

Copy

Colorado Springs, Colorado.

Sept. 3, 1908.

The Secretary of the Interior,

Washington, D. C.

Dear Sir:

Pursuant to a call issued by Hon. Green McCurtain, Principal Chief of the Choctaw Nation or Tribe of Indians, the Choctaws and a number of Chickasaws met in mass convention at Tuska-  
lahoma July 15th, and were in session two days, the 15th and 16th of July.

The purpose for which this meeting was called was to consider the matter of the taxation of Indian lands, authorized by Act of Congress approved May 27th, 1908, entitled "An Act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes" (Public---No. 140). This meeting was characterized by the earnest, intelligent and conservative deliberations of those present, and dealt with matters of vital interest and importance to the Choctaw and Chickasaw tribes of Indians, and as such commends itself to the respectful consideration of the administrative authorities of the Government of the United States. I, therefore, submit the proceedings and resolutions of said meeting to you, and, by direction and authority of the Principal Chief, would file same with your Department as a formal protest against the action of Congress adverse to the interests and in violation of the rights of the members of the Choctaw and Chickasaw tribes of Indians.

The following is a brief statement of the organization and proceedings of the meeting, together with a full text of the resolutions passed:

MEETING CALLED TO ORDER BY GREEN McCURTAIN, AND ELECTION  
OF TEMPORARY OFFICERS.

The meeting was called to order by Green McCurtain, Principal Chief of the Choctaw Nation, at 2:20 p.m., Wednesday, July 15th.

It was moved by Dr. Wright that Governor McCurtain be elected temporary Chairman of the convention. This motion was carried.

Mr. Chas. Ward was nominated and elected Vice Chairman, and Mr. J. N. Leard, Secretary.

ADDRESS OF GOVERNOR McCURTAIN:

Governor McCurtain then addressed the convention in Choctaw, the following being an interpretation of his address by Peter J. Hudson:

"He says that he will explain to you the purpose of calling this mass meeting; that though he is the Principal Chief of the Choctaw Nation, his authority has been taken away from him little by little until there is but little authority that he really has, and upon his own authority he is not able to do much, and for that reason he has thought it best to call the people together that they might consider and devise ways and means by which they can protect themselves against the operation of the law passed by Congress imposing taxation upon the allotments of many of them."

"He says that the assessors have visited different parts of the country already to assess the lands of the allottees, and that they will soon visit others to make further assessments; that he has received information that some land has been assessed as high as from \$60.00 to \$100.00 per acre, and when the people have written him

that they have been assessed that amount and have appealed to him for help he has been compelled to reply that he was powerless to aid them, and inasmuch as his authority as Principal Chief is very limited, and realizing that a vast amount of the property of the people is wholly unimproved and not yielding a sufficient amount of revenue to pay the taxes and unless some action was taken would be sold within the next year to pay the taxes levied upon it, he has called upon you so that you might advise together and agree upon some plan for protection.

The Assistant Attorney General, when he was here not long ago, told us that a certain class of our people known as half-bloods and intermarried citizens and freedmen, would be taxed when the restrictions were taken off their land, but that another class of our people known as three-quarter and full-bloods, whose lands are restricted at this time, would not be taxed, but it might be that a coming session of Congress would remove these restrictions, thus making all our land taxable, and I expect the officer of the Government who told us these things knew what he was talking about, and while I believe that the Secretary and the officials of his department are insympathy with us, yet he cannot stay the strong pressure that is brought to bear upon Congress. Therefore, I consider it necessary for us to get together and devise some means to protect our people in their legal rights and fight against this taxation which will result in the confiscation of the property of many of our citizens, If this matter is allowed to stand, it is only a matter of a short time when the lands of our full-blood citizens will be made subject to taxation, and I urge you to stand together in this fight, as we have no friend among the Oklahoma delegation in Congress to plead for a recognition of our just and legal rights. As you all know, our money matters are in the control of the Government; we are powerless financially to fight our case from the fund belonging to the tribes, and it is necessary that we go down in our pockets to get the money to defray the costs of this litigation and employ attorneys to represent us and I urge you to do this. Among other attorneys it is

my desire that McCurtain & Hill, the Nation's general attorneys, be selected, as they are familiar with these matters and are well-known to the Choctaw people.

I regard the testing of this law as not only right and proper for the purposes of this case, and for the sake of the principle involved, but I think it necessary in order to prevent further invasions of our rights by Congress. If the courts should sustain our contention and hold the legislation void because of disturbing or destroying vested rights of the Indians, who are citizens of the United States, hereafter Congress would be a little slow in enacting legislation in plain violation of our agreements. If, on the other hand, we submit to this violation of our vested rights without an effort to protect the same, there is no telling what Congress will do next. When I urge you to take up this fight, I mean of course in a lawful way. Any other method would be useless and improper, and what I advocate is an appeal to the courts of our country to protect us from the unlawful aggressions of some in positions of power who would despoil us of our inheritance, and in our just and legal rights.

On motion of Dr. Wright the temporary organization was made permanent.

A motion was made, seconded and carried that E. P. Hill, and attorney for the Choctaw Nation be requested to address the convention and give a report of what was done at the last session of Congress.

EXTRACTS FROM THE ADDRESS OF E. P. HILL, OF THE FIRM OF  
MCCURTAIN & HILL, GENERAL ATTORNEYS FOR THE CHOCTAW NATION:

I desire to state that it is more difficult now to secure the attention of members of Congress and to prevent the passage of legislation inimical to our interests and in violation of the agreements made by you than ever before. The reason of this is that when we go to a Senator or Member of Congress from another

State who have heretofore been friendly to you that, as a rule, they tell us to go to our own Senators and the Members of Congress from our district. This, of course, you understand, we could not do for the reason that the views of the Senators and Members of Congress from the State of Oklahoma upon these questions are not in accord with your views and your demands. Another thing, whenever a Senator or Member of Congress from Oklahoma desired legislation which affected your interests, they would state to the other Senators and Members of Congress from other states that the matter proposed by them was purely a local matter; that it affected only the people of the State of Oklahoma, which they represented; that some of their own members were Indians, by blood and intermarriage, and were in a position to know the wants and desires of the citizens of the Five Civilized Tribes; that they had been elected to Congress to represent the people of the State of Oklahoma and were supposed to know the interests and demands of their own people; that members of Congress from outside of the State of Oklahoma should keep "hands off" and let them control legislation affecting the people of their state and they would assume the entire responsibility therefor. This, of course, had its effect and influence and made it very difficult indeed for us to secure the attention and aid outside of the Interior Department, but notwithstanding that situation, many attempts to secure legislation inimical to your interests were thwarted, conspicuous among them was the effort of Senator Owens to cut the homestead of the Choctaws and Chickasaws down to forty acres and to have the rolls in the Choctaw and Chickasaw Nations re-opened. As to this latter measure, Senator Owens succeeded in having an amendment passed through the Senate throwing open the rolls to everybody and giving new born freedmen ninety days in which to make application to be placed upon the rolls. In preventing this legislation, and, in fact, in nearly all matters affecting your interests we had the active and vigorous support of Secretary Garfield and the officials of his Department and during all of the time

that we were there the Secretary and his officials treated us with the greatest kindness, patience and consideration and it was through the aid and assistance of the Department that we were helped out of many serious difficulties.

Another matter to which I desire to call special attention and which probably is not generally known among the Choctaw people is the numerous suits that Congress is authorizing to be filed in the Court of Claims either against the Choctaw Nation or members of the tribe. There are now some five or six suits pending. These suits against the Choctaws aggregate several million dollars and in every one of them the claimant securing the passage of the bill through Congress has a provision put in that the suit shall be managed or controlled by the Department of Justice. While I intend no reflection whatever upon that Department, I think without doubt that the provision is put in there by the parties desiring to bring suit in order that the accredited attorneys of the Nation, or the attorneys employed by the members of the tribe may be excluded from any active participation in the defense of these suits. I believe that the attorneys of the Nation, or the attorneys employed by the members of the tribe who are sued, have both a moral and a legal right to appear and defend those suits and I believe it would be proper for the citizens of the Choctaw Nation to insist that their attorneys be recognized and that they have full authority and power to co-operate with the Department of Justice in the defense of those suits.

Perhaps the most famous of these suits is one against the Mississippi Choctaws and the claimants are, the Estate of Chas. F. Winton, deceased; Robert L. Owens, James E. Arnold, Chester H. Howe, W. N. Vernon, and several others whose names I do not now recall. Mr. Owens claims that he secured, or rather that he was responsible for all of the legislation passed by Congress, which resulted in giving to the Mississippi Choctaws whatever rights were secured to them in this country and that as a result of his labors before Congress and the Department he is entitled to a fee equal to one-half of whatever lands the Missis-

Mississippi Choctaws obtained in this country and one-half of whatever interests they have in the segregated coal lands and one-half of whatever interests they have in the other lands and funds of the Choctaw and Chickasaw Nations. Arnold and the other claimants have sought to prove up an enormous claim amounting to about \$1,000,000.00 for money they claim to have expended in moving the Mississippi Choctaws into this country and in paying the indebtedness they owed in Mississippi and in supplying them with food, clothing, shelter, etc. So, you see, if Owens is successful and secures half of everything that the Mississippi Choctaws have obtained and then Arnold and his people are successful and recover what they claim is due them, these helpless full-blood Indians will be practically deprived of everything they have secured in this country. During the closing hours of the last Congress and in a session of the conference committee on the Omnibus Indian Bill, Senator Owens secured an amendment which is now a law, giving to himself and other claimants in that suit a lien upon the lands of the Mississippi Choctaws in this country to pay whatever judgment that might be secured in that suit. Of course, I could not learn of this until the bill had been reported out of conference, as the sessions of the conference committee are executive, and I immediately took steps to have the amendment defeated. This I was unable to accomplish for the reason that the bill contained many important provisions relating to Indian Tribes all over the United States which the Secretary desired enacted into a law. However, I received assurances that this matter would be taken up at a later date.

This amendment put a very serious phase upon that suit and on my return home, I took the matter up with Governor McCurtain and he felt that this matter was so vital to the interests of these full-blood Mississippi Choctaws that it was absolutely necessary that they should have all the assistance possible in the defense of this suit. While we had participated to some extent in the defense of this suit heretofore, I have never felt that we had the recognition or at least the authority that we should have in making such defense

as we thought necessary and proper and there have been times when our firm felt some embarrassment in making suggestions that we thought not only proper but very necessary and important. Not only is this true in this particular case, but I see no reason why it should not apply in all of these suits brought against the Choctaw Nation or the members of the Choctaw tribe. I have never taken this up with the Interior Department, but I think it of sufficient importance to command your earnest consideration.

#### APPOINTMENT OF COMMITTEE ON RESOLUTIONS.

After Mr. Hill finished his talk, Mr. Savage moved that a Committee on Resolutions be appointed. The same was duly seconded and upon being put to vote was carried.

According to the above resolution, Governor McCurtain, the Chairman of the meeting, appointed the following gentlemen as a Committee on Resolutions and directed them to retire at once to commence their duties: E. N. Wright, Chairman; Silas Cole, H. C. Nash, Wesley Anderson, Silas Bacon, T. D. Ainsworth, E. W. Fannin, T. L. Griggs, P. J. Hudson and Chas. Ward, Mr. Ward representing the Chickasaws present.

After this committee retired, the Convention adjourned subject to the call of the Chairman.

THURSDAY, JULY 16th.

Dr. Miller, an intermarried citizen of the Choctaw Nation, addressed the Convention at some length, in which he deplored the many and wrongful violations of the Indian Agreements by Congress.

Judge W. W. Bennett of the Interior Department addressed the Convention upon invitation and discussed the duties of the District

Agents under the Act of Congress of May 27th, 1908, and expressed the hope that the Indians would avail themselves of the assistance that would be afforded them by said District Agents.

THE PRESENTATION, DISCUSSION AND ADOPTION OF THE FOLLOWING RESOLUTIONS:

At the Conclusion of Judge Bennett's remarks, the Resolutions Committee, through its Chairman, Dr. Wright, reported. Dr. Wright made the following statement: As Chairman of your Committee on Resolutions, I beg to report the following agreements of the Committee and I beg to state this; that several of the resolutions we could not agree upon and we have decided to refer those upon which there was a disagreement to the floor of the house for the Convention as a whole to decide.

The first resolution read by Chairman Wright was one relating to the bringing of a suit to test the Validity of the acts of Congress taxing the lands and recommending the employment of counsel for that purpose. There was some discussion over the resolution. Mr. J. M. Leard offered an amendment that that section of the resolution providing for an assessment upon each allottee should read "Five Dollars or more" instead of "Five Dollars" as reported by the Committee. The amendment was seconded and on being put to vote was adopted. The resolution as amended was then put to vote and adopted and the said resolution is as follows:

"In relation to the contemplated suit to be brought against the State of Oklahoma to prevent the collection of taxes on the lands of the original allottees of the Choctaw and Chickasaw Nations,

We your committee recommend that the Chair appoint three men, of whom the Principal Chief shall be one, whose duty it will be to en-

gage some good legal talent to bring the suit and we recommend that Wm. H. H. Clayton and C. B. Stuart be contracted with as special attorneys or some other attorneys and that McCurtain & Hill be also engaged.

We recommend that the Chair appoint one or two men in each of the counties where parties at interest are located, whose duty it will be to collect from each allottee the sum of Five Dollars (\$5.00) or more, which payment will entitle him to be joined in the suit.

We your Committee believe that we have a good and sufficient cause of action and feel confident of ultimate success.

That of the men appointed by the Chair to make a contract with attorneys, there shall be selected by them one of their members who shall give a good and sufficient bond for the safe keeping of the moneys that have come into their hands."

The next resolution reported by the Chairman and upon which there was entire agreement by the Committee was as follows:

"We, your Committee, recommend that this Convention go on record as being bitterly opposed to the re-opening of the Rolls."

This resolution was unanimously adopted and there was unanimous expression by those present against the re-opening of the rolls.

The next resolution submitted by Chairman Wright and upon which the Committee agreed was the following:

"There are now pending in the Court of Claims of the United States at Washington, D. C., suits aggregating several million dollars, against the Choctaw Nation and the members of the said tribe and we desire to respectfully enter our earnest protest against the passage of bills authorizing suits of this character without any investigation whatever as to their merits. These suits are speculative in character, without any just basis or foundation, and if the various claimants are successful, or even partly so, a large part of the property of our people will be taken from them. We

call special attention to an amendment of the Omnibus Indian Bill giving the claimants in the Mississippi Choctaw cases a lien upon the lands of these people. They are all full-blood Indians and Congress has, from time to time, refused to remove restrictions upon that character of property and this amendment was in positive violation of law and the grossest injustice to our people and we earnestly petition that the same be repealed at the next session of Congress and that in this and all other suits involving the property rights of our people that the Indians be given the right of appeal to the Supreme Court of the United States and not have such rights denied them as has been attempted in this Mississippi Choctaw case. We further earnestly petition that the Principal Chief and the duly constituted authorities of the Choctaw Nation shall have the right and privilege of co-operating with the proper department of the Federal Government in the defense of all these cases brought against the Nation or its said members.

The preservation of the homes and property interests of our minor children is a source of great anxiety to our people. We believe that the grossest crimes in relation to our tribal property are attempted upon the property of our children by designing persons. There are some seven or eight thousand of them in the Probate Courts of the Choctaw Nation and an examination of the records in these cases will disclose the fact that <sup>in</sup> many of them, year after year, charges are piling up against the estates with practically no revenues from the same.

We appreciate the efforts of the Department to protect the interests of our minor children and commend the stand taken by the Principal Chief in relation to the same and we, the people of the Choctaw Nation, pledge our hearty co-operation and aid in this matter."

The above resolution was unanimously adopted.

A joint resolution was then offered condemning the action of Robert L. Owen and Chas. Carter for their actions with reference to

matters pertaining to Indian legislation and commending the Department of the Interior and its officials and Commissioner Wright.

A substitute for the motion for the condemnation of the said Owen and Carter was introduced by Dr. H. C. Nash, as follows:

"Whereas, the last session of Congress demonstrated that the present delegation in Congress from the State of Oklahoma declines to give consideration to the views and demands of the citizens of the Choctaw Nation, and

Whereas, numerous bills were introduced in Congress affecting our vast property interests, which were in violation of our solemn agreements with the Federal Government, and

Whereas, it has been shown that in the preservation of our valuable rights which had been guaranteed to us by law, we can expect no aid or assistance from the Senators and Representatives in Congress from the State of Oklahoma, and

Whereas, no consideration or attention has been paid to our petitions and our people have been treated more as aliens than as citizens of the State of Oklahoma,

Now, therefore, Resolved that we look to the Federal Government for protection in our lawful rights guaranteed to us and we earnestly petition that that the Government resist the efforts made to violate our treaty rights and agreements from whatever source they may emanate."

The above substitute was unanimously adopted.

The following part of the joint resolution above referred to was then submitted and unanimously adopted:

"We desire to express our appreciation of the recent visit of Assistant Secretary of the Interior Wilson, Assistant Attorney General Woodruff and Commissioner J. George Wright among us. These gentlemen came with a view of ascertaining the views and sentiment of the Choctaw people on tribal affairs and we believe that their visit will result in a better understanding of the conditions now existing in this country and of benefit to the Choctaw people.

RESOLUTIONS CONGRATULATING HON. JAMES S. SHERMAN.

At a mass-meeting of the Citizens of the Choctaw Nation, held at their National Capital at Tuskehoma, the following resolutions were unanimously adopted:

Resolved that the Choctaw Nation hereby expresses its gratification that the Hon. James S. Sherman of New York, for many years the faithful friend of our people, was honored with the nomination of the Vice President of the United States.

Resolved, that we recognize and desire to express our appreciation of the eminent services of the Hon. James S. Sherman in the Congress of the United States for twelve years as Chairman of the Committee of Indian Affairs. With singular fidelity has made treaty obligations of the United States with the Indians one of his special concern. His integrity, his splendid ability and his fairness has, on many occasions, been our chief defense against the powerful interests which so frequently sought the spoliation of our lands, as well as the large funds held in trust by the United States. In him the schools for our Indian children have always had a painstaking student and earnest friend.

Resolved, that we tender him our sincere congratulations on so well-deserved a promotion with our sincere regret that he leaves the station in which he performed such onerous and distinguished services in our welfare.

Resolved, that a copy of these resolutions be forwarded to Mr. Sherman by our Principal Chief.

We desire, also, to thank the Honorable Secretary of the Interior and the officers of his Department and Commissioner J. George Wright for the courtesy, kindness and consideration shown by them to the

delegates and representatives of the Choctaw Nation selected to look after the interests of the tribe."

After some further remarks and interchange of views by various members present, the Convention, on motion of Dr. Wright, adjourned sine die.

As to the matter of the taxation of Indian lands, so far as relates to the Act of Congress complained of, it is true that has now passed beyond the control of the Administrative Department of the Government and application must be made to the courts for relief, if any, against the same. At the same time the Indians having great confidence in the Department and its officers, turn to you with an instinct born of child-like faith in their parent and guardian Government, and appeal to you with all the earnestness of their hearts to use your influence to prevent a further invasion of their lawful and vested rights by a mis-informed Congress. Those in Congress who importuned and induced that body to enact legislation subjecting the Indians' lands to taxation very artfully, but not fairly, combined the proposition to tax the lands with that of the removal of restrictions. The taxation of Indian lands bears no legitimate relation whatever to the restrictions upon the right of allottees to sell their lands, and the association of the two as companion propositions was a "delusion and a snare", calculated on the one hand to deceive Congress and to wilfully destroy the lawful rights of the Indians on the other.

With much respect for the power of Congress, we believe the taxation of our lands is void, for the reason that it seeks to destroy a vested right existing in the original allottees by virtue of a condition of the grant under which we received and hold our allotments,----that of exemption from taxation so long as the title remains in the original allottees. We think the taxation of our lands is without moral justification, for the reason that it is wrong for

Congress to disregard the agreements the United States Government has made with the Indians. It is a well-known fact that it was upon the promise and agreement of the United States Government that "our lands should be non-taxable so long as the title remains in the original allottees," that the Indians consented to dissolve their title in common and allot their lands and take title in severalty. The consent of the Indians to do this was necessary, for the title to the lands was in the tribes and could not be divested or changed except by their act or consent; and in order to obtain this consent and induce the tribes to make title over to their individual members, the Government's representatives faithfully promised and agreed that the Indians' lands should be non-taxable so long as the title remains in the original allottees, and the Congress of the United States solemnly ratified that agreement. We believe that agreement is binding, both legally and morally.

I am directed by the Principal Chief of the Choctaw Nation to advise you of this meeting and its proceedings, so that you may not misunderstand, or be misinformed as to its purposes.

Very respectfully,

(Signed) *J. C. Custer*,

General Attorney for  
the Choctaw Nation.

722  
REFER IN REPLY TO THE FOLLOWING:

WHA  
DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, November 19, 1908.

Honorable Green McCurtain,  
Principal Chief of the Choctaw Nation,  
Kinta, Oklahoma.

Sir:

This office has ready for execution about 2500 Choctaw and Chickasaw homestead and allotment patents and will send same to you for that purpose by special messenger during the first part of the week beginning November 29, 1908.

Kindly advise me by return mail if this appointment will be agreeable.

Respectfully,

*J. G. Wright*  
Commissioner.

WHA(McM)

*George Scott*

*Sir. tell J. George Wright  
in answer to his letter that the time  
he suggest is agreeable, and I will  
be ready to execute them  
Green McCurtain*

Mr Geo. W. Scott,  
Kinta, Okla.

Dear Sir:-

Enclose you herewith account & expenses  
to Muskogee, the amount you let me  
have was \$50. Expenses were \$27.90,  
and to the best of my recollection we were  
out 2 1/2 days,

Yours Respectfully,

McCurtain, Okla  
Nov 23<sup>rd</sup> 08.

Turner McJisberry

27.90  
7.50  
35.40

to be charged  
to Spew

Kinta Oklahoma November 23, 1908.

Honorable J. George Wright,  
Commissioner,  
Muskogee Oklahoma.

Sir:

I have your letter of the 19th instant, wherein you state that you have ready for execution about 2500 Choctaw and Chickasaw homestead and allotment patents and that you will send same for that purpose by special messenger during the first part of the week beginning November 29, 1908 and wherein you request that I advise by return mail if this appointment will be agreeable.

In reply have to say that the appointment indicated by you, is entirely agreeable to me and I will be ready to execute them at that time.

Very respectfully.

Principal Chief Choctaw Nation.

KINTA OKLAHOMA NOVEMBER 23, 1908

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(Personal)

Muskogee, Oklahoma, November 30, 1908.

Hon. Green McCurtain,  
Kinta, Oklahoma.

My dear Sir:

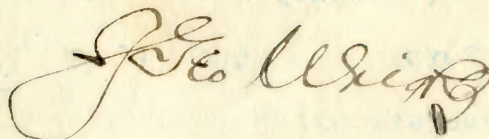
Your personal letter to me dated November 11th relative to the administration of affairs was duly received and I sincerely thank you for your kind expressions.

I have no information, at present, concerning the future policy of the Department with reference to affairs of the Five Tribes.

Your son, as also Mr. Hill, has recently had some correspondence with me relative to the appointment of guardians, especially for your minor child. I requested the Indian Agent to send the District Agent over to see you last week concerning these matters and have no doubt that the situation was fully and satisfactorily explained. If there is anything further you wish to have me do concerning the matter, I will be very glad to have you advise me.

Very truly yours,

JGW(AMK)



Avery Okla Dec 1<sup>st</sup> 1908

Hon. Chief of Choctaws

Will you please give me this  
information if you can.

I am 1/4 Choctaw. My grandfather  
Thomas Hear was 1/2 Choctaw  
Hisself my grandmother was  
Cherokee.

Now Dear friend Could I enter a  
claim for land and payments and  
what proofs would I have to  
make.

be kind enough to give me  
an answer as I am getting old  
and need this matter  
adjusted soon.

Respectfully,

Mrs. Hollie Berry  
Avery Okla

RYAN, OKLAHOMA

December 2, 1908.

Hon' Green McCurtain,

Kinta, Oklahoma.

Dear Sir:--

I am attorney for Susan E. McClellan, a duly enrolled Choctaw, who claims in behalf of herself and two children in excess of \$200.00 due her for the "Leased District" payment of 1893, she at that time not being enrolled. In your letter to her of June 15th, you state that the item might be arranged for if laid before the Choctaw Council. I had written some letters and prepared a bill looking to the Council for some relief, but the parties to whom I sent it neglected the matter. Will you be kind enough to tell me when there will be another meeting of the Council or have the Council provided any commission or committee to handle such cases. I think my client a very worthy person and deserves her distributive portion of this fund.

Thanking you in advance for any suggestion you may be good enough to offer, I am,

Very truly,

O. S. Davis.

The Department Rules that persons enrolled after pay ment can not participate — refer to Council

RULES AND REGULATIONS FOR THE SALE OF TWO MORE TRACTS FOR  
SCHOOL PURPOSES IN THE FIVE CIVILIZED TRIBES.

The Following regulations are hereby prescribed for carrying into effect the provisions of Section 19 of the Act of Congress approved May 29, 1908, (35 Stat. L. 444) for the sale of land for school purposes.

1. The Commissioner to the Five Civilized Tribes is charged with the general supervision and enforcement of these regulations.

Section 19 of the Act above mentioned reads as follows:

"That the Secretary of the Interior is hereby authorized to sell lands from the unallotted lands of the Five Civilized Tribes, tracts of land not to exceed two acres in any one district, at prices and under regulations to be prescribed by him, and proper conveyances of such lands shall be executed in accordance with existing laws regarding the conveyance of tribal property; and the Secretary of the Interior also shall have authority to remove the restrictions on the sale of such lands, not to exceed two acres in each case, as allottees of the Five Civilized Tribes, including full bloods and minors, may desire to sell for school purposes."

2. Upon the receipt by the Commissioner to the Five Civilized Tribes of a proposal from a School Board for the purchase of a tract of unallotted land for school purposes which shall be accompanied by an accurate description of the land according to a survey, he shall direct an appraisement of the land selected as hereinafter provided.

3. One of the appraisers shall be an employee of the Interior Department, shall be selected by the Commissioner to the Five Civilized Tribes, and shall serve without additional pay; the other shall be selected by the Chief Executive of the nation in which the land is located, and he shall be compensated while actually on duty at the rate of \$5.00 per day and necessary traveling expenses. If in any case the two appraisers should be unable to agree regarding the value of any tract of land they shall be authorized to select a third appraiser, and the same shall be the case if the tribal appraiser and of the third appraiser, if there be one, and the expenses of all appraisers shall be paid by the United States Indian Agent at Union Agency upon presentation of proper vouchers, when approved by the Commissioner to the Five Civilized Tribes, from the funds of the respective tribes.

4. The Board of appraisers shall be assembled by and act under the instructions from the Commissioner to the Five Civilized Tribes. They shall fix the value of the land after viewing it, subject to the approval of the Secretary of the Interior. They shall report the result of their examination and appraisement to the Commissioner to the Five Civilized Tribes as soon as practicable after inspection and appraisal. If the report be satisfactory to him, the Commissioner to the Five Civilized Tribes shall notify the Director of the School District of the amount of the appraisement, and within 60 days after the receipt of such notice, the amount fixed must be remitted to the United States Indian Agent at Union Agency, and if, at the expiration of that period, the amount is not paid the School District shall be deemed to have withdrawn its application and relinquished its right to obtain the land.

5. Upon the payment to the Indian Agent of the appraised value of the land, the Principal Chief or Governor of the tribe shall be notified thereof, and he shall thereupon execute a tribal patent conveying the land to the School District in the same manner as conveyances of other tribal property are made, except that patents for tracts within the appraised area shall convey only the surface, and such patent together with the report of the Board of Appraisers shall be transmitted by the Commissioner to the Five Civilized Tribes for the approval of the Secretary of the Interior.

6. If the land desired by a School District shall constitute a part of a restricted allotment, an application by the School Board made in accordance with section 8 hereof, including an explanation of the terms of sale, shall accompany the application of such Indian for the removal of the restrictions, and upon approval by the Secretary of the application of the Indian, no supervision of the Department or the Interior or its Bureaus shall be exercised over the sale or the disposal of the proceeds arising therefrom.

7. If the land desired for school purposes be a part of the allotment of a restricted minor, application for the removal of the restrictions as to the particular tract may be made in the usual manner by the legal guardian, in accordance with authority granted by the Probate Court, and the subsequent action thereon shall be governed by the provisions of section 6 hereof.

Department of the Interior,  
Approved December 23, 1908.

James Audolph, Jr., Id.

R. G. VALENTINE,  
Acting Commissioner of Indian Affairs.

Kanta Oklahoma December 24th 1908.

B. S. Smiser,  
Atoka Oklahoma.

Dear sir:

Replying to your letter of November 12th 1908:

I note what you say with reference to your application for the appointment of District Indian Agent, in which connection I would be glad to see you receive the appointment.

There is however, at this time, nothing that I am informed of requiring my recommendation. I am very glad to have you bring the matter to my attention as it may be that I will have cause to recommend some one for a position of that kind in the future and I shall take into consideration your application, when the matter comes up.

Respectfully.

Principal Chief Choctaw Nation.

Kinta Oklahoma December 24th 1908.

C. E. Davis,  
Ryan Oklahoma.

Sir:

Your letter of the 8th instant is received:

In reply desire to say that the Department rules that persons enrolled since 1893, the date of the payment in question, are not entitled to share in the same, as in that case all the children that have been born since that time would also share, and this condition would bring about endless trouble.

While in view of the holding of the Department I think it useless to prosecute the matter further, still there is nothing to prevent you from putting in your claim before Council. The regular session is the first monday in October to begin.

Very respectfully.

Principal Chief Choctaw Nation.

KINTA, OKLA., October 3, 1908. 190

Hon. Philas Jones,  
Wilburton, Oklahoma.

Dear Sir:

I enclose you herewith a letter from one John Morse, of Shawnee, Oklahoma, who is the son of old man John Morse who died at Sans Bois. If you will remember one James Bacom was appointed administrator of Morse' estate by the United States court, and you were his attorney.

As I remember, the property belonging to the estate consisted of a pair of old mules, and some house-hold plunder, the latter valued at about \$20.00, and the mules were appraised at \$150.00, and in addition thereto the administrator, James Bacom, drew pension money amounting to \$150.00. As I understand the matter there were three heirs, and two of them being of age received their share of the estate, leaving the minor without his. In the mean time, I believe that one of the mules died, and this boy John Morse, left the country in charge of Bacom or some other person. As you will see from the enclosed, he writes me asking what has become of his share of the estate, and if you can give me any information about the matter I will thank you to please write me at once.

Very truly yours,

KINTA, OKLA., October 22, 1908. 190

Mr. E. A. Moore,

Spiro, Okla.

My Dear Sir:

I am in receipt of a letter from E.W.Fannin, of Spiro, in which he makes insulting references to my action in appointing Dr. E.N.Wright as regular delegate to Washington, and suggests that the tax committee appointed by me will be so embarrassed in its work that it can not proceed with it further without some explanation on my part. Having exercised my right in this appointment as I have heretofore done in the same matter, and having acted as my judgment dictated was for the best interests of the Choctaw people, I have no apologies to make. I am sure that you had nothing to do with such a letter as has been written me, but as you are a member of the committee referred to in the latter I write to inquire if it is your desire for any ~~xx~~ reason to serve no longer as a member of the committee. An early reply will oblige,

Very sincerely yours,

KINTA, OKLA., October 22, 1908. 190

Mr. Jeff D. Shaw,

Bokoshe, Oklahoma.

Dear Sir:

Your letter of recent date has been received, and answer to same has been delayed because of my work in connection with the meeting of the Choctaw General Council. Your letter was read with interest, and I appreciate your kindly references to myself. The Indian has never had any occasion until recently to align himself with any political party, and I take the position that he should give his support to that party which has shown a desire to protect him in matters affecting his material welfare. The last session of Congress demonstrated that the Democratic representatives from Oklahoma were unfriendly to the interests of our people, and I am going to do what I can to defeat them for re-election. With kind regards,

Very truly yours,

REFER IN REPLY TO THE FOLLOWING:

26274-1908

29438-1908

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, October 22, 1908.

Honorable Green McCurtain,  
Principal Chief of the Choctaw Nation,  
Kinta, Oklahoma.

Sir:

Further replying to your two letters of September 5, 1908, and October 2, 1908, relative to the land claimed for cemetery purposes by the town of Sans Bois, Oklahoma, you are advised that it appears from the records of this office that the NW/4 of the SW/4 of the NE/4 of Section 36, Township 8 North, Range 20 East, on which it is claimed this cemetery is located, was on November 3, 1906, allotted in the name of Claude Hill, Choctaw Minor, Roll No. 522.

You are further advised that the United States Indian Agent has been requested to direct the proper District Agent to proceed to Sans Bois, Oklahoma, at the earliest practical date and fully investigate the matter referred to in your two letters and report thereon, to the end that same may be properly adjusted.

Respectfully,

WHA(LGG)

*Thos. G. ...*  
Acting Commissioner.

Kinta Oklahoma December 24th 1908.

Honorable Thos. Ryan,  
Acting Commissioner,  
Muskogee Oklahoma.

Sir:

Referring to your letter, relative to lands belonging to the Choctaw Nation, which have been by the change of the channel of Red River cut off into the State of Texas, I have to say that W. H. Harrison, never reported these conditions to me at all and if he reported the same to the Department I am not informed as to the report.

I will state that J. W. Everidge of Grant Oklahoma, reported this matter to me and I took the matter up with Mr. Bixby in person and have not to date been advised just what steps were taken by him in the matter.

Respectfully.

Principal Chief Choctaw Nation.

KINTA, OKLA., October 22, 1908. 190

Honorable Thos. J. Ryan,  
Acting Commissioner,  
Muskogee, Oklahoma.

Sir:

I am in receipt of yours of the 16th inst., in which you advise me that your office is in receipt of a petition from the town of Hartshorne, asking that an addition of 345 acres be made for that town, under the Act of Congress approved May 29, 1908, providing for the surveying of towns and additions to towns on the segregated coal area where necessary.

In reply I beg to say that I have referred this matter to the Nation's attorneys and to the Coal Commissioner, and instructed them to investigate and report to me without delay. I will thank you very much if you will withhold any action in this matter until I can hear from the investigation when I will immediately write you.

Very respectfully,

Principal Chief Choctaw Nation.

Atoka, Oklahoma, November 12, 1908.

Hon Green McCurtain,

Principal Chief, Chickasaw Nation,

Kintah, Okla.

Dear Governor:-

I was an applicant for one of the positions under Indian Commissioner Wright, designated by the Department District Agents, and designed <sup>to</sup> look after minor allotments etc, but I failed of appointment;

I have renewed my application for one of the places in case of a vacancy arising, or in case there is an opening in some similar position in the Department, and would be glad if you would send to Mr. Wright at Muskogee a personal introduction.

I believe that I could be of material service if I were in such a position, or would perhaps do more for them than some one who has no interest in them. Any thing you can do for me in this line will be appreciated.

My wife joins me in regards and best wishes for you, Mrs McCurtain and the rest of the family.

Very respectfully,

*B. J. Muser*

*Const. Secy. of the Interior*