

SUPERIN-
TENDENT
FOR
FIVE
CIVILIZED
TRIBES

CHICKASAW

VOL. 18

FOREMAN
TRANSCRIPTS

Copies of

M A N U S C R I P T S

In the Office of the

SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA

Chickasaw - Police
Chickasaw - Railroads
Chickasaw - Roads
Chickasaw - Schools
Chickasaw - Telephone
Chickasaw - Timber
Chickasaw - Townsites
Chickasaw - Traders
Chickasaw - Tribal Officers

Compiled from original records

selected by

GRANT FOREMAN

CHICKASAW - POLICE

Union Agency,
Muscogee, I.T. March 11, 1899.

Mose Chigley,
U.S. I. P.,
Davis, I.T.

Sir:-

Replying to your communication of the 9th instant, I have to inform you that a recent fire destroyed all the property of my office and I cannot therefore at this time send you a uniform and badge.

If you will write me again about this matter in the near future, I will try to supply you with what you need.

Very respectfully,

D. M. Wisdom
U.S. Indian Agent.

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book, # 1
Letter # 194.

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Union Agency,
Muscogee, I.T.,
June 30th, 1899.

C. W. Plummer,
U.S. Indian Police,
Wapanucka, I.T.

Sir:-

You are hereby notified that your name has been dropped from the roll of policemen, and your services terminate today, June 30th, 1899. You will understand that it is not owing to any dissatisfaction on the part of the agency, that you have been dropped from the police force, but a re-distribution of the police force necessitates this action. You will return all government property in your possession except clothing.

Very respectfully,

J. Blair Shoenfelt
U.S. Indian Agent.

Approved:

J. Geo. Wright.
U.S. Indian Inspector.

Union Agency,
Muscogee, I.T., June 30th, 1899.

Hon. D. H. Johnston,
Gov. Chickasaw Nation,
Tishomingo, I.T.

Sir:-

As all Indian Policemen must be reappointed on July 1st, that date being the beginning of the fiscal year, I have decided to reapportion them among the several tribes of the agency; and in this reapportionment, there will be about three assigned to duty in your nation.

In order that this may be accomplished as to best subserve the interests of both the Chickasaw people and this Department, I would be pleased to receive suggestions from you as to the best places to station these officers.

The policemen who will be on duty in your nation after July 1st and until otherwise arranged, are:

Private,	Mose Chigley,	Davis
"	D. N. Garland,	Chickasha
"	J. Hamp. Willis,	Kingston.

Very respectfully,

J. Blair Shoenfelt

U.S. Indian Agent.

Approved:

J. Geo. Wright

U.S. Indian Inspector

(Endorsed) Union Agency, # 3, Press Book, Letter # 338, Muskogee.

GERMAN ALLIANCE INSURANCE COMPANY

NEW YORK

Western Department, Chicago

WALTER H. SAGE,

Manager

JOHN C. INGRAM,

Asst. Manager.

WILLIAM L. LERCH,

2nd Asst. Manager.

Woodville, I.T.

April 29, 1905.

J. B. air Shoenfelt,

Ind. Agent.

Muskogee, I.T.

Dear Sir:

I understand that Will Kaney has give up the Indian Police for Southern District. If same be true please advise me who has been appointed to fill his place.

In case that the place is vacent (Sic) I wish to apply for the place.

Yours truly,

Slack Brown.

(Endorsed) Union Agency No. 23620 Received May 1, 1905 Office of U.S. Indian Agent, Muskogee, Ind. Ter. Apr. 29, 1905. Slack Brown, Woodville, I.T.-----Applies for position as Indian Policeman.-----

Isom Springs, I.T.

May 24, 1906.

Mr. Danna H. Kelsey,

Muskogee, I.T.

Dear Sir:

I want to know whether you have got the police force filled yet or not for Pickens County. If not and you want me on the force, send me a petition and I can fill it out all right. I would love to have the Isom Spring Dist.

Yours Respt.

Slack Brown.

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May 1, 1905.

To whom it may concern;

We the undersigned citizens of the Chickasaw and Choctaw Nations, respectfully recommend M. T. Campbell, for Indian Police, under J. B. Kelsey, Revenue collector for the Western District of the Indian Territory.

R. Band -----Atty at Law

Dave Hill

J. M. Dixon

Wm. Johnson -----Cashier of 1 Natl. Bank.

Gould Bailey

C. R. Phillips

Fred G. Beeler,

E. S. Burney -----Ex-Commissioner U. S. Court

I desire to say in behalf of the applicant, Mr. M. T. Campbell, that he has been with me on my trips as Police, and I am of the opinion that he is in every way competent to fill the position satisfactorily. I therefore recommend that this appointment be made.

Samuel Haynes.
Indian Police.

(Endorsed)

(Union Agency No. number. letter recommending M. T. Campbell for Indian Police.-----)

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Nebo, Ind.Ter.
June 10, 1905.

J. Blair Shoenfelt

U.S. Indian Agent,
Muskogee, I.T.

Sir:

On May the 13th last, your intruder court at Ardmore, I.T. in case No. 755, Robert C. Krebs, defendant, versus John and Lilly Boles, plaintiff for possession of part of his allotment in T. 2-S R. 3 East, Sec. 28 and said complaint is more plainly described. Said case was decided in favor of Robert C. Krebs, defendant. Said John and Lilly Boles has vacated place upon their own free will and now I am in peaceable possession of this entire place. I seen your Indian Police Ben C. Collins of Esnet, I.T. in Ardmore next day after I received your letter, and told him not to come, as these parties had moved off of this place. Now comes the defendant R.C. Krebs of the Chickasaw Nation, Chickasaw by blood, asking your honor to please return his homestead certificate #1602 issued at the Chickasaw Land Office, July the 10th, 1903.

Regretting very much that your office expires on July the 1st, A.D. 1905, As I feel that you have been a greates (Sic) friend to Indian and the white man in the I.T. who has been complying with the laws of this Ind.Ter, this is the sentiments of every good citizen in this section, "But what may be our lost might be some other states gain."

Please allow me to call your attention to some time year before last or 1903. I made application to your office for 37.

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Indian policeman for Nebo, Chickasaw Nation, and in your reply was that all vacancies was filled, but you would file my application away for further consideration, but I have never been able until yet to know what was the cause of me not getting this appointment. Maybe it is not too late yet for you to consider this matter. I see where there is to be 10 extra Policeman appointed to collect cattle tax and remove intruders.

If you can give me this appointment it will ever be appreciated by me. My father served as Indian Policeman for 4 years, under Robert G. Owens. His name was N.F. Krebbs of Choctaw Nation. I am well acquainted with the duties of this office. Thanking you for passed (Sic) favors, I have the honor to remain your Indian friend,

Robert C. Krebbs

Nebo, Chickasaw Nation, Ind. Ter.

P.S. I here inclose send you a masonic sheet of paper. If you are no Mason, please be kind enough to hand it to some one who you know to be a Mason. It is a good cause and I want to push it on to where our widows and orphans will get homes.

R.C. Krebbs.

(Endorsed) Union Agency No. 37 Received Jun. 13, 1905 Office of U.S. Indian Agent, Muscogee, Ind. Ter. June 10, 1905. R.C. Krebbs, Nebo, I.T. ---- Wants appointment as Indian Policeman. ----

EXECUTIVE DEPARTMENT
Chickasaw Nation

Executive Officers:
Douglas H. Johnston, Governor.
J.E. Colbert, National Secretary
T.B. Thompson, National Treas.
Charley Colbert, Auditor Pub. acts.
Willie Kemp, Attorney General.
Joe Newberry, Supt. Pub. Instruct.

Tishomingo, Ind. Ter.

July 27, 1905.

Hon. Dana H. Kelsey,
U.S. Indian Agent,
Muskogee, I.T.

Dear Sir:

Robert Turnull a half breed Indian who hase (Sic) made application to be appointed on the Indian Police force, I have known for a number of years and I can safely recommend him if you see fit to appoint him.

Respectfully,

D.H. Johnston

Gov. Chick. Nation.

(Endorsed) Union Agency No. 55 Received Jul. 28, 1905 Office of U.S. Indian Agent, Muskogee, Ind. Ter. July 27, 1905. Douglas H. Johnston, Governor Chickasaw Nation, Tishomingo, I.T. --- Recommends Robert Turnull to position as Indian policeman. ---

Wapanucka, I. T.,

August 2, 1905.

Hon. Turner H. Kelsey,
U. S. Indian Agent,
Muskogee, I. T.

Dear Sir:

I hereby make an application for the position of United States Indian Policeman for some place in the Chickasaw Nation of the Indian Territory. My post office is Viola, I. T. I formerly made an application for the same position to Mr. Shoenfelt, but at that time there was no vacancy. I take pleasure in referring you to ex Governor P. S. Moseley, of Wapanucka, I. T.

I am now and have been for about four years National Constable for Pontotoc County. I have plenty of horses necessary for the place asked for.

Yours very truly,

Solomon L. Owens.

(Endorsed) Union Agency No.58 Received Aug.4,1905 Office of U.S. Indian Agent Muskogee, Ind.Ter.Aug.2,1905 Solomon L.Owens, Wapanucka, I.T.-----Makes application for position as U. S. Indian Policeman.-----

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EXECUTIVE DEPARTMENT,

Chickasaw Nation.

EXECUTIVE OFFICERS:

DOUGLAS H. JOHNSTON, Governor.
J. E. Colbert, National Secy.
T. B. Thompson, National Treas.
Charley Colbert, Auditor Pub. Acts
Willie Kemp., Attorney General
Joe Newberry, Supt Public-
Instruction.

Tishomingo, Ind. Ter.

Oct 11, 1905.

Hon. Dana H. Kelsey,
U. S. Indian Agent,
Muskogee, I. T.

Dear Sir:

I have the pleasure to very respectfully recommend for appointment as Indian Police, Mr. Joe Burris, vice William Kaney recently resigned. I think he will be a good man for the place and will greatly appreciate your favorable consideration of his application. I am,

Yours very truly,

D. H. Johnston.
Governor, Chickasaw Nation.

(Endorsed) Union Agency No. 68 Received Oct. 13, 1905 Office of U. S. Indian Agent, Muskogee, Ind. Ter. Oct. 11, 1905. D. H. Johnson, Governor, Tishomingo, I. T. ---- Recommends for appointment as U. S. Indian Policeman, Mr. Joe Burris. ----

Ardmore, I.T.
Oct. 11, 1905.

Dana H. Kelsey,
U.S. Indian Agent,
Muskogee, I.T.

Sir:

I am informed that J.E. McCauley, of Ardmore, I.T. has resigned his position as an Indian Policeman, and I hereby make application for the position. I believe I have the necessary qualifications for the place and have helped positions under the civil law as a peace officer both in Texas and the Indian Territory.

I refer you to Capt. J. C. West, Ben C. Collins, Buck Garrett, chief of police of Ardmore, as to my character etc.

You are at liberty to refer to B. H. Colbert, U. S. Marshal or any other man who knows me in the Chickasaw Nation.

Trusting you may be able to give the place to me, I am,

Very respectfully,

W. E. Ikard.

SAM H. BUTLER

BUTLER & MCGILL

HUGH W. MCGILL

Attorneys at Law
Office in Cruce Bldg.

Ardmore, Ind.Ter.,

Oct.11,1905.

Hon.Dana H.Kelsey,

Muskogee,I.T.

Sir:

W.E.Ikard, of Ardmore, has made application for a position on the Indian Police force under you, and will say I have known Mr.Ikard for a number of years and believe he would make an excellent officer; he is now a member of our city police force and makes a good officer.

Sam H.Butler.

(Endorsed) Union Agency No.66 Received Oct.12,1905 Office of U.S.
Indian Agent,Muscogee,Ind.Ter.Oct.11,1905 Sam H.Butler, Ardmore,
I.T.-----Endorses W. E. Ikard for appointment on Police force.-----

MULLEN, MULLEN & MULLEN
Law and Real Estate

J.P.MULLEN
J.S.MULLEN
L.V.MULLEN

Ardmore, I.T.

Oct.11,1905.

Dana H. Kelsey,
U.S.Indian Agent,
Muskogee,I.T.

Sir:

W. E. Ikard, a member our our (Sic) Police force has applied to you for a position on your Indian Police force, and I can but add that he has made an efficient officer in our city and I believe he would give satisfaction if appointed by you.

Very truly,

J.P. Mullen.

DEPARTMENT OF THE INTERIOR,
United States Indian Service,

Ardmore, I.T.

Oct.11,1905.

Dana H. Kelsey,
U.S.Indian Agent,
Muskogee,I.T.

Sir:

Capt.John West told me that J.E.McCauley, a member of the Indian Police force had resigned, and if so, I take pleasure in recommending W. E. Ikard, of Ardmore, who has this day applied to you for the place. I have known Mr.Ikard for some years and know him to be an honest, sober and industrious man and makes a good policeman in Ardmore, where he is at present employed, and I hope you will appoint him.

Capt.West told me to locate a good man for the place and to write you, and I think Ikard is the man for the place.

Yours very respectfully,

Ben C. Collins

U.S.Indian Policeman.

Pence

GUY P. COBB
Attorney at Law

Ardmore, I.T.
October 27, 1905.

Honorable Dana H. Kelsey,
United States Indian Agent,
Muskogee, Indian Territory.

Dear Mr. Kelsey:

In the matter of the application of John W. Duncan for appointment as United States Indian Police, I beg to state: I have known Mr. Duncan personally for over three years and that I have perfect confidence in his integrity and ability. He is a bright intelligent Indian, a thoroughly good interpreter and quite trustworthy. My opinion of him is such that I have employed him in all cases where I had to send out a good interpreter on matters of that kind which required ability and responsibility; and I hope you will give his application favorable consideration.

Yours very respectfully,

Guy P. Cobb.

(Endorsed) Union Agency No. 76 Received Oct. 31, 1905 Office of U.S. Indian Agent Muskogee, Ind. Ter. Oct. 27, 1905. John W. Duncan, Ardmore, I.T.-----Application for position as Indian Policeman.-----

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GUY P. COBB
Attorney at Law

Ardmore, I.T.

October 27, 1905.

Honorable Dana H. Kelsey,
United States Indian Agent,
Muskogee, Indian Territory.

Sir:

I am advised that there is a vacancy on the Indian police force, and beg to tender herewith my application for appointment as Indian police to fill such vacancy. I am thirty years of age, reside at Ardmore, am Cherokee and Chickasaw by blood, enrolled as a Chickasaw; speak the Chickasaw, Choctaw and English language. If appointed will endeavor to perform faithfully such duties as are assigned me.

Awaiting your action in the matter, I am

Yours very respectfully,

John W. Duncan.

CHICKASAW - RAILROADS

DEPARTMENT OF THE INTERIOR.
Washington.

April 14, 1899.

J. George Wright,

U. S. Indian Inspector
for the Indian Territory,
Muscogee, I. T.

Sir:

On the 8th instant the Department submitted to the President for executive action under the provisions of section 29 of the Act of Congress approved June 28, 1898, (30 Stat., 495), and act of the Chickasaw Nation entitled: "An Act to incorporate the Chickasaw Central Railway Company."

Said act was recommended for disapproval, and the same was disapproved on the 11th instant.

Said act and departmental letter, together with a copy of the report of the Acting Commissioner thereon, are enclosed herewith for appropriate action by you.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
974-99
3 enclosures.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency, # 118, received Apr. 20, 1899, office of U. S. Indian Inspector for I. T. ; Washington, April 14, 1899. Secretary. Returns Chickasaw Act to incorporate Central Ry. Co. disapproved.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

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APRIL 5, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report of March 28, 1899, from Inspector Wright, transmitting, for such consideration and action as may be deemed proper by the Department, an Act of the Chickasaw Legislation, to incorporate the Chickasaw Central Railway Company.

This Act proposes to create a corporation, under the name and style of the Chickasaw Central Railway Company, for the purpose of locating, constructing, furnishing, maintaining, owning, and operating a continuous line of railway and telegraph, together with any branch or spurs necessary as feeders, to the main line of said railway company, together with all rights and appurtenances to the same belonging, "commencing at or near a point on Red River at or near Colbert's Bridge, in the Chickasaw Nation, running thence in a northwesterly direction to or as near the town of Emet as practicable, thence to the town of Tishomingo, I. T., thence in a northerly direction to a point on the Canadian River. Among other powers granted this corporation is that: "Said Company shall have a right to form a junction with the railroads on its line, to cross the line of any railway on its line, with full power to unite and consolidate with any other company upon such terms as may be agreed to, the right to cross and bridge all water courses along its line". The capital stock of the Company, it is provided, shall not exceed \$5,000,000. and the persons named in the Act as commissioners, are required to organize the Company as soon as 100 shares of the par value of \$100 shall have been subscribed, and five per centum of the par value paid in.

The land proposed to be traversed by this railway belongs in common to the Choctaw and Chickasaw Nations, which nations have by an agreement ratified both by Congress and by the people of the nations, agreed to allot the same per capita, according to value, to the citizens thereof, with certain reservations. It is a grave question, therefore, whether even if the Chickasaw Nation is such a sovereign authority as to have the power to establish a corporation of the character described, it could alone grant an easement over lands in which the Choctaw Nation has a three-fourths undivided interest, without the consent of the latter nation.

However, without discussing the powers of the Choctaw and Chickasaw Nations over this subject, the Act in itself contains many very objectionable features, besides the fact that Congress has practically reserved to itself the right to grant railroad companies rights of way through the Indian Territory, and has by a general right of way Act, approved March 2, 1889, (Public No. 150), provided a regulation under which any railway company can secure the right to establish a line in the Indian Territory. This general right of way Act, therefore, does away with the necessity of any special legislation incorporating railway companies for the purpose of building lines of railroad in any part of the Indian Territory.

The features of the Act of the Chickasaw Legislature which the office thinks are most objectionable are:

(1). The unlimited power granted to the corporation to build railroads in every direction from its main line. If this Act were approved and springs from lawful authority, this corporation could establish a line of road from north to south through the Chickasaw Nation, and from that line establish a net-work of auxiliary or feeder lines embracing the whole nation.

(2). Grave objection is found to the power granted to this proposed corporation, on page three, to unite and consolidate with any other company, upon such terms as may be agreed to.

It can be readily seen that unscrupulous parties might use this authority for the consolidation of numerous lines of railway in the Chickasaw Nation, with the road already established, and thereby create a monopoly of the carrying business in that Nation, to the disadvantage and hurt of the public.

(3). The long period of time for which the corporation is established--100 years. It would be a rather remarkable thing to permit a temporary and precarious government, which, by the terms of existing law, must expire in about six years and a half, to establish a corporation with unusual and practically unlimited power to exist for ninety odd years after the government which established it has disappeared from existence.

With these remarks, I have the honor to recommend that the Act in question be laid before the President, with the request that the same be disapproved.

Very respectfully,

Your Obedient Servant,

A. C. Tonner,
Acting Commissioner.

K.S.M.
P.

DEPARTMENT OF THE INTERIOR.
Washington.

April 8th, 1899.

The President,

Sir:

I have the honor to submit herewith, for executive action, and act of the Chickasaw Nation entitled, "An Act to incorporate the Chickasaw Central Railway Company".

Said Act was approved by the Governor of said Nation on February 10, 1899, and the U. S. Indian Inspector for the Indian Territory transmits the same "for such consideration and action as may (be) deemed proper by the Department."

The Acting Commissioner of Indian Affairs recommends that said act be disapproved, for the reason that there is no necessity for such legislation since the passage of the Act of Congress approved March 2, 1899 (Public No., 150), granting rights of way through the Indian Territory, and he also designates the features of said Act which appear to be specially objectionable, namely:

"(1). The unlimited power granted to the corporation to build railroads in every direction from its main line. If this Act were approved and springs from lawful authority, this corporation could establish a line of road from north to south through the Chickasaw Nation, and from that line establish a net work of auxiliary or feeder lines embracing the whole nation.

"(2). Grave objection is found to the power granted to this proposed corporation, on page three, to unite and consolidate with any other company, upon such terms as may be agreed to.

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"(3). The long period of time for which the corporation is established-100 years. It would be a rather remarkable thing to permit a temporary and precarious government, which, by the terms of existing law, must expire in about six years and a half, to establish a corporation with unusual and practically unlimited power to exist for ninety odd years after the government which

established it has disappeared."

Said objections appear to be well founded, and I have, therefore, to recommend that said act be disapproved.

Copy of the report of the Acting Commissioner of Indian Affairs is inclosed herewith.

Very Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
974-1899.
2 inclosures.

Union Agency,

Muscogee, Ind. Terry., June 14th, 1899.

Honorable D. H. Johnston,
Governor of the Chickasaw Nation,
Tishomingo, Indian Territory.

Sir:-

The Chicago, Rock Island and Pacific Railway Company has made application for additional station grounds near their regular station grounds at Chickasha, Indian Territory, said grounds being situated in the north west quarter of section 34, township 7 north, range 7 west of the Indian Meridan, embracing an area of 7.57 acres, the said application having been made under the provisions of the Act of Congress of April 25, 1896, (29 Stat. 109).

Mr. J. Fentress Wisdom, Agency Clerk, held a hearing in reference to this matter at Chickasha, I.T., February 3, 1899. I understand that a printed copy of the notice giving the time and place of hearing was sent you by my predecessor Agent Wisdom.

From the evidence taken at the hearing and from the report of the Agency Clerk, I learn that the additional lands desired are situated about one half mile from the center of the town of Chickasha and contiguous to the main line of the railroad. It would further appear that Chickasha is an unincorporated town of about 2,000 inhabitants, that the lands are not particularly valuable for the purpose of erecting thereon business or dwelling houses owing to its close proximity to the line of railway and

--press book no. 3 letter 100.00

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its low and somewhat swampy condition; and that there are no mineral deposits thereon.

I understand that owing to the urgent necessity of its acquiring the land the railway company has actually taken possession of said lands and have erected thereon stock pens. The additional lands are wanted for the purpose for which they are now being used, viz; for stock yard purposes.

All of the testimony taken at the hearing is to the effect that the public and private interests will be promoted by permitting the railway company to acquire said lands.

There are no improvements thereon save those owned by the railway company and if any individual Indian has been damaged by reason of the Company acquiring said land I am not aware of it.

The necessity for the taking of the land by the railway Company is, I believe, fully stated in the affidavits and the report of the Agency Clerk.

I think if the railway company is permitted to acquire said lands it will only be used for railway purposes and for the proper conduct of its legitimate business.

The report of the Agency Clerk and the evidence taken being considered, I have decided to recommend that the application of the said Chicago Rock Island and Pacific Railway Company for additional lands at Chickasha, Indian Territory, be granted for the reasons that said grounds are needed by the Railway Company for the proper and legitimate conduct of its business, and for the further reason it would appear to promote the public and private interests if said Railway Company is permitted to acquire said lands.

--press book no. 3 letter 100.--

-3-

However before forwarding my report and the evidence taken at the hearing, I have decided to submit the evidence and the report of the Agency Clerk to you for your information and for an expression of an opinion as to whether or not the nation will accept the statutory price of \$25.00 per acre, and if not, for the determination of what amount will be accepted by the nation for said lands. This can be done by Act of the National Council, or otherwise, at your discretion.

Please return all papers with your reply.

For various reasons this matter has been delayed and if you will give this the same prompt attention it will be appreciated.

Very respectfully,

J.Blair Shoenfelt,
U.S.Indian Agent,

Approved:-

J.Geo.Wright,
U.S.Indian Inspector.

DEPARTMENT OF THE INTERIOR,^{F.}
WASHINGTON.

September 26, 1899.

United States Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir:

The Department is in receipt of a communication from the Acting Commissioner of Indian Affairs dated the 15th instant, with reference to departmental letter of August 24th last, enclosing a communication from the General Attorney of the Chicago, Rock Island and Pacific Railway Company dated August 19, 1899, in which he asks for the appointment of a board of referees to determine the tribal damages that shall be paid the Choctaw and Chickasaw Nations for additional station grounds lately acquired by said railway company, in the NW/4 of Section 34, Township 7 N., Range 7W., Indian Meridian, near the town of Chickasha, containing an area of 7.57 acres.

It appears that on July 19th, the Department approved the plat for additional station grounds above referred to, and that on July 26th the Governor of the Chickasaw Nation was duly advised of the approval thereof and of the right of the company to negotiate with the nation as to the compensation that should be paid as tribal damages for said land, and that the company was given a similar notice on said date.

Reference is also made by the Acting Commissioner to sections

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2 and 3 of the act of Congress approved April 25, 1896 (29 Stat., 109), providing for the manner of payment for additional station grounds and also to individual occupants of the lands desired by the company. Section 3 provides that where the compensation cannot be agreed upon between the individual occupants and the company the latter may apply to the Secretary of the Interior, "who shall thereupon appoint three disinterested referees" who shall determine the amount to be paid by said company. Provision is also made for the right of appeal in case either party is dissatisfied. It is further provided:

"Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage of five cents per mile for each mile actually traveled. Witnesses shall receive the usual fees allowed by the court, and all costs, including compensation of referees, shall be made a part of the award and to be paid by said railroad company."

In order that the Secretary may intelligently act in the appointment of said referees, you will forward, at your earliest convenience, the names of three suitable persons each of whom shall be entirely disinterested.

You will forward your said recommendations through the Commissioner of Indian Affairs, to be transmitted to the Secretary.

Respectfully,

Tho. R. Ryan
Acting Secretary.

Ind.Ter.Div.
2011,2351,
2413,2668-1899.

(Endorsed) Union Agency No. 346. Received Oct. 2, 1899. Office of U. S. Indian Inspector for Indian Territory. Department, Sept. 26, 1899, Secretary. Rel. to compensation for additional right-of-way taken by C.,R.-I & P.R'y., in Chickasaw Nation.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 28, 1900.

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

Sir:

The Department is in receipt of your communication dated December 4, 1900, submitting therewith a resolution of the National Legislature of the Chickasaw Nation approved by the Governor on October 26, 1900, which refers in its preamble to the act of Congress approved March 6, 1896, which was afterwards amended, and by which the St. Louis, Oklahoma and Southern Railway secured a right of way through the Chickasaw Nation upon payment for same as therein provided; that said act provided a compensation for said right of way of \$50.00 per mile, to be deposited with the Secretary of the Interior, and if said compensation was not satisfactory to the Chickasaws, and the dissent of said nation was expressed by its legislative act within four months after the filing of maps of definite location, the right of compensation should be determined by arbitration; that on September 19, 1900, the Chickasaw Legislature dissented from the said rate of compensation; that said company, being anxious to adjust the matter without delay, agreed to pay the Chickasaws at the rate of \$90.00 per mile, which they were willing to accept and withdraw their said resolution of dissent, if such action be satisfactory to the Secretary of the Interior; that afterwards a telegram was sent to you that said compromise was satisfactory to the Department if it be confirmed by the Chickasaw Legislature.

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The resolution transmitted states that the rate of \$90.00 per mile is satisfactory to said nation, and accepts the same, and upon payment thereof that said resolution of dissent be withdrawn, and that said railway company be given whatever rights it could have acquired under said act approved March 6, 1896, and amendments thereto.

The resolution is transmitted by you for such action as is deemed proper in the premises.

The Commissioner of Indian Affairs forwarded your said report on December 21, 1900, and recommended "that the compromise offer of the company of \$90 per mile for the right of way through the Chickasaw Nation be sanctioned and approved."

The recommendation of the Commissioner is concurred in and said resolution will be transmitted to the office of Indian Affairs for proper disposition, together with a copy of your report.

You will duly advise the tribal authorities and the railroad company of the action of the Department.

Respectfully,

Tho. R. Ryan.
Acting Secretary.

Ind.Ter.Div.
4268-1900.

(Endorsed) Union Agency # 1545 received Jan.3, 1901. Office of U. S. Indian Inspector for I. T. Washington, Dec. 28, 1900, Secretary. Approves payment of \$90. per mile for right-of-way by St. L. Okla. and So. R'y in Chickasaw N.

THE SOUTHERN

ST. Louis, Jan. 29, 1901.

Hon. Thomas Ryan,

1st. Asst. Secy. of the Interior,

Washington, D. C.

Dear Sir:

We closed with St. Louis & San Francisco R. R. Today, to ballast their line with stone in the Indian Territory, and we are very anxious to have them secure a permit from the government so that we can begin putting up our camps and crusher plants.

The point they are especially anxious to secure, to begin with, is near Mingo, I. T. just east of Sapulpa on their line.

The Railroad Co. are to secure these leases and arrange for the royalty to government, our only interest being in their securing this permission as soon as possible, as our outfits are now loaded and ready for the Mingo site.

My understanding from the management of the Frisco is that they are now trying to secure a permit to prepare to deliver this stone, and by the time we are ready they will have perfected the lease and royalty arrangements with the government.

Because of the importance of the immediate arrangement for this permit, I today presumed to wire you, thinking that it might have some effect in hurrying the matter along. We will very much

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appreciate any assistance you may be able to grant in this matter.

Very respectfully yours,

Chas J. Lantry of

B. Lantry & Sons

Strong City,

Kansas

(Endorsed) Union Agency # 1706 received Feb. 6, 1901 office of U.S. Indian Inspector for I. T. Strong City, Kas. Jan. 29, 1901. Lantry, Chas. J. B. Lantry & Sons, relative to granting a permit to use stone for ballast for the St. Louis and San Francisco R. R. Co.

D E P A R T M E N T O F T H E I N T E R I O R .

WASHINGTON.

March 22, 1901.

Mr. J. George Wright,
Indian Inspector,
Muscogee, Indian Territory.

Dear Sir:

By letter of December 4 last, you submitted a resolution of the Chickasaw Nation, refusing to accept fifty dollars(\$50) a mile for right of way, from the Arkansas and Choctaw Railway. The Commissioner of Indian Affairs thereupon recommended that the President be requested to appoint a chairman of the board of referees, as provided by the Act. Mr. DEW M. WISDOM was invited by the Department to act in that capacity, but declined on account of private business.

The Commissioner now advises the Department that the Governor of the Chickasaw Nation has named EDWARD S. BURNEY, and the Chief of the Choctaw Nation has named D. C. CURTAIN to serve as their referees, while the Attorney of the Railway has been requested to have a referee named on behalf of the company.

You were requested, when here, to look up and recommend a suitable and competent man to serve as chairman of referees, and the matter is now called to your attention for early action.

Very respectfully,
Thos. Ryan.
First Asst. Secretary.

(Endorsed) Union Agency # 1970 received Mar. 25, 1901 office of U. S. Indian Inspector for Indian Territory. Washington, March 20, 1901. Secretary. Asks that Inspector recommend suitable chairman for Board of Referees for right of way of Arkansas and Choctaw Ry.

August 19, 1902.

Mr. J. George Wright,
Indian Inspector,
Muskogee, I.T.,

Sir:

With letter of May 22, 1902, you transmitted a communication from the general solicitor for Oklahoma, of the Gulf, Colorado and Santa Fe Railway Company, asking to be advised whether said company may use shattered and broken stone to be taken from its right of way in the Chickasaw Nation for constructing piers for a bridge across the Canadian river between the Chickasaw Nation and Oklahoma. You recommend that you be advised to inform the company that it will be allowed to use such stone for the purpose indicated. The Commissioner of Indian Affairs expresses the opinion that said company should not be allowed to use the stone, except under a contract in accordance with the provisions of the act of June 6, 1900 (31 Stat., 660), and the regulations thereunder, and "that it should not, under a strict interpretation of the law, be permitted to use any of the stone taken from its right of way at any point beyond the limits of the Indian Territory."

This company secured its right of way by virtue of the act of July 4, 1884 (23 Stat., 69), by which it was "invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph and telephone line through the Indian Territory." It was granted a right of way one hundred feet in width with a proviso as follows:

13603

That no part of the lands herein granted shall be used except in such manner and for ~~such~~ purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph and telephone line, and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

The company was required to make full compensation for any property taken or damage done by reason of the construction of its road through any lands occupied by individuals and in addition thereto to pay for the benefit of the particular nations or tribes through whose lands said railway should be located, the sum of fifty dollars for each mile of railway constructed, and also pay, as long as said Territory is owned and occupied by the Indians, the sum of fifteen dollars per annum for each mile of railway constructed.

These provisions of said act are the same as those of the act of the same date granting a right of way through the Indian Territory to the Southern Kansas Railway Company (23 Stat., 73), which was under consideration by the supreme court of the United States in *Smith v., Townsend* (148 U.S., 490, 498), wherein the court said:

The company had simply an easement, not a fee in the land. Its rights sprang from the act of Congress of July 4, 1884, 23 Stat., 73, C. 179, granting the right of way to the Southern Kansas Railway Company, whose successor in interest was the Atchison, Topeka and Santa Fe Railroad Company. This Act, by section 2, granted a right of way, and also provided that the land taken

therefor should be used only for the construction and operation of railroad, telegraph and telephone lines; and that whenever any portion thereof ceased to be so used, it should revert to the nation or tribe of Indians from which it was taken. The act further provided, section 7, that the officers and employes might reside on the right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as might be established by the Secretary of the Interior in accordance therewith. And, by section 10, the grant was made conditioned that neither the company, nor its successors or assigns, should air, advise or assist in any effort looking towards the change of the present tenure of the Indians in theirs lands, or attempt to secure from the Indian nations any further grant of lands or its occupancy. In other words, the entire body of lands still remained Indian lands--the fee continued in the Indians, and all that the company received was a mere right of way.....

Under authority of that decision it must be held that the Gulf, Colorado and Santa Fe Company received only a right of way under said act of July 4, 1883, the fee to the land remaining in the Indians.

The granting act contains no express provision authorizing the company to take and use any material for the construction of its road. The right to use material necessary for building the roadway, so far as it may be found within the lines of the right of way may and should be considered as included in the authority to locate and construct the road. This right is, however, restricted to the actual needs for the purpose indicated and may not be extended to include the taking of any material not needed and

and used in the construction and operation of the road. For the purpose of determining the compensation to be paid the respective Indian tribes, the section or portion of constructed road within the territory occupied by such tribe or nation is to be considered as a separate and distinct line. Likewise the right of privilege of appropriating material for the purposes of the road, from the lands of any tribe or nation, should be measured and limited by the extent of the constructed road within the territory occupied by such tribe or nation. It is not necessary to consider whether Congress has authority to authorize the taking of material from the lands of the Chickasaw Nation to be used in the building of a railroad outside the limits of those lands because there is nothing in the right of way grant here under consideration to indicate any intention to do so.

After full consideration of this matter the Department is of opinion that there is no authority under existing law to give this company permission to take the material referred to outside the boundaries of the Chickasaw Lands for any purpose. This conclusion being reached without any reference to the Provisions of the act of June 6, 1900, supra, it is unnecessary to consider or discuss that act.

You will inform said company that this Department will interpose no objection to the use by it for construction purposes, within the limits of the Chickasaw Nation, of broken and shattered stone found within the lines of its right-of-way, but that permission to transport such material outside the land of that nation can not be granted.

The Department is in receipt of a letter dated Agusut (Sic)
13603

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4, 1902, from Messrs Ledbetter & Bledsoe, attorneys for said company, saying that a slight change is to be made in its road-bed in the west half of section 30, township 2 south, range 3 east, which will necessitate cutting off the point of a mountain now extending out to the track, and that in the prosecution of this work, which will be within the lines of the approved right of way, a large quantity of stone will have to be dumped into Washita river at that point, unless other disposition can be made of it. In view of these facts it is said:

The company desires the opinion of the Honorable the Secretary of the Interior, as to whether or not in his judgment the stone thus taken out is the property of the company under the grant above referred to and may be removed by it from the Indian Territory without regard to the act of June 6th, 1900, entitled an act to provide for the use of **timber** and stone for domestic and industrial purposes in the Indian Territory (31 Stat., 660), or whether he still considers it subject to the act above referred to and its removal prohibited thereby.

Under the authority cited and for the reason given heretofore, the Department is of opinion that said stone can not be removed from Indian Territory as proposed and you will so advise the said attorneys.

The enclosures and maps submitted with your report of May 22, 1902, are herewith returned as requested by you.

Very respectfully,

Acting Secretary.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D.
3388-1902.
4844-1902.

August 19, 1902.

Mr. J. George Wright,
Indian Inspector,
Muskogee, I. T.,

Sir:

With letter of May 22, 1902, you transmitted a communication from the general solicitor for Oklahoma, of the Gulf, Colorado and Santa Fe Railway Company, asking to be advised whether said company may use shattered and broken stone to be taken from its right of way in the Chickasaw Nation, for constructing piers for a bridge across the Canadian river between the Chickasaw Nation and Oklahoma. You recommend that you be advised to inform the company that it will be allowed to use such stone for the purpose indicated. The Commissioner of Indian Affairs expresses the opinion that said company should not be allowed to use the stone, except under a contract in accordance with the provisions of the act of June 6, 1900 (31 Stat., 660), and the regulations thereunder, and "that it should not, under a strict interpretation of the law, be permitted to use any of the stone taken from its right of way at any point beyond the limits of the Indian Territory."

This company secured its right of way by virtue of the act of July 4, 1884 (23 Stat., 69), by which it was "invested

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and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph and telephone line through the Indian Territory." It was granted a right of way one hundred feet in width with a proviso as follows:

That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph and telephone line, and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

The company was required to make full compensation for any property taken or damage done by reason of the construction of its road through any lands occupied by individuals and in addition thereto to pay for the benefit of the particular nations or tribes through whose lands said railway should be located, the sum of fifty dollars for each mile of railway constructed, and also pay, as long as said Territory is owned and occupied by the Indians, the sum of fifteen dollars per annum for each mile of railway constructed.

These provisions of said act are the same as those of the act of the same date granting a right of way through the Indian Territory to the Southern Kansas Railway Company (23 Stat., 73), which was under consideration by the Supreme Court of the United States in *Smith v. Townsend* (148 U.S., 490, 498), wherein the court said:

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The company had simply an easement, not a fee in the land. Its rights sprang from the act of Congress of July 4, 1884, 23 Stat. 73, c. 179, granting the right of way to the Southern Kansas Railway Company, whose successor in interest was the Atchison, Topeka and Santa Fe Railroad Company. This act, by section 2, granted a right of way, and also provided that the land taken therefore should be used only for the construction and operation of railroad, telegraph and telephone lines; and that whenever any portion thereof ceased to be so used, it should revert to the nation or tribe of Indians from which it was taken. The act further provided, section 7, that the officers and employes might reside on the right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as might be established by the Secretary of the Interior in accordance therewith. And, by section 10, the grant was made conditioned that neither the company, nor its successors or assigns, should aid, advise or assist in any effort looking towards the change of the present tenure of the Indians in theirs(Sic) lands, or attempt to secure from the Indian nations any further grant of lands or its occupancy. In other words, the entire body of lands still remained Indian lands - the fee continued in the Indians, and all that the company received was a mere right of way

Under authority of that decision it must be held that the Gulf, Colorado and Santa Fe Company received only a right of way under said act of July 4, 1883, the fee to the land remaining in the Indians.

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The granting act contains no express provision authorizing the company to take and use any material for the construction of its road. The right to use material necessary for building the roadway, so far as it may be found within the lines of the right of way may and should be considered as included in the authority to locate and construct the road. This right is, however, restricted to the actual needs for the purpose indicated and may not be extended to include the taking of any material not needed and used in the construction and operation of the road. For the purpose of determining the compensation to be paid the respective Indian tribes, the section or portion of constructed road within the territory occupied by such tribe or nation is to be considered as a separate and distinct line. Likewise the right or privilege of appropriating material for the purposes of the road, from the lands of any tribe or nation, should be measured and limited by the extent of the constructed road within the territory occupied by such tribe or nation. It is not necessary to consider whether Congress has authority to authorize the taking of material from the lands of the Chickasaw Nation to be used in the building of a railroad outside the limits of those lands because there is nothing in the right of way grant here under consideration to indicate any intention to do so.

After full consideration of this matter the Department is of opinion that there is no authority under existing law to give this company permission to take the material referred to outside the boundaries of the Chickasaw lands for any purpose. This conclusion being reached without any reference to the pro-

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visions of the act of June 6, 1900, supra, it is unnecessary to consider or discuss that act.

You will inform said company that this Department will interpose no objection to the use by it for construction purposes, within the limits of the Chickasaw Nation, of broken and shattered stone found within the lines of its right of way, but that permission to transport such material outside the land of that nation can not be granted.

The Department is in receipt of a letter dated August 4, 1902, from Messrs. Ledbetter & Bledsoe, attorneys for said company, saying that a slight change is to be made in its road-bed in the west half of section 30, township 2 south, range 3 east, which will necessitate cutting off the point of a mountain now extending out to the track, and that in the prosecution of this work, which will be within the lines of the approved right of way, a large quantity of stone will have to be dumped into Washita river at that point, unless other disposition can be made of it. In view of these facts it is said:

The company desires the opinion of the Honorable the Secretary of the Interior, as to whether or not in his judgment the stone thus taken out is the property of the company under the grant above referred to and may be removed by it from the Indian Territory without regard to the act of June 6th, 1900, entitled an act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory (31 Statute, 660), or whether he still considers it subject to the act above referred to and its removal prohibited thereby.

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Under the authority cited and for the reason given heretofore, the Department is of opinion that said stone can not be removed from Indian Territory as proposed and you will so advise the said attorneys.

The enclosures and maps submitted with your report of May 22, 1902, are herewith returned as requested by you.

Very respectfully,

Thos. Ryan.

Acting Secretary.

(Endorsed) Union Agency No. 4681 Received Aug. 28, 1902 Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 19, 1902. Secretary.-----Directed to advise Gulf, Colorado & Santa Fe R.R. Co., that it cannot transport any stone taken from its right of way beyond the limits of the Ind. Ter., and to advise Ledbetter & Bledsoe of same ruling in reply to their letter to Department.-----

DEPARTMENT OF THE INTERIOR.
Washington.

August 21, 1902.

Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith for your information, a press copy of a letter to the United States Inspector for the Indian Territory, relative to request of the Gulf, Colorado and Santa Fe Railway Company to be allowed to use shattered and broken stone from its right of way in the Chickasaw Nation, for constructing piers for a bridge across the Canadian River.

By direction of the Secretary.

Respectfully,

Edward W. Dawson.

Chief Clerk.

1 inclosure.

(Endorsed) # 13603, Received Aug. 25, 1902. Commission to Five Tribes. Department, Dawson, Washington, D. C. Aug. 21, 1902. Enc. copy of letter to Ind. Inspector rel. to request, of G. C. & S. F. R. R. for use of broken stone to consturct piers for bridge.

Land
50661-1902.

DEPARTMENT OF THE INTERIOR,
Office Of Indian Affairs,
Washington,

August 29, 1902.

J. George Wright, Esq.,

Inspector for the Indian Territory,
Muskogee, Indian Territory.

Sir:

Replying to your communication dated August 21, 1902, enclosing a letter of Supervising Engineer Hinckley, dated August 8, 1902, having reference to the station grounds of the Gulf, Colorado and Santa Fe Railway Company at Wayne, and in which he states that there is on file in his office a map of the located line of the fourth twenty-five miles of the said line of railroad, but that he is not able to find either in his office or in the Dawes Commission office any record of the approval of the map, and that the map shows the right of way lines at the town of Wayne, Sec. 9, T 5 N, R 1 W, to be fifty feet each side of the center line of the road, excepting for a distance of 500 feet from station 8620 to station 8625, where it shows 100 feet on each side, and desiring to be advised whether or not said map was ever approved, and if not whether the railway company has any right of way or station grounds at Wayne in excess of fifty feet on each side, you are advised that the map of Sec. 4 was approved December 28, 1886, as stated in office letter of even date herewith, with respect to the sectional maps of said line of railroad; also that there has been approved to said company maps of station grounds, as follows:

4709.

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Thackerville, Sections 1 and 12, T 9 S, R 1 E, stations 4030 to 4060,

Marietta, Sections 17 and 20, T 7 S, R 2 E, stations 4560 to 4590,

Ardmore, Sections 29, 31, and 32, T 4 S, R 2 E, stations 5475 to 5505,

Berwyn, Sections 19 and 24, T 3 S, Rs. 2 and 3 E, stations 5993 to 6023,

Dougherty, Sections 11 and 12, T 2 S, Rs. 2 E, stations 6480 to 6510,

Washita, Sections 19 and 20, T 1 N, Rs. 1 and 2 E, stations 7085 to 7115,

Wynnewood, Section 14, T 2 N, R 1 E, stations 7454 to 7484,

Paul's Valley, Section 8, T 3 N, R 1 E, stations 7855 to 7885,

Paoli, Section 12, T 4 N, R 1 W, stations 8224 to 8254,

Purcel, Sections 1 and 12, T 6 N, R 2 W, stations 9002 to 9032, -

all approved November 28, 1887.

Also a wye at Dougherty, in Sec. 11, T 2 S, R 2 E, approved April 9, 1898; and reservoir at Ardmore, in Sections 20 and 29, T 4 S, R 2 E, between stations 5543 + 29.5 and 5560 + 38, approved April 9, 1898,

The station grounds at Paul's Valley and Purcel were amended by maps approved October 7, 1901 and July 7, 1902, respectively.

It does not appear that there has been approved a plat of station grounds at Wayne other than as shown upon the map of definite location of Section 4.

Very respectfully,

A.C.Tonner

C.F.H.(G)

Acting Commissioner.

(Endorsed) Union Agency No.4709 Received Sep.2,1902 Office of U.S. Indian Inspector, for Indian Terry.Washington.(continued)-

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(Endorsed) Union Agency No.4709 Received Sep.2,1902 Office of U.S.Indian Inspector, for Indian Territory.Washington,August 29, 1902.commissioner.-----Relative to station grounds of Gulf, Colorado and Santa Fe Railway Company at WAYNE, Indian Territory; gives list of towns at which station grounds have been approved to said company.-----

D E P A R T M E N T O F T H E I N T E R I O R,

Washington.

I.T.D.5611-1902.

September 11, 1902.

United States Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

In answer to your communication of August 30, 1902, relative to the right of way of the Denison & Northern Railroad through the townsite of Reagan, Chickasaw Nation, there is inclosed herewith a copy of a report of the Indian Office dated September 8, 1902, in the matter.

It is stated by the Commissioner that said Company has the same rights at the town of Reagan that it had, and now has, at the town of Dougherty; that therefore a right of way should be shown through said townsite in similar manner as it was through the town of Dougherty under departmental instructions of February 19, 1902.

The Department concurs in the views of the Commissioner and you are authorized to proceed accordingly.

The Commissioner informs the Department that there is not of record in his office any evidence of the approval of plats showing station grounds at any point on the line of road as

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shown upon said Company's maps of definite location.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 Inclosure.

(Endorsed) Union Agency No. 4789. Received. Sep. 20, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, Sept. 11, 1902. Secretary-----Right of way of Denison & Northern R.R. through Reagan, Chickasaw Nation, should be shown; has no record of approval of any station ground plats along said line of road.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD 1538-1903.

October 23, 1903.

The U.S. Indian Inspector
for Indian Territory, Muskogee.

Sir:

Referring to the report of Acting Inspector Zevely, dated January 31, 1903 (28235-1903), transmitting for executive action an act of the National Legislature of the Chickasaw Nation, approved by the Governor on November 5, 1902, entitled,

"An Act providing for adjusting the interests of the Chickasaws and Choctaws in the moneys arising from the disposition of the right of way of the St. Louis, Oklahoma and Southern Railway, and the lands taken in fixing the boundary between the State of Arkansas and the Choctaw Nation," which act was approved by the President March 30, 1903, and returned to your office for appropriate action on April 1, 1903, sections 2 and 3 of said act providing for the submission of the question at issue to a commission to be appointed as therein provided, you are informed that the Department desires a report from you whether the Principal Chief of the Choctaw Nation has been advised of the provisions in said act and what action, if any, has been taken by the authorities of the Choctaw Nation. If he has not been advised by you, you

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are directed to transmit a copy of the said act and to request that he recommend the appropriate action necessary to carry out its provisions. Upon receipt of a report from him, you will further advise the Department, with your views thereon in the usual manner.

Respectfully,

Thos. Ryan.
Acting Secretary.

(Endorsed) Union Agency # 7772 Received Oct. 30, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Oct. 23, 1903. Secretary. Desires report relative to carrying out provisions of Chickasaw act providing for adjusting interests of Choctaws and Chickasaws in moneys received for right of way of St.L. Okla & Southern Railway, and lands taken in fixing boundary between Arkansas and Choctaw Nation.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. BEALL,
Secretary.

Address only the
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory,
August 6, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

On September 10, 1903, there was forwarded you a plat filed with the United States Indian Agent on March 26, 1903, showing additional lands sought to be acquired by the Gulf, Colorado & Santa Fe Railroad Company for a stone quarry near Dougherty, Chickasaw Nation, Indian Territory, situated in Section 30, Township 2 South, Range 3 East. You were directed to proceed in the withholding from allotment of the land thus sought to be acquired by the Gulf, Colorado & Santa Fe Railroad in accordance with the instructions contained in General Office letter of September 9, 1903, relative to the reservation of certain lands near Stonewall, Indian Territory.

The plat forwarded you September 10, 1903, indicates 81.96 acres sought to be acquired by the Gulf, Colorado & Santa Fe Railroad, all situate (Sic) in the North Half of Section 30, Township 2 South, Range 3 East of the Indian Meridian, Indian Territory, and East of the East line of the right of way of the 3175.

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Gulf, Colorado & Santa Fe Railroad.

On July 6, 1904, you reported an allotment to George Kincade, Choctaw Roll by Blood No.2718, included in such allotment being a tract of land described as the NW/4 of NE/4 of Section

30, Township 2 South, Range 3 East, containing forty acres. It not appearing that any deduction was made from this forty acres for the Gulf, Colorado & Santa stone quarry, your attention was called to the matter in General Office letter of July 20,1904, and on July 27,1904, you advised this office that the appraise-ment records of your office and the railroad book do not show that any deduction should be made in the NW/4 of NE/4 of Section 30, Township 2 South, Range 3 East, for the Gulf, Colorado & Santa Fe stone quarry.

Again, on July 6, 1904, your office reported an allotment to McKinney John, Chickasaw Roll by Blood No.1080, in which was included a tract of land described as the NE/4 of NW/4, the SW/4 of NE/4, and the E/2 of NE/4 of SW/4 of Section 30, Township 2 South, Range 3 East, less 15.11 acres for G.C. & S. F. Ry. On July 20,1904, your attention was called to your report of July 6, 1904, of allotment to McKinney John, and you were advised that it appeared from the records of this office that there should have been an additional deduction made from this allotment for the Gulf, Colorado & Santa Fe stone quarry.

In reply to this letter, you, on July 27, 1904, transmitted an amended report of the allotment to McKinney John, deducting from the NE/4 of the NW/4 of Section 30, Township 2 South, Range

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3 East, 7.30 acres for the G.C. & S. F. R. R. and 1.52 acres for the G. C. & S. F. stone quarry. The total deductions in the amended report transmitted with your letter of July 27, 1904, include the same area as reported by you originally on July 6, 1904.

From an examination of the reports as submitted by your office and the original plat as filed by the Gulf, Colorado & Santa Fe Railroad Company with the United States Indian Agent on March 26, 1903, it is apparent that an error has been made by your office in platting the land sought to be acquired by the Gulf, Colorado & Santa Fe Railroad for a stone quarry in the North Half of Section 30, Township 2 South, Range 3 East.

For the information of your office, there is inclosed you herewith tracing of the original plat as filed by the railroad company with the United States Indian Agent, and your office is directed to carefully check the same with the plat transmitted with our letter of September 10, 1903, and with the platting of the stone quarry upon your appraisement book and the railroad books in your office.

Please give this matter your immediate attention, and, if error has been made in the platting of the lands sought to be acquired for the stone quarry, you will make correction in the allotments of George Kincade and McKinney John.

Respectfully,

T.B.Needles,

Commissioner in Charge.

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(Endorsed) Union Agency No. 3175 Received Aug. 9, 1904 Commission
to the Five Civilized Tribes, Muskogee, Indian Territory. Relative--
----additional lands sought to be acquired by the Gulf, Colorado
& Santa Fe Railroad Company for a stone quarry near Dougherty,
Chickasaw Nation, Indian Territory.----

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COMMISSIONERS:
TAMS BIXBY,
THOMAS B.NEEDLES,
C.R.BRECKINRIDGE.

Department of the Interior

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
commission to the
Five Civilized Tribes

Muskogee, Indian Territory
August 12, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Referring to your report of allotment to Catherine Rooks Rennie, Chickasaw Roll by Blood No.1331, there is inclosed to you herewith letter of July 20, 1904, from the United States Indian Agent, Inclosing copy of letter from Henry E. Asp, Solicitor for the Atchison, Topeka and Santa Fe Railroad Co., referring to Certificate of Allotment issued to Catherine R. Rennie, and claiming there is an error in the failure of the Commission to deduct the proper amount of land from her Certificate for the railroad right of way.

Mr. Asp, in his letter to the United States Indian Agent, under date of July 18, 1904, states that the schedule of awards to individual occupants for right of way of the Kiowa, Chickasha and Fort Smith Railroad, approved August 19, 1901, shows right of way over the SW/4 of Section 33, Township 4 North, Range 1 West, of one hundred and fifty feet on the south side and one hundred feet on the north side of the center line of the track, and that the right of way through this property was donated by Geo. N. Rennie, whose signature appears on the schedule of settlement.

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Mr. Asp further advises that the Kiowa, Chickasha and Fort Smith Railway secured and paid for a right of way over the S/2 of Section 33, Township 4 North, Range 1 West, 100 feet on the north side and 50 feet on the south side of the center line, beginning on the north line of the section and extending 2440 feet along the center line, then 100 feet on each side of the center line for the remaining distance of 2670 feet.

It appears that Chickasaw Allotment Certificate No.53, issued by your office and delivered to Catherine Rooks Rennie, describes the following land:

N/2 of SW/4 of SE/4 of Section 32, the NW/4 of SW/4 of Section 33, less 2.50 acres for right of way of the K.C.&.F.S. Ry., the N/2 of NE/4 of SW/4 of Section 33, less 2.52 acres for right of way of the K.C.&.F.S.Ry., and NW/4 of SW/4 of SW/4 of Section 33, Township 4 North, Range 1 West, Chickasaw Nation, Indian Territory.

This matter is referred to your office in order that you may report to this office the width of the right of way sought to be acquired by the Kiowa, Chickasha & Fort Smith Railway over Section 33, Township 4 North, Range 1 West, Chickasaw Nation, Indian Territory, so that, if an error has been made in the issuance and delivery of this allotment certificate, the same may be secured and the correction made.

The Geo.N.Rennie referred to in the letter from Henry E. Asp of July 18, 1904, was this day in this office and insisted that the railroad company had fenced and was maintaining possession of a strip of land 200 feet wide through the allotment made to his sister, Catherine Rooks Rennie; that he had presented 3225.

-3-

her Certificate of Allotment to the Indian Agent and demanded that she be placed in possession of this tract of land, and that the Agent had referred him to this office for advice in the premises.

Please return all inclosures to this office.

Respectfully,

T.B.Needles.

Commissioner in Charge.

FCS 29.

(endorsed) Union Agency No.3225. Received Aug.13,1904 Commission to the Five Civilized Tribes,Muskogee,Indian Territory.Relative---- allotment to Catherine Rooks Rennie, that error was made by the commission to deduct the proper amount of land from her Certificate for the railroad right of way(Atchison,Topeka and Santa Fe RR.)----

COMMISSIONERS:
TAMS BIXBY.
THOMAS B.NEEDLES.
C.R.BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.O.BEALL,
Secretary.

Address only the
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory,

September 29, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty seventh instant in which you request that authority be granted to the Chief Clerk of your office to proceed to Ardmore, Indian Territory, for the purpose of inspecting the alignment of the Ardmore Coal & Power Company's line of railroad for a distance of three or four miles from the city of Ardmore, Chickasaw Nation.

In accordance with your request there is inclosed herewith letter this day addressed to Fred T. Marr, Chief Clerk, Chickasaw Land Office, authorizing him to proceed to Ardmore for the purpose of inspecting the alignment of the Ardmore Coal & Power Company's line of railroad in the Chickasaw Nation.

Respectfully,

Tams Bixby,

Chairman.

(Endorsed) Union Agency No.4025 Recd.Oct.1,1904----Rel.Inspecting the alignment of the Ardmore Coal & Power Companys line of railroad a few miles distance from the city of Ardmore,Chickasaw Nation.----

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

April 27, 1905.

The Honorable,

Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Indian Inspector for Indian Territory, dated the 8th instant, transmitting communication of March 18, 1905, from Henry E. Asp, Solicitor for Oklahoma of the Atchison, Topeka, and Santa Fe Railway System, which letter is addressed to the Indian Agent at Union Agency and by him referred to the Inspector.

Mr. Wright says it appears that certain lots in the town of Pauls Valley have been scheduled and sold, as indicated in the copy of the letter of the Indian Agent also submitted, which lots Mr. Asp alleges have been acquired by the Eastern Oklahoma Railway Company, maps having been duly filed and approved by the Department, appraisements made by Special Agent Taggart, and the damages settled in accordance with such appraisements.

He finds that the townsite records show the following concerning these particular lots:

Lots 4 to 8 inclusive, Block 35, originally scheduled vacant, sold at public auction November 12, 1903, to Moses M. Gubin, at \$92.00 each; 50 per cent, or \$46.00, paid on each

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lot, a total of \$230.00.

Lots 5 and 7, Block 36, scheduled to the Eastern Oklahoma Railway Company; scheduled approved by the Department October 17, 1902; nothing paid.

Lot 6, Block 36; scheduled vacant; not sold.

Lot 8, Block 36, scheduled to Robert A. Smith; full payment made; patent issued and delivered.

The Inspector reports that in making the appraisements of the various townsites in Indian Territory, every care has been taken to avoid complications of this character, and where his office or the commission had information that lots had been acquired by railroad companies, or steps taken to acquire them, proper notations have been made and the lots reserved or withheld from sale. In these particular cases he does not find that any information was ever received either from the Department or the railway company that these lots had been acquired. Therefore, the townsite commission proceeded to dispose of them in the customary manner.

He says, if the statements made by Mr. Asp are verified by the records of the Department, and these particular lots had been acquired by the Eastern Oklahoma Railway Company prior to the time of the disposition by the townsite commission, he suggests that it is only right and proper that the records be corrected and any action by the townsite commission which would tend to complicate the railway company be cancelled.

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He has, until the matter can be further looked into, directed that no steps be taken to sell Lot 6, Block 36, scheduled as vacant, and advised Mr. Asp that in the case of Lot 8, Block 36, already patented to Robert A. Smith, he regretted the Department could not assist him as the title has entirely passed and it is not within the jurisdiction of the Department to take further action at this time, but the matter of relisting Lots 5 and 7, Block 36, scheduled to the Eastern Oklahoma Railroad Company has been presented to the Department.

Mr. Wright therefore recommends that if the railroad company has acquired these lots as alleged by Mr. Asp, instructions be given that the scheduling to Moses M. Gubin of Lots 4, to 8, Block 35, be cancelled and authority given to return to him the sum of \$230.00 already paid on such lots; also that the appraisement of Lots 5 and 7, Block 36, be cancelled and that proper notation be made upon the books that the company has already acquired such lots under the railway act.

The records of this Office do not show what lots or parts of lots in the town of Pauls Valley were taken by reason of the condemnation of the railway company of certain lands for station purposes. The plat submitted by the railway company does not indicate the relationship of the ground taken to the town.

The question submitted by Mr. Asp and by the Department Inspector has already been disposed of by the Department in its approval of the opinion of the Assistant Attorney Gen-

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eral for the Interior Department of November 18, 1903 (I.R.D. 6974-1903), in a case where the Oklahoma City and Western Railroad acquired certain lands within the townsite of Chickasha, Chickasaw Nation. The Assistant Attorney General in that case settled all the questions submitted in this case and I therefore recommend that the attention of the Inspector be invited to the opinion referred to.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

E.B.H:E.

(Endorsed) Union Agency # 12952 Received De. 14, 1905, Office of U.S. Indian Inspector for Indian Territory. Washington,

Dec. 6, 1905. Secretary. Relative to the claim of the A.T. & S.F. R. R. Co. to certain lots in the town of Pauls Valley, I.T., advising that the Department considers the R.R. Co. is entitled to the lots covered by the plats for station grounds and right-of-way approved by the Department prior to the schedule of the lots by the townsite Commission, and requesting that the R.R. Co. be so advised.

CHICKASAW - ROADS

Lindsay, Ind.Ter.

April 1st, 1906.

To the Secretary of the Interior

Washington, D.C.

Dear Sir:

This section of the Indian Territory is getting in to a deplorable condition for the want of roads, to travel upon, the allottees are fencing up the old roads and failing to open up the section lines so it is giving the traveling publick (Sic) and the citizens here a great deal of trouble, annoyance and a heavey (Sic) loss of time to go any where, haveing (Sic) to travell (Sic) in many instances from 6 to 8 miles to get two miles when if the section lines were open we would have almost direct routs (Sic).

The Natives of allotteese (Sic) in speaking of the section lines being opened affirm that they **wont** open the roads, until the Government forces them to., so you can see the way the matter stands. The opening of the section lines are needed badly to facilitate business to each and every one. It is true to require each allottee to fence the section lines would work a hardship on some, and really some would not have the means, or be able to fence right at once, but all can leave a road or right of way on each section line and with the privaledge (Sic) of keeping up gates until such time as the section lines can be fenced with out injury to the allottee who ownes (Sic) the land, but some steps or special orders should be given or made public

-2-

so that the lines will be left open or a forbid use of closing of any old road: Previously used by the public, until section lines are opened or given right of way through each section line.

I dont wish to work a hardship on any one but I do want roads to travell (Sic) on without going around the county in which I live.

Please look in to this matter as the right of way on all section lines are badly needed and inform me as to what corse (Sic) to pursue to have the right of way given on the section lines as we need roads badly.

Respectfully yours,

L.P.McCord.

and U.S.Citizens living here in the territory.

(Endorsed) Union Agency No.13891 Received Apr.12,1906 Office of U.S.Indian Inspector for Indian Territory.Washington, April 9, 1906.Secretary.-----Refers for appro. action letter from L.P. McCord, Lindsay, I.T., rel. to opening section line roads.-----

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.20378-1906.

October 13, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

September 26, 1906, you transmitted a memorial of the National Legislature of the Chickasaw Nation, approved by the Governor September 20, 1906, entitled:

"A Memorial relative to the establishment of public highways or roads in the Choctaw and Chickasaw Nations," with the recommendation that it be transmitted to Congress with such recommendation as may be deemed proper.

Submitting your report on October 9, 1906 (Land 85009), the Indian Office makes the same recommendation. A copy of its letter is inclosed.

You are advised that at an appropriate time during the next session of Congress said memorial will be submitted for its consideration. It does not require Executive action.

Respectfully,

Thos. Ryan
Acting Secretary.

Through the Commissioner
of Indian Affairs.
1 inclosure.

(Endorsed) Union Agency No.15752 Received Oct.20,1906 Office of U.S.Indian Inspector for I.T.Washington,D.C.Oct.13,1906.Secretary.-----Advises Memorial of Chickasaw Legislature, relative establishment of public roads in Choctaw and Chickasaw Nations will be submitted to Congress for consideration.----

CHICKASAW - SCHOOLS

ARTICLES OF AGREEMENT, made and entered into at Tishomingo, Chickasaw Nation, Indian Territory, this the 13th day of October 1897 by and between the Chickasaw Nation by the Superintendent of Public Schools and the Board of Trustees of said Nation as party of the first part and W. H. Jackson of Viola, C. N. Indian Territory party of the second part, WITNESSETH:- That the said party of the first part for an in consideration of the covenants and agreements hereinafter made by said party of the second part do hereby covenant and agree as follows, (Sic) to wit; That said party of the first part will give full possession and control, and maintain (Sic) the same to said party of the second part, of the buildings in Pontatoc County, C. N., known as the Collins Institute with all its tenaments and appurtenances for a term of four years and eight months, beginning on the first Monday in November 1897, unless this contract is annulled for the causes and in the manner hereinafter set forth.

2nd. That the said party of the first part will give permission to the said party of the second part to have and employ such Non-citizen labor, paying due regard to their good moral character as will be necessary to operate said school successfully, also, to get all necessary fuel from any of the unoccupied lands belonging to said party of the first part: also, to keep such work stock, and such other live stock, as will be necessary to carry on said school.

3rd. That the said party of the first part will pay or cause to be paid to said party of the second part, or to his order the sum of ~~(\$16.00)~~ sixteen dollars per month per scholar in actual attendance per month, in United States currency or National Warrants, for the term of four years and eight months,

in semi-annual installments, as follows, to wit:

On the 15th day of February of each year the amount due up to this date, by virtue of this contract, and the balance due the 30th day of June, for each consecutive year.

Now for and consideration of the above and foregoing covenants and agreement by the said party of the first part, the said party of the second part does hereby covenant and agree as follows, to wit: This contract is nontransferable.

1st. That the said party of the second part will conduct and mantain(Sic) the said Collins Institute, which consists of forty female pupils, for a term of four years and eight months, beginning on the first Monday in November, 1897 as a boarding school of the first class-giving thorough instructions in all branches of study including music, taught in preparatory schools of the first class. That only teachers of high moral standing will be employed, and that the principal teachers will be a grauate (Sic) of some College of recoganzed standing among other institutions of higher learning.

2nd. That the said party of the second part will furnish each pupil with all necessary books, slates, pencils and statioery (Sic) and furnish the school room with all necessary maps, charts and globes, for conducting a school of the first class.

3rd. That the said party of the second part will furnish the pupils at all times with claen (Sic) and comfortable beds and bedding. That he will furnish bathing facilities and encourage neatness and cleanliness of person at all times.

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That he will furnish all necessary tables, chairs, mirrors, (Sic) towels, washing basins or pans, soap, hair and clothes brushes, combs, lights and fuel, for the bed rooms of the pupils; that he will furnish medicines and medicinal attention; that he will have the clothing of the pupils neatly washed, ironed and mended once per week.

4th. That the said party of the second part will furnish the pupils with good and wholesome food, well prepared and served in a manner paying due regard to variety of food and the laws of good health.

5th. That the said party of the second part will keep the said Collins Institute in operation ten months in each year except the first year in which he will operate it eight months; that he will make quarterly reports to the Superintendent of Public Schools of the number of attendance, the grade of scholarship, advancement and general deportment of each pupil.

6th. That the said party of the second part will keep the buildings and appurtenances of said Collins Institute in good order and return the same to the party of the first part at the expiration of the term of four years and eight months in as good order and condition as it was when received, regarding natural wear.

7th. That the said party of the second part will not permit vulgarity or obscene language on the premises of said Institute nor will carry or allowed to be carried any intoxicating liquors on the premises of said Collins Institute. Nor will return to or allow any one to go on the premises of said Collins Institute while under the influence of intoxicating liquors.

8th. That the said party of the second part will open school

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each day with prayers and have religious services conducted at said Collins Institute each Sunday.

9th. That the said party of the second part will not refuse to receive any pupil or pupils whom the Superintendent of Public Schools or the Trustee of said Collins (Sic) Institute may select to attend said school. That no pupil will be expelled without the consent of the Superintendent of Schools and the Trustee of same Collins Institute. It is hereby agreed and fully understood (Sic) by both parties that this contract cannot be annulled for any cause other than a failure to comply with its provisions, (Sic) and which failure shall be determined (Sic) in the following manner, to-wit:(Sic) In event of complaint against said party of second part in regard to the manner in which he complies with the provisions of this contract, or in case of a difference of opinion between the Superintendent of Public Schools and the party of the second part as to construction of it, the matter of complaint and controversy shall be referred (Sic) to the Board of Trustees of the Chickasaw Nation for adjudication, and if the party of the second part be found guilty of failure to comply with the provisions of this contract, the said Board of Trustees may declare this contract null and void, and thereupon the said party of the second part will vacate the premises of said Collins Institute within (10) ten days after receiving written notice of judgment.

And it is further agreed by both parties that such a judgment will not cause a forfeiture of any payment or part thereof for services rendered by the said party of the second part prior to the time of notice of said judgment, but the said party of

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the second part shall be paid in full for such services up to the time of notice.

In testimony whereof, we have hereunto set our hand and seals at the place and on the day and year first mentioned herein.

J.S. Maytubby, Supt. Public
Schools, Chickasaw Nation.

Holmes Colbert
H. H. Burris
C. A. Burris
Dave Seely

Trustees.

W. H. Jackson, Contractor.

Approved by the Senate October 14th, 1897.

Attest:
J. Brown, Secretary.

Lewis Keel,
President of the Senate.

Approved by the House October 14th, 1897.

Attest:
Dixie Colbert, Clk.

A. H. Humes,
Speaker of H. R.

Senate:

Amendments to Collins Institute Contract.

Whereas, the Senate did approve of the School Contract between the Board of Trustees and W. H. Jackson to operate Collins Institute and said Contract have been forwarded to the Honorable House of Representatives. Now therefore be it annacted by the legislature of the Chickasaw Nation that said contract is hereby amended by adding. "That in oase Collins Institute is destroyed or disqualified by fire, storms or otherwise to such an extent that school shall be suspended, this contract shall be inoperative until the necessary repairs can made and school reopened".

Recommended by

W. H. Jackson.

Passed the Senate October 14th, 1897

Attest:

J. Brown, Secretary.

Lewis Keel,

President of the Senate.

Passed the House October 14th, 1897.

Attest:

Dixie Colbert, Clerk.

A. H. Humes,

Speaker H. R.

(Endorsed) # 8 Article of Agreement relating to Collins Institute Female College.

COMMITTEES:

Legislative.

J.F.Sharp.
A.D.Hawk,
W.H.P.Trudgeon,
Geo.F.Gates,
W.H.Pope.

Manufactories.

R.G.Latting,
J.A.Fariss,
W.P.McNair,
J.W.Hocker,
L.J.Mittinger.

Agriculture.

J.W.Cherryhomes,
J.E.Gibbons,
S.T.Williams,
S.M.Williams,
A.H.Trueblood.

COMMITTEES:

Transportation.

W.H.P.Trudgeon,
A.W.Huffman,
B.H.Rackley,
J.W.Scott,
W.P.Easton.

Trade Extension.

T.C.Woods,
W.M.Tomlin,
M.J.Baum,
A.C.Piatt,
Alex. Sacra.

Entertainment.

C.M.McClain,
J.H.Leatherman,
Dr.J.S.Children,
Will Clardy,
Wilson Brown.

TRADE EXTENSION COMMITTEE,

March 17, 1899

PURCELL COMMERCIAL CLUB

W.G.BLANCHARD, President.
A.D.HAWK, Vice-President.
W.H.WALKER, Secretary.
T.C.WOODS, Treasurer.

Purcell, Indian Territory,

At a meeting of the Purcell Commercial Club, held Saturday evening March 11th, 1899, the following preamble and resolutions were unanimously adopted:

Whereas: A large number of children of all classes residing in the Indian Territory, outside of the towns and villages, are without school facilities of any kind, and

Whereas, Because of the anomalous conditions existing in the Indian Territory there is no way in which public schools can be established or maintained, and

Whereas, The Dawes Commission to the Five Civilized Tribes, now representing the United States government in the Indian Territory has used every endeavour (Sic) to provide some way by which schools schools may be established for all children in the Indian Territory, which efforts have not as yet been successful, therefore

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Be it Resolved, That this Club heartily endorses the efforts heretofore made by the Dawes Commission in this matter and urges that body to make further appeal to Congress to appropriate sufficient money to establish and maintain public schools for all classes residing in the Indian Territory, and

Be it Further Resolved, That this Club prepare and send to all Commercial, political and educational organizations of the Chickasaw Nation a circular letter urging such bodies to take immediate action in line with the foregoing resolution, and to use their best efforts to obtain the appropriation asked for.

W.G.Blanchard

President.

W.H.Walker,

Secretary.

(Endorsed) Union Agency No.42 Relative----Resolutions and Memorials, in regard Public Schools 1899----

CHICKASAW
TEACHERS' ASSOCIATION.

Executive Staff:

N.T.Pool, President, Purcell.
John W.Wilkinson, Secretary,Pauls Valley.
W.H.Clifton, First Vice-President,Marietta.
J.T.Johnson,Second Vice-President,Ardmore.
JENNIE CROW, Treasurer, Pauls Valley,I.T.

Organized March 11,
1899, in the interests
of the Public Schools of
the Indian Territory.
Every progressive teacher
should join the Associa-
tion.

We want the co-operation
of every friend of
education in this work,
which means so much to
us all. Let us have
public instruction in
every town and rural
district.

Purcell, Indian Territory
March 17, 1899.

To the Dawes Commission:-

RESOLUTIONS

Adopted by the Chickasaw Teachers' Association, Mch 11,1899.

Whereas, a very large number of children outside of towns and
villages, in the Indian Territory, are entirely without school
privileges, and

Whereas, no provision has as yet been made by congress for public
schools in the rural districts; therefore be it resolved, by the
Chickasaw Teachers' Association

First, That we heartily commend the efforts of the Dawes Commis-
sion in behalf of public schools for the Indian Territory.

Second, That we respectfully urge that honorable body to make
further appeal to congress to appropriate money to establish
schools for all classes, and-

Third, That we heartily endorse the report of the Dawes

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Commission to the Secretary of the Interior, in which our needs along this line are in part set forth as follows:

"The Commission has been so impressed with one great call for government aid, and fraught with serious consequences if delayed, that it feels compelled to call special attention to it. That is some provision by the national government for the purposes of education in the territory.....The people of the Indian Territory are there to make homes for themselves and are destined to become a part of the body politic of a state, and a large number of the 30,000 children of the territory are in danger of growing up in ignorance to take upon themselves the responsibility of citizenship. This is not the fault, but the misfortune of these residents of the territory. The evils that will come of this situation cannot be measured."

Respectfully submitted,

Committee - C.W.Coombs,
- N.V.Pool,
- Eunice Dosier,
- Eva Moseley,
- J.M.Gourdin,
- Bessie Shannon.

N.T.Pool
President

John W.Wilkinson
Secretary.

PAULS VALLEY INDIAN TERRITORY.

At a meeting of the Pauls Valley, Republican Club, held Saturday evening April 1st, 1899, the following preamble, and resolutions were unanimously adopted:-

Whereas:-

A large number of children of all classes, residing in the Indian Territory, outside of the Towns, and Villages, are without school facilities of any kind, and

Whereas:-

Because of the anomalous conditions existing in the Indian Territory, there is no way in which public schools can be established, or maintained, and

Whereas:-

The Dawes Commission to the Five Civilized Tribes, now representing the United States Government in the Indian Territory has used every endeavor to provide some way by which schools may be established, and maintained in the Indian Territory, which efforts have not as yet been successful-therefore

Be it resolved:-

That this Club heartily endorses the efforts heretofore made by the Dawes Commission in this matter, and urges that body to make further appeal to Congress to appropriate sufficient money to establish, and maintain public schools for all classes, residing in the Indian Territory, and

Be it further resolved:-

That this Club prepare, and send to all Educational, Commercial, and Political bodies of the Chickasaw Nation a Circular letter, urging them to take such action as seems best in line with the foregoing resolution, and to use their best efforts to obtain the appropriation asked for.

N.W.Fisher
President.

J.E.Ventress--Secretary.

March 17, 1899.

Whereas, A large number of children of all classes, residing in the Indian Territory, outside of the towns and villages, are without school facilities of any kind, and

Whereas, Because of the anomalous condition existing in the Indian Territory there is no way in which public schools can be established or maintained, and

Whereas, The Dawes Commission to the Five Civilized Tribes, now representing the United States Government in the Indian Territory, has used every endeavour (Sic) to provide some way, by which schools may be established for all children in the Indian Territory, which efforts have not as yet been successful, and

Whereas, By reason of their personal acquaintance and observations in various parts of the Indian Territory, the Dawes Commission have a more intimate knowledge of the situation and the great need for educational facilities, than has any other department of the government, therefore be it

Resolved, That this Grand Jury heartily endorses the efforts already made by the Dawes Commission and commends them for their action in this laudible cause, and urges that Honorable body to make further appeals to Congress, for an appropriation of sufficient money to establish and maintain public schools for children of all classes in the Indian Territory.

At a session of the Grand Jury for the United States Court sitting at Purcell, I.T. at its March, 1899 term, the foregoing preamble and resolution was unanimously adopted.

J.S.Ewing
Foreman of Grand Jury.

Attest:

T.G.B--.

March 17, 1899.

WHEREAS A large number of children of all classes, residing in the Indian Territory, outside the towns and villages, are without school facilities of any kind and

WHEREAS Because of the anomalous conditions existing in the Indian Territory there is no way in which public Schools can be established or maintained, and

WHEREAS The Dawes Commission to the Five Civilized Tribes, now representing the United States Government in the Indian Territory, has used every endeavor to provide some way, by which schools may be established for all children in the Indian Territory, which efforts have not as yet been successful, and

WHEREAS By reason of their personal acquaintance and observations in various parts of the Territory, the Dawes Commission has a more intimate knowledge of the situation and the great need for educational facilities, than has any other department of the government, therefore be it

RESOLVED That the Purcell Republican Club heartily endorses the efforts heretofore made by the Dawes Commission in this matter and urges that body to make further appeal to Congress, for an appropriation of sufficient money to establish and maintain public schools for all classes residing in the Indian Territory.

At a meeting of the Purcell Republican Club held in the City of Purcell I.T. Monday evening March 13th the foregoing preamble and resolution was unanimously and enthusiastically adopted.

W.H.P.Trudgeon

President.

Attest:

W.C.McNair

Secretary.

THE CITY OF WYNNEWOOD

Wynnewood, Ind.Terr., June 30,1899.

Secretary of Interior,

Washington, D.C.

Dear Sir:-

Our town is incorporated and I am requested to ascertain through you, whether or not we would be allowed under the Law to issue bonds for the erection of School Building.

We have adopted or voted to have Public Schools, but need better building and will issue Bonds for same if we have the Power.

Very Respectfully,

W.C.Lee

Mayor.

DEPARTMENT OF THE INTERIOR,
Washington.

July 5, 1899.

United States Indian Inspector
for the Indian Territory.

Sir:

Enclosed is a letter from W.C.Lee, Wynnewood, I.T., dated June 30, 1899, in regard to the question of issuing bonds for the purpose of erecting a school building at said place. The letter is referred to you for your consideration and answer.

Respectfully,

E.A.Hitchcock

Secretary.

Ind.Ter.Div.
1877-99.
1 enclosure.

(Endorsed) Union Agency No.254 Received Jul.9,1899
Office of U.S.Indian Inspector for Indian Territory.
Washington, July 5, 1899. Secretary.-----Refers letter
of W.C.Lee, Wynnewood, relative to issuing bonds for
school house.

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EXECUTIVE DEPARTMENT.
CHICKASAW NATION.

Tishomingo, I. T.

November 15, 1899.

Hon. J. Geo. Wright,

U. S. Indian Inspector,

Muscogee, Ind. Terr.

Dear Sir:--Yours of the 4th Inst. with inclosed petition of Charles Cohee et el(Sic) and other Chickasaw Freedmen concerning their schools, in reply will say, the Chickasaw Freedmen were not adopted as provided for in the treaty of 1866, and their status is yet unsettled as to Chickasaw citizenship. Had they been adopted as provided for in the treaty of 1866, they would have been entitled to only forty acres of land, and not entitled to school priveledges (Sic) nor to participate in any of the annuities nor other funds.

As per request I return you herewith the letter of Charles Cohee.

Very respectfully,

D. H. Johnston
Governor C.N.

(Endorsed) Union Agency # 3240, Received Nov. 16, 1899, Office of U. S. Indian Inspector for I. T. Tishomingo, I. T. Nov. 15, 1899. Gov. D. H. Johnston. Returns letter of Charles Cohee, et al, about Freedmen schools.

DEPARTMENT OF THE INTERIOR.
Washington.

ITD 4951-1902.
5346-1902.

August 29, 1902.

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

Sir:

The Department is in receipt of your report dated August 6, 1902, transmitting a list of outstanding school indebtedness of the Chickasaw Nation, amounting to \$102,284.54.

You call attention to the certificate of the United States School Supervisor of the Chickasaw Nation, to the effect that said list represents lawful, valid and subsisting claims against said nation, and that the warrants mentioned therein were issued in payment of indebtedness incurred in the education of Chickasaw pupils of Indian blood, except warrant No. 11, in favor of William R. Hays, for desks at Sulphur Springs school, for \$100., not yet delivered; and warrant No. 69, in favor of G.W. Burris, for education of state students, 1896 and 1897, \$75., which was for indebtedness incurred prior to July 1, 1898, from which date only the funds arising from coal and asphalt are applicable.

You call attention to the statement of the Superintendent of Schools for the Indian Territory relative to the reckless manner in which warrants have been issued, and stating that he will submit a special report with recommendation concerning the matter.

-2-

You also state that you have conferred with the Superintendent of Schools on said subject and propose conferring with the Governor in reference thereto, after which a full report and recommendation will be submitted for the consideration of the Department.

The Acting Commissioner of Indian Affairs forwarded your said report on August 26, 1902, and states that after the warrants shall have been received from the Treasury for the royalties deposited by the Agent at Union Agency for the fourth quarter, 1902, there will be, subject to payment for school warrants, -- \$158.94 royalty on asphalt, \$35,186.78 royalty on coal, making a total of \$35,345.72. The Acting Commissioner states that said sum is about one-third of the amount necessary to liquidate the warrants outstanding, and since the royalties from coal are averaging from fifteen to eighteen thousand dollars quarterly "and the expense about four thousand quarterly, it is deemed impracticable at present to make the payment."

The Department sees no objection to paying the amount of said warrants in the order that they were issued, as far as said sum of \$35,345.72 will go, reserving therefrom a sufficient amount to pay the pro rata expenses of the United States school officers in the Chickasaw Nation. The Department is desirous that the expenditure of moneys shall be made with strict economy, and concurs in your suggestion that you make a complete report in the premises as soon as practicable.

The papers transmitted with your report, together with a copy of the report of the Acting Commissioner, are inclosed herewith.

Thos. Ryan

Acting Secretary.

4 inclosures.

DEPARTMENT OF THE INTERIOR,

Office Of School Supervisor For Chickasaw Nation,

Tishomingo, Ind.Ter.

Aug.1,1902.

Supt. J. D. Benedict,

Muskogee, I. T.

Dear Sir:

I return herewith list of warrants. I am satisfied that they have all been issued in legal manner and for claims which have been recognized as valid.

In some instances they have been drawn in advance payment for material or service but it would be absolutely impossible in most cases to ascertain the facts.

The one exception I have noted came to my personal observation, the other shows upon its face.

Very truly,

Geo.Beck.

Supervisor.

DEPARTMENT OF THE INTERIOR,
United States Indian Service,
Office Of Superintendent Of Schools In I.T.

Muskogee, Ind. Ter.,
Aug. 4, 1902.

Hon. J. Geo. Wright,
U. S. Indian Inspector for Indian Territory,
Muskogee, Indian Territory.

Sir:

I have the honor to submit, herewith, a list of the school warrants issued by the authorities of the Chickasaw Nation from August 31, 1901, to April 1, 1902, together with the report of Supervisor Geo. Beck thereon.

Supervisor Beck informs me that the authorities of the Chickasaw Nation have not been inclined to give him any information concerning these warrants, and that he has been compelled to gather his information concerning them by piece meal as best he could. Supervisor Beck disapproves two warrants, as follows:

Warrant No. 11, issued Nov. 8, 1901, to Wm. R. Hayes for desks furnished Sulphur Springs School amounting to \$100.00. Supervisor Beck has visited that school, and states that it has no new furniture.

Warrant No. 69 (Page 16 of this list) issued October 17, 1899, to G. W. Burris for \$75.00, seems to have been issued to pay the expenses of Wm. Harrison, a State student for the year 1896-7. As that indebtedness was incurred prior to the Atoka 4721.

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Agreement, I understand that it cannot be paid out of the coal royalty fund.

I, therefore, recommend that Supervisor Beck's report be approved, and that the two warrants last above mentioned be rejected.

In this connection I desire to say that Chickasaw authorities seem to be pretty reckless in the matter of issuing school warrants. It frequently happens that school warrants are issued and delivered by them prior to the rendition of the services. If it were possible some rules and regulations should be prescribed by the Department governing issuance of such warrants. As soon as I can find time I desire to submit a special report with recommendations concerning this work.

Respectfully submitted,

John D. Benedict,

Superintendent of Schools

in Indian Territory.

Finance.
47477-1902.
49497-1902.
4 Inclosures.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.
Washington.

August 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge the receipt of your communication inclosing letter from Inspector Wright of Indian Territory for consideration, report and recommendation.

The Inspector recommends the payment of \$102,284.15, outstanding school indebtedness of the Chickasaw Nation, as evidenced by a list of warrants which he incloses, with the statement that the indebtedness has been largely incurred since date of list previously submitted, which amounted to \$133,299.26, the payment of which was authorized by Department letter of December 26th, 1901, and paid from royalties derived from asphalt and coal, which funds were only applicable for such debts. The Inspector suggests that it be ascertained from the records of this Office if there are sufficient funds on hand to the credit of the Chickasaw Nation for the payment of this last indebtedness arising from royalties on asphalt and coal.

For the information of the Department and the Inspector for Indian Territory, I have to state there will be on the books of this Office, after warrants are received from the Treasury for the royalties deposited by the Agent at Union Agency for the fourth

-2-

quarter, 1902, the following sums, subject to payment for school warrants, namely:

Asphalt-----	\$	158.94	
Coal,-----		35,186.78	<u>\$35,345.72</u>

This sum is about one third of the amount necessary to liquidate the warrants outstanding; and as the royalties from coal are averaging from fifteen to eighteen thousand dollars quarterly and the expense about four thousand quarterly, it is deemed impracticable at present to make the payment, and it is so recommended.

The inclosures to your letter are herewith returned.

Very respectfully,

A.C.TONNER,

McC.(C.)

Acting Commissioner.

(Endorsed) Union Agency No.4721 Received Sep.9,1902 Office of U.S.Indian Inspector for Indian Territory.Washington,Aug.29, 1902.Secretary.-----Approves report relative to outstanding Chickasaw school warrants; authority granted to make payment so far as funds will apply should submit report relative to Chickasaw school expenses.-----

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD 132-1903.

January 12, 1903.

United States Indian Inspector
for the Indian Territory.

Sir:

The Department is in receipt of a report from Acting Inspector Zevely, dated December 6, 1902, in which reference is made to departmental letter of November 5, 1902 (ITD 4951, 5346-1902), relative to the school indebtedness of the Chickasaw Nation, and transmitting therewith two reports from the Superintendent of Schools in the Indian Territory, stating that the school affairs of that nation are conducted upon a very extravagant scale. The Acting Inspector recommends "that Congress be asked at its present session to enact some legislation placing the entire disbursement of tribal funds in the hands of the Department, as it is only in this manner that the interests of the Indians as a whole can be protected."

The Commissioner of Indian Affairs forwarded said letter on January 6, 1903, and concurs in the recommendation of the Acting Inspector.

The Department also approves the recommendation of the Acting Inspector, and you are requested to prepare an item in duplicate for insertion in the Indian appropriation bill, which will grant to the Secretary of the Interior authority to collect and

-2-

disburse all of the tribal funds of the Chickasaw Nation under suitable regulations to be prepared by him.

Your early action is requested as this session of Congress will expire by limitation on March 4th next.

Respectfully,

Thos. Ryan.
Acting Secretary.

)Endorsed) Union Agency # 5629 received Jan. 30, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, Jan. 12, 1903. Secretary. Approves report relative to conduct of Chickasaw Schools; calls for draft of article to be inserted in Ind. App. Bill placing same in charge of Secretary of Interior.

DEPARTMENT OF THE INTERIOR,

ITD 6330-1904. Washington

August 10, 1904.

The U.S. Indian Inspector

for Indian Territory, Muskogee.

Sir:

The Department is in receipt of a communication from the Superintendent of Schools in Indian Territory, dated July 28, 1904, relative to school matters in the Chickasaw Nation, and stating that they have not been progressing satisfactorily, and that the tribal officials have not furnished the United States school officials with the information concerning their schools in accordance with the agreement entered into with the Secretary of the Interior and the Governor of the Chickasaw Nation, April 11, 1901.

He further states that the tribal officials have refused to admit any white children to their tribal schools.

The Superintendent recommends that the Supervisor of the Chickasaw Nation and the Superintendent of Schools in Indian Territory be authorized to provide for the attendance of Chickasaw children in the new schools to be established, and that the U.S. Indian Agent for Union Agency be authorized to pay an equitable proportion of the expenses of such schools out of the coal royalty funds accruing to the Chickasaw Nation.

This report bears the stamp of your approval dated August 1, 1904.

The Acting Commissioner of Indian Affairs forwarded said

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report on August 6th, and states -

"The agreement referred to by the Superintendent is printed in full in the annual report of the Commissioner of Indian Affairs for the fiscal year 1901, on page 129, and it appears from the statement of Supt. Benedict, which is approved by the U.S. Indian Inspector, that the tribal authorities of the Chickasaw Nation are ignoring the provisions of section 5 of that agreement; and it is respectfully recommended that the Superintendent of Schools be directed to make out a statement of the violations of the section referred to and that the same be submitted to the Chickasaw authorities with the request to know why, if that section has been violated, that the agreement should not be declared null and void, - pending a decision upon which the matter of the establishment of separate schools out of the \$100,000 held in abeyance."

The Department concurs in said recommendation, and you will instruct the Superintendent of Schools to make a statement of the violations of said agreement, and you will transmit the same to the Governor of the Chickasaw Nation, requesting from him an explanation of the action of the tribal officials, and if the violations of said agreement, as stated by the Superintendent and submitted by you, be admitted by the Governor, you will request him to show cause why said agreement should not be abrogated.

The Commissioner of Indian Affairs will be requested to transmit to you a copy of the Acting Commissioner's letter.

Respectfully,

Thos. Ryan

Acting Secretary.

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(Endorsed) Union Agency No.10096 Received Aug.18,1904 Office of U.S.Indian Inspector, for Indian Territory.Washington,Aug.10,1904. Secretary.-----Rel.to report of Supt. of Schools relative to Chickasaw school matters. Supt. should call upon tribal authorities to show cause why agreement should not be abrogated, and submit report.-----

DEPARTMENT OF THE INTERIOR,
Office of School Supervisor for Chickasaw Nation,

Tishomingo, Ind.T.,

Nov. 12, 1904.

Supt. J. D. Benedict,

Muskogee, I. T.

Dear Sir:

Several questions have arisen among the Teachers requiring answer.

What is the regulation in regard to holidays? I suppose they are entitled to the individual days but no others.

What allowance will be made for attendance upon teachers' association or other meetings?

A case came to me a day or two ago like this: A. is an intermarried Chickasaw and one of the school houses into which we have put a teacher is on his land and he has \$75. in it. He forfeits \$12.50 per month by sending his children there as he very much wishes to do because our teacher does not hold Chick. certificate. He is willing to pay well for the tuition of his children, and unless they can attend at home he must send them away. He is very desirous of sending his children to the home school and I think he would probably forfeit all his board money rather than not do so.

Can any arrangement be made by which our Teachers could collect tuition from individuals and report it as part of their salary?

As to Chickasaw certificates of course that is out of the question.

-2-

Respectfully,

Geo Beck.

Supv.

(Endorsed) Union Agency No.7 Geo Beck, Tishomingo,I.T.Nov.12,1904.
----Concerning holidays.----

1.

DEPARTMENT OF THE INTERIOR
OFFICE OF SCHOOL SUPERVISOR FOR CHICKASAW NATION.

Tishomingo, Ind. T., Nov. 14, 1904.

Supt. J. D. Benedict,

Muskogee, I. T.

Dear Sir:

Your telegram reached me on Sat. Eve. just in season for me to bundle the list of warrants into the mail before it closed.

I have not had time to give to them any examination whatever as I am still very busy with correspondence principally adjusting schools and teachers.

Today I have an engagement in the country beyond Ardmore to arrange a misfit and I would ask how to proceed in case a teacher resigns or is relieved in the midst of a school term.

Then too I had to spend several days in the Seminole nation and I turned some work over to Supt. Brown, but I have no report yet from him.

I have had no time to visit the boarding schools for the purpose of valuation, and in my former visits I have not had that in mind so I cannot be at all confident of coming near the correct amount. Mrs. Turman, contractor for the Orphans' Home died a few days ago, which is greatly to be

2.

regretted as she was an energetic and cultured lady with high ideals, and was improving the school very much.

The building at Harley is brick in bad repair tho some \$1200 or more was spent on it last year. There is a large barn in very good condition and its land is reasonably good. It may be worth \$6000. possibly \$7000.

Collins has frame residence with kitchen and dining room recently repaired and painted in fair condition only, also a school and dormitory building frame to which recent addition has been made by which it is in very good condition. Its land as I see it is partly rather rough and I should not expect it to bring more than \$5000. tho half that has been expended for repairs and additions.

It has barns but I can not describe them. Rock Academy is a stone building with stone kitchen annex. It seems to be in very good condition of repair but a large portion of its land is rocky and of little value for cultivation. It should be worth at least as much as Harley. It has one fair barn and one old poor one.

Orphans' Home has a three story dwelling and Dormitory and a brick two story school building the former rather old and needing repairs some of which I think Mrs. Turman has recently made. The sch. building is in very good condition.

3.

It has a good allotment of land and I should place it \$7000. at least. It has fair barn.

Bloomfield is in best trim of any, large dwelling & Dormitory, and separate sch. building both two stories and frame. Their barn was burned sometime ago and I have not seen the new one. Its proximity to Dennison is quite an item in its valuation and it has a good land allotment. I should guess it at \$10,000 possibly \$12,000.

Of course the amount which any of these would bring would depend greatly what any one wishes to do with them. As private residences I think I have given values high enough, but if desired for other purposes they might bring more. Of course they could none of them be replaced for the sums I have named, and I may be away off on any or all of them. I shall write you a letter later about the Territorial Association.

Respectfully,

Geo. Beck,

Supr.

A.L.S.

Copied by M.P.B. March 28, 1934.

DEPARTMENT OF THE INTERIOR,
Office of School Supervisor For Chickasaw Nation,

Tishomingo, Ind.T.

May 15, 1905.

Supt. J. D. Benedict,
Muskogee, I.T.

Dear Sir:

I wish to submit two or three questions: 1st, the colored teachers of this nation expect to hold a normal and wish to provide for an examination for certificates. May that be done? If so how? 2nd, The teachers on the R.I. Road (those you met at Chickasha) will hold a normal of their own appointed some months ago, and will not attend at Wynnewood, chiefly on account of bad connections.

They also desire that provision be made for taking our examination, as they expect some of the school boards to require our certificates.

If I do not take charge of it they promise to do so themselves and safeguard it so carefully that there shall be no opportunity for fraud. If this may be done I should favor it and believe it would promote combination of forces in the near future.

3rd There are several teachers who have taught this year in some of our best schools and who will be out of the territory for the summer, but wish to return for next year. Others, with excellent credentials are making inquiry and application for schools.

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Would it be permissible to give encouragement to such without attendance on any of our normals?

Replies to above will enable me to reply to many inquiries to which so far I am strictly non-committal.

Respectfully,

Geo. Beck.

Supv.

(End orsed) Union Agency No. 21 Geo. Beck, Tishomingo, I.T. May 15, 1905-----Relative to holding special examinations, etc.-----

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DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D 734-1906.

January 23, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

On January 4, 1906, you transmitted a petition for departmental consideration in the matter of the issuance of bonds in the sum of \$25,000 for school purposes, at Pauls Valley, Chickasaw Nation, Ind. T.

It appears from the petition and accompanying papers that the Department is requested to approve this issue of bonds for the purposes stated, in accordance with the provisions of section 22 of the supplemental agreement with the Choctaw and Chickasaw Nations, ratified by the act of July 1, 1902 (32 Stat., 641).

It is shown that Pauls Valley is a municipal corporation, with population of 2,333, and that the assessed valuation of the taxable property of said town is \$726,119.

On August 4, 1903, the Department approved a bond issue of \$18,000 for the town, and bonds for \$25,000 were issued prior to the time the Secretary of the Interior was required by law to approve the issue of bonds. The indebtedness of Pauls Valley at the present time is therefore \$43,000, which added to the issue of \$25,000 now desired, will total \$68,000.

You inclose a report in this matter by the Superintendent of Schools for the Indian Territory, Mr. John D. Benedict, who made a personal investigation. The Superintendent reports that

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the town is well prepared to bear the additional burden of indebtedness and is badly in need of two comfortable school buildings. He recommends the approval of the bond issue.

You state that the town is amply able to care for the proposed bond issue, and in view of the necessity for the public improvements desired, you recommend the approval of these bonds.

Reporting January 12, 1906, on this subject, the Indian office concurs in your recommendation. A copy of its letter is inclosed.

The Petition is granted and the Department gives its approval to the issue of bonds by this town in the sum of \$25,000. You will so advise the town authorities.

Respectfully,

THOS. RYAN,

First Assistant Secretary.

1 inclosure
a true copy.
Inspector.

(Endorsed) Union Agency No.13241.Received Jan.23,1906.Office of U.S. Indian Inspector for Indian Territory.Washington,January 23,1906.
----Secretary. Approves issuance of bonds in sum of \$25,000, for school purposes by town of Pauls Valley Chickasaw Nation, Ind.Ter.

DEPARTMENT OF THE INTERIOR,
Office of School Supervisor for Chickasaw Nation.

Tishomingo, Ind.T.

Mar. 5, 1906.

Supt. John D. Benedict.

Muskogee, I.T.

Dear Sir:

The Chickasaw legislature was called together on Saturday P.M. by special message of Gov. Johnston, and made appropriation to continue the schools, through June, including the boarding schools under present contracts.

Every one of the boarding schools (unless perhaps Orphans' Home) had closed and pupils all dispersed, and now I am informed that they are to make a show of resuming in order to get that money.

I am confident that not one of them will be able to do work of any worth and the running will be mere form for revenue only.

I had the promise of the list of warrants immediately but it is not finished and the Auditor has left and does not expect to return before Thursday, after promising me faithfully to have the list ready without delay.

Legislature has adjourned having cost, I am told, \$42,000.

I was busy notifying Teachers of extension when I received notice that you had already done so.

What shall I do for an office?

Very respectfully,

Geo. Beck----Supv.

-2-

P.S. Those schools should not have closed while there remained the slightest probability of their being continued.

(End orsed) Union Agency No.29. Received March 5,1906----Geo.Beck., regarding the Chickasaw legislature making appropriation to continue the schools, through June, including the boarding schools under present contracts.----

DEPARTMENT OF THE INTERIOR,
United States Indian Inspection Service,

Tishomingo, I.T.

August 4, 1906.

Supt. John D. Benedict,
Muskogee, I.T.

Dear Sir:

This question comes to me this morning: "Will Gov't pay tuition of Chickasaw pupils in schools outside of territory?"

Since Mar. 4 last such pupils as authorized by Supt. have received at the rate of \$12. per month to close of sch. year.

Yours respectfully,

Geo. Beck.

Please reply at once, I have indicated that it is very doubtful.

I find considerable opposition to opening the Academy at all.

(Endorsed) Union Agency No. 32. August 4, 1906 Geo Beck. Tishomingo, I.T.-----Asks if the Government will pay tuition of Chickasaw pupils in schools outside of Territory.-----

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D. 13112-1906.

August 13, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

On July 20, 1906, you transmitted a petition of the town of Terral, Chickasaw Nation, Ind. T., by its municipal authorities, requesting departmental approval of the issuance of bonds by said town in the sum of \$5,000 for the construction of school-houses.

Authority is requested for the issuance of these bonds under the provisions of section 55 of the supplemental agreement with the Choctaw and Chickasaw nations ratified by the act of July 1, 1902 (32 Stat., 641).

From the papers submitted it appears that the town of Terral is a municipal corporation, with a population, according to its last school census, of 884 people, and with taxable property valued, according to the last assessment for the purpose of taxation, at \$130,461.50.

On November 18, 1905, the Department approved an opinion of the Assistant Attorney-General relative to the issuance of certain bonds by the town of Stonewall, Chickasaw Nation, Ind. T., and construing paragraph 55 of the agreement with the Choctaw and Chickasaw tribes of Indians ratified by the act of July 1, 1902 (32 Stat., 641), it was held that--

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"The first sentence of paragraph 55 of that act must be construed as affirmatively authorizing corporations in those nations to issue bonds for the specified purposes, with the approval of the Secretary of the Interior," and in conclusion

"That the fact that the town of Stonewall has a population of less than 1,000 persons should not of itself prevent this application receiving your (the Secretary of the Interior) approval."

Applying the rule laid down in section 1 of the act of May 19, 1902, limiting the amount of bonds that can be issued by towns having a population of 2,000 or more, which, by reason of the small population of Terral does not apply in this case, but may be used as a guide to judge the town's ability to support the indebtedness desired to be incurred, it is found that the interest upon a bond issuance of \$5,000 at 5 per cent per annum, would amount to \$250; a tax of 5 mills on the dollar of the valuation of the taxable property, which is shown by the papers inclosed to be \$130,461.50, would provide a revenue of \$652.30.

Reporting in regard to the issuance of these bonds, School Supervisor Walter Falwell states that the town is out of debt, and is in need of better school facilities than they now have. He recommends that the bond issuance be approved, in which recommendation Superintendent John D. Benedict concurs.

You say that you have carefully considered this matter and inasmuch as there is no doubt as to the necessity of the

14972

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public improvements desired, you recommend the approval of the bond issuance.

Reporting in July 30, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department considers that there is a necessity for the issuance of these bonds. The petition of the town of Terral for permission to issue bonds in the sum of \$5,000 for the construction of schoolhouses is hereby approved.

Respectfully,

Thos. Ryan.
Acting Secretary.

1 inclosure.

(Endorsed) Union Agency # 14972 Received Aug. 17, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D. C. Aug. 13, 1906. Secretary. Approves bond issue in sum of \$5,000. for school purposes by town of Terral, Chickasaw Nation. I.T.

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A home for homeless colored people--

Chickasha, Ind. Ter. September 15, 1906.

We colored people who have bought homes in Chickasha who are not natives and has no rights any where in this U.S. and we do ask for aid from the government for our people. We have no place to take our people, who are old, cripple and unable to work, to care for them, and we do ask the government to give us a right to a quarter section of land to build us a school house business colledge and Ophan home, for this body of people that the government never has donated this body of people any thing and we are Tax payers in this Indian Territory, and we do not receive any benefit for our Taxes and we do ask the government to assist us by giving us a quarter section of land to the church of god colored people to build, a school house business colledge and ophan home.

Sign
To Wit:

Am. Brantford
Alf Walters
H.H.William
R.A.Jordan
Henry Clay
Jas Williams
J.W.Ditum
Am. Brantford Jr.

Address A. M. Brantford Jr.
Box 1055
Chickasha, Ind.Ter.

(Endorsed) Union Agency # 15513 Received Oct. 1, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Sept. 29, 1906. Secretary. Refers for appro action petition from A. M. Brantford, Jr., and others for the setting aside of a tract of land for certain colored school, etc. Chickasha, I.T.

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DEPARTMENT OF THE INTERIOR.

UNITED STATES INDIAN SERVICE.

OFFICE OF SUPERINTENDENT OF SCHOOLS IN INDIAN TERRITORY.

MUSKOGEE. IND. T., Nov. 10, 1906.

Hon. J. George Wright,
U.S. Indian Inspector,
Muskogee, I.T.

Sir:

I have the honor to acknowledge receipt of your letter of November 5, 1906, wherein you enclose a copy of a letter from the Honorable Secretary to you, dated October 24th, in which the Honorable Secretary decides that it is not practicable to pay the board of all Chickasaw children as heretofore.

The Honorable Secretary gives the following as one of his instructions, viz:

"In view of the Indian Office suggestion, you are requested to direct the Superintendent to take such steps as will prevent discrimination against full bloods, and to devise some plan of promotion from the day schools to the boarding schools."

In reply thereto I will say that we have always endeavored to prevent discrimination against full bloods, and we have always endeavored to carry out a plan of promotion from the day schools to the boarding schools. I have found, however, that the plan of promoting from the day schools to the boarding schools has a tendency to discriminate against full bloods, for the reason that many of the full bloods do not attend the day schools long enough to prepare themselves for this promotion.

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In the Choctaw and Chickasaw Nations we have had a ruling which provides that the pupils entering must be at least prepared to do fourth grade work. In order, however, to avoid any appearance of discrimination against full bloods, we have in some instances admitted full blood children to the boarding schools who were not prepared for the fourth grade. I shall endeavor to carry out the instructions of the Honorable Secretary to the best of my ability

Yours respectfully

John D. Benedict.
SUPERINTENDENT.

(Endorsed) Union Agency # 59821 Received Nov. 12, 1906. Office of U.S. Indian Inspector for Indian Territory. Muskogee, Indian Territory, Nov. 10, 1906. John D. Benedict, Supt. of Schools in Indian Territory. Relative to manner of selecting pupils for boarding schools.

CHICKASAW - TELEPHONE

Fire Insurance Company of New York,
315 Dearborn St. Chicago
I.S. Blackwelder: W.L. Steele,
Manager Asst. Manager.

June 3, 1899.

Muskogee, I. T.

Dear Sir:

We are going to build an East and West Telephone Line, this place to Elmore and East to Roff. Would like to make arrangements to get the poles off from the Gov. land. Could we make that arrangement? If so, what would be the royalty (the poles to be 20 ft. long) on same. This line will be a great benefit to the Territory and people of same. We are not wanting the poles for speculation but for the line and will not damage any other Timber. The line will be about 40 miles long and we will want to use about 28 to 30 to the mile, to get all of them from the land which is allotted, would require us to have some long distances.

As I am writing you, the citizens of this place, wish me to ask you what arrangements can be made in regard to opening an East and West wagon road on the Section Line (Gov. Survey). This would shorten same very much, for instance, way the road now runs, Wynnewood to Roff, is 30 miles, while on the section line, would be only 19 1/2 miles. The people are willing to build gates where necessary and bridges and improve the road so as to make same a 1st class thoroughfare.

Please let us hear from you as soon as convenient in

regard to the poles and greatly oblige.

Very respectfully yours,

A.T.Schmid

Manager--Wynnewood Telephone Co.

(Endorsed) Union Agency No.1205 Received Jun.5,1899 Office of
U.S.Indian Inspector for Indian Territory.Wynnewood,I.T.,
June 3,1899.A.T.Schmid.----Wants to cut telephone poles and change
roadway.-----

PIONEER TELEPHONE AND TELEGRAPH COMPANY

E.D.Nims, President
Jno.M.Noble, Vice-Pres. and Gen'l Mgr.
E.E.Westervelt, Sec'y and Treas.
Arthur Whorton, Auditor
Henry E.Asp, General Solicitor

Oklahoma City, Oklahoma
November 18, 1905.

Hon. J. Geo. Wright, U. S. Indian Agent,
Muskogee, Indian Territory.

My dear Sir:

Inclosed please find an affidavit of completion of a section of telephone line constructed under permit granted by the Secretary of the Interior to the Missouri and Kansas Telephone Company, which line extends from a point near Purcell, Chickasaw Nation, Indian Territory, southerly along the Gulf, Colorado & Santa Fe Railroad to Davis, Chickasaw Nation, Indian Territory, thence easterly to a point near Scullin, Chickasaw Nation, Indian Territory, a distance of about forty (40) miles.

This property was recently purchased from the Missouri and Kansas Telephone Company by this Company, and my information was that the affidavit of completion had never been filed.

Will you kindly advise me the amount of taxes due on this line and same will be promptly remitted.

Yours truly,

E.D.Nims.
President.

EDN-RAR

(Endorsed) Union Agency No.51442 Received Nov.21,1905 Office of U.S.Ind.Insp.for I.T.Oklahoma City,Ok.,Nov.18,1905 Pioneer Telephone & Telegraph Co. by E.D.Nims,Pres.----Encloses affidavit of completion of a section of telephone line which extends from a point near Purcell to Davis, thence easterly to a point near Scullin, a distance of 40 miles, and asking to be advsd the amt of tax due on same.----

P I O N E E R T E L E P H O N E & T E L E G R A P H C O .

Okalahoma City, Oklahoma
February 28, 1906.

J. G. Wright, Inspector,
Muskogee, I.T.

Dear Sir:--

In regard to the telephone line between Sulphur and Scullin in the Chickasaw Nation I would state that the Arkansas Valley Telephone Company originally filed a map of a proposed line between these points following the range line. The Arkansas Valley Telephone Company subsequently filed a map following the right of way of the Frisco Railroad.

The Long Distance Telephone Company under the grant to the Arkansas Valley Telephone Company built an oak pole line along the Frisco Railroad. Later the Missouri & Kansas Telephone Company built a new line along the range line between these points.

On the completion of the Missouri & Kansas line and the acquiring of this property by the Pioneer Telephone & Telegraph Company the oak pole line was abandoned. The line was in operation, as near as I can recollect, about one year.

Respectfully,

James F. Noble.
Engineer.

(Endorsed) Union Agency # 53988 Received March 1, 1906. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, Okla. Feb. 28, 1906. Jas. F. Noble, Engineer, Pioneer Tel. And Tel'g Co. In re tlephone (Sic) line from Sulphur to Scullin, I.T.

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PIONEER TELEPHONE AND TELEGRAPH COMPANY.

E.D.Nims, President.

Jno.M.Noble, Vice Pres. & Genl Mgr.

E.E.Westervelt, Secy & Treas.

Arthur Whorton, Auditor

Henry E.Asp, General Solicitor.

Insurance and Taxes:
MilburnOklahoma City, Oklahoma
July 5, 1906.Honorable J. George Wright, Indian Inspector,
Muskogee, Indian Territory.

Dear Sir:-

Your letter of June 25th, subject "Telephone Number 14", addressed to the Tishomingo International Telephone Company has been forwarded to me. This Company is now in control of the Tishomingo International Telephone Company property. In reply to your query relative to Milburn exchange, beg to advise that this exchange was built by the Tishomingo International Telephone Company and was put into operation on December 24th, 1905.

In taking the matter up further, please address your communications to me.

Yours truly,

Jno.M.Noble

OND-IM

General Manager.

(Endorsed) Union Agency No.56997 Received Jul.6,1906 Office of U.S. Indian Inspector for Indian Territory.Oklahoma City,Okla., July 5,1906.PIONEER TELEPHONE & TELEGRAPH CO.-----Giving cert. inf. in reg. to the Milburn exchange.-----

PIONEER TELEPHONE & TELEGRAPH CO.
LAW DEPARTMENT.

Oklahoma City, Okla.,
November 2, 1906.

Hon. J. Geo. Wright, Indian Inspector,
Muskogee, I.T.

Dear Sir:

In your letter of September 11th, relative to the approved right-of-way between Ada and Purcell, you recommend that we send an agent from this company along this right-of-way, to procure from allottees permission to construct our line through their land; you also make a suggestion that it would be a wise plan to have a representative of your office accompany our agent. We would thank you to name a date when our agent could meet with yours and take up the matter referred to, so that when we are ready to build this line we shall have made all the necessary arrangements to go ahead without meeting any opposition.

If you can give us the services of the one of your representatives for a day or two, and will name the day in advance, upon which he can start out upon this matter, we shall greatly appreciate it.

Yours very truly,

J. R. Spirlman
Solicitor.

(Endorsed) Union Agency # 59692 Received Nov. 3, 1906. Office of
U.S. Indian Inspector for Indian Territory. Oklahoma City, Okla.

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Endorsement con'c) Union Agency # 59692 Received Nov. 3, 1906
Pioneer Tel. & Tel. Co. Rel. to securing right of way between
Purcell & Ada for telephone line.

CHICKASAW - TIMBER

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DEPARTMENT OF THE INTERIOR,
Washington,

March 18th, 1899.

Mr. J. George Wright,
U.S. Indian Inspector
for the Indian Territory,
Muscogee, Ind. Ter.

Sir;

Herewith you will find inclosed a letter from W.A. Batman, Secretary, of the Midland Gin Company, Midland, Chickasaw Nation, I.T., in which he states that it is reported "to us (said company) that the people of the Chickasaw Nation are prohibited from getting timber on Indian Lands. What we want is, that we have bought a very costly system of machinery for ginning purposes, and we want the right to get timber to build the house." He also states that "it would damage us at least \$500 to be deprived of the right to use the timber. We don't desire to speculate on the timber, but to use it for the benefit of the Indian country." He also asks that said company be advised of the amount of timber they may be allowed to use and of the royalty to be paid thereon.

On the 1st instant the Department advised Mr. Johnson Keel, At Oconee, I.T., relative to the cutting of oak timber for local improvements, such as building fences, houses on his farm, and also his neighbor's farms, "that under the proper construction of said agreement (section 29 of Act of June 28, 1898),

-2-

members of the Choctaw and Chickasaw tribes are permitted to cut or use from their own claims sufficient timber to make necessary improvements thereon. The inhibition in said Agreement and the rules and regulations of the Department thereunder is against the cutting of timber for sale."

You will accordingly investigate as to the necessity for said improvements, the use of the timber therefor, and the amount required to make the same, and report your findings to the Department at your earliest convenience.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
650-1899.
1 Inclosure.

Through the Commissioner
of Indian Affairs.

(Endorsed) Union Agency Number 56. Received March 24, 1899. Office of U.S. Indian Inspector for Indian Territory. Washington Mar 18, 1899. Secretary. Letter from Midland Gin Co, about getting wood for investigation and report.

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Union Agency,
Muscogee, I.T.,
March 22nd, 1899.

Mr. S. J. Powell,
Brownsville, I.T.

Dear Sir:-

Yours received. At this time there is no arrangement made by which you can saw cottonwood timber or lumber and sell the same to the citizens of the Chickasaw Nation for profit or speculation, and there is no one authorized, as I understand it, to receive royalty on same. At least I am not authorized to receive it and therefore cannot grant you permission to cut the same.

Very respectfully,
D.M.Wisdom,
U.S.Indian Agent.

Approved;

J.Geo. Wright,
U.S.Indian Inspector.

DEPARTMENT OF THE INTERIOR

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WASHINGTON

March 25, 1899

J. George Wright
U. S. Indian Inspector
for Indian Territory
Muscogee, Indian Territory.

Sir:

I am in receipt of your communication of the 7th instant, inclosing a copy of a letter written by you to S. B. Bradford, U. S. Commissioner for the Southern District of the Indian Territory, at Ardmore, Indian Territory, in regard to the prosecution of persons guilty of unlawfully cutting and disposing of timber standing on the lands of the Chickasaw tribe of Indians.

It appears that your said letter was written in reply to one received from Mr. Bradford on the first instant, giving an account of his proceedings in the cases of persons that were brought before him charges with violations of the timber laws in the Territory, in which he held "that an Indian who had in good faith taken his allotment could sell wood from his allotment without violating the law."

In reply you state:

"I think your ruling is correct, but to further aid you in the matter, I desire to invite your attention to the policy of the Department as set forth on page 5 of the inclosed rules and regulations in regard to the cutting and disposing of timber from the lands of the Indians, and

especially from the allotments of individual citizens. It is not the intention to prosecute or persecute any citizen for selling wood in the local markets for the purpose of procuring the necessities of life for himself and family where the same is cleared off of his prospective allotment taken in good faith, nor for cutting the timber standing upon his farm for the purpose of improving it; but it is proposed to prosecute vigorously all persons who engage in the timber business as a business or occupation for speculation or profit where they procure the timber for such operations from the Lands of the Five Civilized Tribes."

In your said letter of March 7th you state that the copy of your letter to Mr. Bradford is submitted to the Department for its "information and consideration and approval."

In forwarding your said letter and inclosure the Commissioner states that the same "appears to properly state the position of the Department and this office on this question," and he recommends that you be advised that your "action in the premises is approved, the approval to be understood to apply to the language used in (your) letter."

The ruling relative to the cutting of timber stated by the Commissioner and by you is substantially the same as contained in Departmental letter of March 15 to you, wherein the department informed you of the advice given Mr. Johnson Keel at Oconee, Indian Territory, relative to the cutting of oak timber for local improvements, such as buildings of fences, houses on his farm, and also his neighbors' farms, and stating to him, "That under the proper construction said agreement (section

29 of the Act of June 28, 1898), members of the Choctaw and Chickasaw tribes are permitted to cut or use from their own claims sufficient timbers to make necessary improvements thereon."

The inhibition in said agreement and the rules and regulations of the Department thereunder, are against the cutting of timber for sale, and you were directed to investigate as to the necessity for the improvements desired by the Midland Gin Co., Midland, Chickasaw Nation, the use of the timber thereof, and the amount required to make the same.

The Department is not unmindful of the fact that said Commissioner is an officer appointed by the U. S. Court, and of course, subject to its control, and that while primarily the duty of prosecuting offenders against the law is imposed upon the officers of the Department of Justice, yet it is desirable that all the officers of the Government in the Indian Territory cooperate with each other in the vigorous enforcement of the laws.

A copy of the report of the Commissioner is inclosed herewith.

Respectfully

Tho. R. Ryan, Acting Secretary

Ind. Ter. Div. 746-1899
Through Commissioner of Indian Affairs

Endorsement: Washington March 25, 1899. Secretary. Relative to prosecution of unlawful timber cutters in the Chickasaw nation.

Union Agency,
Muscogee, I. T.,
April 7th, 1899.

Mr. Fred W. Nolker, Secy.,
Gilsonite Roofing & Paving Co.,
Wainwright Building,
St. Louis, Mo.

Dear Sir:-

Yours received in which you enclose a letter directed to you from J. Hamp Willis, who claims to be timber agent for the Chickasaw Nation, in which he demands royalties at the rate of 20¢ per cord on wood, etc.

It is a fact, that the Choctaw government is entitled to three-fourths of all royalties collected by the Chickasaws, and the other fourth is due the Chickasaw Nation, but in any event, whoever collects the same, whether it be a collector for the Choctaw Nation or whether it be the collector for the Chickasaw Nation, the amount of three-fourths royalty collected, is to be paid to the Choctaws.

In order to simplify matters, I think it would be proper for you to pay all royalties due both nations, direct to J. Hamp Willis.

Very respectfully,

D. M. Wisdom.

Approved;

J. Geo. Wright,

U. S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma. Press Book No. 2-
Letter 16.

ARDMORE, I.T. Nov. 21st, 1899

Hon. Sec. of the Interior.

Washington, D. C.

Dear Sir:

I desire to call your attention to the enclosed instructions from your department in relation to timber cutting in the Chickasaw Nation and the purposes for which permission is granted, that is for "steam gins in a cotton growing country", and other like purposes for which you represent that "royalties shall be paid to the Nation for the benefit of all the people". I have commission from Governor McCurtain of the Choctaw Nation to collect the Choctaws $\frac{3}{4}$ of all royalties accruing in the Chickasaw Nation from such as mentioned in your instructions herein, and on application to collect said royalty, said gins have positively refused to pay for any such timber cut from the domains or in pastures or comply in any manner with the provisions of the instructions relative. I desire that you give me the necessary information as to the enforcement of your instructions and how to proceed.

Very truly yours.

I. W. Folsom

D E P A R T M E N T O F T H E I N T E R I O R.

WASHINGTON.

November 29, 1899.

United States Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir:

Enclosed herewith for your consideration and appropriate action is a communication from Dr. I. W. Folsom, "Choctaw Collector for Chickasaw Nation," dated the 21st instant, in which he states that certain "gins have positively refused to pay" royalty on timber "cut from the domain or in pastures or comply in any manner with the provisions" of the Department's instructions relative thereto. You will also find herewith a printed copy of said instructions enclosed by Dr. Folsom.

Respectfully,

Webster Davis

Ind.Ter.Div.
3439-1899.
2 enclosures.

(Endorsed) Union Agency # 431, received Dec. 8, 1899. Office of U. S. Indian Inspector for I.T. Washington, Nov. 29, 1899. Secretary. Refers letter of I. W. Folsom about collection of timber royalties.

CHICKASAW - TOWNSITES

Fort Smith, Arkansas, November 2, 1895.

To the Town-Site Association,

Ardmore, Indian Territory.

Gentlemen:

The Commission notices in the paper the proceedings of your recent meeting upon the subject of townsite legislation. They are entirely in accord with the objects of your meeting and commend very much the measures which you have adopted towards presenting to Congress the necessity of legislation upon that subject.

I am requested by the Commission to ask you, if you can, to furnish them with the information embraced in the resolutions adopted at your recent meeting, how many towns there are in the Chickasaw Nation which need such a law, what is the population of each, the business character of that population and its products.

So far as you have information in your possession upon these points it would be a great favor to the Commission if you would furnish it to them, at an early date.

Truly yours,

Henry L. Dawes

Chairman.

Copy of Letter Press Copy, signed, in office of Supt. of Five Civilized Tribes, Muskogee. Copied by RLW 5/2/34

D E P A R T M E N T O F T H E I N T E R I O R.

Washington.

July 21, 1899.

United States Indian Inspector

For the Indian Territory.

Sir:

On the 5th instant there was referred to you, for consideration, a letter in regard to incorporated towns in the Indian Territory, not signed, but presumed to be from Cyrus G. Kean, of Wynnewood, I. T., as it bears his letter head, in which reference was made to that portion of section 14 of the Act of June 28, 1898, (30 Stat., 495), which reads:

"And the councils of such cities and towns, for the support of the same and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection annually of a tax upon such property, not to exceed in the aggregate two per centum of the assessed value thereof, in manner provided in chapter one hundred and twenty-nine of said digest, entitled 'Revenue,' and for such purposes may also impose a tax upon occupations and privileges."

Said chapter of Mansfield's Digest provides that all levy and collection of taxes in cities and towns shall be based upon the appraisement of the county assessor, and the same shall be collected "in the same manner and by the same person that county taxes are collected."

Mr. Kean States:

"This Chapter provides that the County assessor make assessments before the 1st Monday in February; that his books be turned over to the county clerk by June the first; that the county clerk make out and deliver to the county collector, his books by November the first; * * * In our case there are no county officers and therefore none of this is applicable to us unless it be the dates given above. Our election occurs in April and if these

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dates are followed we have an assessor whose duties do not begin until about two months before another election,"

and he asks:

"Has the town council the legal right to make the time for assessing the taxes, such a time as is most expedient to their needs or such a time as they see fit to fix for said assessments without regard to the dates as are applicable in the state of Arkansas. or has the council the legal right to have such assessment made at any time previous to the time of collection (November) as provided in this chapter."

You report July 12, 1899, through the Commissioner of Indian Affairs, that in your opinion "the word 'town' should be substituted in place of the word 'county' as it appears in chapter 129 of Mansfield's Digest, so that the town officers will be: Town Assessor, Town Clerk, Town Collector and Town Treasurer;" that you consider that the assessor should

"begin making his assessments in the first part of January following his election in the previous April; that he shall have all assessments made and books turned over to the Town Clerk by the first Monday in June following; that the Town Clerk shall turn them over to the Town Collector by the first Monday in November following, and that official shall, as soon thereafter as practicable, begin the collection of the taxes thus levied and continue such collections until the 10th of the following February at which date the taxes unpaid become delinquent.

I know of no authority for any town council to change the time for making such assessments as provided in said chapter 129."

The Commissioner of Indian Affairs states that he agrees with you as to the designation of officials charged with the assessment, because the law in said Digest is only extended over the Indian Territory so far as may be applicable; that the word, "county", should read "town" as though it were in the law itself; that -

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"I am of the opinion that it is not within the power of the town council to change the time, which appears to be so much a part of the statute as to be a part of the manner of the assessment, levy and collection of taxes, laid down in Chapter 129 of the Digest."

The Department concurs with you in regard to this matter, and has furnished Mr. Kean with a copy of this communication.

A copy of the letter of the Commissioner of Indian Affairs is enclosed.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.
1870,2042-1899.
1 enclosure.

(Enforced) Union Agency No. 279. Received Jul. 27, 1899. Office of U.S. Indian inspector for Indian Territory. Washington, July 21, 1899. Secretary---Relative to assessment of taxes, etc. in incorporated towns.

D E P A R T M E N T O F T H E I N T E R I O R,

Washington.

July 5, 1899

United States Indian Inspector

for the Indian Territory.

Sir:

Enclosed is a letter of June 30, 1899, from Mr. Cyrus G. Kean, Wynnewood, I.T., in regard to the collection of a tax provided by section 14 of the Act of June 28, 1898, (30 Stat., 495), for your early consideration and report.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.
1870-99.
1 enclosure.

(Endorsed) Union Agency No. 251 1/2 Received Jul. 9, 1899
Office of U. S. Indian Inspector for Indian Territory.
Washington, July 5, 1899. Secretary.-----Refers letter of
Cyrus G. Kean, relative to town council assessing tax.-----

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

December 11, 1899.

United States Indian Inspector

for the Indian Territory,

Muscogee, Indian Territory.

Sir:

You will find enclosed herewith several protests against the limits of the townsite of South McAlester as established by the United States court for the Chickasaw Nation, filed by Preslie B. Cole et al. Said protests are referred to you for consideration in connection with the report which you have heretofore been directed to make concerning the limits of said townsite.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.
3585-1899.
1 enclosure.

(Endorsed) Union Agency # 458, received Dec. 18, 1899, office of U. S. Indian Inspector for I.T. Washington, Dec. 11, 1899, Secretary. Refers protests about limits of townsite of South McAlester.

CITIZEN CAN BUILD TOWN/

JUDGE TOWNSEND RULES THAT AN INDIAN CAN PLAT HIS LAND.

(Copy of newspaper clipping from the Ardmoreite)

(Furnished by United States Attorney).

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The following is the full text of Judge Townsend's decision in refusing an injunction to restrain the building the town of Madill two miles from Oakland:

IN THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT OF THE INDIAN TERRITORY, AT ARDMORE.

THE UNITED STATES

VS.

I. O. LEWIS, ET AL.

OPINION BY JUDGE TOWNSEND(orally).

Of course we all understand that the conditions existing here are very anomalous; that is, with reference to titles and the acquisition of titles, the rights of possession and all that sort of thing. It is my opinion that the object and purpose of the Atoke agreement and Curtis Act is to provide a means for the winding up of the affairs of the Indian governments and Indian tribes. In other words, they are in process of liquidation, as I understand it, and the object and purpose is to take the title out of these tribes and to put the titles into the different individual members of the tribe and then to allow these members in certain years to sell and pass a fee simple title. All of the land is to be divided up equally, pro rata, according to its value, except the townsites that were existing at the passage of the Act. I think that it made clear in its statement with reference to the Townsite Commissioners, and what power they had and what they can do and what towns they are to operate upon, and then the oil and the asphalt and the coal, perhaps, was reserved to be leased by the Government and the royalty to be paid to the United States, for the use and benefit of the tribe. Very well. At the same

time, they allow, as they have prior to the passage of these laws, the individual Indian to have the right of possession to certain property, and now he is supposed to be confined to what his approximate share of his allotment is until the allotment is actually made and takes place.

Well now, here is an individual Indian, in possession of his allotment under the law, in possession of it, that is, he is in possession of such an amount of agricultural and grazing lands as would be an approximate share coming to himself and his wife and his children.

Now, when he is in possession of that, what can he do with it? He has the use of it, and entitled to receive the rents thereof. That contemplates certainly his renting that property. Now, is there any limitation as to how he shall rent it? Whether he shall rent it in lots or blocks or in ten, fifty or a hundred acre tracts. Is there any limitation on his authority? I dontknow any. If he has the right to rent it, why cant he rent it for any purpose that is not a violation of the law; that is, that dont contravene the laws for which the renting of property is prohibited? He is given that express right to rent that property, and now what do you gentlemen ask me to do? You come in here and say that you ask me to stop him by injunction from doing that thing which under the law he is given the right to do. Isn't that exactly what you are asking? If he has the right to rent the property, why should he be enjoined by any court from doing it? I can't understand why. Is there any prohibition against his laying it out into streets and alleys and blocks and lots?

Mr. Herbert--That is exactly our theory.

The Court--Well, where is the prohibition?

Mr. Herbert--Well, we dont construe the Act alike.

The Court--I Don't know of any prohibition. If there is, under the intercourse Acts, possibly he can be sued and the penalty recovered. If he can be and if the intercourse acts are in force and he violates them by renting and receiving the rents and marking, etc., why then the law furnishes a means to reach him for doing something he ought not to do. But is that any ground for enjoining? Isn't all this matter about injunction purely and simply imaginary? You simply talk about towns being built up and about what may happen in the event certain things happen--I am to sit here and enjoin because the Government, in a certain contingency, depending upon some other contingency all of which may never exist in the world, may have to bring some suits to recover possession of this land. Who ever heard of a court of equity being asked to do anything of that sort?

Mr. Herbert--This is an ejectment suit, and pending the suit we ask an injunction from them incumbering the property.

The Court--But who is incumbering it? The man who had a right to do it. From the view I look at it gentlemen you are not entitled to any injunction. I may be wrong, but that is the way I look at it. I am perfectly willing to refuse the injunction and dismiss the bill and let you appeal and go to the upper couet and see if you can get another injunction there or take any other course you see fit.

Mr. Herbert--There ain't but one statute where there is any controversy at all; that is section sixteen, and if his honor would expressly hold in his findings and conclusions of law that section sixteen doesn't prohibit the leasing of a man's property-subdividing

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it and leasing it, for any purpose-why, that is the only question we have in this case. We contend that he can rent it but for agricultural and grazing purposes only, pending allotment.

The Court--I most emphatically hold that there is no such limitation as to the renting; that is, in my judgment.

Mr. Herbert--That is the only question we would present to the higher court.

Following also clipped from the Ardmorite:

LIKE THEIR PROSPECTS.

This morning W. N. Taliefferro of near Oakland called at the "Ardmorite" office. He is one of the promoters of the new town of Madill near Oakland.

He is very much elated over the decision of Judge Townsend refusing to restrain them from booming and building the new town. He says that they will now proceed with their work and build a good town within a few miles of Oakland. They expect to get the Frisco railroad and a postoffice soon. Oakland is now their postoffice.

7/10/1900 WFW.

FURMAN, HERBERT and MATHERS,
LAWYERS.

Ardmore, Ind. Ter., July 10, 1900.

Hon. J. Geo. Wright,
United States Indian Inspector,
Muscogee, I.T.

Dear Sir:

In re, No. 4190, United States et al vs. I. O. Lewis et al, recently pending on docket of the United States Court at this place, in which copies of the pleading, evidence, orders and final judgment and oral opinion of the Court were sent to you by Mr. W. B. Johnson, United States Attorney, I beg to say;

First;- The Choctaw and Chickasaw tribes, the owners of the land, joined by the United States, sue defendants to oust them of the wrongful possession of certain grazing and agricultural lands upon which the defendants are endeavoring to build a town called Madill, and pray for an injunction to restrain them in the commission of such trespasses which are continuous in their nature. The answer filed to the complaint is in effect a plea in confession and avoidance, and the decision of the court presents this anomalous state of affairs; An individual Chickasaw or Choctaw has the right to occupy or rent out, pending allotment, his proportional part of the agricultural and grazing lands, but the court holds (erroneously, I think) because he has a right to rent the lands pending allotment, and because there is no express inhibition as

to the purposes for which he may rent that he may rent them in "lots, blocks, in ten, fifty, or hundred acre tracts" (See oral opinion), "Is there any limitation upon his authority," the court says.

In the rendition of this decision the court has (it seems to me) ignored the plan of allotment as provided for by the Curtis Bill and the Atoka agreement. By the express terms of the Curtis Bill townsites are expressly reserved from allotment and are made incapable of allotment. (See Sections 11 and 12. See also, Section 1, of Atoka Agreement.)

Section 14 of the Curtis bill does not conflict with the treaty (but by treaty is made the law) provides that a town with a population of two hundred, or more, may incorporate under Mansfield's Digest of the Statutes of Arkansas.

Lands when allotted are non-taxable, (See Sec. 25 of Treaty), but when incorporated under section 14, Curtis Bill, cited supra, they become town property and therefore incapable of allotment and subject to taxation.

We contend that the town of Medill could be mapped, platted, laid off into blocks, lots, streets and alleys and lots appraised and sold only by the Secretary of the Interior, as provided in the Indian Appropriation Bill of May 31, 1900 (see page 20 of said bill). That this right was exclusive in the Secretary. We further contend that under section 2118 of the Revised Statutes of the United States, that every person who attempted to survey or settle upon such lands was a violator of the law and subject to the forfeiture of a penalty of \$1000.00. The Court of Appeals in the case of Maxey vs. Wright held the intercourse laws were in force in this

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territory, and this doctrine the court did not deny but announced the penalty might be sued for and recovered of the wrongdoer, overlooking, as it seems to me, that injunction is the proper and only remedy to prevent a continuous trespass upon realty. We think the decision of the court is erroneous for many reasons, among which;-

First; Because under the law and the treaty pending allotment the individual member of the tribe has the right to occupy and rent out his proportional part of the grazing and agricultural lands for grazing and agricultural purposes, and any deviation from this rule makes him, and the renter as well, a violator of the law and amenable to prosecution and conviction. (See section 16 Curtis Bill).

Second:- When an Indian divides his lands into blocks, lots, streets, alleys, public parks, cemeteries, public school lots, etc., and sells or attempts to sell or rent the same out, as was done in this case, he ipso facto forfeits his claim to such lands as his prospective allotment, because by his own act, he renders it impossible of allotment.

Third:- He cannot allot the town, when built, because the lands are to be allotted according to value, and one town lot might, and doubtless would, amount in value to the entire quantity of grazing and agricultural lands to which he would be entitled as allottee.

Fourth:- He could not allot, because, if a town is built, incorporated, platted and appraised, as per treaty stipulations, and the acts of Congress, the lots cannot be allotted, but must be sold, if vacant, to the highest bidder, and if improved to the

--Press book No. 4-Letter 79.

owner of the improvements.

Fifth:- The evidence shows, and the answer almost admits it, that this town is being built by individual Indians for speculative purposes.

I cannot see, however, what effect the court's opinion would have upon the right of the Government from proceeding under section 2118, Revised Statutes, and removing all persons from the 1280 acre tract of land who have violated said section. The court of appeals held such law to be in force, and the question is not passed upon adversely by Judge Townsend.

I may be over zealous in this matter, but I assure you I am sincere in my convictions and believe the court, under the evidence, committed a most grievous error in denying the injunction prayed for by plaintiffs. I have thus far refrained writing you concerning this case, because I appeared as counsel for the plaintiffs only through the courtesy of Mr. W. B. Johnson, United States Attorney, and Messrs. McKennon, Mansfield, McMurray and Cornish, attorneys for the tribes, but after talking the matter over with Mr. Johnson he concurred in the opinion I had best write and give you my views of the law of the case.

(Signed) C. L. Herbert,

For Furman, Herbert and Mathers.

Ardmore, Ind. Ter., July 13, 1900.

Hon. J. Geo. Wright,
Muscogee, I.T.

Dear Sir:

I enclose you copy of the form of pretended leases at Madill. It is in fact a sale conditioned only on location of depot. The time of lease is made to suit purchaser. The price is fixed ranging from \$250.00 to \$750.00 for business lots.

Please read the evidence I mailed you which will fully explain the whole situation.

Very respectfully,

Wm. B. Johnson,

U.S. Attorney.

DEPARTMENT OF THE INTERIOR,

Office of U. S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind. T., July 17, 1900.

6213-6515-6598-1900.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

In connection with my letter of the 10th instant in reference to the decision of Judge Townsend (of the Southern District, Indian Territory) regarding townsites, I enclose herewith a copy of a communication from Mr. C. L. Herbert, of Ardmore, Indian Territory, on the subject, who, it seems, appeared as counsel for plaintiff in this case, through the courtesy of the United States Attorney, and to which I respectfully invite attention.

I also enclose copy of a letter from United States Attorney W. B. Johnson, dated the 9th instant, stating that (in compliance with my request as directed in Department telegram of the 19th instant) the case would be appealed but that a hearing could not be had before October, and an opinion not rendered until April, 1901. He suggests that in the meantime parties building this town can be removed from the Territory, and also suggests that the Department notify the railroad company that they can not build a depot at any of these points, as he is satisfied the railroad company would not do so if they knew it was against the wishes of the Department for them to build depots where towns are being unlawfully

---press book no.4-letter 76.

built.

I also enclose a letter from the United States Attorney dated the 13th instant enclosing copy of contract or lease used. He also states the transfers are in fact sales, conditioned only on location of the railroad depot, the time of lease made to suit the purchaser, and the prices fixed ranging from \$250.00 to \$750.00 for business lots.

With reference to the suggestion of the United States Attorney to have the parties removed, I am not inclined to recommend such action, especially for doing what the court holds they have a right to do.

If it is proposed to establish a depot or station at the proposed town, I suggest that it might be properly held that stations can only be established at such points as are set apart by the Department as provided for in the Act of Congress approved May 31, 1900, in which event such tracts are not subject to allotment and therefore could not be sold or leased by any prospective allottee; and, as I understand that the plats of "such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein" are on file in the Department, I suggest that the Commission to the Five Civilized Tribes be requested by telegraph to recommend the setting aside of 160 acres for townsite purposes, and not subject to allotment, at such stations as they deem advisable; and, to enable them to do this, that copies of the plats on file in the Department showing location of stations authorized by law be furnished them, as the Acting Chairman informs

--press book no.4-letter 76.

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me the Commission have none, but as soon as received they could then proceed at once to submit their recommendations before beginning allotment work.

As other towns are being built at proposed stations, it is desirable that early action in this matter be taken.

This would prevent this speculation by citizens or others, as they could not claim same as part of their allotment, and any money received by them from such tracts would be in violation of section 16 of the Act of Congress approved June 28, 1898 (30 Stat., 495).

In this connection I desire to ask if the character of contracts or leases above referred to does not properly come under the provisions of section 2103, United States Revised Statutes.

I respectfully ask to be instructed in the premises, suggesting that the Five Tribes Commission be advised as above indicated, and also that I be directed to notify all interested parties that new towns otherwise established will not be recognized by the Department.

Very respectfully,

Your obedient servant,

J. Geo. Wright,

U.S. Indian Inspector

For Indian Territory.

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector,
For
Indian Territory,
Muscogee, Ind. T.

July 17, 1900.

6884-1900.

The Honorable,
The Secretary of the Interior,
Washington, D. C.

Sir:

I have the honor to transmit herewith a letter from Mr. John M. Vandervort, Postmaster at Oakland, Chickasaw Nation, Indian Territory, wherein he states:

"The so-called town of Madill are still booming the place, and are now petitioning the P. O. Department for a postoffice. As the building of this place is contrary to law, we would respectfully ask your personal and official influence with the P. M. General to prohibit the locating of a postoffice at said so-called town of Madill."

This letter is enclosed for your information and consideration; and, if necessary, that action be taken, I respectfully suggest that the matter be brought to the attention of the Honorable Postmaster General.

Very respectfully,

Your obedient servant.

J. Geo. Wright,

U.S. Indian Inspector for I.T.

-2-

(In this connection I respectfully refer to other correspondence, relative to the town of Madill, of even date herewith).

Land.
35,029-1900.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, July 26, 1900.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report from Inspector Wright, dated July 17, 1900, with which is transmitted a communication, dated July 16, 1900, from John W. Vandervort, Postmaster at Oakland, Chickasaw Nation, Indian Territory, relative to the establishment of the new town of Madill. Said communication is as follows:

"The so-called town of Madill are still booming the place and are now petitioning the P.O. Dept. for a post office. As the building of this place is contrary to law we would respectfully ask your personal and official influence with the P.M. Genl. to prohibit the locating of a Post Office at said so-called town of Madill".

In Inspector Wright's report it is suggested that the matter be brought to the attention of the Postmaster General.

The attention of the Department is invited to office report of July 24, 1900, in which the suggestion contained in Inspector Wright's report is covered.

Very respectfully,
Your obedient servant,

W.A. Jones,
Commissioner.

(G.A.W.)
P.

(Endorsed) Union Agency No. 959 Received Aug. 3, 1900 Office of U.S. Indian Inspector for Indian Territory. Washington, July 27, 1900, Secretary.----Not deemed expedient to request P.O. Dept. not to establish postoffice at Madill.----

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,
Washington.

August 10, 1900.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated August 3, 1900, from Inspector Wright, in which he acknowledges receipt of Department letter of July 26, 1900, and states that he is unable to request the railroad companies mentioned in said letter to select station grounds for the reason that he does not know the addresses of the officials of the different roads, and that he has requested this office, by wire, to furnish him with the addresses of the officials of said roads.

In said report the Inspector quotes section 2118 of the Revised Statutes and invites attention to the provisions thereof, and states that from the evidence submitted in the Madill townsite case and also from the opinion of the court "it appears that the citizens interested claim to have 'rented' or 'leased' certain tracts or lots to other parties"; that the citizens in possession of the land made the surveys and that in a conference with the Assistant U. S. District Attorney on the subject "it was considered that section 2118 would not apply to a citizen of the nation as said section made it a penalty for any person to survey or attempt to survey lands or designate the boundaries by marking trees or otherwise", and that it was thought that this section would not apply to a citizen who had a right to survey any part of the land of which he was in possession or mark the boundaries of such land in any manner as he might deem proper.

Inspector Wright asks to be advised whether or not section 2118 applies when land is surveyed by citizens of the nation in

which the land is situated.

In the George Crook case (5 Dillon, 453), the court held that "An Indian is a person within the meaning of the Habeas Corpus act", and that under the provisions of section 2149, R.S., the Commissioner of Indian Affairs had authority to cause the removal of an Indian, a member of a tribe, from a tribal reservation and in Ex Parte Crow Dog, (190 U. S. 556), the court held that:

"The definition of the term 'Indian Country', contained in c.61, paragraph 1 of the act of 1834, 4 Stat. 729, though not incorporated in the Revised Statutes, and though repealed simultaneously with their enactment, may be referred to in order to determine what is meant by the term when used in statutes; and it applies to all the country to which the Indian title has not been extinguished within the limits of the United States, whether within a reservation or not, and whether acquired before or since the passage of that act."

From these decisions it would seem, first, that a Chickahaw(Sic. Indian is a person within the meaning of section 2118 R. S., and second, that the Chickasaw nation is "Indian Country" within the meaning of the laws of the United States.

If this be true, then the question naturally arises by what title does an individual Chickasaw hold land in that nation that authorizes and empowers him to survey and plat any part of the lands in his possession, into town lots?

So far as this office is advised no prospective allotments have been made in the Chickasaw Nation, neither have any of the citizens of that nation filed upon their homesteads, nor have any of the citizens of that nation received title to the particular tracts of land in their possession. It would seem, therefore, that so far as title to the Chickasaw land is concerned, it is still vested in the Chickasaw Nation--the Chickasaw people as a whole and not as individuals. The Choctaw and Chickasaw agreement provides, among other things, that an allottee may after the expiration of a time specified sell his allotment, except a homestead of 160 acres "for a price to be actually paid and to include no former indebtedness or obligation."

In the opinion of this office these townsite promoters, whether citizens or non-citizens of the nation in which they establish a town, are violators of the law and amenable, under section 2118 of the Revised Statutes, as well as under sections 17 and 18 of the Curtis Act. However, as the Department, under date of August 4, 1900, advised Inspector Wright that the Acting Attorney General under date of August 2, 1900, directed the "United States District Attorney at Ardmore to institute proceedings against I. O. Lewis, et al., under section 2118, R. S., and the Act of June 28, 1898, if after examination of the evidence he concludes that such proceedings can be maintained", and as the matter is therefore in the hands of the U. S. Attorney for the Southern District of the Indian Territory, the office considers it unnecessary to further discuss the subject.

With reference to that part of Inspector Wright's report wherein it is stated that "the Acting Commissioner however suggests that the U. S. District Attorney be requested 'through the Department of Justice' to commence proceedings against I. O. Lewis and others, and I respectfully ask to be advised whether such request has been made as indicated, or whether it is desired that request should be made by me direct to the U. S. District Attorney", I have to say that the recommendation of the Acting Commissioner contained in office report of July 24, 1900, was approved by the Department; that Inspector Wright was so advised in letter of July 26, 1900, and that by Department letter of August 4, 1900, he was advised of the action taken by the Department of Justice in the premises. The matter is, therefore, as above stated in the hands of the United States District Attorney for the Southern District of Indian Territory, and it is presumed by this office that he will take such action as, in his judgment, the exigencies of the case require.

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With reference to that part of Inspector Wright's report wherein it is stated that he is unable to correspond with the officials of the roads mentioned in Department letter of July 26, 1900, you are advised that the office under date of August 4, 1900, advised the Inspector of the names and addresses of the different officials of the roads mentioned in said letter with whom this office corresponds.

With these remarks, I have the honor to submit the matter for such action as you may be pleased to direct in the premises.

Very respectfully,
Your obedient servant,

W. A. Jones,

Commissioner.

(G.A.W.) P.

(Endorsed) Union Agency # 1020 Received Aug. 20, 1900 Office of U. S. Indian Inspector for I. T. Washington, Aug. 15, 1900, Secretary. Townsite promoters, whether citizens or non-citizens, are amenable under section 2118 RSUS as well as under Secs. 17 and 18 of Curtis Bill. etc.

Chickasaw Townsite Commission,
Ardmore, Indian Territory.

August 24, 1900.

Hon. J. Geo. Wright,
U. S. Indian Inspector,
Muskogee, Indian Territory.

Sir:

Replying to your communication of the 20th instant, wherein you state that Mr. H. V. Hinckley, Supervising Engineer, informed you at Chickasha on the 18th instant, confirming his previous report to you that at the time of his last visit to Ardmore I assured him that the map would be completed, together with the tracing, by the 20th instant, and that the surveyor also informed him, in the presence of the Commission, that all block angles and jogs in streets would be measured and all work pertaining to the surveying of the town completed by that date; also that the draftsman informed him that the tracing of the map would be completed within that time, I beg to state that I never once said how long it would take, for in my opinion it would take the surveyor a month at least to take the street angles and the jogs, at the rate he has been working, after he had completed the original survey. I said to Mr. Hinckley that I would use every effort to complete the map at the earliest possible moment but did not specify any time.

-2-

The draftsman, in the presence of the Commission, told Mr. Hinckley that it would take at least three weeks or longer after the entire survey was completed to make a tracing, and that he could not begin it until the map was entirely completed and absolutely correct, for he could not make erasures on the rough side of tracing linen, and as the surveyor did not finish the work until the 18th, of course no tracing could be started prior to that date.

Both the surveyor and draftsman have informed me that Mr. Hinckley write them direct, and not through the Commission, to explain why they did not finish the work at the time agreed upon, as stated by Mr. Hinckley, and that they both had replied to Mr. Hinckley at Chickasha.

In this connection, I wish to further state that the Surveyor will not work half the time but sits around the office looking wise or he claims to be sick and will not go in the field with the other employees. He appears to think that he should not work in the field.

The sole reason why this work was not completed, is simply because the surveyor has not tried to expedite it, but lets it drag along indefinitely, and although I have tried every possible effort to have him hasten it has been in vain. I have made no recommendation in his case because I thought that as he had started to survey this town he should finish it, as his notes were in such shape that it would have been a task for any other surveyor to make use of them, and finish the town.

-3-

He has omitted to place lot stakes at the corners of lots in 15 or 20 blocks, which I deem very necessary, in order that when the lots are sold at auction the Commission can show the purchaser just what he bought, and thereby avoid trouble in the future, and we have concluded to have these stakes driven, and by making a tracing of these blocks, the work can be done while the plat is being approved. The block corners are all in.

Very respectfully,

(Signed) Sam'l N. Johnson

Chairman Townsite Commission,
for Chickasaw Nation, I.T.

(Mc)

(Endorsed) Union Agency No. 1934 Received Mar. 18, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, March 9, 1901. Secretary.-----Encloses correspondence from Mr. Sam'l N. Johnson for consideration in connection with former letter.-----

F.

DEPARTMENT OF THE INTERIOR.

Washington.

September 4, 1900.

United States Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your letter of August 22, 1900, referring to departmental telegram of August 13th in regard to the towns of Ardmore and Chickasha, Chickasaw Nation, in which you state that the map of Ardmore is practically completed, and that you have instructed the townsite commission to forward the same when approved, together with full report concerning blocks not divided into lots; that a tracing of this map has not yet been made, as you consider it advisable to have the map considered by the Department before making a tracing; that the Commission will prepare in the meantime its schedule of appraisements.

As to Chickasha, you state that the exterior limits have been established, and that the town has agreed to pay a local surveyor to make corrections of a plat of the town made some time ago; that this work will require about one month, and the tracing of the plat will require an additional time of about ten or fifteen days; that as soon as such plat is approved by the Department the Commission at Ardmore can be sent to Chickasha

-2-

to make the necessary appraisements, and you recommend that this plan be adopted.

The Acting Commissioner of Indian Affairs in his report of August 29, 1900, accompanying your letter, states that he sees no necessity for keeping the Townsite Commission at Ardmore under expense during the time in which the plat is in transit and while it is pending in the Department, and knows of no reason why the Commission should not in the meantime be detailed to work at some point other than Chickasha, and suggests the advisability of not making the appraisements at Ardmore until the plat of that town is approved.

The Department considers that the appraisements at Ardmore should be made when the plat is satisfactory to you, for the reason that in such case few changes will ^{be} necessary. You will proceed in the manner indicated by the Acting Commissioner, as above modified.

You suggest the advisability of not appointing any local townsite commissions in said nations until it is ascertained that the present commissions cannot appraise towns as rapidly as they are surveyed and platted and the plats approved.

You also express the opinion that the tribal authorities of the Choctaw and Chickasaw Nations will not agree to the appointment of more than one townsite commission in each nation. Ample provision is made by law for the appointment of the respective townsite commissions, in case the tribal authorities fail or refuse to "select" the members authorized to be appointed by them, and whenever said authorities decline to discharge the duty of appointing the respective members of the townsite commissions, or when any of the members appointed by the tribal executives fail or refuse to discharge their

-3-

duties as required by law, the Department will cause the townsite commissions deemed necessary to be appointed, in order that the provisions of law may be fully carried out. The execution of the law will not be delayed by the failure or refusal of the tribal authorities to act, or by the inability or declination of their appointees to perform the duties incumbent on them.

On August 31, 1900, the Department was informed by the Mayor of the town of Marlow that Townsite Commissioner Burney had informed him that he would not approve a plat apparently being made by the town in accordance with the act of May 31, 1900. The Mayor was advised that said Commissioner's approval was not necessary.

You will please advise Mr. Burney to that effect, and that the Department expects him to carry out its instructions, and that what was stated by the Department in regard to Commissioner Smiser of the Choctaw Townsite Commission on August 16, 1900, is applicable to him.

A copy of the report of the Acting Commissioner is inclosed herewith.

Respectfully,

Thos. Ryan
Acting Secretary.

Ind.Ter.Div.
2887-1900.
1 inclosure

(Endorsed) Union Agency No. 1103. Received Sep. 14, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Sept. 4, 1900. Secretary----Relative to appraisements at Ardmore, and actions of Commissioner Burney, etc.

F.

DEPARTMENT OF THE INTERIOR.

Washington.

September 7, 1900.

United States Indian Inspector
for the Indian Territory,
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your communication of the 30th ultimo, transmitting therewith a copy of a letter from the Honorable Acting Attorney General, addressed to the United States Attorney for the southern district of the Indian Territory, at Ardmore, I. T., instructing him to suspend until further notice all action in proceedings of the United States vs. I. O. Lewis et al., under section 2118 of the Revised Statutes of the United States, and the act of Congress approved June 28, 1898 (30 Stat., 495), for surveying and platting for townsite purposes land belonging to the Indians.

You request to be advised whether similar action shall be taken in reference to other like cases, and suggest:

"***where citizens have rented or practically sold town lots at points where station grounds are to be located and 160 acres of land for townsites and not subject to allotment, that citizens be required to refund to parties making payments to them. Otherwise that such citizens be liable to prosecution under section 17 of the Curtis Act as receiving money on lands which they claim as their prospective allotments but which necessarily cannot be allotted to them."

The Acting Commissioner of Indian Affairs on the 6th instant transmitted your said communication, and states that

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"The office knows of no reason why the Department's action in the Lewis case should not apply to all similar cases and recommends that the Inspector be so advised."

Said recommendation is approved, and you are advised accordingly.

A copy of the report of the Acting Commissioner is inclosed herewith.

Respectfully,

Thos. Ryan
Acting Secretary.

Ind.Ter.Div.
2987-1900.
1 inclosure.

(Endorsed) Union Agency No.1104.Received Sept.14,1900.Office of U.S. Indian Inspector for Indian Territory.Washington, Sept.7,1900. Secretary----Relative to taking like action as in Lewis case in other townsites cases.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

October 22, 1900.

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

Sir:

Enclosed herewith you will find a copy of a letter addressed to Mr. Lee Cruce, of Ardmore, I. T., in reply to his communication of October 9th, recommending the approval of the plat of Ardmore transmitted by the townsite commission, together with a copy of the report of the acting Commissioner of Indian Affairs thereon dated the 16th instant.

You are instructed to forward the original report of the townsite commission dated September 3, 1900, but prior thereto you will request Governor Johnston of the Chickasaw Nation to advise the Department in writing concerning the size of lots into which the blocks should be divided, and especially whether, in the judgment of the Governor better results will accrue to the nation by leaving the lots as they appear at present on the plat of the townsite of Ardmore, or by subdividing the large lots which are not covered by improvements into lots of a uniform size as nearly as practicable of 100 by 150 feet and of 25 by 150 for business lots.

When you shall have received a report from the Governor you will make a report on the matter and forward the plat to the Department for its consideration. In the meantime you will direct the Commission to proceed with the subdivision of the large lots as directed by departmental letter of September 11th last.

In this connection your attention is invited to the statement made in the report of the Acting Commissioner of Indian Affairs dated June 27, 1899, relative to the question of the maximum size of

of residence and business lots in the towns of the Choctaw and Chickasaw Nations, wherein he quotes from a letter addressed by the Indian Office on June 10, 1899, to the chairman of the townsite commission advising him that--

"As to the matter of the size of the lots, the Principal Cheif of the Choctaw Nation and the Governor of the Chickasaw Nation, together with the Choctaw and Chiakasaw members of the townsite commissions for the respective nations, have jointly submitted a letter to this office setting forth the reasons why the maximum size of the lots should not be left to the citizens of the town, and requesting that the size of the residence and business lots in all towns be fixed at 100 by 200 feet for residence lots and 25 by 150 feet for business lots."

This quotation is given you in order that you may be advised of the views of the Governor of the Chickasaw Nation as heretofore expressed.

A report is desired from you as soon as practicable after receiving the information requested from the Governor of the Chickasaw Nation.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.
3456-1900.
1 Inclosure

(Endorsed) Union Agency # 1252 Received Oct. 29, 1900 Office of U. S. Indian Inspector for I. T. Washington, Secretary, Oct. 22, 1900. Sends copy of letter to Lee Cruce, of Ardmore, I. T., also instructing

Inspr. to forward original report of Chickasaw T. S. Commission, with certain information.

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DEPARTMENT OF THE INTERIOR.

Washington.

November 7, 1900.

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

Sir:

In your letter of October 19th last, referring to the telegram of the 10th of the same month by the Commissioner of Indian Affairs to the United States Indian Agent, Union Agency, which was approved by the Secretary of the Interior, directing said Agent to remove from the limits of the Chickasaw Nation and the Indian Territory certain parties and to close their places of business. In said communication you enclosed therewith certain papers including the order of the court issued by the judge of the southern district, temporarily restraining you from closing any place of business in the town of Ardmore, marked "Exhibit D."

It does not appear in the papers transmitted whether any day was set for the final hearing upon said order, and you are directed to inform the Department what action has been taken relative to procuring the dismissal of said order, and if no action has been taken, what action is contemplated by you in the premises. The matter appears to be of so much importance that a final decision should be rendered by the court, from

-2-

which, if adverse to the views of the Department, an appeal may be requested to be taken to the proper appellate judicial tribunal.

By direction of the Secretary.

Respectfully,

Edward M. Dawson

Chief Clerk.

Ind. Ter. Div.
3548-1900.

(Endorsed) Union Agency No. 1316 Received Nov 12, 1900 Office of U.S. Indian Inspector for Indian Territory. Secretary. --- Washington, Nov. 7, 1900. --- Asks what action has been or will be taken to dismiss injunction in Southern District against closing business houses in Ardmore for non-payment of taxes. ---

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55742-1900

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,

Washington, Nov. 13, 1900.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letters of October 26, 1900, approving the exterior limits of the towns of Marlow, Comanche, Duncan, Terral, Rush Springs, Minco, and Ryan, as established under the direct supervision of Inspector Wright, there is enclosed herewith a report dated November 2, 1900, from the Inspector, relative to permitting the authorities of the towns above mentioned to survey the same at the expense of the towns, with the exception of Ryan and Terral.

The Inspector invites attention to the statements in his reports transmitting the blue prints showing the exterior limits of said towns as established, in which he recommended that authority be given for the authorities of said towns to make the survey, the government to furnish a draftsman to check the work of the local surveyors and make the tracings, and states that Department letters approving the establishment of said exterior limits made no mention of said recommendation.

The Act of May 31, 1900 (31 Stats., 221), provides that:

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances."

-2-

Inspector Wright states that he has allowed the authorities of said towns to proceed with the survey, and suggests that he be given authority to permit the authorities of the towns, when the exterior limits have been approved by the Department, to survey the same without receiving specific authority from the Department in each particular case.

The office recommends that in all instances where the limits of any town have been approved by the Department that the Inspector be given authority to permit the authorities of such towns to have the same surveyed at the expense of the town, without asking for specific authority in each particular instance.

Very respectfully,

Your obedient servant,

W.A.Jones,

Commissioner.

G.A.W.(G)

(Endorsed) Union Agency No.1352 Received Nov.26,1900 Office of U.S.Indian Inspector for Indian Territory.Washington,Nov. 19, 1900, Secretary. Authority assumed by Inspector allow Marlow and other towns to survey at their own expense approved; etc.---

DEPARTMENT OF THE INTERIOR

Washington

December 7, 1900

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

Sir:

The Department is in receipt of your communication addressed to the Commissioner of Indian Affairs, requesting "specific authority for the purchase of 423 boundary posts, at thirty-five cents each, total \$148.05, for use in marking the boundaries of towns in the Chickasaw Nation, which posts were needed in addition to those covered by voucher submitted by me (you) on September 14, 1900." You also request that "specific authority be granted for the purchase of not exceeding nine hundred (900) posts for use in marking the boundaries of towns in the Choctaw Nation, at not exceeding thirty cents each, total \$270.00."

The Commissioner of Indian Affairs on the 3d instant forwarded your said communication and recommended:

"that authority be granted for the Special Disbursing Agent of the Chickasaw Townsite Commission, to expend a sum not exceeding \$148.05 in the open market purchase of 423 boundary posts, at 35 cents each, required in marking and establishing the exterior limits of towns in the Chickasaw Nation; - also that a further authority be granted for the Special Disbursing Agent of the Choctaw Townsite Commission, to expend a sum not exceeding \$270.00 in the open market purchase of 900 boundary posts, at not to exceed 30 cents each, - the same being

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required in marking and establishing the exterior limits of towns located in Choctaw Nation, - all as requested by the U. S. Indian Inspector for the Indian Territory in his letter of the 17th instant, herewith submitted; - payment therefor to be made from the appropriation: "Townsite Commissioners, Indian Territory."

He also recommended:

"that the Special Disbursing Agents of these Townsite Commissions, and other bonded officers having in charge special work in the Indian Territory, be instructed to address this (Indian) office through the U. S. Indian Inspector for the Indian Territory, in making requests for the expenditure of money; this in order to complete the files of this office."

The Department concurs in said recommendation, and you will advise the disbursing agents and bonded officers under your supervision accordingly.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

IND. TER. Div.
3977-1900

Endorsement: No. 1481. Washington, Dec. 7, 1900 Secretary.
Authority for purchase of boundary posts, Choctaw and Chickasaw Nations.

Typewritten letter signed 2 pp.

Copied by RLW, 4/6/34

Wynnewood Indian Territory

Jany the 8th 1901

To the Secretary of the Interior
Washington D. C.

Sir; Representing two hundred people of my race to wit commonly called negōys or of African decent who reside at Wynnewood Indian Ter. in the Chickasaw Nation, will state that my people have settled in Wynnewood in good faith have invested out time and money, and we construe the congressional act known or designated as the Curtis bill to mean that we are under and by the provisions of said act entitled to land for burial or cemetery purposes, Now the town of Wynnewood has a population of about 2300 persons of this no. all are white or of the Caucasian Race except as before mentioned two hundred. Now the whites have a cemetery or burial place for their dead. We have none. There is 3 or 4 acres of land within the corporation of said town of Wynnewood unoccupied. Can we be allowed that land for a cemetery or at least a portion of it. now please advise me at your earliest convenience and oblige

Yours truly

(Signed) A Jackson

A. L. S.
No. 1651

Endorsement: A. Jackson states he represents 200 colored residents of Wynnewood and they desire the use of 3 or 4 acres of unoccupied land in said town for cemetery purposes.
Jan. 8, 1901.

Rush Springs, I.T.

Jan.22, 1901.

Attny. General

Washington, D.C.

Dear Sir:

Aprl. 8,1896, the Attny.General decided that a white man, marrying an Indian woman, was not entitled to (enroll) or an allotment as an Indian.

Sec.4-of the act of Feb.8,1887 (Stats.24,388) known as the general allotment act-Indian woman married to a white man or other persons not entitled to the--ect. The husband is not entitled to an allotment. Is the above the law now.

If not what is the law that governs such cases.

Our town is claimed by a white man, or (Squaw Man) his wife is dead. Has he the right to receive pay for the lots of the town, and make deeds to same.

You will do the town a great favor by an early reply.

Most respectfully,

Lynn Hurdley.

(Endorsed) Union Agency No.1681 Received Feb.4,1901 Office of U.S.Indian Inspector for Indian Territory. Jany.22,1901 from Hurdley, Lynn -Rush Springs, I.T. (From the Atty.Genl.by reference). SUBJECT: States that the town of Rush Spring is claimed by a white man ("Squaw Man"), and asks if he has the right to receive pay for lots and make deeds.-----

DEPARTMENT OF THE INTERIOR.

Washington.

January 23, 1901.

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

Sir:

The Department is in receipt of your letter of January 9, 1901, in regard to a "controversy" as to establishing a street through property controlled by B.F. Frensley, a non-citizen, "who occupies two entire blocks as his home", designated as block 248 on the plat of Ardmore, returned to you heretofore for correction.

It was said in departmental letter of September 11, 1900, in regard to this plat:

"It is observed that streets have not been extended through a number of blocks. Possibly in some cases satisfactory reasons can be given for this, but apparently no sufficient reason exists in such cases as blocks numbers 64, 77, 78, 124, 248, 257, 303, 306, 431, 432, 492, 493, and 528. You will, therefore, instruct the townsite commission to change the survey and plat in this particular, unless in any case a change will destroy valuable improvements, such as buildings. Fruit trees and like improvements would not be deemed sufficiently valuable. If, in any instance, an exception is made to this rule, the Commission must make a report as to the facts".

You state that the town council passed a resolution requesting the townsite commission to open a street through - said block 248; that the commission considers that material damage would be done to Frensley by the opening of such a

-2-

street, and it is opposed to making a street through this property; that the commission has completed the plat of the town without establishing such a street, and asks that its action be approved.

You submit various papers in regard to the matter, including exhibits A to L. Among them is exhibit K - an affidavit from Frensley regarding the opening of this street - stating that his property would be damaged thereby; that to open a street through said block would destroy his two-story servants' residence and smoke house; that it would destroy his storm cave, which is nine feet deep, walled up and arched with brick and stone and cemented from top to bottom, and which could not be constructed for less than two or three hundred dollars; that it would also destroy a number of valuable fruit trees and shade trees; that the street would run within three feet of his dwelling, and would necessitate the removal of his residence to conform to the survey; that his residence is an eight-room building, with pantries, closets, etc., with three brick fire places, and to move it would almost totally destroy its value; and that said street would also destroy another small house, immediately north of said residence, which is twelve feet by twelve feet in size.

The Supervising Engineer made a personal inspection of this property, and submitted a report, in which he stated:

"The Frensley Block. Comprises what would naturally be about two blocks built up and improved as one block, with residence, servants' house, windmill, etc., near the center, and valuable shrubbery, orchard and shade trees covering nearly the entire tract. To cut a street through this property would take two jobs out of one street, but, in my judgment, wherever there is a controversy of this kind a property owner who has effected substantial improvements in good faith should be given

the benefit of the doubt, if any exists, especially where a majority of the taxpayers so desire."

He recommends that no street be opened through such property.

On September 3, 1900, the townsite commission submitted a report in reference to surveying and platting this town, which report has not heretofore been before the Department. In said report it is stated:

"In the matter of block 248 (this tract), otherwise known as Frenslley's home place, will state that this is one of the prettiest, if not the most beautiful pieces of residence property in Ardmore. Not only has it been laid out in beautiful flowers, fruit and shade trees, evergreens, shrubbery, vines, etc., but to run a street through it would cut his servants houses, storm cave, well and wind mills and put them in the street.

Mr. Frenslley has spent thousands of dollars and years of labor in beautifying and improving his home and to ruthlessly ruin it as such by cutting it up into lots would be inequitable, unjust and entirely uncalled for. A great deal of personal animosity has been engendered on the part of Noble Bros. and a small faction of the city council together with a coterie of Noble's friends against the said Frenslley, and they wish to have the Commission assist them in venting their spleen out on Frenslley by the establishment of a street through his home place.

Since coming to Ardmore the Commission has received petition after petition, and a great number of affidavits, asking that said street be not established, as fully 95% of the people think it is an ornament to the city and an example of their progress to have such a home, and to injure it after all his years of toil, labor and expense to found a home in the Territory would be an outrage.

Again several gentlemen are on record as having said that it would depreciate their property in the neighborhood fully 1/3 its present value, if it was opened and have beseeched the commission not to do it. We have forwarded these petitions and affidavits to the U.S. Indian Inspector sometime ago, since which time, although we requested their return in order to transmit with this report, they have never been received.

We have only received one petition, containing about nine names signed with a typewriter asking that it be opened and this was instigated and gotten up by Noble Bros., who have personal feelings against Frenslley on account of his having assisted to defeat Sam Noble for City Alderman and they are trying to use this Commission for that purpose. Eddleman and the Nobles have joined forces to try and harass and injure Moore and Frenslley and, as they control the Mayor of the city, they get him to appoint them as a committee on the part of the

Council to petition in these matters.

Mr. Burney, Commissioner on the part of the Indians, who has his home here, lives on the same street as Frensley, and is of the opinion that it is entirely unnecessary to open the street, and that it does not inconvenience any one as there is no present need for a street through this property; also that it is not desired by a majority of the persons living on that street.

As Ardmore is an incorporated city any time the council think a street should be established through this property they can condemn it and appoint a board of appraisers to appraise the damage done Mr. Frensley, and upon payment of same they can establish this street; but the Commission does not think it just or advisable to designate a street through the property, thereby almost ruining it for his home and without giving him a cent in payment for the damage done. There are only a few who want this street, and as a majority of the people are not in favor of it, there appears no good reason to do it.

After viewing all the circumstances in the case and considering the interest of all parties concerned, the commission was of the opinion that no street should be established through this block, thereby impairing the value of his property without any compensation and it was so ordered."

You transmit the report of the townsite commission, resubmitting the plat of Ardmore, which plat, you state, is now being checked and corrected. In reference to the Frensley property the report states:

"For the reasons shown in the affidavit of Mr. B. F. Frensley and the sketch of block 248, both herewith attached and marked Exhibit A and B and made a part of this report, showing the extent of damage and the location of Mr. Frensley's improvements, is explanatory as to why no street has been established."

You say that by reference to a plat (exhibit M) it will be observed that by the establishment of a street through this property no damage would be done to the buildings of Mr. Frensley, except his servants' house, which could be moved at a small expense; that you have on two occasions made personal investigation of this property and find the location of buildings as shown in exhibit M to be correct, and that you have repeatedly informed the parties concerned, including the townsite commission, that a street should be established through the property.

You therefore recommend that the commission be advised to

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establish a street through said property in such manner as will do the least damage to any of the buildings of Frensley.

The Commissioner of Indian Affairs, reporting in the matter on January 14, 1901, states that by examining Exhibit M it will be found that to continue Hardy Street south through said block 248 in such manner as to make a jog in said street at the south side of said block where the same would intersect, and, if established, cross what is shown by Exhibit A as Atkins Street, would apparently damage Mr. Frensley's servants' house only; that this building would be wholly within the street; that if the street were established as above stated it would seem that the west line of Frensley's residence would be about 25 feet from the east line of said street, passing through said block to the rear of said residence.

He further states that, as it would seem that Frensley has this block, at least in the vicinity where the street would pass through it, well improved, and in view of the statements of the townsite commission in its reports of September 3rd and December 20th, 1900, and the statement of the Supervising Engineer in his report of June 19, 1900, he cannot concur in your recommendation; that the commission should not, at least at this time, be instructed to establish a street through said block; that after the plat has been submitted for consideration, if the Department shall determine that it is necessary to establish a street through said block it can be done.

The Department does not wish any further unnecessary delay

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in regard to this plat. It concurs in your recommendation in this matter, and you are instructed to have the Commission establish a street in accordance therewith.

It is not a question of what any one or any number of persons may wish in laying out streets in townsites in the Chickasaw Nation. The public good, the future needs of the town, and the intention of the law are to govern.

Mr. Frensley has had the use of this property for years without material benefit to the nation, to whom it belongs, and he has speculated in adjacent property. It is not proper that he should be allowed to obstruct one of the main streets of the town.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
214-1901.
1 inclosure.

(Endorsed) Union Agency No. 1679 Received Feb. 2, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 23, 1901. Secretary.----Directs that street be opened through Frensley block Ardmore.----

S.

DEPARTMENT OF THE INTERIOR,
Washington.

February 27, 1901.

U. S. Indian Inspector
for the Indian Territory,
Muskogee, Ind. Ter.

Sir:

The Department is in receipt of your communication of February 16, 1901, upon the telegram of John G. Joyce to the Department relative to the work at Ardmore, which was forwarded by the Commissioner of Indian Affairs on February 20, 1901.

You are advised that the Department is in receipt of a telegram from Samuel N. Johnson, dated Ardmore Ind. Ter., February 25, 1901, as follows:

"Letter fully advising me not received. Hinckley informs me map of Woodville approved and ready for appraisalment. Agent schoenfelt has sent lists of defaulted Colbert lots to be resold. Plenty of work for commission - have been in field daily assisting Joyce since furloughed - trust you don't hold me responsible for work of surveyor who I reported incompetent several times and recommended his removal. Wright and Hinckley have been in complete charge of work since last July and were informed of the facts. As an old battle scarred veteran of the first Missouri regiment away from home and needing the salary of my position, I respectfully ask that order be suspended a hearing as to my acts which fully exonerate me and the department."

to which the Department answered by telegram February 26, as follows:

"Telegram received. Letter mailed you through Indian Inspector February fifteenth. Have wired his chief clerk when same was forwarded. Am Surprised that you continue at work after

-2-

notice of furlough the fourteenth. Department considers furlough in full force on and after said date. Inspector directed to make full report relative to work of commission at Ardmore."

Your attention is invited to the statement made in the telegram of Mr. Johnson relative to his responsibility and to his efforts to have the townsite surveyor removed, also to his statement that you and the supervising engineer have been in complete charge of the work since last July and were informed of the facts, and you are directed to make a full report relative to the work of the commission at Ardmore.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind.Ter.Div.
736-785-1901.

(Endorsed) Union Agency No.1838.Received Mar.4,1901.Office of U. S. Indian Inspector for Indian Territory.Washington, Feb.27,1901. Secretary---Copy of telegram from and one to S. N. Johnson, and directs report concerning work at Ardmore.

Washington, D. C., March 5, 1901.

Hon. Secretary,

Department of the Interior.

Sir:-

In obedience to departmental letter dated February 15, 1901, explanatory of telegram, dated February 14, 1901, informing me that I was furloughed indefinitely without pay, I have the honor to state that then I entered upon duty as Townsite Commissioner I was directed to proceed to Muskogee, I. T., and there meet jointly with the Choctaw Townsite Commission for the purpose of formulating books and blanks, and agree upon a plan by which the work of surveying and platting towns in the Chickasaw and Choctaw Nations should be done alike. At the joint meeting the question of establishing a street around all towns was discussed, and the Indian representatives were very desirous that such a rule should be followed, and it was understood that a street should be placed around all towns, especially whenever the people of the town and the good of the service demanded it.

Street Around the Town.

The Honorable Secretary under date of May 11, 1899, stated, that while it is true that the specific provision in said act of June 28, 1898, that -

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"Said Commission shall cause to be surveyed and laid out townsites where towns with a present population of two hundred or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys and public grounds."

is not found in section 29 of said Act, yet there is nothing in the latter section in conflict therewith, and there does not appear to be any reason why the Commissioners should not conform to the wishes of the inhabitants of the respective towns, provided that the rights of the Indians of the several nations are duly respected.

You will accordingly direct the Chairman of the respective Commissions to the Choctaw and Chickasaw Nations to proceed in accordance with the views above expressed.

On October 5, 1899, the Chickasaw Townsite Commission acting under instructions about submitting the requests of the citizens of towns transmitted petition from Ardmore in relation to laying out same and the third request that the citizens's committee, city council and Commercial Club authorized to act for the city asked that an 80 foot street be laid out around the city, and the Commissioner of Indian Affairs in transmitting said request stated

"The opinion of the office is that the limits of the town, as described in the judgment of the court incorporating the same must govern, and it is the duty of the Commission to lay out the town according to those limits. The office regards this fact as unfortunate in view of the statements of the Commission to the effect that those parts of the corporate limits of the town excluded from the limits suggested by the Committee of the Commercial club, is a dense forest and will entail expense in the running of streets through the same.

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With respect to the matter of laying out a street of 80 or 100 feet in width around the entire limits of the town, requested by the committee of the Commercial Club, the office is disposed to recommend that the Commission be directed to refuse to grant this request.

It will entail the surveying of a street ten or 12 miles in length, and the expense of cutting the same through the forrest tracts above referred to."

The Honorable Secretary on October 18, 1899, after reviewing the case states:-

"The Département concurs in the recommendations of the Acting Commissioner, and you will advise said Townsite Commission accordingly."

On November 28, 1899, 56941-1899, the Honorable Secretary instructed the Commissioner of Indian Affairs to suspend instructions in relation to Commission being bound to recognize the court corporate limits in establishing exterior limits of towns until further advised. Later it was held that the Commission was not bound by order of court incorporating.

As the Commissioner of Indian Affairs, principal reason was that by establishing a street around the town that it would have to be cut through a dense growth of forest, (Sic) etc., he felt disposed to recommend that the request be not granted. When it was decided that we should not take the court corporate limits, if not satisfactory, we left out the dense forest (Sic) and there was consequently no necessity of cutting through it to establish a street, and after the commission thought over the matter, bearing in mind that

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they should conform to the wishes of the inhabitants of the respective towns, provided that the rights of the Indians of the nation were protected, and the representatives of the Indians stating that both he and the Governor were of the opinion that it would be both to the interest of the town and the Indians to have such a street, and the people here being unanimously for such a street, it was thought that the Department would have no objections to the establishment of such a street, as a street has been put around the boundaries of every town surveyed in the Indian Territory by any townsite Commission, and it was done in Colbert, Sterrett, Wagoner, South McAlester, Muskogee and is also being done now at Pauls Valley in this nation, and the chief reason being removed here, viz., cutting through a dense forest, it was our opinion that it would be acceptable to the Department. We intended to submit the matter, but it appears that it was inadvertently neglected.

On September 3, 1900, a full report of a street being placed around the town with other matters was made and transmitted through the U. S. Indian Inspector to the Hon. Commissioner of Indian Affairs, and there was never any objection made to the same. Again on October 29th the Commission was advised by the U. S. Indian Inspector that the limits as established by the Commission were approved and need not be changed, and the Commission

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were therefore of the opinion that the street around the town was also approved, as it was clearly known it was inside the limits. I am unable to see why that after more than six months after a report was made fully about this street, that I should at this late day be charged with flagrantly violating instructions. In Addition to this plats and drawings have been made by the surveyor and draftsman which show this street around the town, and your Commission have honestly labored under the impression that whenever they had conformed to the wishes of the people of towns, and protected the interests of the Indian in these matters, that they had performed their duty, and the work of Ardmore has been done in this manner.

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Would respectfully invite your attention to the fact that on March 30, the Commission was directed that hereafter they would be under the supervision of the Indian Inspector for the Indian Territory, and that they would be instructed through or by him, and since which time he has been in complete control of the work.

When Jira P. Thayer, Surveyor, resigned on November 13, 1900, HELLEN, a transitman to Ardmore, which is the largest and hardest town in the nation to survey on account of crooked streets, etc., immediately after he had so "balled" up Wagoner, that another surveyor had to be sent there to straighten out the town, and knowing all these things, he was sent by the Inspector to correct and finish survey of the town. The Commission had nothing to do with his being sent here, and positively disclaim any and all responsibility for his poor work, as they were not consulted in the matter at all.

The supervising Engineer made the Commissioner's office his headquarters for six or eight weeks at one time, and frequently before and after this time he has come here and looked over the map. and inspected the work frequently.

Have always stated that I was no surveyor, and do not understand why I should be held responsible for employes whom I report-

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ed incompetent, and also who were not appointed by me.

The Inspector ordered the surveyor to make a full report to him as to his method of doing the work of surveying a town from the time he entered it until finished.

Although the Commission recommended and asked for additional surveyors to expedite the work, it was never granted and we were compelled to get along with one (1) surveyor and three irregular employes (no transitman) ; and South McAlester was allowed two transitmen with six (6) irregular employes as chainman and rodmen and at times two (2) clerks to help them rush the work, and in addition to this Surveyor Joyce was sent there to prepare the plat of the town, which he did.

Everything possible has been done by the Commission to hasten the work, but our recommendations were never granted, and we had to do the best we could under the circumstances.

I positively deny that I for a year and a half had no other duty but to see that the survey was done correctly, for eight (8) surveying parties from three to six men each were started to work in the Chickasaw nation, and I was designated disbursing officer for them, and they knowing nothing about the service or reports, my time and that of the clerk was greatly drawn upon to straighten them out and the bills which they incurred. These men started to work in this nation about the last of June and until January 1st

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I was the disbursing officer, and all the property they had except transits, etc., was paid for by me as disbursing officer.

In conclusion I most respectfully state that I regret very much being charged with violating orders and instructions, it being the first charges of the kind ever filed against me and while your honor may hold that this statement is not sufficient to remove all charges against me, in such case I trust that I will be given an opportunity to refute them, for every act of mine in service has been done with honest intentions, and in a manner satisfactory to the people interested, and in a way that the Department cannot be criticised. I assure you that I have used every possible effort to see that the work at Ardmore was expeditiously and correctly done, and as an old battle scarred veteran of the first Missouri Regiment, stone blind in one eye, and continuously compelled to pet the other for its maintenance, I certainly earn and need the salary of the position, and ask that I be given a reprimand for the error in this matter; that the order furloughing me be modified, and that I be returned to duty, and thereby prevent the disgrace to myself, my family and the gentlemen who so kindly recommended and gave me the position.

Very respectfully,

Sam'l N. Johnson.

Your attention is called to following affidavits.

S. N. J.

(Endorsed) Union Agency No. 1908. Received Mar. 14, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, March 8, 1901. Secretary---Refers letter of Sam'l N. Johnson, relative to work at Ardmore.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

July 9, 1901.

Mr. J. George Wright,
U. S. Indian Inspector,
Muskogee, I. T.

Sir:

You are hereby advised that Mr. Arthur W. Hefley, of Downs, Kans., who was appointed to succeed Mr. Samuel N. Johnson as Townsite Commissioner and Appraiser for the Chickasaw Nation in the Indian Territory, has filed a satisfactory bond as Special Disbursing Agent and been instructed to report to you for duty as soon as practicable.

Very respectfully,

W. A. Jones.

Commissioner.

(Endorsed) Union Agency # 2402 received Jul. 19, 1901. office of U.S. Indian Inspector for I. T. Washington, July 9, 1901. Commissioner. Arthur W. Hefley appointed Chickasaw Townsite Commissioner.

DEPARTMENT OF THE INTERIOR.
UNITED STATES INDIAN SERVICE.

PURCELL, I. T., August 17, 1901.

Hon. J. Geo. Wright,

U. S. Indian Inspector

Muskogee, Indian Territory.

Sir:

I am in receipt of your letter of the 15th instant, and also a copy of letter of the Hon. Commissioner of Indian Affairs, calling attention to errors in angles in the Ardmore map, and note that the Hon. Commissioner states, that the sum of the 4 angles of a 4 sided figure must equal 360 degrees. I agree with the Hon. Commissioner that theoretically this is correct, but submit in actual practice that it is not always the case, particularly so in the town of Ardmore where there are 565-4 sided figures of all sizes and shapes which requires the moving of an instrument 2275 different times for the reading of as many different angles. The only error actually existing is in block 222, which was simply a transposition of figures, and would not have made any material difference had the map been approved as sent in from the fact that the lot and block dimensions as shown on the map are correct. The other errors, or so called errors, do not actually exist, they are simply the difference between theory and practice. No competent Engineer could or would expect the angles in each block of a piece of work of this magnitude to add up 360 degrees--the actual work done in the field is placed on the map without any change. The angles could be switched and changed around to make them check 360 degrees after being measured in the field, but this would be fraud, and I would not want to be connected with any changing, or switching of work to make it check out theoretically, and when I was well aware it could not be done practically in the field.

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In the town of Ardmore 2275 angles were measured by 5 different surveying parties, all working toward a common center and the greatest error in closing was 4', or about 1' to each corner of the block, which as an experienced engineer I considered remarkably close, from the fact that there is not one street or line which runs straight through the town, and very few, if any, streets are parallel with each other except in the east and west ends of the town, and a glance at the map by an experienced engineer will readily convince him the work is well done, and all the angles measured are far more accurate than could reasonably be expected. As an example between theory and practice, on base lines 2 set of chainmen are used from the fact that no 2 set of men will agree in chaining a long line and the average between the two is taken as correct. Theoretically they should agree exactly on the measurements--practically they cannot. All sections except those bordering on the north and west side of a township are theoretically one mile square. In my experience I have never found one to measure out theoretically. In instrument work instrument men frequently differ in reading angles sometimes as high as 1' on a single angle. They should agree theoretically, but cannot practically.

In Engineering and Surveying, particularly of Townsites of which I have had a large experience at before coming to the Territory the following points must be taken into consideration before passing judgment on same. The general character of the work, whether the streets, alleys, and lot lines are straight or crooked, obstructions and of what character and will they interfere with the accuracy of the work. The condition of the weather, windy or calm

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and good instrument. Work can not be done in windy weather. The character of the ground, level, hilly or rolling. The character of the instruments, good, bad or medium.

Good work requires good instruments. After these things are all taken into consideration, a reasonable closing or limit error must be allowed for the work, and a competent man on the ground familiar with the conditions mentioned above. I submit is the proper person to make allowances as to what the closing or limit error should be. If the errors mentioned were 1 degree or 10 degrees, it would show very loose, careless, botch work, and all of the work could be seriously questioned as to whether it was correct or not.

In conclusion I desire to state emphatically, that a certain closing or limit error must be allowed on work of this character, and that the errors mentioned, excepting block 222 do not practically exist.

Very respectfully,
John G. Joyce Jr.
U. S. Surveyor.

J.G.J.(McK)

(Endorsed) Union Agency # 2924 received Nov. 1, 1901. Office of U.S. Indian Inspector. for Indian Territory. Muskogee I. T. , Sept. 17, 1901. John G. Joyce, Jr., Asst. Sup. Engr. Submits amended report relative to alleged errors in Ardmore plat.

DEPARTMENT OF THE INTERIOR.
UNITED STATES INDIAN SERVICE.
Supervising Engineer, Indian Territory Townsites.

Muskogee, Ind.Ter., Sept. 17, 1901.

Hon. J. Geo. Wright,

U.S.Indian Inspector,

Muskogee, Indian Territory.

Sir:

I am in receipt of your letter of the 17th instant in reference to the report of Ardmore made by me on August 17, 1901. I enclose new report which eliminates that portion, which the Hon. Acting Secretary considers objectionable.

Very respectfully,

John G. Joyce Jr.

Assistant Supervising Engineer.

J.G.J. (McK)
Enclosure.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON. Oct. 21, 1901.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on October 10, 1901, by Inspector Wright, acknowledging the receipt of Department letter of September 9, 1901, (I.T.D., 4043-1901, file 2649-1899), which approved certain recommendations made by him **relative** to the limit of errors or specified requirements as to accuracy of work in connection with the preparation of townsite plats, and calling his attention to certain objectionable language used by Surveyor Joyce, and directing him to cause the Surveyor to eliminate such objectionable language and again report.

The Inspector transmits the Surveyor's second report in the premises.

The papers are respectfully transmitted.

Very respectfully,

Your obedient servant,

A. C. Tonner,
Acting Commissioner.

W.C.V.(G)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 4696-1901.

October 25, 1901.

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

Sir:

The Department is in receipt of your report dated October 10, 1901, referring to departmental letter of September 9, 1901, referring to departmental letter of September 9, 1901, and returning the report of townsite surveyor Joyce, in order that certain objectionable language might be eliminated therefrom.

You inclose the amended report of Surveyor Joyce dated August 17, 1901, which appears to be free from the objection heretofore suggested.

The Commissioner of Indian Affairs forwarded your said report on October 21, 1901.

The papers inclosed with your said letter, together with a copy of the report of the Acting Commissioner of Indian Affairs thereon are herewith returned.

Respectfully,

3 inclosures.

F.L.Campbell
Acting Secretary.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.
617,2211,
3309, 4178-1901.

September 21, 1901.

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

Sir:

The Department is in receipt of your report dated September 9, 1901, upon the resolution of the Dennis Flynn Republican Club, of Sulphur, Indian Territory, relative to the setting apart of a township of land at Sulphur, Chickasaw Nation, and also upon a communication addressed to the Department, dated July 30, 1901, from Eugene E. White, of Sulphur, received by you from the Indian Office on August 14, 1901.

You recommend that the members of said club and Mr. White be advised that, if they desire a reserve at Sulphur Springs, they should take the matter up with the tribal authorities with a view to incorporating a provision for the reservation of said land in a supplemental agreement, and that, in the meantime, no steps will be taken looking to the surveying and platting of the townsite at that place under the provisions of the present law.

The Acting Commissioner of Indian Affairs forwarded your said communication on the 16th instant, and concurs in your recommendations.

The procedure suggested by you is approved by the Department, and the president of said club and Mr. White have been advised accordingly.

Respectfully,
Thos. Ryan, Acting Secretary.

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(Endorsed) Union Agency # 2794 received Oct. 1, 1901. Office of U.S. Indian Inspector for I. T. Washington, Sept. 21, 1901. Secretary. Approves report on resolution of Dennis Flynn Republican Club of Sulphur, I. T., relative to reserving land at that place.

DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D.
4404, 4455,
4868-1901

November 4, 1901.

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

Sir:

The Department is in receipt of your report of October 23, 1901, upon letter of Eugene E. White, of Sulphur, Indian Territory, and a communication from T. R. Cook, President of the Dennis Flynn Republican Club, of Sulphur, Indian Territory, relative to the matter of reserving lands at the town of Sulphur.

You report that, in view of the fact that the citizens of said town are taking steps looking to incorporating in the supplemental agreement provision for a reservation at that place, no further action be taken by the Department relative to such reservation until it is again presented.

The Commissioner of Indian Affairs forwarded your said report on November 11, 1901, and concurs in your recommendation.

The Department approves the same, and the President of said Club has this day been so advised. A copy of the report of the Commissioner has also been forwarded to him.

Respectfully,

E. A. Hitchcock.

Secretary.

(Endorsed) Union Agency No.2980 Received Nov.11,1901 Office of U.S.Indian Inspector, for Indian Territory,Washington,Nov.4,1901. Secretary.-----Approves report on letters of E.E.White and Dennis Flynn Club rel.Sulphur Springs reserve.-----

DEPARTMENT OF THE INTERIOR,

Washington,

I.T.D.5704-1901.

December 31, 1901.

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

Sir:

The Department is in receipt of your communication dated December 2, 1901, relative to the appointment of additional townsite commissioners for the Chickasaw Nation under the provisions of the act of May 31, 1900, and requesting that the matter be further considered by the Department, and, if possible, that the separate townsite commissions be appointed under the provisions of the 29th section of the act of June 28, 1898 (30 Stat., 495); that, if commissions must be appointed under section 15 of said act of June 28, 1898, you recommend that no appointments be made for the present, and that you "be authorized to employ several additional clerks for the present Chickasaw Townsite Commission, which will enable them to take up the work of several towns at the same time."

You state that the representatives of the Choctaw and Chickasaw Nations, in your judgment, will not "consent to the appointment of three commissioners as provided for in the Curtis

Act, and will, as they have heretofore, claim that they were only authorized to have appraisements made as provided for in the Atoka agreement, or section 29 of the act of Congress above referred to."

The Commissioner of Indian Affairs forwarded your said report on December 27, 1901, and states that he hesitates to recommend that townsite commissions be appointed under section 15 of the Curtis Act, because he dislikes "to open up the controversy with the tribal authorities," and he doubts the advisability of employing clerks to do the work which properly belongs to the members of the townsite commissions.

On December 21, 1901, the Department forwarded to you the opinion of the Assistant Attorney General, who is the officer provided by law to advise the Department upon the proper construction of legislative acts, which was approved by the Department on the same day, and in which he held that the separate townsite commissions in the Choctaw and Chickasaw Nations must be appointed under section 15 of the Curtis Act. Since that is the existing law the Department has no option except to enforce the will of the legislative authority. It is not a question of discretion, only so far as it may be necessary to determine whether any commissions are necessary for separate towns in said nations. The Department has always been and is now willing to authorize the employment of all the clerks necessary to assist the tribal commissions of said nations in the discharge of their duties, in order that they may dispose of the several townsites as rapidly as possible consistent with efficiency and economy.

You have heretofore recommended that separate townsite commissions be appointed for the towns of Chickasha and Marietta in the Chickasaw Nation.

The Department had supposed that the tribal authorities had conceded the constitutionality of the act of May 31, 1900, when the court in the Indian Territory decided that the Secretary of the Interior had the authority to appoint a tribal commissioner when the tribal authority refused to make the appointment. In any event, its duty unquestionably is to execute, and not to make, the law.

You will, therefore, call upon the Principal Chief of the Chickasaw Nation to designate a townsite commissioner for the town of Marietta, and you will also request the proper municipal authority to designate one for the town, and report the same to the Department by wire, with any suggestions that you may desire to make concerning said appointments. A copy of the report of the Commissioner is inclosed herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 3254 Received Jan. 2, 1902 Office of U.S. Indian Inspector, for Indian Territory, Washington, Dec. 31, 1901. Secretary.-----Rel. to appointment of additional townsite commissions in Chickasaw Nation; directed to wire selections of Prin. Chief and town for commission at Marietta.-----

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DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 3204-1902.

May 27, 1902.

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

Sir:

There is enclosed herewith a communication from Mr. Joseph F. Swords, relative to the conditions existing at Sulphur, Indian Territory.

Mr. Swords states that about four years prior to the passage of the "Curtis law" a townsite company was organized and leased about four hundred and twenty-five acres of land from an intermarried citizen by the name of Frohman; that said company built a hotel, improved some of the lots, "but slept on their rights if they had any;" that said hotel was sold under foreclosure and the improved lots were held by the owners thereof; that said town has been incorporated since the passage of the Curtis Act, and that when it was proposed that there should be a reservation of the Sulphur Springs, a man by the name of Snead claimed to represent said old townsite company and demanded of the holders of the improved lots payment for the ground in their possession; that some of said holders have paid money "simply for the purpose of buying peace" and that many of them are unable to spend money in litigation and are greatly exercised over the actions of said Snead.

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He further states that the people of the town desire to have it surveyed and disposed of as soon as may be possible in order that they may procure their deeds for the lots they have improved.

He further reports that the population of the town is about sixteen hundred, consisting of a large number of invalid persons, veterans of the Civil and Spanish wars, besides many Confederates.

~~X~~ Your attention is invited to the Bill now pending in Congress (S.4848) "To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," Section 64 of which provides for the cession to the United States of not exceeding six hundred and forty acres, to be selected under the direction of the Secretary of the Interior, within four months after the final ratification of said agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the Choctaw and Chickasaw tribal governments, and you are requested to proceed, as soon as

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practicable, to cause said town of Sulphur to be surveyed and platted, having due regard to said provision, in order that if the said Section becomes a law, the town site so laid out will not interfere with its provisions.

You are further directed to give public notice that said Snead, or the townsite company which he represents, has no authority to sell or dispose of lots in the town of Sulphur, and that the only manner of obtaining title to said lots is in accordance with the provisions of Section 29 of the Curtis Act and the provisions of the Act of May 31, 1900.

If you should be of opinion that there is any legal or other objection to proceeding at once to lay out said town, you will report the matter immediately to the Department for its further consideration.

Thos. Ryan.
Acting Secretary.

1 Inclosure

(Endorsed) Union Agency # 4157 received Jun. 8, 1902. Office of U.S. Indian Inspector for I.T. Washington, May 27, 1902. Secretary Encloses letter of Joseph F. Swords relative to conditions at Sulphur, I.T.; directed to survey and plat town of Sulphur, having in view provision of pending agreement with Choctaws and Chickasaws relative to a reservation at that place, and to give notice that townsite Co. has no authority to sell lots.

D E P A R T M E N T O F T H E I N T E R I O R .

I.T.D. 5194-1902.

Washington.

August 22, 1902.

United States Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your report dated August 11, 1902, transmitting schedule, in duplicate, showing the appraisement of lots in the town of Sugden, in the Chickasaw Nation, and recommending that the same be approved.

Said report was forwarded on August 21, 1902, by the Acting Commissioner of Indian Affairs, who concurs in your recommendation.

No legal or other objection appearing, said schedule is accordingly approved, and one part returned herewith, together with the letter of the townsite commission.

Respectfully,

Thos. Ryan.

2 inclosures.

Acting Secretary.

(Endorsed) Union Agency No. 4687 Received Aug. 29, 1902 Office of U.S. Indian Inspector, for Indian Territory, Washington, August 22, 1902. Secretary.-----Schedule of SUGDEN, Chickasaw Nation, APPROVED.***-----

(COPY)

DEPARTMENT OF THE INTERIOR,

United States Indian Service.

Muskogee, Ind.Ter., August 30, 1902.

The Honorable,

The Secretary of the Interior,

Washington, D.C.

Sir:

Section 64 of "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (Public- No. 228) reads as follows, -

64. "The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding six hundred and forty acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause for the least interference with the contemplated townsite at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site

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purposes during the existence of the two tribal governments. Such other lands as may be embraced in a town site at that point shall be disposed of in the manner provided in the Atoka Agreement for the disposition of town sites. Within ninety days after the selection of the lands so ceded there shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, twenty dollars per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. All improvements upon the lands so selected which were lawfully there at the time of the ratification of this agreement by Congress shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States. Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall

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be applicable to the lands so ceded, and said lands shall remain within the jurisdiction of the United States Court for the southern district of Indian Territory: Provided, however, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements therein, mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made."

Under date of July 8, 1902, the following letter of instructions was issued by the Honorable Secretary of the Interior,-

"DEPARTMENT OF THE INTERIOR.

Washington.

July 8, 1902.

Mr. Frank C. Churchill,
Special Inspector.

Sir:

Your attention is expecially invited to paragraph 64 of the agreement with the Choctaw and Chickasaw tribes, ratified by the act of Congress approved July 1, 1902, subject to further ratification by the Indians at an election to be held. It is very desirable that the lands to be acquired for the Sulphur Springs reservation, or reservations, as the case may be, shall be carefully but provisionally selected at the earliest practicable time, and that upon their provisional selection the adjoining

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townsite be surveyed, platted, etc., preparatory to disposition as provided by law. In the event that the agreement is ratified by the Indian tribes the contemplated provisional selection of the Sulphur Springs reservation or reservations will then be made final. One of the provisions of paragraph 64 is that "all improvements upon the lands so selected, which were lawfully there at the time of the ratification of this agreement by Congress, shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasury of the United States." The effect of this provision is that no one can, after July 1, 1902, erect or make any improvements for which payment can be asked of the United States, in the event that the lands so improved are selected for the Sulphur Springs reservation or reservations. It is therefore due to the people of that vicinity, as well as to the United States, that the lands which are intended to constitute the Sulphur Springs reservation or reservations shall be provisionally selected and segregated, so that it may be known and understood that improvements can not be lawfully made thereon; and also that surveying and platting of the adjoining townsite may promptly proceed, as contemplated by law.

You will forthwith put yourself in communication with Mr. Joseph A. Taff, a Geologist of the United States Geological Survey, and together you will go to Sulphur Springs, Indian Territory, and there make an examination of the Springs and adjacent streams, and of the topography of the adjoining land, and will then select, subject to my approval, in one or more tracts, such

lands not exceeding 640 acres, as should be fightly acquired by the United States to effect the purposes of said paragraph 64. You will also call upon the Commission to the Five Civilized Tribes to furnish you a surveyor, if that be necessary, who will, under the direction of yourself and Mr. Taff, make a careful survey of the lands selected, mark the same upon the ground sufficiently for the present purpose of identification, and make a good plat thereof, the survey and the plat having appropriate connection with the existing government survey. The field notes of the survey, the proper description of the lands selected, the plat so prepared, and a report explaining the reasons for the selection as made, will be transmitted by yourself and Mr. Taff for my consideration.

Very respectfully,

E. A. Hitchcock,

Secretary."

In compliance with the foregoing instructions Special Inspector Frank C. Churchill in company with Mr. Joseph A. Taff, Geologist, of the United States Geological Survey, proceeded to Sulphur, Chickasaw nation, on July 21, 1902. In further compliance with instructions, a request in writing was addressed to the Commission to the Five Civilized Tribes, that a surveyor be furnished to assist in the work. For this service, Mr. S. C. Pitts was detailed, and the maps forwarded herewith, and made a part of this report, were prepared by him, under our direction.

PRELIMINARY SURVEYS.

On arriving at Sulphur it was found necessary, in complying with instructions, to make a general reconnaissance of Sulphur and

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vicinity, including Rock Creek, Sulphur Creek and fresh springs at its source, springs in the town of Sulphur, also the fresh Springs at the source of Buckhorn Creek and vicinity. When this work was accomplished, it was found that the large fresh springs at the source of Sulphur Creek were of the same quality as those at the source of Buckhorn Creek; that they had greater volume; that they were situated at approximately the same elevation of about 100 feet above the creek level in the town of Sulphur and that they afforded ample volume of water for the supply of a city of considerable size. It was found, furthermore, that the waters of these fresh springs at the source of Sulphur Creek flow to and through the townsite of Sulphur, while the springs at the source of Buckhorn Creek, situated four miles southeast of Sulphur, beyond a divide of high land, flow in an opposite direction. The Buckhorn springs and valley possess no beauty surpassing that of Sulphur springs and creek, and the latter is capable of being beautified to much greater extent. Realizing that the Mineral springs at Sulphur, and the adjacent fresh springs and creeks were of prime importance, a more careful survey and effort was made, having due regard to the land lines and town plat, to determine the necessary area to include in order to preserve the springs and streams and to guard against their contamination. It was found that with the best care, practically all the area of 640 acres would be required to preserve the springs and streams in the vicinity of Sulphur. In case the Sulphur reservation should fall short of including the 640 acres, it was not deemed necessary or advisable to preserve the Buckhorn springs in the public reserve.

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PRECISE SURVEYS.

When the approximate limits of the proposed reservation were determined, an accurate survey was made and a map drawn to scale of three inches to the mile, with contours at intervals of twenty feet vertical distance. This map accompanies this report as exhibit No. "I". In order to better show the relations of the proposed reservation to the land subdivisions, to the forest areas, and to the position of a dam and lake, which is suggested below, that part of the proposed reservation including the fresh springs in Sulphur Creek valley above the townsite of Sulphur, is illustrated in a separate map drawn to scale of fifteen inches to the mile. This map is transmitted herewith as exhibit No. "2". Exhibit No. "3" illustrates that part of the proposed reservation within and west of the town of Sulphur, and is drawn also to a scale of fifteen inches to the mile. These maps, comprising exhibit "2" and "3", are drawn separately for convenience of handling, and because their boundaries conform to different surveys, and because the establishing of the reservation boundary lines in each case are based to a certain extent upon different reasons.

LOCATION AND DESCRIPTION OF THE PROPOSED RESERVATION
AND VICINITY.

The region of the site of the proposed public reservation is located near the center of the Chickasaw Nation, Indian Territory. It is in the northern extension of the Arbuckle mountains, and elevated approximately 1000 feet above the sea level.

The Washita River passes about fifteen miles upon the south, where it flows eastward in a deep valley along the north side of the Arbuckle mountains, and then turns southward and passes the mountains in a deep and narrow gorge. More specifically the town of Sulphur, which includes all the mineral springs, is located about the junction of Sulphur and Rock Creeks. The latter and larger creek is one of the principal tributaries of the Washita River, and flows southward, entering the Washita at the mouth of the gorge, in the Arbuckle mountains. The large springs, 1 and one-half miles east of Sulphur are the source of Sulphur Creek, which has a continuous and abundant flow of fresh water. The map, exhibit No."1", shows the location and topographic features of the porposed reservation and contiguous country.

The high land which is in the general level of the Arbuckle mountains is a prairie 1000 to 1200 feet above the sea level. In this high prairie land are the sources of the streams which drain the country, and the valleys near these sources are gently sloping, giving a rolling or undulating topographic effect. Nearly midway between the high land and the bases of the valleys of Sulphur and Rock Creeks, hard pebbly limestones occur lying in a flat position in the midst of softer strata. The varying hardness of these rocks in their outcrops give a diverse and beautiful topographic effect to the valleys. They make steep and rugged slopes, terraces, and cliffs clothed with trees and vines in many places over-looking the forested stream valleys. Such topographic features are especially prominent in the south side of Sulphur Creek valley, and in the south sides of the bends in Rock Creek. Near the center of Sulphur and above the

Bromide springs, in the extreme southwest corner of the town, these terrace-forming rocks afford secure footing and pathways in the slopes, and their abundant loose boulders are convenient for the construction of rustic seats and bridges, and dams, if need be, across the streams.

FRESH SPRINGS AND CREEKS.

The larger of the two springs as the source of Sulphur Creek issues from the bed of the valley in a dense jungle of young forest trees; the other issues from beneath a projecting bluff of limestone conglomerate on the south slope of the valley about midway in the slope above the main channel. From these sources for nearly half a mile the waters flow with little grade; then the streams begin more rapid descent in a series of beautiful natural low falls and rapids, over natural dams constructed by the streams' deposited sediments; above the falls are placid pools, and the dams are clothed with mosses and ferns, and in many places occupied by forest trees. The positions of these falls are located upon the maps exhibits "1" and "2", and the falls are illustrated by a number of photographs, with those of Rock Creek, accompanying this report as exhibit No. "4".

The forest is confined to the immediate valleys of Sulphur and Rock Creeks and the lower stretches of their tributary branches. Occasionally trees of large size stand on upland near the valleys. The forest trees comprise more than twenty kinds common to this latitude west of the Mississippi valley; and in the forest are numerous shrubs and vines, besides a dense under-

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growth of young forest trees, which tend to make jungles, especially in the lower parts of the valleys. Even above the border of the forest, extending into the recent prairie, since its protection from fires, the forest is rapidly spreading, and without doubt can be made to extend over any part of the prairie land by care and protection. The limits and density of the forest is shown upon the map exhibit No. "1" by conventional signs in green. A considerable part of the forest on Sulphur and Rock Creeks has been cleared away, and the places are now occupied by narrow, cultivated fields.

MINERAL SPRINGS.

All of the mineral springs, of which there are about twenty, occur within the limits of the proposed townsite of Sulphur. These springs, on account of the different qualities of their water, are separated into four classes; these deserve special recognition on account of the bearing they have in connection with the location of the boundary lines of the proposed reservation.

"Sulphur" Springs--The largest and most important group of mineral springs are those located near the center of the town in the valley of Rock Creek, near the mouth of Sulphur, and known as "Sulphur" Springs. A collection of these, seven in number, issue near together at a Pavilion, and are most resorted to for public use. A single large spring of this class issues from beneath beds of limestone conglomerate, about 300 feet southwest of the Pavilion springs, and is known as the "Hillside" spring.

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Another collection of three large springs completing this group of Sulphur springs, issue from the west bank of Rock Creek, immediately above the mouth of Sulphur Creek, the position of each spring being shown on the map. All of these springs are extensively used by the public resorting here; besides the three last named are utilized by a private company, and the water is shipped in bottles. A single spring of this class having considerable flow issues from the bed of Rock Creek, in the bend, in the southwestern part of the town.

The waters of this class are slightly saline and contain considerable quantities of sulphureted hydrogen gas; upon standing exposed to the atmosphere for a day or more, practically all of this gas escapes.

"Bromide" Springs--The second class of water at present of importance is that issuing in a single spring of small volume, located at the base of a high bluff in the southwestern part of the proposed townsite, and known as the "Bromide" spring. This spring is strongly saline, and is valued by the public for its supposed medicinal properties.

"Bromide Sulphur" Springs--The third group consists of two springs of small volume, located on a branch of Rock Creek in the southern part of the town, and known as "Bromide Sulphur" springs. This water contains mineral properties of both the "Sulphur" and "Bromide" waters above referred to in apparently small quantities. It is considerably saline, and the sulphureted hydrogen gas escapes in small quantities. These springs have sufficient volume to supply many people, but are at present poorly improved and but little used.

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"Wilson" Springs--The fourth and last group consists of five springs of small flow, located on a branch of Rock Creek, in the southeastern part of the proposed townsite, and known as the "Wilson" springs. The water of these springs contains apparently little mineral properties, and that in the form of sulphureted hydrogen gas. The largest of these springs is improved in a small way, and is used to considerable extent.

A report upon these springs made in 1901 by J. A. Taff, and now on file in the office of the Secretary of the Interior, gives a more detailed account of these springs with chemical analyses of the water from the "Sulphur" and "Bromide" springs.

NOTES ON THE WATER RESOURCES OF SULPHUR CREEK
AND SPRINGS.

Water Works--The large fresh springs at the source of Sulphur Creek are situated about 100 feet above the town, and have, therefore a potential advantage sufficiently great for natural water works, simply by leading the water to the city by piping. Greater water power can be secured by constructing a receiving basin on the high land above the springs, to which the water can be pumped.

Artificial Lake and Bathing Pools--There are numerous pools above the natural dams along Sulphur Creek which are resorted to as public baths at the present time. These, however, are not sufficiently large nor deep for successful use as swimming pools, and the following suggestions concerning a site for an artificial lake are submitted.

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Artificial Lake Site--In the northeast quarter of section 2, immediately west of the section line, between sections 1 and 2, township 1 south, range 3 east, the valley of Sulphur Creek contracts to approximately 500 feet in width, and has steep slopes upon each side. A dam at this place could ^{be} conveniently constructed from abundant materials near at hand. Above this site the valley becomes broader and has been cleared of its forest. Such an artificial lake, 30 feet in maximum depth would be one-half mile in length and from 500 to 1000 feet in width. The steep and forested slopes on the south side overlook the lake site. Such a lake of continuously fresh water could be utilized for the propagation of fish, and would, at the same time, add much to the beauty and pleasure of the resort.

Reservation Boundaries.

In locating the boundaries of the proposed reservation at Sulphur, certain essential guides to procedure were found to be necessary, and they are as follows, beginning with the most important:

First, the preservation and protection of the springs against contamination.

Second, the preservation and protection of Sulphur and Rock Creeks.

Third, the reservation of reasonable space for public passage and comfort in connection with the waters thus reserved.

Fourth, the matter of utilizing the waters and preserving the beauty of the grounds thus reserved.

This last consideration is of great importance, for what

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would be the profit of a water supply if it would not be protected and entirely controlled for public use.

Of not less importance is the preservation of the forest and the beauty of the landscape. The protection only of the immediate banks of the streams, leaving the bordering wooded slopes of the valley near at hand to be marred and occupied by private nuisances would destroy for the value of the reservation.

Boundary East of the Sulphur Townsite-- Above the townsite of Sulphur the land is less valuable than within the town, yet the demand is equally great to protect the beauty of the stream and valley of Sulphur Creek, and to guard against the contamination of the spring water, since it is the source of the city water supply. There is not sufficient area allowed to protect the valley entirely; great care, therefore, was exercised in order to protect sufficiently or as fully as possible, and at the same time not to exceed the allowed 640 acres. To accomplish this, it was found necessary in some instances to divide small lots of land in locating the boundary line; in all cases, however, the boundary was made to conform with the land surveys already established. In all cases the important slopes of the valley with practically all the forest is preserved. The topographic and forest map, exhibit No. "2", illustrates the natural surface conditions and the location of the reservation boundaries.

Boundary within the Townsite--In determining upon the lines of the reservation within the proposed townsite, the exterior limits of which have been provisionally established, due con-

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sideration was had to the permanent improvements now on the ground, and as small an area was included as, in our opinion, is consistent with proper protection of the springs and creeks; and we consider it worthy of note that no serious objections were made known to us as to the location of the reservation lines as they now stand. It so happens that the most thickly populated part of the town, especially for business, is in the small basin about the springs and on the immediate banks of the streams. The slopes of the valley are steepest near and about the springs and the danger of contamination by wash, which naturally leads towards the springs, is greatest, especially since little care is had for the disposition of sewerage. Great care, therefore, is demanded that the grounds immediately around the springs and along the streams with the steep slopes adjoining be preserved in order to guard against certain and serious contamination.

Rock Creek above the mouth of Sulphur Creek, does not flow during the dry season of the year; and since the valley is flat it is deemed necessary to preserve only the narrow space along the immediate banks of the stream. The same creek below the mouth of Sulphur Creek is bordered by steep slopes along its narrow valley, and the same care is required in the protection of the stream as in the case of the valley of Sulphur Creek. Immediately north of the Bromide spring there is a park of forest trees, and on the south are high bluffs of much natural beauty. Directly east a small valley with groves of trees leads up to the "Bromide Sulphur" springs. This land contains practically no improvements, and a great part is not capable of improvement for residents. For proper protection of the waters,

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it was considered necessary to include the Bromide Sulphur springs within the reservation, and to preserve the bluffs and ample parking about the Bromide springs.

"Wilson" Springs Boundary--The Wilson springs group is located three-fourths of a mile south of the Sulphur Springs, over a high divide, and the drainage leads from the springs towards the southwest, away from the town. A considerable settlement in the southern extension of the town is in easy reach of the springs, from which the water is obtained. To preserve these springs within the main reservation would include ground useless for the purpose intended; therefore, a small lot of ten acres was included about the springs in order to preserve them with the small forest surrounding.

FIELD NOTES OF THAT PART OF THE RESERVATION OUTSIDE OF THE
PROPOSED TOWNSITE OF SULPHUR.

The corners of the proposed public reservation at Sulphur, Indian Territory, are marked by limestone monuments, approximately 4" x 6" x 2', set securely 18 inches in the ground; with these, and placed equally deep, are hard pine, sawed posts, 2" x 4" x 3', painted white with red band 2" in width surrounding 6" below the top. These posts are placed as markers to locate the cornerstones.

In four instances, noted by circles upon the map, exhibit No. "1", solid rock was encountered at the corner. In such instances solid iron pins 1" in diameter and 15" long are securely set 11" in depth.

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	T.	R.	Sec.	Acres
S 1/2 of SE 1/4 of SE 1/4	1 N.	3 E.	35	20.00
SE 1/4 of SW 1/4 of SE 1/4	"	"	"	10.00
E 3.24 acres of SW 1/4 of SE 1/4	"	"	"	3.24
S 30.00 acres of Lot 2	1 S.	3 E.	1	30.00
S 30.00 acres of Lot 3	"	"	"	30.00
S 15.00 " " " 4	"	"	"	15.00
W 20.79 " " " "	"	"	"	20.79
E 1/2 of SW 1/4 of NE 1/4	"	"	"	20.00
N 1/2 of NW 1/4 of SW 1/4 of NE 1/4	"	"	"	5.00
SE 1/4 of NW 1/4 of SW 1/4 of NE 1/4	"	"	"	2.50
N 1/2 of N 1/2 of SE 1/4 of NW 1/4	"	"	"	10.00
N 1/2 of NE 1/4 of SW 1/4 of NW 1/4	"	"	"	5.00
N 21.61 acres of Lot 1	"	"	2	21.61
N 10.00 acres of S 20.00 acres of Lot 1	"	"	"	10.00
SE 2.50 " " SE 10.00 " " " "	"	"	"	2.50
SW 2.50 " " SW 10.00 " " " "	"	"	"	2.50
E 1/2 of Lot 2	"	"	"	20.81
E 5.00 acres of SW 10.00 acres of Lot 2	"	"	"	5.00
S 1/2 of SW 1/4 of SW 10.00 acres of Lot 2	"	"	"	1.25
NW 1/4 of NW 1/4 of SE 1/4 of NE 1/4	"	"	"	2.50
N 1/2 of NE 1/4 of SW 1/4 of NE 1/4	"	"	"	5.00
SW 1/4 of NE 1/4 of SW 1/4 of NE 1/4	1 S	3 E	2	2.50
W 1/2 of SE 1/4 of NE 1/4 of SW 1/4 of NE 1/4	"	"	"	1.25
NW 1/4 of SE 1/4 of SW 1/4 of NE 1/4	"	"	"	2.50
W 1/2 of NE 1/4 of SE 1/4 of SW 1/4 of NE 1/4	"	"	"	1.25
N 1/2 of SW 1/4 of SE 1/4 of SW 1/4 of NE 1/4	"	"	"	1.25
NW 1/4 of SE 1/4 of SE 1/4 of SW 1/4 " NE 1/4	"	"	"	.63
N 1/2 of SW 1/4 of SW 1/4 of NE 1/4	"	"	"	5.00
N 1/2 of S 1/2 of SW 1/4 of SW 1/4 of NE 1/4	"	"	"	2.50
NW 1/4 of SW 1/4 of NE 1/4	"	"	"	10.00
S 1/2 of N 1/2 of NW 1/4 of SW 1/4	"	"	3	10.00
SE 1/4 of NE 1/4 of NE 1/4 of SE 1/4	"	"	4	2.50
NE 1/4 of SE 1/4 of NE 1/4 of SE 1/4	"	"	"	2.50
N 1/2 of SE 1/4 of SE 1/4 of NE 1/4 of SE 1/4	"	"	"	1.25

Part of N 1/2 of N 1/2 of NW 1/4, described

as follows:

Beginning at a point 763 feet N. 89° 57' E. of corner of
 Sects. 2, 3, 10, and 11, T. 1 S. R. 3E; thence S. 89° 57' W.
 163.8 feet; thence S. 82° 00' E. 164 feet; thence N. 82° 00' E.
 10 feet. All in Sect. 11, T. 1 S., R. 3 E., area 0.02
 Total, 285.85

FIELD NOTES OF THAT PART OF THE RESERVATION INSIDE OF THE
 PROPOSED TOWNSITE OF SULPHUR.

Beginning at a point 1480.5 feet N. 89° 54' W. of correction cor-

ner between Sects. 2 and 3, T. 1 S., R. 3 E. on base line; thence south 260 feet; thence west 850 feet; thence N. $3^{\circ} 00'$ W. 260 feet to base line; thence N. $89^{\circ} 54'$ W. on base line 248.7 feet; thence south 490 feet; thence S. $82^{\circ} 00'$ E. 300 feet; thence N. $87^{\circ} 30'$ E. 636 feet; thence S. $0^{\circ} 30'$ W. 500 feet; thence N. $88^{\circ} 30'$ W. 769 feet; thence N. $1^{\circ} 30'$ 100 feet; thence N. $88^{\circ} 30'$ W. 540 feet; thence S. $51^{\circ} 00'$ W. 526 feet; thence S. $29^{\circ} 00'$ W. 639 feet; thence south 704 feet; thence S. $22^{\circ} 00'$ W. 617 feet; thence N. $89^{\circ} 50'$ W. 65.2 feet; to townsite boundary; thence S. $0^{\circ} 1'$ E. 330 feet on townsite boundary; thence N. $89^{\circ} 50'$ W. 1320 feet to Sect. line 660 feet S. $1/4$ sect. Corner between Sects. 3 and 4; thence S. $0^{\circ} 1'$ E. between Sects. 3 and 4 495 feet; thence S. $89^{\circ} 50'$ E. 330 feet; thence S. $0^{\circ} 1'$ E. 330 feet; thence S. $89^{\circ} 50'$ E. 660 feet; thence S. $0^{\circ} 1'$ E. 495 feet; thence S. $89^{\circ} 50'$ E. 3364 feet; thence N. $8^{\circ} 15'$ E. 773 feet; thence N. $81^{\circ} 45'$ W. 1761.5 feet; thence N. $8^{\circ} 15'$ E. 1254 feet; thence S. $81^{\circ} 45'$ E. 533 feet; thence N. $8^{\circ} 15'$ E. 963.7 feet; thence S. $81^{\circ} 40'$ E. 1624 feet; thence S. $8^{\circ} 20'$ W. 400 feet; thence S. $81^{\circ} 40'$ E. 172.5 feet to a point on Sect. line 2195.3 feet south $0^{\circ} 1'$ E. of correction corner between Sects. 2 and 3; thence N. between Sects. 2 and 3 618.8 feet; thence N. $47^{\circ} 40'$ W. 535.9 feet; thence N. $8^{\circ} 20'$ E. 292.5 feet; thence S. $81^{\circ} 40'$ E. 353 feet to a point on Sect. line between Sects. 2 and 3; thence N. $0^{\circ} 18'$ W. between Sects. 2 and 3 986.5 feet to correction corner between Sects. 2 and 3; thence N. $89^{\circ} 54'$ W. on base line 1480.5 ft. to beginning; all in Sect. 3, T. 1. S., R. 3 E., area 261.8 acres.

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Beginning at a point 84.0 feet S. $89^{\circ} 54'$ E. of standard $1/4$ corner in Sect. 34, T. 1 N., R. 3 E., thence N. $3^{\circ} 0'$ W. 94.0 feet; thence N. $46^{\circ} 00'$ E. 770.7 feet to townsite boundary; thence W. 300 feet on townsite line; thence S. $48^{\circ} 00'$ W. 541.6 feet; thence S. $20^{\circ} 00'$ W. 283.6 feet to base line; thence S. $89^{\circ} 54'$ E. 248.7 ft. to beginning. All in Sect. 34 T. 1 N., R. 3 E., area 3.1 acres.

Beginning at a point 3750 feet No. $0^{\circ} 1'$ W. of $1/4$ sect corner between Sects. 2 and 11 of T. 1 S., R. 3 E.; thence N. $83^{\circ} 20'$ W. 1570 feet; thence N. $23^{\circ} 26'$ W. 1512.1 feet to a point on base line 475.4 ft. east of correction corner between Sects. 2 and 3, T. 1 S., R. 3 E.; thence N. $89^{\circ} 54'$ W. on base line 475.4 ft. to correction corner between Sects. 2 and 3, T. 1 S., R. 3 E.; thence S. $0^{\circ} 1'$ E. between Sects. 2 and 3, 986.5 feet; thence S. $81^{\circ} 40'$ E. 196 feet; thence S. $22^{\circ} 40'$ E. 1343 feet; thence S. $81^{\circ} 55'$ E. 1929.8 ft. to a point 2805 feet N. $0^{\circ} 1'$ W. of $1/4$ Sect. corner between Sects. 2 and 11 of T. 1 S., R. 3 E.; thence N. $0^{\circ} 1'$ W. 945 feet to point of beginning. All in Sect. 2, T. 1 S., R. 3 E., area, 66.5 acres.

Beginning at a point 1576.5 feet S. $0^{\circ} 1'$ E. of correction corner between Sects. 2 and 3, T. 1 S., R. 3 E.; thence S. $0^{\circ} 1'$ E. between Sects. 2 and 3, 618.8 feet; thence S. $81^{\circ} 40'$ E. 127.5 feet; thence N. $8^{\circ} 20'$ E. 454.6 feet; thence N. $47^{\circ} 40'$ W. 265.6 feet to beginning; All in Sect. 2, T. 1 S., R. 3 E., area 2.1 acres.

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Beginning at a point 763 feet N. $89^{\circ} 57'$ E. of corner of Sects. 2, 3, 10 and 11, T. 1 S., R 3 E.; thence S. $89^{\circ} 57'$ W. 163.8 feet; thence N. $82^{\circ} 00'$ W. 496 feet; thence N. $8^{\circ} 00'$ E. 660 feet; thence S. $82^{\circ} 00'$ E. 660 feet; thence S. $8^{\circ} 00'$ W. 650 feet to beginning. All in Sect. 2, T., 1 S., R. 3 E., area 9.98 acres.

Area, (see notes - - - - - 285.85

17	17	17	- - - - -	261.8
----	----	----	-----------	-------

11 11 11 - - - - - 3.1

[illegible][illegible][illegible]

Total area - - - - - 629.33

Very respectfully,

Frank C. Churchill

Special Inspector.

Joseph A. Taff

Geologist , U.S.
Geological Survey.

(Endorsed) Union Agency No. 22495. Department of the Interior, Received Oct. 10, 1902. A copy of a report made by Frank C. Churchill, Special Inspector, and Joseph A. Taft, geologist of the U.S. Geological Survey, which report was made under the provisions of section 64 of the act of July 1, 1902, 32 Stat. 641, (the Choctaw-Chickasaw Supplemental agreement) which was ratified by the tribes Sept. 25, 1902. and also under the directions of the Dept. of July 8, 1902, rel. to the matter of selecting lands for a reservation at Sulphur Springs in the Chickasaw Nation, Indian Territory.

Refer in reply to the following:

Land
58871-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

October 9, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of October 3, 1902, forwarding for consideration, report and recommendation, a copy of a report made by Frank C. Churchill, Special Inspector, and Joseph A. Taft, geologist of the United States Geological Survey, which report was made under the provisions of section 64 of the act of July 1, 1902, 32. Stat.641, (the Choctaw-Chickasaw Supplemental agreement) which was ratified by the tribes September 25, 1902, and also under the directions of the Department of July 8, 1902, relative to the matter of selecting lands for a reservation at Sulphur Springs in the Chickasaw Nation, Indian Territory.

The office has carefully examined the plat and also the report of Inspector Churchill and Geologist Taft. It appears that the gentlemen named found many difficulties in running lines for the reservation which should include all the waters of the creeks and the various mineral springs, and at the same time protect said waters from contamination, and not include any more land

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than was absolutely necessary. The lines outside of the town site of Sulphur proper, while irregular, follow the trend of the stream, and are along, as nearly as possible, subdivision lines. Within the town site the lines do not conform to the subdivision, but the office deems that as not material because the town site surveyors can tie to these lines and the only inconvenience suffered will be the making of some irregular lots and blocks.

There seems to be no objection to the plat and to the report, and the office respectfully recommends that the report be approved.

Attention is invited to the fact that there is nothing with the present record showing the amount and value of the improvements within the proposed reservation.

The office assumes that the Department will at once take steps to have such improvements appraised under the terms of said section 64.

The three plats which were informally transmitted to the office on October 7th are returned herewith.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

W.C.V. H!r.

REGULATIONS prescribed by the Secretary of the Interior pertaining to the Sulphur Springs reservation in Indian Territory,

3/14/03

Section 64 of the act of Congress approved July 1, 1902 (32 Stat., 641), establishing a Government reservation at Sulphur Springs, in the Chickasaw Nation, Indian Territory, provides:

"Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the land so ceded. No person shall occupy any portion of the land so ceded or carry on any business thereon except as provided in said rules."

In order to carry out the provisions of this law, the following rules and regulations are prescribed:

Rule 1. The reservation shall be under the immediate charge and supervision of a Superintendent to be appointed by the Secretary of the Interior.

Rule 2, The Superintendent shall report to the United States Indian Inspector for Indian Territory, and will receive his instructions from the Secretary of the Interior, through said Inspector.

Rule 3. The Superintendent is authorized and empowered to enter into leases, which will not be effective until approved by the Secretary of the Interior, covering bath house sites, at an annual rental of not less than ten (\$10.00) dollars per tub for each tub used in any bath house. Said annual rental shall be

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payable quarterly in advance, at the office of the Superintendent. The leases entered into shall contain a provision reserving the right of the Secretary of the Interior to readjust the rental as he may deem proper during the continuance of the lease.

Rule 4. The Superintendent shall make full report and recommendation upon each application for lease, as to the ground desired, location of the same, and the area which should be allowed.

Rule 5. The lessee must agree to erect a bath house upon the site selected, in accordance with plans and specifications which must be approved by the Secretary of the Interior.

Rule 6. The Superintendent is authorized, with the approval of the Secretary of the Interior, to rent the buildings belonging to the Government upon the reserve.

Rule 7. The Secretary of the Interior may, upon the recommendation of the Superintendent and the United States Indian Inspector for Indian Territory, grant other privileges or permission for temporary use and occupation of portions of the reservation, upon the payment of a reasonable rental therefor.

Rule 8. The Superintendent, with the approval of the Secretary of the Interior, is authorized to issue suitable rules and regulations, prescribing requirements as to sanitation, for the government of bath houses, the rate of charges for baths, etc.

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Rule 9. The Superintendent is directed to see that the rules governing sanitation are strictly enforced; that the reservation is not encroached upon or occupied by objectionable persons, and must cause to be posted in conspicuous places proper notices warning all against trespass.

Rule 10. If the timber or other property of the Government upon the reservation is being destroyed, the Superintendent will make immediate report to the United States Indian Inspector for Indian Territory.

Rule 11. Inasmuch as the townsite of Sulphur is comprised of land on either side of the reservation, the Superintendent, with the approval of the United States Indian Inspector for Indian Territory, is authorized to establish roadways or streets across the reserve, at points most convenient and where the same will not interfere with the springs, bath houses or improvements of the Government, and the Superintendent is authorized and directed to keep such roadways or streets open for public use.

Rule 12. All things not explicitly provided in these regulations as to the control of the water of the springs and creeks upon the reservation, and the temporary use and occupation of the lands therein, shall be done under the direction of the Secretary

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of the Interior, until otherwise provided by law.

DEPARTMENT OF THE INTERIOR.

Washington, D. C.,

_____, 1903.

Approved:

SECRETARY.

(Endorsed) Union Agency # 5973 received March 14, 1903. Office of the U. S. Indian Inspector for Indian Territory. Washington, March 6, 1903. Secretary. Directs Inspector to submit draft of regulations governing use of water and temporary use of land in Government reservation at Sulphur.

S P E C I A L

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D E P A R T M E N T O F T H E I N T E R I O R.

Washington.

ITD 3716,7386-1903.

WHR.

October 20, 1903.

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

Sir:

February 28, 1903, the Acting Inspector submitted a report showing the establishment of the proposed exterior limits of the town of Sulphur, Chickasaw Nation, Indian Territory. A blue print showing such limits is inclosed.

Under instructions from the Department on March 25, 1903 Inspector Frank C. Churchill reported in regard to this matter.

A copy of the Acting Commissioner of Indian Affairs' letter of April 9, 1903, submitting said reports is inclosed.

In a communication of October 1, 1903, relative to the Sulphur Springs reservation, Inspector Churchill gives his views concerning the area that should be embraced in the townsite of Sulphur, and recommends that the land described as follows be taken to constitute the exterior limits of the townsite, viz:

The S/2 of section 34 and S/2 of section 35, T 1 N., R 3 E; all of section 3, T 1 S., R 3 E., and the N/2 and the SW/4 of section 2, T 1 S., R 3 E., less that part of the tracts so described already selected for the Sulphur Springs reservation.

The Department concurs in this recommendation except that

there should be no reservation for townsite purposes of that portion of the N/2 of said sections 2 and 3 lying between the red line from A to B marked on the map inclosed herewith, commencing at a point on the south boundary of the Sulphur reservation north of the center of section 2, and the Sulphur Springs reservation.

You are therefore authorized to proceed at once to have changed the exterior limits survey so as to embrace only the tracts recommended by Inspector Churchill, with the modification indicated herein, and to lay out and plat the townsite.

Your particular attention is called to the statement of Inspector Churchill that he considers it highly important that the townsite and the reservation should be considered as to the relations that one bears to the other, especially in the matter of laying out the streets; in fact much depends, he states, on this as to the economical and utilitarian features.

You will advise the Commission to the Five Civilized Tribes not to allow any allotment for the land between said line, A to B, and the reservation, and you will at once give notice to all to whom it may concern, that from the time of such notice no rights can be acquired by occupancy of said tracts of land, and also that the townsite will be surveyed and platted without reference to any survey heretofore made

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by persons not employed by the Government.

Respectfully,

E.A.Hitchcock.

Secretary.

3 inclosures.

(Endorsed) Union Agency No. 7703 Received Oct.26, 1903 Office of U.S.Indian Inspector, for Indian Territory. Washington, Oct. 20, 1903. Secretary.-----Encloses map showing land determined upon to be taken within townsite of Sulphur; should change exterior limits accordingly; should advise Dawes Commission and given public notice that no persons can acquire right of occupancy to certain tract mentioned.-----

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 8956-1903.
3884-1904.

May 20, 1904.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

In letters of November 17, 1903, and March 22, 1904, you suggested that you be authorized, in having the townsite of Sulphur, Chickasaw Nation, surveyed, to have a street 100 feet in width laid out around and adjacent to the entire Government reservation. You stated in your letter of November 17, 1903, that if a street is not so platted, and lots in the townsite extended to the reservation line, in a large number of instances the out-buildings and rear of houses would be adjacent to the reservation, which would be very undesirable, and in cases where improvements faced the reservation, there would be no outlet unless a street was laid out inside of the reservation for the use of the general public. You were of the opinion that if a street was platted as suggested it would necessarily interfere with improvements in some cases and the owners of such improvements would undoubtedly protest against the laying out of such street and would seriously object to such action, but you concluded that a street as indicated should be platted, nevertheless.

Doubtless in this statement as to improvements, you had reference to that portion of the townsite which is to form a portion of the reservation, as provided in the act of April 21, 1904 (Public No.125). A street, therefore, around this portion

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of the reservation would not interfere with the improvements to any great extent.

Reporting in the matter December 7, 1903, the Acting Commissioner of Indian Affairs stated that the reservation lines "as at present laid down" in some instances approach so closely to existing mineral springs, that to lay out a street such as is suggested by you within the reservation lines, would bring them too close to these springs; that consequently, the only resort is to lay out a street outside the reservation lines. The Acting Commissioner, however, concurs generally in your recommendation.

The Department considers it advisable to have a street laid out as proposed by you, outside of the reservation, and you are authorized to plat such a street, unless some objection appears, not known to the Department.

Copies of Indian Office letters of December 7, 1903, and May 11, 1904, in regard to this matter, are inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

2 inclosures.

(Endorsed) Union Agency No. 9628. Received May 27, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, May 20, 1904. Secretary----Authorized to plat a street just outside and adjacent to Government reservation at Sulphur, Chickasaw Nation.

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D E P A R T M E N T O F T H E I N T E R I O R,

WASHINGTON.

I.T.D. 3852-1904.

May 16, 1904.

United States Indian Inspector

for Indian Territory, Muskogee, I. T.

Sir:

Calling attention to your letter of April 12, 1904, submitting voucher for traveling expenses in favor of Arthur W. Hefley, Chairman of the Chickasaw Townsite Commission, in the sum of \$15.68, evidencing the payment of his transportation from Downs, Kansas, to Ardmore, Indian Territory, there is inclosed herewith copy of a report from the Indian Office, of May 10, 1904, in the matter, in which the Acting Commissioner of Indian Affairs recommends that you be directed to advise Mr. Hefley that as he was furloughed and not on duty at the time this expense was incurred, he is not entitled to pay for the travel incident to his trip to Kansas and return.

The Department concurs in the views of the Acting Commissioner, and you are directed to advise Mr. Hefley accordingly.

Respectfully,

Thos. Rayn,

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 9605. Received. May 23, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, May 16, 1904. Secretary----Holds traveling expenses of A.W. Hefley, Chairman Chickasaw Townsite Commission, from Downs, Kansas, to Ardmore, while on furlough cannot be allowed.

D E P A R T M E N T O F T H E I N T E R I O R,

WASHINGTON.

I.T.D. 5550-1904.

July 12, 1904.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

With the Acting Commissioner of Indian Affairs letter of July 7, 1904, the Department received your report of June 25, 1904, relative to a request by Mr. Sidney Suggs, President of the Chamber of Commerce, Ardmore, Indian Territory, to the Department, that the time for making payment on town lots at the townsite of Ardmore, Choctaw Nation, due in July, be extended until November 15, 1904.

Referring to departmental letter of September 27, 1901, in which it was held that until such time as the proper authorities of the Choctaw and Chickasaw Nations have taken appropriate steps to have a forfeiture declared where payments have not been made when due on town lots, the United States Indian Agent, Union Agency, is at liberty to and should accept and place to the credit of the Nations the amount tendered in payment for any lot or lots in any of the towns in said Nations, when the amount so tendered is the amount due, you recommend that Mr. Suggs be advised that the Department has no authority to make any ruling contrary to the provisions of the agreement with said Nations, and that the Department expects that payments shall be made for these lots at the earliest possible date, and if they are not made before November 15th next,

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further action will be taken in reference thereto.

The Acting Commissioner quotes from the law governing the payment for town lots in said nations, and states that, while it appears that if payment is tendered after it becomes due, and before any proceedings have been taken by the Nations looking to have a forfeiture declared, the Agent would have authority to accept the money, as the law provides that a failure for sixty days to make any one payment shall be a "forfeiture of all payments made and of all rights under the contract," he does not concur in your recommendation that Mr. Suggs be advised that lot purchasers will be expected to make payment on or before November 15th next, as that will be extending the time in which the law directs the payment shall be made. He recommends, however, that the party be advised that lot owners will be expected to make payment for lots as they become due.

The Department concurs in the views of the Acting Commissioner and you will so advise all parties in interest, calling their attention, however, to the ruling of the Department of September 27, 1901.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(Endorsed) Union agency No. 9895. Received. Jul. 19, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, July 12, 1904. Secretary----Relative to request of Sidney Suggs, that time for making payment on lots in Ardmore be extended; holds payments should be made when due.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.9200-1906.

May 25, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

On April 24, 1906, you transmitted a petition for departmental consideration in the matter of the issuance of bonds for the city of Ardmore, Chickasaw Nation, Ind. T., in the sum of \$35,000 for school purposes, \$35,000 for waterworks, and \$50,000 for sewers.

The issuance of these bonds is requested under the provisions of section 55 of the supplemental agreement with the Choctaw and Chickasaw nations ratified by the act of July 1, 1902 (32 Stat., 641).

From the record submitted it appears that Ardmore is a municipal corporation with a population, according to the last census, of 14,986 people, of which 2,300 are within the scholastic age.

The value of the taxable property, according to the last assessment for the purpose of taxation, is \$3,649,576. Ardmore has heretofore issued bonds in the sum of \$175,000 prior to that time when under the law the approval of the Secretary of the Interior became necessary. This early issue of bonds, together with the proposed issue of \$120,000 bonds, will make a total bonded indebtedness of \$295,000.

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The interest upon a bond issue of \$295,000 at 5 per cent per annum would amount to \$14,750; a tax of 5 mills on the dollar of the valuation of the taxable property, which is shown to be \$3,649,576, would provide a revenue of \$18,247.88. Thus it appears the amount of bonds desired to be issued by the city of Ardmore comes within the usual limitations in cases of this character.

Mr. John D. Benedict, who investigated the conditions in this town in reference to schools, recommends that the proposed bond issue be approved.

You state that you believe the city of Ardmore is amply able to care for the proposed bond issue, and as there is no doubt as to the necessity for the public improvements desired, you recommend that the issuance of bonds by the city or (Sic) Ardmore, in the sum of \$120,000, for the purposes stated, be approved.

There are transmitted with the papers various protests of the Indian Home Realty Company, of Ardmore, Ind.T., relative to the action of the town authorities in accepting the bid of Mason, Lewis & company for the bonds. It is claimed that the bid of the Indian Home Realty Company was \$616.10 higher than that of the bid of Mason, Lewis & Company.

The Department is requested to take no action relative to the approval of this bond issue, in view of this act of the town authorities.

Reporting May 19, 1906, the Indian Office states that it believes it is not part of the duty of the Department to decide

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which, if either, of the bids shall be accepted. There were eight competitors for the bonds, and the duty of rejecting or accepting any of the bids is vested in the authorities of the town of Ardmore. It concurs in your recommendation that this issue of bonds be approved. A copy of its letter is inclosed.

The Department considers that this town is amply able to take care of the total indebtedness of \$295,000. The action taken by the town authorities in regard to the acceptance of the bids upon the bonds is clearly beyond the jurisdiction of the Department. The Department has heretofore held that it is not called upon to pass on the legality of each and every step that has been or may hereafter be taken by a town to carry out its desire to issue bonds. It is to determine what may and what may not be done, and not the manner of doing it.

It appears that the health and growth of this town demand the issuance of these bonds. Said issue of bonds in the sum of \$120,000 by the town of Ardmore, Ind.T., is hereby approved.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

(Endorsed) Union Agency No. 14265 Received May 31, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. May 25, 1906. Secretary. --- Approves bond issue in sum of \$120,000 by city of Ardmore, I.T. for schools, waterworks and sewers. ---

Muskogee, Indian Territory,
November 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of October 23, 1905, (I.T.D. 12786, 13540, 13780-1905), setting aside for townsite purposes at Mill Creek, Chickasaw Nation, Indian Territory, in accordance with the terms of the Act of Congress approved May 31, 1900 (31 Stat., 221), the

E/2 of the E/2 of the NW/4 of Section 7;
S 18.77 acres of Lot 7, of Section 6,
Township 2 south, Range 5 east;
E/2 of the SE/4 of the SE/4 of Section 1,
Township 2 south, Range 4 east;

the department, in reference to the execution of an allotment patent to Belle Frost for a portion of the above described land, stated as follows:

"On October 12, 1905, you reported that Choctaw-Chickasaw allotment patent in favor of Belle Frost for the E/2 of the

NW/4 of Section 7, Township 2 south, Range 5 east, had been executed by the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation and was transmitted for Departmental approval October 4, 1905.

With Indian Office letter of October 18, 1905, this patent was received and it has been returned to the Indian Office for its files. You are authorized to prepare a patent for the remainder of the land embraced in the allotment of Belle Frost and have it

863.

-2-

executed by the chief executive of the said nations."

I have to request that this office be advised if the language "this patent was received and it has been returned to the Indian Office for is (Sic) files" is to be construed as the cancellation of Choctaw-Chickasaw allotment patent No. 2748, issued in the name of Belle Frost, in order that such cancellation may be made upon the records of this office and the chief executive of the Choctaw and Chickasaw Nations be advised that the patent has been cancelled by the Department.

I made this inquiry for the reason that it has heretofore been the practice of the Commission to the Five Civilized Tribes and myself, in cases in which it is desired that executed allotment patents be cancelled, to request the Department for authority to have such action taken, and in the event that such authority is given the patents have been transmitted to the chief executive of the Nation executing the same for cancellation by him, after which he has returned them to this office for transmission to the Department. If it is the intention of the Department to change this practice, I have to request that I be specifically advised in the premises.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

863.

DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 2850-1906.

February 23, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

On February 6, 1906, you transmitted a petition presented by the mayor of the town of Roff, Chickasaw Nation, Ind. T., requesting departmental approval of the issuance by the said town of bonds in the sum of \$25,000 for the purpose of defraying the cost of waterworks.

The papers submitted show that Roff, Ind. T., is a municipal corporation with a population numbering 1,745 people; that the value of the taxable property, according to the last assessment, is, \$390,000.

You request the Department to approve the issuance of these bonds under section 55 of the supplemental agreement with the Choctaw and Chickasaw nations ratified by the act of Congress approved July 1, 1902 (32 Stat., 641).

The Department is guided as to the proper ratio of indebtedness to the assessed valuation by section 1 of the act of May 19, 1902, limiting the amount of bonds that may be issued by towns having a population of 2,000 or more. It provides as follows:

"Such bonds not to exceed an amount the interest on which at 5 percentum per annum would be liquidated by a tax of 5 mills on the dollar of the valuation of the taxable property in such

town, to be ascertained by the last assessment for the purpose of taxation."

These limitations would not apply to Roff, as the population is less than 2,000 people, but it appears that the interest on \$25,000 at 5 percentum per annum would be \$1,250. The tax of 5 mills on the dollar on the taxable property of Roff at its assessed valuation would be \$1,950, showing that the town is able to carry this indebtedness.

It appears that the citizens of Roff passed upon the issue of these bonds at a special election December 4, 1905, conforming to the provisions of the act of March 4, 1898.

You consider that the town of Roff is amply able to care for the proposed bond issue and that there is no doubt as to the necessity for the waterworks desired. You recommend that the issuance of these bonds be approved.

Reporting February 17, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department considers that there is a necessity for the improvements desired. The issuance of these bonds at Roff, Indian Territory., in the sum of \$25,000 for the construction of waterworks is hereby approved.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

(Endorsed) Union Agency No. 13490 Received Mar. 1, 1906 Office of U.S. Indian Inspector for Ind. Terry. Washington, Feb. 23, 1906. Secretary---- Approves issuance of bonds in sum of \$25,000 by town of Roff, for purpose of constructing waterworks.-----

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 4352-1906.

March 17, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

On March 6, 1906, you submitted a report in the matter of the petition of the town of Chickasha, Chickasaw Nation, Ind. T., requesting the approval of an issuance of bonds by said town, in the sum of \$60,000, for the construction of waterworks and sewerage system.

Chickasha is a thriving municipal corporation, having a population of 6,917. The valuation of its taxable property, as placed by the last assessment for the purpose of taxation, is \$2,575,376.

The indebtedness of Chickasha consists of \$65,000 in bonds, issued prior to the time the Secretary of the Interior was required by law to approve bond issues, and an issuance of bonds in the sum of \$90,000 approved by the Department October 29, 1903, making a total of \$155,000. The \$60,000 in bonds now proposed to be issued, added to the \$155,000 heretofore issued, would amount to \$215,000.

Applying the rule laid down in section 1 of the act of May 19, 1902 (32 Stat., 200), limiting the issue of bonds by towns having a population of 2,000 or over, it will be observed that

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the interest on \$215,000 at 5 per cent per annum will amount to \$1,075. A tax of 5 mills on the assessed valuation of the taxable property, \$2,575,376, will provide a revenue of \$12,876.88, which is ample to meet the interest on the bond issue.

The proceeds of the proposed issue of bonds are to be devoted to the extension and development of the water and sewer system already established.

You state that you believe the town of Chickasha is amply able to care for the increased indebtedness and that there is no doubt as to the necessity for the public improvements desired. You recommend the approval of the petition.

Reporting March 13, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The issue of bonds by the town of Chickasha in the sum of \$60,000, for the purpose of constructing waterworks and sewers, is hereby approved.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

(Endorsed) Union Agency No. 13656. Received Mar. 19, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, March 17, 1906. Secretary-----Approves issuance of bond in the sum of \$60,000 by the town of Chickasha, Chickasaw Nation, I.T., for the construction of water-works and sewerage system.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.16792-1906.

September 13, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On August 15, 1906, you transmitted an application by the mayor and town council of the town of Madill, Ind. T., requesting the Department to approve the issuance of bonds by said town in the sum of \$40,000, for the construction of waterworks.

Authority for the issuance of these bonds is requested under section 55 of the supplemental agreement with the Choctaw and Chickasaw nations ratified by the act of July 1, 1902 (32 Stat., 641).

From the record submitted it appears that Madill is a municipal corporation with a population, according to the last school census, of 2,013 people. The valuation of the taxable property, according to the last assessment for the purpose of taxation, is \$612,904. The town does not appear to have any indebtedness.

Applying the rule laid down in section 1 of the act of May 19, 1902, it is shown that the interest on a bond issue of \$40,000, at 5 percentum per annum, would amount to \$2,000; a tax of 5 mills on the dollar of the valuation of the taxable property, which is, as shown by the papers submitted, \$612,904, would provide a revenue of \$3,064.52, which is ample to care for the bond issue.

You state that you have carefully considered the matter,

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and inasmuch as there is no doubt as to the necessity for the public improvements desired, and the town is amply able to care for the indebtedness to be assumed, you recommend the approval of the bond issuance.

Reporting September 11, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The record clearly shows that Madill is well able to support an indebtedness of the amount desired to be incurred and that there is a necessity for the public improvements desired. Authority is hereby granted for the issuance of bonds for the construction of waterworks by the town of Madill, Ind. T., in the sum of \$40,000.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 15320. Received September 20, 1906. Office of U. S. Indian Inspector for Indian Territory. Washington, D. C. Sep. 13, 1906. Secretary-----Approves bond issue for \$40,000 for construction of waterworks by town of Madill, Ind. T.

May 17, 1907

UNITED STATES OF AMERICA)
 INDIAN TERRITORY) (SS

I, J. George Wright, United States Indian Inspector for the Indian Territory, do hereby cerify (Sic) that the forecoing (Sic) is a full true and correct copy of a communication addressed to and received by me as such United States Indian Inspector from the department of the Interior of the United States, Washington, D. C., under date of September 13th, 1906, relative to the approval by the secretary of the Interior of the United States of the issuance by the city of Madill, Chickisaw Nation Indian Territory, of its negotiable bonds in the sum of \$40,000 for the construction of waterworks.

I do futher (Sic) certify that the original of the said communication is on file in my office.

(Signed) J. Geo. Wright,
 United States Indian Insp.

Certified to under before me
 this the 14th day of September, A. D., 1906.

(Signed) Lyman K. Lane,
 Notary Public

My Commission Expires Oct. 22, 1906.

(Endorsed) Union Agency # 64008 Received May 17, 1907. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, May 15, 1907. R. J. Edwards.----- Enclosed copy of Dept. letter of Sept. 13, 1906, approving bond issue by town of Madill, I.T. for \$40,000, and asks that same be authenticated.

C. A. B a s h a r a,
Dealer in

G E N E R A L M E R C H A N D I S E
My Stock Always Fresh.

Tuttle, Okla.
May 23, 1907.

Mr. D. H. Kelsey

Indian Agent,

Muskogee, I.T.

Dear Sir:-

Perry and Doughton have been bothering us about this town site they have filed an injunction against it and we want to know if we are going to get any protection from the government as that is who we bought our property from.

Please let us know in regard to this matter.

We would like an answer as soon as possible. Thanking you in advance for information,

Yours Respet,

C.A.Bashara

(Endorsed) Union Agency # 64196 Received May 28, 1907. Office of U.S. Indian Inspector for Indian Territory. May 23, c. A. Bashara, Tuttle, I.T., States an injunction has been filed on that townsite and asks for protection from Gov't.

CHICKASAW - TRADERS

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DEPARTMENT OF THE INTERIOR,
Washington.

March 4, 1899.

Mr. J. George Wright,
U.S. Indian Inspector,
Muscogee, Indian Territory.

Sir;

The Department is in receipt of your letter of the 17th ultimo, inclosing a communication from Mr. Alex. Rennie, Jr., Special National Agent of the Chickasaw National Government, authorized by the Governor of said Nation to collect taxes due the Nation from non-citizen merchants, wherein he submits a list of non-citizen merchants doing business in the Chickasaw Nation who refuse to comply with the law of said Nation taxing all non-citizen traders one per cent on their capital stock. It appears from

the allegations of Mr. Rennie that many of the parties named in his communication have been in business in said Nation and have always hitherto complied with the law, but some of them have not paid said taxes for one year, declining to do so upon legal advice, and requests that action be taken by the Indian Inspector for the Indian Territory to enforce payment. You request to be advised whether non-residents doing business in towns in the Chickasaw Nation can be required to pay said tax after the town lots have been appraised and disposed of under the provisions of the various agreements.

The Commissioner of Indian Affairs in forwarding said communication expresses the opinion that said Nation has the right to impose said taxes upon the non-citizens engaged in business in the said Nation, and that while "this Office cannot undertake to act as tax-collector for the Chickasaw Nation, it may, with the approval of the Secretary of the Interior authorize and direct the removal of all non-citizens who refuse to comply with the just

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and equitable conditions imposed upon them under the laws of the Nation." The Commissioner therefore recommends that he be instructed to authorize Inspector Wright to direct Agent Wisdom to remove from the Chickasaw Nation such non-citizens within that Nation, who refuse to comply with the law thereof, imposing a tax upon them for the privilege of engaging in business within the Nation. He further states that "this question has in previous years been brought to the attention of this Office and the merchants have been compelled to pay the tax, or suffer removal."

By the provisions of the agreement set out in section 29 of the Act of Congress approved June 28th, 1898 (30 Stats., 495), the tribal government of the Chickasaw Nation is continued for the period of eight (8) years, except as specifically modified in said agreement. Prior to the passage of said Act said Nation unquestionably had the right to prescribe the terms upon which non-residents should do business in said Nation. Said Act of Congress did not take away that right and the recommendation of the Commissioner of Indian Affairs is, therefore, concurred in by the Department, and you will accordingly advise the Indian Agent to notify the parties refusing to pay the permit tax, duly levied by said Nation, that they will be subject to removal, under the provisions of section 2149, Revised Statutes.

The papers submitted with your said letter are herewith returned, together with a copy of the report of the Commissioner of Indian Affairs above referred to.

Respectfully,

Thos. Ryan.
Acting Secretary.

Ind. Ter. Div.
510-1899
3 Inclosures.

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(Endorsed) Union Agency No. 27 Received Mar. 11, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, March 4, 1899. Secretary.-----Agent to notify non-citizen merchants, Chickasaw Nation, who fail to pay taxes, to remove from the Nation.

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,

Washington, February 25, 1899.

The Honorable

The Secretary of the Interior.

Sir;

Enclosed, herewith, is a report of February 17, 1899, from Inspector Wright transmitting a communication to him from Mr. Alexander Rennie, Special National Agent of the Chickasaw Nation whose duties are to collect taxes due the nation from non-citizen merchants, wherein Mr. Rennie submits a list of non-citizen merchants doing business in the Chickasaw Nation who refuse to comply with the law of said nation taxing all non-citizen traders one per centum on their capital stock, with the statement that many of the parties mentioned in said list have been in business in the Chickasaw Nation and have always complied with the laws which several have not obeyed for a year. Mr. Rennie also states that the traders all claim that their lawyers advise them that they cannot be molested for not paying, and they will refuse to pay until compelled to do so. In connection with this letter Inspector Wright transmits a copy of the opinion of the Assistant Attorney General of October 12, 1893, wherein it was held that the Creek Nation had the right to levy a tax on lawyers residing within that nation and practicing before the United States courts for the Indian Territory. Inspector Wright also states that the

question has been submitted whether these merchant and other taxes imposed by the laws of the Choctaw and Chickasaw nations upon non-citizens residing within the limits of towns in different nations can be properly levied after town lots have been appraised and disposed of under the provisions of the various agreements. He requests that he be advised in reference to these matters, and especially in the present case, if proper action shall be taken by his office to enforce the payment of taxes assessed by the various nations, in which event he suggests that the Indian Agent could be directed to close the business places of those refusing to pay by stationing Indian policemen at such places until such time as they are willing to comply with the tribal laws.

As the matter is viewed by this office at the present time, and as it has always been regarded, there appears to be no doubt as to the right of the Indian Nation to impose these taxes on the Non-citizens engaging in business within such nation. This is especially so in the Choctaw and Chickasaw nations, wherein the treaty of 1866 provides that non-citizens engaging in trading in said nations shall obtain permits therefor before licenses may be granted to them for the purpose. These permits can be obtained on such conditions as the nations themselves may establish, and as in the Chickasaw Nation the condition is that one per cent tax shall be paid, the right of the traders in that nation is dependent upon the payment of said one per cent.

At the same time, this office cannot undertake to act as tax

collector for the Chickasaw Nation, but it may, with the approval of the Secretary of the Interior authorize and direct the removal of all non-citizen merchants who refuse to comply with the just and equitable conditions imposed upon them under the laws of the nation, see Section 2149, Revised Statutes.

I have the honor, therefore, to recommend that this office be instructed to authorize Inspector Wright to direct Agent Wisdom to remove from the Chickasaw Nation such non-citizen traders within the nation.

This question has in previous years been brought to the attention of this office, and the merchants have been compelled to pay the tax, or suffer removal. The conditions in the nation now are not different from those existing at the time this action was taken, and it is thought that the government should take proper steps to compel a compliance with the laws in force governing the subject.

Very respectfully,
Your obedient servant,

A.C. Tonner,
Acting Commissioner.

Union Agency,
Muscogee, I. T.,
April 10th, 1899.

Mr. A. Rennie, Jr.,
Pauls Valley, I. T.

Dear Sir:-

Your letter addressed to Mr. J. Blair Shoenfeldt, who has been appointed my successor, has been received. Mr. Shoenfeldt has not yet arrived to take charge of this agency.

In regard to the several traders in the Chickasaw Nation, whom you reported heretofore as not complying with the law in regard to the payment of taxes, I will say, that I have given notice to all such parties, 18 in number, and have received letters from several of them in which they state it was their purpose to comply with the law and pay you the tax whenever called on. I believe fully one half of the 18 reported by you have answered that they were willing to settle with you according to law. Should the others fail to respond within a few days, I have no doubt appropriate action will be taken by this office with a view to enforcing the law.

Very respectfully,
D. M. Wisdom,
U. S. Indian Agent.

Approved;
J. Geo. Wright,
U. S. Indian Inspector,
(Endorsed) Union Agency-Muskogee, Oklahoma. Press book No. 2-
Letter 50.

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Union Agency,
Muscogee, I. T.

April 24, 1899.

Mr. M. L. Henderson,

Antioch, I.T.

Dear Sir:-

Yours received in which you state that the Indian tax collector is at your place trying to collect taxes, but you say you do not see fit to pay them and you do not consider you owe them anything.

You further state, if I want to remove you from the territory, just to get myself ready and put you out.

I accept your proposition, believing that it is made in good faith, and just as soon as I can get ready it will afford me great pleasure to evict you from the country.

The Interior Department has decided that traders doing business in the Territory shall pay taxes according to Chickasaw law, on the amount of goods introduced by them. I have no time to argue the question and will leave the matter to be disposed of as you suggest.

Very respectfully,

D. M. Wisdom,

U.S. Indian Agent.

Approved;

J. Geo. Wright,
U.S. Indian Inspector.

(Endorsed) Union Agency-Muskogee, Oklahoma. Press book no. 2---
letter 201.

Union Agency,

Muscogee, I.T., June 8th, 1899.

Mr. James T. Jones,

Pauls Valley, I.T.

Sir:-

You have again been reported as refusing to pay the licensed trader's tax imposed upon all non-citizens doing mercantile business in the Chickasaw Nation, and that you have not only refused to pay said tax but have been instrumental in inducing other merchants in Pauls Valley to refuse to pay the licensed trader's tax; also that you called a meeting of the Pauls Valley merchants and urged them to refuse to comply with the law and that by reason of your influence in this matter, the special agent has been unable to collect the tax at Pauls Valley.

You are therefore again notified that the Department of the Interior has held that said tax is lawful and that said nation has the right to levy and collect the same from non-citizens engaged in business in said nation and that all such non-citizens therein who refuse or fail to comply with the law, are subject to removal as intruders in the Indian country, under the provisions of section 2149, Revised Statutes of the United States.

It would seem, that in as much as you are permitted to do business in the Chickasaw Nation, that you would comply with the law and conduct yourself as a law abiding citizen, and not put this office to the unpleasant task of removing you from the limits of said nation as an intruder.

--Press book no. 3. letter 51.--

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You will, therefore, inform me if you intend to comply with the laws of said nation and in case of your refusal to do so, action will be taken to cause your removal from the limits of the Chickasaw nation.

Very respectfully,

J.Blair Shoenfelt,

U.S.Indian Agent.

Approved;

J.Geo.Wright,

U.S.Indian Inspector.

DEPARTMENT OF THE INTERIOR,
Office of U.S. Indian Inspector,
For
Indian Territory,

Muscogee, Ind.T. August 28, 1900.

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The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of the 10th instant, enclosing a copy of a telegram addressed to Sig Simon, et al, of Ardmore, Indian Territory, in the Chickasaw Nation, relative to the payment of Chickasaw Tribal taxes, I would respectfully state that on the 22nd instant I furnished a copy of this telegram to Hon. D.H. Johnston, Governor of the Chickasaw Nation, with the request that he again have his collectors make demand on the parties for the payment of the tribal tax, and to advise me whether they still refused after the receipt of the telegram mentioned.

I would now respectfully transmit herewith a letter from the Governor of the Chickasaw Nation, dated the 25th instant, addressed to the United States Indian Agent, wherein he states that his special national agent has again demanded the tax from Sig Simon and Brother and J. B. Spraggins and Company and that they still refuse to pay, and he requests that orders be issued at once for the removal of these parties, together with their personal effects, from the limits of the Chickasaw Nation.

--press book no. 4 letter 399.--

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The Indian Agent is also in receipt of a telegram from Governor Johnston, of this date, wherein he asks what action has been had upon these requests, which telegram is also enclosed herewith.

In this connection, I would respectfully refer to my letter of June 22 last, concerning the removal of these merchants from the Chickasaw Nation, and to my telegram of the 7th instant, and in view of all the facts, I would respectfully ask that I be authorized to close the stores of Sig Simon and Brother and J.B. Spraggins and Company until the taxes due from them are paid.

Very respectfully,

U.S. Indian Inspector, for
the Indian Territory.

D.H.K. (Mc).

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35,771-1901.

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
Washington,

July 10, 1901.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated July 2, 1901, from Inspector Wright, transmitting a "copy of the remarks of Hon. Hosea Townsend" the United States Judge for the southern district of the Indian Territory in the case of A. Kloski vs. J. W. Ellis, et al.

The Inspector invites attention to the fact that the court has not yet rendered an opinion in the premises, but that from the remarks of the court it would appear to be the opinion of the court that the Atoka agreement provides that non-citizens could reside in the various towns in the Chickasaw nation.

Inspector Wright quotes from Judge Townsend's remarks as follows:

* * but it does seem as though the Indians had given their assent to these white people being here, and if they have it is exceedingly doubtful whether they have a right to take them out, or whether the government has, because they say they are not here with their consent, and I don't see anything inconsistent, - the way it strikes me now, - with the provision in this citizenship act which provided that their tribal and other property rights should not be impaired, --I don't see any inconsistency between that and the Atoka agreement, or Curtis act."

He states that in view of the fact that the case arose from an order from the Department directing the Indian Agent to

remove from the Chickasaw Nation a non-citizen merchant who had refused to comply with the tribal tax laws of the nation, no action will be taken relative to the enforcement of the tribal merchandise tax laws until the decision of the court is rendered unless he is otherwise instructed.

He further states that he proposes to enforce the tribal cattle laws in the Chickasaw Nation which provide for a tax of 25 cents per head upon all cattle introduced into the nation "whether held upon the public domain or upon lands selected and claimed by an individual citizen as his prospective allotment."

Inasmuch as it would seem from the remarks of the Judge, as shown by the paper enclosed with the Inspector's report, that the court is inclined to the opinion that non-citizens have certain rights in the towns of the Chickasaw Nation, this office sees no objection to the Inspector pursuing the course outlined in his report.

Very respectfully,
Your obedient servant,

W.A.Jones,

Commissioner.

(G.A.W.)

P.

(Endorsed) Union Agency No. 2834 Received Oct 8, 1901. Office of U.S. Indian Inspector, for Indian Territory. Washington, Oct. 2, 1901. Secretary.-----Relative to collection of merchandise tax, etc., in Chickasaw Nation; requests report on decision of court, if rendered.-----

CHICKASAW - TRIBAL OFFICERS

DEPARTMENT OF THE INTERIOR
United States Indian Inspector
for
Indian Territory

Muskogee, Ind. T. Aug. 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to report that an election was recently held in the Chickasaw Nation, for the office of Principal Chief, as provided by the tribal laws of said nation. It is reported in the public press that Mr. Mosely was elected by a majority of six votes over Mr. Byrd, the former being a candidate favoring the pending supplemental agreement, while the latter was opposed to the same.

In view of the close vote, it is represented to me that the result of such election is liable to be changed by interested parties before the meeting of the council on September 2d for the purpose of canvassing the returns, and that in such event there is liable to be trouble at such time, the close vote having created considerable ill feeling between the two factions.

Representatives of the nation have conferred with me concerning the matter, suggesting the desirability of having troops stationed at Tishomingo, the capital of the Chickasaw Nation, at the time council shall meet on September 1st, next.

In my judgment, unless other information should be received, confirming such report, the presence of troops at such time would tend to aggravate interested parties, and I do not believe that their presence will be desirable or necessary.

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The U. S. Indian Agent at Union Agency will send policemen there at that time to maintain order, and should the Governor of the Chickasaw Nation so request, as I understand he will, the Indian Agent will also be present at that time to see that the returns are properly counted, as provided by the tribal laws, and that order is maintained.

Unless otherwise directed, therefore, by the Department, the Indian Agent or myself will so proceed, and should any further precautions be deemed necessary, the Department will be promptly advised.

Very respectfully,
Your obedient servant,

J. Geo Wright

U. S. Indian Inspector
for Indian Territory.

J.G.W.(J)

Aug. 20,

Hon. J. Geo. Wright, Indian Inspector,
Muskogee, I. T.

Sir: -

By refering to my letter of a few days ago, you will see that I suggested that you send a sufficient force to prevent probable trouble at the meeting of the Legislature.

I now urge that you send soldiers to be present on Monday morning at eight o'clock, September 1st. to prevent disturbance, which is almost sure to arise on account of both factions claiming the election, and claiming that illegal votes have been cast.

These claims will throw the contest in the Legislature, and I am now fully convinced that a very serious crisis is pending in the Chickasaw Nation.

I regret the necessity for the above request, but I feel that it is better and less humiliating to put the facts as they are before you than to wait until the danger has become a reality, and have the disgrace upon our Nation.

Most respectfully,

D. H. Johnston

Governor, Chickasaw Nation.

DEPARTMENT OF THE INTERIOR,
United States Indian Inspector,
for

24576-1902

Indian Territory

Muskogee, Ind.T. Aug. 21, 1902

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith a communication, under date of the 20th instant, from Governor D. H. Johnston, of the Chickasaw Nation, in which he refers to previous correspondence in the matter of some officers' being sent to the capital of his nation to prevent probable trouble at the meeting of the national legislature, which has been called to canvass the votes cast at the recent election held in that nation.

The Governor now urges that troops be sent to prevent any possible disturbance, which he believes is sure to arise on account of both factions claiming the election.

Concerning this matter, I would also respectfully invite the attention of the Department to a communication of Inspector Wright upon the same subject, dated August 16, 1902. He being now absent on leave, the communication of Governor Johnston is respectfully transmitted for such action as the Department deems most appropriate, but I have to report that unless otherwise directed by the Department, I expect to be present at Tishomingo on Monday, September 1st, next, with such force of Indian police as I deem necessary to keep the

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peace.

Very respectfully,
Your obedient servant,

J. Blair Shoenfelt,

Agent & Acting U. S. Indian Inspector
for Indian Territory.

D.H.K.(C)

Enclosure.

DEPARTMENT OF THE INTERIOR.

ITD 5266-1902.

Washington.

August 26, 1902.

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

Sir:

The Department is in receipt of your report dated August 16, 1902, relative to an election recently held in the Chickasaw Nation, for the office of Principal Chief.

You state that it is reported in the public press that Mr. Mosely, who favored the pending supplemental agreement, was elected by a majority of six votes over Mr. Byrd, who opposed the ratification of the agreement; that because of the close vote the result of the election is liable to be changed by interested parties before the meeting of the council September 2nd for the purpose of canvassing the returns; and that you fear trouble at such a time on account of the ill feeling existing between the two factions. You state that you do not favor having troops stationed at Tishomingo during the meeting of the council at that place, as suggested by the representatives of the nation, as it would tend to aggravate the trouble, but that you consider the presence of the Indian Agent and policemen sufficient to maintain order. You state, in conclusion, that unless otherwise directed by the Department, the Indian Agent or yourself will proceed as indicated, and that the Department will be promptly advised should any further precautions be necessary.

-2-

The Acting Commissioner of Indian Affairs forwarded your report August 23rd, recommending that the same be approved.

The Department concurs in said recommendation and your report is approved.

Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

1 inclosure.

Acting Secretary.

(Endorsed) Union Agency No.4707 Received Sep.2,1902 Office of U.S.Indian Inspector, for Indian Territory.Washington,August 26, 1902.Secretary.-----Approves action of the Inspector relative to presence of troops at TISHOMINGO, Indian Territory, on September 2,1902.-----

DEPARTMENT OF THE INTERIOR,

I.T.D. 5342-1902.

Washington,

August 27, 1902.

The Honorable,

The Attorney General.

Sir:

The Department is in receipt of a communication from the Governor of the Chickasaw Nation, requesting the United States Indian Inspector for the Indian Territory to cause soldiers to be present on Monday morning at eight o'clock, September 1st, to prevent disturbance, which is almost sure to arise on account of both factions claiming that illegal votes have been cast.

The Acting United States Indian Inspector forwarded said communication, and reports that unless otherwise directed by the Department, he expects to be present at Tishomingo on Monday, September 1st next, with a sufficient force of Indian police as he considers necessary to keep the peace.

The Commissioner of Indian Affairs forwarded said communications on August 26, 1902, and states that in order to be on the safe side he is inclined to recommend that the Department request the War Department to send a small force of troops to Tishomingo, in advance, if possible, of September 1st, in order that any serious trouble in counting the votes for governor may be obviated.

Copies of said communications from the Governor, the Acting Indian Inspector, and the Commissioner of Indian Affairs, 4699.

are inclosed herewith, and I have the honor to request that you will direct, by wire, the United States Marshall to take such steps as will be necessary to keep the peace at Tishomingo during the counting of the votes on September 1st. The Acting United States Indian Inspector will be directed by wire to co-operate with the marshall, in order that no disturbance may take place there.

Respectfully,

Thos. Ryan

3 inclosures.

Acting Secretary.

(Endorsed) Union Agency No.4699 Received Sep.2,1902 Office of Indian Inspector for Indian Territory. Washington, August 27, 1902. Secretary.-----States that U. S. Marshal has been directed to co-operate with Indian Inspector in keeping the peace at Tishomingo, Indian Territory, during the counting of the vote for Governor on September 1, 1902.-----

DEPARTMENT OF THE INTERIOR.
I.T.D. 5342-1902. Washington. August 27, 1902.

Acting United States Indian Inspector
for the Indian Territory,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your communication of August 21, 1902, transmitting a letter from the Governor of the Chickasaw Nation, requesting that troops be sent to prevent any disturbance at Tishomingo on September 1st, during the counting of the vote for governor of said nation.

There is inclosed, for your information, copy of a letter to the Attorney General, requesting him to direct the United States Marshall to take the necessary steps to preserve the peace, and you will co-operate with him in order that no disturbance may take place on that date.

In case any emergency shall arise, when it may be necessary to have troops sent, you will wire the Department fully.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR.
Washington.

August 29, 1902.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

The Department is in receipt of a telegram from the Acting Chairman, saying:

" Am advised will be large force of opposing factions at Tishomingo Chickasaw Nation of Sunday. Please request Attorney General to direct United States Marshall Colbert, Southern District Indian Territory to be present at Tishomingo with as large a force of deputies as possible by Sunday morning."

You are advised that in compliance with the request of the Governor of the Chickasaw Nation, forwarded by the Acting United States Indian Inspector for the Indian Territory, the Department requested the Attorney General to direct the United States Marshall to be present on September first with a sufficient force of deputies to keep the peace, and is advised that directions have been sent in accordance with said request. The Attorney General has this day been requested to direct that the force be present on Sunday morning, and is informed that such directions have been sent.

Respectfully,

Thos. Ryan.
ACTING SECRETARY.

(Endorsed) # 14346, Received Sep. 5, 1902. Commission to Five Tribes, Muskogee, I.T. Department, Ryan, Washington, D.C., 8/29/02 Attorney General has requested U.S. Marshall to be present at Tishomingo, Sep. 1, 1902.

Emet, Ind. Ter., Sept. 2, 1902.

Hon. J. George Wright,

United States Indian Inspector,

Muskogee, Ind. Ter.

Dear Sir:-

I have the honor to advise you, for your official information that Hon. Palmer S. Mosely was, on yesterday, duly inaugurated Governor of the Chickasaw Nation.

His postoffice address is Wapanucka, Indian Territory; and all official communications to the Governor of the Chickasaw Nation should hereafter be addressed to him at that place.

In retiring from the office of Governor of the Chickasaw Nation, I desire to express my gratitude and that of my people, for the courtesy and consideration that has ever been accorded me by the representatives of the Government of the United States, and to bespeak a continuation of the same for my successor.

I wish also to express my gratitude for the valuable services rendered by Hon. J. Blair Shoenfelt, United States Indian Agent, the Indian Police and Mr. Henry C. Dickey of the United States Secret Service, in securing a peaceable and orderly disposition of the issues attending the change of administrations that has just been made, and in preventing the conflicts that were threatened upon that occasion.

Very respectfully,

D. H. JOHNSTON

I found an empty envelope No. 4767 in files of Supt. Five Civilized Tribes, bearing the following endorsement:

"Washington, Sept. 10, 1902.

Secretary.

....

Refers for report and recommendation letter of Isaac V. Lewis, of Madill, I. T., claiming and presenting evidence that himself and Wm. L. Byrd were legally elected as attorney general and Governor, respectively, of Chickasaw Nation, and were counted out by fraud."

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs

210

Washington, Sept. 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on September 4, 1902, by Inspector Wright forwarding a communication addressed to him on September 2, 1902, by D. H. Johnston, Governor of the Chickasaw Nation, advising the Inspector that Palmer S. Mosely was on September 1st inaugurated as Governor of the Chickasaw Nation, his postoffice address being Wapanucka, Indian Territory. Governor Johnston states that in retiring from the office of Governor of the Chickasaw Nation he desires to express his gratitude and that of his people for the courtesy and consideration that has been accorded him by the representatives of the United States, and to bespeak for his successor a continuance of the same; and he also desires to express his gratitude for the valuable services rendered by Agent Shoenfelt, the Indian police and Mr. Henry C. Dickey of the United States Secret Service in securing a peaceable and orderly disposition of the issues attending the change of administration that has just been made, and in preventing the conflicts that were threatened on that occasion.

It is respectfully recommended that Inspector Wright be advised that his report is approved.

Very respectfully,
Your obedient servant,
W. A. Jones,
Commissioner.

W.C.V.(S)

(Copy of record in office of Supt. Five Civilized Tribes, Muskogee)

DEPARTMENT OF THE INTERIOR,

Washington.

ITD 5743-1902.

September 18, 1902.

U.S. Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your communication dated September 4, 1902, transmitting a letter from Honorable D.H. Johnston, dated the 2nd instant, advising you that Honorable Palmer S. Moseley has been duly inaugurated as Governor of the Chickasaw Nation, and that he desires to express his gratitude (Sic) and that of the Chickasaw people for the courtesies and consideration accorded him by the representatives of the Government of the United States.

The Commissioner of Indian Affairs forwarded said communication on September 15, 1902, and recommends that your report be approved.

The Department concurs in said recommendation, and you will advise Mr. Johnston that due appreciation is made of his acknowledgment relative to the conduct of the United States officers in the Indian Territory.

A copy of the report of the Commissioner is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

-2-

(Endorsed) Union Agency No.4807 Received Sep.25,1902 Office of U.S.Indian Inspector, for Indian Territory.Washington, D.C., Sept. 18, 1902. Secretary.----Approves report relative to a letter of Gov.D.H.Johnson; directs Inspector to advise Mr. Johnson that due appreciation is made of his acknowledgement made therein.-----

A_N A_C_T

AUTHORIZING AND DIRECTING THE GOVERNOR OF THE CHICKASAW NATION
TO MAKE A REQUISITION ON THE TREASURY OF THE UNITED
STATES FOR THE SUM OF TWO HUNDRED AND
THIRTY THOUSAND DOLLARS.

WHEREAS, by and Act of Congress entitled "An Act for the protection of the people of the Indian Territory, and for other purposes", approved January the twenty-eighth, 1898, the sum of Five Hundred and Fifty-eight Thousand, Five Hundred and Twenty Dollars, and Fifty-four cents, was appropriated for Arrears of Interest due the Chickasaw Nation, and of the money so appropriated, the sum of Three Hundred and Seventeen Thousand, Seven Hundred and Sixty-five dollars, and fifty-five cents, has been credited to the Chickasaw Nation, on the books of the Indian Office, out of which S. W. Peel has received the sum of Thirty-One Thousand, Seven Hundred and Seventy-six dollars and fifty-five cents, the balance remaining to the credit of the Chickasaw Nation, on said books, and of the said sum being Two Hundred and Eighty-five Thousand Nine Hundred and Eighty-nine dollars; and

WHEREAS, it is found necessary and essential to use Two Hundred and Thirty Thousand dollars of said balance, in the payment of the debts of the Chickasaw Nation, now evidenced by unpaid and outstanding warrants, lawfully authorized and issued on the National Treasurer of the Chickasaw Nation, including also current expenses of the Chickasaw Government, also including the appropriations of the Legislature at its last special session in December, 1898, of Thirty Thousand Dollars, with which to defend the Nation in certain appealed Citizenship cases, now pending in the Supreme Court of the United States, and which is to be placed to the credit of

--2--

the Governor of the Chickasaw Nation, upon his requisition there-
for on the Treasurer of the United States, and to be used by him
as the said Act making said appropriation directs; now therefore--

Sec. 1. BE IT ENACTED BY THE LEGISLATURE OF THE CHICKASAW
NATION, that the Governor be and he is hereby authorized and dir-
ected to make a requisition on the Treasurer of the United States,
for the sum of Two Hundred and Thirty Thousand dollars, and, of
the same Two Hundred Thousand Dollars is to be placed to the credit
of the National Treasurer of the Chickasaw Nation, to be used in
the payment of the legal indebtedness of the Chickasaw Nation, and
the sum of Thirty Thousand dollars is to be placed to the credit
of the governor of the Chickasaw Nation, to be used by him in the
defense of the Nation in appealed Citizenship cases to the Supreme
Court of the United States, and for current expenses of the Nation
as provided by the Act making said appropriation, and the Secre-
tary of the United States Treasury is hereby requested to honor
and comply with said requisition for the purposes herein set forth,
and this Act take effect from and after its passage and approval.

Recommend by M. V. Cheadle.

Approved Feb. 8, 1899.

D. H. Johnston, (Seal)
Governor, Chickasaw Nation.

Attest:

C. D. Carter,
National Secretary,
Chickasaw Nation.

Endorsements: Passed the House, Feb. 8, 1899. M.V.CHEADLE
Attest: J.L.THOMPSON, Speaker.
Clerk.

EXECUTIVE MANSION,
Washington,
March, 25, 1899,
Approved:

Passed the Senate, Feb. 8, 1899 DAVE SEELY,
Attest: Wm. M. GUY, Presdt. Sen.,
Secretary Sen.,
protem.

WILLIAM McKINLEY.

DEPARTMENT OF THE INTERIOR.
Washington.

April 3, 1899.

J. George Wright,

U. S. Indian Inspector for Indian Territory,

M u s c o g e e, Indian Territory.

Sir:

On March 20, 1899, the Department submitted to the President for executive action an act of the Legislature of the Chickasaw Nation approved by the Governor thereof on February 8, 1899, said act being entitled, "An Act authorizing and directing the Governor of the Chickasaw Nation to make a requisition on the Treasury of the United States for the sum of Two Hundred and Thirty Thousand Dollars." Said act was duly approved on March 25, 1899.

Said act is returned herewith, and also a copy of the Departmental letter recommending the approval of said act. You will forward the act and the copy of said Departmental letter to the Executive Secretary of the Chickasaw Nation.

Respectfully,

Thos R. Ryan.
Acting Secretary.

Ind.Ter. Div.
68161899
2 inclosures.

Through the Commissioner
of Indian Affairs.

(Endorsed) Union Agency # 90, received Apr. 7, 1899. at Office of U. S. Indian Inspector for Indian Territory; Washington, April 3, 1899. **Secretary.** Returns Chickasaw Act, "Authorizing Governor to make requisition on the Treasury for \$230,000" Approved.

AN ACT

AUTHORIZING AND DIRECTING THE GOVERNOR TO APPOINT (3) THREE COMPETENT CITIZENS OF THIS NATION AS A COMMISSION WHOSE DUTIES SHALL BE TO SET AS A BOARD OF INVESTIGATORS OF ALL NATIONAL INDEBTEDNESS EVIDENCED BY UNPAID OUTSTANDING WARRANTS, BEFORE THE SAME ARE PAID BY THE NATIONAL TREASURY OUT OF THE TWO HUNDRED THOUSAND DOLLARS SET ASIDE FOR SUCH PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE CHICKASAW NATION; That the Governor is hereby authorized and directed to appoint and commission 3 (three) competent citizens of this nation who shall give due notice from time to time of their sessions, and whose duty it shall be to sit as a Board of Investigators or Examiners of all national indebtedness evidenced by unpaid and outstanding warrants before the same is paid by the National Treasurer out of the two hundred thousand dollars set aside for such purpose.

Sec.2. Be it further enacted; That said Board shall have a clerk, and shall give public notice from time to time of the place and date of setting, provided no such appointments shall be made and until the Act setting aside said sum of two hundred thousand dollars out of the "Arrears of Interest" claim shall have been approved by the President of the United States and the same becomes a law. Said Board of Examiners shall examine all unpaid warrants presented to them; and, if found to be genuine legal warrants lawfully authorized and drawn by the Auditor, to the O.K. the same upon which the Treasurer shall pay the sums out of said sum of \$200,000.00; and, if found to be bogus or illegal, or defective, then protest the same, and the Treasurer shall refuse payment thereon until all defects have been corrected; or, if found bogus, shall not be paid at all, and the remedy of the law resorted to in such cases made and provided for, and all persons holding and owning such unpaid outstanding warrants * hereby directed to submit the same for such examination and inspection from time to time as they shall have due notice from said Board of Examiners, the same when O.K.'d by the Board shall be conclusive of the genuineness of the same. The pay of said Board and their clerk shall be each three dollars per day for every day actually served by each one, which amount is hereby appropriated, and the Auditor shall issue their warrants from time to time upon certificates signed by the whole Board, attested by the Clerk, showing number days served and the amount due each one, and the Treasurer shall pay same out of any moneys in his hands or which may come into his hands not otherwise appropriated. Said Board shall keep correct account of all warrants examined, and by whom held, and when completed, make a full report of same to the Treasurer for his use in his office; and this Act take effect from and after its passage.

(M.V.Cheadle, Feb.10,1899).

Passed the House Feb.10,1899,

M.V.Cheadle, Speaker,

Attest, J.L.Thompson, Clerk.

Passed the Senate, February 10,1899,

Simon Kemp, President Pro Tem of the Senate,

Attest R.L.Ream, Secretary.

Approved; February 10,1899,

D.H.Johnston,

Governor Chickasaw Nation.

Attest; C.D.Carter,
National Secretary,
Chickasaw Nation.

EXECUTIVE MANSION, WASHINGTON, MARCH 13, 1899,
APPROVED: WILLIAM McKINLEY.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, March 9, 1899.

The Honorable

The Secretary of the Interior.

Sir;

Enclosed herewith is a report of February 23, 1899, from Inspector Wright transmitting an act of the Chickasaw Nation providing for the appointment of a board to investigate the national indebtedness of the Nation evidenced by outstanding warrants properly certified and neatly engrossed.

Inspector Wright states that the duties prescribed by this act are important and necessary to a proper disbursement of the funds of the tribe in the discharge of the valid claims against it and recommends that the same be approved. This office concurs in Inspector Wright's recommendation for the approval of the act and also in his other recommendation that Special Inspector J.W. Zev-ely be authorized and directed to act with this board in the execution of their official duties under said act.

Very respectfully,
Your obedient servant,

A.C. Tonner.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington.

March 13th, 1899.

The President,

Sir;

I have the honor to submit herewith for executive action, under the provisions of Section 29 of the Act of Congress approved June 28, 1898 (30 Stat., 495), an act of the Legislature of the Chickasaw Nation, approved by the Governor thereof on February 10, 1899, being "An Act authorizing and directing the Governor to appoint three competent citizens of this (Chickasaw) Nation as a commission whose duty shall be to sit as a board of investigators of all national indebtedness evidenced by unpaid outstanding warrants before the same shall be paid by the National Treasurer out of the Two Hundred Thousand Dollars set aside for such purposes."

Said act prescribes the duties of said board, and requires them in effect to audit all the outstanding warrants that may be payable from the fund set apart by said Nation out of the moneys due under the appropriation for arrears of interest made by said Agreement set out in Section 29 of said Act of June 28, 1898.

The U.S. Indian Inspector for the Indian Territory recommends that said act be approved, and the Acting Commissioner

of Indian Affairs in transmitting the report of said Indian Inspector concurs in his recommendation.

I have, therefore, to request that said act receive your approval.

A copy of the report of the Acting Commissioner of Indian Affairs together with the letter of the U.S. Indian Inspector is herewith inclosed.

Very respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.
626-1899.
3 inclosures.

DEPARTMENT OF THE INTERIOR,
Washington,

March 14th, 1899.

Mr. J. George Wright,

U.S. Indian Inspector for
the Indian Territory,
Muscogee, Ind. Ter.

Sir;

Inclosed herewith you will find an act of the Legislature of the Chickasaw Nation approved by the Governor thereof on February 10, 1899, being "An Act authorizing and directing the Governor to appoint three competent citizens of this (Chickasaw) Nation as a commission whose duty shall be to sit as a board of investigators of all national indebtedness evidenced by unpaid outstanding warrants before the same shall be paid by the National Treasurer out of the Two Hundred Thousand Dollars set aside for such purposes."

Section one of said act is as follows;

"Be it enacted by the Legislature of the Chickasaw Nation that the Governor is hereby authorized and directed to appoint and commission three competent citizens of this Nation who shall give notice from time to time of their sessions, and whose duty it shall be to sit as a board of investigators or examiners of all national indebtedness evidenced by unpaid and outstanding warrants before the same is paid by the National Treasurer out of the Two Hundred Thousand Dollars set aside for such purposes."

Section 2 thereof provides;

"Be it further enacted that said board shall have a clerk and shall give public notice from time to time of the place and date of sitting -- provided no such appointments shall be made unless and until the act setting aside said sum of Two Hundred Thousand Dollars out of the arrears of interest claimed shall have been approved by the President of the United States, and

the same become a law --- said board of examiners shall examine all unpaid warrants presented to them and if found to be genuine legal warrants lawfully authorized and drawn by the Auditor, to then O K the sum upon which the Treasurer shall pay the same out of said sum of \$200,000, and if found to be bogus or illegal or defective then protest the same and the Treasurer refuse payment thereon until all defects have been corrected or if found bogus shall not be paid at all and the remedy of the law resorted to in such cases made and provided for, and all persons holding and owning such unpaid outstanding warrants hereby directed to submit the same for such examination and inspection from time to time as they shall have due notice from said board of examiners, the same when O Kd by the board shall be conclusive of the genuineness of the same, the pay of said board and their clerk shall be each three dollars per day for every day actually served by each one -- which amount is hereby appropriated, and the Auditor shall issue their warrants from time to time upon certificates signed by the whole board, attested by the clerk, showing number days served and amount due each one -- and the Treasurer shall pay same out of any moneys in his hands, or which may come into his hands, not otherwise appropriated. Said board shall kept (keep) correct account of all warrants examined and by whom held and when completed make full report of same to the Treasurer for his use in his office, and this act (shall) take effect from and after its passage."

Said act was submitted to the President for executive action on the 13th instant, with a favorable recommendation, and on the same day was returned approved. The departmental letter of transmittal and a copy of the report of the Acting Commissioner of Indian Affairs are herewith inclosed for your information and proper disposition.

The act of the Chickasaw Legislature referred to, making an appropriation of \$200,000 has not yet been received by this Department. Please report if the same has been forwarded by you.

Referring to the recommendation of the Acting Commissioner that Inspector Zevely "be instructed and directed to act

with this Board in the execution of their official duties under said act", it appears that in the Sundry Civil Bill(Pub.No.188), provision is made directing the Secretary of the Treasury "to pay from the funds in the Treasury belonging to the Choctaw Nation of Indians the outstanding warrants not exceeding in amount the sum of \$75,000; Provided, That before any of said warrants are paid the Secretary of the Interior shall cause an investigation to be made to ascertain whether such warrants have been duly and legally issued and are a valid and subsisting obligation of said Nation, and payment of the same shall be made by some official or employe designated by the Secretary of the Interior." It is deemed advisable that Mr.Zelevy shall make the investigation required by said Act. His duties in connection therewith, together with the directions already given him relative to the payment to be made under section 19 of the Act of Congress approved June 28,1898 (30 Stat.,495) will doubtless take up so much of his time that it will be impracticable for him to act with said Board of the Chickasaw Nation whose duties are prescribed by the tribal act. Besides, there is no responsibility on the part of the United States, imposed by law, to supervise the payment of warrants by the Treasurer of the Chickasaw Nation, and therefore the Department will not direct Inspector Zevely to be present with said board of investigation.

Respectfully

Ind.Ter.Div.
626-1899.
3 Inclosures.

Thos.Ryan
Acting Secretary.

Through Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 46 Received Mar 20,1899 Office of
U.S.Indian Inspector for Indian Territory. Wash. Mach 14,1899.
Secretary.----Returns Chickasaw Act authorizing Commission to
investigate National indebtedness.----Approved 3/13/99

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 286-1907
L.R.S.

January 11, 1907.

United States Indian Inspector,
for Indian Territory, Muskogee, Ind.T.

Sir:

With letter of December 10, 1906, you transmitted a communication to you from Special Agent James P. Foster of November 13, 1906, with which he submitted a list of warrants of the Chickasaw Nation covering a period from July 1, 1902, to October 1, 1906, supposed not to have been paid, aggregating \$144,046.85 with exhibits 1 to 7, inclusive, and other papers.

The special agent did not recommend the payment of any of the warrants. He stated, however, that the reports of the treasurer of the nation from August 31, 1902, to August 31, 1904, show no records of payments having been made on these warrants, but the absence of records other than his reports prevents further investigation, the inference being that the failure of the bank of the Chickasaw Nation at Tishomingo October 23, 1903, where many of the records and warrants were kept, has so complicated that period of the financial matters of the nation that unless some further light can be thrown on the transactions with that bank during 1902 and 1903, the only way of establishing further facts is to call in all the National Fund Warrants now in circulation.

You have concluded, however, relative to some of these warrants that they should be paid. You state that many of the war-

-2-

rants issued and unpaid have been drawn under appropriation acts of the Chickasaw Legislature which have not been submitted to the Department or approved by the President, although undoubtedly the parties to whom warrants were issued have long since been paid and warrants now held by those claiming to be innocent parties; that the treasurer of the nation did not cancel warrants when paid by him during certain periods, in accordance with the laws of the Chickasaw Nation, but that without nothing on their face that they were paid, held all warrants so paid until the expiration of each quarter, at which time he and the auditor together checked them over and marked them canceled; that it appears that at the time of the failure of said bank, the treasurer had placed therein for safe keeping a large number of warrants which he had paid but had not marked them canceled, nor, as alleged, kept any memorandum of them; that subsequently, when the records of the bank were examined by a receiver, the warrants referred to had disappeared and many, if not all, later found to be in circulation.

You express the opinion that all outstanding warrants which appear regular on their faces must be paid by the Indian Agent when presented, unless positive evidence can be procured to the effect that any warrants have been previously paid. You suggest however, that the Indian Agent be instructed before paying any warrants to require holders to state where they were procured and if obtained from any person connected with the bank of the Chickasaw Nation or it appears that they have once passed through said bank, that they be not paid until further investigated. You also suggest that the Agent be instructed that warrants should not be paid where appropriation acts have not been approved by
16559.

-3-

the President or where it is deemed proper that they should not be paid for other reasons, as shown by your report.

These last suggestions are altogether too indefinite. You recommend that all the warrants included on the list furnished by Special Agent Foster be called in for payment and such further investigation made as the Department deems proper.

The Indian Office in letter of January 7, 1907, stated that it did not feel warranted in making any recommendation in this matter in view of the absence of any be either you or the special agent; that the whole tenor of your report has led it to believe that you look with suspicion on most of the warrants, and that you prefer to present the facts to the Department for its consideration. That office states that it is unable to determine the part of the list of warrants which ought to be paid and what action should be taken concerning those shown not ready for payment and therefore could not make the recommendation the Department requested in letter to it of the 3rd instant; that while you state that certain warrants "should be paid" you do not actually recommend such action.

The Department desires both you and Special Agent Foster, or any other officer designated to investigate these warrants, to make definite recommendations concerning each class of warrants.

The lists and other papers received with your letter are returned, and you are directed to prepare at once and have the United States Indian Agent issue a notice calling in, within a time to be specified in the notice, all the alleged unpaid war-

-4-

rants of the Chickasaw Nation affected by section 11 of the act of April 26, 1906, (34 Stat., 137), for investigation by you and the Indian Agent or any other person the Department may designate. The Agent will require the holders of warrants presented, when deemed advisable, to state when they were procured and if obtained from any person connected with the bank of the Chickasaw Nation, and to furnish any other information relative to such warrants he deems proper.

When the warrants have been delivered to the Agent you will have him prepare a list of warrants which you both consider unquestionably should be paid, and transmit it through your office to the Department, with recommendation for instructions.

Relative to warrants concerning which there may be any doubt whether they should be paid, you are directed to have the Agent prepare lists of such classes and submit them, with his report, through your office, to be submitted to the Department, with positive recommendations.

It is contemplated that Special Agent Foster will continue the investigation of these warrants in connection with your office.

Copies of Indian Office letters of December 29, 1906, and January 7, 1907, are inclosed.

Respectfully,

E. A. HITCHCOCK,

Secretary.

13 inclosures.

(Endorsed) Union Agency 16559. Received Jan. 15, 1907. Office of U.S. Indian Inspector for Indian Territory. Rel. to Warrants of the Chickasaw Nation covering a period from July 1, 1902, to Oct. 1, 1906, supposed not have been paid, aggregating \$144,046.85 with exhibits 1 to 7, inclusive, and other papers.