

DEPARTMENT OF THE INTERIOR,
 WASHINGTON, February 28, 1898.

The President,

Sir:

I have the honor to submit herewith for executive action under the provisions of the agreement set out in Section 29 of the Act of Congress approved June 28, 1898 (30 Stat., 495), an Act of the General Council of the Choctaw Nation. Said Act provides "that the Act of the General Council of the Choctaw Nation entitled "An Act appointing a special agent and attorney to investigate the royalty and permit accounts, and collect money due for royalty and permits", approved November 9, 1897, and which act declared S. Guerrier said special agent and attorney, is hereby repealed; and this Act shall take effect and be in force from and after its passage." Said Act was approved by the Principal Chief of the Choctaw Nation on October 28, 1898. A copy of the same was returned to the U.S. Indian Inspector for the Indian Territory on December 27, 1898, with a request for "a proper certificate in accordance with the requirements as set forth in former letters upon the subject." On the 4th instant the Inspector returned said act and recommends "that he same be disapproved for the reasons stated in my said letter of December 6, 1898". After referring at some length to the allegations made by the Principal Chief against Mr. Guerrier, he says: I would therefore recommend that this Act be disapproved, unless it is considered that no action should be taken inasmuch as the previous act was not approved, or that he has a vested right as claimed".

The Commissioner of Indian Affairs in his report upon said letter of the Inspector dated December 6, states that he is "somewhat surprised to find that this matter of the employment of Mr. Guerrier, for the purpose specified, is still considered a live question"; that by Departmental letter of March 4, 1898, it was "decided in effect that the Choctaw Nation could not, without the approval of this Department, employ Mr. Guerrier as the attorney of the nation in the matters about which it was attempted to employ him under legislation of the nation". It was also "decided that the employment of Mr. Guerrier had not been presented to the Department in proper form to entitle it to the sanction of the Department and remarked 'more than this considered as a contract or as a law it seems to me to be improvident and unwholesome. It does not seem to me that sufficient safeguards are provided to secure efficient and faithful service on the part of agent and attorney, and that his fee is exorbitant' ". The Commissioner further states "if the Department thinks that it was competent for the Choctaw Nation to employ Mr. Guerrier in the manner attempted and that by the Act under which he claims employment the nation became bound for his compensation, or he was authorized to act for them, I would recommend that Inspector Wright be directed to have the National Secretary of the Choctaw Nation certify this act in accordance with the agreement, and when the same is received so certified, that the President be requested to approve the same".

Whether the act of said nation employing and appointing said Guerrier special agent and attorney of the same was proper or not need not be herein considered. At the time of its passage the law did not require its approval by the President. It is considered that said nation has a right to terminate said employment by its legislative action, subject to the approval thereof by the President. If Mr. Guerrier has a vested right against said nation the repeal of the act employing him will not affect such right.

In view of all the circumstances of the case I a, of the opinion that the repealing act of the Choctaw Nation approved by its Principal Chief

October 28, 1898, should have the favorable recommendation of this Department, and I have therefore to request that he same be approved by you.

Copies of the reports of the Commissioner dated December 31, 1898, and the 21st instant, together with the letters of the U.S. Indian Inspector dated December 6, and February 4, are herewith enclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

Ind. Ter. Div.
1110-1898, 452-'99.

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