

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

G E N T L E M E N :

Your attention is called to the statement, in my last annual message, that the patent controversy had with the Department had been settled, and pursuant to the agreement of our delegate, acting under my instructions, and the Secretary of the Interior, the Commission has transmitted to me for execution one third or more of the patents, and if the work proceeded without further delay the bulk of the patents would be in the hands of the allottees in a short time.

I regret very much to have to advise you that since the writing of that message there has been presented to me for signature ~~one~~ about 100 patents, and at the same time of this last delivery to me, ~~there~~ ~~was~~ there was handed to me for cancelation about 200 patents that had already been executed by myself, and most of which had been executed by Governor Johnston of the Chickasaw Nation. During this time there have been no patents brought to me for delivery to the allottees as provided by the agreement between myself and the Secretary of the Interior; although I am unofficially informed that many of the patents which have been executed and forwarded to the Department for approval, have been returned to the Commission. As these patents have not been delivered to me I have been unable to deliver them to the allottees; although the delay has not been occasioned by any fault of mine, as I have repeatedly expressed to the Commissioner, Mr Bixby, my willingness and desire to execute and deliver these patents. According to the treaties I now have only three months in which to execute and deliver all these patents, which is an impossibility, as I could not possibly sign all these patents in that length of time. Your attention is called to the danger to title which this delay is liable to cause by reason of the fact that the Missouri, Kansas & Texas Railroad is to shortly bring suit in the name of the State of Kansas, for the lands claimed by it

through the Choctaw and Chickasaw Nations. I quote, for your benefit the opinion of an attorney for the Missouri Kansas & Texas Railway as follows:

"The bill pending in the Congress of the United States for the admission of Oklahoma and Indian Territory, as a state of the American Union, failed to pass at the last Session. The bill as it passed the House was amended in the Senate, and went to a conference committee of both houses, which failed to agree and Congress adjourned without final action. The failure of the measure resulted from a disagreement of the House and Senate as to certain provisions of the bill which provided also for the admission of the territories of New Mexico and Arizona.

It is confidently expected that favorable action will be taken at the coming session, which begins in December, and that the hopes of the people of Oklahoma and Indian Territories, and of your company will be realized by the admission of these territories to statehood.

Governmental authorities of the state of Kansas have consented to bring suit in the name of that state, to test the rights of your company to its land grant in the Indian Territory. As the grant was to the state of Kansas for the benefit of your company, the bringing of the suit will be in its capacity as trustee."

Recently commissioner Bixby suggested to me that I appoint him as my agent for the purpose of delivering to the allottees their patents, representing that the United States Government would bear the expense of such delivery should I act upon his suggestion.

On its face this suggestion looks good--but the question comes to my mind; why should the Department come now and make this proposition when it refused to bear the expense of the payment of the townsite money and refused to bear the expense of placing the coal land on sale. Why this suggestion should be made with reference to patents I am at a loss to comprehend. Should you in your wisdom, see proper to favor this manner of delivery, it would relieve me of a very great deal of work, and at the same time relieve the Nation from expense--however, I do not want you to think for a moment that I am desirous of shirking my duty, as I am now, as ever, ready to fulfill my whole duty to my government and my people if I be permitted to do what the law requires me to do.

In conclusion, I would advise that this Council authorize some suitable person to take this and other matters which I shall shortly submit for your consideration direct to the President, and if we fail to get the sympathy and co-operation of the President, we are then at the mercy of the grafter. Respectfully submitted.

*Green M. Curtin*