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ANNUAL MESSAGE

OF

THE PRINCIPAL CHIEF OF THE CHOCTAW NATION.

Tuskahoma, Oklahoma. October 3,1910.

To The Members Of The Senate And House Of Representatives Of The General Council Of The Choctaw Nation In Regular Session Assembled:

The continuance of the unsettled state of our tribal affairs is a source of much disappointment, not only to you as members of the Council and representatives of the Choctaw people, but to the people themselves.

Nearly five years have elapsed since the date first fixed by our agreement with the United States Government for the final closing of our affairs, and the end is not yet. It is true, certain conditions existed which prevented the final settlement of our affairs within the time fixed by our agreements, such as the closing of the rolls, the completion of allotments, etc., but those conditions were not fully understood or appreciated by the great mass of our people and the disappointment was none the less on account thereof.

One of the regrettable results of the delay in the final settlement of our affairs was made manifest when a number of our people, on account of that delay, entered into unwise and unnecessary contracts with outside parties to secure for them a settlement of tribal affairs by the Government. The recent Congressional investigation disclosed an unfortunate state of affairs and some disreputable practices among our people, in that it showed many of them to have been easy victims of

designing parties, who, by means of misrepresentation and other improper influences, were able to procure, and did procure, many contracts from our Indian people, agreeing to give a part of their property to others to lobby through Congress a settlement of tribal affairs. The error of it all was in some of our people being misled to believe that it was necessary to employ some one and give him a part of our property to get a settlement of our affairs by the Government. Already we have agreements with the Government for the settlement of our affairs, and there is nothing more to be done on our part, except to insist that the Government carry out its agreements, and that we can do through our regular and lawfully constituted reprdsentatives without the necessity of giving away a part of our property to anyone to have the government do that which it has already agreed to do.

Withal, the Congressional investigation will be of much benefit to us, in my judgment. In the first place, Congress will now know the eager desire of our people for an early and speedy settlement of our affairs, and I think we can depend upon the gentlemen who compose that committee to recommend for us fair treatment by the Government without cost and without price.

In the second place, that all the facts in connection with the procuring of those contracts are now ascertained and will be known to Congress, we may feel assured that Congress will never approve those contracts or recommend the approval of the same.

The law, as you know, already provides for the disposition of our unallotted lands, and as the rolls have been closed and the allotment of lands completed, we may now expect, and

in fact should insist, that the Supplementary Agreement between the United States Government and the Choctaw and Chickasaw tribes, providing for the disposition of our unallotted lands, be carried out. Already Rules and Regulations to govern the sale of our unallotted lands have been prepared and are under consideration by the Department. For your information, I will state that I have asked for an early approval of those Rules and Regulations, so that that part of the work of finally winding up our affairs, may proceed in accordance with our agreement. I addressed the following letter to Hon. Thomas Ryan, formerly First Assistant Secretary of the Interior, now in the service of the Department and located at Muskogee, Oklahoma:

"Kinta, Oklahoma, Sept. 24, 1910.

Hon. Thomas Ryan,
Muskogee, Oklahoma.

Dear Sir:-

Some time ago I saw a draft of Rules and Regulations submitted by Commissioner Wright to the Secretary of the Interior to govern the disposition of the unallotted lands of the Choctaw and Chickasaw tribes. My recollection of those Rules and Regulations is that, they provide for the sale of the unallotted lands of the Choctaws and Chickasaws at public auction, and as that is exactly in accordance with the Choctaw-Chickasaw Supplementary Agreement (Act of Congress approved July 1, 1902---32 Stat. L. 641), which agreement was duly ratified and approved by their votes (votes of Choctaw and Chickasaw citizens), I desire to say that the Rules and Regulations submitted by Commissioner Wright for the disposition of our unallotted lands are satisfactory to us, with the exception that we do not want to be understood as assenting to the payment out of our funds of the expenses of disposing of our unallotted lands or other common property, as we think the very spirit, if not the letter, of our agreements require that the Government bear all such expenses.

Said Supplementary Agreement between the United States and the Choctaw and Chickasaw tribes, section 14 thereof, provides that:

'When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.'

There is, as is well known, a general feeling of unrest among the Choctaw people, and I think the same is true of the other tribes, on account of the fact that their property is not being divided as it was provided by their agreements with the Government it would be. It is true there were certain conditions existing which prevented the carrying out of those agreements by the Government before this time, such as the closing of the rolls, the completion of allotments, etc., but those conditions were not understood or appreciated by the mass of our people, and the result was general discontent and unrest among them. That is evidenced by the fact that avgreat many of our people entered into improvident, unreasonable and unjust contracts with outside parties to get for the tribes a settlement of their affairs. While it is plain that the contracts, which were the subject of a recent Congressional investigation, would not and could not do the Indian people any good, yet it serves to show the temper and feeling of the people, and the extremity of the situation when they would enter into such contracts. The delay, though unavoidable it may have been, has made the Indian people easy victims of speculating and designing persons.

Now, that the rolls have been closed and the allotments completed, let us have a settlement of our affairs in accordance with our agreement with the Government. As to the disposition of our unallotted lands, our agreement (Supplementary Agreement already referred to) provides for such disposition, and we do not need any further provision for that, nor do we want any.

I, therefore, request that you write a letter to the Secretary of the Interior and acquaint him with our desires in the matter, and that you on our behalf ask that the Rules and Regulations prepared by Commissioner Wright and heretofore submitted to the Department, be approved, except as to the expenses of such disposition, which we think should be

borne by the Government, or at least not put in the Rules and Regulations but left subject to further adjustment.

Very respectfully,

Prin. Chief, Choctaw Nation."

Under the Act of Congress approved April 26, 1906, the Choctaw andeChickasaw freedmen are given a preference right to purchase at the present appraised value enough land to equal with that already allotted to each freedman forty acres in area. Inasmuch as the freedmen have a preference right to purchase said lands, the final disposition of the unallotted lands will necessarily have to await the exercise of their right, but the delay will be very short, as by the Act of March 3, 1909, the freedmen are required to make their selections under the Act of April 26, 1906, by December 1, 1910.

It soon developed that a number of parties had taken contracts from the freedmen to furnish them money for the purchase of additional land, to look after the selection of the same, etc., and for the loan and the service to be rendered in the selection of the lands, the freedmen were to pay or give fifty per centum of their lands. Regarding that arrangement as amounting to a fraud upon the Choctaw Nation, I addressed the following letter to Commissioner Wright, which explains itself, and is here set out in full for your information.

"Kinta, Oklahoma.
September 17, 1910.

Hon. J.G.Wright,
Commissioner,
Muskogee, Oklahoma.

Sir:-

I have your letter of September 10, 1910, addressed to Messrs. McCurtain & Hill, Attorneys for

the the Choctaw Nation, as follows:

'I enclose herewith copy of the rules and regulations promulgated by the Department governing applications by Choctaw and Chickasaw freedmen exercising their preference right to purchase sufficient unallotted lands at the appraised value to equal, with that already allotted, forty acres in area.

There are in the aggregate approximately 3,000 freedmen entitled to such preference right and the land which they are entitled to purchase will aggregate approximately 45,000 acres.

Copies of these regulations have been sent to each and they advised that their applications should be made not later than October 1st, and a large number of applications are being received and which, although submitted in accordance with the regulations, are apparently prepared and forwarded by attorneys and others engaged in land business, although being signed by the proper applicant.

Your attention has heretofore been called to this matter and to the fact that it appears persons engaged in the land business are advancing these freedmen money to make these purchases and undoubtedly making contracts or agreements with them for portions of the land applied for.

Every effort possible is being made and will be made by this office to prevent speculation in the purchase of these lands as far as possible, as it is realized that such lands are being purchased at the appraised value for allotment purposes made some years ago, whereas if purchase were not made by freedmen such lands would be disposed of on the market at a much better price, thereby resulting in the Nation securing a correspondently better price for these lands.

It is suggested that you examine the applications being received at this office for the purchase of these lands for the purpose of ascertaining whether or not the Nation desires to protest against favorable consideration to any particular applications.

Please advise me of your conclusions.'

I have been advised by Messrs. McCurtain & Hill that some St. Louis parties, and possibly others, have secured contracts from the freedmen to furnish money for the purchase of the lands, look after the location and selection of the lands, etc., and for such loans and services they are to receive from the freedmen fifty per centum of the lands or of their value. I have heretofore written Hon. Frank Pierce, Acting Secretary of the Interior, calling his attention to that condition, and asking the Department to take some action to stop that practice, if possible.

In view of your said letter to Messrs. McCurtain & Hill, I take this ocassion in answering the same to request that the Department issue no deeds or do anything else in recognition of the freedmen's rights to lands applied for untilethis shameful condition of affairs can be brought to the attention of Congress for whatever remedy Congress may see fit to devise for the protection of the Choctaw Nation and the freedmen in the matter.

Under the law, Indian Appropriation Act, approved March 3, 1909, at page 28, it is provided, among other things, that:

'All rights to acquire land for allotment by Choctaw and Chickasaw freedmen shall cease December first, nineteen hundred and ten.'

Rules and Regulations of the Department promulgated July 22, 1910, provided in Section 7 thereof, that:

'Payment shall be made in cash, certified check, or postal money order, p-ayable to the Commissioner to the Five Civilized Tribes, at Muskogee, Oklahoma, prior to December 1, 1910, and upon default of such payment all rights under the application will thereupon terminate.'

In order that opportunity may behhdd to bring this whole matter to the attention of Congress, which does not meet until December 5, 1910, I take the liberty to suggest the necessity of changing or modifying the Rules and Regulations of July 22, 1910, so as to extend the timewhen payment may be made for the land to be selected by the freedmen. I think the law is fairly susceptible of the interpretation that the freedmen have until December 1, 1910, in which to make application for the land which they may be entitled to purchase under the Act of April 26, 1906, and that payment therefor can be made later. I am very desirous that the condition attending the purchase of additional land by the freedmen, especially that feature of it showing outstanding contracts bythe freedmen amounting to an enormous speculation in and abuse of the freedmen's rights, be called to the attention of Congress.

Aside from the fact that thebcontracts are unjust to the freedmen, they are acfraud upon the Choctaw Nation and a travesty upon the law. It was never intended by Congress that anyone should benefit by that law except the freedmen, and the right to purchase additional land at the appraised value was granted to them as a privilege to be used in their own right, and not used by or through them for the benefit of speculators. If the speculators are to be permitted by a misuse and abuse of the freedmen's rights to acquire possession of thirty or

forty thousand acres of our best lands at the nominal price of their appraised value, which is in nowise their real value but was put on the lands arbitrarily and for allotment purposes only, then the purposes of the law have miscarried and the law itself is a dismal failure. For, in the first instance, the freedmen get not the land, which it was intended by the law they should get at a price within their reach, but instead a mere pittance; in the second instance, the Choctaw and Chickasaw tribes lose to the speculators much of the real value of their lands, which if sold in an open market would bring much in excess of their allotment appraisement values.

I respectfully ask, therefore, that the rules of the Department be so modified as to extend the time when payment will be received, not may be received, so that the matter may be brought to the attention of Congress for whatever remedy it can devise to properly protect the interests of the tribes and the freedmen.

Very respectfully,

Prin. Chief, Choctaw Nation.

I am advised that in response to my said letter an amendment to the Rules and Regulations has been submitted to the Department together with my letter, which, amendment, it is thought, will properly protect the interests of the Choctaw Nation.

There is no reason that I know of why the disposition of the unallotted lands should not, after December first of this year, proceed without interruption, and I look for that work to go forward soon. Owing to the droughts and continuous bad crop years for the last several years, and to the present high cost of living, which conditions have affected theb country generally, our Indian people, and especially the full-bloods, are in many instances in actual need of support. The lands allotted to the full-bloods are for the most part unimproved or are under improvement leases and are not yet revenue

producing, so that the allottees get very little, if anything from their lands with which to support themselves. I would recommend, therefore, that by proper petition or memorial you ask Congress and the Department to provide that when the unallotted lands are sold and payment therefor received, the proceeds shall be immediately paid percapita to the members of the Choctaw and Chickasaw tribes without waiting for the final settlement of tribal affairs. In this way our citizens would get their respective shares of the tribal property along as it is sold, and would not have to wait so long for their part of the money. I believe if this matter was called to the attention of Congress and the Department in a proper way, pressed before the Committees of Congress and the officials od the Department, we could succeed in inducing those authorities to pay each Choctaw and Chickasaw citizen his share of the funds as they accumulate from sale of our property just as the townsites funds are paid out. In making that request we will not be asking for something to which we are not entitled, for the property is ours; moreover, that method of settlement would be speedier than to wait until final settlement of tribal affairs before dividing the proceeds, and infinitely more satisfactory.

Regarding the disposition of our coal and asphalt lands, that still remains an unsolved problem. We have already expressed our views to Congress and the Department by memorial submitted in 1908, and I very much doubt whether we should take any action departing from the position then taken. I do not believe that it is necessary either to reiterate our views on that subject at this time, as our memorial is already a matter of record before Congress and the Department.

Congress will, in my judgment, take some action at the coming session looking to the disposition of our coal lands

and while we may not be able to take any action here that would be effective in our behalf, we can, and by all means should, look after our interests very diligently at Washington. Being unable to fortell with any degree of certainty just what Congress will do in the disposition of our coal lands, or what propositions will arise in connection therewith from time to time during the session of Congress, we should not by memorial or other legislative action bind our representatives absolutely to any certain plan of disposition of our coal property, but leave some latitude to them, in order that if definite and final action is to be taken by Congress for the sale of our coal property, our representatives would be in a position free to get for us the very best settlement that is obtainable. You understand, of course, that under the present law the disposition of our coal lands is subject to the control and direction of Congress. We should endeavor, therefore, to get at the hands of Congress the very best settlement possible.

A number of suits have been instituted against the Choctaw Nation under authority of Congress, notably the Garland heirs suit, the Pitchlynn heirs suit, the Mississippi Choctaw case and possibly others; and while those are matters that we cannot control, yet they vitally affect our interests, and we should in some appropriate way make vigorous protest against the authorization of suits against us upon ex parte showings and without notice to us or our representatives.

I have been furnished with a statement of receipts and disbursements of the tribal funds of the Choctaw Nation for the fiscal year ending June 30,1910, as follows:

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"Statement of receipts and disbursements of the tribal funds of the Choctaw Nation, for the fiscal year ending June 30, 1910.

Royalty, Coal	$185,221.97
Royalty, Asphalt	2,399.32
Royalty, Timber	13,182.48
Condemned lands for R.R. purposes	605.72
Rental on segregated coal and asphalt lands	44,352.50
Grazing fee	29,985.84
Town lots	50,539.55
Sale of tribal property	5,210.47
Telephone damages	45.00
Refund court costs	832.00
Sale townsite maps	30.74
Re-deposit of fundon town lots, Hartshorne	30.00
Total	$332,435.59

Disbursements:

Salaries and expenses, collecting revenue, fees and rentals, and protecting timber and other tribal property on unallotted and segregated lands and payment of tribal warrants and indebtedness	$ 19,291.86
Expense account of town lot, per capita payments	3,074.85
Salary and expenses, supervisor of mines	4,731.81
Tribal warrants	31,928.26
Reimbursement lost check of tribal treasurer	310.00
Salary and expenses, surveying and appraising new town site on segregated lands	2,683.74
Refund on Hartshorne lots	109.69
Refund, grazing fee	489.48
Refund, timber royalties	31.65
Refund Improvements on town lots	116.25
Payment for improvements on segregated coal and asphalt land	4,976.81
Total	$ 67,834.92

It will be observed that the above statement does not show the balance for the last or any preceding year, and is not, therefore complete as to the full amount to our credit; that information can be obtained, however, by letter to the Department.

In conclusion, I wish to repeat that it is my best judgment that the coming session of Congress will take some definite action looking to the final settlement of our affairs, which, if I am correct in my judgment, should be a cause for rejoicing among the Choctaw people. We are all weary of the delay and the suspense, many of our people who helped us ratify our agreements in the hope of getting an early settlement of tribal affairs, have passed away without receiving their shares of the property to which they had looked forward with fond hope but in vain. True, their shares will go to their heirs, but that was not the division contemplated by our agreements, or desired by the people themselves. It is sometimes urged by well meaning but misinformed persons that it would be better for the Indians if they would keep their tribal property and never divide it, that it would be an ever-increasing source of revenue, etc. That is true theoretically, but incorrect practically. As long as the Indian people have any tribal estate of value, there will always be those will try to beat them out of all or a part of it, witness the number of law suits now pending against the tribe and its property, also the recent attempt by numerous contracts to get a part of the tribal property or its proceeds in final settlement. Therefore, the sooner we get our property divided, the better it will be for us in everyrespect; it will give to our people their pro rata shares of the undivided tribal property, which they very much need, besides it till, to an extent, remove it from the greed and avarice of pretended claimants and lobbyists.

I would suggest that you, and each of you, should take it upon yourselves to advise the Choctaw citizens in your respective communitives of the action taken here respecting the final settlement of our tribal affairs by Congress, for they

are interested, and will be pleased to know what is being done in their behalf.

Respectfully submitted,

Your obedient servant,

Prin. Chief, Choctaw Nation.