

WARD, CHARLEY W.

CREEK PAYMENTS:

7378

**110**

WARD, CHARLEY W.

INTERVIEW

7378.

111

Jefferson Berryhill,  
Interviewer.  
August 26, 1937.

Creek payments from the Government.

Interview with Charley W. Ward,  
Route E, Box 369, Okmulgee, Oklahoma

Page 435, Section 421, General allotment of land.

second part.

If any citizen selects land, the appraised value of which, for any reason, is in excess of such standard value, the excess of value shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds of the tribe until all other citizens have received land and money equal in value to his allotment.

Plaintiff contends that there are eleven thousand and eight citizens who have not received their equalization checks in the total sum of \$98,108.01. Plaintiff admits that said checks have been sent to those entitled thereto by the defendant, but that by reason of sickness, death, or negligence on the part of the entitled thereto, said checks were returned to the United States Treasury.

-2-

Plaintiff contends that this matter should be adjusted according to the laws above mentioned. A resolution has been submitted to the President of the United States through the Creek National Council on the 29th day of August, 1934, asking that per capita payments be made to all of the members and citizens of the Creek Tribe of Indians who have not received their equalization payments, and to all other citizens entitled thereto, in accord with the agreements made and ratified by and between the said Creek Nation and the United States Government.

It may be contended that the equalization payments have been made, but plaintiff contends that the number above mentioned have not been benefited thereby for the reason that they have not received such checks and that they should be sent back to them as the rightful owners thereof as provided in the agreement.

The plaintiff further states that in compliance with Section 598, page 487, Bledsoe's Indian Land Laws, the Creek National Council, in regular session, passed and adopted a resolution asking that ten percent of any amount

that is now in the United States Treasury to the credit of said tribe, or that may hereafter be deposited to said Creek Nation, be paid over to the Creek National Council for the purpose of furthering the interest of said tribe, to the end that a full distribution of tribal funds be made to the parties entitled thereto.

Plaintiff further contends that the Secretary of the Interior has the power and authority to pay over said money to said Creek National Council upon the approval of the President of the United States, under the agreements hereinbefore mentioned; that by official action of the Creek National Council on August 29th, 1934, the President of the United States was duly notified of the organization of the Creek National Council, and of the officers thereof, the same being the undersigned, and the selection of said officers and the organization of said council was, by the President of the United States, duly approved, as provided by, and in compliance with, Section 598 of Bledsoe's Indian Land Laws, and in compliance with the Constitution and By-Laws of the Creek National Council.

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-4-

The plaintiff further states that it is the duty of the Secretary of the Interior to perscribe the payments of said funds without unnecessary delay, and plaintiff further contends that it is the duty of the Congressmen from the state of Oklahoma to urge the distribution and payments of said funds.

Bledsoe's Indian Land Laws, page 429, Section 450, provides how funds are used or paid out.

All funds of the tribe, and all moneys accruing under this provision when needed for the purpose of equalization of allotments, or any other purpose, herein provided shall be paid out by direction of the Secretary of the Interior, and when required for per capita payments if any, shall be paid directly to each individual by a bonded officer of the United States under direction of the Secretary of the Interior without unnecessary delay.

The officials of the Creek National Council states that the Creek Nation has complied with the original agreement and the supplemental agreement of 1901 and 1906, and that the resolution was adopted in the Convention of

March 22nd, 1934, of the Five Civilized Tribes, held by Honorable John C. Collier, Commissioner of Indian Affairs.

Plaintiff, therefore, prays that a speedy action be taken by the officers that have been vested with jurisdiction in this matter, as provided in the agreements above referred to, and that the Honorable Attorney General of the United States certify his recommendation to the President of the United States that payment be promptly made of the sum requested, and that the Honorable Secretary of the Interior, be instructed to make said payments as requested.

CREEK NATIONAL COUNCIL.