EXECUTIVE OFFICE, CHOCTAW NATION

GREEN McCURTAIN, PRINCIPAL CHIEF

KINTA, OKLA., July 5th, I909. 190

Webster Ballinger, Esq.,
7I3 Fourteenth Street,
Washington, D. C.

Dear sir:-

I am in receipt of your letter of June 30th, I909, wherein you state:

> "The heirs of George S. Thebo have placed in my hands for collection a claim against the Choctaw Nation for one-hundred and ten thousand three-hundred and forty dollars and thirty-seven cents ($II0,340.37), arising out of services alleged to have been rendered by Thebo to the Choctaw Nation under contract dated October 20th, I89I in connection with the Net Proceeds Claim. It appears from the records that the above amount was deducted from the distribution of this fund and held pending litigation with reference thereto, but it does not appear what became of this amount, or that it was ever accounted for.
> It also appears from the record that Thebo did render some services to the Choctaw Nation in connection with this claim and it has occurred to me that possibly the officials of the Nation would consent to a settlement of the claim upon such reasonable terms as may be agreed upon. I believe this claim could be scaled down to twenty-five or thirty-five thousand dollars, in which event would you and the attorneys for the Nation consent to an appropriation by Congress of that amount in full satisfaction of this claim.
> I feel sure that you and the representatives of the Choctaw Nation are disposed to do whatever is just and fair in connection with any of these matters and if we can adjust this claim without going through the Court of Claims and taking a mass of testimony at great expense to both the Nation and the claimant, I should like very much to do so."

In reply, you are mistaken in the nature of the alleged claim as it has no connection whatever with the Net Proceeds Claim. I feel sure that you have not investigated this matter far enough to inform yourself thoroughly in relation thereto. This case has been through the courts and in each instance was determined against Thebo.

KINTA, OKLA., _____ 190__

W.B.----2

George S. Thebo first brought suit against the Choctaw Nation in the United States Court in Indian Territory and a demurrer thereto was sustained. Action of the lower court in sustaining said demurrer was affirmed by the Circuit Court of Appeals, Eighth Circuit, January 2nd, 1895, and will be found in the 13th C.C.A., 519, also in the 66th Federal Reporter, 372. Later, George S. Thebo brought suit against Ex-Governor W.N.Jones and myself in the United States Court for the Central District of the Indian Territory and there the case was adjudicated and the facts determined upon common law proof against the plaintiff, George S. Thebo.

I suggest, therefore, that you examine the Reports above referred to, and also the record in the case as tried in the United States Court for the Central District of the Indian Territory, which I am sure will convince you fully that there is no merit whatever in the claim which has been placed in your hands for collection. Such being the nature and character of the case, I do not feel that there is any warrant, either in law or in equity, for me to entertain any proposition for a settlement of said claim, as there has been a legal determination of the facts in the case, and that determination was right square against the claims and representations of the plaintiff, George S. Thebo.

Very respectfully,

Prin. Chief, Choctaw Nation.

July 8th, 1909.

Mrs. Ida L. Foucar,
2090 Fell Street,
San Francisco, Cal.

Dear Madame:-

I hereby acknowledge receipt of your letter written June 28, 1909, wherein you state it is your information that I am "now allowing persons whose land had gone into the river to make additional filings". You ask me also to advise you whether or not your information is correct in that matter, and if so how you should proceed to make your substitute filings.

In reply, I have to say that there is some mis-understanding about the matter, as under the law the allotment of lands and all matters pertaining thereto are under the exclusive control and direction of the Commissioner to the Five Civilized Tribes. I will say further, that I know of no act of Congress, or other authority, authorizing the Commissioner to the Five Civilized Tribes even to permit substitute filings to be made when the original allotments have been lost by the caving of such lands into the river.

I will say, however, that my sympathy is entirely with persons who have lost their allotments in that manner, and I will say further that if I can be of any aid or assistance to persons thus unfortunately situated, I shall be pleased to aid them in whatever way I can, either in my official capacity or as an individual.

Regarding the selection ofland to be taken as an allotment

in place of the land which you lost in your suit with Felix LeFlore, will say that there will be no difficulty, so far as the authorities are concerned, either Departmental or Tribal, in the matter of your selecting land elsewhere.

While writing you concerning this matter, there is another matter which I desire to take up with you. Suit has been instituted in the United States Court of Claims by the heirs of Samuel Garland against the Choctaw Nation, in which it is alleged that Col. Campbell LeFlore failed to pay the heirs of the said Samuel Garland the full amount due them under a contract which the said Samuel Garland had with the Choctaw Nation in connection with the Net Proceeds Claim. It is alleged in said petition that Campbell LeFlore paid to the heirs of Samuel Garland the sum of Forty-three thousand nine-hundred forty-three dollars and twenty cents ($43, 943.20), but wholly failed, neglected, and upon demand, refused to pay the balance due said heirs of Samuel Garland, etc. It is my belief that proof can be made that Col. LeFlore paid the heirs of Samuel Garland every cent which was due them, or which they had a right to demand, under the contract which the Nation had with the said Samuel Garland and the other members of the delegation. And by such proof I am satisfied that the charge of bad faith can be lifted and forever removed from the name and memory of Col. LeFlore in his connection with this matter. I understand that you have very prudently preserved the papers of

Col. LeFlore,, among which is the old Net Proceeds Roll, which not only shows each and every payment that has been made of said Net Proceeds Claim,, but that each such payment is receipted for on the Roll. I understand also, that with and among his papers you have preserved his vouchers and cancelled checks in connection with the payment of the Net Proceeds Claim.

I would be over so much obliged to you if you would allow me, or my attorneys, McCurtain and Hill, under my direction, access to those papers, which, I understand, are at the old "Rock House", your former home in Ft. Smith. If you will do me this favor, I will appreciate the same very much, and not only that, but I may have the opportunity to return the favor to you, and that I would do with great pleasure.

I will thank you for an early reply to this letter, which I feel will be favorable to my request. And if I can be of any service to you, I shall gladly reciprocate the favor.

Very respectfully,

Prin. Chief, Choctaw Nation.

STATE OF OKLAHOMA.
Legal Department.
Guthrie.

(COPY)

Guthrie, Oklahoma, July 8, 1909.

Messrs. McCurtain & Hill,

McAlester, Oklahoma.

Gentlemen:-

In answer to your letter of July 7th, I am enclosing you herewith copy of opinion which I think will give you the information you desire.

Respectfully,

(Signed) Chas. West

Attorney General.

Enclosure.

Chas. West,
Attorney General.

STATE OF OKLAHOMA

O ffice of the

ATTORNEY GENERAL

Guthrie, Oklahoma, April 6, I909.

Mr. Clint Summers,
Henryetta, Oklahoma .

(COPY)

Dear sir:-

Your letter of April 2d., addressed to the Attorney General has been referred to me for appropriate action. You ask, can taxes be legally collected on minors' lands upon which restrictions were not removed until after March I, I908.

If I understand your inquiry it is to the effect can taxes be collected upon lands which were made alienable by the act of Congress, approved May 27, I908, removing restrictions from certain lands in the Indian Territory, which Act took effect July 26, I908.

In reply thereto I beg to advise that no land upon which restrictions were removed by the above mentioned Act can be assessed and taxes collected thereon for the year I908. Such lands may be assessed and taxes collected for the year I909, including minors' lands upon which restrictions were removed .

Yours very truly,

(Signed) Geo. A. Henshaw,

Assistant Attorney General.

Note:- Improvements on Indian lands belonging to the allottee, where the lands are not alienable, are not taxable .

G.A.H.

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

UNION AGENCY.

McAlester, Oklahoma, July 9, 1909.

Governor Green McCurtain,

Kinta, Oklahoma.

Sir:-

While in Kinta, yesterday, I called your residence over the phone but you were not there at the time. I desired to see you with reference to the re-appointment of Benjamin J. Spring as Indian Policeman for that District. It is necessary to re-appoint the Indian Policemen at the beginning of each fiscal year, and if you desire to have Mr. Spring re-appointed I would be glad if you would write me a letter recommending him, and requesting his re-appointment.

Respectfully,

J. G. Brink

District Agent.

GENERAL ATTORNEYS, CHOCTAW NATION

D.C. McCURTAIN. E.P. HILL.
Mc Curtain & Hill,
Lawyers,
Mc Alester, Okla.

July 13, 1909.

Governor Green McCurtain,
Kinta, Oklahoma.

Dear Father:-

I just returned last night from Coalgate, Oklahoma, where I had gone to take up some probate matters at the request of the Department at Muskogee.

Mr. H.P.Ward got on the train at Wardville, and he tells me that Preacher Godfrey is going about over the country taking a great many contracts from citizens of the Choctaw Nation purporting to employ McMurray as their agent in the final settlement of the affairs of the Choctaw Nation and agreeing to give him ten per cent of the proceeds thereof. I discussed this matter fully with Mr. Ward, and also the matter of the proposed tax litigation, and showed him copy of an opinion that I have received from Attorney General West, wherein it is held that no taxes for the year 1908 can be collected from allotted lands or the improvements thereon. Mr. Ward agrees with your ideas thoroughly about the way in which we should attack the tax legislation. He is also in thorough accord with you in regard to the McMurray contracts, and suggests that you should get out a letter to the people at once, explaining to them your opposition to the McMurray contracts.

I have prepared a letter discussing the matter fully from your standpoint, and just as soon as the letter gets your approval, I will have a number of mimeograph copies made to be sent to the citizens all over the Nation. In the mean time, I wish you would furnish me with a list of the names and adresses of Choctaw citizens to whom you may wish to write these letters.

Your son,
D. C. McCurtain

GENERAL OFFICE
DANA H. KELSEY,
Superintendent in charge,
Muskogee, Oklahoma.

In reply please refer
to the following:

RESTRICTIONS
EK
7-29-09

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

OFFICE OF SUPERINTENDENT, UNION AGENCY,
FOR THE
FIVE CIVILIZED TRIBES.

LOCAL DISTRICT AGENTS' OFFICES AT:

Vinita,	Oklahoma.
Nowata,	"
Sapulpa,	"
Okmulgee,	"
Checotah,	"
Westville,	"
Antlers,	"
Hugo,	"
McAlester,	"
Holdenville,	"
Atoka,	"
Tishomingo,	"
Ardmore,	"
Paul's Valley,	"
Chickasha,	"

MUSKOGEE, OKLAHOMA, July 29, 1909.

SUBJECT:
In re application of
Sophia Garvin for removal
of restrictions.

Honorable Green McCurtain,
Prin. Chief, Choctaw Nation,
Kinta, Oklahoma.

Sir:

Receipt is acknowledged of your communication of the 14th instant, enclosing a copy of a letter written by you to Mr. Sherman G. Brink, District Agent, McAlester, Oklahoma, relative to the application of Mrs. Sophia Garvin, for removal of restrictions.

In reply you are advised that the application of the above allottee has not yet been forwarded to this Office by Mr. Brink but immediately upon receipt of same, the matter will be given prompt consideration.

Respectfully,

Dana H. Kelsey
United States Indian Superintendent.

Refer in reply to the following:

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

Muskogee, Oklahoma, July 30, 1909.

Hon. Green McCurtain,
Principal Chief Choctaw Nation.
(Thru Mr. D. C. McCurtain, National Attorney),
McAlester, Oklahoma.

Sir:

I am in receipt of your letter of July 28th addressed to Hon. Frank Pierce, Assistant Secretary of the Interior, relative to the contract entered into between you and Messrs. Clayton & Clayton.

Being informed that Mr. Pierce is liable to leave Washington in a few days, I telegraphed him immediately upon receipt of your letter the substance of your request and also forwarded your communication to him on the 29th inst.

For your information relative to unlawful cutting of timber on the unallotted lands of the Choctaw Nation, I inclose herewith copy of a communication from me to the Department under date of June 25th upon the subject of removal of saw-mills from unallotted lands and reporting upon a communication from Mr. A.A. Lesueur of Antlers, Oklahoma, addressed to Hon. Robert L. Owen. I also inclose copy of said letter from Mr. Lesueur dated June 7th.

I also inclose copy of the letter addressed to Senator

Owen by the Department dated July 13th upon the subject.

Very respectfully,

J. G. Wright

Commissioner.

JGW(AMK)
Enc. 2-30.

COPY.

SUBJECT:
Removal of saw-mills from
unallotted lands in the
Choctaw Nation.

Muskogee, Oklahoma, June 25, 1909.

The Honorable,
The Commissioner of Indian Affairs.
Sir:

I beg to acknowledge receipt of your Office letter dated June 19, 1909 (C.C. 45859-E.B.H.), inclosing a letter of June 7, 1909 from A. A. Lesueur of Antlers, Oklahoma, addressed to Hon. Robt. L. Owen, U.S. Senate, in regard to the action of this Office in requiring saw-mill owners to remove their plants from unallotted lands in the Choctaw Nation,, also concerning other requirements in connection with the lumber business.

I am directed to submit a report, for the use of the Secretary, on the subject of the complaint.

Mr. Lesueur in his letter states he is informed that it is the intention of the authorities here not only to remove saw-mills from unallotted lands, but to prevent parties from hauling logs and lumber over such unallotted lands and not to permit them to use streams to float their logs from adjacent points to their mills. Such policy he considers to be unnecessary, foolish and tyranical.

He further states that for thirty-five or forty years saw-mill men have been allowed temporarily to occupy ground for saw-mill purposes in cutting timber to which they were

entitled and that it is impossible in some localities for parties to get their timber out unless they are permitted to place their saw-mills on unallotted lands in different places located on a stream.

In connection with this matter, I have to state that in years past before lands of the Choctaw Nation were allotted, the tribal authorities of the Choctaw Nation, as authorized by tribal laws, entered into contracts with lumber men for the sale of pine timber from unallotted lands and authorized such persons to locate mills in different localities for the purpose of manufacturing such timber into lumber.

By an Act of the Choctaw Council, approved by the President May 4, 1899, all laws authorizing the sale of timber were repealed and no further contracts were made.

Such action was taken, as represented to this Office by the Principal Chief of the Choctaw Nation, for the reason that the tribal authorities were unable to properly supervise the collection of royalties due for timber cut, and for the further reason that as the lands were soon to be allotted it was considered that the timber should be preserved for prospective allottees. Immediately thereafter in 1899, acting under instructions from the Department, I notified all those engaged in such business that it was thereafter a violation of law to cut timber from unallotted lands and they were required to remove their mills therefrom, and public notice was repeatedly given that no person had any right to cut logs from or locate

saw-mills upon such lands.

On August 8, 1903, the Assistant Attorney General for the Interior Department rendered an opinion approved by the Department same date, to the effect that all Indians could dispose of timber on their allotments without supervision after having received their certificates of allotment, and saw-mill men and others were so advised in reply to their many inquiries and further that timber could only be cut from lands allotted to minor Indians after a legal guardian had been appointed and he authorized by the proper court to dispose of such timber. Public notice to such effect was also given.

As your Office and the Department is aware, there are large tracts of timber lands in the Choctaw Nation which have been since December 8, 1906, by order of the Department, reserved from allotment. There has been continual trespass upon and illegal cutting of timber from these lands which has been a source of much complaint to this office and investigations at great expense. The universal plea of parties when detected, has been that their cutters unintentionally or by error trespassed on adjoining unallotted land while cutting timber purchased from adjacent allotted lands.

During the past six months investigation has demonstrated that a great deal of timber has been cut from these unallotted lands and while in some instances it is undoubtedly true that the trespass has been unintentional, it has been impracticable to distinguish between those who have intentionally cut timber and others who claim such trespass was

caused by error in locating survey lines. The fact remains, however, that in all cases such timber has been illegally cut and not paid for. Notwithstanding the fact that owners of saw-mills were required and did remove their mills from these unallotted lands several years ago, as above indicated, and been repeatedly advised and warned not to place saw-mills on such unallotted lands, such notices have of late been ignored, and investigation has developed the fact that saw-mills have been located at different places indiscriminately on these lands and a large amount of timber cut therefrom.

As a result of extensive investigations made in the field under my direction evidence of such illegal cutting has been presented to a Federal Grand Jury and on yesterday, the 23rd inst. indictments were returned against seventy persons for such trespass and unlawful cutting of timber.

Furthermore, a large quantity of timber has recently been replevined by the United States Attorney, and subsequently owners of saw-mills notified that they must immediately remove their plants from these unallotted lands. Such action was recently verbally explained by me to Secretary Ballinger and Assistant Secretary Pierce, and I was informed by such Officers,- in reply to request of several saw-mill men that they be given an extention of time to remove their plants until they could saw into lumber all logs which they had purchased,- that such extention should not be granted, but that they be required to remove their plants forthwith. It is contended by various saw-mill people that there are no

other available adjacent sites for the location of their plants to saw the logs which they have purchased from allottees in that vicinity, and that to remove their present plants would cause them great damage. While such may be and perhaps are the facts in some cases, there is at present no authority of law authorizing the Department to rent these lands for saw-mill purposes and inasmuch as saw-mills have been placed on these lands without authority and contrary to law and a vast amount of timber cut therefrom, I do not feel warranted in recommending their further continuance. It is not the intention to prevent parties from hauling logs and lumber over such unallotted lands or to prevent them from using Creeks to float their logs from lands where they have purchased logs from allottees as indicated by Mr. Lesueur.

Very respectfully,

J. G. Wright,

Commissioner.

JGW(AMK)

COPY.

Antlers, Oklahoma, June 7, 1909.

Hon. Robt. L. Owen,
United States Senate,
Washington, D.C.

My dear Senator:

I have your kind letter of June 1st in which you say you will immediately take up my former communication with the Interior Department, and that you are very desirous of getting the relief referred to therein. Of this I am quite sure.

I want to say a few words more. Particularly, I wish to disavow any intention to be discourteous or to inject partisan feeling or politics in this matter. I feel sure that the Department at Washington is being grievously misled, partly by the exaggerated and over-zealous reports of its own agents and partly by ill-informed and mal-directed enthusiasts who picture the Indian as continually in the attitude of being plucked by some white man.

A very sensational and unjust article appeared in the Post Dispatch a few days ago and a similar item in a Muskogee paper both of which were inspired somewhat as above intimated.

No doubt there has been some deliberate and intentional stealing of government timber, but I believe I am justified in saying that very little of this crime has been committed in the mountainous region above Antlers in which we are particularly interested. Where men have deliberately and with malice prepense stolen timber, they are criminals

just like other larcenous criminals, and no respectable citizen sympathizes with them in the least when they come to receive punishment, but there should be discrimination used by the government officers between this crime and the occassional cutting of comparatively small amounts of timber through error, either in plats or otherwise, sometimes the fault of the government, at others the fault of the employer or his employes, when there has been no criminal intent and no desire to violate the law.

The merchants, banks and other business men of the towns of this section are largely dependent upon the saw milling industry for any degree of prosperity. They are, therefore, greatly interested that this legitimate business shall not unnecessarily be interferred with.

We are informed that it is the intention of the authorities at Muskogee not only to move the saw-mills from unalloted land, but to prevent saw-millers from hauling logs and lumber over such unallotted land and to prevent them from using the creeks and the Kiamichi River to float their logs from adjacent points to their mills.

This policy would seem to be unnecessary, foolish, and tyranical.. If the unallotted lands belonged to a parcel of white men and they had sold timber in various places to these saw millers, would they pursue so narrow and mean a policy as to prevent their own customers from utilizing what they had sold to them, denying them the privilege of passing over their land with wagons and floating logs a short

distance to the various mills?

I cannot believe it.

In view of the fact that for thirty-five or forty years saw-mill men and their employes were allowed temporarily to occupy ground for saw mill purposes in cutting timber to which they were lawfully entitled, and in view of the fact that there seems to be no statutory or treaty provision for the collection of lease money therefor, and in view of the fact that the tribes are benefited in their individuals by the cutting of this timber, and that rentals for the land would be insignificant in comparison with the benefits, it would seem that it were wiser to continue the policy so long extended by the Indians themselves, than to make a series of undesirable complications by ordering these mills off of the tribal lands. This is specially true from the fact that in many instances the timber tracts bought by the millers, being upon the sides and summits of mountains, it is impossible to saw them out without occupying some unallotted spot situated on a stream.

Can it be possible that the Government at Washington for some incomprehensible reason, desires to strike down this industry, whether it is in the hands of honest people or criminals. I know intimately saw-mill people situated for fifty-five or sixty miles up the Frisco Railroad from the town of Antlers, and I am prepared to say that as a rule, they are as honorable, industrious, good citizens as can be found anywhere, and that they are honest, and do not wish to

violate the law, or to take timber to which they are not entitled. If the impression has been made at Washington or anywhere else that these people are criminally inclined themselves or in sympathy with crime, it is an erroneous one, and the sooner it is done away with the better.

My efforts in trying to have these orders and policies modified is the farthest possible one from partisan policies. If I desired to make political capital out of the business the way to do that would be to encourage stricter and more arbitrary measures. If anyone doubts this he has but to go among the people who are concerned.

With best wishes to you personally, I am,

Very truly yours,

AA. Lesueur.

COPY. 1-10965

C C
Cooperation
45859-1909
50325-1909
E B H

July 13, 1909.

Saw-mills in Choctaw Nation.

Hon. Robert L. Owen,
United States Senate.

Sir:

On the receipt of your letter of June 10, inclosing one of June 7 from A.A. Lesueur of Antlers, Oklahoma, in regard to the officials of the Department in Oklahoma having ordered saw-mills to move their plants from unallotted lands in the Choctaw Nation, the Commissioner to the Five Civilized Tribes was called upon for a report.

The Department has before it a report of June 25, 1909, from Commissioner J. G. Wright, explaining his attitude and the orders issued by him. A copy of his letter is inclosed.

The Department feels, in view of the difficulties that have surrounded the supervision of logging in the Choctaw Nation, and the many and persistent trespasses that have been made on the tribal lands by saw-mill men, that the course pursued by Commissioner Wright, which in advance had the sanction of the Department, is the only one that can be pursued if the rights of the Indians are to be protected. You will see from the letter of Commissioner Wright that not all

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the complaints of Mr. Lesueur were well-founded, but as to those orders which Commissioner Wright has issued and which he explains, the Department does not feel jutified in modifying his instructions.

Hon. Robert L. Owen,

Very respectfully,

(Signed) Frank Pierce

Acting Secretary.

CAS-1
2801

Judge Ralph/ Campbells. Decision in the land suits at Muskoge upholds the McMurray Contracts. Notwithstanding Governor Green McCurtains opinion to the contrary.

Judge Campbells. makes his decision very clear that after the Indian has received his allottment he is no longer a ward of the Government but afull fledged Citizen of the United States of America.

He bases his opinion upon the fact that the Congress of the united states by An Act made them Citizens of the United states. and there relation now no longer WARDS. of the Government. but are SUI JURIST.

J. H GODFREY
PRESIDENT

C. H. DICKENSON
VICE-PRES.

C. B. GODFREY
TREASURER

THE C. H. DICKENSON MERCANTILE COMPANY,
(INCORPORTED)

GENERAL MERCHANDISE

KIOWA, OKLA., August, 5th 1909.

GOVERNOR. GREEN McCURTAIN.

[redacted]

I see in Atoka Democrat, a, communication, signed by Green, McCurtain Addressed to Julious Folsom. who doubtless, with your consent gave the letter to the press, this was your rights, now in order to let the Dear People se the other side the Democrat has kindly consented to place before the Public the unwritten history of the question in hand, the McCurtain McMurray, as well as the McMurray, McCurtain Contracts Mr. McCurtain letter comes out with the startling REVELATION.

CONTRACTS ARE ILLEGAL.

It also brands McMurray and his agents as GRAFTERS. and many other hard things to numerous to mention, and to unworthy to notice if it was not for one thing , Now we want to look at the other side,

The history loading up to the McMurray and McCurtain contracts It IS awell known fact that the Atoka Treaty, provided among other things THAT ALL LANDS ALLOTTED SHALL BE NONTAXABLE WHILE THE TITLE REMAINED IN THE ORIGINAL ALLOTTEES NOT TO EXCEED TWENTY YEARS. FROM DATE OF PATENT. the Enabling Act, provides that all laws and Treaties with any Tribes shall be respected in the formation of the Constitution, of OKLA-HOMA, This was religeously kept by Okla,

But Congress saw fit to pass what is known as the Restriction bill which carried with it the taxing of all lands from which the restrictions were raised,

During the Pending of this bill the Choctaws, were represented by two attorneys on a salery of from five to

THE C. H. DICKENSON MERCANTILE COMPANY

(INCORPORTED)

GENERAL MERCHANDISE

(2)

KIOWA, OKLA.,

eight Thousand Dollars, per anum, also two accredited Delegates, on also on a good fat salery,

Not so with the Chickasaws, for some unknown reason we were denied any representation, either by Delegate or attorneys the Chickasaws were absolutely with out representation

Owen and Carter both turned against the interest of the INDIAN. now with all that array of Council both by Delegates and atty Attorneys, on the part of governor Green McCurtain there might have been something done now the quertion why was nothing done,

The solution is this Governor Green McCurtain was in HEARTY SYMPATHY WITH THE RESTRICTION. AND TAX BILL. and so expressed his approval, in aletter to one of our Senators, who wrote the then***** Governor and gave him a Copy of the then pending bill and without any mental reservation or self evation of mind ******** Governor McCurtain wrote Senator Thomas P. GORE his approval of the Bill and wound up with this Peroration, I DO NOT WANT TO LIVE IN A COUNTRY THAT I AM NOT ALLOWED TO PAY MY PART OF THE BURDENS OF THE COUNTRY. then with two paid Attys and two paid Delegates at Washington and attys and Delegates all of his own Creation, subject to the Governors will, Charley Carter and ROBt L.OWEN. and last but not least theGovernor himself in HEARTY SYMPATHY with the bill********* And the The Chickasaws without Representation, at all I am not surprised that the Bill, passed,

Now the sequal,

Immediately after this Bill became a law Governon D. H. Johnson, GOV. of the Chickasaw Nation in a lenghty article gave notice that we the (Chickasaws) were going to resist the TaxB Bill and in accordance

in the Dallas News

THE C. H. DICKENSON MERCANTILE COMPANY

(INCORPORTED)

GENERAL MERCHANDISE

(3)

KIOWA, OKLA.,

with that notice a mass meeting was to meet at Tishomingo Okla, at which time and place a Committee was elected Composed of Governor D.H.Johnson DrT.P.Howell and Holmes Willis, This Commit-tee This Commit-tee called a meeting of all the Chickasaws and Choctaws, to elect Delegates from evry Neighborhood,which was accordingly done who met in Sulphur Okla, in August1908 and that body from the whole body elected a Commit-tee Composed of Gov,D.H.Johnson, Walter,Colbert,Will,D Keirsy, Richard,McLish,H,olmes,Willis,Tom,Grant DrT.P.Howell,Robert,L,Murray Joe Myers,E.M.MooreWill,T.Ward,C.W.Young Henry Grinslade,J.E.Colbert,AND E.B.Johnson, This Commit-tee was Instructed among other things to employ Council and arrange the fees to be paid the Council,and make all other arrangments necessary for the betterment of the parties in interest,

This Committee went about its work and by its wise judgment selected the Hon,J.F.McMurray an atty of South McAlester Okla, Contracting with him for a fee of Ten Dollars per Allottment of all lands still held by the original allottee

And I presume this same Committee made the arrangments with Mr.McMurray,with referance to the settlement of our Claimes against the Government,promissing to pay him ten per cent for all unsettled claims, and as shown by the reports of the solisiting agents appointed by Governor Johnson said reports will show that NINTY.FIVE per,cent of the Chickasaws,have already signed both the Tax as well as the Ten per cent Contracts, and the Choctaws so far as they have had an opportunity have signed at least Ninety Eight Per cent, so you can readily see the sentiment of the people, and not

J. H. GODFREY
PRESIDENT

C. H. DICKENSON
VICE-PRES.

C. B. GODFREY
TREASURER

THE C. H. DICKENSON MERCANTILE COMPANY

(INCORPORTED)

GENERAL MERCHANDISE

KIOWA, OKLA.,

Now let us see the other side of the question and see what was going on down in the Choctaw Nation, As soon as this Tax Bill became a law and the purport of the bill was was fully understood, the indignation of the Indians(affected by the bill) knew no bounds, Carter AND OWEN. were the SCAPE.GOATS, not withstanding the TWO ATTYS AND TWO DELEGATES and GOVERNOR. McCurtains Letter to Senator Gore ********** POOR.OWEN AND CHARLEY CARTER. The Governor felt So outraged by the action of Carter and Owen that he Left the Democrat Party And joined the REPUBLICAN ranks, after the Gov, sees the sentiment of the people He has a change of Heart, and Calles A Convention at ********** Tushkahoma, and doubtless States the object of the meeting telling of the GREAT wrong done HIS.PEOPLE. and something after the order of the Tishomingo, or rather the Sulphur Meeting Committees on ways and means ie, aCommittee to collect money to fight the Tax Gov, McCurtain announces that He has employed two of the best Attys In the state Viz Judge Stewart and Judge W.H.H.CLAYTON with those two men as Champions of our cause m Money Came into the Treasure Flowed like Wine at a banqu banquet.

McCurtain and His agents collected quite a sum of money and so far as the writer knows Clayton and Stewart have not even made an assalt with an attempt to file an injunction to prevent the collection of tax, on our lands, Now I call the attention of those who read the McCurtain letter and pleas show me the difference in the two Conventions and the two contracts, Viz, the********** the McMurray Contracts one of them Looks to a speedy settlement of our affairs with the Government AND THERE HANGS THE TALE.....

Mrs with good for Jobs don't eat

McAlester, Okla.,
August 7, 1909.

Hon. Richard Ballinger,
Sec'y of the Interior,
Washington, D. C.

My dear Sir:-

I am addressing you in the interest of my life-long friend, Major Ben Hackett, of McAlester, Oklahoma, hoping I may say something which will induce you to appoint him Superintendent of Platt National Park, at Sulphur, Oklahoma.

I will say I have known the Major all my life, having first seen him when his Battery was encamped in our front yard at what was then known as Scullyville, Choctaw Nation. This was in 1863, and I remember especially the Major's courtesy to my mother and the whole family and his kindnesses to us in the way of Hardtack and navy beans.

This same kindness and thoughtfulness of others has been characteristic of him and I am sure he will be a kind and courteous Superintendent. He has had much experience with men and, being honest and upright and affable, is well qualified to fill the position.

I am, with respect,

Your friend,

D.C. McCURTAIN. E.P. HILL.
McCurtain & Hill,
Lawyers,
McAlester, Okla.

August II, 1909.

Gov. Green McCurtain,
Kinta, Oklahoma.

Dear Father:-

I received through the mail this morning one of the circulars signed by J. H. Godfrey which McMurray's agents are distributing throughout the country from this point. I suppose they are sending them everywhere by mail, and maybe by hand in some cases.

We have prepared and herewith enclose copy of letter issued over our own name in regard to the tax matter. After we had prepared our letter, we received Godfrey's letter through the mail, that is the circular letter which his agents are sending broadcast over the country. So we prepared a post-scrip to our letter which answers what Godfrey had to say about the right and authority of the Choctaw Nation to bring the suit for and on behalf of its citizens. The burden of Godfrey's whole letter is that the Choctaw Nation cannot bring the suit. It was never intended by yourself or by us that the suit should be brought in the name of the Choctaw Nation, but it was and is your purpose, as we understand it, to have the suit brought in the Name of the Choctaw citizens, or a representative number thereof, the Choctaw Nation to bear the expense of the suit. McMurray's agents are making a deliberate effort to mis-lead the people when they say that you are going to try to have the Choctaw Nation bring the suit; the Choctaw Nation will bear the expense of the suit, if your plans prevail, and that is all.

Your son,

D. C. McCurtain

DCM/GH.

WHEREAS it is the opinion of this Board that land that was not taxable on the Ist day of March, 1908, but may have become taxable at a later date, should not have been taxed during that year and that anyb taxes levied thereon are void; and where payment of such taxes were made, the same should be refunded to the person paying same; and that the same rule applies to improvements on such lands owned by the allottee-

THEREFORE BE IT RESOLVED that the Secretary of this Board is requested to forward a copy hereof to the county clerk of Atoka, LeFlore and Haskell Counties, and to all other such counties in the former Indian Territory from which complaints may hereafter come to the attention of said Secretary of this Board."

We notify you of the action of the State Board of Equalization taken in this matter, so that if you, or any of the members of your family, have paid any taxes on your allotted lands, or the improvements thereon, for the year 1908, you may at once apply to the county commissioners of your county to refund to you, or the members of your family, such taxes as you have paid. We would also suggestv that if you are unable for any reason to have the money you paid for taxes refunded to you, that you notify us at once so that we may, as Attorneys for the Choctaw Nation, assist you in recovering the same. We feel, however, that you will have no difficulty in getting your money back for the taxes you have paid on your lands and improvements for the year 1908; where such lands and improvements were taxed in your hands as original allottees.

The reason no suit to test the validity of the tax on Indian allotted lands and improvements in the hands of original allottees, has been brought is because the State of Oklahoma has conceded the contention of the Choctaw Nation that such taxes could not be collected for the year 1908 and hence a suit has been wholly unnecessary. However, for the year 1909, the State will insist upon the assessment and collection of these taxes. The reason why suit to test the validity of the tax for the year 1909 has not been brought, is that the taxes for the year 1909 will not be due for several months yet and no proceeding to stop their collection can be instituted by us until some effort is made to compel payment, but the citizens of the Choctaw Nation may be assured that this matter has our watchful attention, and whenever demand is made for the payment of taxes on Indian allotted lands and improvements in the hands of original allottees for the year 1909, prompt action will be taken by us to protect the people of the Choctaw Nation in their treaty rights with the Federal Government.

Yours very truly,

McCurtain & Hill,

General Attorneys for Choctaw Nation.

GENERAL ATTORNEYS, CHOCTAW NATION

D.C. McCURTAIN. E.P. HILL.

Mc Curtain & Hill,
Lawyers,
Mc Alester, Okla.

August 10, 1909.

TO THE CITIZENS OF THE CHOCTAW NATION:-

To correct wilful mis-statements which have been made, and in order that the Choctaw people may understand the exact status of the proposed taxation of their lands and improvements, we make the following statement:

Some months ago we were directed by the Principal Chief of the Choctaw Nation, to take whatever steps might be necessary to protect the citizens of the Choctaw Nation against the proposed taxation of their allotments and the improvements thereon by the State of Oklahoma. In accordance with this direction we immediately made preparation to institute proceedings to enjoin the collection of taxes for the year 1908, should the same be attempted, and had all arrangements completed to bring suit in LeFlore County. However, before any demand was made upon the citizens of the Choctaw Nation for the payment of taxes for the year 1908, the Attorney General of the State of Oklahoma rendered and published an opinion in which he held that such taxes could not be collected for that year. We immediately instituted an inquiry, and as a result advised Governor McCurtain that it was our information that the county officers throughout the Choctaw Nation charged with the responsibility of the collection of taxes, would give strict heed to the opinion of the Attorney General, and that no effort would be made to collect taxes upon property covered by that opinion. A general acquiesence in the opinion of the Attorney General made it unnecessary for us to bring suit testing the right of the State to collect taxes for the year 1908 and would have left the matter in statu quo until demand should be made for the payment of taxes for the year 1909.

Some two months ago we were advised that in some instances the county officers in one or two counties had disregarded the opinion of the Attorney General, and were proceeding to collect taxes upon the improvements erected upon the allotments by some of the citizens of the Choctaw Nation. As soon as this information was verified Mr. D.C. McCurtain, of our firm, representing the Choctaw Nation, on July 16th, appeared before the State Board of Equalization, at Guthrie, Oklahoma, and protested against the assessment and collection of taxes on Indian allotted lands and improvements, for the year 1908, in the hands of original allottees. Mr. McCurtain asked that the State or county authorities cease the collection of taxes on the Indian allotted lands, and the improvements thereon, for the year 1908, and that where such taxes had been collected on either the lands or the improvements, or both, in the hands of the original allottees, said taxes be refunded to the parties paying the same.

In response to the protest and request of Mr. McCurtain, the State Board of Equalization unanimously adopted a resolution, recommending to the county commissioners in the counties of the State embraced within Indian Territory, that no further taxes be collected on Indian allotted lands, and the improvements thereon, for the year 1908, in the hands of original allottees, and that such taxes as had been collected on such lands and improvements for the year 1908, be refunded to the parties paying the same. The resolution is as follows:

P.S. Answering circulars which are being scattered broadcast among the Choctaw people, we will state that neither Governor McCurtain, nor the attorneys with whom he has consulted, have ever considered the proposition of having suit to enjoin the collection of taxes brought in the name of the Choctaw Nation. Such statements are absurd, have no other purpose than to mis-lead you, and are made by people who have no intelligent conception of the issues involved. Measures for the protection of the citizens of the Choctaw Nation in this tax matter, including the proper proceedure, have been discussed with the proper authorities and fully agreed upon.

It will be a sufficient answer to say that it is not intended by Governor McCurtain that the Choctaw Nation shall bring the suit, or that the suit shall be brought in the name of the Choctaw Nation, but merely that the cost of the suit shall be borne by the Choctaw Nation, and in that way distribute the expense equally among all citizens who will be equally benefited by the suit.

McCurtain and Hill.

GENERAL ATTORNEYS, CHOCTAW NATION

D.C. McCURTAIN. E.P. HILL.
Mc Curtain & Hill,
Lawyers,
Mc Alester, Okla.

September 2, 1909.

Gov. Green McCurtain,
Kinta, Oklahoma.

Dear Father:-

Your letter of yesterday, instructing me to prepare a letter from you to Commissioner Wright asking permission of the Secretary of the Interior for the holding of the regular session of the council in October, was received. I immediately tried to get you over the long-distance telephone to tell you that Mr. Wright called me up by telephone and informed me that he was going away on his vacation and would like to talk with me about matters of proposed legislation affecting Indian affairs before going away, and asked that I come to Muskogee for that purpose. I went up to Muskogee this morning on the early train and returned here this afternoon on the fast mail.

While talking to Mr. Wright about other matters, I took up with him the proposition of getting the Secretary's consent for the holding of our regular council session. I told him that in talking to you some time ago, you said that you thought ten days would be sufficient time to transact the business coming before the council. Mr. Wright said that he would be willing to recommend to the Secretary that permission be given for the holding of the council not to exceed fourteen days; he stated also that if at the end of that time it appeared to be necessary to continue the council session for a few days longer, the matter could be easily arranged by telegraph for such permission. Mr. Wright leaves Muskogee today and will be absent on his vacation until the early part of October. He said, however, for you to prepare a communication

GENERAL ATTORNEYS, CHOCTAW NATION

D.C. McCURTAIN. E.P. HILL.
Mc Curtain & Hill,
Lawyers,
McAlester, Okla.

to the Commissioner to the Five Civilized Tribes, setting forth the purposes of the council session, the necessity, etc., and state the probable length of time the council would be in session, and for me, in connection with that letter, to take the matter up with Judge Ryan, and that he (Mr. Wright) would speak to Judge Ryan about the matter before he left. Judge Ryan has been in Washington some time and expects to return to Muskogee early next week.

Mr. Wright took up with me several matters which I shall discuss with you at length the next time I see you, and I shall bring with me papers which he turned over to me in connection with the several matters discussed by us.

Your son,

D. C. McCurtain

DCM/GH.

McAlester, Oklahoma.
Sept. 29, 1909.

Dear Father.—

I am just in receipt of your letter of the 28th inst., stating that Acting Secretary Pierce had telegraphed his consent for the Council meeting. I am glad of that, as I had told Mr. Hill to take it up with him, which he did, as I wrote you Monday, and Mr. Pierce promised him he would telegraph you the consent.

I am also in receipt of your letter of same date enclosing letter from Johann Williams, of Hugo. I have answered Williams as you requested, and herewith send same to you with carbon copy.

I am afraid it is a mistake to believe that McMurray is behind the Medicine Springs meeting and the Oklahoman dispatch, for that dispatch quotes the meeting as condemning McMurray as much as it does anyone else. Now, there's one fact we can not overlook, or close our eyes to, and that is the employment of

McClarg by the Chickasaws through Mr. Murray. That fact speaks louder than a thousand denials.

I am not quite sure that I am going to be able to attend the Council session on account of my wife's condition. I had hoped all along that I could be present, and hope so yet, it is now extremely doubtful whether I can be there. If the session should continue for any length of time I may be able to get down there later on. I could not even get away to look after Dawson Wade's matter in Court; and I do not believe I am going to be able to go to Washington to argue the Fleming case in the Supreme Court; anyway, we will file a brief in that case.

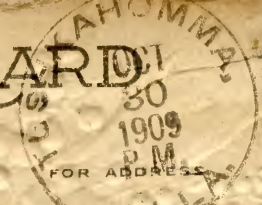
Yours truly,

D. C. McCurtain.

POST CARD

FOR CORRESPONDENCE

FOR ADDRESS



Dear Carrie I
Mother is worse
than she was
when at times she is
hard any thing.
Will write you
again tomorrow
Love to all
you &z Mac.

Okla.

1081

Refer in reply to the following.

WMc

D 1562-1909

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Oklahoma, Oct. 5, 1909.

Hon. Green McCurtain,
Principal Chief, Choctaw Nation,
Tuskahoma, Oklahoma.

Sir:-

On September 27, 1909, the Department granted authority for the Choctaw National Council to convene in annual session October 4, 1909, and continue for not to exceed fourteen days, of which you were advised by telegram direct from the Department.

On March 16, 1909, this office sent you certain warrants, aggregating $122.30, issued by the authorities of Blue County, Choctaw Nation, sent in to this office for payment by the Citizens Bank and Trust Company, of Austin, Texas, being the property of C. L. Joyce, in order that the validity of the same might be investigated by the Council and if found proper appropriation made to pay the same. As the Council did not meet at that time, you returned the warrants to this office. No person has been available to detail on the matter of investigating these warrants from this office, and I therefore enclose the same herewith with the request that the same be investigated by the Council and appropriate action taken relative thereto.

Very respectfully,

F. L. McLean
Acting Commissioner.

Encl. 195

Refer in reply to the following:

GF-23133-1909

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, October 14, 1909.

This letter does not seem to require an answer

Hon. Green McCurtain,

Principal Chief Choctaw Nation,

Tuskahoma, Oklahoma.

Sir:

I am in receipt of your communication of the 11th inst. with reference to duties being performed by the various District Agents, wherein you state that, while there appears to be some little dissatisfaction relative to these men, the conservative and more intelligent class of Choctaws are heartily in favor of them, and you add that you desire to assure me of your hearty co-operation in the work these District Agents are accomplishing.

In reply, I appreciate very much your kind expressions and would be glad if you will advise me of any specific instance and the reasons of any particular Indian being dissatisfied with the work of these District Agents, or any of our men in the field.

There may be, probably are, different methods adopted by our various field men in performing their duties, but I believe that they are all honestly endeavoring to perform faithful service and to protect the interest of the Indians to the best of their ability. I should be very glad however,

as stated, to have any suggestions or criticism, or to be advised of any dissatisfaction in order that such might be looked into and corrected where necessary.

Very respectfully,

J. G. Wright

Commissioner.

JGW(CM)

W. W. BROWN

The Dewey Hotel
FOURTEENTH AND L STREETS N.W.
Washington, D. C.

Oct 20/19

Gov Geo W. McCurtain
Kiuda
Okla

Dear Gov.

I arrived here Monday, and have made the rounds, and find things in splendid shape. Spent two hours at the department - going over different matters. Mr Valentine is going to visit - Okla. and I have advised Him fully as to our wishes, as to

M. O. BROWN W. W. BROWN

The Dewey Hotel
FOURTEENTH AND L STREETS N.W.
Washington, D. C.

the winding up of our affairs.
Now Gov. You know there is
going to be a strong pressure
to bear upon Him to sell the
surface of our coal lands. and
I think it - advisable that
we stand pat. They may try to
get you to commit - yourself
to some kind of policy that -
may tend to weaken us in
our fight - here. But I want -
to state that - we can carry
out your wishes, even if they

M. O. BROWN

W. W BROWN

The Dewey Hotel

FOURTEENTH AND L STREETS N.W.

Washington, D. C.

do try to over ride us. Dont
You worry about a thing,
although I know we are going
to have a hard fight. Our
thing we do need, is the ruling
we asked Council for. as it
will helps us a great deal.
Mr. Hay is as clean as a whistle
and you need have no fears whatever
that Mr. Murray or any one else
can touch Him.

Your Friend

W. W. Wright

RETURN IN 10 DAYS TO
CHOCTAW DELEGATION
THE DEWEY
WASHINGTON, D. C.

WASHINGTON, D.C.
OCT 28
7:30 PM
1909

Gov. Gren M. Curtain

Kiowa

Okla.

Kinta, Oklahoma, October 29th, 1909.

Dr. E. N. Wright,
The Dewey Hotel,
Washington, D. C.

Dear Sir:-

I have your letter of October 20th, reporting on matters as you find them on your return to Washington, and also advising me that Mr. Valentine, Commissioner of Indian Affairs, will visit Oklahoma soon.

I shall be glad to meet Mr. Valentine when he comes to Oklahoma if it is at that time possible for me to do so, as I would like to form a personal acquaintance of as many of the officials as I can. And I would be glad, to, of an opportunity to present my views and the views of the Choctaw people to these various officials personally, concerning Choctaw public interests.

I have received several letters from Webster Ballinger, an attorney in Washington, concerning a claim which, it is said, the heirs of George S. Thebo will make against the Choctaw Nation. Thebo first brought his suit against the Choctaw Nation in the United States Court for the Central District of the Indian Territory, and a demurrer to the jurisdiction was sustained by said court, and appeal taken by Thebo to the Eighth Circuit Court of Appeals, where the judgment of the lower court on the demurrer was sustained. Later Thebo brought a suit against the late Gov. W. N. Jones and myself in the United States Court for the Central District. The case was tried before a jury in said court, Judge Hosea Townsend presid-

ing, and a verdict was returned for the defendants and Thebo lost his suit. While it is true that the original suit brought by Thebo against the Choctaw Nation, went out on a question of jurisdiction, and while it is true that the determination of his suit against W. N. Jones and myself constitute no bar to a claim that he might now assert against the Choctaw nation arising out of the same matter, yet the facts are exactly the same in whatever claim he might make now against the Choctaw Nation as they were in the suit against Jones and myself. In that suit it was not only shown that Thebo had no claim against Jones and myself, but it was likewise shown that he had no claim for any services which he claimed to have rendered the Choctaw Nation under a contract with Jones as Principal Chief and myself as Treasurer of the Choctaw Nation. I fully expect Ballinger to go before Congress and endeavor to get authority to sue the Choctaw Nation in the Court of Claims. I want you to keep a sharp outlook for this matter and do whatever is in your power, and all that is in your power, to prevent authority being given Ballinger, or anyone else representing the heirs of Thebo, to bring a suit. I do not fear the outcome of such a suit, but the claim is absolutely without merit or justice of any kind, and to permit a suit to be instituted thereon would be a burdensome expense to the Choctaw Nation without just cause.

Yours truly,

Prin. Chief, Choctaw Nation.

EXECUTIVE OFFICE, CHOCTAW NATION

GREEN McCURTAIN, PRINCIPAL CHIEF

Kinta, Oklahoma, Nov. 3, 1909.

Messrs. Weldon, Williams & Lick,

Fort Smith, Arkansas.

Gentlemen:--

You will please send me fifteen (1500) hundred sheets of unruled letter paper, same as the paper on which this letter is written, and also fifteen (1500) hundred sheets of ruled paper, same as enclosed sample. Please send me one (1000) thousand small envelopes with official return.

Yours truly,

Prin. Chief, Choctaw Nation.

E. N. WRIGHT,
REGULAR DELEGATE

P. J. HUDSON,
SPECIAL DELEGATE

CHOCTAW DELEGATION

WASHINGTON, D. C., Nov 8 1909

Gov. Cyrus McCurtain
Kiowa
Okla.

Dear Gov.

The supreme court has handed down their decision in the Fleming case, and sustained the lower court. Do we or relieved of that. But I understand the decision denies our rights in fee simple to our lands, and claim the title rests in the U. S. Government, hence congress has the sole power to dispose of the residue of our property. If this is so, then our future fight will be in congress and

E. N. WRIGHT,
REGULAR DELEGATE

P. J. HUDSON,
SPECIAL DELEGATE

CHOCTAW DELEGATION

WASHINGTON, D. C., ... 19.....

the Department. I must admit- if this is so, I can see nothing but trouble ahead for us. and it- is going to take unusual hard work to controll things. Bylumer is going to be what we will need. I called to get a copy of the report to send You, but cannot get it- until the latter part of the week. will send you one as soon as I get it-.

Your friend

E. N. Wright

DR. W. B. BENTLEY, PRESIDENT
A. U. THOMAS, VICE PRES.
E. C. MILLION, VICE PRES.
A. P. SELSOR, CASHIER

THE CITIZENS STATE BANK

CAPITAL $15,000 00

CALVIN, OKLA. II/18/'09.

Hon. Green McCurtain,

Kinta, Oklahoma.

Dear Govnor:

I know you will be very much surprised to hear from some one that you have never thought off, but as it is a case of neccessity, and thinking of some one who I thought would be able to help me out in my undertaking, I thought of you and if you will help me in this one instance, it will be greatly appreciated.

I suppose it will be better for me to explain to you who I am before proceeding with my explainations: I am the son of Jerry Folsom and step-son of Lyon Woods who lived near old Sans Bois town some ten or twelve years ago.

I was born and reared in old Sans Bois County, and am now trying to make a mark for my self in this world.

I am at the present time working here in the Citizens State Bank and I now have a chance to buy the cashiership, but I haven't got the money to make the deal, so I thought of you and thought perhaps you would help me out. I want $3000.00 for one year and am sure that I can pay back $1000.00 of it in six months. I will give you my note, with Lyon Woods and Tandy Walker as security. If you think you can help me out, please let me know when I can find you at home and I shall come down and explain the whole situation.

I enclose self address and stamped envelope for your reply. Hoping to hear from you soon with a favorable reply. I beg to remain,

Yours very truly,

A. Folsom

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UNION AGENCY.

Muskogee, Okla.
Dec 5 1909

My Dear Sir Friend —

I am into a fight with some politicians and I want you to help me if you feel so inclined. It is rumored around here that there will be a change in some of the District Agents in the near future; I cannot vouch for the authenticity of this rumor, but I do not want to be caught napping — I want you to help me and the appointment if it can possibly be done and I am sure your word will have much weight with Mr. Kelsey and Mr. Wright — I do think that we Indian people should be given some consideration in these appointments, and while I have held one of the minor places for over a year, still I want an appointment where I can use my own judgement to some extent; I do not think it quite fair for

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UNION AGENCY.

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the Indian Office to make discriminations against Indians for their better appointments — This, they have done and if you will go over the list of appointees you will find this to be true — Now Governor, I do not want an endorsement from you — I would like for you to take this up with these gentlemen by personal letters — and if you can do this it will be greatly appreciated — If my boys get anything I have to fight for it — You have had experience and I ask you to help —

I had a letter from Doc Wright a day or two ago — I am to see Peter as soon as he returns and find out what they are up against — It seems that something is about to happen detrimental to our cause in Washington — Do you know what it is? I wish I had the opportunity and the money to go; I would like to go and help the boys in their struggles — I think that I could be of some

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UNION AGENCY.

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Service from a quarter they cannot reach—
And as soon as I have the difficulty I shall
take pleasure in doing my duty— What do you
think about the Chickasaw delegation? Are they
in the interest of McMurray or not? I am quo
-piam that they are, tho' I do not want to
accuse them unjustly— I wrote to Bro Colbert
congratulating him on his appointment from a
Republican standpoint— I did this because I like Bro
and then again because he had been turned
down by President Post in the appointment
of Census Supervisor of this District—
Hope you will pardon my questions— We people
like to know the news and like to keep in touch
with everything going on— Hope to hear from you
soon— Your friend
J. M. Locke JR

EXECUTIVE OFFICE, CHOCTAW NATION

GREEN McCURTAIN, PRINCIPAL CHIEF

December 22, I909.

Gov. D. H. Johnston,
Emet, Oklahoma.

Dear Sir:-

Enclosed herewith find letter from Acting Commissioner Thos. Ryan, in which he states that on November 29th, I909, he sent a patent to this office for execition conveying forty acres of land to the Board of Control of the State Training School, such land being situate near Pauls Valley, Oklahoma, and that said patent has not yet been returned to his office.

On December 2, I909, the patent above referred to was duly executed by me and forwarded to you on the same date. Please advise the Commissioner whether said patent reached your office or not, and I will thank you to also let me know if you ever received the patent.

Very respectfully,

Prin. Chief, Choctaw Nation.

GENERAL ATTORNEYS, CHOCTAW NATION

D.C. McCURTAIN. E.P. HILL.

Mc Curtain & Hill,
Lawyers,
Mc Alester, Okla.

December 28th, 1909.

Gov. Green McCurtain,
Kinta, Oklahoma.

Dear Father:-

I have been wanting to come to see you to talk over some matters which I regard as being of very great importance to the Choctaw Nation. Owing to the illness of my boy, however, I am not able at this time to come to see you, but I regard the matter as being of some urgency, as well as importance, and therefore will not postpone the matter longer, but will have Hill come down to see you right away.

The matter about which I desire so much to talk to you is the recovery of Greer County. I believe that now is the time to strike, but will let Hill give you the full details of the proposition, as I regard it. I do this for the reason that the matter is of so much importance that I think it should be presented to you in person, and in the strictest confidence. Hill will submit for your action a paper we have prepared in this matter.

Hill will also present to you a letter of recommendation in connection with the allowance of a fee to our firm in the Fleming case. I have talked to you about this matter before and will not here say anything further than to state that I have reason to believe that if you recommend a fee in the case it will be duly allowed.

Your son,

D.C. McCurtain

DCM/GH.

No-7
copy of letter written
to W. S. Harrison of
Bolivar about how
did the choctaws
claimed to have jurisdiction
over the Chickasaws
living in the choctaw
nation

EXECUTIVE OFFICE, CHOCTAW NATION

GREEN McCURTAIN, PRINCIPAL CHIEF

Kinta, Oklahoma, Dec. 28, 1909.

Mr. Wm. H. Harrison,

Poteau, Oklahoma.

Dear Sir:--

I have your letter of December 21, 1909, in which you state that you have a case involving the question of the jurisdiction of the Choctaw Nation and its courts over Chickasaws residing in the Choctaw Nation, or what was formerly such jurisdiction, and asking that I give you what ever information I can in regard to the matter.

In reply, your attention is called to Article 5 of the Treaty of 1855, as follows:

" The members of either the Choctaw or Chickasaw tribes shall have the right, freely, to settle within the jurisdiction of the other, and shall thereupon be entitled to all the rights, privilege and immunities of citizens thereof; but no member of either tribe shall be entitled to participate in the funds belonging to any other tribe. Citizens of both tribe shall have the right to institute and prosecute suits in the courts of either, under such regulations as may, from time to time, be prescribed by their respective legislatures."

The foregoing provision clearly provides a forum for Chickasaw citizens in the Choctaw Nation in matters of civil business.

Article 7 of the same Treaty provides that:

" So far as may be compatible with the constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property, within their respective limits; excepting, however, all persons with their property, who are not by birth, adoption or otherwise, citizens or members of either the Choctaw or Chickasaw tribes; ----------"

The last quoted article or section would seem to settle the

question in favor of the jurisdictional authority of either Nation, the Choctaw or Chickasaw, over citizens of the other residing therein. It appears quite clear to my mind that where an offense was committed by a citizen of the Chickasaw Nation in the Choctaw Nation the Choctaw Nation would have had jurisdiction, and vice versa.

Very respectfully,

Prin. Chief, Choctaw Nation.