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and superseded by provision contained in the Act of Congress approved April 21st 1904 (33 Stat. L. 18) entitled "An Act making appropriations for the current-and-contingent-expense of the Indian Department and for fulfilling Treaty stipulations with various Indian tribes for the fiscal year ending June 30th 1905, and for other purposes" as follows: "All unleased lands which are by Sec. 59 of an act entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1st 1902, directed to be sold at public auction for cash," and all other unleased lands and deposits of like character in said Nation regarded under any act of Congress, shall, instead, be sold under direction of the Secretary of the Interior in tracts not exceeding five hundred and sixty acres to each person, after due advertisement, upon sealed proposal, under rules and regulations to be prescribed by the Secretary of the Interior and approved by the President with authority to reject any or all proposals. Provided, That the President shall appoint a commission of three persons one on the recommendation of the Principal Chief of the Choctaw Nation, who shall be a Choctaw by blood, and one upon the recommendation of the Governor of the Chickasaw Nation, who shall be a Chickasaw by blood, which commission shall have the right to be present at the time of the opening the bids and be heard in relation to the acceptance or rejection thereof. All expenses, inclusive of clerical help in the Department of the Interior, connected with and incident to such sale shall be paid from the funds of the Choctaw and Chickasaw tribes or deposit in the Treasury of the United States. Provided, That all lease lands shall be withheld from sale until the further direction of Congress.

Your memorialist would call attention to the fact that the plan of sale provided by Congress in the Indian Appropriation Act of 1904, supposing the tribal agreement, failed entirely and no sale of the coal and asphalt interests, or any

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part thereof, was made under said provision of law. We would respectfully submit that, in the judgment of the tribe, the failure to sell was due to the fact that said act of Congress changing the plan agreed upon withheld the land lands from sale, and the land lands are the most valuable and most desirable of our coal and asphalt lands; that the failure to sell was due to the further reason that said Act of Congress required the purchase of a certain amount of land, and restricted each purchaser to that amount.

Your memorialist desires to call attention to the provision contained in the Act of Congress of April 26th 1906 as follows:

Sec. 13. That all coal and asphalt lands whether leased or unleased shall be reserved from sale under this Act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law.

Your memorialist would state that said Act of April 26th 1906 above quoted, in effect, repeals all law, including the agreements with the tribes, relating to and authorizing the sale of our coal and asphalt lands and deposits, and leaves us without any provision of law for selling the same.

Your memorialist favors the immediate sale of said coal and asphalt lands and deposits, either to the state of Oklahoma for school purposes, to the Federal Government, or to whomsoever will pay us the full value of the same.

Therefore Be it Resolved:

That it is the sense of the Choctaw Nation or tribe of Indians, expressed through the General Council, as aforesaid, that the President, the Secretary of the Interior and the Congress of the United States be and they are hereby memorialized to recommend and provide for a speedy sale of the coal and asphalt lands and deposits belonging to the Choctaw and Chickasaw tribes, under the terms of the Supplementary Agreement (32 Stat. L. 64), or in such other manner as will afford to the tribe the very best price obtainable and commensurate with the value of the said lands and deposits.

Your memorialist represents that we are in favor of the sale of the coal and asphalt lands