

Kinta, I.T., June 2, 1904.

Messrs McCurtain & Hill,

South McAlester, Ind. Ter.

Gentlemen:

I am in receipt of your letter enclosing letter from Choctaw & Chickasaw Real Estate Co., in which they write you with reference to guardianship matters. In reply have to advise that as I have turned this matter over to your firm and am looking to you for results in such matters, I do not feel that I have anything to do with their matter. It occurs to me that if they are real estatemen they should know their business and not be calling on other people for assistance. I would pass them up if it were me.

Yours truly,

Prin. Chief C.N.

Kinta, I.T., June 10, 1904.

Mr John White,

Tamaha, I.T.

Dear sir:

Your letter of May 25, 1904, to the Indian Agent, asking with reference to the payment of permits and cattle tax, has been referred to this office for reply. In reply to the same you are advised that if you have not paid your back permits they stand against you to be paid. The permit law is still in force in the Choctaw Nation and all non-citizens are liable therefor.

The tax on cattle (twenty cents per head) is collected by representatives of the Indian Agent on lists furnished by the various sheriffs of the Counties of the Choctaw Nation.

Yours truly,

Prin. Chief C.N.

Kinta, I.T., June 13, 1904.

Mr J.J.Gardener,

Durant, I.T.

Dear sir:

I am in receipt of your letter of May 30, 1904, and in reply have to say that it is my understanding that the U.S. Court has nothing, nor will have anything to do with the proceedings of the Indian Courts; in other ~~xxxxxx~~ words the U.S. Court takes hold of probate matters just as if there had ~~xxxx~~ never been anything done in such matters. Ofcourse I know that it is going to work some hardship on the people, but it can not be helped. The Indians did not favor such a move, and the law was passed by the influence of the Lawyers of the Indian Territory. However, I have done all I could do for the people in the matter by appointing attorneys to look after their interests without cost of attorneys fees. Those who have to have Probate matters attended to should write McCurtain & Hill, at S. McAlester, who have been appointed by me to look after these interests for the Choctaw people without cost of attorneys fees. We have been having a very wet season for the past ten days. We were 8 days without a train, thus the delay in replying.

Your friend,

Kinta, I.T., June 14, 1904.

Mrs Drucilla Saterfield,

Minco, I.T.

Madam:

I am just in receipt of your letter and also in receipt of a letter from H.J Sexton in your behalf, asking me to take immediate steps to have your name finally enrolled as a citizen of the Choctaw Nation. I will communicate with the attorneys of the Nation, and have them take the matter up at once and hope to have a favorable consideration at an early day.

Yours truly,

Prin. Chief C.N.

Kinta, I.T., June 14, 1904.

Mr H.J.Sexton,

Summerfield, I.T.

Dear sir:

I am in receipt of your letter requesting that the case of Mrs Satterfield be taken up at once with the Dawes Commission and decided. I will look into the matter at once and do what I can in her behalf.

Yours truly,

Kinta, I.T., June 17, 1904.

Mr A.L. McCarter,

Owl, I.T.

Dear sir:

I am just in receipt of your letter of the 15th inst, and in reply have to say that as I understand the matter, the rulings of the Interior Department and the Act of Congress creating the Probate Courts, make it necessary that the parent be appointed guardian of his child before he can either draw its money or make a legal lease of its land. For further information on this subject you might write Messrs McCurtain & Hill, at S. McAlester, who I have appointed to look after the interests of the Choctaw people in all probate matters, without cost of attorneys fees to the citizens.

With reference to the payment of the townsite money, I can not give the exact date of the payment of the same. The Secretary of the Interior is being urged by this office to begin the payment of this fund at the earliest possible moment, and I hope to get the payment made, or at least started by July 1, 1904, but of this I am not certain.

I am glad to note that you will take a few good Tushkahoma votes to the poles in August. I think every Tushkahoma man should try and take all the votes he can to the poles. He is working in a good cause, and for the interest of the whole Choctaw people.

Your friend,

Department of the Interior,

UNITED STATES INDIAN SERVICE,

----- McAlester I.T. -----

June 17th, 1904

Hon. Gen. McCurtain

Principal Chief C. N.

Kunta I.T.

Dear Sir

I am in Receipt of a Letter from
Hon. J. Blair Shoup in which he says
that ~~he~~ you was Investigating
my accounts on gathering and
hauling cattle last Fall from this
Nation I would like to know about
When I could Expect Returns

There is some of the Parties who
assisted me that haven't been paid
yet and they are getting anxious
for their money and I can't pay
them because I have not got
the money Now if there is
anything I can do to assist in
getting this matter straightened up
I am Ready and Willing to do it

Very Respectfully

Alf McLaughlin
U.S. I.O.

Talikhina S.T. June 18 1904

Indian Agent

Muskoga S.T.

Sir Please advise at once ~~to~~ ~~is~~
~~that~~ is there a Verily to be paid
for Hay being cut on Public
lands in Choctaw nation or Land
that has bin filed on Please
give particulars.
Yoblige

James A. Payne

Kinta, I.T., June 20, 1904.

Edward Jones,

Owl, I.T.

Dear sir:

I am in receipt of your communication for recent date, in which you make application for the appointment to the position to represent the Indians at Owl, I.T., in probate matters.

You are advised that McCurtain and Hill, of S. McAlester have all these matters in charge, and that they are the proper parties for you to make an application to.

Very respectfully,

Prin. Chief C.N.

Kinta, I.T., June 21, 1904.

Mr Alf McCay, U.S.I.P.

McAlester, I.T.

Dear sir:

I am in receipt of your letter of recent date offering to render me any assistance in your power to straighten out the accounts against the Choctaw Nation as a result of the removal of cattle from the Choctaw Nation some time ago. The investigation directed by me showed conclusively to my mind that the Choctaw Nation had been charged for services that had not been rendered by the parties intrusted. The Davis boys and Pollock boys, while charged up as having rendered forty-one days service each, when in fact they had not served more than half the time for which the Nation was required to pay in accordance with the first vouchers forwarded to this office for that purpose. In not one single instance did those who were approached by my representative was it shown in their statement that the vouchers sent in for them was correct. I am not disposed to be arbitrary in this matter, but am anxious to do the right thing. If you will make an absolutely correct statement as to the actual services rendered by all these parties and have them make a affidavit to this effect, I would be willing, under those circumstances to order the account paid. I understand that Mr Berry, Bounds, Craig, et al, paid much of this expense incurred. This should be duly credited to the amount charged

to the Choctaw Nation. I have written Honorable J. Blair Shoenfelt some time ago to the effect that I did not believe that the Choctaw Nation owed anything for the removal of cattle, for the reason that the investigation conducted by my personal representative lead me to that conclusion, and I requested him, in this same communication to make an investigation along these lines in order to satisfy himself as to the correctness of my position. I will say however, in conclusion, that if you will send in statements properly sworn to that absolutely set out in detail the truth of services rendered by parties employed by you, that I will do my duty in the premises.

Yours truly,

prin. chief C.W.

McCurtain & Hill,
Lawyers,
South W. Alister, I. T.

June 24, 1904.

Gov. Green McCurtain,
Kinta, Ind. Ty.

Dear Sir:

We are in receipt this morning of a second letter from Preslie B. Cole, the same which is herewith enclosed for your information, in which he solicits the business of representing our firm at Pauls Valley in the matter of our guardianship and administration work for citizens of the Choctaw Nation.

We recall also your letter of the 14th inst., enclosing letter that you had received from Mr. Cole concerning this same matter, in which you state that you believe Choctaws residing in the Chickasaw Nation should receive the same protection from "grafters" as those who reside here. It will be observed that Mr. Cole says in his letter to us that he has not been engaged in any "grafting", etc.

About employing Mr. Cole, we have pretty reliable information that Mr. Cole has been engaged in a species of grafting that is of the kind that is now giving the Indians the most trouble-- such as renting their land for inadequate consideration and tying them up in contracts to bind them. Mr. Hill, of our firm, has personal knowledge of Mr. Cole's connection with a case where the Indians are now making efforts to avoid the obligations induced by Mr. Cole upon the ground that the contract rent price was insufficient. Of course, we do not care to assign this reason to Mr. Cole and thereby unnecessarily offend him, and we do not intend to. But if you really wish Mr.

G.McC--2.

Cole to have this employment, we will, of course, give it to him.

Another matter that we desire to advise you of is this: In the arrangement we have made with the attorneys who represent us at the various court towns in the Choctaw Nation is that, they will each receive one-third of the pro rata share of each court town, that is, there are six places where court is held having jurisdiction in the Choctaw Nation; the amount that we are to receive will under this arrangement be divided into six portions and each attorney representing us will receive one-third of one portion. So, if we are to look after the interests of the Choctaws in the Chickasaw Nation we will necessarily have to make such arrangements as will not interfere with our arrangements in this nation. However, this can be done all right upon the same basis as we have adopted in this nation.

Another thing that is giving us a great-deal of trouble now, and that is the matter of the bond. The people are experiencing considerable trouble in making the bond on account of the size of the bond required, and as a result very few of them are making application. Mr.McCurtain had a talk with Judge Clayton the other day and the Judge indicated that he would adopt Mr.McCurtain's suggestion about making the bond smaller; however, he did not pass upon that definitely but told Mr.McCurtain he would talk to him further about it upon his return from Chicago.

You will please return Mr.Cole's letter, and offer whatever suggestions you have to offer. We refer Mr.Cole's letter to you for the reason that Cole intimates that you are favorable to his appointment.

Yours very truly,

McCurtain & Hill

Kinta, I.T., June 24, 1904.

Mr James A. Payne,

Talihina, I.T.

Dear sir:

Your letter of the 18th inst, addressed to the Indian Agent, wherein you ask whether or not there is any royalty to be paid on hay, has been referred to this office for reply.

In reply you are advised that there is royalty to be paid on all hay cut in the Choctaw Nation, unless the hay be cut from land for which certificate of allotment has been issued and is in the possession of the allottee. Unless the citizen has in his possession such certificate he is liable for the royalty, even though he has filed on the land.

Yours truly,

Prin. Chief C.N.

Kinta, I.T., June 27, 1904.

Mr H.T.Lawchubbee,

America, I.T.

Dear sir:

I am in receipt of your letter of recent date in which you make inquiry with reference to the right of the Chickasaw freedmen residing in the Choctaw Nation. Replying thereto I desire to say that the court, in passing upon their right to share in the allotment, determined that they were United States Citizens and were not entitled, as such, to any privileges including the right to vote further than the forty acres of average allottable land. As to their children born since the 25th of September 1902, they are not entitled to share in a division of the land. I have been informed that the Secretary of the Interior holds that in the disbursement of the townsite money soon to be paid out, it will not be necessary for parents to be appointed guardian of their Children in order to receive this money. He states that if this was required it would take the bulk of this money to pay the court cost and attorneys fees. The courts will hold however that parents in order to lease their Children's allotments will be required to make application for the appointment of a guardian for that purpose. Judge Raymond has held that a five hundred dollar bond is ample for a guardian to make in cases of that character; he holds, and I think it is the law that as the guardian can only handle the products of the lands allotted to the children that a five hundred dollar bond would cover the amount held in his hands at any time belonging to the ward. I am glad to know that you are going to exercise yourself in the coming election and do all you can for the Tushkahoma ticket.

Your friend,

Kinta, I.T., June 28, 1904.

Messrs McCurtain & Hill,

S. McAlester, I.T.

Gentlemen:

I am in receipt of your letter of the 24th inst, enclosing letter from P.B.Cole, and in reply have to say that the matter of looking after the interest of citizens in probate matters is in your hands and I do not desire that you do anything in reference to appointing assistants in this matter that does not suit you. I, like yourselves, think that grafters should not have these appointments and for that reason I do not think Mr Cole should have this appointment. I herewith enclose his letter as requested.

Yours truly,

Prin. Chief C.N.

Kinta, Indian Territory, June 29, 1904.

Messrs. McCurtain & Hill,
South McAlester, Indian Territory.

Gentlemen:

I am in receipt of your communication of June 28th, 1904, advising me that the United States Indian Inspector informed you that he had been instructed by the Department to see that guardians be appointed for all Indian minors.

In reply I have to say that, upon the whole I regretted very much to see Congress adopt and enact into a law for this country the Arkansas statute upon guardianship and administration, for it contains provisions which operate harshly upon the Indians by reason of the peculiar tenure of land here-- , that is, the land is owned and held here, or supposed to be held here, not by the parent or head of the family, but each member, including the youngest child, owns its allotment in ^{its} own right and name. This separate and distinct ownership of land by members of Indian families would seem to bring the property within the provisions of the statute requiring that security be given for the management and control of property not derived from the parent. And it is in this regard that the statute operates most harshly,-- in fact, its application here is more severe than was ever contemplated by the same statute in Arkansas, for here there is so much of that kind of property, while in Arkansas there is comparatively little, if any, property that is not derived from the parent. And for this reason, among others, I was

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very sorry to see the Arkansas statute become a law here. But as the wishes of the Choctaw authorities were wholly disregarded in this and the bill became a law, I felt that the Nation should aid its citizens as far as it could in their duty under the law. Hence, the employment of your firm.

Now, since the Arkansas statute relating to guardianship and administration is a law in this country, which we all must and will obey, I do not think we should be interfered with in this regard beyond the requirements of the law. And nowhere do I find in the law any authority or warrant for the action taken or about to be taken by the Interior Department, through its Inspector here, to see that guardians be appointed for Indian minors. It seems to me that the law is ample in itself and that the contemplated action of the Inspector is not only unnecessary, but is an unwarranted interference in the execution of a law, the enforcement of which belongs entirely to a different department of the government from his -- the judiciary department. In any event, I do not think that any thing should be forced upon the Choctaw people which is not required of them by the law; and it occurs to me that the efforts of the Inspector in this are beyond the requirements of the law. I have, therefore, to direct that you gentlemen, as attorneys for the Choctaw people in these matters, be governed, as I am sure you will be, by the plain provisions of the law, the action of the Inspector to the contrary notwithstanding.

Very respectfully,

Prin.Chief, Choctaw Nation.