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South McAlester, Indian Territory, July 10, 1901.

Gov. G. W. Dukes,

Talihina, Indian Territory.

Dear Governor:

Ben Grubbs, Sheriff of this county, has reported to us that a man by the name of T. A. Bounds, representing a Texas cattle syndicate, has a large force of men at work fencing up some 50,000 or 60,000 acres of the public domain, about fifteen miles southwest of this place, near the Bond Sloan ranch.

We have received complaint from one citizen by inter-marriage that they are fencing him in, and Judge Ward, of Kiowa, was also in yesterday, and states that considerable excitement prevails among the Choctaw citizens about the matter.

We would suggest that it might be well to report this matter to the Secretary of the Interior ^{through} the United States Indian Agent, or the Indian Inspector, and also to take some action to prevent the public domain from being fenced by these people. Our understanding is that they claim to be acting for some 250 Mississippi Choctaws, and that they are buying out the claims of persons on the lands, and taking deeds to this man Bounds; that they propose to hold it under these Mississippi Choctaws, and stock it with about 10,000 head of cattle.

We have today sent a similar letter to Gov. Johnston, and would be glad to have you advise us as to your wishes in the premises

Your friends,

South McAlester, Indian Territory, July 10, 1901.

Gov. D. H. Johnston,

Tmet, Indian Territory.

Dear Governor:

Ben Crubbs, Sheriff of this county, has reported to us that a man by the name of T. A. Bounds, representing a Texas cattle syndicate, has a large force of men at work fencing up some 50,000 or 60,000 acres of the public domain, about fifteen miles south-west of this place, near the Boni Sloan ranch.

We have received complaint from one citizen by inter-marriage, that they are fencing him in, and Judge Ward, of Kiowa, was also in yesterday, and states that considerable excitement prevails among the Choctaw citizens about the matter.

We would suggest that it might be well to report this matter to the Secretary of the Interior, through the United States Indian Agent, or the Indian Inspector; and also to take some action to prevent the public domain from being fenced by these people. Our understanding is that they claim to be acting for some 250 Mississippi Choctaws, and that they are buying out the claims of persons on the lands, and taking deeds to this Bounds; that they propose to hold it under these Mississippi Choctaws, and stock it with about 10,000 head of cattle.

We have today sent a similar letter to Gov. Dukes, and would be glad to have you advise us as to your wishes in the premises.

Your friends,

Dictated.

Partner

South McAlester, Indian Territory, July 19, 1901.

Gov. G. W. Dukes,

Talihina, Indian Territory.

Dear Governor:

As we have not yet received any reply to our letter of July 10, informing you that a man named T. A. Bounds was about to fence up fifty or sixty thousand acres of the public domain, claiming to represent Mississippi Choctaws, we write you again to call your attention to the matter, and suggest the advisability of filing a suit to enjoin Bounds and those acting under him from taking possession of the lands and fencing it up.

There is great excitement about this matter among the Choctaw citizens, and constant complaints in regard to it are being received at this office.

Please advise us at once whether we shall proceed to try and enjoin the erection of this fence.

Very respectfully,

Dictated.

South McAlester, Indian Territory, July 22, 1901.

Mr. Isaac Yoes, Mississippi Choctaw, and whether or not they have
City.

Dear Sir:

We have to request that you make an investigation of what is being done by T. A. Bounds, and others, in fencing the public domain of the Choctaw Nation near Stuart, Indian Territory.

Get all information obtainable as to the following:

The names of all persons interested in the enterprise, and where they live; the approximate area of country they propose to fence; what they have done up to this time; if posts have been set, to what extent, and where; if wire has been stretched, the same; if no wire has yet been stretched, when they propose to begin; if wire has been shipped into the Choctaw Nation for this purpose, to what point, and how much; what they have done and propose to do as regards allotments and improvements of citizens in that vicinity; the names of citizens whose allotments and improvements have been interfered with by these people, both contiguous to and included in their proposed enclosure; what these people propose to do in the way of stocking the proposed enclosure with cattle, or other stock; how they claim to be entitled to take possession of this area of land by fencing, or otherwise; if through Choctaw citizens, give the names of such citizens, if possible; if through alleged Mississippi Choctaws, the approximate

South McAlester, Indian Territory, July 22, 1901.

number of such Mississippi Choctaws, and whether or not they have removed from the State of Mississippi, or still reside there; the feelings and sentiments of the Choctaw citizens about and within the proposed enclosure; (Along this line, take down accurately the expressions of Choctaw citizens as regards how they feel toward the scheme); the number of men in the employ of Bounds, and others, in fencing, and otherwise; and whether such men in their employ are residents of the Choctaw Nation, or have been brought in from elsewhere; and where the timber used for posts is being procured; an accurate description, as nearly as same can be gotten, both from examination of the survey marks, and from citizens thereabout, by section and townsite descriptions, of the lands proposed to be enclosed by these people.

Please carefully consider the above suggestions, and conduct your investigations along these lines.

Very truly yours,

Dictated.

South McAlester, Indian Territory, July 22, 1901.

Hon. G. W. Dukes,

Talihna, Indian Territory.

To Choctaw Citizens:

The bearer, Mr. Isaac S. Yoes, is directed by us as General Attorneys for the Choctaw and Chickasaw Nations, to make an investigation of the fencing of the public domain by T. A. Bounds, and others, with a view to acquiring such information as will enable us to take the necessary steps to protect the Choctaw and Chickasaw Nations, and other citizens, therefrom.

Respectfully,
the exigencies of the situation, and the necessity for immediate action, we paid his expenses and directed that he execute his orders at once. He and Alf Reddy, an Indian policeman, went out yesterday, and ordered the

Dictated.

You may rest assured that we shall give the matter close and vigorous attention, and report progress to you.

Very respectfully,

Dictated.

TOP SECRET
CONFIDENTIAL
SECRET

4
5
South McAlester, Indian Territory, July 27, 1901.

Hon. G. W. Dukes,
Gov. D. H. Johnston,
Talihina, Indian Territory.
Indian Territory.

Dear Governor:

Dear Governor:
We are pleased to be able to report progress in the
T. A. Bounds matter. We have today forwarded a bond to Governor Dukes, which
was required by the court upon the granting of the injunction in
against Bounds and associates. The papers and notices were served
the Bounds case, which was granted on yesterday. We have asked
Friday, and the matter is set for preliminary hearing next Tuesday.
Gov. Dukes to sign it and mail it to you, so that you may sign it

The Department has directed Jack Ellis by wire to take
at once, and return it to us.
immediate steps to stop the fencing. His idea was to wait until he
Simply sign your name, leaving off your official title.
saw you before proceeding, but, realizing the exigencies of the
We think we will have no trouble in stopping the Mississal-
situation, and the necessity for immediate action, we paid his ex-
ppi Choctaw movement so far as Bounds is concerned.
penses and directed that he execute his orders at once. He and

Your friends,
Alf McCoy, an Indian policeman, went out yesterday, and ordered the
fencing stopped, which was done.

You may rest assured that we shall give the matter close
Dictated.
and vigorous attention, and report progress to you.

Very respectfully,

Dictated.

NON: G: A: DUKES:

BOHEP NOVTEAPER, INDTA LEMAFPOKA, INTA SA, 1801

South McAlester, Indian Territory, July 31, 1901.

5

Gov. D. H. Johnston,
Tulsa, Indian Territory.

Dear Governor:

We have today forwarded a bond to Governor Dukes, which was required by the court upon the granting of the injunction in the Bounds case, which was granted on yesterday. We have asked Gov. Dukes to sign it and mail it to you, so that you may sign it at once, and return it to us. Simply sign your name, leaving off your official title.

We think we will have no trouble in stopping the Mississippi Choctaw movement so far as Bounds is concerned.

Your friends, who was joined in the action as a party plaintiff, sign it, and will sign it ourselves as sureties.

Dictated. Very respectfully,

Dictated.
Enclosure.

The application for the removal of the Choctaw and Chickasaw lands in Mississippi in 1848, was never approved by the Secretary of the Interior, and has been withdrawn, and what at a later date, from the applications that have been filed, and are now being filed, and the information and testimony taken in connection therewith, the

GOV. D. H. JOHNSTON

GOVERNMENT OF THE UNITED STATES

South McAlester, Indian Territory, July 31, 1901.

Gov. G. W. Dukes,

Talihina, Indian Territory.

Dear Governor:

As you have doubtless been advised, the court granted a preliminary injunction in the Bounds case. The injunction bond is fixed at \$5000.00. Judge Clayton holds that this must be signed by the plaintiffs in the action.

Please signed the enclosed bond, with your name only, leaving off your official title, and mail the same at once to Gov. D. H. Johnston, Enet, enclosing our letter, so that he may sign it in the same way.

We will then have Mr. Holliman, who was joined in the action as a party plaintiff, sign it, and will sign it ourselves as sureties.

Very respectfully,

Dictated.
Enclosure.

As we understand it, no person has been "identified" by the Commission; that only applications have been received for "identification"; that the schedule of persons made by Commissioner McKernon in Mississippi in 1899, was never approved by the Secretary of the Interior, and has been withdrawn; and that at a later date, from the applications that have been filed, and are now being filed, and the information and testimony taken in connection therewith, the

COA. G. A. Dukes

RECEIVED AT THE OFFICE OF THE SECRETARY OF THE INTERIOR
WASHINGTON, D. C. AUGUST 1, 1901

South McAlester, Indian Territory, August 1, 1901.

Commission to Five Civilized Tribes, one who have made application,
as, in its jurisdiction, Muskogee, Indian Territory, "identification", and transit

Dear Sirs: of identification to the secretary of the Interior, as
designed in the hearing of the case of the Choctaw and Chickasaw
Nations against T. A. Bounds, et al, pending in the United States
Court for the central District of the Indian Territory, at South
McAlester, wherein the Choctaw and Chickasaw Nations seek to enjoin
T. A. Bounds, and others, from fencing a large area of land in the
Choctaw Nation, under powers of attorney from alleged Mississippi
Choctaws, the question arose as to the present status of alleged
Mississippi Choctaws, under the law, and as regards the adminis-
tration of the law by the Dawes Commission.

The temporary injunction prayed for by the Nations
was granted, and a further hearing of the cause postponed until
such time as the court could be advised by the Dawes Commission of
the status of Mississippi Choctaws.

As we understand it, no person has been "identified" by
the Dawes Commission; that only applications have been received for
"identification"; that the schedule of persons made by Commissioner
McKernon in Mississippi in 1899, was never approved by the Secretary
of the Interior, and has been withdrawn; and that at a later date,
from the applications that have been filed, and are now being filed,
and the information and testimony taken in connection therewith, the

DEAR SIR:

MUSKOGEE INDIAN TERRITORY
COMMISSION TO THE STATES

August 1, 1901

Indian Territory, August 1, 1901.

Commission will "identify" such persons who have made application, as, in its judgment, are entitled to "identification", and transmit such list of identification to the Secretary of the Interior, as designed by the law.

It was suggested by judge Clayton that it would not be necessary to resort to the subpoena duces tecum for this information; and that, either a statement from a member of the Commission, or the Secretary, over his official signature, would be sufficient.

We write to ask, therefore, that such a statement be made and sent us for the purpose suggested.

Very respectfully,

For your information, we have prepared, and herewith enclose, a form of certificate, which, in my judgment, meets the requirements of the court.

Dictated. Trusting that the matter may have early attention, I am,

Sincerely,

Dictated.
Enclosure.

South McAlester, Indian Territory, August 1, 1901.

-Personal-

C E R T I F I C A T E .

Hon. A. L. Aylesworth, Secretary, that the Commission to the Five Civilized Tribes, Indian Territory, receiving applications for

Dear Mr. Aylesworth: persons claiming rights as Mississippi Choctaws under the We have prepared and addressed to the Commission to the Five Civilized Tribes, a letter suggesting the desire of Judge Clayton that a further statement be made relative to the status of the Mississippi Choctaws, as regards the law and the records of the Commission. We would be pleased to receive this at the earliest possible time. For your information, we have prepared, and herewith enclose, a form of certificate, which, in my judgment, meets the requirements of the court. Trusting that the matter may have early attention, I am, in connection therewith, Sincerely, as, in the judgment of the Commission, are entitled to "identification, will be "identified" by the Commission to the Five Civilized Tribes, and a report thereof made to the Secretary of the Interior, as required by law.

Dictated.
Enclosure.

HON. V. P. VAN DUSEN

-1268087-

LOUISIANA TERRITORY

19

Hon. J. Blair Shreve,

C E R T I F I C A T E .

Muskogee, Indian Territory.

THIS IS TO CERTIFY, that the Commission to the Five

Dear Sir:

Civilized Tribes is now engaged in receiving applications for "identification" of persons claiming rights as Mississippi Choctaws under the fourteenth article of the treaty of 1830, under the provisions of the Act of June 28, 1898; that, as yet, no persons have been "identified" as Mississippi Choctaws under said act; that the schedule prepared by Commissioner McKennon in March 1899, and referred to by the Commission on page 18, of its Report for the dis- cal year ending June 30, 1900, did not receive the approval of the Secretary of the Interior, has been withdrawn from the Department, and it is not considered by the Commission that the persons whose names appear thereon have been "identified", under the said act of June 28, 1898; that, at a later date, from the applications that have been received, and the testimony and other information taken in connection therewith, such persons as, in the judgment of the Commission, are entitled to "identification, will be "identified" by the Commission to the Five Civilized Tribes, and a report thereof made to the Secretary of the Interior, as required by law.

Dictated.

10
Hon. J. Blair Shoenfelt,

Muskogee, Indian Territory.

Dear Sir:

Supplementing the oral request of our Mr. Cornish, made on yesterday, we write to request that you kindly have prepared and send us, for use in the case of Choctaw and Chickasaw Nations against T. A. Bounds, et al, pending in the United States Court for the Central District of the Indian Territory, at South McAlester, in which the Nations seek to enjoin Bounds, and others, from fencing large areas of land, under powers of attorney from alleged Mississippi Choctaws, the following:

Your telegram to the Department reporting the situation; the letter of the Commissioner of Indian Affairs to the secretary of the Interior; the letter of the Secretary of the Interior approving the report of the Commissioner of Indian Affairs, and transmitting same to you; telegrams of the Department to you directing action; and your telegram to J. W. Ellis, Captain of U. S. Indian Police, directing that the fencing operations of Bounds, and others, be stopped.

Trusting that we may receive the same at your earliest convenience, we are,

Very respectfully,

Dictated.

Office of United States Attorney
Law Offices of

NORTHERN DISTRICT OF INDIAN TERRITORY
MANSFIELD, McMURRAY & CORNISH.

Vipita, I.T., November 8 1901.

South McAlester, Indian Territory, September 6, 1901

Messrs. Mansfield, McMurray & Cornish,
Hon. S. H. Mackey,
South McAlester, I.T.
Savanna, Indian Territory.

Gentlemen:--

Dear Sir:

I enclose herewith a letter from Hon. W. C. Perry,

General Attorney of the A. & C. Railway Company, concerning
us certain information regarding to the Bounds matter.

We thank you for the information and assure that the
distance east of Kiowa. I presume you are thoroughly acquainted
same shall have our careful attention: and as the matter progresses
with this case and I would appreciate very much your courtesy
we may communicate with you further.

in advising me what the facts are and anything of interest therein.
Your friends,
in order that I may forward it to Mr. Perry.

Kindly also return his letter to me.

Dictated.

I understand that the Choctaws and Chickasaws will be
at Muskogee next Monday and I want to take up the matter
with Mr. Cornish that I spoke to your Mr. Mansfield about and would
to know if it would be agreeable to do the same some evening
next week, and of course Governor Johnson will be there.

respectfully,

Enc.

12
NORTHERN DISTRICT OF INDIAN TERRITORY.

Vinita, I.T., November 8 1901.

Messrs. Mansfield, McMurray & Cornish,

South McAlester, I.T.

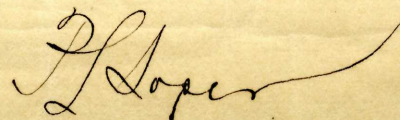
Gentlemen:--

I enclose herewith a letter from Hon. W. C. Perry, General Attorney of the A. & C. Railway Company, concerning a man by the name of T.A. Bond fencing up a lot of land some distance east of Kiowa. I presume you are thoroughly acquainted with this case and I would appreciate very much your courtesy in advising me what the facts are and anything of interest therein in order that I may forward it to Mr. Perry.

Kindly also return his letter to me.

I understand that the Choctaws and Chickasaws will be at Muskogee next Monday and I want to take up the matter with Mr. Cornish that I spoke to your Mr. Mansfield about and would to know if it would be agreeable to do the same some evening next week, and of course Governor Johnson will be there.

Respectfully,



Enc.

South McAlester, Indian Territory, November 9, 1901.

13

Honorable P. L. Soper,

Vinita, Indian Territory.
 Dear Sir:

We are in receipt of your letter of November 6, enclosing letter from Mr. W. C. Perry, inquiring about the operations of one T. A. Bounds, in attempting to fence up an area of the public domain of the Choctaw Nation, under alleged powers of attorney from Mississippi Choctaws. Some months ago such operations were begun under the conditions stated, and the Choctaw and Chickasaw Nations, through us, immediately instituted injunction proceedings to prevent the same, contending that Mississippi Choctaws have no status at this time that will enable them, under any circumstances, to exercise any control over the lands of the Choctaws and Chickasaws in this country. You are doubtless familiar with the law, which is, that the Dawes Commission shall identify Choctaw Indians claiming rights under the Fourteenth Article of the Treaty of 1830, and make report thereof to the secretary of the Interior.

In the first place, this identification roll has never been made by the Dawes Commission, it having, up to this time, received applications and taken testimony. No person has, as yet, been identified as a Mississippi Choctaw. Secondly, the right of a Mississippi Choctaw to participate in the lands of this country,

Dictated.
Enclosure.

after such identification shall have been made, has not yet been fixed by law, or otherwise.

Simultaneous with our application to the court for the injunction, we applied to the Secretary of the Interior for an order to stop the operations of Bounds by the United States Indian Police.

A temporary injunction was granted by the court. We understand that a motion to dissolve this temporary injunction will be made on the twenty sixth instant; but, inasmuch as the status of no Mississippi Choctaw has changed in the meantime, and the conditions are exactly as they were when the temporary injunction was granted, it is not expected that the injunction will be dissolved.

In the presentation of the matter to the Department some months ago, its holding paralleled that of the court; but, inasmuch as a temporary injunction was granted about the same time, the order of the Department to stop the fencing by Indian Police was not executed.

We trust this furnishes you the information you desire. The letter of Mr. Perry is herewith returned.

Very respectfully,

Dictated.
Enclosure.

South Western Indian Territory, November 2, 1921

Return
to
Lords

after such identification shall have been made, has not yet been fixed by law, or otherwise.

Simultaneous with our application to the court for the injunction, we applied to the Secretary of the Interior for an order to stop the operations of bands by the United States Indian Police. A temporary injunction was granted by the court. We understand that a motion to dissolve this temporary injunction will be made on the twenty sixth instant, but, inasmuch as the issue of no Missalaghi Choctaw has changed in the meantime, and the conditions are exactly as they were when the temporary injunction was granted, it is not expected that the injunction will be dissolved. In the presentation of the matter to the Department some months ago, the holding prevailed that of the court; but, inasmuch as a temporary injunction was granted about the same time, the order of the Department to stop the fencing by Indian Police was not executed.

We trust this furnishes you the information you desire. The letter of Mr. Perry is herewith returned, up to this time, received applications and very respectfully, the person has, as has been identified as a Missalaghi Choctaw. Secondly, the right of a Missalaghi Choctaw to participate in the lands of this country.

Dictated.
Enclosure.

Petition of Indians for Injunction

IN THE UNITED STATES COURT FOR THE
CENTRAL DISTRICT OF THE INDIAN TERRI-
TORY SITTING AT SOUTH McALESTER.

14
G. W. Dukes, D. H. Johnston,
and W. G. Holleman, for themselves,
and for the use and benefit of all
other members of the Choctaw and
Chickasaw Nations, or tribes of Indians, Plaintiffs.

-vs-

T. A. Bounds, _____ Bounds,
_____ Bounds, _____ Crosby,
and certain persons whose names are to
the plaintiffs unknown, acting under
the direction and employment of the
above named defendant, Defendants.

COMPLAINT IN EQUITY.

The plaintiffs, G. W. Dukes, D. H. Johnston, and W. G. Holleman, bring this action for themselves, in their individual capacity, and for all the other members of the Choctaw and Chickasaw Nations, or tribes of Indians, said Choctaw Nation consisting of about fifteen thousand members, and said Chickasaw Nation of about six thousand members, and, it therefore being impracticable for all the members of said tribes to be made parties plaintiff.

The plaintiffs, G. W. Dukes, is a member of the Choctaw Nation, or tribe of Indians, and is the duly elected, qualified and acting Principal Chief of said Nation, and brings this action, not only as a member of said Choctaw Nation, but also in his capacity as such Principal Chief. The plaintiff, D. H. Johnston, is a member of the Chickasaw Nation, or tribe of Indians, and is the duly elected, qualified and acting Governor of the Chickasaw Nation, or tribe of Indians, and brings this action not only as a member of said tribe, but also in his capacity as the Governor of said Nation, or tribe. The plaintiff, W. G. Holleman, is a member of the

Choctaw Nation, or tribe of Indians;

That the defendants are citizens of the United States, and residents of the State of Texas, and are not members of the Choctaw or Chickasaw Nations, or tribes of Indians; that the members of the Choctaw and Chickasaw Nations, or tribes of Indians are the owners in fee simple, of the following described lands, ^{said tribes} to-wit:

"Beginning at a point on the Arkansas River one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red River; thence up Red River to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian River; thence down said river to the place of beginning";

That, under the laws of the United States of America, and the various treaties entered into between the members of the Choctaw and Chickasaw Nations, or tribes of Indians, and the United States of America, the members of said tribes, hold said lands, so that each and every member of either tribe has an equal, undivided, interest in the whole, and so that no part of said lands can be sold without the consent of both tribes; the character of said holding being fixed by the following provision of Article 1 of the treaty entered into between the Choctaw and Chickasaw Nations, or tribes of Indians, and the United States of America, on the 22nd day of June, 1855, viz:

"And, pursuant to an act of congress approved May 26, 1850, the United States do hereby, forever, secure and guarantee the lands embraced within the said limits, to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common; so that, each and every member of either tribe, shall have an equal, undivided, interest in the whole; Provided, however, no part thereof shall ever be sold without the consent of both tribes; and that said lands shall revert to the United States if said Indians and their heirs become extinct, or abandon the same";

That the United States of America, becoming desirous to create a State of the Union out of the area ~~embraced~~ embraced in said above described lands, and to bring about other changes therein, and being unable to do so without the consent of the members of the

said tribes, for the purpose of securing their consent to an allotment of these lands in severalty among them;

That the Choctaws and Chickasaws each appointed a Commission to treat with the Commission appointed by the United States government, and said Commissioners did, on the twenty third day of April, eighteen hundred and ninety seven, enter into an agreement, or treaty, with the United States, which was afterward ratified by the Congress of the United States, and by the votes of the members of the Choctaw and Chickasaw tribes of Indians, which provided, among other things:

"That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians, shall be allotted to the members of said tribes, so as to give to each member of these tribes, so far as possible, a fair and equal share thereof, considering the character and fertility of the soil, and the location and value of the land";

That said agreement also provided that the appraisement and allotment of said land should be made under the direction of the Secretary of the Interior, and that the United States should put each allottee in possession of his allotment, which each member of said tribes should have a right to take, on lands, the improvements on which belong to him; that, under the laws of the United States, and the various treaties made with said tribes by the United States, said lands are held as above described, and the proper officers of the United States government, and said Choctaw and Chickasaw Nations, are engaged in the work of carrying out, respectively, said laws and treaties; that, in the meanwhile, each and every member of said tribe is entitled to the use and occupation and free enjoyment of the common and public domain of said Nations; that the defendants who are not members of said tribes and not entitled in any way to use or enjoy said lands

have come into the Choctaw Nation with a force of negro laborers, whose names these plaintiffs are unable to learn, and have set posts around an area of country, about four miles wide and five miles long, and are proceeding to put a wire fence around said area of country, and will, unless restrained, fence up the same, so as to prevent the use and enjoyment thereof by any member of the Choctaw or Chickasaw Nations, or tribes of Indians; that the most of said pasture so fenced up by said defendants, is situated in Township 4, North, Range 13 East, extending thence west of said township. Said pasture not having been completed, these plaintiffs do not know just what the western boundary thereof will be;

That unless ~~x~~ defendants shall be restrained from fencing up the lands belonging to said tribes, the members thereof will be deprived of the free and equal use and enjoyment thereof previous to the allotment of said lands, and nearly all of said lands now being free from improvements made by members of said tribes, they will be unable to go upon the same and take possession thereof for the purpose of allotting the same under the laws and treaties aforesaid, without each of said persons so proposing to allot the same, being compelled to litigate his rights as against said defendants, to the great damage of these plaintiffs;

That, owing to the immense area thus included by said defendants within the limits of their proposed inclosure, or pasture, the same directly interferes with the right of a large number of the members of said tribes, to select the same as their allotments aforesaid, and with the rights of a large number of the members of the said tribes, to use and enjoy the lands embraced therein as hay and pasture lands, as they are entitled to do under the laws of

said Nations, and the treaties aforesaid; and, that, unless said defendants are restrained from fencing up and taking possession of said lands, great and irreparable injury will result to these plaintiffs; that a great multiplicity of suits will ensue, and that such action will interfere with the progress of the allotment ^{said} of ~~at~~ lands, under the treaty aforesaid, commonly known as the Atoka Agreement. Plaintiffs further state that they have no adequate remedy at law, and that the proposed action of the defendants will result to their great injury in this: that said defendants have no property within the jurisdiction of this court, and so far as plaintiffs are advised, are irresponsible, and that even though said lands should be recovered by these plaintiffs eventually, the use and enjoyment of the same would necessarily be lost to them, their condition changed, and the allotment aforesaid, and the execution of said treaty hindered and interfered with;

WHEREFORE, the premises considered, the plaintiffs pray that a temporary restraining order be issued directed to said defendants, and to all persons working by or under their direction, engaged in the prosecution of said work, directing them to cease fencing up the public domain aforesaid, or any of the lands of the Choctaw and Chickasaw Nations, or tribes of Indians; and, that, upon a final hearing of said cause, that a perpetual injunction issue forbidding the prosecution of said work, and the maintenance of said fence, aforesaid; and that these plaintiffs have and recover their costs in this behalf laid out and expended.

By _____

Attorneys.

I, W. G. Hollenman, one of the plaintiffs in the above
entitled cause, do solemnly swear that the statements contained in the
above and foregoing bill are true, to the best of my knowledge and
belief.

[Handwritten signatures and initials, including "W. G. Hollenman" and "J. J. ..."]

Subscribed and sworn to before me this July 24, 1901.

Notary Public.

I, W. G. Holliman, one of the plaintiffs in the above

entitled cause, do solemnly swear that the statements contained in the

above and foregoing bill are true, to the best of my knowledge and

Wm. R. Collier
at
W. G. Holliman

Subscribed and sworn to before me this July 24, 1901.

Notary Public.

Report of Officer

15

South McAlester, Indian Territory, July 24, 1901.

Mess. Mansfield, McMurray & Cornish,

South McAlester, Indian Territory.

Dear Sirs:

Complying with the directions contained in your letter of July 22, I have made a detailed investigation of the fencing operations of T. A. Bounds, about fifteen miles south-west of South McAlester, and have to submit the following report:

So far as I have been able to learn, T. A. Bounds, of Corsicana, Texas, is the only person interested in the enterprise, and it is understood that he has expended, and will expend, approximately \$20,000.00. He proposes to fence, and is fencing, something over ten thousand, (10,000), acres. Up to this time posts have been set around nearly the whole of this area; the stretching of wire was begun yesterday, July 23, and at the close of the day they had stretched three wires over about a mile, along the east side of the proposed enclosure, beginning at the north-west corner. The statement of the man in charge was that the stretching of wire would proceed as rapidly as possible. Three hundred spools of barbed wire has been shipped to Kiowa, from which point it is being taken to the area of land proposed to be fenced.

_____ Crosby and two sons of T. A. Bounds, are on the ground and have immediate control of the work. They have about fifteen men employed, divided into two gangs. All these men except Crosby and the two sons of Bounds, are negroes, who were brought from Texas for this purpose. Bounds has purchased small claims from one or two citizens. The claims purchased do not exceed eighty (8) acres. The balance of the land proposed to be fenced is on the public domain of the Choctaw and Chickasaw Nations.

Bounds and everyone connected with him are citizens of the United States, and citizens and residents of Texas. Bounds and his associates have included within their inclosure two sections of land purchased by W. G. Holleman, a recognized citizen of the Choctaw Nation, the same having been purchased by him for a valuable consideration from Santo Farranto, another recognized citizen of the Choctaw Nation, and held by him in good faith as a part of his prospective allotments for himself and family; the lands of Holleman included within the inclosure are in sections 16 and 21, Township 4 North, Range 13 East. Bounds and his associates have also included within the proposed inclosure the lands claimed in good faith by Walter Goacher, a recognized citizen of the Choctaw Nation, such lands being in sections 28 and 33, same township and range.

The proposed inclosure also interferes with the prospective allotment of Solomon H. Mackey, a recognized citizen of the Choctaw Nation; and also the allotment of J. B. Bourland, a recognized citizen of the Chickasaw Nation; the proposed inclosure also interferes with the allotment of Sam Colbert, a recognized citizen of the Choctaw Nation. The proposed inclosure also included the house, farm and improvements of Frank Holloway, a recognized citizen of the Choctaw Nation, the same being two allotments in Section 17, and surrounding sections.

There is also included within the proposed inclosure lands held by Mrs. N. B. Sloan as a citizen of the Choctaw Nation, the same being in Sections 17, 20 and 29, same township and range.

The associates of Bounds state that it is his purpose to stock this inclosure with cattle, and that he proposes to buy some native cattle, and ship in from the State of Texas, the cattle now

owned there by Bounds. It is understood to be their purpose to put within this inclosure about three thousand, (3000), head of cattle. Bounds and his associates state that he, (Bounds), has acquired powers of attorney from some three hundred and thirty four, (334), alleged Mississippi Choctaws Indians, who reside in the State of Mississippi, and who have never removed to the Indian Territory.

Bounds and his associates state that they have the machinery purchased, and that it has now been shipped to Kiowa, with which to put up hay, and that operations in putting up hay will begin within a few days, and that it is their purpose to cut from these lands and put up from two hundred to five hundred tons of hay.

The citizens of the Choctaw and Chickasaw Nations having their allotments within this proposed inclosure, and interfered with by it, feel sorely aggrieved at the attempt of these people to take forcible possession of their lands, and the lands of the public domain of the Choctaw and Chickasaw Nations; and are anxious that measures be instituted at once, wherever proper, for their relief.

The rough plat hereto attached shows the area of land proposed to be enclosed by these people.

Very respectfully,

North

16

	6	5	S F 4	3	2	1
	7	8	S F 9	10	11	12
	18	17	M. G. H. 16	15	14	13
	19	20	21	22	23	24
	30	29	28	27	26	25
	31	32	33	34	35	36

West

East

Township
Range

4 North
3 East
South

Exhibit "Q"

IN THE UNITED STATES COURT FOR THE
CENTRAL DISTRICT OF THE INDIAN TERRI-
TORY SITTING AT SOUTH McALESTER.

17

G. W. Dukes, D. H. Johnston,
and W. G. Hollenman, for themselves, and
for the use and benefit of all other
members of the Choctaw and
Chickasaw Nations, or tribes of Indians, Plaintiffs.

-vs-

T. A. Bounds, J. V. Bounds, M. S.
Bounds, E. F. Crosby, and certain persons whose
names are, to the plaintiffs unknown,
acting under the directions and employment
of the above named defendants, Defendants.

Come the plaintiffs G. W. Dukes, D. H. Johnston, W. G.
Hollenman, for themselves and for all the other members of the
Choctaw and Chickasaw nations, or tribes of Indians, by Mansfield,
McMurray & Cornish, attorneys, and come T. A. Bounds, J. V. Bounds,
M. S. Bounds, E. F. Crosby, defendants, by Grace and Humphrey, and
T. D. Taylor, their attorneys, and this cause coming on to be heard
upon the motion of plaintiffs for an injunction pendente lite,
restraining the defendants from taking the possession of, fencing up,
or in any way controlling the lands described in plaintiffs bill, and
the court being well and sufficiently advised in the premises, it
is, by the court, ordered, adjudged and decreed, that, upon the
execution by the plaintiffs of a bond conditioned as the law directs,
in the sum of Five Thousand Dollars, a writ of injunction issue,
directed to said defendants, enjoining them or either of them from
taking possession of, controlling, or fencing any of the lands of
the Choctaw and Chickasaws, pending the further order of this court.

[Handwritten notes and signatures on the left margin, including "to be", "by", and "in"]

GEORGE A. MANSFIELD.
J. F. McMURRAY.
MEJENEN CORNISH.

LAW OFFICES OF
MANSFIELD, McMURRAY & CORNISH.

GENERAL COUNSEL FOR
THE CHOCTAW NATION
THE CHICKASAW NATION.

South McAlester, Indian Territory, July 22, 1901.

Mr. Isaac Yoes,
C i t y .

Dear Sir:

We have to request that you make an investigation of what is being done by T. A. Bounds, and others, in fencing the public domain of the Choctaw Nation near Stuart, Indian Territory.

Get all information obtainable as to the following:

The names of all persons interested in the enterprise, and where they live; the approximate area of country they propose to fence; what they have done up to this time; if posts have been set, to what extent, and where; if wire has been stretched, the same; if no wire has yet been stretched, when they propose to begin; if wire has been shipped into the Choctaw Nation for this purpose, to what point, and how much; what they have done and propose to do as regards allotments and improvements of citizens in that vicinity; the names of citizens whose allotments and improvements have been interfered with by these people, both contiguous to and included in their proposed enclosure; what these people propose to do in the way of stocking the proposed enclosure with cattle, or other stock; how they claim to be entitled to take possession of this area of land by fencing, or otherwise; if through Choctaw citizens, give the names of such citizens, if possible; if through alleged Mississippi Choctaws, the approximate

number of such Mississippi Choctaws, and whether or not they have removed from the State of Mississippi, or still reside there; the feelings and sentiments of the Choctaw citizens about and within the proposed enclosure; (Along this line, take down accurately the expressions of Choctaw citizens as regards how they feel toward the scheme); the number of men in the employ of Bounds, and others, in fencing, and otherwise; and whether such men in their employ are residents of the Choctaw Nation, or have been brought in from elsewhere; and where the timber used for posts is being procured; an accurate description, as nearly as same can be gotten, both from examination of the survey marks, and from citizens thereabout, by section and townsite descriptions, of the lands proposed to be enclosed by these people.

Please carefully consider the above suggestions, and conduct your investigations along these lines.

Very truly yours,

Wesley H. Murray & Co.

Dictated.

removed from the State of Mississippi, or still reside there;
 the feelings and sentiments of the Choctaw citizens about and
 within the proposed enclosure; (Along this line, take down
 accurately the expressions of Choctaw citizens as regards how they
 feel toward the scheme; the number of men in the employ of
 Boards, and others, in farming, and otherwise; and whether
 men in their employ are residents of the Choctaw Nation, or have
 been brought in from elsewhere; and where the timber used for
 posts is being procured; an accurate description, as nearly as
 same can be gotten, both from examination of the survey maps,
 and from citizens thereabout, by section and township descriptions,
 of the lands proposed to be enclosed by these people.
 Please carefully consider the above suggestions, and
 conduct your investigations along these lines.

Very truly yours,

Directed.

Nations
or
Boards