

GAINESVILLE, TEXAS. June 16, 1904. 190

Honorable C. C. Potter,  
Gainesville, Texas.

My dear Judge:-

According to your request, I herewith submit an exact statement of the circumstances under which Mr. Frank McMurray assured me that G. W. Barefoot and his family should not lose the benefit of his judgement entitling him and his family to citizenship in the Choctaw tribe. In the course of a discussion with Mr. McMurray, I instanced Barefoot's case as one of peculiar hardship, explaining to Mr. McMurray that after the court had rendered the judgement admitting Barefoot and his family to Indian citizenship he had expended everything he could raise in making improvements upon his allotment, and that if his judgement should be annulled he would not only lose the Indian rights to which the court had admitted him, but he would lose the large sum which his improvements had cost him, and would be left absolutely without a dollar. In response to this statement of the case Mr. McMurray stated that he knew the interest I felt in Mr. Barefoot, and that he would give me his word that Barefoot and his family should have their rights respected, and should be admitted as citizens of the Indian tribe.

Of course you will understand that there was no bargain or trade in this matter, and that Mr. McMurray's assurance was a voluntary one. I did not, however, feel the least hesitation in accepting his assurance and I am confident now that he desires in good faith to comply with it. Without intending to obtrude my advise on you or your client, I suggest that it would be right and proper for Mr. McMurray to state to the court his position in this matter, and ask the court to admit



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Barefoot and his family. You can show this letter to Mr. McMurray,  
and if he desires to do so, he can in turn read it in open court.

Very truly yours,

*J. W. Bailey*



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Honorable J. F. McMurray,

South McAlester, I. T.

Dear Frank:-

Senator Bailey has to-day at my suggestion made a written statement of his recollection of what occurred between you and himself in reference to Barefoot and his family. This is, as I understand it, substantially what you stated to me yesterday. In fact if there is any difference at all in your statements it is in no wise material. The only question of difficulty in this matter is how to accomplish what we both desire to accomplish in the premises. As the question of the enrollment of these people is a matter in which you and your firm represent the tribes, we feel that you should take the initiative in adopting a method by which this can be accomplished. But I beg to suggest that I see no impropriety in you gentlemen conferring with the judges of the citizenship court on the subject. You can do this in any manner that you think proper. If my presence is desired at such conference I am perfectly willing to be present, though I see no necessity for it. I confidently believe that if you gentlemen will state to the court the facts in relation to this matter and express your willingness and desire that Barefoot and his family be enrolled without inquiry into the real merits of their claim to citizenship, that the court will, under the circumstances, feel called upon to make the enrollment. I herewith hand you Mr. Bailey's letter, to be read by you and used by you in any manner that you may see proper. The hearing of the case will be concluded next Monday at Tishomingo, but I do not know that there is any real necessity that the matter be called to the attention of the judges until



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later, yet as to the time and manner of speaking to them on the subject I leave entirely to the judgement of yourself and associates. *There is* my views with reference to this question, and you may state them to the court or show them this letter as you may deem most proper.

Yours truly,

*le C Potter*



GAINESVILLE, TEXAS, Nov. 23, 1904. 190

Hon. F. F. McMurray,  
Hot Springs, Ark.

Dear Sir:-

I have just returned from Tishomingo and find your letter of the 20th. Was sorry I failed to meet you because I was exceedingly anxious to have a conference with you. This matter of Barefoot's is in what appears to me to be an exceedingly delicate shape. Of course we all know that the understanding reached by you and Mr. Bailey is not such an understanding as could be legally set up in the court and its enforcement demanded. The whole matter in my judgement must depend upon the voluntary action of you gentlemen. Of course I do not know your relations to the court nor to the governors of the tribes, but it does seem to me that your relations ought to be such, and doubtless they are such, that you could with propriety and without giving offense frankly state to the court that you desired the enrollment of Barefoot and his family without reference to the real merits of their case, this growing out of certain negotiations and conversations that were had pending the treaty, which you consider placed you under some obligation to these parties to see that their enrollment should be effected. If you are unwilling to do this it does not occur to me that there is any use in mentioning the matter at all. I feel that if I should base a legal right on this and ask the court to enforce it that I would be laughed at as a lawyer for making a contention so silly. Of course if you in good faith make this kind of a statement to the court and make this request you will have done all that Mr. Bailey could expect you to do under your understanding. I do not believe you could do less and deal in perfect good faith with Mr. Bailey, and I think that when you



POTTER & POTTER,  
ATTORNEYS  
AND COUNSELORS AT LAW

C. C. POTTER.  
C. L. POTTER.  
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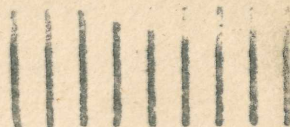
consider the matter you will come to the same conclusion.

Trusting to hear from you soon, I am,

Yours truly,

*C. C. Potter*

RETURN AFTER 5 DAYS TO  
POTTER & POTTER,  
ATTORNEYS  
AND COUNSELORS AT LAW,  
GAINESVILLE, TEX.



Hon. J. F. McMurray,

Care The Arlington,

Hot Springs,

Arkansas.

