

A N A C T

IN RELATION TO SECURING COMPENSATION FROM THE GOVERNMENT OF THE UNITED STATES FOR THE LEASED DISTRICT LANDS.

W H E R E A S The Choctaws feel that the Government of the United States should, in equity and justice make a fair compensation to them for the remainder of the "Leased District" lands to which the decision of the Supreme Court of the United States applied in the case of the "Choctaw and Chickasaw Nations vs the United States and the Wichita and affiliated bands of Indians" since such lands were taken for a wholly inadequate consideration from the Choctaws and Chickasaws and disposed of by the Government to settlers for a vast sum of money; and

W H E R E A S Since such decision by the Supreme Court, there remains nothing to be done by the Choctaws and Chickasaws, in the way of securing compensation for such lands except to appeal to the fairness and justness of the Government of the United States; and point out the justice involved in taking, for the slightest compensation the lands of a helpless people and disposing of them by sale for a vast sum of money to its own citizens.

T H E R E F O R E

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED

That the Principal Chief of the Choctaw Nation be and he is hereby authorized to employ some competent person or persons to present to the Government of the United States the claim of the Choctaws for compensation for said remaining leased district lands, and to enter into a suitable contract giving such person or persons full power and authority to represent the Choctaw Nation to that end; and providing for the payment to such person or persons a fair proportion of whatever sum of money may be secured from the United States as compensation for such service: PROVIDED that such compen-

sation shall be wholly contingent upon recovery, and payable only out of the moneys so recovered; and this act shall take effect and be in force from and after its passage and approval.

Proposed by Daniel Webster,
Chairman, Chief's Message
Committee.

Read, interpreted, passed the Senate and referred to Lower House this November 21, 1905.

Attest:

Joe H. Conner
Recording Secretary.

G. M. Choate
President of Senate.

Read, interpreted, passed Lower House and referred to Principal Chief, this November 22, 1905.

Attest:

Simon Pusley
Recording Secretary.

Simon L. Abbott
Speaker of House.

Approved this the 22nd day of November, 1905.

Green M. Curtain
Principal Chief, Choctaw Nation.

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The White House, Washington, D.C. December 20, 1905.

Dis APPROVED:

T. Roosevelt

O F F I C E

NATIONAL SECRETARY, CHOCTAW NATION.

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T H I S I S T O C E R T I F Y :

That the above and hereto attached BILL NO *29* is an ACT of the Choctaw General Council, passed at a regular session thereof in October, 1905, and approved by the Principal Chief of the Choctaw Nation, in his official character on November *22*, 1905, and that I do hereby respectfully submit the same for the approval of the President of the United States, in accordance with the provisions of Section 29 of the ACT OF CONGRESS of June 28, 1898 (30 Stats. 495) entitled "AN ACT FOR THE PROTECTION OF THE PEOPLE OF THE INDIAN TERRITORY AND FOR OTHER PURPOSES".

IN TESTIMONY WHEREOF, I, Edward H. Wilson, National Secretary of the Choctaw Nation, have hereunto affixed my official signature and the GREAT SEAL of the Choctaw Nation, this the 1st day of December, 1905.

Edward H. Wilson
National Secretary,
Choctaw Nation.



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Indian Office,

Incl. No. *2*

1905

DEPARTMENT OF THE INTERIOR
RECEIVED
DEC 18 1905
Inc. No. *3* of No. *17220*
INDIAN TERRITORY DIVISION

No. 13075
RECEIVED
DEC 2 1906
Office of U. S. Indian Inspector
for Indian Territory.

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RECEIVED
DEC 2 1905
Office of U. S. Indian Inspector
for Indian Territory.

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DEPARTMENT OF THE INTERIOR.

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98826-1905

OFFICE OF INDIAN AFFAIRS.

WASHINGTON

December 13, 1905.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from Inspector Wright, dated December 9, 1905, transmitting an act of the National Council of the Choctaw Nation, approved by the Principal Chief November 22, 1905, entitled:

Bill No. 29. An Act in relation to securing compensation from the Government of the United States for the leased district lands.

October 18, 1820, a treaty was concluded between the United States and the Choctaw Nation, whereby the Choctaw Nation ceded to the United States certain lands east of the Mississippi River. The second article of said treaty provides:

For and in consideration of the foregoing cession on the part of the Choctaw Nation, and in part satisfaction for the same, the Commissioners of the United States, in behalf of said States, do hereby cede to said nation a tract of country west of the Mississippi River, situated between the Arkansas and Red Rivers, and bounded as follows: Beginning on the Arkansas River where the lower boundary line of the Cherokees strikes the same; thence up the Arkansas to the Canadian Fork, and up the same to its source; thence due south to the Red River; thence down the Red River three miles below the mouth of Little River, which empties itself into Red River on the north side; thence a direct line to beginning.

(7 Stats., 210, 211).

The treaty with Spain signed February 22, 1819, was

ratified by the King of Spain on October 24, 1820, but was not ratified by the United States until February 19, 1821 (8 Stats., 252). By this treaty it was agreed that :

The lands west of the 100th degree of west longitude and south of 42° parallel of latitude constituted, or should constitute, part of the possessions

of Spain, and thereafter, to-wit, September 27, 1830 (7 Stats., 333), the United States entered into another treaty with the Choctaw Nation, by which it was provided by Article 2 that:

The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it; beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian Fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeably to the treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present treaty shall be ratified.

June 4, 1891, Commissioners on behalf of the United States and the Wichita and Affiliated Bands of Indians, in the Indian Territory, entered into an agreement, by the provisions of which said Indians ceded to the United States lands,

Commencing at a point in the middle of the main channel of the Washita (Wichita) River where the 98th meridian of west longitude crosses the same, thence up the middle of the main channel of said river to the line of 98° 40' west longitude, thence on said line of 98° 40' due north to the middle of the channel of the main Canadian River, thence down the middle of the channel of said main Canadian River to where it crosses the 98th meridian, thence due south to the place of beginning.

This agreement was ratified by the act approved March 2, 1895 (28 Stats., 876), and it provides, among other

things:

That as the Choctaw and Chickasaw Nations claim to have some right, title and interest in and to the lands ceded by the foregoing agreement, which claim is controverted by the United States, jurisdiction be, and is hereby, conferred upon the Court of Claims to hear and determine the said claim of the Choctaws and Chickasaws and to render judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States, and the Choctaw and Chickasaw Nations, and the Wichita and Affiliated Bands of Indians in the premises, shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; etc.

In accordance with the provisions of said act, suit was brought in the Court of Claims by the Choctaw and Chickasaw tribes against the United States and the Wichita and Affiliated Bands of Indians. An appeal was taken from the decision of the Court of Claims to the Supreme Court of the United States, which held that:

The decree must be reversed with directions to dismiss the petition of the Choctaw and Chickasaw Nations, and to make a decree in behalf of the Wichita and Affiliated Bands of Indians, fixing the amount of compensation to be made to them on account of such lands in the Wichita Reservation as are not needed, in order to meet the requirements of the act of Congress of March 2, 1895, c.188, and for such further proceedings as may be consistent with law and with this opinion. (179 U. S., 494, 552).

From the foregoing it will be seen that the right of the Choctaw and Chickasaw tribes to compensation for the lands known as the "Leased District" has been passed upon by the highest judicial authority in the United States, which held that said tribes were not entitled to additional compensation, and it is respectfully recommended that the act be laid before

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the President for his action, with request that, for the reasons above given, it be disapproved.

Very respectfully,

F. E. LEUPP,

Commissioner.

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DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN INSPECTOR
FOR
INDIAN TERRITORY,

D 13075-1905.

Muskogee, Ind. T., January 2, 1906 .

Mr. E. H. Wilson,
National Secretary, Choctaw Nation,
Ft Towson, Indian Territory.

Sir:

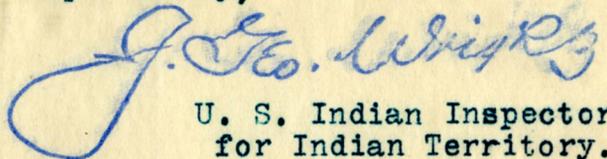
Referring to the Act of the National Council of the
Choctaw Nation, approved by the Principal Chief November 22,
1905, entitled,

"An Act in relation to securing compensation from the
Government of the United States for the leased district
lands,"

you are advised that such Act was disapproved by the President
on December 20, 1905. For your information in reference to the
reason said Act was disapproved, I respectfully enclose herewith
an extract copy of Indian Office letter dated December 13, 1905.

The Act is respectfully returned herewith for appropriate
disposition.

Very respectfully,



U. S. Indian Inspector
for Indian Territory.

WMC

WMC(LMC)
Encl.305.

Department of the Interior.

OFFICE OF U. S. INDIAN INSPECTOR
FOR INDIAN TERRITORY,
MUSKOGEE, IND. T.



Hon. E. H. Wilson,

National Secretary Choctaw Nation,

Fort Townsen, Ind. Ter.