

64TH CONGRESS,
1ST SESSION.

H. R. 13478.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1916.

Mr. HASTINGS introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

A BILL

To provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by Act of Congress approved March first, nineteen hundred and one, and supplemental agreement of June thirtieth, nineteen hundred and two, and other laws and treaties with said tribe of Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That to carry into effect the agreement between the United
4 States and the Muskogee (Creek) Nation of Indians ratified
5 by Act of Congress approved March first, nineteen hundred
6 and one (Thirty-first Statutes, page eight hundred and
7 sixty-one), and the supplemental agreement of June
8 thirtieth, nineteen hundred and two (Thirty-second Statutes,

1 page five hundred), and other laws and treaties providing
2 for a minimum allotment to each Creek citizen whose name
3 has been placed on the roll by the Government of the United
4 States under authority of said agreements and laws of the
5 standard value of \$1,040; and in order that the claim of said
6 citizens of the Creek Nation who have received allotments in
7 land and money of a less value than the standard allotment
8 of one hundred and sixty acres of the standard value of
9 \$1,040 might be determined and finally adjudicated, juris-
10 diction is hereby conferred upon the Court of Claims, with
11 right of appeal as in other cases, to hear, determine, and
12 render final judgment against the United States for such
13 amount, if any, as may be found due by the United States,
14 and as may be necessary to equalize all of such allotments
15 up to the treaty standard value of allotments of \$1,040; also
16 to hear, determine, and render final judgment, with right
17 of appeal as herein provided, in the matter of the claim of
18 the Muskogee (Creek) Nation against the United States
19 based on alleged errors in the survey of the boundary of
20 said nation, and any other Creek lands in townships eleven
21 and twelve north, range six east, that may have been erro-
22 neously taken and disposed of by the United States, and the
23 action herein authorized may be brought in the name of the
24 Muskogee (Creek) Nation and against the United States.
25 Said suits shall be begun by petitions filed within six months

1 after the approval of this Act, which petitions shall be
2 verified by the principal chief of said nation or the national
3 attorney for said nation, and said suit or suits shall be prose-
4 cuted by the national attorney for the Creek Nation and by
5 attorney or attorneys, if any, employed by said nation or
6 tribe, or its duly authorized representatives or individual
7 members of said tribe, to prosecute said claims: *Provided,*
8 That no attorney shall be authorized to represent said nation,
9 or individual members of said nation, by reason of any con-
10 tract or agreement made with the tribe or members thereof
11 unless such contact of employment shall have been, subse-
12 quent to the passage of this Act, approved by the Commis-
13 sioner of Indian Affairs and the Secretary of the Interior:
14 *And provided further,* That in the event of the employment
15 of additional attorneys, as herein set out, the said attorney or
16 attorneys shall not be paid out of any funds now to the credit
17 of the Creek Nation, but his or their fee shall be fixed by the
18 Commissioner of Indian Affairs and the Secretary of the
19 Interior after final judgment, but in no event to exceed
20 \$15,000 in each suit, and in event of a recovery shall then
21 be taxed and paid as other costs of the actions in which such
22 attorney or attorneys may be authorized to appear.

23 The money accruing under any judgment or judgments
24 rendered under this Act shall be distributed by the Secretary
25 of the Interior to the persons entitled to participate therein

1 under such rules and regulations as he may prescribe, pay-
 2 ment to minors and restricted Indians to be subject to the
 3 conditions affecting the payments of funds derived from the
 4 sale of restricted lands. To effect a speedy settlement of
 5 the affairs of the Creek Nation said suits shall be advanced
 6 for hearing by the Court of Claims, and by the Supreme
 7 Court if the same shall be appealed.

By the CONGRESS,
 1st Session. } **H. R. 13478.**

A BILL

To provide for carrying into effect of the
 agreement between the United States and
 Muskogee (Creek) Nation of Indians
 entered by Act of Congress approved March
 19, 1916, nineteen hundred and one, and sup-
 plemental agreement of June thirtieth,
 1915, nineteen hundred and two, and other laws
 and treaties with said tribe of Indians.

By Mr. HASTINGS.

March 21, 1916.—Referred to the Committee on In-
 dian Affairs and ordered to be printed.

W. W. HASTINGS
SECOND CONG. DIST. OKLA.
No. 443 HOUSE OFFICE BUILDING

COMMITTEES:
BANKING AND CURRENCY
ACCOUNTS
EXPENDITURES IN THE INTERIOR
DEPARTMENT

House of Representatives U. S.
Washington, D. C.

March 23rd, 1916.

Capt. G. W. Grayson,
C/o National Hotel,
Washington, D. C.

My dear Captain Grayson:-

In order to aid in disposing of the Creek equalization matter, I introduced a bill similar to one gotten up by Senator Owen, to refer it to the Court of Claims.

A copy of the bill is herewith enclosed.

Sincerely yours,

W. W. Hastings

H/B.

January 21, 1916.

Honorable W. W. Hastings,
Washington, D. C.

My dear Mr. Hastings:

In response to your letter of January 12, 1916, inclosing a copy of a bill introduced by you for C. W. Turner and W. D. Hoard, I desire to call your attention to the following inclosed documents:

- 1: - Extract from McKellop's Book, entitled "Acts and Resolutions of the National Council of the Muskogee Nation;
- 2: - An Act appropriating \$6967.50 in favor of C. W. Turner and W. D. Hoard, an Act of the Creek National Council, approved November 5, 1900 by the Principal Chief of the Creek Nation, and disapproved by President McKinley on December 3, 1900.
- 3: - Letter of Honorable J. George Wright, United States Indian Inspector for the Indian Territory, to the Secretary of the Interior, dated November 19, 1900, submitting the Act of the Creek National Council, without recommendation.
- 4: - Letter of Honorable W. A. Jones, Commissioner of Indian Affairs, to the Secretary of the Interior, dated November 30, 1900, recommending the disapproval of said claim.
- 5: - Letter of Honorable E. A. Hitchcock, Secretary, to the President, dated December 3, 1900, recommending the disapproval of said Act.
- 6: - Letter of Honorable Thomas Ryan, Acting Secretary, to the United States Indian Inspector for the Indian Territory, dated December 5, 1900, advising the Indian Inspector of the disapproval of said Act.

I am advised that at numerous times before and after the passage of this Act by the Council of the Creek Nation this claim was defeated in the Council. The last attempt to secure favorable action thereon was at the session of the Council which convened at Okmulgee on September 1, 1914. At that time the Council refused to

W. W. Hastings ---- #2.

pass an act requesting the payment of this claim.

Captain G. W. Grayson advises me that he and the Chief would like to be heard by the Committee before final action is taken.

I desire that you call the attention of the Committee to my letter with inclosures.

Very sincerely,

Creek National Attorney.

Encl. 6.

March 14, 1912

Hastings Says Indian Funds Are Not Being Dissipated

(By W. W. Hastings.)

Washington, March 14.—I see from press dispatches and editorials of newspapers throughout the state the statements made that large sums of money have been disbursed by the department of the interior from the tribal funds of the Cherokee nation, and other tribes, in payment of the office force of the commissioner to the Five Civilized Tribes and the Union Agency at Muskogee, Okla. I desire to challenge the correctness of this statement because it is not true. I would be unworthy of being the national attorney for the Cherokee nation if I were to sit idly by and see our tribal funds squandered. There is now being paid out of the Cherokee tribal funds the salary of the principal chief, assistant chief, one secretary and the national attorney. All of these salaries now aggregate \$8,100 per annum. There are, of course, some contingent expenses, but they are trifling. In addition to this the expense of maintaining the Cherokee orphan asylum south of Tahlequah, together with the Cherokee school representative is being paid out of the Cherokee tribal funds. Congress provided last year that the expenses incident to the sale of the unallotted lands might be taken from the tribal funds, but at the same time congress provided that the proceeds of the sales might be deposited in banks, thereby becoming interest bearing. I do not have the exact figures before me, but the expenses incident to the sale of the Cherokee unallotted lands were very small, and the interest derived from the money deposited from those sales was very much greater than the expenses. I might add also that a small amount was taken from the Cherokee tribal funds in payment of stenographic help in the special investigation of citizenship cases throughout the nation. Attorneys here at Washington have been clamoring for a general reopening of the Cherokee rolls, and to resist this it was necessary that definite information might be at hand to place before the committee of congress. Only a small sum was used for this purpose, less than the amount necessary to equalize the allotment of one allottee. Many of our Cherokee people know that our fullbloods opposed enrollment, opposed allotment, refused to give the names of their children to enrolling parties, and that arbitrary applications were made for these people, and we did the best we could to enroll every one of them, but we could not make an arbitrary application for the minors born since our last census roll was made in 1896, because we did not have their names. It was in the investigation of this class of children, nearly all fullbloods, that a small amount of money, amounting to approximately \$500, was expended during the past year for stenographic help.

The Cherokee people will remember that during the past year a large amount of money has been paid out of the Cherokee tribal funds for equalization purposes. Section 2 of the act of April 26, 1906, provides that where an enrolled member of the tribe does not take an allotment of land, the allottee is entitled in lieu of the land not taken double its appraised value. The department has paid out considerable money during the past year equalizing allotments. We hope to have all allotments equalized within the next six months.

The people of the eastern part of Oklahoma should not be deceived, they are entitled to know the facts. This report that has been given wide circulation to the effect that tribal funds are being squandered is for a purpose. It is the fight of land speculators and grafters against the continuance of the district agents. They want them abolished, and they are attempting to arouse the prejudice of the people against them by insinuating that they are the means of dissipating tribal funds. Not a single district agent is paid a penny from any tribal fund;

they are paid from appropriations made by congress. The district agents are the advisers of the restricted Indian; they assist him in making agricultural leases, in the collection of rents from his lands, in dispossessing tenants who are trying to hold over; the district agents receive applications for the removal of restrictions and report upon the same, and if the restrictions are removed either conditionally or unconditionally, they appraise the land from which restrictions have been removed and assist the Indian in getting its fair and reasonable value; and if the restrictions are conditionally removed the money is paid to the restricted Indian in such amounts as is thought advisable through these district agents, who assist them in the expenditure of the money to the best advantage of the Indian; the district agents co-operate with the probate courts to the end that the accounts of guardians are checked up, reports made, and that their funds are not squandered; the district agents in fact hear every kind of a grievance of the fullblood or restricted Indian, and they do what they can to assist them just as every mother and father does what he or she can to aid and advise their minor child. No honest probate court is opposed to the co-operation of a fair-minded, upright official. Every county judge in eastern Oklahoma, every tribal attorney and every tribal chief has written a letter favoring the district agent system.

We might as well be frank about it, everybody who is familiar with the Indian, his history and tradition, knows that he needs assistance in the management of his lands. Sixteen hundred and eighty fullblood Cherokees who were arbitrarily allotted land refused to take the patents sent to them through the mails out of the post office, and they refused to go upon the land or accept any proceeds therefrom. Will any intelligent person say that these poor misguided people do not need assistance; that they are able to care for themselves, or that they will protect themselves? The truth is that every one knows who is at all familiar with the Indian that he will not assert his rights in a civil suit. Ask the lawyers of the country how many civil suits they have had for fullblood Indians. Some of them will answer that they have had a few. That is quite true, they are an exception, and if these Indians are competent to manage their own affairs then I am in favor of removing the restrictions from their lands and let them manage their own affairs; but I know and every good citizen throughout the eastern part of Oklahoma knows that if the district agents are abolished that in less than a year there will be thousands of illegal leases, deeds and other encumbrances filed of record upon their lands. If there are no local agents to assist the Indian, to advise him of his legal rights, to help him to get into court, to help him prepare his case and to get his witnesses, no civil action would be brought and the man in the

illegal possession would retain it. Every land speculator and grafter in eastern Oklahoma knows this, and every one of them is stirring up public sentiment against the district agent, and every one of them is causing as many letters to be written as possible to members of congress against them. If any district agent is either dishonest or incompetent he should be removed. I am defending the system, not the individual, and I am trying to arouse public sentiment against the wholesale attack of the system. I have had occasion to closely observe the work of the district agents, and I know that they have been compelled to adversely report upon many leases, applications for the removal of restrictions, payment of claims, and other things submitted to them. Every disappointed man is against them.

Through my veins courses Cherokee blood. I trust that I will not live long enough to see the fullblood members of my race homeless in their own country, wanderers in their own land. They thought they were protected by the old treaties, binding upon them and sacred to them; they resisted the change in their form of government; they did not invite the individualization of their lands because they had never been used to an individual title, and they appreciated that they had never had any experience in dealing with the title to lands. Their fears were justified, for the records show that thousands of leases, deeds and other evidences of encumbrance in violation of protective provisions of law for little or no consideration have been gotten from them and placed of record. Without the assistance of local men in the field all of these illegal leases and deeds might as well be validated. Everybody knows this—Why not speak the truth? What the future of the Indian in eastern Oklahoma is to be is a great problem. The state is doing a commendable work, so are the county judges and the district agents. Many people would not unfairly deal with a white man who would not hesitate to rob an Indian. They know he is powerless to help himself and that he will not arouse public attention. The government is now paying sixteen district agents \$1,800 each per annum to aid in some measure in their protection, and I am sure that no fair-minded citizen, white or red, whose good opinion is prized, will believe that these Indians should be set adrift, robbed of their lands without the assistance of the government. Millions of dollars are being appropriated for pensions, for maintaining the navy, for enlarging and supporting the army, for the government of the Philippine Islands, and for other governmental expenditures, and hundreds of thousands of dollars are being appropriated for costly public buildings to be erected throughout the country, and yet when the small appropriation is asked to help save a vanishing race from its own improvidence we are met with the cry of economy. The report is being circulated that the district agents are

retarding the settlement of tribal affairs. Every one knows this untrue. The Whitmore suit and the suit to prevent the enrollment of minor children have postponed the settlement of Cherokee affairs. We will need the district agents long after our affairs are settled. Their continuance has nothing to do with our final settlement. Every school boy knows this. I am urging, in season and out of season, a final settlement every minute. Let's not muddy the water. This issue is clear—Are you in favor of protecting the admittedly incompetent fullblood Indian?

The best years of my life have been given to the service of the Cherokee people, and I am determined now to do what I can for their protection. There

are a few good fights left in me yet, and I appeal to the public conscience for their assistance.

Yours very truly,
W. W. HASTINGS,

National Attorney for the Cherokee Nation.

MOTY TIGER,
PRINCIPAL CHIEF
MAUDE D. ROBERTS,
PRIVATE SECRETARY
G.W. GRAYSON,
INTERPRETER

R. C. ALLEN
NATIONAL ATTORNEY FOR CREEK NATION
MUSKOGEE, OKLAHOMA

PROBATE ATTORNEYS:
FRANK L. MONTGOMERY,
MUSKOGEE
WM. M. HARRISON,
MUSKOGEE
JOE H. FORD,
WAGONER
NAT LIGON,
SAPULPA
ALEX. JOHNSTON,
OKMULGEE
LAFAYETTE WALKER,
HOLDENVILLE

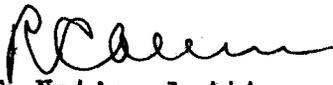
January 21, 1916.

Captain G. W. Grayson,
Eufaula, Oklahoma.

Dear Dapt: -

I am inclosing herewith copy of my letter to Mr.
Hastings, with inclosures.

Sincerely yours,


Creek National Attorney.

Encl. 6.

October 9, 1915.

The Honorable

Commissioner of Indian Affairs.

Sir:

In view of the fact that Messrs. Montgomery and Ligon, Probate Attorneys, and Mr. Richardson, Probate Auditor, were engaged with me in the investigation of probate conditions in Creek County during the entire month of September and the first few days of October I feel that I should make a report of the work done and the results obtained in this investigation.

Four indictments were returned by the grand jury in Creek County charging M. C. Flournoy, guardian of Bessie Cobb, a minor, with offering false evidence in connection with his final report as guardian of this minor, the specific charges being the filing of certain altered, raised and false, receipts as vouchers in support of alleged expenditures for and on behalf of said minor charged to said estate in his said final report.

Several months ago an application to remove this guardian was denied by Judge Brown, who was then County Judge of Creek County, and an appeal was taken to the District Court. Just before the case was called for hearing in the District Court Flournoy tendered his resignation as guardian and the same was accepted, and he thereupon filed his final report as such guardian. Exceptions were filed to

this report which were overruled and the report was approved by Judge Brown. An appeal was then taken to the District Court from the order approving the report and upon a hearing in the District Court practically every exception made to said report was sustained and this guardian was surcharged with approximately One Thousand Dollars. Flournoy is a prominent merchant of Bristow, Oklahoma, and was a close personal and political friend of Judge Brown.

Two indictments were returned against W. A. Rentie charging him with the embezzlement of Twenty-two Thousand, Four Hundred Twenty-seven Dollars and Fifty-eight Cents (\$22,427.58) and Three Hundred Sixty-six (\$366.00) Dollars, respectively, belonging to the estate of his ward Roy Bismark Rentie.

This guardian was one of the promoters of the Creek Durango Land and Investment Company, which company had for its object the colonization of Creek Freedmen in the State of Durango, Mexico. The methods of this company were substantially as follows:

Certain designing and dishonest persons in Oklahoma organized said company and obtained from the Government of Mexico patent rights to about twenty-seven thousand acres of land situated in the State of Durango, Mexico, which land was unimproved and practically worthless. The promoters of this company would induce the fathers of minor Creek Freedmen to procure the appointment of themselves as guardians for said minors, petition the Court for a sale of said minors' allotments, and when said lands were sold the promoters of this company would be the purchasers and in each in-

stance the consideration paid was grossly inadequate. The promoters of said company would then induce the parents of said children to move to Durango, Mexico, and there use the proceeds derived from the sale of their childrens' lands in the purchase of worthless lands in this Republic from the promoters of this company who had also been the purchasers of said minors' lands in Oklahoma, the effect being to trade to the parents and guardians of these minors worthless lands in Durango, Mexico, for valuable allotments situated in the Creek Nation.

There are pending now in the Creek Nation a large number of suits which have been brought to cancel and set aside conveyances thus made; these people being Freedmen and unrestricted I have not brought any of these cases myself, excepting the Scott cases with which you are familiar, but I have advised with the allottees and assisted their attorneys wherever possible.

The grand jury returned an indictment against William Grayson charging him with the embezzlement of Three Thousand Dollars of the funds of the estate of Hilly Bear, deceased. The Hilly Bear case has heretofore been fully reported to you by Probate Attorney Ligon.

After the death of Hilly Bear, William Grayson, who was not related to Hilly Bear, filed in the County Court of Tulsa County a purported Last Will and Testament of Hilly Bear wherein the natural heirs at law of said Hilly Bear were disinherited and wherein William Grayson was named as executor and principal beneficiary. The probate of this will was bitterly contested and the

facts disclosed on the hearing of the petition for the probate of this will showed conclusively that said will was a forgery. In spite of this showing the County Court for Tulsa County admitted said will to probate from which the heirs of Hilly Bear appealed to the District Court, which said Court reversed the order of the County Court and denied said will to probate. In the meantime William Grayson had been appointed administrator of this estate and there had come into his possession large sums of money belonging to the estate of said Hilly Bear. From the order of the District Court, reversing the County Court and denying said will to probate, William Grayson appealed to the Supreme Court of Oklahoma. Pending the hearing on said appeal William Grayson induced Marchie Hays, the husband and heir at law of Hilly Bear, who appeared as contestant to the probate of said will in the County and District Courts, to enter into an agreement and stipulation for a judgment to be rendered by said Supreme Court on said agreement and stipulation reversing the order of the District Court of Tulsa County and admitting said will to probate and providing for an equal distribution of the estate of said Hilly Bear between William Grayson and Marchie Hays. The Supreme Court entered a judgment on said stipulation, which judgment was later set aside and the case reinstated for a hearing upon its merits. Later said appeal was dismissed by the Supreme Court of Oklahoma and the judgment of the District Court of Tulsa County

became final and this estate will now descend to the heirs of said Hilly Bear. In the meantime William Grayson was removed as executor of the estate of Hilly Bear, and upon the filing of his final report the County Court of Tulsa County entered a judgment against said Grayson finding a shortage in his accounts in the sum of Three Thousand Dollars. Inasmuch as William Grayson kept the funds belonging to this estate in a bank in Sapulpa, Oklahoma, and as the records of said bank show the embezzlement to have been committed in Creek County jurisdiction for the prosecution of said Grayson for this crime is in Creek rather than Tulsa County. We submitted the facts in this case to the grand jury with the result stated above.

The Hilly Bear case has attracted statewide attention by reason of the prominence of the men who have been connected with this William Grayson in this fraud. In addition to the forgery of the will two persons, Addie and William Nero, were assassinated. In my letter of September 18, 1915, I made specific reference to this case and suggested, and now insist, that an energetic effort be made to uncover the crimes connected with this case. In order to do this it will be necessary to have detailed to this case men experienced in ferreting out crime. We feel that in the indictment of William Grayson justice has overtaken one of the most notorious and dangerous criminals operating in the Creek Nation.

The grand jury returned two indictments against W. B. Coleman, one for the embezzlement of One Hundred Forty-six Dollars and Thirty-three Cents belonging to his minor ward Gladys May Coleman and one for the embezzlement of Fifty-six Dollars and Fifteen Cents

belonging to his ward Nettie Alice Coleman. This defendant is now a fugitive from justice.

The grand jury returned an indictment against Warren H. Brown, former County Judge of Creek County, charging him with embezzling Three Hundred Sixty Dollars of the funds belonging to Nettie Alice Coleman and Gladys May Coleman, minors. The facts in this case will show that this sum of money was paid to Judge Brown as County Judge by the Tomany Oil and Gas Company and the Annex Oil and Gas Company for the use of these two minors; that instead of turning this money over to the guardian of these minors Judge Brown paid same to James J. Mars, a notorious, drunken, grafting, lawyer, Two Hundred Twenty-five Dollars of which was a purported personal loan, the balance attorney fees.

Another indictment was returned against Judge Brown charging him with perjury. I have heretofore forwarded to you the petition filed by Messrs. Ligon, Montgomery and myself, to require Bates B. Burnett to file his final report as the former guardian of Gracie I. Berryhill.

On June 10, 1912, Bates B. Burnett filed his resignation as guardian of the estate of Gracie I. Berryhill, a minor. At this time Gracie I. Berryhill was living in Quanah, Texas, with her mother, and the Probate Court at Quanah, Texas, had appointed one J. E. Ledbetter as guardian of the estate of said minor. No final report has ever been filed by Bates B. Burnett as guardian of the estate of said minor. An investigation made by Probate Attorney

Montgomery of the records of the Probate Court at Quanah, Texas, disclosed the fact that Ledbetter had failed and neglected to account for approximately Seventy Thousand Dollars of the funds of this estate which he should have received from Bates B. Burnett, former guardian; further, that no accounting had been made by Burnett to Ledbetter for this sum.

During the administration of Warren H. Brown as County Judge of Creek County repeated efforts were made to require Burnett to file his final report, all of which efforts were unsuccessful as Judge Brown repeatedly declined to take any action. While in Sapulpa on this investigation we filed before Honorable Vick S. Decker, present County Judge of Creek County, a petition for a citation directing Burnett to appear in said court and show cause why he should not be required by said court to file his final report as guardian for said minor. On the day of the hearing of our motion Burnett filed with the Clerk of the County Court an order, dated June 10, 1912, signed by Warren H. Brown as County Judge, which said order recited, in substance, that the resignation of Bates B. Burnett as such guardian was accepted; that said Bates B. Burnett was discharged from his trust as such guardian, and that the bondsmen of said Bates B. Burnett as guardian were discharged and released from all liability. This order was filed by Burnett in answer to the citation directing him to appear and show cause why he should not be required to file said final report, he taking the position that said order released him and his bondsmen and that

the County Court at this time had no jurisdiction to require him to make and file his final report. Judge Brown had prior to this time repeatedly stated to me, to Probate Attorneys Montgomery and Ligon, and to various other parties, that he had never signed an order releasing Burnett and discharging his bondsmen from their liability in this case.

When Burnett filed the said order we called Judge Brown as a witness and he testified, under oath in the County Court, that the order he signed contained an interlineation to the effect that same should not operate to discharge Burnett and his bondsmen until Burnett filed his final report and the same was approved by the County Court. At the time he gave this testimony he evidently believed that the original order was lost as it had been in the possession of Burnett during all of the time since the date of its execution and had never been filed or entered on the probate minutes in the office of the Clerk of the County Court and was not a part of the records in this case until the same was filed and was then immediately taken out of the files by me and was in my possession when Brown testified. After he had testified to the condition of the order made by him I confronted him with the original order and he then testified that it was not the order he signed. We presented all of these facts to the grand jury with the result that an indictment was returned against Brown charging him with perjury.

In connection with this case I think we will be able to prove that this order was signed by Judge Brown with the express under-

standing and agreement that same was not to be filed for record until after the close of the campaign in which he was then engaged for re-election as County Judge and that he deliberately signed this order releasing Bates B. Burnett and his bondsmen from all liability for the purpose of obtaining the support of Burnett and his friends in that campaign, thereby attempting to permit the theft by Bates B. Burnett of Seventy Thousand Dollars of the funds of this minor.

An indictment was returned by the grand jury against P. B. France charging him with the embezzlement of Two Thousand, One Hundred Thirty-one Dollars and Seventy-one Cents of the funds of the estate of William McKinley Clayton, a minor. The administration of the estate of this minor very nearly parallels the administration of the estate of Gracie I. Berryhill, a minor. Bates B. Burnett was the former guardian of this minor and as such guardian squandered large sums of money belonging to the estate. A settlement of Burnett's accounts by the County Court disclosed a shortage of approximately Seventy, Thousand Dollars. P. B. France was appointed as guardian to succeed Burnett and has been acting as such guardian for a period of about three years; during this time France and his attorneys have failed and neglected to recover the shortage due this estate from Burnett and his bondsmen presumably on account of the former prominence of Burnett and the friendship existing between he and France and France's attorneys and Judge Brown.

An audit of the accounts of Mr. France as guardian of this es-

tate, made by Probate Auditor Richardson, which audit is not yet fully complete, discloses the fact that France has continued to dissipate and squander this estate. Just as soon as this audit is completed we intend to ask for the removal of France and to take steps to recover the shortage in these accounts from France and his bondsmen, which shortage will run into thousands of dollars. Mr. France is one of the most prominent business men of Sapulpa.

The grand jury returned two indictments against J. H. N. Cobb, one for preparing false evidence in connection with his final report as guardian of Mary Hutke, an incompetent full blood Indian, and one indictment for perjury on account of testimony given by him in connection with the same matter.

Specific reference to this case was made in my letter to you of September 18, 1915.

The indictment for perjury is based upon testimony given by J. H. N. Cobb in the County Court of Creek County upon the settlement of the final accounts of said defendant as guardian of the said Mary Hutke, to the effect that he, Cobb, had paid Elizabeth Sapulpa upon a claim of Five Thousand Dollars the sum of Four Thousand, Five Hundred Thirteen Dollars and Thirty-three Cents of the funds of this estate when in truth and in fact he had only paid her the sum of Three Thousand, Eight Hundred Fifty Dollars.

The indictment for preparing false evidence is based upon a false receipt for Four Thousand, Five Hundred Thirteen Dollars and Thirty-three Cents which was offered by Cobb as a voucher for the payment of this sum to Elizabeth Sapulpa.

Mr. Cobb was a member of the Constitutional Convention which wrote Oklahoma's constitution; was for a long time United States District Indian Agent at Sapulpa; is now a member of the Board of County Commissioners of Creek County; Secretary of the Commercial Club of the City of Sapulpa, and a Minister of the Gospel. Several years ago, upon an investigation made by Fred Cook, he was forced to resign as guardian in a number of cases, and his resignation as District Indian Agent was soon thereafter accepted by the Department, which resignation was tendered by him because of the fact that he realized that his removal was inevitable. I do not know whether we will be able to convict Cobb or not as the sentiment in Creek County is very much in his favor because of his prominence. He is, in my judgment, one of the most colossal grafters who ever infested the Creek Nation and I feel that his prosecution will at least put an end to his grafting.

Two indictments were returned against James J. Mars, one charging him jointly with Mico Behen with offering false evidence in connection with the final report of Mico Behen as guardian of Thomas Robbins, a minor. This case has heretofore been fully reported to you by Probate Attorney Ligon, who, at the time of filing of said report, attempted to prosecute these parties for this offense by information, with the result that the defendants were whitewashed by the officers of Creek County and Mr. Ligon severely criticised by the official organ of Creek County for his efforts in attempting to bring these parties to justice, the specific charge in this case being that Mars and Behen forged the name of

Ancy Tiger and Johnson Barnett to a receipt for One Hundred Dollars and offered same as a voucher with the final report of Micoo Behen. The other indictment against Mars charges him with forging the name of Martha Hagie, a full blood Creek Indian woman, to a check for Fifteen Dollars and procuring the money on said check from the bank in which Martha Hagie had her money on deposit. This defendant has long been a prominent lawyer in Creek County and is now a member of the Bar of that county. There have been a great many complaints made by the Indians in Creek County against James J. Mars charging him with graft and corruption in dealing with Indians.

During the investigation made in Creek County we have examined hundreds of cases of purported frauds, and in fact have as completely as was possible for us to do in the limited time investigated several cases where there was believed to be any fraud committed.

I cannot speak too highly of the valuable assistance given me by Messrs. Montgomery and Eigon, Probate Attorneys, and Mr. Richardson, Probate Auditor, in the investigations made in Creek County. Each of these gentlemen worked incessantly with me in an effort to ferret out the crimes committed in that county and the success of our work has been the result of persistent and energetic efforts of these gentlemen.

Very respectfully,

RCA(M).

National Attorney for Creek Nation.

Extract from McKellop's book entitled "Acts and Resolutions of the National Council of the Muskogee Nation."

SIX HUNDRED THOUSAND DOLLARS APPROPRIATED.

Sec. 138. There is hereby set apart and appropriated the following sums of money, to wit: Five hundred thousand dollars (\$500,000.00) for the purpose of making a per capita payment to the citizens of the Muskogee Nation; eighty-two thousand dollars (\$82,000.00) to be set apart and held subject to such purposes as the regular session of the National Council of October, 1895, may deem proper to make of the same; and eighteen thousand (\$18,000.00) to be paid to W. B. Hord and C. W. Turner for services as financial agents when they shall have complied with all the terms and conditions of their employment as provided by act of January 31, 1895.

Sec. 139. The aforesaid sums, aggregating six hundred thousand dollars (\$600,000.00) shall be paid out of the proceeds of the sale, transfer and assignment of a portion of the indebtedness of the United States to the Muskogee Nation under act of Congress of March 1, 1889, when the proceeds of such sale, transfer and assignment shall have been paid into the Treasury of the Muskogee Nation as provided for by act of January 31, 1895.

Approved January 31, 1895.

Treasurer to execute special bond for payment of \$600,000.

Sec. 140. The Treasurer, before receiving any money which may accrue from the sale, transfer and assignment of \$600,000. a part of the indebtedness of the United States to the Creek Nation, shall be required to execute a good and sufficient bond to the Creek Nation in the penal sum of \$600,000. for the faithful distribution and payment of the said \$600,000. in accordance with the acts of Congress of January 31, 1895.

Approved January 31, 1895.

CENSUS - To be taken by members of Council.

Sec. 141. As soon as the Principal Chief is notified by the National Treasurer that he has received the proceeds of the sale, transfer and assignment of the six hundred thousand dollars to Street, Wykes & Co., he shall set

a day and notify the members of the Council to proceed and take a correct census of the citizens and members or their respective towns, and as soon as the census is taken of such town in duplicate one copy shall be transmitted to the President of the House of Kings, and thereupon the Chief shall call the members of the Council to convene in extra session to compare the census rolls in possession of the members of Council with those transmitted to the President of the House of Kings and shall carefully examine the rolls thoroughly and correct the same, and the payment shall be made according to such corrected rolls. The payment shall be made at Okmulgee, under the rules and regulations as shall be prescribed by the Council/
Approved January 31, 1895/

SIX HUNDRED THOUSAND DOLLARS--AUTHORITY TO SELL, TRANSFER AND ASSIGN.

Sec. 142. The act of November 5, 1894, be and is so amended as to read as follows, to wit:

WHEREAS, By an act of Congress entitled "An Act to ratify and confirm an agreement with the Muskogee Nation of Indians in the Indian Territory, and for other purposes," approved March 1, 1889, the United States of America agreed to, amongst other things, as follows, to wit:

"In consideration whereof and of the covenant herein otherwise contained the United States agree to pay to the said Muskogee Nation the sum of (\$2,280,857.10) two million two hundred and eighty thousand eight hundred and fifty-seven dollars and ten cents shall be paid to the National Treasurer of said Muskogee Nation or to such other person as shall be duly authorized to receive the same, at such times and in such sums after the due ratification of this agreement (as hereinafter provided) as shall be directed and required by the National Council of said Nation; and the remaining sum of two million dollars shall be set aside apart and remain in the Treasury of the United States to the credit of said Nation and shall bear interest at the rate of five per centum per annum from and after the first day of July, 1889, to be paid to the Treasurer of said Nation and to be judiciously applied under the direction of the legislative Council thereof to the support of their government, the maintenance of schools and educational establishments and such other objects as may be assigned to promote the welfare and happiness of the people of the said Muskogee Nation subject to the discretionary direction of the Congress of the United States; Provided, that the Congress of the United States may at any time pay over to said Muskogee Nation the whole, or from time to time any part of said principal sum belonging to the said Nation held in the Treasury of the United States and thereupon terminate the obligation of the United States in respect thereto and in respect to any further interest upon as much of said principal as shall be paid and discharged; And further enacted as follows; That the Secretary of the Treasury is hereby authorized and directed to pay

out of the appropriation hereby made the sum of two hundred and eighty thousand eight hundred fifty-seven dollars and ten cents to the National Treasurer of said Muskogee Nation or to such person as shall be duly authorized to receive the same at such time and in such sums as shall be directed and required by the National Council of the said Nation/ And the Secretary of the Treasury is hereby further authorized and directed to place the remaining two million dollars in the Treasury of the United States to the credit of said Muskogee Nation of Indians to be held and as provided in said articles of cession and agreement, and to bear interest at the rate of five per centum per annum from and after the first day of July, Anno Domini eighteen hundred and eighty-nine, said interest to be paid to the Treasurer of said Nation annually, and

WHEREAS, Not more than (\$1,400,000.) one million four hundred thousand dollars of said money and the interest thereon is needed by said Nation for said purposes; and

WHEREAS, During the past season the country has been visited by a severe drought, rendering the means of subsistence scarce both within the Nation and the countries bordering thereon, and unless some means are provided to secure the same, many of the people will be subjected to great suffering for want of food during the coming year; and,

WHEREAS, For the purpose of making a per capita payment to the people and to pay outstanding indebtedness of the Nation -

Sec.143/ Be it Enacted by the National Council of the Muskogee Nation; That the Congress of the United States be and is hereby requested to authorize the Muskogee Nation to sell, transfer and assign six hundred thousand dollars of said indebtedness, together with the interest to accrue thereon from and after the date of transfer, sale and assignment and to make the principal, six hundred thousand dollars of said indebtedness, payable within not less than five years, nor more than twenty years from the first day of January, 1895/

All acts or parts of acts in conflict with this act are hereby repealed.

Approved January 31, 1895.

FINANCIAL AGENTS - ACT OF EMPLOYMENT.

PREAMBLE.

WHEREAS, By an act of the National Council of date of January 31, 1895, the Congress of the United States is requested to authorize the Muskogee (or Creek) Nation to sell, transfer and assign \$600,000. of the indebtedness of the United States to the Muskogee (or Creek) Nation, together with the interest to accrue thereon from and after date of transfer, and to make the principal, \$600,000. of indebtedness, payable within not less than five nor more than twenty years from the first day of January, 1895; and,

WHEREAS, In order to assist and facilitate the proper authorities of the Muskogee (or Creek) Nation in obtaining the consent of Congress so to do, and thereafter in consummating said sale, transfer and assignment of the said indebtedness of \$600,000. due to the Muskogee (or Creek) Nation of the United States, it is necessary to employ and secure the assistance of a financial agent or agents; therefore,

Sec.144/ That W. B. Hord and W. W. Turner be and they are hereby

employed and constituted as the Financial Agents of the Muskogee Nation to assist the proper authorities of the same in obtaining the consent of Congress to make a sale, transfer and assignment of the sum of \$600,000. of the indebtedness due of the United States to the Muskogee Nation as aforesaid. And when such consent of Congress has been obtained, said W. B. Hord and C. W. Turner are further to assist the proper authorities of the Muskogee Nation in consummating such sale, transfer and assignment of said sum of \$600,000. of the indebtedness due as aforesaid from the United States to the Muskogee Nation and secure the payment into the Treasury of the Muskogee Nation the said sum of \$600,000. proceeds of said sale and assignment, and when said sum shall have been received by the Treasurer of the Muskogee Nation, then W. B. Hord and C. W. Turner shall be paid three per cent. of said \$600,000. as compensation for their services as Financial Agents of the Muskogee Nation as aforesaid.

Sec. 145. Should no sale, transfer or assignment be made under the provisions of resolution of January 31, 1895, by the assistance of W. B. Hord and C. W. Turner, then in such event they shall receive no compensation whatever.

Approved January 31, 1895.

SIX HUNDRED THOUSAND DOLLARS- AUTHORIZING L. C. FERRISMAN AND OTHERS TO SELL OR ASSIGN.

PREAMBLE.

WHEREAS, The United States of America, by an act of Congress entitled "An Act to ratify and confirm an agreement with the Muskogee Nation of Indians in the Indian Territory and for other purposes," approved March 1, 1869, agreed to set apart and place in the Treasury of the United States to the credit of the said Muskogee Nation the sum of \$2,000,000. bearing interest at the rate of five per centum per annum from and after the first day of July, 1869, and to pay the same to the Treasurer of said Nation, to be judiciously applied under the direction of the legislative Council thereof to the support of their government and maintenance of their schools and educational establishments and such other objects as may be designed to promote the welfare and happiness of the people of the said Muskogee Nation, subject to the discretionary direction of the Congress of the United States; and for the purpose of carrying out the said agreement the sum of \$2,000,000. was appropriated; and the Secretary of the Treasury was authorized and directed to place the sum of \$2,000,000. in the Treasury of the United States to the credit of said Nation, to be held for and as provided in said articles of agreement, to bear interest at the rate of five per centum per annum from and after the first day of July, 1869, said interest to be paid to the Treasurer of said Nation annually; and

WHEREAS, Not more than \$1,400,000. and interest thereon is needed for the support of the government, the maintenance of schools and educational establishments, or other purposes, and the people of said Nation desire a per capita payment; and

WHEREAS, An act of the National Council of January 31, 1895, asking the consent of Congress of the United States to sell, transfer and assign six hundred thousand dollars of said indebtedness, together with the interest to accrue thereon from and after the date of transfer, sale and assignment, and to make the principal, \$600,000. of said in-

debtedness payable within not less than five nor more than twenty years from the first day of January, 1895; and

WHEREAS, Messrs/ Street Wykes & Co. of New York City, have submitted a proposition in writing to purchase \$600,000. of said indebtedness, together with interest thereon at the rate of five per centum per annum from and after the date of transfer, and to pay therefor the sum of \$600,000. in lawful money of the United States, now, therefore,

Sec.146. That Leguest C. Perryman, Principal Chief Muskogee Nation, and Samuel Grayson, Treasurer Muskogee Nation, are hereby authorized and directed to make, execute and deliver to Messrs. Street Wykes & Co. of New York City, or their assigns, a legal sale, transfer and assignment of \$600,000. of the indebtedness which the United States of America agreed to pay the Muskogee Nation in pursuance of an act of Congress entitled "An act to ratify and confirm an agreement with the Muskogee Nation of Indians in the Indian Territory, and for other purposes," approved March, 1869, together with interest thereon at the rate of five per centum from and after the date of transfer, upon the payment by Messrs/ Street Wykes & Co. of six hundred thousand dollars in lawful money of the United States of America to the Treasurer of the Muskogee Nation; Provided, the Congress of the United States of America authorize the sale, transfer and assignment of such indebtedness and the payment of the principal within not less than five ~~years~~ years nor more than twenty years from the first day of January, 1895, together with the annual interest thereon as it becomes due,

APPROVED January 30, 1895.

A N A C T

Appropriating Six Thousand Nine Hundred Sixty-seven
& 50/100 dollars in favor of C. W. Turner
and W. B. Hord.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION: That there be and is hereby appropriated out of the general fund of the Muskogee Nation, the sum of Six Thousand Nine Hundred Sixty-seven and 50/100 dollars in favor of W. B. Hord and C. W. Turner for services rendered as financial agents of the Muskogee Nation under an act of the National Council of the Muskogee Nation approved January 31, 1895.

Said sum to be paid in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior for the disbursement of Creek funds.

A D O P T E D November 1, 1900.

A. P. McKellop,
Clerk.

Amos McIntosh
Speaker, House of Warriors.

C O N C U R R E D I N November 5, 1900.

Lee McNeVins,
Clerk.

T. W. Perryman,
President, House of Kings.

A P P R O V E D November 5, 1900.

P. Porter,
Principal Chief.

ATTEST:

W. S. Fears,
Acting Private Secretary.

No. 8906
RECEIVED Nov. 9, 1900.
Office of U. S. Indian
Inspector for Indian
Territory.

Disapproved by

Wm. McKinley
Dec. 3, 1900.

Washington, December 5, 1900.

United States Indian Inspector
for the Indian Territory,
Muskogee, I. T.

Sir:

The act of the Creek Nation entitled "An Act appropriating six thousand nine hundred and sixty-seven and 50/100 dollars in favor of C. W. Turner and W. B. Hord," approved by the Principal Chief November 5, 1900, was transmitted by you November 18th and by the Commissioner of Indian Affairs November 30th.

Said act was disapproved by the President December 3, 1900, and has been returned to the Indian Office for its files.

Departmental letter to the President and copy of the report of the Commissioner are enclosed herewith. You will advise the proper officer of said nation of the action taken.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

Ind. Ter. Div.
3982-1900.
2 enclosures.

November 19, 1900.

The Honorable

Secretary of the Interior.

Sir:

I have the honor to transmit herewith an Act of the National Council of the Creek Nation, approved by the Principal Chief, November 5, 1900, entitled

"An Act appropriating six thousand, nine hundred and sixty-seven dollars and fifty cents in favor of C. M. Turner and W. B. Hord."

This Act appropriated the above amount for the parties named for services rendered as financial agents of the Muscogee Nation, approved June 31, 1895, the amount to be paid in accordance with rules and regulations prescribed by the Secretary of the Interior.

Accompanying this Act is a communication from the Principal Chief of the Muscogee Nation, dated November 8th, addressed to me, wherein he states that in his opinion this is simply a matter of long deferred justice, that the claim had been presented to the Council several times but no final action taken; that it is of some five or six years standing and that the parties named performed the services that they engaged to do and were never paid therefor and that inasmuch as the Council had had the matter investigated

and, after full investigation, determined it to be a just and legal liability, he recommends that it be approved and paid.

I have no further information in reference to this Act or of the character of the services rendered.

Mr. W. B. Hord, who resides in New York, has been requested to furnish to the Commissioner of Indian Affairs a full report in reference to the character of services rendered together with all information in reference thereto.

This Act is therefore respectfully submitted for such action as may be deemed proper by the Department after consideration of the report submitted by Mr. Hord.

Very respectfully,
Your obedient servant,

(Signed) J. Geo. Wright,

U. S. Indian Inspector
For Indian Territory.

Land.
58,863-1900.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, November 30, 1900.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to acknowledge the receipt of Department letter of November 28, 1900, transmitting to this office an Act of the Creek National Council, approved by the Principal Chief November 5, 1900, entitled "An Act appropriating \$8,967.50 in favor of C.W. Turner and W.B. Hord", together with certain other papers connected therewith and filed in support of the bill, and also a letter from H.M. Harjo of Bearden, Indian Territory, protesting against the approval of the act.

This Act was forwarded to the Department by this office on the 22nd instant, without recommendation, other than that the Department instruct the Inspector by wire to request the Principal Chief of the Creek Nation to forward direct to the Department at once the report of the committee which investigated the claim of Messrs. Turner and Hord.

The bill appropriates the sum mentioned for services rendered as financial agents of the Muskogee Nation under an act of the national council of the Muskogee Nation, approved January 31, 1900, and is intended to pay the beneficiaries for services rendered by them in securing an appropriation

for the payment to the Creek Indians of \$200,000. of the fund then held by the United States for the benefit of said Indians. The appropriation which is found in the Indian Appropriation Act of March 3, 1895, is in words as follows:

"To enable the Secretary of the Interior to pay the Creek Nation a portion of the fund now held by the United States in accordance with the provisions of the Act of Congress entitled 'An Act to ratify and confirm an agreement with the Muskogee Nation of March first, eighteen hundred and ninety-nine, two hundred thousand dollars, and the same shall be paid in silver coin or such other lawful money of the United States as the Creek Nation shall desire, to be immediately available".

The history of the services rendered is set out by Mr. Word in an affidavit made by him on November 26, 1900. It recites in effect that in accordance with an Act of the Creek National Council of January 31, 1895, he, with C.W. Turner, negotiated the sale of \$200,000. of the indebtedness due and to become due from the United States to the Creek Nation to Messrs. Street, Wykes and Co. of New York, and that the Creek Nation by an act of its council agreed to the sale and assignment of said amount of indebtedness, provided the Congress of the United States would permit such sale and assignment to be made, and that they thereafter and during the 53rd Congress, 3rd session, went to Washington and remained there sometime at their own expense to obtain the consent of Congress to the sale and transfer of said indebtedness.

Mr. Hord further makes affidavit that neither he nor Mr. Turner have received anything for the services rendered by them as financial agent in favor of the appropriation of \$200,000. although they prepared all legal papers and bills passed by the national council of the Muskogee Nation and negotiated the sale of said indebtedness and afterward at considerable time and expense obtained the appropriation beforementioned. Mr. Hord files certified copies of the Creek Act of January 31, 1895, appointing him and Mr. Turner as financial agents of the Creek Nation and fixing their compensation at three per cent and also of an Act of the Muskogee Nation of the same date requesting Congress "to authorize the Muskogee Nation to sell, transfer and assign six hundred thousand dollars of said indebtedness (set out in the preamble of the bill) together with interest to accrue thereon from and after the date of the transfer, sale and assignment and to make the principal, six hundred thousand dollars of said indebtedness, payable within not less than five years nor more than twenty years from the first day of January, 1895".

He also furnishes a copy of a letter, dated August 30, 1894, signed Street, Wykes and Co., proposing to pay to the Muskogee Nation \$500,000. in consideration of a "proper and legal sale, transfer and assignment" of \$500,000. of the indebtedness which the United States of America agreed

to pay the Creek Indians. Mr. Hord also files copies of the amendments introduced in the Senate of the United States, and a copy of the Indian Appropriation Bill approved March 2, 1895, and a copy of the bill under consideration.

In response to the telegraphic directions of the Secretary, the Inspector caused the Principal Chief to furnish a certified copy of the report of the Committee on Claims of the Creek Nation. The said copy is certified to by A.P. McKellop, Private Secretary to the Principal Chief, and is as follows:

"Your committee on claims to whom was referred the claims of W. B. Hord and C. W. Turner of six thousand dollars for services rendered in securing two hundred thousand dollars for per capita payment to the Creeks in 1895 have carefully considered the same. And your committee is of the opinion that the claim is a valid one and that the nation owes the amount claimed with interest at 3% interest from June 1st, 1895 to October 15, 1900. Therefore we would respectfully recommend the adoption of the accompanying act."

It appears from the above statement that Messrs. Hord and Turner have rendered services to the Creek Nation and that the national authorities desire to pay for such services in accordance with the terms of the Creek Act under which they were employed and under which such services were rendered. This office cannot, of course, determine the amount of labor performed by the gentlemen; nor can it determine whether or not the act appropriating \$200,000. would have been passed without their assistance. It notes, however, that the offer of Messrs. Street, Wykes and Co., was made August 30, 1894, prior to the passage of the Act of January 31, 1895, em-

ploying Messrs. Hord and Turner and prior to the Act of the same date requesting Congress to consent to the sale and transfer of \$300,000. of the indebtedness of the United States to the Creek Indians.

While this office believes that the beneficiaries of the act should probably some compensation for their services, it is of the opinion that the services of financial agents to sell the indebtedness of the United States to the Creek Nation of Indians or to any other parties or persons was not necessary, and especially where that indebtedness bears interest at the rate of five per cent. per annum, and the fact that the offer of Messrs. Street, Wykes and Co. was made prior to the appointment of Messrs. Hord and Turner seems to indicate that they had no part in securing that offer.

The office is further of the opinion that the sum of \$6,000. is an exorbitant price to pay for securing the appropriation and payment to the Creek Nation of \$200,000. of its own funds, and it is noted that Mr. Hord in his affidavit confines himself to general statements and entirely fails to show the specific acts done by him and Mr. Turner in securing this appropriation. The amount of labor performed by them and the time spent by them is left to conjecture.

Therefore, this office with the light which it now has cannot recommend the approval of the act, but is compelled to recommend that it be disapproved.

Very respectfully,
Your obedient servant,

(Signed) W. A. Jones,

Commissioner.

(W.C.V.)

P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

December 3, 1900.

The President:

Sir:

I have the honor to submit herewith for executive action, under the provisions of the act of Congress approved June 7, 1897, (30 Stat. 62,84), an act of the national council of the Muskogee (or Creek) Nation entitled "An Act appropriating six thousand nine hundred and sixty-seven and 50/100 dollars in favor of C.W. Turner and W.B. Hord." Said act was approved by the Principal Chief November 5, 1900.

The act appropriates out of the general fund of the Muskogee Nation the sum of \$8,967.50 in favor of W. B. Hord and C. W. Turner, for services rendered as financial agents of the nation under an act of its national council approved June 31, 1895. Under date of the 8th ultimo, the principal chief recommends that said act be approved.

The United States Indian Inspector under date of the 19th ultimo states that said Hord, who resides in New York, has been requested to furnish the Commissioner of Indian Affairs with a full report in reference to the character of the services rendered and all information in regard thereto, and he submits the act for such action as the Department may deem proper.

On November 26th last said Hord submitted to the Commissioner his affidavit with certain exhibits relative to the act, and on the 30th ultimo the Commissioner transmitted said act with his report thereon, in pursuance of Department letter of the 28th ultimo referring to the act and certain other papers in connection therewith, including a letter from one Harjo protesting against its approval.

The Commissioner reports that said act is intended to pay the beneficiaries thereunder for services rendered by them in securing an appropriation for the payment to the Creek Indians of \$200,000 of the fund then held by the United States for the benefit of said Indians, which appropriation is found in the Indian Appropriation Act of March 2, 1895, as follows:

"To enable the Secretary of the Interior to pay the Creek Nation a portion of the fund now held by the United States in accordance with the provisions of the Act of Congress entitled 'An Act to ratify and confirm an agreement with the Muscogee Nation of Indians, in the Indian Territory, and other purposes', approved March first, eighteen hundred and ninety-nine, two hundred thousand dollars, and the same shall be paid in silver coin or such other lawful money of the United States as the Creek Nation shall desire, to be immediately available."

The Commissioner reports that the affidavit of said Hord alleges that in accordance with an act of the Creek Council of January 31, 1895, he, with C. W. Turner, negotiated the sale of \$600,000 of the indebtedness due and to become due from the United States to the Creek Nation to Messrs. Street, Wykes and Co. of New York, and that the Creek Nation by an act of

its council agreed to the sale and assignment of said amount of indebtedness, provided the Congress of the United States would permit such sale and assignment to be made, and that thereafter said parties went to Washington and remained there some time at their own expense to obtain the consent of Congress to the sale and transfer of said indebtedness. It is further alleged by Mr. Hord that neither he nor Mr. Turner has received anything for the services rendered by them as financial agents in favor of the appropriation of \$200,000, although they prepared all legal papers and bills passed by the national council of the Muskogee Nation and negotiated the sale of said indebtedness and afterward at considerable expense and time obtained the appropriation before mentioned.

In response to a telegram from the Department the private secretary of the principal chief transmitted a certified copy of the report of the committee on claims as follows:

"Your committee on claims to whom was referred the claims of F. B. Hord and C. W. Turner of six thousand dollars for services rendered in securing two hundred thousand dollars for per capita payments to the Creeks in 1895 have carefully considered the same. And your committee is of the opinion that the claim is a valid one and that the nation owes the amount claimed with interest at 3% interest from June 1st, 1895, to October 15, 1900. Therefore we would respectfully recommend the adoption of the accompanying act."

The Commissioner reports that from the statements made it appears that Messrs. Hord and Turner have rendered services to the Creek Nation and that the national authorities desire to pay for such services in accordance with the terms

of the Creek act under which they were employed and under which said services were rendered; that his office cannot determine the amount of labor performed by said parties, nor can it determine whether the act appropriating \$200,000 would have passed without their assistance. He further states that while in his judgment the said parties should probably receive some compensation for their services, he is "of the opinion that the services of the financial agents to sell the indebtedness of the United States to the Creek Nation of Indians or to any other parties or persons was not necessary, and especially where that indebtedness bears interest at the rate of five per cent per annum." He further states that the sum of \$6,000 is an exorbitant price to pay for securing the appropriation and payment to the Creek Nation, and recommends that said act be disapproved.

Concurring in said recommendation, I have to recommend that said act be disapproved. The papers above referred to, together with a copy of the report of the Commissioner of Indian Affairs, are enclosed herewith.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

Ind. Ter. Div.
3962-1900.
8 enclosures.