Refer [illegible] to the following:

Land
82745-1904.

(COPY)

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Indian Inspector for Indian Territory of November 23 returning a communication from Hon. Green McCurtain, Principal Chief of the Choctaw Nation, dated October 26, 1904, with reference to the matter of the Townsite Commission for the Choctaw Nation completing its work within the present appropriation, which letter was sent him for report by Departmental letter of November 2, 1904 (I.T.D. 9061-1904).

This matter has heretofore been the subject of full and complete reports by the Inspector and in this connection he refers to his letter dated October 15, 1904, to the Department's letter of November 15, 1904, (I.T.D. 11250 - 1904) and to his additional report in compliance therewith made direct to the Department under date of November 18 and to the following telegram dated November 21, 1904:

> You are hereby directed to furlough without pay the members of the several townsite commissions and townsite employees, commencing December first. You are authorized, as suggested in your letter of November eighteenth, to employ chairman of Choctaw and Chickasaw Commissions as townsite agents at their present compensation. West Fort Smith matter not yet submitted by Indian Office; letter follows.
>
> Thos. Ryan, Acting Secretary.

Mr. Wright believes the correspondence above mentioned sets forth in detail the status of the townsite work and the impossibility of completing it within the present appropriation as well as the inadvisibility of proceeding with the entire commission. He recommends that such information as the Department deems proper be given the Principal Chief in answer to his communication but suggests that he be advised that owing to shortage of funds it has been necessary to furlough the commission and that until additional appropriation is made the work must necessarily be delayed but the Department is using its utmost efforts to complete it at the earliest possible date. I concur in the recommendation of the Inspector.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

EBH-WDW

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 2, 1904.

Honorable Green McCurtain,
Principal Chief Choctaw Nation,
Kinta, Indian Territory,

Dear Sir:

On October 21, 1904, the Secretary of the Interior requested the Commission to explain why patents prepared for allotments selected in the Choctaw and Chickasaw Nations and from time to time transmitted to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, in order that the signatures of the chief executives and the seals of the respective nations might be affixed , had not been transmitted to the Department.

In reply thereto the Commission on November 4, 1904, advised the Department that nineteen thousand five hundred and twenty-three patents to allotments selected in the Choctaw and Chickasaw Nations had been prepared by the Commission, of which number five thousand eight hundred and fifty had, during the months of August, September and October, been transmitted to Messrs. Mansfield, McMurray & Cornish for the purpose of securing the signatures of the chief executives of the Choctaw and Chickasaw nations and the affixing of the seals of these two tribes thereto but that none of these patents had been returned to the Commission for forwarding to the Secretary

of the Interior, nor had any reason been offered by the attorneys for the Choctaw and Chickasaw Nations for the non-execution and return of the patents.

On November 18, 1904, the Department instructed the Commission by telegram as follows:

> "Discontinue delivery of patents to attorneys for Choctaw and Chickasaw Nations or any one else until further advised. Letters follows."

The Commission is now in receipt of a letter from the Secretary of the Interior under date of November 21, 1904, accompanied by a report of the Acting Commissioner of Indian Affairs of November 14, 1904, copies of which are inclosed herewith for your information.

In connection with this matter I now have the honor to request that you advise the Commission at the earliest practicable date if any of the five thousand eight hundred and fifty patents heretofore transmitted to Mansfield, McMurray & Cornish, have been executed by you as the Principal Chief of the Choctaw Nation, and if so, why the same have not been returned to the Commission.

If none of the patents have been so executed it is desired that the Commission be advised as early as practicable, in order that report may be made to the Department.

Respectfully,

AB 6-2

Chairman.

DEPARTMENT OF THE INTERIOR, RJH
WASHINGTON.

I.T.D. 12198-1904.
& 9061-1904.

December 6, 1904.

Honorable Green McCurtain,

Kinta, Indian Territory.

Sir:

In further reply to your letter of October 26, 1904, relative to townsite work in the Choctaw Nation, I have the honor to enclose a copy of the report of the Indian Office of December 1, 1904, submitting a report by the United States Indian Inspector located in the Indian Territory, in the matter.

Upon a previous report and recommendation of the Inspector, on account of the small amount of townsite funds in hand, the townsite commissions in the Choctaw, Chickasaw and Cherokee Nations were furloughed, as you will see from the copy of the Acting Commissioner's letter enclosed.

The Department will seek further legislation by Congress in order to enable it to complete at an early date the townsite work in the Choctaw and Chickasaw Nations.

Respectfully,

Thos Ryan
Acting Secretary.

1 enclosure.

Dec.7,1904.

Honorable Tams Bixby,Chairman,

Muskogee,Indian Territory.

Sir:--

[illegible] of Dec.2,1904,enclosing a communication from Honorable A.C.Tonner,Acting Commissioner relative to the non-delivery of the Patents,after due execution of the same,to your Honorable Commission,and requesting that reasons be advanced as to why the patents have not been returned.

In answer thereto I desire to respectfully suggest that all patents that have been delivered to me,through Mansfield,McMurray & Cornish,Attorneys for the Choctaw Nation,have been duly signed and the same have been forwarded to the Chickasaw Nation for the Govern[illegible] Nation to sign. The patents that have [illegible] to come [illegible] be [illegible]erly [illegible] Articul[illegible] [illegible]rection [illegible] advis[illegible]

Very respectfully,

Prin.Chief C.N.

Dec.7,1904/

Governor D.H.Johnson,

Emmett,I.T.

Dear Governor:

Owcing to recent developements I feel impelled to respectfully request that the meeting sdt for Dec.12,1904,at Atoka,of the Choctaw and Chickasaw Commissioners be deferred until a later date to be mutually agreed upon.

The probate Docket at Antlers will be taken up during the week of the 12th,and one of my Commissioners is compelled to be in atandance there at that time. Hoping that this will be perfectly satisfactory to you,I remain,

Yours truly,

Prin.Chief C.N.

D.C.McCURTAIN. E.P.HILL.
Mc Curtain & Hill,
Lawyers,
South Mc Alester. I.T.

December 7th 1904

Honorable Green McCurtain,

Principal Chief Choctaw nation,

Kinta, I. T.

Dear Sir;

We have the letter of William Aaron, by reference from you. We have this day written him to be at A tlers next week, at which time we will give him whatever assistance is necessary in being appointed admin-s trator; and will also aid him in the recovery of the land and stopping the destruction of the timber by J. N. Laird ~~aird~~ & Company.

Yours very truly,

McCurtain & Hill

DCM

Dec.6,1904.

Messrs McCurtain & Hill,

S.McAlester,I.T.

Gentlemen:

I enclose you herewith a letter from Judge H.P.Ward, stating that there is a class of citizens in his county who have put their minor children in the hands of trust companies who refuse to pay their permits,claiming the trust company is the responsible party. I amsomewhat inclined to the view that the trust company ought to pay the permits of tenants occupying the minor's allotment,and I hope you will take such steps as are necessary and advise them to this effect.

Yours truly,

Prin.Chief C.N.

Dec.8,1904.

Messrs McCurtain & Hill,

S.McAlester,I.T.

Gentlemen:

I am in receipt of a communication from Judge Ward to the effect that there is a class of citizens

DRY GOODS AND GROCERIES
FURNISHING GOODS.

HIGHEST MARKET PRICE
PAID FOR FARM PRODUCE

Garside & Hudelson,

General Merchandise

A Full Line of General Merchandise Always in Stock.

Stringtown, I. T., Dec 10 1904

Gov. Green McCurtain
Hinton I. T.

Dear Sir

There is non citizens in this County who is netting quails and ship them to some place in the north They have papers fix up from the citizen giving them permition to net - How about that? I will get some of those papers and send to you

Let me hear from you at once -

Respectfully

J B Spring

Eagle Town I. T.

Dec 11th 1904

Green McCurtain.

Principal Chief

Kinta I. T.

Dear Govner.

I reaved your Courteous letter. In reard to guardianship. I would be diligted to avail myself of your kind invitation.

If it was not for my health failing me. I have not been in Good health for Twelve Months.

Therefore I hope and trust you will excuse me.

Your friend as ever C. Howell

P.S.

I am in full sympathy with the spirit of your letter. And I do hope and trust that there will be suitable person found that will fill the places of Waldock and others.

Hoping and trusting you and family are well

I close.

C H

Executive Office, Choctaw Nation

Green McCurtain, Principal Chief

Kinta, I. T., Dec. 13, 1904. 190

The Secretary of the Interior,

Washington, D.C.

Sir:--

I notice by the press dispatches that the guardian law for the Indian Territory is being considered at Washington with a view to making some changes therein. This is a matter in which the Choctaws feel a very great interest on account of the fact that most of the property belonging to them is owned by minors and is derectly affected by the guardianship law.

By the provisions of the act of April 28, 1904, for the appointment of additional judges in the Indian Territory, the laws of Arkansas, (Mansfield's Digest, 1884) relating to guardianship and administration, were extended and put in force here. When first this law was put in force in this country several of its provisions seemed very objectionable, from the Indian standpoint; particularly that provision requiring parents to give security and account for the property of their children. This requirement arose from the fact that the property of the Indian children (allotments) was not derived from the parents, but was and is taken by the children in their own right. This at first seemed to be a hardship on the parents, many of whom could not make the required bond without very great difficulty. But six months experience under this law has abundantly, if not conclusively, demonstrated its great force and value. Prior to the passage of this law all matters of Indian guardianship and administration were within the jurisdiction of the

tribal courts;and so long as the Indian trust-estates were in the hands of Indians exclusively,the tribal jurisdiction was adequate, but this was not long. When the allotment of lands began speculators and land grafters among the non-citizens soon saw the situation. There were vast property estates in the hands of Indians and under no protection whatever,except the tribal law,and to this law the non-citizen land grafter was not amenable. It was a field of speculation in which the grafter was free to ply his hand ,liable under no law and accountable to no court. Under this condition Indian estates,especially those of the minors and orphans were being rapidly converted to the exclusive use and benefit of the grafters, and had the condition continued it would not have been long until these estates would have passed from the Indians entirely. Now that the United States Courts have been given jurisdiction in guardianship and administration,the grafter is smoked out by a law that requires him to account as other people. And the result of the law is that much valuable property is being recovered from improper control and restored to the use and benefit of its rightful owners. This being the result of the law,to my own knowledge,I confess that I do not see how it could now be changed to any great advantage except perhaps in a few minor particulars,such as the amount of the bond,etc.

In as much as the lawd of the minors is absolutely inalienable under the law I do not think that there is any necessity for a bond for the lawd. A bond based upon the rental value of the land

instead of the value of the land itself would, in my judgment, amply protect the interest of the minor, and at the same time better enable the parent to give it. And if this change could be made I think it would serve a good purpose.

Further than a change in the amount of bond, I am very doubtful of the wisdom of making a change in the law. The people are now pretty well acquainted with the provisions of the law and are becoming used to its operation, and if it was changed to any considerable extent it could not but result in confusion and disorder That the necessity for a sufficient bond, a bond enforcable in the court, to protect the estates of the minors exists cannot be debated for it has been fully demonstrated since allotments have been made The Probate Attorneys for the Choctaw Nation, Messrs McCurtain & Hill, advise me that under the law now in force the parents are the natural guardians of their children, and that they do not have to be appointed legal guardians to give bond for the control of the estate but can give bond uder their natural guardianship. This state of the law relieves the parents of the necessity of being appointed legal guardians, and at the same time relieves them of much expense necessary and incident to getting said appointment. I make these statements in order that your Department may have before it the views of the Choctaw people expressed through me as their chief executive.

Very respectfully,

Prin. Chief C N.

1

Dec 13 1904

Durand Jnd Jer

Gove Grem Mc Curtain

Akana ma hemak ona hemle
yoka sea chokma kah momat
bendet ammupa Eklawo kea
pet chema la che hoke yoh me
kat Elopak o pet che panak lole
che hoke chahtal Encourd
Gurdein at a chokma noma
hok ma keok ma nona ka
hak lo sa bonna hoke
Gurdein sepok ne elopa Eshe
kat hemak Elhpeta elopa
koche henla cho

ak mat ulla tok lo henle Elap at
Mitch Ell at Afom me yat ona
hatoko Elle eyak ne elap a kanche
[illegible] sabon na hosh Sawyer ya
impa nak lote tok oke Sawyer yat
a cheh mat homesstetes ak ba no
ho Esh kan cha henla a chetok
a chaffa kat afom me ona keo
hatoko Eklon na ka ko
Esh kan cha henla hoke a cheh
toke yamma ayohma henla hok
ma yam ma ayena ka hak lo
sa bon na hoke yak ne ya
ont a hayochele toke Surples
a contest a cheh toke oke
cessie archost hoh chefo hosh

3

Elap a ma kale kat rella
Cornelius Mc Curtain Ellechash
eyakne a koke yakneyat
Eyalle Homesstetes 5 dollars
lend oke Surplus ato 6 dollars
5 dollars lend Elap a hatak
achaffa kat 15 00 dollars o
chom pa bonna tok oke
Sepokneh chaffa cha tathepa tathespe
ho chum pa bonna hoke
Ome fahaleshke chok ma bono
ho Emaya hoke
chekana Joshua Mc Curtain

Executive Office, Choctaw Nation

Green McCurtain, Principal Chief

Kinta, I. T., Dec. 14, 1904. 190

Honorable James Bower, Chairman,

Oak Lod e, I.T.

Dear Sir:

The purpose of this letter is to advise that I deem it advisable for you to call your Commission together and get to work at the earliest possible date on making the roll of the new-born and delinquents.

You are also informed that Gillian Gibson, of _____ desires information with reference to securing enrollment as delinquent Choctaw, i.e., as to where he can meet the Commission and present his proof and be enrolled.

Yours truly,

Prin. Chief C.N.

Executive Office, Choctaw Nation

Green McCurtain, Principal Chief

Kinta, I. T., Dec. 14, 1904. 190

Honorable J. Blair Shoenfelt,

United States Indian Agent,

Muskogee, Indian Territory.

Sir:--

I am in receipt of information that one J.W. Armstrong, of Stringtown, I.T., is continually shipping quain from the Choctaw Nation, and have to request that you take the necessary steps to prevent further shipments of this character.

Very respectfully,

Prin. Chief C.N.

Executive Office, Choctaw Nation

Green McCurtain, Principal Chief

Kinta, I. T. Dec. 14, 1904. 190

Mr J.B.Spring,

Stringtown, I.T.

Dear Sir:

In reply to your recent letter enclosing power of attorney you are advised that no person, citizen or non-citizen, has or can be delegated any right that will permit them to ship game from the Nation. I have this day made complaint to the Indian Agent requesting that he take immediate steps to stop this shipment.

Yours truly,

Prin. Chief C.N.

Oak Lodge, Indian Territory, Dec. I5. I904.

Honorable Green McCurtain,

Prin. Chief C.N.

Kinta, I.T.

Dear Sir;

Your letter of the I4inst. received today, in reference to having the Commission together and begin work as soon as possible.

The members of the Commission, when together, in your town last week, scheduled meetings for Atoka, Durant and Hugo beginning January IO, that we did not think, the dates too far off, on account of having to have them published in the news papers and such publications to have the proper effect, That in the meantime, the members would hold a few meetings in other towns or be at work in their respective districts.

The matter of printing blank applications, affidavit and other stationary will be completed in a few days.

I have written Mr. Folsom and Shoney that the Commission would hold meetings at Stigler, Kinta and Enterprise beginning January 2.

I assure you the Commissio will endeavor to begin work as rapidly and perfectly as possible, and trusting the arrangements so far, as made, are satisfactory to you.

Very respectfully yours.

James Bowen

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN INSPECTOR
FOR
INDIAN TERRITORY,

D 10709-1904

Muskogee, Ind. T Dec. 16, 1904.

Hon. Green McCurtain,

Principal Chief, Choctaw Nation,

Kinta, Indian Territory.

Sir:-

Referring to the resolution of the General Council of the Choctaw Nation, approved by you October 28, 1904, entitled "Memorial #14, requesting continuance of present Choctaw Townsite Commission until its work is completed," you are advised that I forwarded said resolution to the Department and am now in receipt of a communication from the Honorable Acting Secretary of the Interior, dated the 5th instant, in which it is stated:

"The resolution being one which, under the provisions of the act of June 28, 1898 (30 Stat., 495), does not require action by the President, it has been this day returned to the Indian Office for its files. The matters contained in the resolution will, however, be given due consideration."

You are accordingly so advised. I have advised your Nat'l Secretary.

Very respectfully,

J. Geo. Wright

U.S. Indian Inspector
for Indian Territory.

W.M.C.

DEPARTMENT OF THE INTERIOR, FWV.
WASHINGTON.

ITD-10217-04. December 19, 1904.

L. RS

Hon. Green McCurtain,

Principal Chief Choctaw Nation,

Kinta, Ind. Ter.

Sir:-

The Department is in receipt of your communication dated December thirteenth, relative to the appointment of guardians for minors in the Indian Territory under exisitng law and making suggestions concerning the same.

You are advised that the matter is being considered together with other subjects with a view of making such recommendations to Congress for changes in existing law for additional legislation as may be deemed desirable.

Respectfully,

Thos Ryan

Acting Secretary.

Dec.19,1904.

Mr W.H.Ansley,Delegate,

Metropolitan Notel,
Washington,I.T.

Dear sir:

I am in receipt of your letter of recent date relative to your views and the conversation had with the Private Secretary of Asst.Secretary Ryan. Governor Johnson and myself have not conferred and have no fixed plans as to just what we will do relative to the delivery of the patents to the allottee. I would suggest that you do not discuss this matter with any of the Departmental attaches,as I have instructed Mr Mansfield to take up this question with the Secretary and reach an amicable adjustment if possible. Unitl I hear from Mr Mansfield and the result of his efforts in this direction I can not outline what course we may pursue indealing with this matter. Referring further to the Peel matter,I would suggest that it would be better to keep those who have claims or pretendéd claims against the Choctaw Nation,at arms length as they may seek to take advantage of anything you might say in connection with their claims against us. You want to be very careful and discreet in all questions arising where the nation's interest is at stake,as I feel that we have a great fight before us in protecting the Choctaw people in their rights at the seat of power.

Yours truly,

Prin.Chief C.N.

Dec.19,1904.

Mr W.H.Ansley,

Metropolitan Hotel,

Washington,D.C.

Dear sir:

In reply to your recent letter with reference to the claim of W.S.Peel,you are advised that it will be well for you to have nothing to say with reference to this matter as it might complicate matters. This claim has been twice submitted by me to the General Council,and by themboth times refused,and as that body represent our people,it is well for us to follow their steps. Therefore I have to advise that it will be well to say nothing in any way with reference to such matters.

Yours truly,

Prin.Chief C.N.

MANSFIELD.
RRAY.
ORNISH.

LAW OFFICES OF
MANSFIELD, McMURRAY & CORNISH.

GENERAL COUNSEL FOR
THE CHOCTAW NATION
THE CHICKASAW NATION

South McAlester, Indian Territory, December 27, 1904.

Honorable Green McCurtain,
Principal Chief Choctaw Nation,
Kinta, Indian Territory,

Dear Governor:

We beg to acknowledge receipt of your letter dated December 24, 1904, advising us of your correspondence with Honorable James K. Jones, relative to the alleged claim of the heirs of Peter P. Pitchlynn.

You state that this alleged claim is for supplies furnished the Choctaw people during the Civil War and that, as you view it, there is no substantial basis for the claim; and that you have written Senator Jones to that effect.

We have heard something of this claim and consider it a visionary one and possessing no merit whatever; but our experience in the Sypher and other matters convinces us that active steps should be taken to see that no advantage is taken of the Nation.

We gather from your letter that it is your desire that we set about taking necessary steps to defeat the claim and to represent the Nation at such times and places as the claim may be presented.

Please advise us if such is your intention, and upon receipt of your directions we shall take such steps as may be necessary to protect the interests of the Nation and report to you from time to time.

With all the good wishes of the holiday season,

GMcC.2.

we are,

Your friends,

Dictated.

Dec.30,1904.

Messrs Mansfield,McMurray & Cornish,

South McAlester,Ind.Ter.

Gentlemen:

I am in receipt of your recent letter with reference to the Pitchlynn claim against the Nation,and in reply have to advise that I desire you to represent the interest of the Nation in this matter. Some time ago I had a conversation with Calvin Howell, of Eagletown,I.T.,in which he advised me t hat the corn and cotton alleged to have been furnished by Peter Pitchlynn was not furnished by him at all. He is not personally conizant of all the facts in the matter,but told me his brother,whox lives in the Chickasaw Nation knows all about the matter. It might be well for you to correspond with him and secure all the facts he has and then see his brother and learn all about the matter.

Yours truly,

Prin.Chief C.N.

1104, 6, St. N. W.

Washington, D. C.

Hon. Green McCurtain,

Sans Bois, Indian Territory,

My Dear Gov. McCurtain:-

Won't you kindly aid me with my father, Peter P. Pitchlynn's claims against the Choctaw Nation, which remain unpaid. I have tried time and again to have our claims presented to the Choctaw Council but have failed.

The delay in my case has not been for want of faith in the just indebtedness of the Choctaw Nation to my father or the lack of honest purpose in the Choctaw people to do what is right by one who served his people well to the day of his death, but lack of health and means necessary.

I have employed my friend Senator James K. Jones as our attorney and it is with his advice that I know you can help and that you will do all you can for one whose case is just and needs such assistance as you can give. I know that you are good, and a true friend to the Choctaws, and as the daughter of one, who did much for his people I pray you help me.

Kindly confer with Senator Jones, who will present to you the facts of the case.

Pardon this intrusion and believe me, gratefully,

(Signed) Sophia C. Pitchlynn.

James K. Jones, Jr.
Edwin Sefton

Telephone Main 638.

Law Offices of

JAMES K. JONES
621-622 Colorado Building
Washington, D. C.

Dec. 10, 1904.

Hon. Green McCurtain,

Sansbois, I. T.

My dear Governor:

During my public life I was a good deal interested in a great many Choctaws, and have for some years looked after the heirs of Peter Pitchlynn, particularly Miss Sofia Pitchlynn, who lives here, and who is well known to me and my family and has been for many years. All these things I have done simply because of my friendship for these individuals and for the Choctaw Nation. In this way I wrote you a year or more ago, and I think sent you a copy of a paper prepared by Miss Pitchlynn setting out the claim against the Choctaw Nation.

Recently, however, Miss Pitchlynn has retained me as her attorney to look after her claims, and I have taken the matter up in a professional way, and have looked somewhat carefully into the matter.

I think you know me well enough to believe that I would not present any claim that I did not think might be founded in justice, and it is due to Miss Sofia that I say the same for her.

In the printed report giving the disbursement of the delegates' twenty per cent of the Net Proceeds claim, prepared by Campbell Leflore and Edmond McVurtain there is printed what purports to be a will of Peter Pitchlynn. This, as I understand, was not his will, but rather in the nature of a will, but made just before he died. If you have a copy of this document you will find on page 6 a state ment made by Pitchlynn in this memorandum, stating, as he says, "in view of the uncertainty of life."

The first item in said statement is that he claims

pay from the Choctaw Nation for 125 bales of cotton which was distributed by him among the Choctaws as a matter of necessity during the War on account of the destitution of the Choctaw people. If this distribution was made, and I am sure there can be no doubt about it, while it may be that there is no legal obligation on the part of the Choctaws to pay for it, I believe that you will agree with me that good conscience would require that the Choctaw Nation should reimburse the family of this faithful old servant of theirs for property actually received by their destitute people, and especially in view of the fact, as I understand, that those who furnished these necessities to the destitute Choctaws subsequent to Pitchlynn, were all fully compensated.

The second item is for 25,000 bushels of corn distributed among the Choctaws in the same way and under the same conditions.

In the third item he claims twenty-five hundred dollars a year for fourteen years for services rendered in representing the Nation in Washington. In the ninth item he refers to a settlement made by the Choctaws in 1861, and sets out how there is still due him on this ascertained amount $10,102.81.

There are a number of items referred to about which, of course, I know nothing; he may or may not be entitled to money on all, but in those stated above it seems to me that there can be no question that there is a reasonable amount of money due the estate of Peter Pitchlynn.

What the cotton is worth and what the corn is worth could be easily determined by any fairminded, just man; that he ought to be compensated for his long service here is to my mind equally clear. In some special cases he was to receive a percentage as his pay, of course it would require a statement of account to find how much was due him. His family think he was not fully paid in the Net Proceeds claim, and in this I agree, but whether the Choctaws are responsible in any way

for this is another question.

Miss Sofia Pitchlynn is going to the Nation to look after her personal interests down there, and I have suggested to her that she see you and talk to you about these items. I have told her that you were a just man, which she already knows herself; that you would not countenance an unfair settlement either for or against the Choctaws, and I believed you would recognise in these items set forth above an obligation justly due; and probably in the others, being more familiar with them than I am, you might feel something due the estate of Peter Pitchlynn, but that whatever you thought about it, you would be frank and candid, and I ask you to talk the matter over with her, arriving at a clear and just conclusion and let her know what you think.

I have been so much accustomed to speaking my mind to you without any reservation that I think I may say frankly, further to you, that I have told Miss Sofia that on account of these matters being so old that there would probably be some unwillingness among the Choctaws to pay her in cash for these services even if they were admitted to be just at the time, and I have said to her that, as I understand, there is a considerable surplus of land in the Choctaw Nation, or will be after the division, that the Choctaws might be willing for her to have an ascertained quantity of land allowed her out of this surplus, if there is such a surplus, instead of asking for the money consideration, that this might be done. I believe the money is due the estate of Peter Pitchlynn, but I have advised her to be satisfied if she can get a reasonable amount of land.

I wish you would think this over. This is a mere suggestion of mine to try to make a settlement easier than it might otherwise be, and is subject to your better judgment or any suggestions that you can make in connection therewith.

I hope you and the Choctaw people are getting along all right. I have opened a law office here, and if I can be of service to you or your friends here in any way, personally or professionally, I will be glad to know it.

Your friend, sincerely,

(Signed) James K. Jones.

Dec. 22, 1904.

Honorable James K. Jones,

621-622 Colorado Building,

Washington, D. C.

Dear Friend:

I am in receipt of your letter of December 10th, in regard to the claim of Sophia Pitchlynn, and the other heirs of Peter Pitchlynn.

Since the matter of this claim has arisen there has been considerable discussion of it by the Choctaw people individually, and it seems to be the concensus of opinion that there is nothing due the estate of Pitchlynn on this account or any other, and those who claim to have a personal knowledge and recollection of the services and transactions of Peter Pitchlynn stoutly maintain that Pitchlynn was fully compensated for all services of whatever character he rendered the Choctaw people. There is not, and never was a disposition on the part of the Choctaw Nation of people to avoid any just or valid obligations, and I am sure they would cheerfully accede to the lawful demands of one of their own people, such as Miss Pitchlynn, if they but believed the claim was just and well founded. And in denying this obligation, on the part of the Choctaw people, I am not expressing any doubt as to the good faith of Miss Pitchlynn in making the claim, or of anyone employed by her in the matter, but am simply stating the sense, belief and understanding of the people as regards the correctness and validity of the claim itself.

If this claim is to be insisted upon, I am satisfied there could be no adjustment of it satisfactory to the Choctaw people except by an adjudication of the facts; and as there is bound to be a dispte about the facts it occurs to me

that if there is to be a settlement of the claim it should be by a judicial inquiry.

Assurring you of my high esteem, I am,

Your friend,

Prin. Chief, M. N.

W.S.& B. PARAGON LINEN.
MADE IN U.S.A.

2d. I claim payment from the Choctaw Nation for 25,000 bushels of corn distributed by me among the Choctaw people on account of the destitution among them during the years 1861-62-63-64-65- five thousand bushels a year which was worth at least one dollar a bushel then; in figures as follows. 25000 bushels corn at $1.00- $25,000.

Old Adam (colored) and most of the Choctaws and colored people living in Eagle County know about this corn and cotto n furnished. Jones and Sampson Folsom were paid by the Nation for the cotton furnished by them after my cotton was exhausted .

3d. I claim that the Choctaw Nation ought to pay me for services rendered in defending it against Oklahoma bills, Legislation against it, and in behalf of the freedmen which I defeated in the Senate, and for preventing the survey of their lands which I did do, and for constant attention to all their other interests outside of the Nett Proceeds claim, such as the Cherokee and Creek Nations have been paying their Delegations at the rate of $2500 and more a year constantly since the War, say from the first day of January, 1867 to January, 1881, 14 years at $2500 $35000.

My printed papers will show much of this service.

4th. In addition to these services I saved to the Choctaws the claim known as the Eastern Boundry claim.

In 1830 the Commissioners prepared the treaty to make it according to a survey made in 1826. I then had it charged in the Treaty to be according to the Treaty of 1825. In 1855 our Delegation protected it and I followed it up and secured the survey of 1858 by which the amount of land in Arkansas was first ascertained.

The claim was covered by our contract of 1855 and I claim 5 per cent of whatever may be realized from it.

5th. Sampson Folsom owes me $4000 for money loaned

him for which I have his note dated Nov. 8" 1858 with interest at 8 per cent. per annum. I gave this note to my wife a long time ago with his knowledge, and his promise to her that he would pay it, and I want it to be paid to her out of whatever may come to him out of the Nett Proceeds.

6th. James S. Kitton, a white man, formerly a trader at Lukfahata, owes me $500 for cotton, and there is $1100 due to him from some Bay Indians out of which I should be paid if they get anything.

7th. Peter Folsom owes me $1000 as shown by an order from Samuel Garland dated Doakesville, November 6" 1861 growing out of the settlement of the Delegation there, or at least that amount was due me from Garland and I presumed that Folsom owed it to him. I never got the money from either of them and I have forgotten what was said at the time or why the order was given me. But if Folsom don't pay it then then it must be collected out of Garlands fees.

8th. I am entitled in the settlement of fees due from the Choctaw Nation to Delegates and attorneys, to five per cent of whatever is recovered therefrom, and also to an allowance of $5000 a year as expenses, for the time devoted to that business by me, I having abandoned my home and exhausted everything I had in that way, say 23 years up to this time for expenses $115,000.

9th. The Choctaw Nation owed the Delegation as shown by the Act of Council making settlement with them Nov. 7" /861, the sum of eighty-four thousand three hundred and ninety-four dollars and twenty-three cents (84,394.23).

Of this sum fourteen thousand one hundred and forty (14,140.) was due to J. T. Cochran so that the balance actually due the Delegation was seventy thousand two hundred and fifty-four dollars and twenty-three cents (70,254.23) one-fourth

of which belonged to me. Of this 70,254.23 twenty thousand two hundred and sixty dollars ($20,260) was for gol loaned to the Nation at eight (8) per cent per annum.

This $20,260 was paid back to the Delegation in 1862 in Confederate money as I understand, which left forty-nine thousand nine hundred and ninety-four dollars and twenty-three cents (49,994.23) due us in 1862.

In 1866 I received from Allen Wright National Treasurer, nine thousand five hundred and eighty-three ($9,583.) according to his figuring, which I used to pay expenses in the prosecution of the Nett Proceeds claim.

This reduces the amount now due the Delegation to forty thousand four hundred and eleven dollars and twenty-three cents ($40,411.23) my one fourth of which is ten thousand, one hundred and two dollars and eighty-one cents ($10,102.81)

10th. I owe R. M. Jones about $1400 for which I gave him my note about eight years ago without interest as a final settlement the note to be paid out of the first money received out of fees growing out of Choctaw business.

Henry Berthless, a worthless fellow as everybody knows, made out a bill against me of about $1100. at lukfahata, (a branch of Jones store) when, in fact, the hole extent of my trading there was only about $300.

I don't owe Jones anything except the $1400 note. He had collected about $6000 or more from me for fees growing out of Choctaw orphan claims and had used the money several years, paying me small amounts occasionallyx and had paid himself out of that.

In addition to that Jones owed me $800 for my place on Walnut Prairie.

His books were burned with his store one Sunday when the clerks were away at Meeting and he never could make out the

account.

After Jones store was burned he said he would not try to collect debts due the store from anybody because he could not tell what the amounts due were. Upon that principle we settled our account--neither being able to show an account of the items. But I believed then and still believe that he was then considerably in my debt.

The only thing I ever got from Jones store on credit after his books were burned, was one pair of spurs for a sixtown Indian colunteer for the War.

11th. I owe John McKean $50. for which he has my note

12th. I owe Dr. Young a bill for attendance upon my self and family.

13th. I owe Dr. Palmer for attendance upon me.

14th. I don't owe any Choctaw Indian anything in the way of personal debt, and nothing at all except in connection with the Nett Proceeds claim, as I have shown in another statement seperate from this for the information of Folsom and our counsel.

The distribution hereinabove referred to is set forth in my will bearing this date, January 1, 1881.

P. P. PITCHLYNN.

In the presence of

H. E. McKee.

J. B. Luce.

Caroline M. Pitchlynn.

S. C. N. Pitchlynn.

JAMES A. YANTIS
D. C. McCURTAIN

LAW OFFICE OF
YANTIS & MCCURTAIN,
SOUTH McALESTER, I. T.

Dec.31,1903.

Hon.Geo.W.Scott,

Kinta,Ind.Ter.

Dear Sir:

In reply to your inquiry as to filing for Joel Garland and his family,we will say:

Section 70 of the Supplementary Agreement provides:"Allotments may be selected and homesteads designated for minors by the father or mother,if members,or by a guardian or curator,or the administrator having charge of their estate,in the order named;and for prisoners, convicts,aged and infirm persons by duly appointed agents under power of attorney;and for incompetents by guardians,curators,or other suitable person akin to them:but it shall be the duty of said Commission to see that said selections are made for the best interests of such parties."

Our construction of this section,and we have no doubt of its correctness,is : Mrs.Garland may and must select for herself;she may, upon showing the condition of the father,make the selections for her children,and no one else can do so who is not a guardian,curator,or administrator;no one but a legally appointed guardian,curator,or suitable person who is akin to Joel Garland can select for him.

In our judgment you can not select for him unless you are of kin to him. His wife can not as his wife. Unless she has other relationship than wife she would not come within the terms of the sectinn. Either you or his wife had better be made guardian of him.

We will,however,submit your letter and our reply to the Commission to get their construction and inform you of their reply,

Very truly
Yantis & McCurtain.