April 26, 1899. Office of U.S. Indian Inspector for Indian Territory. Sans Bois, I.T., April 20, 1899. Green McCurtain, Prin. Chief. Returns Choctaw Act relative to permit taxes, with explanation.

-:SOUTHWESTERN COAL & IMPROVEMENT COMPANY:-

Statement of the Output of Coal for the Month of
March, 1899,

of the Coal Mines operated by the above Company at its
Mines located at and near Coalgate,

Choctaw Nation,
Indian Territory.

All Coal produced:-

Total Amount in Tons, per contract with National Agents, 1,287.30

Total Amount at Ten Cents per ton, 128.73

State of Kansas,
County of Labette, SS

D.C.Welch, of lawful age, being first duly sworn, upon his oath deposes and says, that he is the Auditor of the Southwestern Coal & Improvement Company, and as such keeps an accurate account of the business of the company, and of the output of coal of said company at its mines located at and near Coalgate, Choctaw Nation, Indian Territory, and that he made the foregoing statement of the output of coal for the month ending March 31st, 1899, and the above is a correct statement of the output in tons, together with the amount of royalty due on same, and further affiant saith not.

D.C.Welch.

Subscribed and sworn to before me this 20 day of April, 1899.

Otta L.Caldwell.

My commission expires Jany.15,1901.

Notary Public.

(Endorsed) Union Agency No.77 Received Apr.29,1899 Office of U.S. Indian Agent, Muscogee, Ind.Ter. Sworn statement accompanying remittance of So. Western Coal & Imp. Co. St. Louis, Mo for month of March 1899 amount \$12873----

A T O K A B A P T I S T A C A D E M Y,

Instructors:

Edwin H. Rishel, Prin.
 J.G. Masters, Teacher in Higher Dept.
 Blanche Willis, Intermediate Dept.
 Mary Horney,) Primary Dept.
 Lizzie S. Alden,)
 Mrs. E. H. Rishel, Matron.
 Lydia S. Piepgras,) Asst. Matrons.
 Anna L. Clark,)
 Anna L. Moore, Music and Kindergarten.

OPEN TO BOTH INDIANS AND
 WHITES.
 THOROUGH WORK IN ALL DEPTS.
 SPECIAL ATTENTION GIVEN TO
 THE CARE OF INDIAN ORPHANS.

Atoka, I.T. April 22, 1899.

Hon. J. Geo. Wright.

U.S. Indian Inspector.

Dear Sir:

Your letter of the 20 th inst. is at hand. While I am anxious to have matters arranged in respect to the next year's work, I am more anxious to obtain soon something definite respecting the settlement of the affairs of the present year. It is some time since I sent you the Warrant issued for the first half of the year's expense. I have not been informed what has become of it. I hope it has been recommended for payment. Our creditors have a right to know what the prospect is of a speedy settlement. I asked you in a former letter to inform me if the affidavit and papers sent with the warrant were satisfactory.

As to the act returned, disapproved, by the President, I felt that the part of the act appropriating the money and recognizing the present contract as legal and binding upon the Nation was very important. You questioned the right of Everidge to make the contract with me, and said that the question would probably be

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raised by the law clerks in the Treasury department. You know how anxious I was in my correspondence to know if the Department or the Interior would pay for our school work beyond the amount of the appropriation of the October Choctaw Council. In several letters in December and January I asked as to this. I intended to close the work for the orphans in our school at the middle of the year if there was an unwillingness on your part to guarantee the payment of the last half of the year. As you know, The Board of Education and especially the Chief were anxious for us to continue to the close of the school year. You told me and others to go on with the work. Mr. Benedict told me in presence of others at Ft. Smith that I should go on with the work and that it would be paid some way. So far as the Choctaws are able, they have given full authority for the payment of the entire sum. In order to keep the work in proper order, I and friends of the work have assumed obligations from which we hope soon to be relieved by the payment of a full amount called for in the contract.

Our school year closes the 25th of May, and I wish very much to have the means to settle all bills before that time. I hope that Mr. Benedict can visit us soon. Mr. Smiser of the Townsite commission is in Muskogee and can tell of the nature of our work.

The men who have money are not to blame for thinking that if the Department of the Interior, intends to pay us for our work it would do so at once, and thus save the trouble of our borrowing further. We are into the work and have been told

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by yourself and Mr. Benedict to continue, and we look to you to arrange the matter. We hope it can be done soon.

Respectfully,

E. W. Rishel

(Endorsed) Union Agency # 799 Received April 22, 1899. Office of U.S. Indian Inspector for Indian Territory. Atoka, I.T., April 22, 1899. E.H.Rishel. Relative to payment for present school year.

4/22/99

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Central Judicial
District thereof. SS.

Noah Samples, being duly sworn, on his oath says:

That he is engaged in operating a coal mine near the town of McAlester, Indian Territory. That the amount of coal produced and shipped from said mine during the period from October 1, 1897 to June 28, 1898, was follows:

5650 tons of mine run coal, royalty thereon,.....\$529.69
575 tons of screened coal, royalty thereon,..... 71.87

That during the month of February, 1899, there was produced and shipped from said mine

1543 tons of lump coal, royalty thereon,..... 154.30
Total royalty,..... 755.86.

That the above and foregoing quantity of coal is the total amount put out by affiant during the periods stated, and that the total amount of royalty due thereon is \$755.86.

Noah Samples.

Subscribed and sworn to before me in triplicate on this 22nd day of April, 1899.

Frank Smith
Notary Public for the Central District
of the Indian Territory.

(Endorsed) Union Agency No. 73 Received Apr. 25, 1899 Office of U.S. Indian Agent, Muskogee, Ind. Ter. Sworn statement accompanying remittance of Noah Samples McAlester, I.T. for month of February 1899 amount \$755.86----

W. Berry,

ATTORNEY AT LAW.

Poteau, I.T. 4/24/89

Mr. J. George Wright,

Indian Inspector,

Muscogee, Ind.Ter.

Dear Sir:-

I desire to know if you will grant me the privilege of operating a saw mill in the Choctaw Nation and selling the lumber to Coal Mines also operated in the Choctaw Nation. I am a citizen of the Choctaw Nation and if the privilege is allowed, would like to know the conditions upon which it will be granted.

Very respectfully,

C.T. Wilburn,

(Endorsed) Union Agency # 828 Received April 25, 1899. Office of U.S. Indian Inspector for Indian Territory. Poteau, I.T., April 24, 1899. C. T. Wilburn. Wants to operate a saw mill.

April 27, 1899.

State of Missouri)
City of St. Louis) SS.

W. P. Heath, of lawful age being duly sworn, certifies that he is Secretary and Treasurer of the Kansas & Texas Coal Company, a corporation organized under the laws of the State of Missouri (with general office at St. Louis, Mo.), and operating coal mines in the Choctaw Nation, Indian Territory, and does further certify that the following is a true report as taken from the records of said company of the number of tons of coal produced by said company of the number of tons of coal produced by said company in the Choctaw Nation during the month of March 1899 that is subject to a royalty of ten cents per ton under the terms of its contract with the Choctaw Nation dated March 27, 1895, to-wit:

From James Fork strip pit, near Jensen, I.T.

52 tons at 10¢ \$5.20

Subscribed and sworn to before me a Notary Public within and for
said city and state in duplicate this 27th day of April A.D.1899.

James McDonald
Notary Public--city of
St.Louis Mo.

My commission expires on the June 16th, 1900.

(Endorsed) union agency no 78 Recd. April 29, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Kansas and Texas Coal Co. St. Louis Mo. for month of March, 1899 amount \$5.20----

F.

DEPARTMENT OF THE INTERIOR.

Washington.

April 28, 1899.

J. George Wright,
U. S. Indian Inspector
for the Indian Territory,

Sir:

The Department is in receipt of your communication of the 18th instant, transmitting Bill No. 16 of the Choctaw Nation, entitled: "An Act appropriating money for the payment of Stuart, Lewis & Gordon."

The preamble to said act refers to a certain contract made and entered into between the Principal Chief of said Nation and the firm of Stuart, Lewis & Gordon, attorneys-at-law, wherein said firm agreed to represent said Nation in the United States Court for the Southern District at Ardmore, Indian Territory, and endeavor to secure the elimination from the judgments of the Court "of all persons whose names, subsequent to said judgment, had, through fraud or otherwise, been entered thereon as adjudged citizens or members of the Choctaw tribe of Indians." Reference is also made in said preamble to the amount to be paid to said firm, namely, \$15.00, "for each person whose name was stricken from said judgments," and in addition "for the hotel expenses of said firm while actually engaged in such work, to be paid in Choctaw warrants."

Section 1 of said act approves said contract, and provides \$2500.00 to pay the obligations thereof, or so much of said sum as may be necessary, with the proviso that "no warrant shall

-2-

issue to said Stuart, Lewis, & Gordon until their account has been approved by the Principal Chief."

Section 2 authorizes the National Auditor to issue his warrant upon the National Treasurer in favor of said firm upon the requisition of the Principal Chief.

You quote from the report of the Acting Chairman of the Commission to the Five Civilized Tribes in response to your request whether said act should be approved, in which it is stated:

"It is the understanding of this Commission that the Choctaw Nation has a salaried attorney, whose duty it would appear to be to represent the Nation in matters for which this appropriation purports to be made. The salary paid such attorney is understood to be \$5,000.00 per annum, which, in the opinion of this Commission, should be adequate for all legal work required by the nation."

You also refer to the act authorizing the employment of James M. Shackelford as an attorney for said Nation "in cases similar for one year beginning November 23, 1898, at a salary of \$5,000.00." Said Act was approved by the President on April 13, 1899. You state that in your judgment Mr. Shackelford "should attend to all legal matters required by the Nation," and recommend that said act be disapproved.

The Acting Commissioner of Indian Affairs, in transmitting said act and your said letter, also forwards a letter from Mr. J. S. Standley, in which he states that it is his understanding that the employment of Mr. Shackelford did not contemplate the rendering of any service in connection with citizenship claims except such as might be required in the Court of the United States for the Central District of the Choctaw Nation, and that

the cases for which Mesrs. Stuart, Lewis & Gordon are to be employed refer to cases of appeals from the Commission to the Five Civilized Tribes in the Court for the Southern District, or the District in which the Chickasaw Nation lies, and where the construction of the laws and treaties relating to such matters is more liberal toward the claimants.

The Acting Commissioner further states that -

"it is clear that the authorities of the Choctaw Nation have made no explanation of this appropriation to them, and that they are not in the possession of any information concerning the matter, but base their position entirely on the circumstances known to them."

The Acting Commissioner suggests, however, that the papers be referred to you "for a more particular investigation into the matter with the view to advising the Department accurately as to the situation."

In view of the statements made by Mr. Standley the papers are returned to you for a further report relative thereto in order that you may ascertain whether the information given by Mr. Standley be correct, or not, and if so, what action should be taken by the Department relative to its recommendation in submitting the same to the President for executive action.

A copy of the Acting Commissioner's report, together with the letter of Mr. Standley, and said act are returned herewith.

Respectfully,

Ind.Ter.Div.
1270-99
3 enclosures.

Tho. R. Ryan
Acting Secretary.

Through the
Commissioner of Indian Affairs,

(Endorsed) Union Agency No.159.Received May 2,1899.Office of U.S. Indian Inspector for Indian Territory.Washington, April 28,1899. Secretary---Returns Act of Choctaw Council to pay Stuart, Lewis & Gordon, for further information.

(Copy)

Refer in reply to the following:

Land.
18,834-1899.
19,442-1899.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, April 26, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report, of April 18, 1899, from Inspector Wright, transmitting an Act of the Council of the Choctaw Nation, approved by the Principal Chief on March 25, 1899, and appropriating \$2500 for payment to Stewart, Lewis & Gordon, Attorneys at Ardmore, Indian Territory, for services rendered and to be rendered under a contract made with the Principal Chief of the Choctaw Nation stipulating for the employment of said Stewart, Lewis & Gordon to render professional services in re-opening and eliminating from enrollment cases of persons who have secured enrollment through the court for the southern district of the Indian Territory by fraud and misrepresentation.

Inspector Wright invites attention to the fact that heretofore he transmitted an Act of the Choctaw Council employing Hon. James M. Shackelford as attorney to attend to the defense of the nation in citizenship claims, and suggests that Mr. Shackelford ought to render all services required by the nation in connection with the enrollment of persons claiming citizenship therein. In view of the

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statements made in his report Inspector Wright recommends that the act in question be disapproved, and in concluding his report he invites attention to the fact that the firm of Stewart, Lewis & Gordon is the same firm that procured the payment of \$10,000 from the Creek authorities in violation of law, about which, he says, Special Inspector Zevely recently reported to the Department, under instructions.

Inspector Wright encloses with his report a letter of April 18, 1899, from the Acting Chairman of the Dawes Commission, in which he states that it is the understanding of his commission that the Choctaw Nation has a salaried attorney whose duty it would appear to be to represent the nation in the matters for which the appropriation contained in the act in question purports to be made.

In connection with Inspector Wright's report and with the general subject, there is enclosed, herewith, a letter of April 24, 1899, from Mr. J.S. Standley who represents that he understands that the employment of Mr. Shackelford did not contemplate the rendering of any service in connection with citizenship claims except such as might be required in the Court of the United States for the central district of the Choctaw Nation; that the cases for which it is intended to employ Stewart, Lewis & Gordon to defend are cases where Choctaw citizenship appeals from the Dawes Commission were had to the court for the southern district or the district of the Chickasaw Nation and where the construction of the laws and treaties relating

-3-

to such matters was more liberal towards the claimants; that Mr. Shackelford's contract requires him only to render services in the courts sitting within the Choctaw Nation or in the Supreme Court of the United States on appeal, and the cases in the Chickasaw nation would necessarily go by default unless special counsel is provided to attend to the same.

In his letter Mr. Standley makes a statement as to the advantages to the nation in the defeat of any of these claims, and shows that the defeat of five claims will more than pay in saving to the nation the salaries both of Messrs. Stewart, Lewis & Gordon and Mr. Shackelford.

From Inspector Wright's report and Mr. Bixby's letter it is clear that the authorities of the Choctaw Nation have made no explanation of this appropriation to them, and that they are not in the possession of any information concerning the matter, but base their position entirely on the circumstances known to them.

In view, therefore, of Mr. Standley's letter and of the apparent lack of information on the subject by the officers of this Department in the field, the office is not disposed to either concur or non-concur in the official recommendation submitted, but it is suggested that it might be well if before submitting this act to the President for his action it be referred to Inspector Wright for a more particular investigation into the matter with the view to advising the Department accurately as to the situation.

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In submitting this question the office does not lose sight of the character of the law firm to be employed. While there have been reports made to the office which indicate that Messrs. Stewart, Lewis & Gordon have heretofore been engaged in a practice which is in every way reprehensible and can in no way be justified if the facts reported are true, still until the firm is indicted and convicted of a violation of the Statutes of the United States referring to section 2105, or found to have actually been guilty of such practices as would exclude them from recognition as respectable attorneys, the office would not feel that it would be warranted in making recommendation against their employment.

Very respectfully,
Your obedient servant,

(K.S.M.)

A. C. Tonner,
Acting Commissioner.

P.

Union Agency,
Muscogee, I.T., April 28th, 1899

Mr. J.L.Hull,
Caddo, I.T.

Dear Sir:-

You are informed, in reply to yours of late date, that the President has approved the Bill in regard to the introduction of foreign cattle into the Choctaw Nation. He approved it on April 11th last and it takes effect from that date.

I do not know about the law placing a tax of \$1.00 per head on all citizens' cattle in the Choctaw nation. If such a law has been passed and is approved by the President, of course it will be the duty of the Indian Agent, or some other officers with that power, to enforce the same.

Very respectfully,
D.M.Wisdom,
U.S.Indian Agent.

Approved;

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

DEPARTMENT OF THE INTERIOR,

Washington.

May 1st, 1899.

The President,

Sir:-

I have the honor to submit herewith, for executive action, under the provisions of Sec.29 of the Act of Congress approved June 28, 1898 (30 Stat.,495), Bill No.22, Choctaw Nation, entitled "An Act repealing acts authorizing the sale and shipment of timber in the Choctaw Nation".

Sec.1 of said act repeals "all acts heretofore passed authorizing the shipment and sale of timber in the Choctaw Nation, except timber furnished for mining purposes within the limits of the Choctaw Nation". Sec.2 declares that said act "shall not be so construed as to prohibit citizens of this nation getting board or rail timber, or firewood, for their own use". Said act was approved by the Principal Chief of said nation on March 25, 1899. It is forwarded by the U.S.Indian Inspector for the Indian Territory with favorable recommendation, in which recommendation the Acting Commissioner of Indian Affairs concurs.

I have therefore to recommend that said act be approved by you, and inclose herewith said letter of the Indian Inspector and a copy of the report of the Acting Commissioner of Indian Affairs.

Very respectfully,

E.A.Hitchcock.

Secretary.

Ind.Ter.Div.
3 Inclosures.
1288-1899.

-2-

(Endorsed) Union Agency No.170 Received May 12, 1899 Office of
U.S.Indian Inspector for Indian Territory. Washington, May
6, 1899. Secretary.-----Returns Choctaw Act repealing acts
authorizing sale of timber, approved.-----

McAlester, I.T., May 2, 1899.

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

Dear Sir:

Mr. Michael Perona, of Savanna, Indian Territory, made application to us for a lease to mine coal at his town.

We find upon investigation that he is the owner by purchase of a National contract, issued by the Nation Agent of the Choctaw Nation, February 8, 1897, and hence contract is good until February 8, 1903.

Mr. Perona is an Italian and works three or four men and gets out about three flats of coal a week. At the slope where he is now operating there remain only about 160 acres of coal which the large companies failed to work when they operated at Savanna, eight or ten years ago.

No one can afford to give a \$50,000.00-bond to work 160 acres of coal, and so we think it will be best to allow Mr. Perona to continue under his National contract.

We have instructed him fully about the payment of his royalty, and he should, in a few days, send to the Indian Agent \$22.75 covering royalty now due.

His case comes under the first part of Rule No. 9, The operations were small in 1897, and are still small. We believe that by watching Mr. Perona we can get the royalty due the Nation

-2-

from this 160 acres of coal, and will be that much ahead, as no one will give the bond required for 160 acres.

Yours truly,

N.B. Ainsworth
L.C. Burris.

Trustees.

(Endorsed) Union Agency # 925 Received March 4, 1899 Office of U.S. Indian Inspector for Indian Territory. McAlester, I.T. May 2, 1899. Ainsworth & Burris' Mineral Trustees. Relative to application of Michael Perona for coal lease.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

Washington, May 2, 1899.

J. George Wright, Esq.,
U. S. Indian Inspector,
Muscogee, Indian Territory.

Sir:

I return, herewith, two parts of eight indentures of lease between the Choctaw and Chickasaw mining trustees and Mr. John F. McMurray, of South McAlester, Indian Territory, dated March 15, 1899, covering certain described tracts of land in the Choctaw Nation leased to Mr. McMurray for the purpose of mining coal thereon.

Said leases were approved by the Department on April 27, 1899, in quadruplicate, and one part thereof has been transmitted to the Auditor for the Interior Department and the other part has been transmitted to Mr. McMurray. One of the two enclosed parts of each lease will be retained in the office of the U. S. Indian Agent for the Union Agency for his guidance in the collection of royalties to be paid by the lessee thereunder, and the other part will be delivered to the Choctaw and Chickasaw coal trustees to become a part of the files of their office, and to be turned over to their successors in office whenever any change therein shall occur.

Very respectfully,

A. C. Tonner
Acting Commissioner.

(K.S.M.(P)).

(Endorsed) Union Agency # 166, recieved May 6, 1899, Office of U. S. Indian Inspector for Indian Territory. Washington, May 2, 1899. Commissioner. Eight leases for coal with J. F. McMurray, approved.

May 3, 1899

To the Honorable the Trustees of the Choctaw Nation,
Sirs:

The undersigned beg to respectfully protest against the annulment, cancellation or holding for naught the leases heretofore granted to the Indian Oil Company, incorporated under the laws of the State of Kansas with principal office at Independence, Kansas, for the purpose of boring and mining for oil and gas in said Choctaw Nation without due process of law.

In entering this protest it is the desire of the Indian Oil Company to state that these its leases have been obtained under and by virtue of the laws of the Choctaw Nation and in conformity therewith; that said leases have been validated by Section 8, of the Act of March 1, 1889. That said Indian Oil Company has at all times held itself ready to continue to perform and fulfill the terms of said contract and leases and is now ready to so continue.

The said Indian Oil Company files its protest for the purpose of saving its rights in the premises and does not by this protest concede any right or authority on the part of the Choctaw Nation or tribe of Indians, or its officers or agents, to cancel or annul said leases.

Respectfully submitted, this 3d day of May, A. D. 1899.

Harrison Shepard
General Attorney for the Indian Territory for Indian Oil Company

ATTEST:

Henry Jimcke
General Manager of the Indian Oil Company.

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Copy of protest filed by the Indian Oil Company of Independance
Kansas with the Hon. Trustees of Choctaw Nation.

(Endorsed) Union Agency # 917 Received May 3, 1899. Office of
Indian Inspector for Indian Territory. Indian oil Company. by
H. O. Shepard, Genl. Attorney. Muscogee, I.T. May 3, 1899.
Copy of protest against holding of his Choctaw leases for naught. &c.

McAlester, I.T., May 13, 1899

Mr. J. D. Benedict,
Superintendent of Schools in Indian Territory,
Muskogee, I.T.

Dear Sir:

I have in my possession several school warrants, amounting to about \$100.00, given teachers for services rendered since July, 1898.

Can you give me any information as to when and how I can get the money on these warrants?

Yours truly,

N. B. Ainsworth.

(Endorsed) Union Agency No. 1027 Received May 15, 1899. Office of U.S. Indian Inspector for Indian Territory. McAlester, I.T., May 13, 1899. N. B. Ainsworth. ---- Wants information as to payment of Choctaw school warrants. ----

DEPARTMENT OF JUSTICE

office of

UNITED STATES COMMISSIONER,

Central District, Indian Territory,

John R. Pollan,
U.S. CommissionerCameron, Ind. Ter., 5/15/99., 189Hon. Cornelius Bliss,
Secretary of the Interior,
Washington D.C.

Dear Sir:

Complaints have been made by parties who claim to have valuable improvements (Sic) on coal land upon which the Kansas and Texas Coal Company have recently filed application for coal leases. They claim that the treaty gives them the preference to the leases by virtue of their improvements etc. and they have ask me to ask you to with hold your approval of the Kansas and Texas Coal Co.'s leases until they havve (Sic) an opportunity to show their prior claims.

It does seem that such corporations as the Kansas and Texas Coal Co. are seeking to monopolize all the most valuable coal deposits in the Choctaw Nation, by securing leases and thereby shutting out others who would in good faith open up and operate mines. Such a thing if permitted would have the effect of depriving the Choctaw Nation of thousands of dollars in royalty which it would otherwise get.

Yours very truly,

(Dic.)

John R. Pollan

GEORGE D. MOULTON.

MOULTON ASPHALT MINING CO.,

Refinery;
standard Asphalt Refining Co.
Saint Louis, Mo.

Coalgate, Ind. Terr.
May 17, 1899.

Geo. D. Moulton:

To Choctaw and Chickasaw Nations.

To 74.70 tons crude asphalt @ 10¢ per ton

Royalty on asphalt shipped to May 1st, 1899.

I certify this to be a correct account.

Geo. D. Moulton.

Ind. Terr.

Central Judicial District

Coalgate Ind. Terr.

Sworn to and subscribed before me this 17th day of May 1899.

Theo von Keller

Notary Public.

(Endorsed) Union Agency No. 96 Received May 20, 1899 Office of
U.S. Indian Agent, Muscogee, Ind. Terr. Sworn statement accompanying
remittance of Moulton Asp. & M. Co. Coalgate, I.T. for month to
5/1-99 amount \$7.47----

F.

DEPARTMENT OF THE INTERIOR.

Washington.

May 18, 1899.

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

Sir:

Herewith you will find enclosed a communication from John R. Pollan, Cameron, Choctaw Nation, I. T., in behalf of parties who claim to have valuable improvements on coal lands upon which the Kansas & Texas Coal Company has recently filed applications for leases, and requesting the Department to withhold its approval "of the Kansas and Texas Coal Co. 's leases until they have an opportunity to show their prior claims."

Said communication is referred to you for consideration and appropriate action.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.
1456-99
1 enclosure

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 183. Received May 25, 1899. Office of U.S. Indian Inspector for Indian Territory. Washington, May 18, 1899. -Secretary---Refers letter of John R. Pollan relative to Kansas & Texas Coal Co. 's leases.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 CENTRAL JUDICIAL DISTRICT.

Thomas Archibald, being first duly sworn, on his oath
 says:

That he is engaged in operating a coal mine about three
 miles west of the town of McAlester, in the Choctaw Nation, Indian
 Territory, known as the Archibald Coal & Mining Co. That the
 amount of coal produced and shipped from said mine during the
 period from January 1st, 1899, to April 30th, 1899, was as follows:

In January, 1899	239 tons screened coal,
In February, 1899	715 tons screened coal,
In March, 1899,	737 tons screened coal,
In April, 1899,	<u>531</u> tons screened coal,
Total,	2222 tons screened coal, royalty
thereon	\$220.20

That the above and foregoing quantity of coal is the
 total amount put out from said mine during the period stated, and
 that the total amount of royalty due thereon is two hundred and
 twenty two and 20/100 dollars (\$220.20).

Thomas Archibald.

Subscribed and sworn to before me on this 18th day of May, 1899,
 in triplicate.

Frank Smith.
 Notary Public for the Central
 District of the Indian Territory.

(Endorsed) Union Agency No. 98 Received May 20, 1899 Office of U.S.
 Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remit-
 tance of Archibald C. and M. Co. McAlester, I.T. for month of Jan-
 Feby, Mar. and April, 1899 amount \$222.20----

LAW OFFICES OF
HOYT, DUSTIN, & KELLEY.
WESTERN RESERVE BUILDING.
ROOMS 704-706.

Cleveland, O. May 19, 1899.

Hon. J. George Wright,

United States Indian Inspector,

Muskogee, Indian Territory.

Dear Sir:-

I send you by express the 28 leases to the Sans Bois Coal Company, executed in quadruplicate, all of which have been duly executed by the Sans Bois Coal Co. pursuant to authority, certificate of which is annexed to each copy, and each of the original leases bearing a \$1 revenue stamp duly canceled.(Sic).

I also enclose herewith the bond, in the sum of \$75,000, with four sureties, duly executed, and approved by Judge Ricks, of the Federal Court for this District, and bearing 50 cents revenue stamp, duly canceled.)Sic) The four sureties have qualified in the total sum somewhat more than double the penalty of the bond. As, however, Judge Ricks made himself acquainted with the character of the sureties, I take it his approval settles the question of sufficiency.

I am obliged to return home before remitting you draft for the royalty for the first year, amounting to \$2,800; but I return home tonight and will forward draft to you from home on Monday.

Very respectfully yours,
Geo. Hayden
Treas.

-2-

(Endorsed) Union Agency # 1101 Received May 23, 1899 Office of U.S. Indian Inspector for Indian Territory. Cleveland, Ohio. May 19, 1899. Geo. Hayden. Ishpening, Michigan. Encloses bond herewith, and sends Sans Bois Coal Co's. 28 leases, executed, by express will remit advanced royalty from Ishpening.

5/20/99

225

THE WESTERN UNION TELEGRAPH COMPANY

RECEIVED at

13. F.H.Mc.....22paid.....427p.m.

Cleveland, Ohio, May 19-99

J.George Wright,
Inspector,
Muskogee, I.T.

Sans Bois Companys leses (Sic) fully executed together with
Bond executed and approved by Federal Judge will be immediately
forwarded you by express.

G.E.Hayden.

(Endorsed) Union Agency No.1074 Received May 20,1899 Office of
U.S.Indian Inspector for Indian Territory.Cleveland,Ohio,May
19,1899.Geo.Hayden.-----Executed leases forwarded by express.-----

A T O K A B A P T I S T A C A D E M Y.

ATOKA. I.T. May 23, 1899.

Hon. J. George Wright,-

Dear Sir:

Yours of the 22nd is at hand. The act of last October Council covered by the warrant which has already gone to Washington, The act of the Called Council was disapproved by the President, but indicates plainly the will of the Choctaw people with respect to our work. Which act do you wish me to secure a certified copy of? The first seems to be used up or covered by the warrant already sent in.

I supposed that since the last act was disapproved, the whole matter would depend upon the recommendation of Supt. Benedict. I have a letter from him in which he says, "I made a report some time ago to the Secy. of the Interior recommending that you be paid for the last half of the year, and that your contract be renewed for another year."

Please do not think that I am wishing to take a different course from that indicated in the papers sent. The papers you sent me on March 22, seemed to cover the case so completely that I filled out the one showing the indebtedness of the Nation to myself, also the one for the Board of Education, and had Gov. McCurtain and the Members of the Board

-2-

who were present to sign it and send it on for the other members to sign. As I remember it, the papers are almost if not quite word for word alike. You probably have a copy of those sent in march. Please tell me if I shall start those received this morning, or wait for the return of those started at South McAlester May 9th.

Respectfully,

E.W.Rishel

(Endorsed) Union Agency # 1104 Received May 24, 1899. Office of U.S. Indian Inspector for Indian Territory. Atoka, I.T. May 23, 1899. E. H. Rishel. Relative to pay for his last half session.

McAlester, I.T., May 23, 1899.

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

Dear Sir:

This will acknowledge receipt of your letter of the 22nd instant, enclosing one from Governor McCurtain relative to the application of Dr. Bond to operate a lime kiln.

I am expecting Mr. Burris at the general office next Monday, and we will then take up the matter of the royalty on these different kinds of minerals, and will report the same to you.

Yours truly,

N.B. Ainsworth,

Trustee.

(Endorsed) Union Agency No. 1109 Received May 24, 1899 Office of U.S. Indian Inspector for Indian Territory. McAlester, I.T., May 23, 1899. N.B. Ainsworth, Trustee. ---- Acknowledges letter relative to lime kiln. ----

LAW OFFICE OF
GEORGE HAYDEN
Ishpeming, Mich.

May 24, 1899.

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

Dear Sir:-

I enclose herewith draft of Ishpeming National Bank,
payable to your order, for \$2800 to pay first year's minimum
royalty on the 28 leases of the Sans Bois Coal Company.

Yours respectfully,

G.W.Hayden

Treasurer Sans Bois Coal Company.

(Endorsed) Union Agency No.1134 Received May 26, 1899 Office of
U.S.Indian Inspector for Indian Territory.Ishpeming, Michigan.
May 24, 1899. George Hayden.-----Sends check for \$2800 advanced
royalty.-----

STATE OF MISSOURI)
) ss.
 CITY OF ST. LOUIS)

W.P. Heath, of lawful age being duly sworn, certifies that he is Secretary and Treasurer of the Kansas & Texas Coal Company, a corporation organized under the laws of the State of Missouri (with general office at St. Louis, Mo.), and operating coal mines in the Choctaw Nation, Indian Territory, and does further certify that the following is a true report as taken from the records of said company in the Choctaw Nation during the month of April 1899 that is subject to a royalty of ten cents per ton under the terms of its contract with the Choctaw Nation dated March 27, 1895, to-wit:

From Mine No. 52 Cherryvale, Ind. Ter.	929 tons at 10¢	\$92.90
" " " 2 Krebs, " "	76 " " 10¢	7.60
" Strip Pit near Cherryvale, I.T.	280 " " 10¢	28.00
" Jim Fork, Ind. Ter.	1393 " " 10¢	139.30
		<u>\$267.80</u>

M.B. Hass.

Subscribed and sworn to before me a Notary Public within and for said City and State in duplicate this 24th day of May A.D. 1899.

James J. McDonald
 Notary Public.

My commission expires on the June 16, 1900.

(Endorsed) Union Agency No. 103 Received May 25, 1899 Office of U.S. Indian Agent, Muskogee, Ind. Ter. Sworn statement accompanying remittance of Kansas and Texas Coal Co. St. Louis, Mo for month of April, 1899 amount \$267.80----

WHEELLOCK SEMINARY,
W. W. Appleton, Supt.

Garvin, I.T., May 27, 1899.

Mr. J. D. Benedict,
Muscogee, I.T.

Dear Sir:-

We are now owing Barry Bros. of Clarksville, Tex.
\$108.67 now due. I promised to pay them in 30 days and
hence bought at cash prices.

I enclose you a reply to my letter written them a few
days ago. I regret to think that I am forced to embarrass you
and Mr. Wright with this matter, but am compelled to have
some relief.

Please speak to Mr. Wright at once regarding our needs
here, and I feel confident he will take action in this matter.

W. W. Appleton.

(Endorsed) Union Agency # 1170 Received May 31, 1899. Office
of Indian Inspector (U.S.) for Indian Territory. W. W. Apple-
ton, Supt. Choctaw Female Orphan Academy to Supt. J. D. Benedict
May 27, 1899. Concerning financial needs of school. Respect-
fully referred to Inspector Wright J.D. Benedict, Supt.

HENRY V. LUDLUM? M. D.

Sans Bois, Ind. Ter.
May 29, 1899.

Hon. J. George Wright.

Dear Sir:

We the undersigned physicians of Sanbois County having been appointed a committee of the whole, wish to express our high appreciation of the fairness and impartiality of the Choctaw Medical Board which held their session at Sanbois, I.T., May 27, 1899. We also pledge ourselves to uphold them in any endeavor to elevate the standard of Medical education in the territory. We furthermore petition that we may be protected in our rights as recognized physicians against those who refuse to comply with the law regulating the practice of Medicine in said Territory.

Signed

Henry V. Ludlum, M.D.

James C. Rumley, M.D.

John S. Lawson, M.D.

(Endorsed) Union Agency No. 1151 Received May 30, 1899 Office of U.S. Indian Inspector for Indian Territory. Sans Bois, I.T., May 29, 1899. Dr. Henry V. Ludlum, and others. ---- Approves conduct and methods of the Choctaw Medical Board, etc. ----

E X E C U T I V E O F F I C E , C H O C T A W N a t i o n .

Green McCurtain, Principal Chief.

Sans Bois, I.T.

May 30, 1899.

Hon. J. Geo. Wright,
U.S. Indian Inspector,
Muscogee, Ind.Ter.

Sir:

Yours of the 27th instant to hand, and contents carefully noted. And that you say, that it has recently been represented to you that the present Board of Medical Examiners do not comply strictly with the laws as set forth in the laws of the Choctaw Nation of 1894, page 235 and 236, but in some cases where physicians appear before them and are unable to pass the required examination, that they give them two years time to prepare for such examination, and allow them to practice medicine in the meantime, in the Indian Territory. Also, that frequently some one of the Board acting alone gives a certificate to practice without the approval of the other members.

Now I will say the above statement is not true, from the very fact that the Board is not allowed to hand out certificates without my endorsement thereon. Each physician examined by the Board are referred to this office separately for inspection, as to their character and standing. And upon examination I find no charges have been preferred (Sic) against such physician, as to his character and standing; then I endorse the certificate, and

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then it is passed over to the physician applying for same. No certificate is allowed to the physician without my approval. The Board of Medical Examiners have recommended to me Twenty-one physicians to be allowed to practice medicine here, some for one year and some for two years, for which, I could not find any authority for granting such privilege.

So I refuse to grant them the privilege requested of me by the Board. And there is no such certificates out as represented to you, and I will assure you that there will be no granting of two years privileges to practice medicine ever passed this office as long as I am here. As in that length of time if we allow these quacks to practice on the people I might accidentally fall as one of their victims.

And the Board will be instructed to be in body before they can pass on any applicant who wishes to practice medicine in the Choctaw Nation. I do not know that any member has been acting alone in examining any applicant, if such has been done, I am not aware of such.

Very respectfully,

Green McCurtain,
Principal Chief.

(Endorsed) Union Agency # 1176 Received Jun. 1, 1899. Office of U.S. Indian Inspector for Indian Territory. Sans Bois, I.T. May 30, 1899. Green McCurtain, Prin. Chief. Relative to examination of physicians by Medical Board.

DEPARTMENT OF THE INTERIOR.

U. S. INDIAN SERVICE.

OFFICE OF SUPERINTENDENT OF SCHOOLS FOR INDIAN TERRITORY.

Muscogee, Ind. Ter.

May 31, 1899.

Hon. J. Geo. Wright

U.S. Indian Inspector

City, Dear Sir:

I enclose herewith a letter from W. W. Appleton, Supt. of the Choctaw Female Orphan Academy at Garvin, P. O. Indian Territory, and a letter from the firm which has been furnishing provisions etc. to that school for the past year.

On or about March 10th last, the Choctaw Board of Education relieved E. H. Wilson, an Indian, (who had been Supt. of Wheelock Orphan Academy for some years back) for incompetency and neglect, and put Mr. Appleton and his wife in charge of this Orphan School. Previous to that time Mr. Appleton had been teaching in the boarding schools of the Choctaw Nation, but has not received any money for his services for more than a year last past. Since March last he has furnished provisions and clothing for the forty orphans (girls) now under his charge, He has used his own private funds for this purpose, and not having been able to get his school warrants paid, he is now in quite an embarrassing financial condition.

The firm of Barry Bros. of Clarksville, Texas, has been furnishing this school with provisions, on credit, for the past

-2-

year, and now refuse to extend its credit longer. Mr. Appleton and his wife are white people, who have the welfare of these orphan girls sincerely at heart. I visited their school on the 13th of last month and found it in excellent working condition. These orphan girls have no homes and must be fed and clothed in this school.

I sincerely hope that you may be able to devise some place by which to furnish Mr. Appleton some immediate financial relief.

I might add that the Choctaw Male Orphan Academy at Armstrong, I.T. under charge of T. W. Hunter, is in a similar condition, and needs some financial assistance.

Respectfully submitted.

John D. Benedict.
Supt. of Schools in I.T.

1170

Union Agency,
Muscogee, I.T., June 2nd, 1899.

Mr. Tandy Folsom,
U.S. Indian Police,
Durant, I.T.

Dear Sir:-

Enclosed herewith is a letter from T. B. Turnbull of Caddo, I.T., in which he complains of some intermarried citizens having large pastures with very few gates, and also that these pastures are stocked with Texas cattle shipped in recently.

You will please investigate this matter and report to this office the names of the parties shipping Texas cattle in violation of the law, also any other information you can obtain in regard to the matter, so that appropriate action may be taken. Return enclosed letter.

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

Approved:

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

Union Agency,
Muscogee, I.T., June 6th, 1899.

Mr. L. J. Smythe,
Calvin, I.T.

Dear Sir:-

I am in receipt of your letter of the 5th instant, in which you state that there is some royalty due the Choctaw Nation from you for wood shipped last year, and you ask to whom must you pay it.

In reply I have to inform you that you should correspond with Hon. Green McCurtain, Principal Chief Choctaw Nation, relative to this matter.

Very respectfully,

J. Blair Shoenfelt
U.S. Indian Agent.

Approved:

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

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book, # 3
Letter, # 24.

Union Agency

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

Mr. A. J. Doolen,
Indianola, I.T.

Dear Sir:-

Replying to yours of the 1st instant, I have to inform you that you can hold cattle on land leased from a citizen who holds said land for his allotment; but it is against the law to hold said cattle on the public domain. You will, accordingly inform this office as to whether or not your cattle are on the public domain.

Very respectfully,

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

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book # 3,
Letter # 26.

F.

DEPARTMENT OF THE INTERIOR.

Washington.

June 7, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of the agreement set out in section 29 of the Act of Congress approved June 28, 1898, (30 Stats. 495), Bill No. 20, Choctaw Nation, being "an Act Regulating the Granting of Permits to Non-citizen Farmers and Common Labors."

Section 1 of said act provides that citizens of the Choctaw Nation employing non-citizens as farmers or renters must duly obtain a permit for each farmer or renter so employed, and shall pay therefor the sum of five dollars to the Sheriff, one dollar of which shall go to him for his services, and fifty cents to the County Clerk.

Section 2 provides that the remainder of the tax, (\$3.50), shall be paid in to the County Treasurer for County purposes.

Section 3 provides that any citizens employing a non-citizen to work for him as a hired hand shall pay to the Sheriff two dollars and fifty cents for each non-citizen so employed, and the Sheriff is allowed to retain ten per cent. of all moneys thus paid to him, and is required to turn the remainder into the County Treasury for County purposes.

Section 4 provides that each citizen having non-citizens in his employ shall make application within one month for a

-2-

permit, as set out in said act.

Section 5 declares that any citizen violating the provisions of said act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars and not more than fifty dollars.

Section 6 declares that the costs of prosecution and collection of judgments under said act shall be by execution in accordance with the law heretofore existing defining exemptions.

The United States Indian Inspector for the Indian Territory in forwarding said Act, states that the tax therein provided for is the same as at present prescribed in the Choctaw laws, the only material change being in the punishment of offenders; that under the present tribal law, (Section 3 of the law of 1897), it is declared:

"that upon the failure of said offenders to pay their fines, they shall each receive not less than fifteen nor more than thirty-nine lashes on his bare back, and be discharged from further obligation in that particular case."

The present act prescribes a penalty of "not less than twenty-five dollars and no more than fifty dollars."

The United States Indian Inspector recommends the approval of said act, although, in his judgment, "it would be extremely desirable if the tribal laws and governments of these Nations could be eliminated at an early date."

The Acting Commissioner of Indian Affairs, in transmitting

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said act, states: "The office does not see anything objectionable in the Act above mentioned, and therefore concurs in Inspector Wright's recommendation for its approval."

Under the provisions of said Section 29, the tribal government of the Choctaw Nation is continued for a period of eight years, except as modified therein, and, while this permit tax is much larger than that prescribed by the Chickasaw law, yet since the disapproval of said act would leave the tax at precisely the same rate and with the objectionable feature relative to punishment, the Department is disposed to concur in the recommendations of the Inspector and Acting Commissioner. I have, therefore, to request that said act be approved.

Enclosed herewith you will find a copy of the report of the Acting Commissioner, together with the letter from said United States Indian Inspector.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
1608-99.
3 enclosures.

(Endorsed) Union Agency No. 206. Received Jun. 17, 1899. Office of U.S. Indian Inspector for Indian Territory. Washington, June 12, 1899. Secretary--- Returns Choctaw Act relative to permits, approved

Union Agency,
Muscogee, I.T., June 7th, 1899.

Dr. H. L. Dalby,
Wilburton, I.T.

Dear Sir:-

I am in receipt of yours of the 6th instant, in which you state that you cannot afford to pay the required \$25.00 for examination before the Choctaw Medical Board.

In reply I have to state that unless you appear before said Board you will either have to quit the practice of medicine entirely or leave the Territory, as this office must enforce the laws.

Very respectfully,

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

Approved:

J. Geo. Wright.

U.S. Indian Inspector

(Endorsed) Union/Agency, Muskogee, Oklahoma, Press Book, # 3,
Letter # 29.

Union Agency

Muscogee, I.T. June 8th, 1899.

Mr. Robt. Hall,

Wilburton, I.T.

Dear Sir:-

Your letter of the 2nd instant has been received, in which you require information in reference to royalty on hay. You state that you have rented a hay pasture from a citizen in the Choctaw Nation and desire information as to who should pay the royalty.

You are informed that section 2 of the act of November 1892 of the general council of the Choctaw Nation, requires that from and after the passage of said act, a royalty of 50¢ per ton is levied on all prairie or wild grass cut for sale or barter, whether upon the public domain or within a citizen's enclosure. You should pay that royalty to the sheriff before shipping or disposing of it. A citizen will not be required to pay the royalty on hay and grass cut for his own use.

Very respectfully,

J. Blair Shoanfelt,

U.S. Indian Agent.

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book # 3,
Letter # 50.

Union Agency,
Muscogee, I.T., June 8th, 1899.

Dr. J.W. McClendon,
Atoka, I.T.

Dear Sir:-

When you were here a few days ago you stated you would send a list of rejected physicians, but up to date said list has not been received.

This morning I am in receipt of a list of physicians practicing medicine in the Choctaw Nation without license, signed by Gov. McCurtain, dated the 29th of May but mailed at Atoka on June 7th.

Among these names I find that of Dr. Nowlin of Brooken, from whom I received a letter stating he was willing to meet the board but had received no notice, and had written the medical board asking where he could meet them.

I also notice the name of Dr. Frederick of Spiro. on May 17th Gov. McCurtain requested us to drop the name of Dr. W.C. Frederick of Spiro, from the list.

Please inform me if this is the list of rejected names, and would also suggest that you send the names of those who pass the examination in order that their names can be taken from the list.

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

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

(Endorsed) Union Agency Press Book No. 3 Letter 43. Muskogee, Okla.

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Union Agency,
Muscogee, I.T., June 10th, 1899.

Mr. W. P. Claypool,
Uitca, I.T.

Dear Sir:-

In reply to your letter of the 8th instant, I have to inform you that a contract can be made for one year only with a citizen of the Choctaw Nation.

In answer to your question as to whether the nation can collect one dollar per head on milk cattle, section 3 of the laws of the Choctaw Nation, States:

"No non-citizens shall be allowed to own, control, or hold any stock, of any kind, within the limits of the Choctaw Nation, except they may be under permit according to the laws of said nation, and then only so much as may be necessary for their own use and family consumption, not to exceed ten head of cattle in all; team necessary for the cultivation of the land they may have rented, or to carry on their particular business for which they may have permits: and such other stock as may be kept in an enclosure."

Very respectfully,

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

Approved:

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

(Endorsed) Union Agency, Press Book # 3, Letter, # 72. Muskogee.

Union Agency,

Muscogee, I. T., June 14th, 1899.

W. E. Wolverton,

Hartshorne, I.T.

Dear Sir:-

Your letter of the 13th has been received, in which you state that you are a graduate from the Independent Medical College of Chicago and that you are an invalid and have not walked for over 11 years, and that your practice does not amount to \$25.00 per year. You further state that you ought not to be required to pay the fee of \$25.00 to the Examining Board.

All of you statements are no doubt true, but this office cannot change the Choctaw law to fit your case. The law creating and authorizing the medical board to require all non-citizens to appear before said board, declares -

"That the Principal Chief is authorized and required to appoint a board of physicians to consist of three persons of the Choctaw Nation who are regular graduates of some well known college, and residents of said nation, whose duty it is to examine all persons not citizens of this nation, who have located or may locate hereafter within the limits of said nation for the purpose of practicing medicine.

"Any person desiring to come before the board for examination, shall make application in writing to said board and shall accompany said application with sufficient reference of his or her moral character of four or more citizens of the nation of good standing, to whom the applicant is known. The fee for the examination--press book no. 3 letter 110.--

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tion of each applicant shall be \$25.00, and in default of payment the board is not required to make the examination."

It would therefore seem to me that in order for you to continue in the practice of medicine, even though you only do an office practice, it will be absolutely necessary for you to comply with the provisions of the above law relating to the practice of medicine within the limits of the Choctaw Nation.

I am sorry that I cannot extend to you any encouragement, and realize that it will no doubt be a great hardship to you to have to comply with the law in your present financial and crippled condition. I would suggest that you write to the medical board and explain to them fully your condition, that you cannot take the examination and that you have given up the practice of medicine.

Very respectfully,

J. Blair Shoenfelt

U.S. Indian Agent.

Approved:

J. Geo. Wright,

U.S. Indian Inspector.

Union Agency,
Muscogee, I.T., June 14th, 1899.

Hon. Green McCurtain,
Prin. Chief Choctaw Nation,
Sans Bois, I.T.

Dear Sir:-

I herewith enclose a letter from Dr. A. Call, Poteau, I.T., stating that the reason he did not comply with the law and make application for examination, that he is a student of the Homeopathic School of Medicine and that the members of the Board consist of the Alopathic School, and he could not see how they could give him an examination.

I would suggest that this letter be forwarded to the medical examining board, with the request that they notify Dr. Call at what place they will meet and that he be given an examination as required by law. The law does not make any distinction, and it would seem to be the duty of the examining board to be qualified to examine Dr. Call if he presents himself for examination, and if he should pass a satisfactory examination as a Homeopathic physician, he should be granted a permit to practice medicine within the Choctaw Nation.

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

Approved:
U.S. Indian Inspector.

(Endorsed) Union Agency Press Book No. 3 Letter 109. Muskogee, Okla.

Union Agency,

Muscogee, I.T., June 14th, 1899.

Hon. Green McCurtain,

Prin. Chief Choctaw Nation.

Sana Bois, I.T.

Dear Sir:-

I herewith enclose a letter from Dr. A. Call, Poteau, I.T., stating that the reason he did not comply with the law and make application for examination, that he is a student of the Homeopathic School of Medicine and that the members of the Board consist of the Alopathic School, and he could not see how they could give him an examination.

I would suggest that this letter be forwarded to the medical examining board, with the request that they notify Dr. Call at what place they will meet and that he be given an examination as required by law. The law does not make any distinction, and it would seem to be the duty of the examining board to be qualified to examine Dr. Call if he presents himself for examination, and if he should pass a satisfactory examination as a Homeopathic physician, he should be granted a permit to practice medicine within the Choctaw Nation.

Very respectfully,

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

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency Press Book # 3, Letter # 109. Muskogee.

Union Agency,
Muscogee, I.T.,
June 17th, 1899.

Mr. Bent Ray,
Atoka, I.T.

Sir:-

Complaint is made to this office that you have fenced a pasture two and one half miles long east and west; one and one half miles wide, north and south, closing up the public road entirely leading from the T. B. Turnbull settlement to Caddo.

You are hereby notified to answer said complaint within ten days, and show cause why said fence should not be taken down and proper action taken against you for the closing of a public road.

Your failure to answer this charge will put you in contempt of this agency, and thereby cause immediate action to be taken against you.

Very respectfully,

J. Blair Shoenfelt.

U.S. Indian Agent.

Approved;

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

Tandy Folsom, U.S. Indian Police, is authorized to serve this notice on you.

(Endorsed) Union Agency Press Book No. 3 Letter 159. Muskogee, Okla.

Union Agency,
Muscogee, I.T., June 17th, 1899.

Hon. Green McCurtain,
Prin. Chief, Choctaw Nation,
Sans Bois, I.T.

Dear Sir:-

Dr. Eppler of Cartersville, called at this office a few days ago and made inquiries as to the law governing the practice of medicine in the Choctaw Nation.

He informs me that he has not given his attention to the practice of surgery and he does not think he could stand an examination in surgery and physiology, but that he has been in the practice of medicine for some twenty odd years.

Dr. Eppler seems to be a man of education and refinement and I believe the gentleman in every respect. He carries with him very high recommendations as to his qualifications and success as a physician and a man of good moral character - owns considerable property in the Choctaw Nation and has at all times complied with the laws and has paid his tax. I am further informed by Col. D. M. Wisdom, that he has known Dr. Eppler for a great many years and that he knows the Doctor has been very successful in the practice of medicine, and has in years gone by, attended professionally, the family and servants of Col. Wisdom.

The Doctor, I understand, is perfectly willing to take the medical examination at some future time and asks that he be permitted to continue in the practice until he can ascertain more
--press book no. 3 letter 169.--

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fully just what is required by the medical board. I suggested to the Doctor that he call upon you, and in that way you would be able to form an opinion of the Doctor's education and refinement, and a personal interview would be much more satisfactory than to write you. I think Dr. Eppler's case should be carefully considered and that he be allowed to continue in the practice of medicine until such time that he would feel justified in taking the examination. He is undoubtedly well qualified and well thought of in his community in which he resides, as a physician, and his people among whom he practices his profession have confidence in him. That would seem to be an indication also of his professional ability.

I hope that you will give the Doctor a hearing and take his case under favorable consideration.

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

Approved:

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

(Endorsed) Union Agency Press Book No. 3 Letter 170.Muskogee,Okla.

Union Agency,
Muscogee, I.T., June 19th, 1899.

Dr. J. A. Brown,
Albion, I.T.

Dear Sir:-

Your letter of the 16th instant is received in which you state that you cannot afford to pay for an examination before the medical board, and that after the 20th of June you will give up practicing medicine in the Choctaw Nation and leave.

In reply I have to inform you that unless you take the examination, you will have to quit the practice of medicine, or this office will be put to the unpleasant duty of removing you from the country.

Very respectfully,

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

Approved:

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

(Endorsed) Union Agency Press Book no. 3 Letter 181. Muskogee, Okla.

Union Agency,
Muscogee, I.T.,
June 19th, 1899.

Hon. Green McCurtain,
Prin. Chief Choctaw Nation,
Sans Bois, I.T.

Sir:-

I am in receipt of several letters from various physicians in the Choctaw Nation, who claim they have quit the practice of medicine. While this may be a subterfuge on their part to evade the law, nevertheless they cannot be forced to take the examination and if they have quit the practice of medicine, in good faith, they should be allowed to remain in the Choctaw Nation by a compliance with its other laws. In order, however to be sure that they are in good faith in making these statements, I have written several of them today to furnish this office with affidavits from two or three reputable citizens, to the above effect and not made in order to evade the law. I have furthermore advised them, that should they continue the practice of medicine, steps will be taken to have them removed from the Territory without further notice. I will forward the affidavits to you as they are sent in, for your information. Kindly let me hear from you on this subject.

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

Approved:

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

-:SOUTHWESTERN COAL & IMPROVEMENT COMPANY:-
Statement of the Output of Coal for the Month of
May, 1899,
Of the coal mines operated by the above Company at its
mines located at and near Coalgate,
Choctaw Nation,
Indian Territory.

All Coal Produced:-

Total Amount in Tons, per contract with National Agents, \$1138.20

Total Amount at ten cents per ton, 113.82

State of Kansas,) ss.
County of Labette,)

D.C. Welch, of lawful age, being first duly sworn, upon his oath deposes and says, that he is the Auditor of the Southwestern Coal & Improvement Company, and as such keeps an accurate account of the business of the Company, and of the output of coal of said Company at its mines located at and near Coalgate, Choctaw Nation, Indian Territory, and that he made the foregoing statement of the output of coal for the month ending May 31st, 1899, and the above is a correct statement of the output in tons, together with the amount of royalty due on same, and further affiant saith not.

D.C. Welch.

Subscribed and sworn to before me this 20 day of June, 1899.

Otta L. Caldwell.
Notary Public.

My commission expires Jan. 15, 1901.

(Endorsed) Union Agency No. 14 Received Jun. 22, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Southwestern Coal and Improvement Co. for month of May 1899 amount \$113.82----

Union Agency,
Muscogee, I.T.
June 20th, 1899.

Hon. Green McCurtain,
Prin. Chief Choctaw Nation,
Sans Bois, I.T.

Dear Sir:-

Replying to that portion of your letter dated the 17th instant, in which you say that non-citizens are holding cattle in excess of that allowed by your laws and that renters are not allowed to hold to exceed ten head of cattle; that no provision is made for other non-citizens than farmers or renters to hold any number of cattle in the Choctaw Nation; that you have received many complaints of non-citizens holding cattle large numbers, some as high as 1500, you are informed that if non-citizens are holding or introducing cattle into the Choctaw Nation without the consent of said Nation, that it is a direct violation of Section 2117 of the Revised Statutes of the United States, which declares:

"Every person who drives or otherwise conveys any stock, horses, mules or cattle to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of One Dollar on each animal of such stock."

All persons holding cattle in violation of the above provision should be reported to this office, giving names and residence

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of parties, also number and brands of cattle so held.

Very respectfully,

J.Blair Shoenfelt,

U.S.Indian Agent.

Approved;

J.Geo.Wright,

U.S.Indian Inspector.

Union Agency,
Muscogee, I.T.,
June 20th, 1899.

H.W.Price,
Durant, I.T.

Dear Sir:-

Your letter of the 19th instant has been received, in which you state that you are not a physician, that you are an optician and that you have prescribed in a few cases for the eyes, but that you will confine your work hereafter to that of an optician.

You are informed that it will be necessary for you to furnish this office with the affidavits of one or two reputable citizens in your town that you have ceased the practice of medicine in good faith and that you are an optician and devoting your entire time to the fitting of glasses for the eyes. You will send these affidavits to this office and same will be forwarded to the Principal Chief of the Choctaw Nation.

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

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

(Endorsed) Union Agency Press Book No. 3 Letter 197.Muskogee,Okla.

Union Agency,

Muscogee, I.T., June 20th, 1899.

Hon. Green McCurtain,

Prin. Chief, Choctaw Nation,

Sans Bois, I.T.

Sir:-

Your letter of the 17th instant received in which you state that a great many non-citizens in the Choctaw Nation are engaged in the business of selling drugs and to that extent are licensed traders; but the idea seems to have grown up among them that a license to sell drugs carries with it authority to practice medicine without further compliance with your laws. You call my attention to the fact that this idea is a mistaken one and that a permit must be had for each vocation.

Due notice will be taken of the above facts when the occasion warrants it. I thank you for the information.

Very respectfully,

J.Blair Shoenfelt,

U.S. Indian Agent.

Approved:

J.Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency Press Book # 3, Letter, # 195. Muskogee.

Union Agency,
Muscogee, I.T.,
June 21st, 1899.

Dr. J.B.Wear,
Pres. Frisco Medical Society,
Poteau, I.T.

Dear Sir:-

This office is in receipt of copy of your resolutions adopted at Poteau by the Frisco Medical Society, of which you are President, in which you say that many physicians have failed to comply with the Choctaw law regulating and governing the practice of medicine in said nation, and that many who claim to have retired from the practice of medicine are still practicing; that you have positive evidence that they are still practicing, either openly or behind the prescription case and you earnestly request that the law be enforced.

You are informed that this office is making a strenuous effort to enforce the law against all persons violating the same when reported to this office, and persons notifying this office that they have ceased the practice of medicine and gone into other business, are required to furnish affidavits of reputable citizens of the Choctaw Nation that they have given up the practice of medicine in good faith.

Kindly furnish this office, through Green McCurtain, Principal Chief Choctaw Nation, with the positive evidence that your society

has in its possession of physicians practicing medicine in violation of the Choctaw law, either openly or behind the prescription case.

Very respectfully,

J.Blair Shoenfelt,

U.S.Indian Agent.

Approved:

J.Geo.Wright,

U.S. Indian Inspector.

Wm.BUSBY, President. JAS.ELLIOT, Sec & Treas. M.J.SMITH, Genl.Mgr.

WILBURTON COAL COMPANY

Wilburton, Ind. Ter.

June 22, 1899

Mr. H. E. Yarnell,
Local Treasurer C.O. & G. Ry,
So-McAlester, I.T.,

Dear Sir:

Beg to report the output of our mines for the month of
May 1899 as follows,

2244 tons of lump coal at 10 cents per ton \$224.40

We also enclose our cheque St. Louis Exchange for the
amount royalty due the Indian Nation,

Kindly acknowledge receipt and oblige,

Yours Very truly,

W.C. & M. Co,

Per M.J. Smith, Manager.

Indian Ty.

Central Dist.

On this day came before me, a Notary Public, duly
commissioned and acting within and for the Central Dist.

M.J. Smith, Mngr. Wilburton Coal and Mining Co. to me
well known, and stated the foregoing to be exact to the best of
his knowledge and belief.

Witness my hand and seal, as such Notary Public, this
23rd day of June 1899,

E. B. Hamilton,

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(Endorsed) Union Agency No. 118 Received Jun. 26, 1899 Office of
U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying
remittance of Wilburton Coal Co. Wilburton, I.T. for month of
May 1899 amount \$224.40----

Union Agency,
Muscogee, I.T., June 23rd, 1899.

Mr. George W. Pound,
Kiowa, I.T.

Sir:-

Your letter of the 20th instant is before me, in which you inquire whether or not one citizen can put up hay for another without paying the royalty. You also inquire if a citizen can put up hay outside of his enclosure for his own use or for another citizen. You state that you have no hay ground under fence near your place and inquire as to the Choctaw law governing the cutting of hay from the public domain.

You are advised that the various acts passed by the Council of the Choctaw Nation concerning hay royalties, are,

First, an act authorizing citizens and persons under legal permits to cut, ship and sell prairie or wild grass upon notifying the sheriff and executing a bond to pay a royalty of 50¢ per ton for each ton of grass cut.

Second, an act amending and repealing certain parts of the above named act, leaving the law in substance so as to forbid the cutting of hay by non-citizens or persons under permit and forbidding them dealing in same in any way save procuring such hay as is necessary for their own use.

Third, an act amending the former hay laws, providing that a royalty of 50¢ per ton shall be paid on all prairie or wild grass cut for sale or barter, whether upon the public domain

3-Let. 270-1

or within a citizen's enclosure.

It would therefore seem that a non-citizen is prohibited from cutting wild or prairie grass or hay, either upon the public domain or within a citizen's enclosure, and that all hay cut for sale or barter by citizens is subject to a royalty of 50¢ per ton, whether cut from the public domain or from citizens' enclosures, and the citizen who desires to cut such hay is first required to execute a bond to pay the royalty.

I find nothing in the law imposing a royalty upon citizens who cut grass for their own use.

Very respectfully,

J. Blair Shoenfelt

U.S. Indian Agent.

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency Press Book, # 3, Letter # 270-1, Muskogee.

Union Agency,
Muscogee, I.T.,

June 23rd, 1899.

Mr. George W. Pound,
Kiowa, I.T.

Sir:-

Your letter of the 20th instant is before me, in which you inquire whether or not one citizen can put up hay for another without paying the royalty. You also inquire if a citizen can put up hay outside of his enclosure for his own use or for another citizen. You state that you have no hay ground under fence near your place and inquire as to the Choctaw law governing the cutting of hay from the public domain.

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First, an act authorizing citizens and persons under legal permits to cut, ship and sell prairie or wild grass upon notifying the sheriff and executing a bond to pay a royalty of 50¢ per ton for each ton of grass cut.

Second, an act amending and repealing certain parts of the above named act, leaving the law in substance so as to forbid the cutting of hay by non-citizens or persons under permit and forbidding them dealing in same in any way save procuring such hay as is necessary for their own use.

Third, an act amending the former hay laws, providing that a royalty of 50¢ per ton shall be paid on all prairie or wild

--press book no. 3 letter 270.--

-2-

grass cut for sale or barter, whether upon the public domain or within a citizen's enclosure.

It would therefore seem that a non-citizen is prohibited from cutting wild or prairie grass or hay, either upon the public domain or within a citizen's enclosure, and that all hay cut for sale or barter by citizens is subject to a royalty of 50¢ per ton, whether cut from the public domain or from citizens' enclosures, and the citizen who desires to cut such hay is first required to execute a bond to pay the royalty.

I find nothing in the law imposing a royalty upon citizens who cut grass for their own use.

Very respectfully,

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

Approved:

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

Union Agency,
Muscogee, Ind. Terry., June 23, 1899.

Hailey Coal and Mining Co.,

Krebs, I.T.

Gentlemen:-

I acknowledge receipt of your communication of the 20th instant, inclosing check for \$113.14, the same being in payment of royalty on coal mined by you during the month of May, 1899, as per sworn statement accompanying the remittance.

My name is J. Blair Shoenfelt and not J.F. Shoenseldt. Please see that it is spelled correctly in the future.

Very respectfully,

J.Blair Shoenfelt,

U.S. Indian Agent.

Approved:

J.BGeorge Wright

U.S. Indian Inspector.

(Endorsed) Union Agency, # 3 Press Book, Letter #240. Muskogee

DEPARTMENT OF THE INTERIOR,

Washington. June 24, 1899.

The United States Indian Inspector
for the Indian Territory.

Sir:

The Department is in receipt of your communication of the 13th instant, transmitting a letter dated the 7th instant, addressed to the United States Indian Agent, from the Principal Chief of the Choctaw Nation, forwarding a complaint made to him by J.L.Ward, Sheriff of Atoka County, Choctaw Nation, against sixty-four miners who are alleged to be intruders, and remaining in said Nation contrary to law without the permits required under the laws of said Nation.

There is also transmitted a letter from W.L.Richards, attorney for the Choctaw Nation, upon the same matter.

You state:

"As this correspondence refers to acts of certain striking miners in reference to which report was made to the Department under date of May 11, 1899, by Special Inspector Zevely, these papers are transmitted to be considered in connection with said report."

You further state that frequent inquiries are being made relative to this matter by the tribal officials as to what action if any, "will be taken in reference to the removal of these striking miners."

You also call attention to the statement in the report of Special Inspector Zevely, showing the falling off of the receipts for coal royalties during the period of the strike

in which said miners are engaged, and quote from the letter of the Principal Chief as follows:

"I respectfully submit that some persons influence is chargeable for the present low tide of the Choctaw Nation Coal royalties, whoever he is, his continued residence in this Nation is certainly detrimental to the welfare of the Choctaw Nation, and I respectfully urge and request that the charges heretofore lodged against these sixty four persons be fully investigated, and action taken in accord with the finding."

Your said communication was forwarded to the Department on the 20th instant by the Commissioner of Indian Affairs, to be considered in connection with the report of his office dated the 17th ultimo. In the report referred to by the Commissioner, reference was made to the application of one James Boston relative to the proposed action of the United States Indian Agent to remove him from said Nation under the provisions of section 2147 of the Revised Statutes. Attention is called to departmental letter of April 12th last, to you, acknowledging the receipt of your letter dated March 17th last and of the report of the Indian Office thereon, wherein you were instructed, among other things, that

"from the foregoing it would appear that the proper procedure relative to the removal of persons under said Section 2149, is for the Agent or Indian Inspector to make a report of the facts and circumstances to the Commissioner of Indian Affairs for his determination primarily, and if he shall determine that the persons complained of are subject to removal, he should report the matter to the Secretary of the Interior for his approval."

There was enclosed, also, a letter dated May 11, 1899, from J.W. Zevely, the Acting United States Indian Inspector for the Indian Territory, forwarding a complaint from the

-3-

Principal Chief of the Choctaw Nation against certain persons alleged to be leaders in a strike, and whose conduct caused a suspension of the coal mining industries in said Nation, and thereby shut off the revenues for the support of the schools in the Choctaw and Chickasaw Nations, provided for under the agreement set out in section 29 of the Act of Congress approved June 28, 1898.

It is also stated in said report that the correspondence and affidavits accompanying the same show that as a result of the agitation of said strikers there are, in Atoka County in said Nation, 730 persons who have abandoned work in the mines "and who have not sought any other employment in the nation"; that said persons are all non-citizens, and that their conduct and presence are detrimental to the welfare of the Indians. It is further stated that if it were not for the conduct of the 64 persons mentioned, the removal of whom is requested by the Principal Chief of said Nation, many of said 730 miners who are idle would return to work.

Reference is also made to section 2149 of the Revised Statutes, which reads:

"The Commissioner of Indian Affairs is authorized and required with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person."

The Acting Commissioner states:

-4-

"While from the papers submitted it would seem that the demonstrations against law and order on the part of the strikers bring them within the scope of said Section, in view of the very meagre information afforded by the Agent of this Department, Mr. Zevely, I am unwilling to pass judgment, as seems to be incumbent upon me under the statute, and recommend the forcible removal of the strikers complained against, until the whole matter shall have been carefully and fairly investigated by an officer of the Department."

He further states that upon a proper investigation of the matter, if it should be deemed best to remove the strikers, the Indian Office would, with the approval of the Secretary of the Interior, instruct the Indian Agent to remove said sixty-four strikers with the force at his command if it be sufficient, and if not, would direct him to employ additional police force, to be paid out of the appropriation "to carry out certain provisions of an act for the protection of the people of the Indian Territory," (30 Stats., 770).

The Acting Commissioner calls attention to the small police force under the command of the Indian Agent at the Union Agency, consisting of only three officers and twenty-five privates for the whole territory under his jurisdiction, and further states:

"However, in view of the gravity of the undertaking, I am not prepared to recommend any steps looking to the forcible removal of the strikers until the Department shall have been fully informed as to all phases of the situation, including the cause and extent of the strike, the conduct of the strikers, etc., through an officer of the Department specially instructed to investigate and report upon the same."

In said departmental letter of April 12th last, addressed to you, to which reference has hereinbefore been made, it was stated:

"Whether a person is in an Indian country 'without authority' of law, or whether his 'presence within the limits

of the reservation,' is 'detrimental to the peace and welfare of the Indians,' must be determined primarily by the enlightened judgment of the Commissioner of Indian Affairs. But, if so found, with the approval of the Secretary of the Interior, the offending person or persons may be summarily removed from any tribal reservation."

Said opinion was approved by the Department. The views therein expressed are sustained by the opinion of the Honorable Attorney General, dated December 12, 1879, wherein it is stated:

"that it is quite plain that in executing such treaties the United States are not bound to regard simply the Cherokee law and its construction by the council of the Nation, but that any Department required to remove alleged intruders must determine for itself, under the general law of the land, the existence and extent of the exigency upon which such requisition is founded." 16 Opinions Atty. General, page 404,405.

Without passing upon the merits of the complaint as presented, it is sufficient to say that the Department concurs in the recommendations of the Acting Commissioner, and will designate Mr. J. W. Zevely, Special Inspector, to make the investigation indicated.

It does not appear in the papers presented whether any effort has been made to cause the prosecution of any of the alleged strikers before the United States Courts in the Indian Territory.

Chapter 20 of the Statutes of Arkansas, Edition 1884, Mansfield's Digest, has been extended over the Territory, and section 567 thereof provides:

"In cases of crimes and misdemeanors committed in this state, the punishment of which has not been provided for by statute (b), the court having the jurisdiction thereof shall proceed to punish the offender under the provisions of the common or statute law of England put in force in this state by this act; but the punishment in such cases shall only be fine and imprisonment, and in such cases the fine shall not exceed one hundred dollars and the imprisonment shall not exceed three months."

There would seem to be conferred upon the court jurisdiction to protect the peace of the community and the property

of non-citizens and corporations doing business therein, if the same be properly invoked, but in any event the Department desires a full investigation of the whole matter and a complete report thereof by Mr. Zevely, through you, with such recommendations as seem best to you before final action is taken in the premises.

Mr. Zevely has already been directed to make an investigation in the Choctaw Nation relative to the validity of warrants issued by said Nation, and he can make the investigation herein directed as soon as the other is completed.

All of the papers referred to in said report of May 17th, and those forwarded to you on the 13th instant, together with a copy of the letter of the Acting Commissioner dated May 17th last, are enclosed herewith.

In addition to the suggestions of the Acting Commissioner, the Inspector will report specifically what action has been taken, if any, in the United States Court with reference to the conduct of said strikers, and any other facts that may furnish light upon the controversy, in order that the Department may have a full and complete knowledge of every phase of the matter.

An opportunity should be given to all parties in interest to be heard in the premises, and your attention is invited to a letter from the President of the United Mine Workers of America, dated Indianapolis, Indiana, May 18th last,

-7-

requesting permission for the representative of said organization to appear and explain their "position in the matter."

Respectfully,

E.A.Hitchcock.

Secretary.

Ind.Ter.Div.
1787,1796-99.
11 enclosures.

Through the
Commissioner of Indian Affairs.

(Endorsed) Union Agency No.226 Received Jul.1,1899 Office of U.S.Indian Inspector for Indian Territory. Washington, June 24, 1899. Secretary.----Has directed Special Inspector Zevely to investigate strike troubles; returns papers.----

United States of America,
Indian Territory, Choctaw Nation,
Central District thereof.

Thomas Archibald having been first duly sworn, on his
oath says:

That he is engaged in operating a coal mine about three
miles west of the town of McAlester, Choctaw Nation, Indian Terri-
tory. That said mine is operated under the name of the Archibald
Coal and Mining Company.

That the amount of coal produced and mined from said
mine and shipped therefrom, during the period from April 30th
to May 31st, 1899, was as follows, to-wit:--

During May, 1899-----440 Tons screened coal-----440 Tons
That the above and foregoing amount is the total output of said
mine for the period mentioned, and that the total and full amount
of royalty due thereon, is the sum of Forty-four dollars--(\$44.00).

Subscribed and sworn to before me this 26th day of
June, 1899.

Hampton Tucker
Notary Public for the
Central District Indian Territory

(Endorsed) Union Agency No. 25 Received Jun. 28, 1899 Office of U.S.
Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remit-
tance of Archibald Coal and Mining Co. McAlester, I.T. for month of
May 1899 amount \$44.00----

Union Agency,
Muscogee, I.T., June 26th, 1899.

Dr. Groom,
Ward, I.T.

Dear Sir:-

Your letter in which you state that you are practicing medicine under Dr. Burgevin, who is your preceptor, has been received, and you inquire if that will excuse you from taking an examination.

You are advised that if you are a medical student and not practicing medicine on your own account, but simply assisting your preceptor, who you say is a citizen, you would not come within the law governing the practicing of medicine in the Choctaw Nation. If, however, you are writing prescriptions and attending patients on your own account and collecting money for such services, then you are doing so in violation of the law and will be required to secure a permit.

Very respectfully,

J.Blair Shoenfelt,

U.S. Indian Agent.

Approved:

J.Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency Press Book # 3, Letter # 262, Muskogee.

Union Agency,

Muscogee, I.T., June 26th, 1899.

Mr. R. S. Adcock,
Guertie, I.T.

Sir:-

Your letter of the 23rd instant is before me, in which you say that you hold physician certificates, one from the State of Arkansas and one from the State of Texas, and you inquire if your certificates are sufficient to authorize you to practice medicine in the Choctaw Nation.

You are informed that it will be necessary for you to present your certificates to the medical examining board, with reference as to your moral character by four or more responsible citizens of said nation, of good standing to whom you are known, and if the certificates you refer to are satisfactory to said medical examining board, they will grant you a certificate upon which the Principal Chief of said nation will no doubt authorize the judge of the county court to grant you a permit to practice medicine.

Should they deem your certificates insufficient, you will be required to present yourself for examination as required by law, and failure to do so on your part will put you in contempt of this agency and subject you to removal from within its limits.

Very respectfully,

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

Approved:

J. Geo. Wright

U.S. Indian Inspector.

Union Agency,
Muscogee, I.T.,
June 26th, 1899.

Mr. R. S. Adcock,
Guertie, I.T.

Sir:-

Your letter of the 23rd instant is before me, in which you say that you hold physician certificates, one from the State of Arkansas and one from the State of Texas, and you inquire if your certificates are sufficient to authorize you to practice medicine in the Choctaw Nation.

You are informed that it will be necessary for you to present your certificates to the medical examining board, with reference as to your moral character by four or more responsible citizens of said nation, of good standing to whom you are known, and if the certificates you refer to are satisfactory to said medical examining board, they will grant you a certificate upon which the Principal Chief of said nation will no doubt authorize the judge of the county court to grant you a permit to practice medicine.

Should they deem your certificates insufficient, you will be required to present yourself for examination as required by law, and failure to do so on your part will put you in contempt of this agency and subject you to removal from within its limits.

Very respectfully,

Approved:

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

J. Blair Shoenfelt,

U.S. Indian Agent.

(Endorsed) Union Agency Press Book No. 3 Letter 253. Muskogee, Okla.

Union Agency,
Muscogee, I.T.,
June 27th, 1899.

Frank Sittle,
McAlester, I.T.

Sir:-

Your letter of the 23rd instant has been received in which you state that the people of McAlester expect to have a Fourth of July celebration for the purpose of having all of the people to unite and enjoy themselves and have a free barbecue. You ask that you be permitted to have refreshment stands, such as ice cream and lunches, on that day, and that I permit the stand privileges free of charge.

I am sorry to inform you that this office has no authority to grant you a permit such as you request, and I have therefore referred your letter to the Principal Chief of the Choctaw Nation, with the request that if possible to permit you to have refreshment stands such as you desire, for that day, and it might be well for you to write direct to the Principal Chief making the same request, and if he should see fit to allow you to maintain refreshment stands without taking out a license to do so, it would be entirely satisfactory to me.

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

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

(Endorsed) Union Agency Press Book No. 3 Letter 284 Muskogee, Okla.

Union Agency,

Muscogee, I.T., June 30th, 1899.

G. B. Robison,

Stigler, I.T.

Sir:-

Your letter of the 27th instant has been received in which you state that the Woodmen of the World of your place intend giving a picnic on the 4th of July and are selling privileges to have stands; that the sheriff is demanding a license of Five Dollars for each stand and you ask to be advised whether parties holding trader's license will be required to pay for stand privileges.

You are informed that this office could not undertake to advise you and the matters referred to in your letter, inasmuch as the agreement entered into by the Government of the United States with the Choctaw and Chickasaw tribes of Indians, provides that the tribal government of said nations shall continue in force for the period of eight years from March 1898, and the laws of said nations are therefore in full force and effect, and before non-citizens are permitted to introduce or expose goods, wares or merchandise for sale within said nation, they shall be required to obtain a permit from the Principal Chief of the nation upon such terms and conditions as are required by the laws of said nation.

Very respectfully,

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

Approved:

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

(Endorsed) Union Agency Press Book No. 3 Letter 330. Muskogee, Okla.

DEPARTMENT OF THE INTERIOR

1270-1899.
Ind. Ter. Div.

WASHINGTON.

July 1, 1899.

The President,

Sir:

I have the honor to herewith submit for Executive consideration and action, under the agreement set forth in section 29 of the act of Congress of June 28, 1898 (30 Stat., 495), what is termed "Bill No. 16, Choctaw Nation," entitled "An Act appropriating money for the payment of Stuart, Lewis and Gordon." Acting Indian Inspector J. W. Sevely, in his report of May 10, 1899, and Acting Commissioner Toner of the Indian Bureau, in his letter of May 17, 1899, recommend the approval of this act of the Choctaw Nation.

The services for which payment is intended to be made under this appropriation have been rendered and are being rendered, under a contract heretofore entered into between the Choctaw Nation and Messrs Stuart, Lewis and Gordon. These services are not of a character which comes within the prohibitive provisions of section 2103 of the Revised Statutes, and therefore it was competent for the Indian Nation to make the contract, without the approval of the Commissioner of Indian Affairs or the Secretary of the Interior. The contract having been competently made and the right to compensation for the services rendered thereunder being a subsisting obligation against the Choctaw Nation, and this appropriation being made to enable the Choctaw Nation to discharge this obligation, I respectfully recommend that the act of the Choctaw Nation receive Executive approval.

Very Respectfully,

E. A. Hitchcock.
 Secretary.

Ind. Ter. Div.
 1270-1899.
 1465- "
 1 Inclosure.

Union Agency,

Muscogee, I.T., July 3rd, 1899.

J.G. Clayton,

Albion, I.T.

Dear Sir:-

Your letter of recent date has been received, in which you inquire if a Choctaw citizen, who has picked out his allotment, will be allowed to sell the timber from the same for improvements and if a non-citizen can cut the timber for you and take his pay in lumber.

You are advised that you will be permitted to cut timber on your allotment for the purpose of improving your homestead, such as building fences and buildings for your own use, and in exercising this privilege you are cautioned against cutting or removing any timber from lands in excess of your just and reasonable share of the lands of the Choctaw Nation and to that to which your wife and minor children are entitled when the lands are finally allotted. You will not consider this letter as giving authority to any one else to cut timber on your allotment and receive his pay in such timber; neither can you sell any timber of any kind from your allotment, as all timber cut therefrom must be used on your homestead to improve the same as above indicated.

Very respectfully,

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

Approved:

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

(Endorsed) Union Agency Press Book No. 3 Letter 355. Muskogee, Okla.

Union Agency,
Muscogee, I.T., July 3rd, 1899.

Hon. Green McCurtain,
Prin. Chief Choctaw Nation,
Sans Bois, I.T.

Sir:-

Replying to that portion of your letter of the 29th ultimo, in which you state that Dr. S. W. Johnson's certificate was withheld on account of the medical board limiting the certificate to two years, and that you found no authority in the law for issuing limited certificates, I desire to say that you are fully justified in refusing to grant limited certificates to physicians to practice medicine in the Choctaw Nation.

The law does not authorize the granting of limited certificates, but provides:

"That if any applicant shall stand a satisfactory examination or shall hold a diploma such as may be satisfactory to said board, they shall grant said applicant a certificate upon which the Principal Chief shall authorize the judges of the county courts to grant permit to such applicant to practice medicine."

It might be well to inform the medical board that limited certificates will not be recognized, and suggest to them that they conform to the requirements of the law.

Very respectfully,

J. Blair Shoenfelt,
U. S. Indian Agent

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

(Endorsed) Union Agency Press Book # 3, Letter # 353, Muskogee.

Union Agency,
Muscogee, I.T., July 3rd, 1899.

Hon. Green McCurtain,
Prin. Chief Choctaw Nation,
Sans Bois, I.T;

Sir:-

Replying to that portion of your letter of the 29th ultimo, in which you state that Dr. S. W. Johnson's certificate was withheld on account of the medical board limiting the certificate to two years, and that you found no authority in the law for issuing limited certificates, I desire to say that you are fully justified in refusing to grant limited certificates to physicians to practice medicine in the Choctaw Nation.

The law does not authorize the granting of limited certificates, but provides:

"That if any applicant shall stand a satisfactory examination or shall hold a diploma such as may be satisfactory to said board, they shall grant said applicant a certificate upon which the Principal Chief shall authorize the judges of the county courts to grant a permit to such applicant to practice medicine."

It might be well to inform the medical board that limited certificates will not be recognized, and suggest to them that they conform to the requirements of the law.

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

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

(Endorsed) Union Agency Press Book No. 3 Letter 353. Muskogee, Okla.

Union Agency,

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

Mr. S. Guerrier,

Atty for Osage Coal & Mining Co.,

South McAlester, I.T.

Sir:-

Your letter of the 5th instant received in which you ask a reconsideration of an order issued dropping Alfred McCay from the list of United States Indian Policemen. You also state that Mr. McCay has been on duty in the neighborhood of Krebs and in that locality for more than 15 years in the midst of a mining camp where the duties are arduous and the responsibilities great.

Replying to your letter I desire to inform you that Mr. McCay's name was not dropped from the list for cause of inefficiency, but simply in order that the force might be more uniformly distributed.

I did not know that Mr. McCay was stationed at Krebs, and if your Company desires to have him retained, I shall be pleased to reappoint him for the town of Krebs and vicinity. If this will be agreeable to Mr. McCay I will have his commission made out as above indicated.

Very respectfully,

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

Approved:

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

(Endorsed) Union Agency Press Book No. 3 Letter 415. Muskogee, Okla.

Union Agency,

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

Hon. Green McCurtain,

Prin. Chief Choctaw Nation,

Sans Bois, I.T.

Sir:-

I am in receipt of yours of June 30th, in which you enclose letter from Bown & Craig, attorneys at South McAlester, who write in behalf of Dr. H. G. Kellogg, a graduate of the American School of Osteopathy, of Kirksville, Mo., who made application for a permit to practice his profession. Messrs Brown & Craig state that after looking into the Choctaw Laws, they could not find that Dr. Kellogg's practice was covered by any existing laws; that he is not a doctor of medicine, as he administers no drugs and simply treats organic diseases by external treatment. They also state Dr. Kellogg is willing to comply with the laws of the Choctaw Nation when he is advised what to do.

Dr. Kellogg being an osteopathist, could not very well be examined by a Medical Board comprised of Alopathists; furthermore, there seems to be no Choctaw Law covering his profession, and I would suggest that he secure a permit to practice his profession, the same as other occupations, as suggested by you, with the stipulation that he administer no drugs of any sort.

The letter of Messrs Brown & Craig is returned herewith.

Very respectfully,

J. Blair Shoenfelt,

U.S. Indian Agent.

Approved:

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

(Endorsed) Union Agency Press Book No. 3 Letter 414. Muskogee, Okla.

DEPARTMENT OF THE INTERIOR.
WASHINGTON. July 7, 1899.

United States Indian Inspector
for the Indian Territory.

Sir:

Enclosed herewith you will find Bill No. 16, Choctaw Nation, entitled, "An Act appropriating money for the payment of Stuart, Lewis and Gordon."

Said bill was submitted to the President for executive action on the 1st instant, and returned approved by him on the 3rd instant, which, together with said departmental letter, is enclosed for proper disposition by your office.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
1270-99.
2 enclosures.

(Endorsed) Union Agency # 260, received Jul. 11, 1899, office of U. S. Indian Inspector for Indian Territory. Washington, July 7, 1899. Secretary. Choctaw Act to pay Stuart, Lewis & Gordon approved.

Union Agency,
Muscogee, I.T.,
July 8th, 1899.

J.C. Daniel,

Russellville, I.T.

I am in receipt of your letter of June 30th, in which you state that you are a non-citizen, and bought and paid for a grass pasture for the purpose of cutting the hay for sale; that you bought this pasture from a citizen, and you want to know if you can sell the hay.

In reply thereto you are advised that a citizen of the Choctaw Nation is not required to pay a royalty of 50¢ per ton on hay cut upon land in his actual possession and occupied by him as a homestead, not to exceed 160 acres, and the law permits citizens to rent such homestead to non-citizens, and said non-citizens might cut and sell hay therefrom without paying a royalty to the Choctaw Nation; provided always, that said citizen is an actual occupant of said homestead at the time of renting the same to the non-citizen, and that such non-citizen has paid the rents agreed upon. All Hay cut on lands in the Choctaw Nation other than above mentioned, would be subject to a royalty of 50¢ per ton payable to said nation.

Very respectfully,

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

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

(Endorsed) Union Agency press book no. 3--letter 458, Muskogee, Okla;

Land.

31,522-1899.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, July 12, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a letter of July 1, 1899, from Hon. Green McCurtain, Principal Chief of the Choctaw Nation, transmitting copy of the correspondence between himself and Inspector Wright relative to the matter of the royalties prescribed by the laws of the Choctaw Nation to be collected on hay cut in that Nation for sale or barter.

The correspondence shows that Inspector Wright has taken the position that the first proviso of section 16 of the Curtis Act applies to the Choctaw Nation and exempts citizens of that nation occupying not exceeding the pro rata share of themselves, their wives and minor children, from paying royalties prescribed by the laws of the nation on hay cut from such pro rata shares, because it is held by the Inspector that said proviso is not in conflict with any provision of the Choctaw and Chickasaw agreement. This position is contested by the Principal Chief for the reasons stated in his report, the principal one of which is that the pro rata shar (Sic) of individuals is so large that it practically suspends the operations of the royalty

law on the question, and deprives the nations of this source of revenue.

The office, however, is of the opinion that Inspector Wright's premises are wrong, and that therefore his conclusion is wrong. In the first place, that part of section 16 which undertakes to deal with the question of the occupancy right of citizens prior to the allotment of lands is in direct conflict with the agreement with the Choctaws and Chickasaws, which, among other things, provides: "it is further agreed in view of "the modification of legislative authority and judicial jurisdiction herein provided and the necessity for the continuance of the tribal governments so modified in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March, eighteen hundred and ninety-eight". This provision of the agreement clearly continues in force all laws of the Choctaw Nation existing at the time of its conclusion, and such other laws as might be passed by the legislative authorities and approved in accordance with the requirements of the agreement after the date thereof.

The Attorney General has held that it is within the power of the Choctaw and Chickasaw Nations, in the absence of any treaty or statutory provision to the contrary, to regulate the occupancy of their citizens of the public domain of those nations, (18 Opinions, 34). This opinion was rendered on July 14, 1884, and in it existing treaties and laws were examined and the conclusion reached that there was nothing in any of them which interfered with that

right.

There is nothing in the agreement between the Choctaws and Chickasaws which changes this power in them so long as the tribal government shall continue in accordance with its provisions. The only modifications of the government contained in the agreement are legislative wherein the acts of the legislature or council of the nations, respectively, must be submitted to the President for his approval, excepting only appropriations for regular and necessary expenses of the governments of the respective tribes, and judicial wherein the United States Courts are given exclusive jurisdiction over certain classes of cases arising within the nations affected.

If, as was held by the Attorney General, one of the functions of the governments of the Choctaw and Chickasaw nations was the power to regulate the occupancy by the individual citizens of the public domain of the tribes, respectively, and if, as seems to be quite clear, that power has not been affected by the agreement, and the government, with the modifications contained in the agreement, is guaranteed to exist for eight years from the 4th of March, 1898, then any provision in the Curtis Act interfering with that regulation of occupancy by its citizens of the public domain by the Choctaw and Chickasaw nations would be in conflict with the agreement as interfering with and limiting beyond the agreement the governmental authority of the tribes, and consequently without force.

The Inspector has not submitted any report, through this

-4

office, on this question, and consequently it is recommended that the enclosed copy of this report be transmitted to him for a report of his views in the light of the position of this office on the subject.

Very respectfully,
Your obedient servant,

W.A.Jones,

Commissioner.

(K.S.M.)

P.

(Endorsed) Union Agency No.272 Received Jul.19,1899
Office of U.S.Indian Inspector for Indian Territory.
Washington, July 15, 1899. Secretary.----Requests
report and recommendation concerning royalty on hay,
Choctaw Nation.

Union Agency,

Muscogee, I.T., August 1st, 1899.

Hon. Green McCurtain,

Prin. Chief Choctaw Nation,

Sans Bois, I.T.

Sir:-

Your letter of the 28th ultimo, in which you enclose a report of J.L. Ward, sheriff of Atoka County, Choctaw Nation, against a number of parties who, it is alleged are holding cattle in your nation in violation of the law, has been received.

You also inquire if there is any way in which there can be a speedy execution of the law relative to the holding of cattle by non-citizens and desire to be informed.

You are advised that the affidavits and sworn statements forwarded to you by the various officials of the different counties in the Choctaw Nation, have been referred to J.H. Wilkins, U.S. Attorney at South McAlester, Indian Territory, by J. George Wright, U.S. Indian Inspector for the Indian Territory, and that this office is in receipt of a letter addressed to Mr. Wright from the United States Attorney at South McAlester, in which he states:

"Your letter of the 27th instant with reference to persons reported for unlawfully holding cattle in the Choctaw Nation, received, and contents carefully noted, and replying I desire to say that immediately upon receipt of your first letter of the 19th instant in regard to this same matter, I wrote a letter to the sheriff and also to the county Judge of Wade county, Choctaw
---Agent press book #4.---

-2-

Nation, calling upon them to furnish me certain information, which I considered important, before taking steps in the premises. The information I desired and consider essential, was:

'Did these parties ship or otherwise convey any of their cattle or horses in to the Indian Territory, if so, to give me as nearly as could be ascertained the number and names of persons who knew the facts.'

To these letters, I have had as yet, no reply. And since receiving your last letter I have carefully gone through all the papers, complaints and affidavits and this information cannot be obtained from the papers in my possession. I am very much in doubt whether section 2117 applies in these cases where the horses or cattle have not been shipped or otherwise conveyed into the Indian Territory, and when I receive reports or proper information from the officials of Wade County, as above indicated, showing that the parties charged have driven or in any way conveyed said stock into the Choctaw Nation, steps will at once be taken by me to enforce the law.

In reference to these persons who are non-citizens, towit: J.M.Ozmant, M.B.Allen, W.B.Miller and Tom Elliott, owning and controlling pastures contrary to law, the remedy certainly is not with us. Section 17 of the Curtis Bill, as you will observe, with reference to excessive holdings of land in the Indian Territory, certainly applies only to citizens, and if non-citizens are maintaining pastures of their own, in my judgment, they can only be dealt with by the Choctaw authorities and not by our courts. In my opinion these Choctaw officials have taken the proper steps in charging these people with being intruders and asking their removal."

----Agent press book #4.----

You will observe that Mr. Wilkins expresses himself as being in doubt whether section 2117 applies to the cases heretofore referred to him. You will understand that section 2117 applies to stock driven or conveyed to range and feed on lands belonging to any Indian or Indian tribe without the consent of said tribe, and it would seem to me that the act of the general council of the Choctaw Nation regulating the introduction of foreign cattle, provides an adequate remedy against citizens as well as non-citizens and declares:

Section 1. Be it enacted by the General Council of the Choctaw Nation Assembled. That from and after the passage of this Act and its approval by the Principal Chief, and by the President of the United States, it shall be unlawful for any person or persons to introduce into the Choctaw Nation from any state or surrounding Nations any cattle of any kind except during the months of November and December, and then only to be kept in feed-pens and legal enclosures and not to be turned loose on the public range.

Section 2. Be it further enacted, That any one guilty of a violation of this law shall be indicted by the Grand Jury and on conviction thereof, shall be fined in the sum of Five dollars (\$5.00) per head for each head of cattle introduced, and the fine so imposed, upon failure by the defendant to pay the same within ten days, shall be collected by the Sheriff by public sale of said cattle.

Section 3. Be it further enacted, That the public sale herein mentioned shall be made by the Sheriff on thirty days public notice, said notice to be given by posting notices in three public places in the county wherein said sale is to take

place, and said sale shall be by public auction.

Section 4. Be it further enacted, That any non-citizen introducing cattle as herein prohibited, shall be by the District Attorney wherein the cattle are allowed to run at large on the range, reported to the United States Indian Agent, and also to the nearest United States Commissioner within whose jurisdiction the offense is committed, to be prosecuted under the laws of the United States.

Section 5. Be it further enacted, That any violation of the provisions of section 1 of this act shall be held to be a trespass upon the Public Domain of the Choctaw Nation and punished as such, and this act shall take effect and be in force from and after the approval herein provided.

In almost every instance where non-citizens have been complained against, upon investigation it has been discovered that the non-citizen had rented pastures from individual citizens and claimed by such citizens as being lands in his possession and which did not exceed his proportionate share of the tribal lands to which himself, wife and minor children are entitled prior to final allotment, and in many instances the permit taxes of these non-citizens have been paid by citizens and in this way have screened the large cattle owners and aided and assisted them in violating the laws of their own country. It might be well as you suggest, for you to cause suits to be instituted against your citizens who are violating tribal laws, and by so doing would enable you to determine who of your own people are violating the laws of your nation and assisting non-citizens doing likewise. As you are doubtless aware, it is almost impossible to enforce the

--Union Agency press book, agent-#4.----

laws against non-citizens who are being shielded in their unlawful acts by your own citizens.

Referring now to your letter of the 26th ultimo, in which you state that one Mr. Kelly admits having introduced cattle since the passage of the law prohibiting the introduction of cattle into the nation except in the months of November and December of each year, and has expressed a desire and willingness to pay the penalty of One dollar per head, and you desire to be advised as to who are the proper authorities to collect the penalties so incurred by Mr. Kelly and whether the payment of a tax license will give Mr. Kelly permission to hold the cattle in the nation.

You are informed that the One dollar per head referred to in section 2117 of the Revised Statutes, is a penalty for violating the law and does not give Mr. Kelly any right to hold his cattle in the nation; and after his arrest and conviction for violating said section, it becomes the duty of the United States Indian Agent to remove the cattle from the limits of the Reservation.

In reference to the penalty prescribed by section 2117 above referred to, your attention is directed to section 2124 of the Revised Statutes of the United States, which provides:

"All penalties which shall accrue under this title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States before any court having jurisdiction of the same in any State or Territory in which the defendant shall be arrested or found; the one half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use."

You will observe that one half the penalty goes to the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall accrue to the United States, and if you will report Mr. Kelly as holding cattle in violation of section 2117 and demand his removal, immediate steps will be taken to carry out your request, and I will at once notify the United States District Attorney at South McAlester to cause the arrest of the said Kelly.

This office desires to aid and assist the Choctaw Nation in the enforcement of their laws to the full extent of its jurisdiction, and in order to be successful this office should have the hearty co-operation of the citizens of the Nation and I feel certain that should you take such action as intimated in your letter and vigorously prosecute the citizens of your nation in your tribal courts who are aiding and assisting non-citizens in violating your laws, that it is the intention of the Choctaw Nation as well as the United States Government to see that the laws are stringently enforced.

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

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

Union Agency,

Muscogee, I.T., August 2nd, 1899.

Hon. J. H. Wilkins,

U.S. Dist. Attorney,

South McAlester, I.T.

Sir:-

I am just in receipt of a telegram from B.J. Spring, United States Indian Policeman, that he had executed the order issued from this office dated the 21st ultimo, directing him to remove one Dr. Thorne from the limits of the Indian Territory, and should he return in defiance of the order, after having once been removed, he will be subject to a penalty of \$1000 as provided in section 2143 of the Revised Statutes of the United States, which says:

"If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of One thousand dollars."

I have this day notified Mr. Spring, United States Indian Policeman, to arrest him should he return and to deliver him to a Deputy Marshal with a view to prosecuting him under the above section of the Revised Statutes. Please inform me if you will notify your Marshals to receive him if turned over by the policeman and whether you will prosecute him under said section above referred to should he return.

This is a case of importance, inasmuch as a great many others are waiting to see what action will be taken in this case and this office therefore desires to have him vigorously prosecuted,
---Union Agency press book, agent #4.--

-2-

since he has defied the law and authority of the United States.

The Principal Chief of the Choctaw Nation states that this man Thorne was very troublesome and offensive and that his conduct in defying the laws of the Nation and boasting of it, was on the order of an agitator and it seemed to be his innate and persistent disposition to create trouble, and he thereupon demanded his removal, which demand has been complied with, and this office, through its policeman, has removed him across the line into Arkansas.

Very respectfully,

J. Blair Shoenfelt,

U.S. Indian Agent.

Approved:

J. Geo. Wright,

U.S. Indian Inspector.

DEPARTMENT OF THE INTERIOR,

October 12, 1899.

The Honorable,

The Attorney General,

Sir:

I have the honor to inclose a copy of a communication of October 9, 1899, from the Acting Commissioner of Indian Affairs, reporting to the Department in regard to a letter from Mr. A. S. McKennon, one of the Commissioners to the Five Civilized Tribes, in which it is stated that the Commission has been informed that certain claim agents have obtained from persons residing in Mississippi, claiming to be "Mississippi Choctaws", leases of land in the Choctaw and Chickasaw nations, which they, by the terms of such leases, designate as their allotments, and under such leases white men, or non-citizens, have entered upon and taken possession of large bodies of land in these nations; that such persons are arbitrarily withholding these lands from Choctaw and Chickasaw citizens, who have the right to enter upon and occupy them, and who desire, in compliance with section 29 of the Act of June 28, 1898 (30 Stat., 495), to select such lands for homesteads and allotments; that this leasing and occupation is a disregard of the rights of these Indians, and obstructs the progress of allotment by the Commission.

In Mr. McKennon's letter is quoted a letter from Mr. Davis A. Homer, received by the Commission through Indian Agent,

-2-

Shoenfelt, in regard to this matter, in which Mr. Homer states:

"Information in this matter will be very material with us, as it appears that non-citizens living near Ryan, Ind. Ter., claiming to have contracts for lease from several heads of family in the State of Mississippi, yet non-residents nor has ever resided in either Choctaw or Chickasaw nations. And thereby creating much interference with the enrolled Choctaws by blood as regard to improvements, etc."

The said Act of June 28, 1899, provides that the Commission to the Five Civilized Tribes:

"shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The Department held in letter of August 10, 1899, to the Acting Chairman of said Commission, that the Mississippi Choctaws who remained in Mississippi under Article 14 of the Treaty of 1830, and who remove to the Choctaw Nation now, would be entitled to enrollment as citizens of said nation and to participate in the distribution of the property of the nation, with the exception of annuities. A copy of said letter is inclosed.

As to the paragraph of said letter next to the last, it may be said that the Department intended to express no opinion further than that said Commission having made a schedule of Mississippi Choctaws, including a number residing in Mississippi, it was prima facie evidence that such persons were Mississippi Choctaws, and that those in Mississippi might become entitled to citizenship &c. upon joining their brethren in the Indian Territory.

Attention is called to the instructions of the Department to said Commission, approved August 8, 1899, inclosed.

There can be no question that those Indians who continued to reside in Mississippi have no right to make the leases complained of, and that the lessees are trespassers upon the lands of said nations.

The Acting Commissioner concludes that there are two ways of dealing with the matter. One to have the lessees removed from the nations as intruders. The other to prosecute them under section 2118 of the Revised Statutes; that "to attempt to have these trespassers and intruders removed would cause a great deal of trouble for Agent Shoenfelt, and that if he were successful in accomplishing their removal, that in itself would not be sufficient punishment, and therefore recommends that the Department cause them to be prosecuted under the section of the Revised Statutes above indicated. As a further step for the protection of the Indians and their lands it would seem that, if these attorneys who have thus advised the Mississippi Choctaws, are residents of those nations, their presence in said nations is detrimental to the best interests of the Indians, and that they should be removed under section 2149 of the Revised Statutes."

The Department, however, concludes that the best remedy is to be found in the Act of June 28, 1898, section 17 of which states

"That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater

amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this Act, shall be guilty of a misdemeanor."

It is clear that the language, "That it shall be unlawful for any citizen" had reference as well to those claiming to be citizens as to those admitted to be such.

Section 18 prescribes the manner of procedure against parties violating any of the provisions of section 17, and directs that.

"The United States district attorneys in said Territory are required to see that the provisions of said section are strictly enforced."

The Department requests, therefore that the District Attorney be directed to take steps in this matter in accordance with said section 18, unless in your opinion there exist reasons which would not justify such action.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind.Ter.Div.
896-1898.
2901-99.
2 Inclosures.

(Endorsed) Union Agency No. 373. Received Oct. 19, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, Oct. 12, 1899, Secretary. Transmits copy of letter to Attorney General rel. to prosecuting holders of large tracts of land in Choctaw N. under Choctaws in Mississippi.

51060

COPY

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

October 25, 1899

L.R.S.

Commissioner

Of Indian Affairs.

Sir:

On the 21st instant the Department transmitted to you the opinion of the Assistant Attorney General dated the 18th instant in the contest between the Kansas and Indian Territory Coal Mining Company and the Sans Bois Coal Company, and quoted from your letter of transmittal in which it was stated:

"The leases have not been examined further than to ascertain that they will have to be re-executed on account of the defect in the bond which, it will be noted, refers to the regulations applicable only to the Cherokee and Creek Nations instead of the regulations applying to the Choctaw and Chickasaw Nations. When the Department shall have determined the matter of the contest and returned the leases with its decision to this office the leases and bond will be returned to Inspector Wright with instructions as to corrections to be made, after they shall have been thoroughly examined in this office to ascertain whether there be any further defects in them."

In said departmental letter of the 21st instant it was stated: "Said leases and the papers accompanying the same are herewith returned to your office for further consideration in accordance with the views expressed by the Assistant Attorney General."

Before returning said leases to Inspector Wright, it is deemed advisable to further consider whether, in any event, said company ought to be permitted to take such a large amount

-2-

of land - nearly 26,000 -under said leases, and you will make recommendation to the Department what, in your judgement, would be a reaonable amount of land which may be leased to the Sans Bois Coal Company.

Respectfully,

E. A. Hitchcock.

Secretary.
T.R.

Ind.Ter.Div.
1785-1899.
1882- "
3029- "

EXECUTIVE OFFICE, CHOCTAW NATION

COPY.

Green McCurtain, Principal Chief,

Tushkahoma, I.T. Oct., 27th, 1899.

To the Honorable Secretary of the Interior,

Washington, D.C.

Sir:-

As Principal Chief of the Choctaw Nation, I feel it my duty to apprise you of the great dissatisfaction which exists among the Choctaw people on account of the transfer of the management of our schools from the Choctaw people to officers appointed by the Interior Department, and the Choctaw people have been utterly unable to see upon what ground the Department has taken this action and how the same can be in any way justified.

For many years the question of negotiating an agreement or treaty with the United States government was agitated among the Choctaw people, and I was among the first to advise my people to negotiate a treaty and used all my efforts to bring about that result. I wrote letters, made speeches, subjected myself to criticism and to calumny in order to bring about a peaceful and honorable settlement or agreement with the United States government. This agreement was made on the 23rd day of April, 1897, and was ratified both by the Congress of the United States and by a majority of the Choctaw people. Under the terms of this agreement, the government of the Choctaw people is to continue for a period of eight years from the 4th day of March, 1898, and it seems to me that it would be well here to note the language of this portion of the agreement. It is as follows:

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and

the necessity of the continuance of the tribal government so modified in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the 4th day of March, 1898. This stipulation is made in the belief that the tribal government so modified will prove so satisfactory that there will be no need or desire for further change until the lands now occupied by the Five Civilized Tribes shall in the opinion of Congress be prepared for admission as a state to the Union."

It is clear from inspection of this provision, that the United States government solemnly pledged itself that the Choctaw Indians should remain in possession of all the functions of government for a period of eight years, except insofar as they were modified by the agreement. Nowhere in the agreement can can (Sic) a single line be found looking to the surrender of its school system and the management of its schools by the Choctaw Tribe. The Choctaws have had a school system and a good one, one in every way acceptable to them, for many, many years, and there is nothing about which they are more jealous than the right to direct and control the education of their own children. ↑ It is true that ^s on page 17 of the agreement heretofore referred to, it is provided that the revenues from coal and asphalt shall be used for the education of children of Indian blood of the members of said tribes, and it is further provided that all royalties from coal and asphalt mines shall be paid into the Treasury of the United States and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior. No one who was a party to the agreement ever had a suspicion that this language would justify the Secretary of the Interior in wresting from the Choctaw people the control and management of their schools. Our understanding of this provision was that it gave the Secretary of the Interior the power simply to determine the method by which the money should be drawn from the Treasury by duly authorized and constituted authorities of the Choctaw

Nation, but that it was never intended to give him the power to prescribe such rules and regulations as would be tantamount to a surrender of their schools to the United States government by the Choctaw people. I cannot see that there is any warrant, either in reason or in law, for the course which has been taken, and I shall be glad if you will indicate to me the theory upon which the Department is proceeding.

The Choctaw people, after much persuasion and after full assurance of good faith on the part of the United States government, negotiated, signed and ratified the agreement referred to. They are willing to live up to the very letter of that agreement, but they expect the United States government to do the same thing. They feel that in this matter the agreement has been departed from and the Choctaw government is no longer in possession of one of its most cherished institutions. The only modifications in the government of the Choctaw people were in regard to their legislative authority and the jurisdiction of their courts. The legislative authority was modified only to the extent that all bills passed should be submitted to and approved by the President, and the jurisdiction of the courts was modified only as to certain crimes and certain civil matters. These are the only changes proposed and agreed to with reference to the powers of government to be thereafter exercised by the Choctaw people.

It is impossible for me, or for any Choctaw who was a party to that agreement or who is familiar with its history, to see any justification for taking away from the Choctaw Tribe of Indians the right to control and manage their own school system. I therefore respectfully submit that you at least give me the reason for this departure from the terms of that solemn

-4-

agreement, so that I may submit the same to my people and take such action in the future for their protection as the circumstances of the case may justify.

Very respectfully,

Green McCurtain

Prin.Chief, Choctaw Nation.

F.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 30, 1899.

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

Sir:

Herewith you will find a copy of a letter from the Honorable the Attorney General, stating that a copy of departmental letter of the 24th instant relative to the meeting of striking miners at Lehigh, in the Indian Territory, together with necessary instructions to the officers of the Department of Justice concerning the preservation of public peace and the prevention of destruction of private property, has been forwarded to the United States Judge at South McAlester, Indian Territory.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind.Ter.Div.
3121-1899,
1 enclosure.

(Endorsed) Union Agency No. 400. Received Nov. 5, 1899, Office of U. S. Indian Inspector for Indian Territory. Washington, Oct. 30, 1899. Secretary----Sends copy of letter from Attorney General about stirke.(Sic)

Refer in reply to the following:

Land

51060-1899

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Oct. 31, 1899.

The Inspector,

for the Indian Territory,

Muscogee, Indian Territory.

Sir:

There is enclosed herewith a copy of Department letter of October 25, 1899, in which it is stated:

"Before returning said leases to Inspector Wright, it is deemed advisable to further consider whether, in any event, said company ought to be permitted to take such a large amount of land- nearly 26,000 acres- under said leases, and you will make recommendation to the Department what, in your judgement, would be a reasonable amount of land which may be leased to the Sans Bois Coal Company."

This office is unable, under the circumstances, to make an intelligent recommendation in the matter, and shall therefore be pleased to have your advice, and that of agent Shoenfelt, with whom you are requested to confer, before making any recommendation relative thereto.

Your early report, with your views and those of Agent Shoenfelt, fully stated, is desired.

Very respectfully,

A. C. Tonner,

Assistant. Commissioner.

G.A.W (B)

(Endorsed) Union Agency No. 399. Received Nov. 4, 1899. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Oct. 31, 1899. Commissioner. Wants recommendation as to advisability of granting so many leases to Sans Bois Co.

BILL NO. 49.

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

AN ACT

Accepting the Agreement submitted by the
Special Commissioner.

Be it enacted by the General Council of the Choctaw Nation,
assembled: That the Agreement made and entered into by E. R.
Cheadle, special commissioner on the part of the Choctaws jointly
Civilized Tribes, at South McAlester, Indian Territory, on the
5th day of September, 1899, wherein the time for enrollment of
new-born and inter-married citizens of the Choctaw and Chickasaw
Nations also the Freedmen of the two Nations and their descend-
ants, was fixed and limited, be and the same is hereby accepted
by the General Council of the Choctaw Nation, and this Act shall
take effect and be in force from and after its passage.

Passed the House October 31, 1899,

Thomas W. Hunter,
Speaker of the House of Representatives.

Passed the Senate October 31, 1899,

H. P. Ward,
President of the Senate.

Approved, October 31, 1899,

Green McCurtain,
Principal Chief of
the Choctaw Nation.

(COPY) F.

(Endorsed) Union Agency No. 663. Received Mar. 24, 1900. Office of U.S.
Indian Inspector for Indian Territory. Washington, March 17, 1900,
Secretary----As to closing rolls of citizenship in Choctaw and
Chickasaw Nations.

Land
52678-99
2 Incls.

Department of the Interior

OFFICE OF INDIAN AFFAIRS,

Washington, Nov. 8, 1899.

The Honorable

The Secretary of the Interior,

Sir:

This office is in receipt, by Department reference of October 20, 1899, for consideration, report and recommendation, of a letter dated October 14, 1899, from K.H. Hutches, of Broken, Indian Territory, who asks to be informed as to the effect the new law of the Choctaw Nation, governing the practice of medicine, will have upon druggists, and states that he has been advised by Agent Shoenfelt and the Governor of the Choctaw Nation that he would not be permitted to longer compound simple prescriptions for his customers; that he has calls for prescriptions, and while he does not profess to be a physician it is almost impossible to avoid compounding to a certain extent, and that he might as well confine himself to the patent medicine trade as to attempt to carry on his business without the practice that he has heretofore pursued.

As the office had no information relative to the subject other than that contained in Mr. Hutches' letter, said letter was under date of October 26, 1899, referred to Agent Shoenfelt for report. The office is now in receipt of a report from Agent Shoenfelt, dated November 1, 1899, approved by Inspector Wright, in which it is stated that

Mr. Hutches was reported by the authorities of the Choctaw Nation as being engaged in the practice of medicine in violation of Section 4 of the act passed by the General Council of said nation regulating the practice of medicine; that he (Shoenfelt) notified Mr. Hutches of said law and requested him to comply with the same or quit the practice of medicine; that shortly thereafter he received a letter from the principal chief of the Choctaw Nation, in which it was stated that Mr. Hutches was writing and compounding prescriptions, thus infringing upon the rights and business of physicians, who had complied with the law; that at the same time he (Shoenfelt) received a letter from Mr. Hutches in which he stated that he did not profess to be a physician, but that he had calls for prescriptions that it was impossible to avoid compounding to a certain extent, and that unless he was allowed to compound simple prescriptions his business would be ruined.

The office understands that there is a difference between compounding a prescription and preparing one to be compounded. It also understands that the office of a pharmacist is to compound the prescriptions brought to him by his customers; that a druggist is one who deals in drugs and one who has, by implication, no authority when the law levies a license tax on physicians to usurp the functions of a physician. If a customer calls on a druggist and tells him of his symptoms and asks for medicine, any compound prepared by that druggist on his own prescription would subject him to the charge of practicing medicine, although in an emergency such druggist might in the interests of humanity be justified in doing so.

The office does not understand that a druggist is presumed to know the full physiological effect a combination of drugs will have on the human system, but that it is his duty to have a sufficient knowledge of drugs to enable him to properly and safely compound any prescription brought to him to be filled.

The office is, therefore, of the opinion that when Mr. Hutches compounds a prescription, of which he is the maker, he is engaged in the practice of medicine, and, therefore, recommends that he be required to cease such practice unless he shall take the examination required of physicians and pay the license tax imposed upon them.

From the copy of Agent Shoenfelt's report enclosed it will be observed that Inspector Wright requests that for his information the decision of the Department and reply to Mr. Hutches be made through his office.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

G.A.W. (G)

DEPARTMENT OF THE INTERIOR,
Washington.

November 10, 1899.

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

Sir:

The Department is in receipt of a report from the Commissioner of Indian Affairs dated the 8th instant, pursuant to departmental reference of the 20th ultimo for a report upon a letter dated the 14th ultimo from R.H.Hutches, of Brooken, Indian Territory, desiring information concerning the effect of the law of the Choctaw Nation concerning the practice of medicine upon druggists, and stating that he had been advised by the United States Indian Agent for the Union Agency, and also by the Principal Chief of the Choctaw Nation, that he would not be permitted to compound simple prescriptions for his customers, and that if he is prevented from so doing it will be necessary for him to confine himself to the trade in patent medicines and his business will thereby be materially injured.

The Commissioner of Indian Affairs referred said letter to the United States Indian Agent for report, and a copy of his said report, approved by you, is forwarded by the Commissioner.

The Commissioner draws the distinction "between compounding a prescription and preparing one to be compounded," and

-2-

he states that "The office is, therefore, of the opinion that when Mr. Hutches compounds a prescription, of which he is the maker, he is engaged in the practice of medicine, and, therefore, recommends that he be required to cease such practice unless he shall take the examination required of physicians and pay the license tax imposed upon them."

The recommendations of the Commissioner are approved by the Department, and a copy thereof is enclosed herewith for your information. You will advise Mr. Hutches accordingly.

Respectfully,

Webster Davis.

Acting Secretary.

Ind. Ter. Div.
3022,3257-1899.
1 enclosure.

(Endorsed) Union Agency No. 411 Received Nov. 17, 1899
Office of U.S. Indian Inspector for Indian Territory.
Washington, November 10, 1899. Secretary.----Relative
to compounding prescriptions in Choctaw Nation.----

McKinley Republican Club

Talihina, I.T. Nov.11,1899.

ORGANIZED.1894.

At a special meeting of the McKinley Republican Club held in Talihina I.T. November 11,1900, the following consensus of opinion were unanimously indorsed.

It being the undivided desire of the 150 members of this club that the Choctaw Land Office be located at Talihina Ind.Ty. It is the opinion of the members of this club, as well as the Citizens at large that Talihina being the more centrally located, and provided with better Rail Road facilities, hotel advantages and being in closer touch with the majority of the Full Blood Indians of the Southern portion of the Choctaw Nation Ind.Ty. In brief Talihina is located at a more accessible point to a greater number of citizens than any other point on the Frisco R. R. -----

Be it therefore Resolved-----

That the Secretary of this club be and is hereby instructed to communicate these facts to the Dawes Commission, with the request that before locating said Land Office elsewhere, that the claims of Talihina be given due consideration.

Signed D. G. Pearce

President.

D. Thomas

Secretary.

To the Hon. Dawes Commission.

Muskogee, Ind.Ty.

(Endorsed) Union Agency No.6900 Commission to Five Tribes.Recd.Nov. 23,1899.Republican Club, Talihina, I.T. 11/17/99----Encl.resolutions asking that land office be established at that point.----

322

D E P A R T M E N T O F T H E I N T E R I O R.
Townsite Commission, Choctaw Nation,
Indian Territory.

South McAlester, Ind. Ty, Nov. 14th, 1899

The Hon. Sec. of the Interior,

Washington, D. C.,

Sir:

Some time prior to the moving of the office of this Commission to South McAlester the town had been agitating the question of incorporation, under the laws of the State of Arkansas, but up to the day we moved here, the incorporation had been delayed to await our coming.

On the day we moved here the incorporation was granted by the court, being hurried forward by the petitioners, on account of a ruling made by you in reference to the limits of Ardmore, in the Chickasaw Nation; the ruling (so reported) being to the effect that the limits of the town would be governed by the court in granting the incorporation.

Officially, I know nothing of such a ruling, but I presume that it has been made, as it is generally reported, and there is no contradiction of the reports.

As I understand it, this place hurried forward its incorporation with a view to establishing the limits of the town and thereby governing the action of this Commission in the premises.

The incorporation lines take in about seven and one third square miles of country, which I estimate to be more than twice as much as the town actually covers.

The Atoka Agreement provides that this Commission "shall lay out town-sites, to be restricted as far as possible to their present limits; "and at the time of the ratification of this Agreement by the Choctaw and Chickasaw Nations--on the 24th day

of August, 1899--there were no incorporated towns in the Choctaw Nation. All towns that are now incorporated in this nation, did so under the authority of the 14th section of the Curtis Act, which was assented to by the two nations, when the Agreement was ratified with the express understanding that the boundaries of the towns were to be governed by the terms of the Agreement, which were plain and easily understood.

In making this Agreement the two nations consented to the sale of such lands as fell within the limits of the towns, at the time of its ratification, and these limits could not extend beyond what was then the "present limits"; or in other words beyond where improvements--other than tillage, fencing and temporary houses--were then located. Any other lands embodied in towns, without the Nation's consent, would be a violation of the express terms of the Agreement, and the two executives of the Choctaw and Chickasaw Nations, would not be authorized to give titles to the same.

It is contended by the court granting incorporation to this place, that under the Arkansas laws he has full power to fix the boundaries of towns, and if he does it before this Commission has laid off the towns, that we have no power to change such boundaries. This may be his powers under the Arkansas laws, if he were incorporating a town in the State of Arkansas, but under the Atoka Agreement this part of the law is not applicable. Under section 14 of the Curtis Act, 4th paragraph, we find this language:--"For the purposes of this section all the laws of said state of Arkansas, as herein referred to, SO FAR AS APPLICABLE, are hereby put in force in said Territory". Now, that part giving the courts power to fix the boundaries of towns--if such power exists--is not applicable to this nation, or to the Chickasaw nation, for the reason that it

was adopted together with the Atoka Agreement, and with the language of the Agreement that was before the Indians, so plain that there was no mitaking (Sic) it or its terms. The towns were to be confined to their present limits, and this Commission was given power to establish these limits, under plainly expressed terms.

The boundaries established for this place are unjust, unreasonable and very much to the detriment of the nation. There are one or two parts of this proposed inclosure, comprising as much as a section of land each, on which there is not a house located, besides the houses of the Indian citizens who occupy these portions as farms, and who intend to take allotments on them. Several citizens of the nation who have farms around the town, are included in the lines of incorporation, and without their consent and against their protests.

If you were to hold, or if you do hold, that the courts have power to establish these boundaries, and that such boundaries cannot be changed by this Commission, it will be a very dangerous precedent, as most of the towns in the nation, or in the two nations, think that they are the metropolis of the country, and as such, entitled to large tracts of land. In fact many of them have already incorporated large bodies, far in excess of what they need and to what the terms of the Atoka Agreement would entitle them, and others will do the same thing, when opportunity has been afforded them. The towns of Lehigh and Coalgate, in the Choctaw Nation,--both unsettled mining towns--have incorporated four or five square miles, each; when one square mile would, perhaps, include **either** of them, excepting a few scattering houses. There is no demand for lots at such places, because there is no certainty of the permanency of the towns, and if sold at all, the lots would bring a very low price.

In my opinion there is some underlying intent in all this great clamor for large town-sites; it may be to force as much Indian lands on the market as possible, and thereby cheapen the sales, and secure it at a nominal price. Real estate dealers at the better towns, would be enabled to purchase at low prices, and hold until they could sell at greatly advanced prices, making large profits on the same. While on the other hand, if the towns are confined to their limits, the vacant lots for sale will bring good prices, which will not be monopolized by monied men for that purpose. Men have a perfect right to buy land and speculate on it, but should not be permitted to force Indian lands on the market for that purpose and thereby injure the nation. They are wards of the Government, have made a treaty in good faith and should be protected in the carrying out of the same.

The court not only claims the right to fix the boundaries of the town, but holds that he can fix the width and location of all streets and allies, size of lots etc., and would if he could, I presume, claim the right to fix the appraisements on lots and sell the vacant property. If he can fix the boundaries, there would appear to be the same authority for locating streets and alleys and fixing the size of lots. The precedent would indeed be a dangerous one and one which the Choctaw Nation cannot well afford to see made, if it can be avoided.

As the nation's representative I respectfully request that this Commission be instructed to fix the boundaries of this town in accordance with the terms of the Atoka Agreement, and regardless of any limits that may be or may have been prescribed by the court in granting a prayer for incorporation; and regardless of any street lines or alley lines that may have been prescribed by the court,

except as they conform to what should be the proper lines of the same.

Respectfully submitted,

B. S. Smiser,

Com. on the part of the Choctaw Nation.

November 15, 1899

Honorable Green McCurtain,
Principal Chief, Choctaw Nation,
Tushkahomma, Indian Territory.

Sir:

I am in receipt of your communication dated the 27th ultimo, received by the Department on the 13th instant, inwhich you state that you feel it your duty to apprise me "of the great dissatisfaction which exists among the Choctaw people on account of the trans- (Sic) of the management of our schools from the Choctaw people to officers appointed by the Interior Department, and the Choctaw people have been utterly unable to see upon what ground the Department had taken this action and how the same can be in any way justified."

You refer to the agreement made by said nation with the Commission to the Five Civilized Tribes on the 23rd day of April, 1897, which, as amended, is contained in section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), and which, as amended, was ratified by the Choctaw Nation. You call attention to the fact that under the terms of said agreement the tribal government was to continue for a period of ^{eight} (Sic) years from the fourth day of March, 1898 except as modified therein, and you state that "The Choctaws have had a school system and a good one, one in every way acceptable to them, for many, many years, and there is nothing about which they are more jealous than the right to direct and control the education of their own children."

You also call attention to the provision in said agreement

relative to the appropriation of the revenues from mineral leases which are to be used for the education of children of Indian blood of the members of said tribes, which revenues are to be paid into the Treasury of the United States and to be drawn therefrom "under such rules and regulations as shall be prescribed by the Secretary of the Interior." You further state that "No one who was a party to the agreement ever had a suspicion that this language would justify the Secretary of the Interior in wresting from the Choctaw people the control and management of their schools"; that your understanding of said provision was that it gave the Secretary of the Interior the power simply to determine the method by which the money should be drawn from the Treasury by duly authorized and constituted authorities of the Choctaw Nation, and that it was not intended to authorize the Secretary to prescribe rules and regulations which would be equivalent to a surrender of the tribal schools to the United States government by the Choctaw Nation, and you express the opinion that there is no warrant, either in reason or law, for the course that has been taken, and you desire that the Department indicate to you the theory upon the Department is proceeding.

It is a matter of some surprise to the Department that any "great dissatisfaction" is prevalent among the Choctaw people on account of the action of the Department with relation to the schools in the Choctaw Nation. The Department had supposed that the supervision of the schools by the Superintendent of Schools in Indian Territory and the Supervisor for the Choctaw Nation was entirely to the authorities of said nation. In a report from the Superintendent of Schools in Indian Territory dated August 19th last, it is stated:

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"The schools of the Choctaw Nation have heretofore been controlled by a board of education consisting of five members, viz, the principal chief, a superintendent of education, and three district trustees. This nation has recently surrendered the entire control and management of its schools to the United States government, and the principal chief, who is a progressive Indian, interested in the welfare of his people, seems glad to be relieved of the responsibility of directing the educational affairs of his nation. The three district trustees, who have each heretofore controlled one-third of the schools of the nation, are intelligent Indians, and are loyally supporting our efforts to improve the educational work of that Nation."

With reference to your statement concerning the school system of the Choctaw Nation it may be remarked that while, as you state, it is "in every way acceptable" to the authorities of said nation, yet reports from the officials of the United States carefully made with reference to the working of the same, show many defects therein, and that many of the teachers were wholly incompetent, and that the schools have not been conducted for the best interests of the nation, or the children attending the same.

Said agreement requires that "The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. X X X X

All coal and asphalt mines in the two nations, whether now developed, or to be hereafter developed, shall be operated, and the royalties, therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

X X X X X X All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be X X ."

This last provision is different from that in the original agreement in that it makes all minerals subject to lease under the provisions of said agreement, and all the revenues derived from mineral leases in the Choctaw and Chickasaw Nations must be "used for the education of the children of Indian blood of the members of said tribes," to the amount that shall seem "necessary" to the Secretary of the Interior. Before

the Secretary could determine the necessity in said nations for the use of said funds, it became his duty to ascertain the condition of the schools, the efficiency of the teachers and the manner in which the funds appropriated by the nations had been used in the support thereof.

The reason for the appointment of a Superintendent of Schools in Indian Territory and a Supervisor for the Choctaw Nation, is found not only from the obligation resting upon the Secretary to see that said funds are properly used for the purpose expressly directed in the statute, but also from the general duty imposed upon the Secretary of the Interior by law to supervise the "public business" relating to the Indians. It will hardly be necessary to call your attention to the provision of the Constitution of the United States, article 1, section 8, paragraph 3, which declares that Congress shall have the power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes," not to the several provisions of the statutes of the United States relative to the government and protection of the Indians, nor to the obligations of the United States to the Choctaw Nation under the several treaties made with said nation.

Reference might be made to the decisions of the United States Supreme Court, defining the status of the Indian tribes, notably in the case of the Cherokee Nation v. The Kansas Railway Company, wherein Mr. Justice Harlan, speaking for the court said:

"From the beginning of the government they (the Indians) have been treated as 'wards of the nation', in a state of pulilage,' 'dependent political communities,' holding such relations to the general government that they and their country, as declared by Chief Justice Marshall in Cherokee Nation v. Georgia, 5 Pet., 17, 'are considered by foreign (Sic)

nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or form a political connection with them, would be considered by all as an invasion of our territory and an act of hostility'."

Under the general provisions above referred to of the United States laws, as well as under the special provision in said agreement set out in section 29, the Department considered that there was ample authority for the Secretary of the Interior to appoint such agents as should be deemed best by him to determine the necessity for the disbursements from any particular fund collected from said royalties for the benefit of the respective tribes.

The purpose of the Department was not to take any action that was detrimental to the tribal authorities, but, on the other hand, to aid and assist by a just supervision over the disbursements of said revenues in the establishment of good schools with competent teachers, to the end that every child of Indian blood shall be able to receive a good education in the schools of the respective nations.

While it is true that there is no specific direction in said agreement or in any statute requiring the Secretary to appoint any Supervisor or Superintendent of Schools, yet it is believed that said authority may be inferred from the necessity that arises for such supervisors or agents in carrying on the schools, and in the determination of the necessity for the disbursement of said funds for the support of the same. Nor is it necessary to have express statutory authority for the action of the Department in appointing said officers, for such appointments are clearly within the scope of his authority and must be held to be legal. In the case of the United States v. McDaniel (7 Peters, 1-14), Mr. Justice McLean speaking for the

Supreme Court, said:

"A practical knowledge of the action of any one of the great departments of the government, must convince every person that the head of a department, in the distribution of its duties and responsibilities, is often compelled to exercise his discretion. He is limited in the exercise of his powers by the Law; but it does not follow that he must show statutory provision for everything he does. No government could be administered on such principles. To attempt to regulate, by law, the minute movements of every part of the complicated machinery of government, would evince a most unpardonable ignorance on the subject. Whilst the great outlines of its movements may be marked out, and limitations imposed on the exercise of its powers, there are numberless things which must be done, that can neither be anticipated nor defined, and which are essential to the proper action of the government."

It is believed that the action of the school officials of the United States will secure enlarged facilities for the education of the children of the members of the Choctaw Nation, and that the schools in said nation will be greatly improved under their supervision. It is to be hoped that said officials will receive the cordial support of the tribal authorities and the members of said nation, to the end that the children therein entitled to attend said schools may receive an education which will better fit them for the duties of citizenship when said tribal government shall cease under the provisions of said agreement.

A copy of your communication will be referred to the Superintendent of Schools in Indian Territory for his consideration, report and recommendation.

Respectfully,

(Signed) E.A.Hitchcock

Secretary.

Ind.Ter.Div.
3307-1899.

DEPARTMENT OF THE INTERIOR,
Washington.

November 16, 1899.

The United States Indian Inspector
For the Indian Territory,
Muscogee, Indian Territory.

Sir:

Inclosed herewith you will find a copy of a communication from Hon. Green McCurtain, Principal Chief of the Choctaw Nation, dated Tushkahoma, I.T., October 27, 1899, complaining of the action of the Department relative to the control and supervision of the schools in said nation under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and, also, a copy of the reply of the Department thereto under date of the 15th instant.

Said communication of the Principal Chief is referred, through the Commissioner of Indian Affairs and your office, to the Superintendent of Schools in the Indian Territory, for his consideration, report and recommendation, and to be returned in the same manner, together with any suggestion or recommendation you may desire to submit, to the Department.

Respectfully,

Ind. Ter. Div.
3307-1899.
2 Inclosures.

Webster Davis
Acting Secretary.

(Endorsed) Union Agency No. 421 Received Nov. 24, 1899 Office of
U.S. Indian Inspector for Indian Territory. Washington, Nov. 16,
1899. Secretary.-----Sends copies of correspondence with Prin. Chief
Choctaw Nation about their schools for report of Supt. Benedict.-----

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

November 28, 1899.

United States Indian Inspector

for the Indian Territory,

Muscogee, Indian Territory.

Sir:

Enclosed herewith you will find a communication from Mr. B. S. Smiser, Commissioner on the part of the Choctaw Nation, dated the 14th instant, stating that the town of South McAlester was incorporated by the United States court on the day the Commission moved to said town:

Mr. Smiser states that "The incorporation lines take in about seven and one third square miles of country, which I estimate to be more than twice as much as the town actually covers." He further states in said letter, that "It is contended the court granting incorporation to this place, that under the Arkansas laws he has full power to fix the boundaries of towns, and if he does it before this Commission has laid off the towns, that we have no power to change such boundaries."

He further states that "The boundaries established for this place are unjust, unreasonable and very much to the detriment of the nation. There are one or two parts of this proposed inclosure, comprising as much as a section of land each, on which there is not a house located, besides the houses of the Indian citizens who occupy these portions as farms, and who intend to take allotments on them. Several citizens of the nation who have farms around the town, are included in the lines of incorporation, and without their consent and against their protests."

He further states that "The court not only claims the right to fix the boundaries of the town, but holds that he can fix the width and location of all streets and allies (alleys), size of lots etc, and would if he could, I presume, claim the right to fix the appraisements on lots and sell the vacant property."

The Department is not in possession of the judgement of the court fixing the corporate limits of the town, and before final action is taken thereon it is desired that you report fully upon the

allegations made by Mr. Smiser in his said communication, and especially whether there has been any official ruling by the court relative to its jurisdiction to determine the limits of the town, the location of the streets, and any other matter that in your judgment the Department ought to be advised relative to the action of said court in the premises. In transmitting said report you will make such recommendations as in your judgment you shall deem proper.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.
3341-1899.
1 enclosure.

(Endorsed) Union Agency # 428, received Dec. 7, 1899, office of U.S. Indian Inspector for I. T. Washington, Nov. 28, 1899. Secretary. Refers letter of Townsite Commissioner Smiser relative to incorporated town of South McAlester.

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DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
Washington. December 1, 1899.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated November 16, 1899, from Inspector Wright, transmitting Bill No. 8, an act of the recent regular session of the general council of the Choctaw Nation, approved by the Principal Chief October 19, 1899. The Act is entitled:

"An Act creating the office of Delegate to attend the City of Washington, D. C., and prescribing his duties."

By Section one of said Act the office of Delegate to Washington is created and the Principal Chief is authorized and directed to appoint, with the advice and consent of the Senate, some competent person as Delegate to Washington who shall represent the Choctaw Nation before the Departments or before any Committee of Congress, relative to the affairs of the Choctaw Nation and keep the Principal Chief thoroughly advised as to all matters coming under his supervision and he is also required to make annual report in writing of all his actions to the general council of said nation.

Section two provides that said Delegate shall be a Choctaw by blood; that his term of office shall be for the period of two years unless sooner removed for good cause, and he shall be required to remain constantly in Washington, D. C., unless otherwise directed by the Principal Chief.

Section three provides that the salary of said Delegate shall be \$2500 per annum and \$1,000 per annum for expenses, payable quarterly, and that he shall be required to present his itemized account with his annual report to the general council.

Section four provides that the Auditor shall issue his warrant upon the National Treasurer for said salary, and the National Treasurer shall pay the same.

In Inspector Wright's report it is stated that he addressed a communication to the Principal Chief asking for some information in reference to the necessity for this Delegate in view of the fact that the Choctaws had entered into an agreement with the government concerning their affairs, to which the said Principal Chief replied, in part, as follows:

"I have your letter of the 7th instant relative to the Acts of Council now in your hands. I note what you have to say in regard to the Delegate Bill, that in view of the fact that the Choctaws have entered into an agreement with the government concerning their affairs, it is not clear to me (you) as to the necessity for this delegate. In reply, allow me to say that the fact that we have an agreement with the government is just exactly what has given rise to the necessity for our having a delegate at Washington. Our relations are such now as to demand that we have a man present our affairs to the Department. Heretofore, our business with the U. S. Government was limited and could well be attended to by correspondence and an occasional visit to Washington, but under the present condition, all or nearly all our affairs are under the supervision of the U. S. Government and our interests are as much at Washington at home.(Sic) While we have an agreement with the U. S. Government, we cannot afford to stand idly by and depend upon it alone for our rights--indeed it would seem that owing to the many constructions placed upon it and the Curtis Bill, a closer vigilance is required. To deny us a delegate would be to silence us on our own interests. Many questions affecting out(Sic) interests have arisen at Washington and had we remained passive and silent on them, depending on the speechless agreement to present our interests and arguments, our interests would have been sorely neglected. Many other questions will arise in the future, of equal import, and experience has taught us that we must guard our own interests as much so as we can to insure our receiving justice. All we ask is that the Agreement (Sec. 29 of the Act of Congress approved June 28, 1898) be carried out; but we have no assurance of that being done unless we have proper representation at Washington. The duties of the delegate to be appointed under the Act of Council referred to are clearly set forth in said Act, and I think if you will consider the matter from our standpoint of interest you will consider the matter from our standpoint of interest you will readily see the necessity for such a representation at Washington."

Inspector Wright says that the Principal Chief further stated that the nomination or selection of the delegate had not yet been decided upon and that it would not be done until after the Act had been approved. It would seem that if the Choctaw Nation desires

a representative at Washington to look after the interests of said nation and keep the authorities advised relative to Choctaw matters, it should be permitted to do so, and if the Department can be assured that the person appointed will be one who is already familiar with matters of interest to the Choctaw Nation and is, to some extent, at least, familiar with departmental affairs and rulings relative thereto, the Act should be approved, as it is thought that the locating here of a trustworthy and reliable representative of said nation will be of great service to this office and the Department, as well as to the Choctaw Nation.

It is therefore recommended in the event the Department is advised, as above indicated, that this Act be forwarded to the President for executive action with the request that it be approved.

Very respectfully,
Your obedient servant,

W. A. Jones,

Commissioner.

(G.A.W.)P:

(Endorsed) Union Agency # 495 received Jan. 5, 1900, Office of U.S. Indian Inspector for I. T. Washington, Dec. 26, 1899. Secretary, Choctaw Act authorizing delegate to Washington APPROVED.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

December 1, 1899.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated November 16, 1899, from Inspector Wright, transmitting Bill No. 38, an act of the regular session of the general council of the Choctaw Nation, approved by the Principal Chief on October 30, 1899, and entitled "An Act appropriating money for the removal of intruders".

This Act appropriates the sum of \$350 for the purpose of removing intruders from the Choctaw Nation. With reference to this appropriation Inspector Wright says that it is made in order to defray the expenses of United States Indian police in removing parties requested to be removed by the Choctaw authorities, and as there is no available appropriation for the payment of the expense of these removals, he recommends the approval of the Act, in which said recommendation this office concurs.

Very respectfully,
Your obedient servant,
W. A. Jones.
Commissioner.

(G.A.W.) P.

Dec. 1, 1899

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I N D I A N S I N M E R I D I A N

HERE TO PROVE CITIZENSHIP IN CHOCTAW NATION,
Dawes Commission of Five Civilized Tribes Open Office--
Over One Thousand Red Men Expected to Make Application Before
Commission's Work Ends.

The great number of Indians seen on the streets of Meridian yesterday created no little interest among citizens who were not aware of the object of their visit. The visitors were not idle sight-seers. They came to receive their rights from this government, providing their claims are proven.

The Dawes Commission to the five civilized tribes arrived in Meridian Sunday and opened an office in the government building yesterday.

The purpose of the commission is to examine applicants for identification as Mississippi Choctaws to citizenship in the Choctaw Nation.

While this has but slight significance to the average white citizen, to the Red Man of the above tribe it means dollars, thousands of them, as each one proving his title will receive from Uncle Sam a property claim valued at something like thirty thousand samolions.

To observe one of these sober-looking Indians standing on the street corner half clad and shivering, it would not strike you that he is more than apt to fall heir to the snug little fortune above quoted, nevertheless it is true and it is only a question of about ninety days when the claims will be distributed.

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The party comprising the commission now at work in the city consists of W. O. Beall, chief clerk; G. L. V. Emerson, examiner; Miss Myra Young, Mrs. F. R. Brown and Robt. L. Street, who are the official stenographers.

Each applicant before the commission has to appear in person and be examined under oath, Mr. J. P. Walker, of this city, having been appointed notary public before whom affidavits are made.

During the meeting in this city it is estimated that something like one thousand two hundred applicants will appear before the commission, which is in session daily from 9 until 5 o'clock. Those who have business with the commission will observe these hours.

)Endorsed) Union Agency # 33. Notices to Mississippi Choctaws for enrollment.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 6, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), "Bill No. 6. Choctaw Nation. An Act for the relief of Mrs. Jane F. McCurtain."

Said act was approved by the Principal Chief of the Choctaw Nation, October 19, 1899. It appropriates the sum of \$1,070.40 to reimburse Mrs. Jane F. McCurtain for money expended by her as interest incurred on debts while she was Superintendent of Jones Academy.

The United States Indian Inspector for the Indian Territory recommends that said act be approved. His recommendation is concurred in by the Commissioner of Indian Affairs. I have, therefore, to recommend that said act be approved.

The letter of the United States Indian Inspector, together with a copy of the report of the Commissioner of Indian Affairs, is enclosed herewith.

Respectfully,

E. A. Hitchcock.
Secretary.

Ind. Ter. Div.

3508-1899.

3 enclosures.

(Endorsed) Union Agency # 447, received Dec. 18, 1899. office of U. S. Ind. Insp. for I. T. Washington, Dec. 9, 1899. Secretary, Returns Choctaw Act for relief of Mrs. McCurtain, approved.

DEPARTMENT OF INTERIOR.

WASHINGTON.

December 6, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), "Bill No. 17. Choctaw Nation. An Act fixing the salary of the Trustee under the Atoka Agreement."

Said act was approved by the Principal Chief of the Choctaw Nation October 25, 1899.

Section 1 of said act fixes the salary of the Mineral Trustee for the Choctaw Nation appointed under the provisions of the agreement set out in section 29 of said act of June 28, 1898, at \$4,000.00 per annum, payable quarterly out of the National Treasury upon the warrant of the National Auditor.

Section 2 declares that said Trustee shall not be allowed any contingent fund, or necessary traveling expense, or any other expenses incidental to the discharge of his duties, out of the National Treasury of the Choctaw Nation, and that said sum of \$4,000.00 shall be in full of all demands payable out of the treasury of the Choctaw Nation.

The United States Indian Inspector for the Indian Territory refers to the fact that he was advised by the Department, "That a salary of \$2,500.00 together with necessary traveling expenses, if passed by the Choctaw Council, would meet with the approval of the Department," and he calls attention to the fact that he was informed that it was represented to the Council of

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the Choctaw Nation that an allowance of \$2,500 and necessary traveling expenses would probably exceed in the aggregate \$4,000, and that a majority of the Choctaw Council desired that the compensation of the Mineral Trustee should be fixed at a gross sum including all traveling expenses. He recommends that said act be given a favorable consideration, and his recommendation is concurred in by the Commissioner of Indian Affairs. I have, therefore, to recommend that said act be approved.

The letter of the United States Indian Inspector, together with a copy of the report of the Commissioner of Indian Affairs, is enclosed herewith.

Respectfully,

E. A. Hitchcock.
Secretary.

Ind. Ter. Div.

3506-1899.

3 enclosures.

(Endorsed) Union Agency #450, received Dec. 18, 1899, Office of U. S. Indian Inspector for Indian Territory. Washington, Dec. 9,

1899. Secretary. Returns Choctaw Act fixing salary of Mining Trustee, approved.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 6, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), "Bill No. 38, Choctaw Nation. An Act appropriating money for the removal of intruders."

Said act was approved by the Principal Chief of the Choctaw Nation October 30, 1899. Said act appropriates the sum of \$350.00 for the purpose of removing intruders from the Choctaw Nation.

The United States Indian Inspector for the Indian Territory states that said appropriation was made in order to defray the expenses of United States Indian Police in removing parties requested to be removed by the Choctaw authorities and who may be removed by the direction of the Department, and he recommends that said act be approved. His recommendation is concurred in by the Commissioner of Indian Affairs. I have, therefore, to recommend that said act be approved.

The letter of the United States Indian Inspector, together with a copy of the report of the Commissioner of Indian Affairs, is enclosed herewith.

Respectfully

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
3507-1899.

3 enclosures.

(Endorsed) Union Agency # 446, received Dec. 18, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, Dec. 9, 1899. Secretary. Returns Choctaw Act making appropriation for removal of intruders, approved.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 6, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), "Bill No. 41. Choctaw Nation. An act appropriating money to defray the expenses of three Commissioners."

Said act was approved by the Principal Chief of the Choctaw Nation October 30, 1899. It appropriates the sum of \$300.00 to defray the expenses of a commission of three Choctaws by blood who were appointed by the Principal Chief to confer with a like Chickasaw commission.

Said act is recommended for approval by the United States Indian Inspector for the Indian Territory, whose recommendation is concurred in by the Commissioner of Indian Affairs. I have, therefore, to recommend that said act be approved.

The letter of said Inspector, together with a copy of the report of the Commissioner of Indian Affairs, is enclosed herewith.

Respectfully,

E. A. Hitchcock.
Secretary.

Ind. Ter. Div.

3512-1899

3 enclosures.

(Endorsed) Union Agency # 442, received Dec. 18, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, Dec. 9, 1899. Secretary returns Choctaw Act to pay expenses of three commissioners, approved.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 6, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), "Bill No. 52, Choctaw Nation. An Act to defray the expenses of the Board of Health."

Said act was approved by the Principal Chief of the Choctaw Nation October 31, 1899. This act appropriates the sum of \$10,000 to defray the expenses of the Board of Health in taking such means and measures as may be necessary to prevent the spread of, and to stamp out, the disease of smallpox now existing within the limits of the Choctaw Nation, and provides that the Board of Health shall at all times be under the supervision of the Principal Chief.

The United States Indian Inspector recommends that said act be approved, and his recommendation is concurred in by the Commissioner of Indian Affairs. I have, therefore, to recommend that said act be approved.

The letter of said Inspector, together with a copy of the report of the Commissioner, is enclosed herewith.

Respectfully,

E. A. Hitchcock.
Secretary.

Ind.Ter.Div.
3511-1899.
3 enclosures.

(Endorsed) Union Agency #448, received Dec. 18, 1899. Office of U.S. Indian Inspector, for I.T. Washington, Dec. 9, 1899. 783 Returns Choctaw Act to defray expenses of Board of Health, approved.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

WASHINGTON. December 7, 1899.

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

Sir:

Herewith is enclosed a letter from Wilkinson and Kennedy, attorneys at law, of South McAlester, I. T., dated November 28, 1899. They state that Indian Agent J. Blair Shoenfelt entered an opinion in the matter of claim against one G. C. Cochran "for royalty on certain goods exposed for sale by him in the Choctaw Nation adversely to the contention of the said Cochran and his attorneys," and that they desire to appeal from the decision of the said Agent, and ask to be informed as to the method of procedure. Their letter is referred to you for appropriate action.

Very respectfully,

W. A. Jones.

Commissioner.

W.C.V.(L'E)

(Endorsed) Union Agency # 435, received Dec. 11, 1899, Office of U. S. Indian Inspector for I. T. Washington, Dec. 7, 1899. Commissioner; Refers letter of Wilkinson & Kennedy relative to appeal of G. C. Cochran from agents decision concerning merchants tax in Choctaw Nation.

Wilkinson & Kennedy,
Lawyers.
Office in East Wilkinson Bldg.

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SOUTH McALESTER, IND. TER., Nov. 28th, 1899.

Commissioner of Indian Affairs,

Washington, D. C.

Sir,-On the 17th inst. Hon. J. Blair Shoenfelt, U. S. Indian Agent, at Muscogee, Ind. Ter. rendered an opinion in the matter of a claim against one G. C. Cochran for royalty on certain goods exposed for sale by him within the Choctaw Nation adversely to the contention of the said Cochran and his attorneys. We desire to appeal to you for a review of his decision. We are not advised as to what is customary in your department concerning matters of this kind--as to whether we should file a formal petition for an appeal with the agent, or apply to you for an order directing the agent to send all papers in the case to your department. If consistent with the rules of your department, will you kindly direct the agent at Muscogee to forward all papers concerning this matter to your office. We should like to file at the proper time a brief and argument in the case with you.

Very respectfully,

Wilkinson & Kennedy.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 16, 1899.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), "Bill No. 13. Choctaw Nation. An Act authorizing the appointment of a commission to negotiate with a like commission from the Chickasaw Nation.

Said act was approved by the Principal Chief of the Choctaw Nation October 25, 1899.

Section 1 of said act authorizes the Principal Chief of said nation to appoint a commission of three competent persons, Choctaws by blood, to meet a commission from the Chickasaw Nation, for the purpose of making a final and satisfactory settlement relative to the payment of all royalties that may be due from either of said nations to the other, and to arrive at and perfect an agreement to secure to said Choctaw and Chickasaw Nations their joint co-operation against the land claims of the Missouri, Kansas and Texas Railway Company within said nations.

Section 2 of said act requires said commission to make a written report to the Principal Chief of the actions of the joint commissions relative to the royalties, to be by him submitted to the next succeeding session of the General Council for final action thereon.

Section 3 authorizes the Principal Chief to adopt such measures as in his judgment may be necessary to carry into effect the recommendations and agreements of said commission in regard to said claims of said railway company.

Section 4 provides that if the Chickasaw Nation should refuse to appoint a commission, as provided in section one of said act, the commission on the part of the Choctaw Nation shall act independently of said nation in the matter of said railway company's claim, and authorizes the Principal Chief to act upon the recommendations of said commission without the co-operation of the Chickasaw Nation.

Section 5 prescribes the compensation which each of said commissioners shall receive, viz: five dollars per day and ten cents per mile while in actual service, and also requires each commissioner to verify his account and submit the same to the Principal Chief, upon whose certificate the National Auditor shall issue his warrant on the National Treasurer who shall pay the same.

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

The letter of the United States Indian Inspector, together with a copy of the report of the Commissioner of Indian Affairs, will be found with Bill No. 41 (Ind.Ter.Div. 3512).

Respectfully,
E. A. Hitchcock.
Secretary.

Ind.Ter.Div.
3532, 3512-1899.
3 enclosures.

(Endorsed) Union Agency # 498 received Jan. 5, 1900. Office of U.S. Indian Inspector for I. T. Washington, Dec. 26, 1899. Secretary. Choctaw Act authorizing commission to meet Chickasaw commission APPROVED.

DEPARTMENT OF THE INTERIOR,
United States Indian Service.

Union Agency,
Muskogee, I.T., Dec. 22, 1899.

Hon. Green McCurtain,
Prin. Chief Choctaw Nation,
Sans Bois, I.T.

Sir:-

Enclosed herewith is a letter from Hale & Rosser, attorneys at law at Cameron, I.T., written in behalf of I.P. Allen of Cartersville relative to holding cattle in the Choctaw Nation.

You will note that they state they have advised Mr. Allen to settle and make the best settlement he could. They further state that Mr. Allen has been in the Indian Territory about fifteen years, and ever since he has been in this country he has been dealing in cattle buying from and selling to both Choctaws and whites, that if he has ever brought any cattle into the Territory they are not aware of it, but that at any rate they are sure he has brought in very few. This letter is referred to you for your information and decision in the matter.

Very respectfully,

J. Blair Shoenfelt.

U.S. Indian Agent.

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

(Copy)

Refer in reply to the following:

Land.

61,287-1899.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

December 29, 1899.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, an Act of the Choctaw National Council passed at its regular 1899 session, approved by the Principal Chief October 31, 1899, entitled:

"An Act appropriating money for repairs and improvements at the Armstrong Orphan Academy".

Section one provides for an appropriation of \$1,000 for the purpose of making additions and repairs at Armstrong Academy necessary to the comfort and convenience of the pupils.

Section two directs that the National Auditor shall issue his warrant for said amount in favor of the Superintendent of said Academy, and that the National Treasurer shall pay the same.

Inspector Wright in his report states that the Principal Chief says "relative to the Act of the Council appropriating \$1,000 for repairs and improvements at the Armstrong Academy will say that it is the intention of the appropriating act that this money come from the school fund held by the United States government and belonging to the Choctaws". He also states that Mr. John D. Benedict, Superintendent of Schools in the Indian Territory,

-2-

syas that "I find the Council intended to pay that appropriation out of their school fund, the interest upon which amounts to \$2,473 and does not come within the provisions of the Curtis Act. Superintendent T.W. Hunter, of Armstrong Academy, desires to purchase about 40 iron bedsteads, repair floors and ceilings in the Academy buildings, 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".

Inspector Wright reports that the repairs appear to be necessary, and recommends that the act be approved.

The schools of the Choctaw Nation are still under the control of the national authorities. They desire to make what appear to be necessary repairs and additions to the school furniture, and, in my opinion, should be permitted to do so.

I therefore respectfully recommend that the bill be submitted for executive action with recommendation that it be approved.

Very respectfully,
Your obedient servant,

(W.C.V.)

P.

(Endorsed) Union Agency No. 540. Received Jan. 16, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 10, 1900. Secretary---Choctaw Act to make repairs of Armstrong Academy APPROVED.

DEPARTMENT OF THE INTERIOR.
WASHINGTON

December 30, 1899.

United States Indian Inspector

for the Indian Territory,

Muscogee, Indian Territory.

Sir:

Bill No. 65, Choctaw Nation, entitled "An Act Appropriating money to defray the expense of taking testimony in the M.K. & T.Ry. law claim," was approved by the President December 28, 1899, and it is enclosed herewith for appropriate disposition by your office. The letter of transmittal to the President and copy of the report of the Commissioner of Indian Affairs are also enclosed.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.
3773-1899.
3 enclosures

(Endorsed) Union Agency # 512 received Jan. 8, 1900 Office of U. S. Indian Inspector for INDIAN TERRITORY. Washington. Dec. 30, 1899. Secretary, Choctaw Act to pay expenses of taking testimony in M. K. & T. Ry land claim, APPROVED.

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DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
Washington, December 20, 1899.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herein an act of the Choctaw National Council passed at its regular 1899 session being bill No. 65, entitled,

"An Act appropriating money to defray the expense of taking testimony in the M. K. & T. R'y law (land) claim."

The first section of the act appropriates the sum of \$1,000 for the purpose of defraying the expenses necessary and incident to the case of the Missouri, Kansas and Texas Railway land claim,

The second section provides the method of paying this sum of money.

Indian Inspector J. George Wright recommends that the act receive favorable consideration, basing his action on the statement made to him by the Principal Chief of the Choctaw Nation, which is as follows:

Will say that the Choctaw Council deemed it necessary that some action be taken by the Choctaws and Chickasaws relative to these claims which the M.K.&T.R'y is attempting to enforce and to that end a commission was sent to the Chickasaw Legislature to confer with the authorities of that nation and endeavor to secure the appointment of a commission from the Chickasaw Nation to meet a like commission from this nation on the subject of a proper defence in this case, or rather, formulate plans for a proper defence. Inasmuch as this land claim is one of urgency and will have to be attended to before the convening of the next regular session of Council or of any special session not called, it was thought necessary by the Council to make an appropriation for the expense of taking testimony in this case in advance of the agreement of the proposed commissions. Of course, should the matter not be contested by the Choctaw and Chickasaw Nations, the fund appropriated will not be distributed, as it is not available for any other purpose than that for which it was appropriated.

Mr. Wright reports,

On November 16, 1899, the acts of both the Choctaw and Chick-

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asaw Nations providing for the appointment of a commission to meet like commissions of each nation concerning the Missouri, Kansas and Texas Railway land claim were forwarded to the Department with the recommendation that they be approved by the President of the United States.

On December 1, 1899, this office reported on Choctaw Bill No. 13, which had for its object the creation of a commission to meet and confer with a like commission of the Chickasaw Nation relative to the land claims of the Missouri, Kansas and Texas Railway Company and other matters, and on December 5, 1899, it reported on Chickasaw bill No. 19, which had for its object the creation of a like commission. This bill carried with it an appropriation of \$4 per day, together with actual expenses, as compensation for each member of the commission. The approval of both bills was recommended.

On December 5, 1899, this office reported on Choctaw bill No. 41, which appropriated \$300 to defray the expenses of the Choctaw Commissioners and recommended its approval.

The object of the bill under consideration appears to be to appropriate money to pay the expenses of taking testimony and other court expenses in land cases which may arise between the nations and the Missouri, Kansas and Texas Railway Company. As the nation has charge of this matter and desires to make a defence, (Sic) it appears that it should be permitted to do so. Therefore it is respectfully recommended that the bill be approved.

Very respectfully,
Your obedient servant,

W. A. Jones.

Commissioner.

W.C.V. (L'e)

EXECUTIVE OFFICE, CHOCTAW NATION

Green McCurtain, Principal Chief.

Sans Bois, I.T.

Jan. 9th, 1900.

Hon. J. Blair Shoenfelt,
U.S. Indian Agent,
Muskogee, Ind. Ty.

Sir:-

I am in receipt of your letter of the 22nd inst., transmitting letter of Hale & Rosser, attorneys at law, relative to I.P. Allen's holding cattle in the Choctaw Nation.

I notice that Messrs. Hale & Rosser take the position that the Choctaw Nation's having acquiesced to Mr. Allen's violation of the law for a considerable time - fifteen years, as stated by them - should operate as a limitation and bar prosecution. This proposition is put in the form of a question with an apology for its absurdity immediately preceding - we are aware of the fact that statutes of limitation do not run against a government. This attempt at hedging in their argument renders their proposition ridiculous, too much so to merit answer.

Messrs. Hale & Rosser seem to lay great stress on the fact that, as stated by them, Mr. Allen's case does not come under the provision of Section 2117 of the Revised Statutes of the United States because the cattle were not introduced by Mr. Allen. There is some difference of opinion on this point, that is, as to the liability of a person under section 2117 of the Rev. stats of

8377.

-2-

the United States where such person has not introduced any cattle but owns and holds more than ten head of cattle in the nation, i e, non-citizens. Whether it be a fact or not that said section does not apply, it by no means leaves the Choctaw Nation without remedy against such violations. There is a Choctaw statute limiting non-citizens to ten head of cattle - Durant's Code, p. 251, section 3, paragraph 1.

"Be it enacted, etc., No non-citizen shall be allowed to own, control, or hold any stock, of any kind, within the limits of the Choctaw Nation, except they may be under permit according to the laws of said nation, and then only so much as may be necessary for their own use and family consumption, not to exceed ten head of cattle in all; team necessary for the cultivation of the land they may have rented, or to carry on their particular business for which they may have permits; and such other stock as may be kept in an enclosure."

From the foregoing it is seen that non-citizens are not allowed to hold cattle in this nation to a number exceeding ten head. Should any non-citizen violate this statute and refuse to make amends for such violation, it then becomes the duty of the Principal Chief to report such offending party to the U.S. Indian Agent and ask for the removal of the party offending. It is clear that there is no escape from the plain meaning of the law in such cases.

It is not seen how this case differs from many others where compliance with the law has been enforced, and the representation of Hale & Rosser, that it would entail great loss to Mr. Allen to

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be forced to a compliance with the law at this time, is not considered such a defense as would entitle Mr. Allen to concessions not made to others.

Very respectfully,

Green McCurtain.

Prin. Chief, Choctaw Nation.

(Endorsed) Union Agency No. 8377. Received Jan. 12, 1900 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Green McCurtain. P.C.C.N. Sans Bois, I.T.-----Rel. to letter from Hale & Rosser in behalf of I. P. Allen. Notify Gov. Mc. that Allen has been notified that he will be required to comply with Choctaw Law.-----

DEPARTMENT OF THE INTERIOR.

Washington.

C.

January 17, 1900.

The United States Indian Inspector

for the Indian Territory, Muscogee, I.T.

Sir:

In an opinion rendered on October 18, 1899, approved the same day, the Assistant Attorney General Advised the Department, in the case of the Kansas & Indian Territory Coal Company vs. the Sans Bois Coal Company, "that neither of these Companies is, as a matter of law, entitled to a preference right to a lease of these lands, and that, in instances of such rival applications, the Secretary of the Interior must, in the exercise of a sound discretion, determine to which application a lease will be given. The Kansas & Indian Territory Coal Company having the only improvements on these lands, and having made a prior application for a lease seems to me to be in position to reasonably argue that its application be first considered."

On November 6, 1899, the Department referred to the Assistant Attorney General the application of George Hayden, Esq., Attorney for the Sans Bois Company, for an opinion whether said Company "has not, by fair interpretation, legally earned its right to the leases asked for."

There was also referred a communication from said Hayden stating that said question should refer only to the twenty-seven leases, and not to the lease involved in the contest between

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said Company and the Kansas & Indian Territory Coal Company. On December 14, 1899, the Assistant Attorney General rendered an opinion, which was approved by the Department on the same day, in which he held "that the applicant is not in position to demand, as a matter of right, the approval of the leases in question."

A copy of said opinion, dated December 14, 1899, is inclosed herewith, and also the lease covering the land in conflict. Said lease is disapproved, and you will so advise the said Companies.

Respectfully,

E. A. Hitchcock,

Secretary.

Ind.Ter.Div.
1882, 3365,
3687--1899,
2 enclosures.

(Endorsed) Union Agency No. 589. Received Jan. 25, 1900. Office of U. S. Indian Inspector for Indian Territory. Washington, Jan. 17, 1900. Secretary. Disapproves lease No.3 of Sans Bois Coal Co., contested by Kans.& Ind.Ter. Coal Mining Co.

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D E P A R T M E N T O F T H E I N T E R I O R.
UNITED STATES INDIAN SERVICE.
OFFICE OF SUPERINTENDENT OF SCHOOLS FOR INDIAN TERRITORY.
Muscogee, Ind.Ter. February 15, 1900.

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

Dear Sir:

Concerning the condition of the Freedmen in the Choctaw Nation, I beg leave to submit that I visited the Choctaw Council, while in session at Tushkahoma, last October, and endeavored to get the Council to make some provisions for the education of their freedmen, but they refused to make any such provision. I called their attention to the fact that the Government controlled a fund known as the Choctaw School Fund, upon which the annual interest amounts to \$2473.63, and asked that this annual interest, or a portion of it, be appropriated for the education of their freedmen. Their officials took the position, however, that this annual interest fund belonged to the Choctaw citizens, and that the Council could not legally appropriate it for the benefit of the freedmen without a vote of the Choctaw citizens, upon that proposition.

At present, we have no control of any school funds belonging to either the Choctaw or Chickasaw Nation, except the moneys arising from royalties upon coal and asphalt, and the Curtis Act prohibits us from using this fund for the education of any, except Choctaws and Chickasaws by blood. Some of the members of the Choctaw Board of Education assured me, last August, that they would open schools for their freedmen, but as their Council refused to make any appropriation therefor, the Board were left

-2-

powerless in the premises. I am fully convinced that the officials of these nations have no desire nor inclination to assist their freedmen, and that the latter will be left without any educational privileges, unless the Government comes to their relief in some manner. If the Government cannot be induced to appropriate money directly from the Federal Treasury for this purpose, it seems to me that it would be advisable to set aside a portion of the permit taxes, levied, collected and absorbed by these tribal governments, for the education of the children of these unfortunate freedmen.

There are now about one thousand colored children, of school age, in each of these nations, who are totally deprived of any school privileges. The Indians are so strongly prejudiced against them that it would not be advisable to admit the Negroes to the neighborhood schools already established for the Indians. The Negroes are anxious to attend school and many of them would be apt students, if any provision could be made for them. I hope the Government may be induced to come to their relief.

Respectfully submitted,

John D. Benedict.

Superintendent of Schools in
Indian Territory.

MLH

(Endorsed) Union Agency # 5853, received Apr. 23, 1900. Office of U. S. Indian Inspector for I. T. John D. Benedict, Supt. of Schools in I. T. Feb. 15, 1900. Relative to School Privileges of the Choctaw Freedmen.

DEPARTMENT OF THE INTERIOR,
Washington.

March 20, 1900.

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

Sir:

On March 18, 1901, the Commissioner of Indian Affairs submitted your report of March 9, 1901, in regard to the complaint transmitted by Preslie B.Cole in reference to the alleged payment to certain lot claimants in South McAlester of money by check signed by J.A.Sterrett and B.S.Smiser, Townsite Commissioners, referred to you February 16, 1901.

It appears that the payments were made in order to prevent protests against the approval of the plat of the town.

The chairman of the Commission reports that the property of Laura B.Cole, B.F.Dunn and James Fogarty was thrown into a street by order of the United States court; that the court did not open the streets, and that it was desired by the town and the Missouri, Kansas & Texas Railroad Company that the street be opened, but the Commission refused to do this unless the owners of the property which would be damaged by such change were compensated by the town and the railroad company; that a certain amount of money was deposited for the purpose, the Commission agreeing to award the damages; that the Commission

-2-

gave no money, handled no checks, and had nothing to do with the purchase of the lots except to award the damages.

You state that the actions of the Commission in this matter were perfectly proper and in accordance with your instructions, and recommend that no further action be taken.

The Commissioner states that it would doubtless have been better had some person not connected in any manner with the surveying of the town determined the amount of damages and made the payments therefore; that, however, the members of the Townsite Commission acted in the interests of order and speedy prosecution of the work. He concurs in your recommendation.

The Department considers the explanation satisfactory, and you will advise Mr. Cole that no further action will be taken in regard to the matter.

It is the wish of the Department, however, that the officers connected with the townsite work in the Indian Territory should confine their acts in connection with the town property to the duties legitimately imposed upon them.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
1080-1901.
1 inclosure.

(Endorsed) Union Agency No. 1969 Received Mar. 25, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, March 20, 1901. Secretary.-----Action of Choctaw Townsite Commission relative to complaint of Preslie B. Cole approved.-----

DEPARTMENT OF THE INTERIOR,
United States Indian Service,

Union Agency,

Muscogee, I.T., June 4, 1900.

T. J. Sexton,

Sheriff Skullyville Co.,

Bokoshe, I. T.

Sir:-

Referring to your affidavit dated May 26th relative to the refusal of J. N. Nichols, George Nichols, George Muse, Dr. A. L. Brewster and Lum Smith to pay their permit tax due the Choctaw Nation, I enclose herewith notices to be served on these parties, which you will deliver to them. You will note that I have given them ten days from date of service of the notice on them, within which to pay said tax, and you will inform this office at the expiration of said time whether or not the parties have complied with the order given them. You will also notify this office of the dates of service of said notices.

Very resptfully,

J. Blair Shoenfelt,

U. S. Indian Agent.

encls.

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Land
27708-1900

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,

Washington,
June 14, 1900;

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made by U.S. Indian Inspector J. George Wright, on June 8, 1900, transmitting a letter received by him from E. N. Wright of Atoka, Indian Territory, asking certain questions. He states that he has been nominated as one of the candidates for the office of Principal Chief in the Choctaw Nation and desires to be advised as to the following questions, stating that a decision in advance of the election will possibly save trouble which is liable to arise unless the questions are decided beforehand, viz:

1st. Are the so-called Clayton citizens, who have been adopted by the U.S. courts, but not recognized by the Choctaw laws, entitled to cast their votes in the coming election?

2nd. Are the colored Chickasaw freedmen, who were enrolled as adopted citizens, in 1883 or '84, and until last year have always enjoyed the right of franchise, voting on the agreement as though they were Choctaw freedmen, etc., but who have, during the last year, been enrolled as Chickasaw freedmen, entitled to cast their vote in the coming election?

3rd. Are those persons who were denied by the Choctaw Nation but were enrolled by the Dawes Commission, entitled to the right of franchise?

Inspector Wright made no recommendation but transmitted the letter with a request that he be advised as to the views of the Department in the premises.

-2-

Section 1, article 5, of the Choctaw constitution provides that the supreme executive power of the Choctaw Nation shall be vested in one principal chief, assisted by three subordinate district chiefs.

Section 2 provides that the principal chief shall be elected by the qualified electors on the first Wednesday in August, eighteen hundred and sixty, and every two years thereafter.

Section 3 provides that the returns of every election for principal chief shall be made out, sealed up, and transmitted to the supreme judges of each district, to be forwarded by him to the national secretary who shall deliver them to the speaker of the house of representatives during the first week of its organization, who shall proceed to open and count the votes in the presence of both houses of the general council, and the person having the highest number of votes shall be declared principal chief by the speaker.

The Choctaw laws (see page 191 et. seq., of Durant's Compilation of the Choctaw Laws, of 1894) provide for election machinery and for the method of making returns of elections.

Section 6 of said chapter (page 193) provides that,

Whenever any person offers to vote, and the judges have any doubts as to his qualifications, they are hereby authorized to examine the party under oath to satisfy themselves as to his qualifications, and may call upon any other parties to answer questions as regards such person's qualifications.

It thus appears that the Choctaw constitution and laws make ample provision for the election of principal chief of the Choctaw Nation, and in my opinion the Department should not attempt to

determine before an election as to whether or not any particular person or class of persons is entitled to the right of franchise in the Choctaw Nation. If questions of this character should properly come before the Department, it would be necessary to determine them; but until they are before the Department, I doubt the propriety of attempting to make a decision in advance of a case which may never be presented to the Department.

I respectfully recommend that Inspector Wright be advised as above indicated.

Very respectfully,
Your obedient servant,

W.A.Jones,
Commissioner.

W.C.V.(L'e)

(Endorsed) Union Agency No.867 Received Jul.5, 1900 Office
of U.S.Indian Inspector for Indian Territory. Washington,D.C.,
June 28, 1900, Secretary.-----Rel. to right of certain persons
in Choctaw Nation to vote.-----

DEPARTMENT OF THE INTERIOR,
Washington.

June 22, 1900.

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

Sir:

The Department is in receipt of your communication of the 15th instant, in which reference is made to departmental letter of April 18th last, enclosing a communication from Mr. George W. Doyle, of Bonanza, Arkansas, complaining of the action of a colored man who claimed to represent the Five Civilized Tribes and collected money from the members thereof.

You report that Lavan, the man complained of, was arrested upon the charge of obtaining money under false pretenses, tried, convicted and sentenced to serve a term in jail for the offense of petit larceny, and that said Lavan is now serving his term of sentence in the United States jail at Fort Smith, Arkansas.

This prompt action ought to have the effect of preventing similar offenses in future, and it is greatly to be desired that the criminal laws shall be rigidly and impartially enforced against all offenders.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.
2033-1900.

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(Endorsed) Union Agency No.855 Received Jun.29,1900 Office
of U.S.Indian Inspector for Indian Territory. Washington, D.C.,
June 22, 1900, Secretary.----Rel.to prosecution of George Lavan
for petit larceny in the Choctaw Nation.----

T. J. SEXTON
Sheriff Skullyville County,
Choctaw, Nation.

Bokshe, I. T. June 29th, 1900.

Hon. Green McCurtain,

Principal Chief C. N.

Sans Bois I. T.

Dear Sir:-

Replying to your favor of 26th ult. beg leave to refer you to the following persons, that have repeatedly refused to pay the Choctaw permit tax:

Lum Smith, Spiro, Ind. Ter.
J. N. Nichols, Shady Point, Ind. Ter.
M. L. Lincomfelt, Shady Point, Ind. Ter.
Dr. A. L. Brewster, Bokooche, Ind. Ter.

These parties along with others have been given 10 days notice by Hon. J. Blair Shonefelt to pay ther (Sic) permit Tax or steps will be taken to remove them from the limits of the Choctaw Nation. All notices have been duly served and parties have paid except names above, who have repeatedly refused to pay permits.

Yours very respectfully,

Thompson J. Sexton.
Sheriff.

EXECUTIVE OFFICE, CHOCTAW NATION
Green McCurtain, Principal Chief

Sans Bois, I. T., July 6th, 1900.

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

Sir:-

In a letter written you on the 26th of June I enclosed a letter from Sheriff Sexton wherein he complained that the Department had not removed any one from Skullyville County for non-payment of the Choctaw permit tax. On that same date this office ordered the sheriff of Skullyville County to make a report naming the parties who having had notice from the Indian Agent to comply with the Choctaw permit law still refused to do so I would, then, call your attention to the fact and ask their immediate removal.

I am just in receipt of a letter from T. J. Sexton enclosing report of the parties who after receiving notice from your office to comply with the permit law, still refused to do so. Therefore, I respectfully ask that you take such steps as you deem proper under the circumstances.

Very respectfully,

Green McCurtain

Principal Chief, Choctaw Nation.

DEPARTMENT
OF THE
INTERIOR.

Washington.

July 10, 1900.

United States Indian Inspector

for the Indian Territory,

Muscogee, Indian Territory.

Sir:

The Department is in receipt of a communication from the Chairman of the Choctaw Townsite Commission addressed to you on the 12th ultimo, transmitting therewith a letter from Mr. F. S. Genung, Chairman of the Citizens' Committee, relative to the provisions of the Indian Appropriation Act approved May 31, 1900, in relation to parks.

The Chairman requests to be advised whether the provisions in said bill modify the previous instructions given said commission. You forward said communication with the following indorsement: "Respectfully referred to Hon. Sec'y of Interior with request that "I be advised in reference to parks in towns in Choctaw and Chickasaw Nations."

The Department has advised you relative to the matter in a letter of even date herewith, in which your attention is invited to the fact that the Department on July 6th directed the Commissioner of Indian Affairs to prepare a draft of instructions for the purpose of carrying out the provisions of the townsite law found in the act of Congress approved June 28, 1898 (30 Stat., 495), as amended by the Indian Appropriation Act for the fiscal year ending June 30, 1901 (Public No. 131).

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A copy of the report of the Commissioner of Indian Affairs, dated June 25th, forwarding said letter of the Chairman of the Townsite Commission, is inclosed herewith, together with said letter from the townsite commission and inclosure.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind.Ter.Div.

2092-1900

3 inclosures.

(Endorsed) Union Agency # 898 Received Jul. 17, 1900 Office of U. S. Indian Inspector for I. T. Washington, July 10, 1900. Secretary. Returns letter of F. S. Genung rel. to parks in So. McAlester.

F.

DEPARTMENT OF THE INTERIOR,
Washington.

August 2, 1900.

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

Sir:

The Department is in receipt of your communication of the 25th ultimo, inclosing a communication dated the 21st ultimo from the United States Indian Agent forwarding a letter from the Principal Chief of the Choctaw Nation, with sundry other papers, complaining that Lum Smith, J. N. Nichols, M. L. Lincomfelt, and Dr. A. L. Brewster, have refused and failed to pay their permit taxes in the Choctaw Nation after having been notified to do so by said Indian Agent.

You report that the Principal Chief requests the removal of said parties from the Choctaw Nation, and that the Agent approves said request, and you recommend that authority be given to remove said parties under the provisions of section 2149 of the Revised statutes of the United States.

The Acting Commissioner of Indian Affairs on the first instant forwarded your said report, and concurred in said recommendation. He also inclosed a telegram directing that the United States Indian Agent remove said parties, which he recommends that the Department approve.

The Department concurs in the recommendations made, and has

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this day approved the telegram transmitted by the Acting Commissioner, and returned the same to his office for appropriate action.

The papers transmitted with your said communication of July 25th, together with a copy of the report of the Acting Commissioner, are inclosed herewith.

Respectfully,

Thos. Ryan
Acting Secretary.

Ind.Ter.Div.
2544-1900.
7 inclosures.

(Endorsed) Union Agency No.971. Received Aug. 6, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 2, 1900. Secretary-----Approved Recommendation for removal of Lum Smith, J. N. Nichols, M. L. Lincomfelt and Dr. A. L. Brewster from Choctaw Nation.

August 3, 1900.

Honorable Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

I have the honor to submit herewith five copies of contract with Prof. Sam M. Morley, as Superintendent of Armstrong Orphan Academy, Choctaw Nation, for the ensuing scholastic year.

Mr. Morley has been principal teacher of this school for several years past and has done good work. He is at present temporarily employed in the Census Bureau at Washington, D. C., and will call at your office to confer with you personally concerning this contract.

Respectfully submitted,
Superintendent of Schools in
Indian Territory.

Respectfully forwarded,
August 3, 1900.

J. Geo. Wright,

U.S. Indian Inspector
For Indian Territory.

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector,
For
Indian Territory,

Muscogee, Ind.T., August 4, 1900.

7158-'00
App. 20
Pp. 177.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith an application for a lease to mineral lands in the Choctaw Nation, Indian Territory, covering 480 acres, for coal mining purposes, by the McAlester and Galveston Coal Mining Company, of Galveston, Texas. The applicants state:

1st. That they have made no other applications for mineral leases in the Indian Territory, nor are they interested in any other coal or asphalt leases in the Indian Territory.

2nd. That they do not intend to sell or transfer this lease, but to operate same themselves.

3rd. That they have no national contract, and have expended no money in improving the tract applied for.

4th. That they will within one month after formal lease is approved begin active operations, and have \$50,000 on hand for that purpose. That they expect to produce the first year not less than 3000 tons, the second year not less than 4000 tons, and the third year not less than 7000 tons of coal. That there is

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underlying the tract applied for 2,132,000 tons of coal, there being two veins each 50 inches in thickness, and that the tract underlaid with coal covers about 309 acres.

5th. That none of the parties named in the application have had any experience in coal mining, except Mr. William Cambron, one of the parties interested, who, it is stated, has had extensive experience in the coal business, and possesses a thorough knowledge of the conditions existing at the location sought to be leased, and that he will have general charge of the mining operations, in conjunction with a coal mining expert.

The Mining Trustees of the Choctaw and Chickasaw Nations, to whom this application was referred, state that the company is composed of practical business men with ample means to operate a coal mine, and they believe it would be to the best interests of the nation to grant them a lease, and they so recommend.

The Department has heretofore hesitated to grant leases to parties not engaged in the coal business, but in view of the fact that this company makes application for only a small tract, and appear to have ample means to operate the same, I would respectfully recommend that this application receive favorable consideration.

Very respectfully,

Your obedient servant,

J. Geo. Wright,

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

DEPARTMENT OF THE INTERIOR,
Office of U. S. Indian Inspector,
For
Indian Territory,
Muscogee, Ind.T.,

Aug. 6, 1900.

6924-7227-D974-1900.

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

Sir:

Referring to Departmental letter "Ind. Ter. Div. 2485-1900" dated the 31st ultimo, wherein I was advised that the Mining Trustees for the Choctaw and Chickasaw Nations have no authority to enter into a lease for the mining of cement plaster, and also it is stated by the Commissioner of Indian Affairs in his report to the Department in regard to the matter that he is "unable to find any statute which would authorize an individual Indian to enter into such a lease," I have the honor to report that complaint was made to this office recently by Arthur Brady, A Choctaw minor, 15 years of age, by his next best friend, Peter Ivey, against one E. W. Schreiner, Manager of the McAlester Vitrified Brick & Tile Company, for trespassing upon Brady's premises.

Said complaint was forwarded by me to the Mining Trustees for investigation and report, and I am now in receipt of their report in regard to the matter which I enclose herewith for your information and consideration, and in this connection respectfully request to be advised whether, in view of all the statements --press book no. 4.letter 228.--

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made in regard to the matter by the Mining Trustees, said Schreiner would be warranted in making such a contract with a proper guardian of said minor as is indicated in the report of the trustees.

Very respectfully,

Your obedient servant,

U.S. Indian Inspector

For Indian Territory.

(Endorsed) Union Agency Press Book No. 4. Letter 228. Muskogee, Okla.

August 6, 1900.

Honorable Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

I have the honor to acknowledge the receipt of your letter of August 2, 1900, (Education, J.H.D.) through the U.S. Indian Inspector, and for answer thereto I submit the following:

The Matter to which you refer applies only to the Choctaw Nation. A year ago when we appointed the teachers and other employes of that nation, it was understood that they should serve for a term of nine months, beginning September 1st 1899, and that all positions would be declared vacant on the 31st day of May 1900. During the month of June Supervisor McArthur was busily engaged in conducting the teachers' normal school and he neglected to submit any report asking for the relief of last year's teachers. I therefore recommend that all of the teachers and other employes of the Choctaw Nation be reported as relieved on the 31st day of May 1900, except the matron, cook and laundryman in the Wheelock Female Orphan Academy and the Armstrong Male Orphan Academy. At the close of the school year, May 31st, 1900, it was found necessary to keep a good many of the orphan children at these two academies during summer inasmuch as they had no other homes, we therefore decided to retain the matron, cook and laundryman in each of these two orphan academies during the summer. Some of the neighborhood schools were closed previous to May 31st for lack

-2-

of attendance.

New lists of appointments for the ensuing year will be prepared and submitted for your approval as rapidly as possible.

I have the honor to submit herewith an estimate of the salaries of teachers and other employes for the term of nine months, beginning September 1st, 1900, as follows:

Jones Male Academy

Principal Teacher-----	\$ 900.00
Three Assistant Teachers-----	1620.00
Matron-----	450.00
Assistant Matron-----	360.00
Seamstress-----	450.00
Assistant Seamstress-----	360.00
Engineer-----	450.00
Cook-----	450.00
Laundress-----	360.00
Janitor-----	315.00
Total:-----	<u>\$5715.00</u>

Tushkahoma Female Academy:

Principal Teacher-----	\$ 900.00
Three Assistant Teachers-----	1620.00
Matron-----	450.00
Assistant Matron-----	360.00
Seamstress-----	450.00
Assistant Seamstress-----	360.00
Engineer-----	450.00
Cook-----	450.00
Laundress-----	360.00
Janitor-----	315.00
--press book 4-let. 245.---	total-----
	<u>\$5715.00</u>

Armstrong Male Orphan Academy:

Principal Teacher-----	\$ 900.00
Two Assistant Teachers-----	1080.00
Matron-----	600.00
Assistant Matron-----	360.00
Seamstress-----	450.00
Cook-----	500.00
Laundryman-----	480.00
Janitor-----	315.00
Total-----	<u>\$4685.00</u>

Wheelock Female Orphan Academy:

Principal Teacher-----	\$ 900.00
Two Assistant Teachers-----	1080.00
Matron-----	600.00
Seamstress-----	450.00
Cook-----	500.00
Laundryman-----	480.00
Janitor-----	315.00
Total-----	<u>\$4325.00</u>

Inasmuch as Spencer Academy was burned on the 23rd day of June, it has been thought advisable to increase the enrollment to some extent in the academies; this makes it necessary for us to provide for a few additional employes. I also recommend that the sum of \$2000.00 be set aside for necessary repairs and improvements, in and about these academies. I also estimate that we shall be able to establish and maintain 120 neighborhood schools in the Choctaw Nation for a term of nine months, at a cost of about \$37800.00 --press book no. 4 letter 245.--

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Summary:

Salary of employes at Jones Academy-----	\$ 5715.00
Salary of employes at Tushkahoma Academy-----	5715.00
Salary of employes at Armstrong Academy-----	4685.00
Salary of employes at Wheelock Academy-----	4325.00
Estimate cost of repairs and improvements-----	2000.00
Cost of maintaining 120 neighborhood schools-----	37800.00
	<u>\$60240.00</u>

Respectfully submitted,

Superintendent of Schools
in Indian Territory.

Respectfully forwarded,

J.G.Wright.

U.S.Indian Inspector
For Indian Territory.
Aug.7, 1900.

(Endorsed) Union Agency.No.4 Press Book-Letter 245.Muskogee Okla.

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector,
For
Indian Territory,
Muscogee, Ind.T.,
August 7, 1900.

The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Herewith inclosed is a letter from Mr. John D. Benedict, Superintendent of Schools in the Indian Territory, of even date herewith, addressed to you in reference to the provisions for the education of Choctaw children residing in the Chickasaw Nation.

He suggests that they be allowed to attend the school or schools of their choice; that teachers of such pupils be required to make quarterly reports of such attendance, showing the names and ages of such Choctaw children, and the number of days' attendance of each child; that these reports should be sent by the teachers to the Supervisor of Schools for the Chickasaw Nation, and that he be required to satisfy himself that the pupils named in said reports are Choctaws by blood, and that the Supervisor be prepared to certify to the correct amount due the teacher upon each quarterly report, and that upon the approval thereof by the Superintendent of Schools for the Indian Territory, the United States Indian Agent for Union Agency be authorized to issue checks to the teachers for the amounts found due upon such quarterly reports. He also recommends that the Supervisor of Schools for the Chickasaw Nation be instructed to visit and inspect such

--press book no. 4 letter 273.--

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schools, and that such teachers before entering upon their duties be approved by him.

I concur in the recommendations of Superintendent Benedict, and respectfully forward his letter herewith.

Very respectfully,
J. Geo. Wright,
U.S. Indian Inspector,
for Indian Territory.

W.F.W. (E)

1 Inclosure

(Endorsed) Union Agency Press Book No. 4 Letter 273. Muskogee, Okla.--

DEPARTMENT OF THE INTERIOR,

Office of U.S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind. T., August 8, 1900.

The Commissioner

of Indian Affairs.

Sir:

I enclose herewith a communication from Superintendent of Schools Benedict, dated the 8th instant, reporting the destruction by fire of one of the boarding schools in the Choctaw Nation, with reference to which he states that he has made personal investigation of the matter, and encloses sworn statements to the effect that the fire was purely accidental.

He further states that, unless the Choctaw authorities see fit to do otherwise, he does not deem it advisable to attempt to rebuild this school for the present, but states there is considerable stock on hand, which he suggests be transferred to other boarding academies, with the exception of the hogs and other articles of personal property, which should be sold.

I approve the recommendation of Superintendent Benedict, and respectfully suggest that the enclosed papers be returned, to be submitted to the Choctaw authorities, or their council at the next meeting, that they may be advised of the cause of this loss.

I have also suggested to Superintendent Benedict that the horses and cattle remaining be transferred to other academies, and I respectfully ask that authority be granted for the sale of the

--press book no.4 letter 279.--

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hogs and other articles remaining, the proceeds from such sale to be taken up and accounted for by the United States Indian Agent, Union Agency.

Very respectfully,

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

J.G.W. (Mc)

(Endorsed) Union Agency Press Book No. 4 Letter 279. Muskogee, Okla.

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector,
For
Indian Territory,

Muscogee, Ind.T., August 14, 1900.

7393-'00

The Commissioner
of Indian Affairs.

Sir:

There is enclosed herewith a communication from Mr. John D. Benedict, Superintendent of Schools in the Indian Territory, transmitting corrected agreement with Mr. Samuel S. Morley as superintendent of the Armstrong Academy, in the Choctaw Nation.

In your Office letter to him dated August 8, 1900, "Cl.120607," his attention is called to the fact that in the former contract submitted he had not followed the regulations, which require that the vouchers in duplicate should be duly certified to by the United States Indian Agent.

I am advised by the Superintendent that during the past year vouchers have not been certified to by the United States Indian Agent, but by the Supervisor for the Choctaw Nation, and approved by the Superintendent of Schools for the Indian Territory, and I respectfully suggest that the regulations be changed to that effect and that the contract be made accordingly.

The Supervisor is the only officer who can consistently make the required certificate, inasmuch as he is the only one who visits these various schools in the Choctaw Nation, and sees that the

--press book no. 4 letter 301.--

-2-

requirements of the contract are complied with. The United States Indian Agent, never visiting any of these schools, can only issue a certificate based upon the reports of the supervisor and superintendent. For these reasons he should not be required to certify to the correctness of these claims when he has nothing to do with the schools, or the schools are directly under the supervision of the agent, and where he is therefore, in such cases, in a position to make the required certificate.

I have, therefore, directed Mr. Benedict to leave this space blank, and respectfully suggest that there be inserted therein the words, "Certified to by the Choctaw Supervisor, and approved by the Superintendent of Schools for the Indian Territory."

If, however, it should be deemed more desirable to have it certified to by the United States Indian Agent, I would suggest that the words, "Certified to by the United States Indian Agent for the Union Agency," be inserted.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector,

for the Indian Territory.

J.G.W. (Mc).

(Endorsed) Union Agency Press Book No. 4 Letter 301. Muskogee, Okla.

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DEPARTMENT OF THE INTERIOR.
WASHINGTON.

AUGUST 15, 1900.

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

Sir:

The Department is in receipt of your letter of the 2nd instant, transmitting a communication from Mr. Ira D. Oglesby, General Attorney for the Coal Companies of Arkansas and the Indian Territory, in which he says:

"The Coal Companies which I represent wish to employ and bring to the Territory to work in their mines Mexican coal miners. I am requested by our General Manager to ascertain if there are any restrictions upon bringing this labor to the Territory, and if not, if there are any regulations to be complied with in order to have them transferred to the Territory",

and you ask to be informed fully in regard thereto.

You are advised that a contract for the employment of alien labor, as contemplated by these companies apparently falls within the inhibition of Chapter 164 of the United States Statutes at Large, passed February 26th, 1885 (23 Stat., 332), Sections 1 and 2 of which are as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Sec. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the

migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect."

Following sections land 2 above quoted, the act imposes penalties for the violation of the same.

You are also advised that by Chapter 220, United States Statutes at Large (24 Stat., 414), the Treasury Department is charged with the duty of executing the provisions of said act of February 26, 1885, to all of which you should invite the attention of the attorney for said companies.

The communication of Mr. Oglesby is herewith returned.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.
2629-1900.
1 Inclosure.

(Endorsed) Union Agency # 1019 Received Aug. 20, 1900. Office of U. S. Indian Inspector for I. T. Washington, Aug. 15, 1900, Secretary. Reply rel. to introduction of Mexican coal miners into Choctaw Nation.

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

Washington.

August 16, 1900.

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

Sir;

The Department is in receipt of your communication of the 17th of July, 1900, transmitting two letters from Mr. B. S. Smiser, Townsite Commissioner in the Choctaw Nation, in regard to parks and townsites in the Choctaw Nation. On the 13th instant you were instructed in regard to said parks.

In his letter of July 30th, after quoting from a letter from Mr. McCurtain, Governor of the Choctaw Nation, Mr. Smiser states that:

"When I hear from Governor McCurtain further on this subject I will notify you of his position; and until such time I will not be authorized to take any steps toward carrying out the regulations of the Honorable Secretary, as outlined to me when down here on the 21st."

You will inform Mr. Smiser that he is apparently laboring under a misapprehension as to his position as townsite commissioner; (that it is not the first time the Department has observed a tendency on his part to question the right of the Department in townsite matters;) that he must recognize that it is the instructions of the Department he is to carry out, as an employee of the United States, paid out of Government funds, and not the views of Governor McCurtain, though the Department has no desire to intimate that he is not at

-2-

liberty to consult the Governor whenever he sees proper. While the Department has treated and will continue to treat with deference the views of the Governor, it will insist that Mr. Smiser must recognize its authority without qualification.

It is hoped, without questioning his good faith, that this will be a sufficient warning to Mr. Smiser to see that the orders of the Department are properly executed.

The act of June 28, 1898 (30 Stat., 495), and the act of May 31, 1900 (Public No. 131), both give the Department ample authority in the matter.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.
2630-1900.
No inclosures.

(Endorsed) Union Agency No. 1028 Received Aug. 21, 1900 Office of U.S. Indian Inspector for Indian Territory. Washington, August 16, 1900. Secretary.-----Instruct Commissioner Smiser relative to his duties as townsite commissioner.-----

F.

DEPARTMENT OF THE INTERIOR.

Washington.

August 18, 1900.

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

Sir:

The Department is in receipt of a letter of the 15th instant from the Commissioner of Indian Affairs, referring to departmental letter of July 12, 1900, approving his recommendation that F. S. Genung, of South McAlester, Indian Territory, be allowed a tract of land in said town 300 x 375 feet as one lot, and permitted to purchase it at fifty per cent. of its appraised value, and that one Sittel be allowed his inclosure, provided it did not contain a larger area, and that he be permitted to purchase it on the same terms; also to departmental letter of August 11, 1900, allowing M. M. Winningham to purchase, should there be no valid objection, a tract in the town of South McAlester 244 x 310 feet as one lot at fifty per cent. of the appraised value thereof; also to departmental letter of the same date, allowing A. A. Billingsley of said town to purchase, should there be no valid objection, a tract 260x340 feet as one lot and at fifty per cent. of its appraised value.

The Commissioner transmits two reports from you dated August 4, and one dated August 7, 1900, relative to allowing parties in South McAlester to purchase large areas as one lot at fifty

-2-

per cent. of the appraised value thereof.

In regard to your report of August 4 the Commissioner states that you inclosed a report from the Chairman of the Choctaw townsite Commission, dated August 3, in which it is recommended that the Commission be directed to set aside and schedule to Rev. J. T. Riley an entire block 260 x 350 feet; that said report is also signed by Commissioner Smiser who dissents from the recommendation of the Chairman.

The Commissioner states that your other report of August 4, is in regard to the request of Dr. E. N. Allen, of South McAles-ter, that the Choctaw Commission be directed to plat the area inclosed by him, which is 300 x 320 feet, as one lot, and that he be permitted to purchase the same at fifty percent. of its appraised value.

The Commissioner quotes as follows from the 29th section of the act of June 28, 1898 (30 Stat., 495):

"The owner of the improvements on each lot shall have the right to buy one residence and one business lot at fifty per centum of the appraised value of such improved property and the remainder of such improved property at sixty-two and one half per centum of the said market value," &c.,

and states that it will be seen that under the agreement with the Choctaw and Chickasaw Nations the owner of the improvements is given the right to purchase but two lots, one residence and one business, at fifty percent. of their appraised value, and the further right to purchase all other lots on which he has permanent

improvements at sixty-two and one half per cent. of their appraised value.

The Commissioner states that the difference is the law as to the Creek and Cherokee Nations and the Choctaw and Chickasaw Nations was not over looked at the time the recommendation was made in the Genung case, but as the land claimed by that party is situated in the outskirts of South McAlester, and as it appeared that he had been to considerable expense in improving the place, his office thought that a liberal construction of the law should obtain.

He calls attention to departmental letter of July 1, 1899, in determining what the size of lots in the town of Cale (now Sterrett), Choctaw Nation, should be, in which it was stated:

"The Acting Commissioner suggest, agreeing with the officers of the nations, that the lots be fixed at 25 x 150 feet for business lots and 100 x 150 feet for residence lots or as nearly that size as possible, 'having regard to all interests of the parties residing in the town and that due regard shall be had to the convenience of the parties in the establishment of alleys and streets.'"

The Commissioner states that the general and ordinary acceptation of the term "lot", when used as relating to town property, is understood to mean a subdivision of a block; that nowhere in the 29th section of the act of June 28, 1898, is it provided that the owner of permanent improvements shall have the right to purchase a whole block at fifty per cent. of its appraised value.

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He concludes as follows: "After more maturely considering this subject, I am of opinion that the office erred in making The recommendation in the Genung case, which was doubtless the basis of the Department's action in that case."

He recommends that the instructions given you in the Genung case be revoked, and that you be directed to so advise the Choctaw Townsite Commission; and, further, that you be directed to instruct the Choctaw and Chickasaw Townsite Commissions, the townsite surveyors recently appointed by the Government, and the Supervising Engineer, that the size of both business and residence lots be established in accordance with the instructions contained in departmental letter of July , 1899, and sold in accordance with the provisions of section 29 of the act of June 28, 1898.

The Department after very careful reconsideration of the matter concurs in the Commissioner's views, and you will so advise all parties in interest accordingly.

The Commissioner has been directed to return to the Department departmental letters in the Winningham and Billingsley cases.

A copy of the Commissioner's letter of August 15 is inclosed.

Respectfully,

Ind. Ter. Div.
2724-1900.
1 inclosure.

Thos. Ryan
Acting Secretary.

(Endorsed) Union Agency No. 1038. Received Aug. 24, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 18, 1900. Secretary---Revokes action in Genung case at South McAlester, and directs action in similar cases.

DEPARTMENT OF THE INTERIOR,
Office of U. S. Indian Inspector
For
Indian Territory,

Muscogee, Ind.T., August 22, 1900.

7530-'00

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication, dated the 20th instant, from the Chairman of the Choctaw Townsite Commission, enclosing a letter from Dr. A. Griffith, President of the School Board of South McAlester, requesting that four tracts of land, comprising at least one block each be set aside for school purposes, under that part of section 15 of the act of Congress approved June 28, 1898, making provision for the survey or parks and other public grounds. The Chairman of the Commission recommends that such request be granted, but the member on the part of the Choctaw Nation dissents from such recommendation.

Recent instructions have been given by the Department to the effect that in the Choctaw and Chickasaw Nations certain grounds may be set aside for park purposes, under the provisions of the Indian Appropriation Bill (Public No. 131), same to be paid for as provided by the act of June 28, 1898. In these instructions, however, nothing has been said relative to lands to be set aside for any purposes other than parks, and in view of the fact that the Indian Appropriation Act above referred to makes no mention

--press book no. 4.letter 330.--

of the setting aside of lands for school or other public purposes, it would not appear that the Department could authorize the setting apart of lands for the purpose suggested by the President of the South McAlester School Board, and the enclosures are respectfully submitted for the consideration of the Department.

Very respectfully,

Your obedient servant,

J.Geo.Wright,

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

August 22, 1900.

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

Dear Sir:

I desire to submit the following special report concerning the educational outlook in the Choctaw Nation.

About ten days ago Supervisor Ballard and I were notified by the Honorable Green McCurtain, Principal Chief of the Choctaw Nation and ex-officio President of the Choctaw Board of Education, that on the fifteenth day of this month the Choctaw Board of Education would hold a meeting at Red Oak for the purpose of considering school matters for the coming year. Governor McCurtain requested us to be present at the meeting. On the evening of the fourteenth Supervisor Ballard and I went to Red Oak. We found Governor McCurtain there with all the members of his Board and also the newly elected Chief of the Choctaw Nation, the speaker of their Lower House and a number of other prominent Choctaws.

On the morning of the fifteenth day they seemed to have no special place of meeting and I invited the Governor to hold his meeting in my room at the hotel. Early that morning the Governor and Mr. J. W. Everidge, the Choctaw Superintendent of Education, came to my room and said that they desired a statement from me concerning our plan of work for the coming year. I told them that I had been informed that their Board had had some correspondence with the Honorable Secretary of the Interior several months --press book no. 4 letter 359.--

ago looking toward a joint control between them and us over their schools, but that after some correspondence it appeared that they and the Honorable Secretary could not reach an agreement and that inasmuch as the time was approaching for making arrangements for the next year's schools, I had been instructed to go ahead and manage their schools as we did last year. I also stated to them that I was anxious to work in harmony with them if possible. Governor McCurtain having then called the members of his Board together in my room, I left the room, allowing them to have a consultation among themselves. After they had discussed matters awhile they called me into the room again and asked me concerning my plans of work for the coming year. They also asked whether the superintendents and teachers had been appointed for their academies and who they were. I gave them all the information which I had and told them I thought the superintendents and teachers of the various academies were practically agreed upon and gave them the names of as many as they called for. They made no objections to any of these employes except that they stated that among their full-blood people there were some complaints against the management of the Female Orphan Academy. Some of them stated that it had been reported that the Superintendent of this academy was careless in the matter of allowing the girls to leave the school unaccompanied by any of the employes. Some of the members admitted that in their own opinion the charges were not true, but they thought it would be well to investigate them. I called upon the Board to submit a statement of the charges in writing and I agreed with them that at some suitable time in the near future, I would meet them in the vicinity of Wheelock Orphan Academy and

--press book no. 4 letter 359.--

we would investigate these charges together. This was entirely satisfactory to them and they made no complaint against any of the other employes. I also told them that a great number of Choctaws would be employed in the academies during the coming year than were employed last year. This statement seemed to please them and they heartily endorsed the Choctaws whom we had agreed to employ.

I told them that I was very anxious to work in harmony with them and to secure their co-operation in the work of building up their schools. Some of them expressed the opinion that inasmuch as they were subject to the orders of the Choctaw authorities while I was subject to the orders of the Honorable Secretary of the Interior, that therefore it was difficult to agree upon any definite plan by which we could all work together. They stated, however, that they desired to submit a report to the Choctaw Council at the opening of its next session, October first, and they invited me to meet with them, in the presence of the Council, and consider school matters further.

They made some complaint because of the fact that last year I selected the pupils who attended the academies, instead of allowing their county judges to select them as provided by the Choctaw law. I informed them that I was compelled to select pupils last year because their Council had instructed the Choctaws not to co-operate with us and in many instances the county judges refused to send any pupils to the academies. I finally agreed, however, that the academy pupils should be selected for the coming year by their county judges in accordance with the Choctaw law. I made this concession to them, with the distinct understanding, that they

--press book no. 4 letter 359.--

would urge their county judges to act promptly and fairly in the matter. All of the members of the Board agreed to write to their various county judges at once, urging prompt action in the matter. All of the members of the Board and other Choctaws present at the meeting expressed themselves very emphatically in favor of continuing their boarding schools. Instead of discontinuing the academies which they now have, several members of the Board stated that they would prefer to build additional academies.

One of the matters which they wish to consider with me at their next meeting at Council, is how we can best reach the full-blood element in sparsely settled neighborhoods. Some members of their Board stated that they would be in favor of bringing the full-blood children together in such neighborhoods and having them boarded at the Nation's expense by Choctaw farmers who were prepared to provide for them at reasonable prices.

I frankly told the members of the Board that I invited their honest criticism and that I would be pleased to have them write me at any time concerning school matters. After a session of about five hours, the meeting was adjourned with the best of feeling prevailing. No harsh words were spoken during the meeting, but all matters were discussed freely and candidly by us.

The members of the Choctaw Board naturally felt sore at having lost control of their schools, but I have reason to believe from their actions at this meeting that they will not antagonize our work any longer, and I hope that I shall be able to prevent any outbreak at the next session of their Council in October.

I tried to impress upon them the great necessity of properly educating their children in view of the new conditions and environments which must in the natural course of events be soon forced
--press book no.4 letter 359.--

upon them; that when their tribal relations were broken up, as they doubtless soon would be, every Choctaw would be thrown more upon his own resources than heretofore; that therefore it was highly important to prepare their young people for the change which is bound to come.

Respectfully submitted,

John D. Benedict

Superintendent of Schools
in Indian Territory.

Land.
40,684-1900.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, August 25, 1900.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1900, and to office report of July 3, 1900, there is enclosed, herewith, a report from Inspector Wright, dated August 15, 1900, transmitting for the Department's consideration, an indenture of lease, dated August 14, 1900, for coal mining privileges in the Choctaw Nation, Indian Territory, entered into in quadruplicate by the Choctaw and Chickasaw mining trustees with William Busby, of Parsons, Kansas, together with a bond in the penal sum of \$50,000, dated August 14, 1900, conditioned to be in full force and effect for the period of thirty years from the date thereof, with the U.S. Fidelity and Guaranty Company, a corporation organized and existing under the laws of the State of Maryland, as surety.

The land covered by the lease is described as follows:

The north half and north half of south half of section 4; northeast quarter and north half of southeast quarter of section 5, township 5 north, range 14 east, and south half of south half and north half of southeast quarter of section 33, township 6 north, range 14 east, containing 960 acres.

The lease and bond have been carefully examined and it is

thought by this office that they are in proper shape and that each bears the amount of revenue stamps required by law. The Inspector states that the advanced royalty of \$100 required by the regulations of the Department has been deposited by Mr. Busby, and he recommends that the lease be approved.

The office concurs in Inspector Wright's recommendation.

Very respectfully,
Your obedient servant,

A.C. Tonner,
Acting Commissioner.

(G.A.W.)
P.

(Endorsed) Union Agency No. 1107 Received Sep. 14, 1900 Office of U.S. Indian Inspector for Indian Territory. Washington, Sept. 6, 1900. Secretary.-----Advises approval of coal lease of Wm. Busby.-----

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector,
For

Indian Territory,

7621-100

Muscogee, Ind.T., August 27, 1900.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication, dated the 25th instant, from Mr. John D. Benedict, Superintendent of Schools in the Indian Territory, wherein he quotes a communication from the Principal Chief of the Choctaw Nation, relative to the control of the schools of said Nation.

Mr. Benedict states that he is very anxious to secure the support of the Choctaw authorities, for the reason that it will better enable him to reach the full-blood element, who are sadly in need of education, and he desires to know what authority the Department will give him in the matter of making an agreement with the Choctaw Council or Board of Education concerning the future management of their schools.

I would respectfully suggest, in this connection, that I be directed to attend the next General Council of the Choctaw Nation with Superintendent Benedict, and submit to such Council a draft of the amended school regulations as prepared by the Department, a copy of which was informally furnished me during my recent visit to Washington, and which copy is enclosed herewith, --press book no. 4 letter 382.--

-2-

and that I be authorized to state to said Council that if such regulations are agreeable to them the Department will promulgate the same, but that no changes except such as contemplated by this draft of regulations will be made in the control of their schools.

I respectfully request to be advised concerning this matter as early as possible.

Very respectfully,

J. Geo. Wright,

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

D.H.K. (Mc)
enclosure.

(Endorsed) Union Agency Press Book No. 4 Letter 382. Muskogee, Okla.

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector,
For
Indian Territory,
Muscogee, Ind.T.

August 27, 1900.

The Commissioner
of Indian Affairs.

Sir:

I enclose herewith a communication from Mr. John D. Benedict, Superintendent of Schools in the Indian Territory, wherein he states, in reply to Office letter "E. 39657-1900," dated August 16, 1900, from which it appears that Mrs. N. H. Crowby, claiming to be a Choctaw Indian, had applied for permission to place her child in the Chilocco school, and he is advised that if she is an Indian, arrangements will be made to place her child in that school.

The Superintendent states that he has been of the opinion that members of the Five Civilized Tribes were prohibited from attending any of the Government non-reservation schools, but asks, if such information is incorrect, to be advised how many children from the Five Tribes could be admitted at Chilocco and Haskell.

In this connection, I would respectfully state that it has been my understanding that Indian children belonging to the Five Civilized Tribes were not accepted at any of the Government non-reservation schools, and I have been informed that several Cherokee children in attendance at Carlisle some years ago were returned

--press book no. 4 letter 379.--

-2-

to their homes.

I respectfully ask to be advised as to whether or not children from the Five Tribes will be accepted at such schools.

Very respectfully,

J. Geo. Wright,

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

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DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs,
Washington, Sept. 1, 1900.

J. George Wright,

U. S. Indian Inspector,

Muscogee, I. T.

Sir:

I am in receipt by your reference of a communication from the Superintendent of Schools in Indian Territory, in which he states that he has been of the opinion that members of the Five Civilized Tribes were prohibited from attending any of the Government non reservation schools, and he asks if such opinion is incorrect to be advised how many children of the Five Civilized Tribes could be admitted at Chilocco and Haskell.

In reply you are advised that the opinion of the Superintendent that members of the Five Civilized Tribes are prohibited from attending schools supported out of the Government appropriation is correct. It has been assumed that these tribes furnish their own school facilities, and therefore it was not justice to the other Indians to utilize their funds for the education of these people.

The letter referred to, of Aug. 16, 1900, E., 39657, must not have been sufficiently plain, or its true meaning not understood. It appears from that communication that Mrs. N. H. Crowby claimed to be a Choctaw Indian, but that she was denied all rights, privileges and benefits of the Choctaw school funds, that being an Indian she was not entitled to the privileges of the white schools, that her rights not being recognized by the Choctaws debarred her from those schools, hence the proposition was submitted to this office, if by reason of the fact that she was an Indian, could her children not be admitted to the regular Government schools?

you understand, there are large numbers of unattached Indians who have no tribal funds of their own or tribal status who are educated in the Government schools. The fact that they are Indians entitled them to this privilege, except in certain schools supported out of tribal funds.

The reason this letter was referred to the Superintendent was in order to ascertain the truth or falsity of the allegations made by Mrs. Crowby, that is, that while she was a Choctaw Indian, yet she was debarred from her rights and privileges in the Choctaw schools. If such was the case, and as above stated, it seemed hard that these children should not have some place in which they could be educated. Therefore, the statement was made that if she is an Indian the matter of making arrangements to place her children in a nonreservation school would be given consideration.

Very respectfully,

A. C. Tonner

Acting Commissioner.

J.H.D.
RCB

(Endorsed) Union Agency # 1079 Received Sep. 4, 1900 Office of U. S. Indian Inspector for I. T. Washington, Sept. 1, 1900. Commissioner. Relative to Indians of the Five Civilized Tribes attending regular government non-reservation schools.

416

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

September 8, 1900.

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

Sir:

The Department is in receipt of your communication of the 27th ultimo, transmitting therewith a letter dated the 25th ultimo from the Superintendent of Schools in Indian Territory, relative to a statement of the Principal Chief of the Choctaw Nation concerning the control of the schools of said nation.

The Superintendent states that he is desirous of obtaining the support of the authorities of the Choctaw Nation in the management of said schools, because it will better enable him to reach the full-bloods who are sadly in need of education, and desiring to know what authority the Department will give him, if any, in the matter of making an agreement with the Choctaw Council, or Board of Education, concerning the future management of their schools.

You suggest that you be directed to attend the next Council of the Choctaw Nation, with said Superintendent, and submit to said Council a draft of amended school regulations as prepared by the Department, a copy of which was informally furnished you during your recent visit to Washington, and that you be authorized to state to said Council that if such regulations are agreeable to them the Department will promulgate the same, and that no changes, except such as contemplated by said draft of regulations, will be made in the control of their schools.

The Acting Commissioner of Indian Affairs on the 5th instant tran-

-2-

mitted your said communication, and states: "the Commissioner of Indian Affairs is opposed to the dual control of the Schools, believing that the regulations which were prepared and submitted to the Department and approved (March 4, 1899) are ample to cover all contingencies."

The attention of the Department is called to a provision in the regulations transmitted by you, that "all schools shall be established, maintained and conducted according to the laws of said nation as far as may be done consistently with the provisions of the agreement aforesaid," and the Acting Commissioner states that said provision seems to establish completely a dual responsibility, because it is not known to the Indian Office what laws said nation may pass for the conduct of schools.

This objection would seem to have little force, from the fact that by the provision of the agreement between said nations and the United States, set out in section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), it is declared:

"....that no act, ordinance, or resolution of the council of either the Choctaw or Chickasaw tribes, in any manner affecting the land of the tribe, or of the individuals, after allotment, or the moneys or other property of the tribe or citizens thereof (except appropriations for the regular and necessary expenses of the government of the respective tribes),***shall be of any validity until approved by the President of the United States."

This provision would require that the acts of the Choctaw Nation relative to schools should have the approval of the President, but it would not prevent said nation from making appropriations for the regular and necessary expenses of its schools without the approval

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of the President.

The Acting Commissioner suggests that you and the Superintendent of Schools be directed to meet the Choctaw Council in a friendly spirit and endeavor to present to them the necessity for adopting the first system of regulations approved by the Department as being best for their children; that whatever suggestions the tribal authorities may desire to make should be submitted to the Department for its approval before any positive action is taken thereon.

The recommendations of the Acting Commissioner are concurred in, and you are authorized to meet said Council, with the Superintendent of schools, ascertain their views in the premises, and make report to the Department, with your views and those of the Superintendent thereon, in the usual manner.

A copy of the report of the Acting Commissioner of Indian Affairs is inclosed herewith, together with the letter of the Superintendent of Schools in Indian Territory.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.
2975-1900.
2 inclosures.

(Endorsed) Union Agency # 1120 received Sep. 15, 1900. Office of U. S. Indian Inspector for I. T. Washington, Sept. 8, 1900. Sec. Relative to Inspector and Supt. visiting Choctaw Council for conference concerning their schools.

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Department of the Interior
Washington.

September 11, 1900.

Honorable Green McCurtain,
Principal Chief of the Choctaw Nation,
Sans Bois, Indian Territory.

Sir:

I am in receipt of your communication of the 7th instant, enclosing therewith your reply to a letter addressed to you by the United States Indian Inspector for the Indian Territory on the 28th ultimo, inquiring whether you will execute patents for town lots purchased in the Choctaw Nation upon which full payments have been made.

In your reply you state that you will, "at any time, upon due notice, execute proper patents to town lots in any town in the Choctaw- Chickasaw country, which has been laid out and platted, and the plat thereof approved by the Secretary of the Interior, as provided by the terms of the agreement between the United States and the Choctaws and Chickasaws, concluded at Atoka, Indian Territory, April 23, 1897, and such lots valued as required therein, and the whole of the purchase money paid into the United States Treasury, as required by that agreement."

You are advised that the United States Indian Inspector will be instructed to present to you the forms of patent which have been directed to be prepared for your signature for town lots which have been surveyed under the direction of the Department, as required by the agreement set out in Section 29 of the act of Congress approved June 28, 1898 (30 Stats., 495),

which agreement was duly ratified by the Choctaw and Chickasaw Nations on August 24, 1898, and also under the provisions of the act of Congress approved May 31, 1900 (31 Stats., 221-237, Sec.5).

I trust you will find it entirely agreeable to sign said patents when so presented.

Respectfully,

E.A.HITCHCOCK,

Secretary.

Ind.Ter.Div.
3019-1900

(Mc)

(Endorsed) Union Agency No.1122 Received Sept 17,1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Sept. 11,1900. Secretary.----Encloses copy of letter to Prin. Chief McCurtain, relative to execution of townlot patents.----

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector,
For
Indian Territory,
Muscogee, Ind.T.

D 1001-'00
D 966-'00

September 12, 1900

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to return herewith a communication from Mr. Henry Wood, General Manager of the Choctaw Oklahoma and Gulf Railroad Company, dated July 16 last and addressed to the Department, wherein he asks for protection against one James Boston and others, who are endeavoring to cause the coal miners in the Indian Territory to strike.

This letter was referred by the Department to Special Inspector Zeveley for report, and by him referred to me.

The same was by me referred to Mr. L.W. Bryan, United States Mine Inspector, who, by reason of his frequent visits to the various mines and daily contact with the miners, is best qualified to ascertain the facts in such matters.

Under date of July 20, 1900, Mr. Bryan advises me that for more than a year past the leaders of the United Mine Workers have been actively engaged in endeavoring to persuade the men to suspend work; that they have been especially active during the past month, although their actions had been on the same line as during --press book no. 4 letter 460.--

-2-

the past fourteen months, and that they, as well as the miners themselves, have endeavored to keep within the pale of what they believe to be the law and their rights, and that their methods have not been such as would, in his opinion, warrant the courts in issuing any legal process against them,--either here or if in the States.

The Mining Trustees of the Choctaw and Chickasaw Nations, who were also requested to submit a report on this matter, state that the question as to whether Mr. Boston and his associates simply urge and persuade or use threats, is a difficult one to determine; that these parties use all means in their power to keep up the strike, and that they requested the Osage Coal Company to get together several of their miners in order that they might talk to them, but the miners were unwilling to discuss the matter, and the Company had notified them that they would abandon the complaint.

The Trustees state, however, that these men do great damage to the coal interests by continual agitation, and they recommend that they be ejected from the Nation by the Indian Police.

In connection with the same matter, I also have the honor to return herewith a letter from Mr. R. M. McDowell, General Manager of Coal Companies, St. Louis, Mo., dated July 27, 1900, and addressed to the Department, wherein he requests that the Department take such action as may be necessary to prevent another strike of coal miners, and also complaining of the actions of one James Boston, which letter was referred to me for report and recommendation.

--press book no. 4 letter 460.--

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This letter was also referred to the United States Mine Inspector, who, under date of August 29, 1900, reports that at the present writing these people were not doing anything that could be construed as a violation of the law, and that it was the most peaceable strike he had ever seen, although they were watching trains and discouraging men who were being imported from going to work.

The Inspector further reports that during the year ended June 30, 1900, the production of coal exceeded that of the previous year by nearly 300,000 tons, notwithstanding the fact that the strike had been on during almost the entire year.

I have also recently talked with several interested mine operators on this subject, who confirm the above reports, and also state that they are having no trouble of any kind, further than that Messrs. Boston and Britton, who represent the United Mine Workers, make periodical visits to the vicinity of the mines, and endeavor to persuade the men to quit, and others being imported from going to work, but that their actions are not such as would warrant prosecution.

While these parties visit and remain for some time within the limits of the Choctaw Nation without a permit, as required by the tribal laws, yet I believe, under the circumstances, that to arrest and remove them would not be good policy at the present time, as it would tend to further agitate the matter and bring them into greater prominence among their sympathizers; and I further believe that if, as at present, no notice is taken of their presence except to see that they do not use threats or encourage acts of violence, no further action by the Department

is necessary or advisable at this time.

I therefore respectfully recommend that no action be taken at present looking to the removal of these parties; but their actions are now and will continue to be closely watched, and should circumstances warrant that some action should be taken by the Department, full report will be submitted with reference thereto.

Very respectfully,

Your obedient servant,

J.Geo.Wright,

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

Education
48055-1900

425
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON. Oct. 24, 1900.

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

Sir:

I am in receipt of your communication of the 26th ult. transmitting letter from the Superintendent of Schools in Indian Territory, and in reply thereto you are advised that the copies of the Rules for the Indian School Service requested have been forwarded.

The regulations formulated by the Superintendent for the government of the Choctaw Academies, and also inclosed in your letter, seem to be proper, and there is no objection to their enforcement.

I am somewhat curious to understand how the Superintendent proposes to enforce this rule:

"Gossiping and courting is strictly prohibited in all boarding schools."

Feeling satisfied that this regulation is a good one, I am yet unable to see how the same can be carried out.

Very respectfully,

W. A. Jones
Commissioner.

J.H.D.
RCB

(Endorsed) Union Agency # 1248 Received Oct. 27, 1900. Office of U. S. Indian Inspector for I. T. Washington, Oct. 24, 1900. Commissioner. Rules for Indian School Service have been forwarded:

No objection to enforcement of regulations for Choctaw Academies.

654 So. 8th St., San Jose, Cal.,
Nov. 8, 1900

Hon. Wm. McKinley, Pres.
Washington, D. C.
Honored Sir,

Allow me to express to you my hearty congratulations on your triumphant reelection.

But it is not for that that I write to you. I have just received a letter from the Rev. Peter J. Hudson, a Choctaw Presbyterian Minister, residing at Tushkahoma near the Choctaw capitol, stating that the Choctaw Council at its recent session appropriated \$500 for the expense of an interpreter to be employed in aiding to complete the revision of the New Testament in the Choctaw language. I write to express to you the hope that you will interpose no objection to the appropriation. I do this, with the understanding that no act of the Council has the force of law without your approval.

Mr. Hudson informs me that in the Council no objection was made to this appropriation, but that it was earnestly advocated by some of their most intelligent men.

As to myself. From 1851 to 1861 I was a missionary to the Choctaws, part of the time under the Presbyterian Board of Foreign Missions, and part of the time under the American Board.

In 1861, I remained till in June. Finding that I must be disloyal, or lose my life, or leave, I left. On my way out, the Confederate commander at Fort Smith took me with others before the mayor, and put us on parole as

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prisoners of war. This prevented me from going as chaplain in the army, as I otherwise would have done.

The next winter I came to California, & lived here 21 years. During my first residence in the Nation, I learned the Choctaw language, not by any means perfectly but so that I could preach in it & be understood. By that and other things, being qualified to do a work for them such as no other living white man could do. I went back to them in 1883, and remained with them till the fall of 1896. Then, my throat having given out, I felt compelled to return to California.

Six years ago, to my surprise, I learned that the Choctaw New Testament was out of print. I had supposed it was stereotyped. It greatly needed revision. This work devolved upon me. I have gratuitously given a large share of my time to it for five years. I have it now in shape for the help of an interpreter to make it as nearly right in Choctaw as we can. In illustration of this need of an interpreter's help, it is said that the preeminent scholar, the late Prof. Mac Muller of Oxford, Eng., a German by birth, never allowed a manuscript of his to go to press, without a careful examination by one to whom English was the native language. How much more should such be the case, where the language is one so utterly different in structure and so difficult as is the Choctaw. It is for this that the appropriation is made.

As to the need, my knowledge of the Choctaws, and my experience among them lead me to the conviction that the Testament in their language will be needed by them for a

3.

hundred years to come. I would be glad to think otherwise. The grounds for this conviction I will **not** trouble you with, unless you desire them.

But will not the English supplant the Choctaw? Not rapidly. The day schools accomplish almost nothing in this respect. The only effective schools are the boarding schools, and they are not half so effective as one might imagine. And these do not reach more than a fifth of the Choctaw speaking population of school age; probably not more than a tenth.

But will not the Testament in Choctaw tend to hinder the introduction of English? On the contrary, I believe it would hasten it. To illustrate what I mean. If the Choctaw speaking population of 40 years ago were divided into two classes, those who could read Choctaw, and those who could not, among which class would English naturally make the most advance? Of course, among those who could read their own language. They would have a stimulus to desire more knowledge than the books in their own language could afford, and so would be led to desire English education for their children.

So allow me to repeat the hope that you will interpose no objection to that appropriation becoming a law. I believe it would be for the highest good of the Choctaw people.

With highest respect,

Yours obedient servant,

John Edwards

1129

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

November 15, 1900.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report, dated November 12, 1900 from Inspector Wright, transmitting a communication, dated November 2, 1900, addressed to him by Mr. B. S. Smiser, a member of the Choctaw Townsite Commission, in which the position is taken that fruit trees are not permanent improvements within the meaning of the Choctaw and Chickasaw agreement, as set out in section 29 of the Act of Congress approved June 28, 1898, (30 Stats., 495).

Mr. Smiser invites attention to the case of Zambry Giddens, of Sterrett, Indian Territory, and states that the Department hold that Mr. Giddens' orchard was not permanent improvements within the meaning of said agreement, and that the ground upon which said orchard was located should be divided into lots and sold as vacant property. Mr. Smiser further states that said instruction was complied with by the commission, has since been followed, and in his opinion is in strict conformity with said agreement.

Mr. Smiser then quotes from the agreement relative to permanent substantial and valuable improvements, quotes from the printed instructions to the Choctaw and Chickasaw Townsite Commissions, and gives the definition of the words "tillage" and "husbandry", and states that "husbandry" is one of the synonyms of "tillage", and then gives the definition of the word "synonym".

Mr. Smiser then invites attention to sections 1 and 2 of the

Choctaw Laws, edition of 1894, pages 267 and 268, which are as follows:

"Sec. 1. Be it enacted by the General Council of the Choctaw Nation assembled: That it shall not be lawful for any non-citizen of this nation, whether under a traders' permit or any other permit, to reside or do business in the nation, to enclose for his own use and benefit any more lands than sufficient to build a tenement or business house upon, and if a merchant, to build a business house not to exceed, in a town or village, more than two town lots of usual size.

Sec. 2 Non-citizens who own houses and buildings for the purpose of renting them, and are renting them, shall within sixty days from the passage of this act, dispose of same, or be dealt with in the same manner as provided for in the sale of non-citizens' improvements in the law of October 30, 1887, in reference thereto".

He then quotes from a letter of Chief Gilbert W. Dukes, to him, dated October 31, 1900, as follows:

"In answer to your letter of the 30th inst., will say that I hold that trees of any kind, including fruit trees, are excluded under the Atoka Agreement, from being classed as permanent and substantial improvement, (such as would hold a lot). Trees, especially fruit trees, are the natural results of cultivation, and I cannot see how the Interior Department could, if it wished, view it in any other light, and uphold the intelligence and dignity of the U. S. Government".

Mr. Smiser concludes by taking the position that the ruling heretofore made by the Department be not changed, and states that to class orchards and other trees, blackberry bushes, etc., as permanent improvements will lead to a great deal of trouble.

The Giddens case mentioned by Mr. Smiser was not passed upon by the Department. By Department reference of June 14, 1899, the office received a communication, dated June 8, 1899, from Mr. Giddens, relative to his orchard in Sterrett, which consisted of five acres, and which he desired to have the Choctaw Townsite Commission instructed to appraise to him as improved lots. Under date of July 21, 1899, this office, after discussing the matter, advised the Choctaw Townsite Commission that the office was of the opinion that the land referred

-3-

to should be platted and sold as unimproved lots for the reason that trees came within the description "tillage". The Commission, however, was requested to consider the matter and report its views to this office. This the commission did not do, and (Sic) it appears that the land was divided into lots and sold as unimproved property. The Inspector in transmitting Mr. Smiser's communication invites attention to his communication of October 11, 1900, relative to the same subject, in which he recommended that fruit trees be considered as permanent improvements.

The Inspector's report of October 11, 1900, was transmitted with office report of October 19, 1900, in which the views of this office are fully set forth, and to which the attention of the Department is invited.

Very respectfully,
Your obedient servant,
W. A. Jones.
Commissioner.

(G.A.W.) P.

(Endorsed) Union Agency # 1470 received Dec. 17, 1900 Office of U.S. Indian Inspector for I. T. Washington, Dec. 3, 1900, Secretary. Returns townsit Commissioner Smiser's letter Nov. 2, rel. to considering fruit trees, etc., as permanent improvements, and calls attention to former instructions in regard to the matter.

(Copy)

Refer in reply
to the following:
Land.
56,010-1900.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, November 17, 1900.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to acknowledge the receipt of Department letter of November 12, 1900, transmitting for consideration, immediate report and recommendation, together with the return of the communication, a report made on November 5, 1900, direct to the Secretary, by Tams Bixby, Acting Chairman of the Commission to the Five Civilized Tribes, relating to the matter of the Commission's proposed visit to Mississippi for the purpose of identifying Mississippi Choctaws.

On July 30, 1900, this office in a report to the Department recommended that the Commission be directed to visit Mississippi for the purpose mentioned. The Department on August 1, 1900, concurred in that recommendation, and the commission was so instructed. On October 15, 1900, this office in a report to the Department treated of the Commission's proposed visit to Mississippi, and suggested certain changes in the notice relative to the matter of the character of the evidence, which notice had been issued to the commission.

On October 19, 1900, the Department in a letter addressed to the Commission held that it was unnecessary for the commission to visit Mississippi, and directed that it recall its appointment

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in that State and give notice that persons who desired to claim enrollment as Mississippi Choctaws might do so in writing, and furnish such evidence as might be deemed proper.

The Acting Chairman in the communication under consideration insists that it is necessary and proper that the commission fulfill its appointment in Mississippi, and seems to be of the opinion that the Choctaw Indians still remaining in Mississippi who are entitled to identification are all full bloods, and as such incompetent to make a written application, and that therefore, if for no other reason, it is the duty of the Commission to go amongst them and personally interrogate and also cross-examine the witnesses who are introduced, believing that by this method much fraud can be prevented and the names of many deserving persons be placed upon the rolls, which names would otherwise be omitted. The Acting Chairman further states that it is not well to cancel engagements which have once been made.

Referring to that part of the published notice which the commission issued to parties which requires that all applicants shall produce proof of descent from Choctaws who gave notice of their intention to take advantage of the 14th Article of the treaty of Dancing Rabbit Creek, the Acting Chairman says that that paragraph might be eliminated, but that it would be impossible to do so now because it would tend to confuse the minds of the applicants.

This office is of the opinion that the fullest opportunity should be given to all persons who claim the right to enrollment as members of one of the Five Civilized Tribes to submit evidence of such claim, and it has expressed its opinion in regard to the matter under consideration in its letters heretofore referred to.

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It can only add now that according to the report made by the Acting Chairman the proposed visit to Mississippi will be nugatory, provided the rule which the commission proposed to follow is adhered to, that is the enrollment only of those persons who can prove that they are descendants of Choctaw Indians who signified their intention in the manner provided by law to remain and take advantage of the 14th article of the treaty of Dancing Rabbit Creek, and it believes that the proposed visit would be useless if the commission applied the same rule which it applied when it visited Mississippi before, that is, to enroll all those Choctaws found in Mississippi who are full bloods and refused enrollment to those who are of mixed Choctaw and white blood.

The office believes in allowing the commission a large and in fact almost full discretion as to its movements, feeling that it is conversant with the facts and conditions prevailing, and that it should be better able to determine where and when it should make its appointments than any other person or body can be.

Very respectfully,

Your obedient servant,

A.C.Tonner,
ACTING COMMISSIONER.

(Copy)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 3, 1900.

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

Gentlemen:

Your communication of November 5, 1900, relative to the appointment by your Commission in the State of Mississippi for hearing the applications of Mississippi Choctaws for identification, recommends that the Commission proceed to Mississippi in accordance with its advertised appointment, was referred on the 12th ultimo to the Commissioner of Indian Affairs for consideration, report and recommendation.

The Acting Commissioner returned said communication with his report on the 17th ultimo and he states that the Indian Office is of the opinion that the visit to Mississippi would be useless, if the same test be applied which was adopted by the Commission in its former visit to said state, namely, "to enroll all those Choctaws found in Mississippi who are full bloods, and refuse enrollment to those who are of mixed Choctaw and white blood."

He further states that the Commission should be allowed "a large and in fact almost full discretion as to its movements," for the reason that the Commission is conversant with the facts and conditions prevailing, and that it should be better able to determine where and when it should make its appointments than any

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other person or body can be.

The Department concurs in your suggestion that it is advisable for the Commission "to visit Mississippi for the purpose of giving further opportunity to bona fide Mississippi Choctaws to be identified as such," but it is considered important that the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation should be notified by the Commission of the time when and the place where it will hear applications from those claiming to be Mississippi Choctaws, under the provisions of the 14th article of the treaty of 1830, in order that each of said nations may, if it so desires, have a representative at the hearings of the Commission, so that there may be no allegations in the future that no opportunity was given to the Choctaw and Chickasaw Nations to show that any applicant was not entitled to be enrolled by your Commission.

The Commission will also advise each Indian applicant identified by your Commission that he can acquire no rights by virtue of the action of the Commission until its report shall have been received and approved by the Secretary of the Interior, and that such applicant must make a bona fide settlement within the Choctaw and Chickasaw country and make proof of such fact before your Commission, as required by the provisions of the Indian Appropriation Act approved May 31, 1900 (31 Stat., 221). Special pains should be taken to impress upon the minds of the applicants, many of whom doubtless are ignorant, the requirements of said (Sic) act, so that they will not receive the impression that by being

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identified by your Commission they will then have a right to be enrolled as members of the Choctaw and Chickasaw Nations and be entitled to a share of the lands of said nations without making settlement therein.

A copy of the Acting Commissioner's report is inclosed herein.

Respectfully,

Signed, E. A. Hitchcock,
Secretary.

Ind. Ter. Div.,
3777-1900
1 inclosure.

(Endorsed) Union Agency # 70 Departmental Correspondence in-re
Mississippi Choctaws (Enrollment). (Sic)

DEPARTMENT OF THE INTERIOR.
Washington.

December 6, 1900.

The President.

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), an act of the Choctaw Nation entitled "An Act appropriating money to revise and print the New Testament in the Choctaw Language."

Said act appropriates the sum of \$500.00 "towards paying the expenses of revising and printing the New Testament in the Choctaw Language and that the sum of Five hundred dollars shall be used only for the purposes herein set forth." The act also authorizes the Principal Chief to appoint an interpreter for said work, and upon his certificate the National Auditor is required to issue his warrant on the National Treasurer for the amount.

The United States Indian Inspector for the Indian Territory recommends the approval of said act, and the Commissioner of Indian Affairs concurs in said recommendation.

There appearing to be no legal or other objection to said act, I have to recommend that the same be approved.

The letter of the Inspector and a copy of the report of the Commissioner of Indian Affairs are enclosed herewith.

Respectfully,

F. L. Campbell
Acting Secretary.

Ind.Ter.Div.
3982-1900.

3 enclosures.

(Endorsed) Union Agency # 1478 received Dec. 18, 1900 Office of U.
S. Indian Inspector for I. T. Washington, Dec. 11, 1900, Secretary.
CHOCTAW Act for printing New Testament in Choctaw Language,
APPROVED Dec. 7.

F.

DEPARTMENT OF THE INTERIOR.
Washington.

December 6, 1900.

The President.

Sir:

I have the honor to submit herewith for executive action, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), an act of the Choctaw Nation entitled "An Act amending an Act entitled 'An Act creating a commission to accompany and assist the Dawes Commission in making a roll of the Choctaw citizens.'"

The first section of said act declares that the former act of the General Council of the Choctaw Nation "approved March 24, 1899," be amended so as to require the Choctaw citizenship commission to open and maintain an office at South McAlester, Indian Territory, the same being the most central and accessible point in said nation, at which place shall be kept the Choctaw citizenship records, and that said office shall at all times be open to inspection by all citizens of said nation.

The second section requires the records to be placed in charge of the custodian to be appointed by the Principal Chief, who shall also be ex-officio clerk of the commission at a salary provided in said former act, and also declares that the office of clerk of the citizenship commission provided in said

former act is abolished.

Section 3 repeals all laws or parts of laws in conflict with the provisions thereof.

The United States Indian Inspector for the Indian Territory in forwarding said act states that said former act approved by the Principal Chief on March 24, 1899, provided for a commission to accompany the Commission to the Five Civilized Tribes in making a roll of Choctaw citizens, and it was approved by the President on April 13, 1899, after receiving the favorable endorsement of the Acting Chairman of the Commission to the Five Civilized Tribes. He recommends that said act be approved and the Commissioner of Indian Affairs concurs in his recommendation.

There appearing to be no legal or other objection to said act I have to recommend that the same be approved.

The letter of the Inspector and copy of the Commissioner's report are enclosed herewith.

Respectfully,

Ind.Ter.Div.
3978-1900.
3 enclosures.

F. L. Campbeil
Acting Secretary.

(Endorsed) Union Agency No.1479.Received Dec.18,1900.Office of U.S. Indian Inspector for Indian Territory.Washington, Dec.11,1900,Secretary---Choctaw Act rel. to Commission to accompany Dawes Commission, APPROVED Dec. 7,1900.

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

Muskogee, Ind. Ter.,

December 12, 1900

Hon. Tams Bixby,

Depot Hotel,

Denison, Texas.

Dear Sir:-

Herewith you will find two copies of a letter of December 3, from the Department, with reference to the appointment of the Commission at Hattiesburg, Mississippi; also two copies of a report of the Commissioner of Indian Affairs of November 17, referred to therein.

Mr. Hackbusch informs me that you desire copies of these letters.

Yours Very truly,

G. L. V. Emerson.

3 encl.

1412

DEPARTMENT OF THE INTERIOR.
WASHINGTON
OFFICE OF INDIAN AFFAIRS.

Dec. 19, 1900.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from Inspector Wright, dated December 3, 1900, submitting for Executive action an act of the National Council of the Choctaw Nation, approved by the Principal Chief October 26, 1900, entitled, "An Act appropriating money to defray the expenses of two blind children."

The act appropriates the sum of \$700 or so much thereof as may be necessary "out of the school fund now in the Treasury of the United States to the credit of the Choctaw Nation to defray the expenses of two blind children of Choctaw blood and of school age at the International School for the Blind, at Fort Gibson, I. T.," and provides that the Superintendent of Schools for the Choctaw Nation is authorized to issue certificates for said children if found to be of Choctaw blood.

It further provides that the National Auditor shall issue warrant upon the recommendation of the Superintendent of Schools in favor of Laura A. Rowland, Principal of said International School, and that the same shall be presented to the Interior Department for payment.

Inspector Wright referred the act to Supt. Benedict, who,

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in a report dated November 16, 1900, which is enclosed herewith, states that he thinks the better plan would be to consider the bill as a recommendation of the Choctaw Council and acting upon that the necessary arrangements can be made for the education of the two blind children.

Inspector Wright invites attention to Department letter of April 8, 1899, submitting to the President with recommendation that it be disapproved an act of the Choctaw Council making provisions for the carrying out of a contract with the Principal of the Orphan Academy at Atoka, I. T., and also to the regulations prescribed by the Department March 4, 1899, relative to education in the Indian Territory and the disbursement of the revenues derived from royalties on coal and asphalt, recommends the disapproval of the act, and concurs in Supt. Benedict's suggestion that the same be considered as a recommendation of the Choctaw Council and that proper steps be taken for the education of the two blind children.

In connection with this matter, the attention of the Department is invited to office report of even date herewith transmitting an act of the Choctaw Council entitled, "An Act to appropriate money to reimburse Frank B. Yates, Supt. of Deaf Mute Institute, Little Rock, Ark.," and recommends that the same action be taken by the Department relative to this act that is taken by it relative

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to the act above mentioned.

Very respectfully,
Your obedient servant,

W. A. Jones.

Commissioner.

G.A.W. (L'e)

(Endorsed) Union Agency # 1621 received Jan. 14, 1901 Office of U. S. Indian Inspector for I. T. Washington, Jan. 5, 1901, Secretary. Choctaw Act to defray expenses of two blind children (at Ft. Gibson), DISAPPROVED.

443
DEPARTMENT OF THE INTERIOR.

WASHINGTON.

December 22, 1900.

The Superintendent of Schools
in the Indian Territory,
Muscogee, I. T.

Sir:

The Department is in receipt of your communications to the Department and to the Commissioner of Indian Affairs, dated November 10th and 20th and December 3rd and 4th, 1900, in regard to complaints by J. E. Arnold and others that the Choctaw authorities have denied their children the right to school privileges of the nation because they are what is known as "court citizens," parties claiming to have been admitted to citizenship by order of a United States Court.

Mr. Arnold asks the Department if it is not possible, his children being one fourth Chippewa Indians, to have them educated at some Government school outside of the Choctaw Nation.

The United States Indian Inspector for the Indian Territory, on December 3, 1900, transmitted several of your letters, and stated that attached to your letter of November 10th is an article which appeared in the public press, purporting to be a copy of a communication from the Principal Chief of the Choctaw Nation addressed to the various county judges in said nation, setting forth that parties "admitted to Citizenship" by the courts were not recognized as citizens of that nation, and have no right to assert the rights or benefits of Choctaw citizenship, and he directs the judges to refuse certificates to any such persons who may apply to enter the schools,

and to revoke any certificates which may have been issued to such people.

The Inspector reports that the Choctaw laws provide that the county judge of each county shall select from the neighborhood schools in his county a certain number of children to be sent to the boarding schools, and to furnish the parents of such children with certificates of such selection, which children, upon presentation of such certificates, are accepted in the various boarding schools by the superintendents; that although the Choctaw boarding schools are under the control of the Department, superintendents are directed to accept children only upon the presentation of certificates from the county judges; that several county judges have cancelled school certificates of "court citizens" and the children have been withdrawn from the schools; that certain choctaw citizens have recently brought suit contesting the right of citizenship of many of these "court citizens," and until such suits are determined he considers that it would be better that such children be not accepted at the various boarding schools; that should be accepted notwithstanding the protests of the Choctaw authorities it might lead to complications.

The Commissioner of Indian Affairs, without entering into any discussion as to the rights of these "court citizens" to school privileges in the Choctaw Nation, reported, on December 11, 1900, that, under the repeated rulings of the Department, children of parents who are members of the Five Civilized Tribes are debarred from all the rights and privileges in the Government schools supported and maintained out of funds appropriated for such purpose.

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The rights of the parties complaining have not been finally settled, so far as this Department is concerned, or, rather, the judgments of the courts, if such exist in their cases have not been officially brought to the attention of the Department by the submission of the roll of citizens of said nation, provided for by the act of June 28, 1898 (30 Stat., 495). Only when that roll has been approved will the Department know definitely who are citizens. It has uniformly refused to pass upon the question of the right of any one to citizenship until his case is regularly submitted by the Commission to the Five Civilized Tribes.

As to the parties claiming citizenship in said Nation, so long as the question of their rights is in dispute the Department, without recognizing such claim, would not be justified in providing school facilities for their children, as is done for certain other Indians outside of the nations of the Five Civilized Tribes.

If they adhere to their claim to Choctaw citizenship, and if, in their judgment, the national authorities or anyone else are preventing them from exercising any legal rights, their remedy, under present conditions, would seem to be elsewhere than in this Department.

The Indian Inspector has been instructed to advise Mr. Arnold and Mr. Vernon in accordance herewith.

Respectfully,

Thos. Ryan.

Acting Secretary.

Ind. Ter. Div.
4091-1900.

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(Endorsed) Union Agency # 1549 received Jan. 3, 1901. Office of U. S. Indian Inspector for I. T. Washington, Dec. 27, 1900, Secretary. Transmits letter for Supt. of Schools for I. T., rel. to letter of J. G. Ralls about rights of Choctaw "Court" citizens.