

IN THE SENATE OF THE UNITED STATES.

## MESSAGE

FROM THE

## PRESIDENT OF THE UNITED STATES,

RELATIVE TO

*The act to pay the Choctaw and Chickasaw Indians for certain lands now occupied by the Cheyenne and Arapahoe Indians.*

FEBRUARY 18, 1892.—Read, laid upon the table, and ordered to be printed.

*To the Senate and House of Representatives:*

The Indian appropriation bill, which was approved March 3, 1891, contains the following provision:

And the sum of two million nine hundred and ninety-one thousand four hundred and fifty dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapahoe Indians under executive order; said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians, said lands have been ceded in trust by article three of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April twenty-eighth, eighteen hundred and sixty-six, and proclaimed on the tenth day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain two million three hundred and ninety-three thousand one hundred and sixty acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation; this appropriation to be immediately available and to become operative upon the execution, by the duly appointed delegates of said respective nations specially authorized thereto by law, of releases and conveyances to the United States of all the right, title, interest, and claim of said respective nations of Indians in and to said land (not including Grier County, which is now in dispute), in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw nations of Indians in and to the tract of country to which said releases and conveyances shall apply.

If this section had been submitted to me as a separate measure, especially during the closing hours of the session, I should have disapproved it; but as the Congress was then in its last hours a disapproval

of the general Indian appropriation bill of which it was a part would have resulted in consequences so far-reaching and disastrous that I felt it my duty to approve the bill. But as a duty was devolved upon me by the section quoted, viz: the acceptance and approval of the conveyances provided for, I have felt bound to look into the whole matter, and in view of the facts which I shall presently mention, to postpone any executive action until these facts could be submitted to Congress.

Very soon after the passage of the law it came to my knowledge that the Choctaw legislature had entered into an agreement with three citizens of that tribe to pay to them as compensation for procuring this legislation 25 per cent of any appropriation that might be made by Congress. The amount to be secured by these three agents, under this agreement, out of the three-fourths interest in the appropriation of the Choctaw Nation, is \$560,896. I have information that a contract was made by the Chickasaws to pay about 10 per cent of their one-fourth interest to the agents and attorneys who represented them.

Within a month after the passage of the law, R. J. Ward, one of the agents who was to divide with his two associates the enormous sum to be paid by the Choctaws, presented to me an affidavit dated April 4, 1891, which is herewith submitted. It appears from his statement that the action of the Choctaw council in this matter was corruptly influenced by the execution of certain notes signed by Ward for himself and his associates in sums varying from \$2,500 to \$15,000. His associates deny any knowledge of this, but the giving and existence of these notes is not refuted. The statement of the two associates of Ward, denying any knowledge of or participation in this fraud, are also submitted, together with other papers relating to the matter. Whatever may be the fact as to the use or non use of corrupt methods to secure this legislation from the Choctaw council, I do not think the Congress of the United States should so legislate upon this matter as to give effect to such a contract, which I am sure must have been unnoticed when the measure was pending. If the relations of these Indians to the United States are those of a ward, Congress should protect them from such extortionate exactions. We can not assume that the expenses and services of a committee of three persons to represent this claim before Congress could justly assume such proportions. The making of such a contract seems to convey implications which, I am sure, are wholly unjust.

After the passage of the appropriation bill, legislation was had by the Choctaw Nation looking to the completion of the contract made with their delegates as to the payment of this money, but subsequently, when it was supposed that this extraordinary arrangement might require me to bring the matter to the attention of Congress, an act was passed by the Choctaw general council, approved October 19, 1891, declaring all contracts made by the Choctaw delegates with any attorneys in connection with this appropriation void and of no effect. A copy of this law will be found with the papers submitted. There has also been submitted to me an unofficial copy of the opinion of the attorney-general of the Choctaw Nation holding that this last legislation is unconstitutional and void. I am of the opinion that, if this appropriation is to stand, provision should be made for protecting these tribes against extortionate claims for compensation in procuring action by Congress.

Copies of the several laws passed by the Choctaw Nation with reference to this matter will be found in the accompanying papers. It will be noticed that the distribution proposed is limited to Choctaws by

blood, excluding the freedmen and the white men who have been given full citizenship from any participation. A protest against this method of distribution has been filed by a white citizen of the tribe, and also a representation by Hon. Thomas C. Fletcher, their attorney, on behalf of the freedmen. In view of the fact that the stipulations of the treaty of 1866, in behalf of the freedmen of these tribes, have not, especially in the case of the Chickasaws, been complied with, it would seem that the United States should, in a distribution of this money, have made suitable provision in their behalf. The Chickasaws have steadfastly refused to admit the freedmen to citizenship as they stipulated to do in the treaty referred to, and their condition in that tribe, and in a lesser degree in the other, strongly calls for the protective intervention of Congress.

After a somewhat careful examination of the question, I do not believe that the lands for which this money is to be paid were, to quote the language of section 15 of the Indian appropriation bill, already set out, "ceded in trust by article three of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April 28, 1866," etc. It is agreed that that treaty contained no express limitation upon the uses to which the United States might put the territory known as the leased district. The lands were ceded by terms sufficiently comprehensive to have passed the full title of the Indians. The limitation upon the use to which the Government might put them is sought to be found in a provision of the treaty by which the United States undertook to exclude white settlers, and in the expressions found in the treaties made at the same time with the Creeks and other tribes of the purpose of the United States to use the lands ceded by those tribes for the settlement of friendly Indians.

The stipulation as to the exclusion of white settlers might well have reference solely to the national lands retained by the Choctaw and Chickasaw tribes, and the reason for the nonincorporation in the treaty with them of a statement of the purpose of the Government in connection with the use of the lands is well accounted for by the fact that as to these lands the Government had already, under the treaty of 1855, secured the right to use them perpetually for the settlement of friendly Indians. This was not true as to the lands of the other tribes referred to. The United States paid to the Choctaws and Chickasaws \$300,000, and the failure to insert the words that are called words of limitation in this treaty points, I think, clearly to the conclusion that the commissioners on the part of the Government, and the Indians themselves, must have understood that this Government was acquiring something more than a mere right to settle friendly Indians, which is already possessed, and something more than the mere release of the right which the Choctaws and Chickasaws had under the treaty of 1855 to select locations on these lands if they chose.

Undoubtedly it was the policy of this Government for the time to hold these and the adjacent lands as Indian country, and many of the expressions in the proclamations of my predecessors and in the reports of the Indian Bureau and of the Secretary of the Interior mean this and nothing more. This is quite different from a conditional title which limits the grant to a particular use and works a reinvestment of full title in the Indian grantors when that use ceases. But those who hold most strictly that a use for Indian purposes, where it is expressed, is a limitation of title seem to agree that the United States might pass a fee absolute to other Indian tribes in the lands ceded for their occupancy. Certainly it was not intended that in settling friendly Indians

upon these lands the Government was to be restrained in its policy of allotment and individual ownership. If, for an adequate consideration by treaty, the United States placed upon these lands other Indian tribes, it was competent to give them patents in fee for a certain and agreed reservation. This being so, when the policy of allotment is put into force the compensation for the unused lands should certainly go to the occupying tribe, which, in the case supposed had paid a full consideration for the whole reservation.

It will hardly be contended that in such case this Government should pay twice for the lands. In the appropriation under discussion this principle is in part recognized, for no claim is made by the Choctaws and Chickasaws for the lands allotted to the Cheyennes and Arapahoes. The claim is for unallotted or surplus lands. The case of the Cheyennes and Arapahoes is this: In consideration of other lands the Government gave them a treaty reservation in the Cherokee Outlet, but never perfected it by paying the Cherokees the stipulated price and placing these Indians upon it. The Cheyennes and Arapahoes declined to go upon the strip and located themselves further south, where they now are. The Government subsequently recognized their right to remain there and set apart the lands now being allotted to members of that tribe, and the lands for which payment is now claimed by the Choctaws and Chickasaws, as the Cheyenne and Arapahoe Reservation. I think the United States must be held to have assented to the substitution of these lands for the treaty lands in the Cherokee Strip, and that being true when the reservation is broken up, as now, by allotments, it would seem that the Cheyennes and Arapahoes were entitled to be compensated for these surplus lands. In fact, a commission which has been dealing with the tribes in the Indian Territory has concluded an arrangement with them by which the Government pays \$1,500,000 for these surplus lands and for the release of any claim to the Cherokee Strip, so that, in fact, in this agreement with the Cheyennes and Arapahoes, the Government has paid for the lands for which payment is now claimed by the Choctaws and Chickasaws.

It should not be forgotten, also, that the allotment to the Cheyennes and Arapahoes is still incomplete. The method of calculation which resulted in stating the claim of the Choctaws and Chickasaws at \$2,991,450 is explained by a letter of Mr. J. S. Standley, one of the Choctaw delegates, dated April 6, 1891. The agent for the Cheyennes and Arapahoes wrote Mr. Standley that there were 600 Indians residing upon the lands south of the Canadian River, and who it was supposed would take allotments there, and upon this statement the legislation was based. Now, it must be borne in mind that the Cheyennes and Arapahoes have the right to locate anywhere within their reservation, and that instead of 600, double that number might have taken their allotments south of the Canadian River upon these lands. This is not probable, but a later report indicates that the number will certainly be in excess of 600. If the sum to be paid to the Choctaws and Chickasaws depended upon a knowledge of the number of acres of unallotted land south of the Canadian River, it would seem to have been reasonable that the appropriation should have been delayed until the exact number of acres taken for allotment had been officially ascertained. This has not yet been done.

It is right also, I think, that Congress in dealing with this matter should have the whole question before it; for the declaration of Indian title contained in this item of appropriation extends to a very large body of land and will involve very large future appropriations. The



Choctaw and Chickasaw leased district, embracing the lands in the Indian Territory between the ninety-eighth and one hundredth degrees of west longitude and extending north and south from the main Canadian River to the Red River, including Greer County, contains, according to the public surveys, 7,713,239 acres, or, excluding Greer County, 6,201,663 acres. This leased district is occupied as follows: Greer County, by white citizens of Texas, 1,511,576 acres. The United States is now prosecuting a case in the courts to obtain a judicial declaration that this county is part of the Indian country. If a decision should be rendered in its favor, the claim of the Choctaws and Chickasaws to be paid for these lands at the rate named in this appropriation would at once be presented.

The Wichita Reservation is also upon the leased lands and is occupied by the Wichitas, Caddoes, Delawares, and remnants of other tribes, by Department orders made to depend upon the treaty with the Delawares in 1866 and some other unratified agreements with tribes or fragments of tribes in 1872. This reservation contains 743,610 acres.

The Kiowa, Comanche, and Apache Reservation is occupied by those Indians under a treaty proclaimed August 25, 1868, which provides that said district of country "shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the tribes herein named, and for such friendly tribes or individual Indians as from time to time they may be willing (with the consent of the United States) to admit among them." This reservation contains 2,968,893 acres.

The Cheyennes and Arapahoes, whose surplus lands are to be paid for by this appropriation, have occupied the country between the Washita and Canadian rivers extending west to the one hundredth degree of longitude. This reservation contains 2,489,160 acres.

I have stated these facts in order that it may be seen what further appropriations are involved in a settlement for all these lands upon the basis which Congress has adopted. It does not seem to me to be a wise policy to deal with this question piecemeal. It would have been better, if a remnant of title remains in the Choctaws and Chickasaws to the lands in the leased district, to have settled the whole matter at once. Under the treaty of 1855 the Choctaws and Chickasaws quit-claimed any supposed interest of theirs in the lands west of the one hundredth degree. The boundary between the Louisiana purchase and the Spanish possessions by our treaty of 1819 with Spain was, as to these lands, fixed upon the one hundredth degree of west longitude.

Our treaty with the Choctaws and Chickasaws, made in 1820, extended their grant to the limit of our possessions. It followed, of course, that these lands were included within the boundaries of the State of Texas when that State was admitted to the Union, and the release of the Choctaws and Chickasaws, whatever it was worth, operated for the benefit of the State of Texas and not of the United States. The lands became public lands of that State. For the release of this claim and for the lease of the lands west of the ninety-eighth degree the Government of the United States paid the sum of \$800,000. In the calculations which have been made to arrive at the basis of the appropriation under discussion, no part of this sum is treated as having been paid for the lease. I do not think that is just to the United States. It seems probable that a very considerable part of this consideration must have related to the leased lands, because these were the lands in which the Indian title was recognized and the treaty gave to the United States a permanent right of occupation by friendly Indians. The sum of \$300,000, paid under the treaty of 1866, is deducted, as I understand,

in arriving at the sum appropriated. It seems to me that a considerable proportion of the sum of \$800,000 previously paid should have been deducted in the same manner.

I have felt it to be my duty to bring these matters to the attention of Congress for such action as may be thought advisable.

BENJ. HARRISON.

EXECUTIVE MANSION,  
February 17, 1892.

EXECUTIVE OFFICE, CHOCTAW NATION,  
Caddo, Ind. T., March 17, 1891.

SIR: Some days since I had the honor to receive information that on the 4th instant the Congress of the United States passed an act making appropriation to pay the Choctaw and Chickasaw nations for their interest in the lands lying south of the Canadian River, in Oklahoma Territory, now occupied under Executive order by the Cheyenne and Arapahoe Indians, "to become operative upon the execution by the duly appointed delegates of said respective nations specially authorized thereto by law of releases and conveyances to the United States of all right, title, interest, and claim of said respective nations of Indians in and to said land, in manner and form satisfactory to the President of the United States."

I have issued a call for a meeting of the general council of the Choctaw Nation for April 1, 1891, and desire to submit to them full information. I have the honor to ask that you will have sent to me at least by that time, to the national capital, Tushka Homma, Ind. T., information for transmission to the general council as to what manner and form of release and conveyance named in the law will be satisfactory to you, to the end that should the general council accept the proposition they may conform to the views of your excellency, and exactly carry out the wishes of Congress.

While I presume that the release and conveyance of the Creeks to their western land, and those of the Seminoles in exactly similar cases to those of the Choctaws and Chickasaws taken with the language of the act before mentioned, will form sufficient guide to intelligent action, yet an anxious desire to meet the views of your excellency has urged me to write this letter. Serious illness has prevented my acting sooner.

With sentiments of the profoundest respect, I am, very respectfully, your obedient servant,

WILSON N. JONES,  
Principal Chief Choctaw Nation.

THE PRESIDENT OF THE UNITED STATES OF AMERICA.

TUSHKA HOMMA, CHOCTAW NATION, April 1, 1891.

Hon. W. N. JONES,  
Principal Chief Choctaw Nation:

DEAR SIR: We have the honor to make the following report to you, and through you to the general council of the Choctaw Nation.

On the 22d of September, 1890, we secured the introduction into Congress of "A bill to fully execute article 3 of the treaty between the United States and the Choctaw and Chickasaw Nations of Indians, concluded on the 28th day of April, 1866," accompanied by a favorable report from the House Committee on Indian Affairs. We failed to get

a similar report from the Senate Committee on Indian Affairs. This was the situation at the close of the first session of the Fifty-first Congress.

The House Committee on Indian Affairs secured from the House of Representatives the 6th day of last December for the consideration of such measures as the committee might desire to present. We managed to get some consideration of the bill before mentioned, but the day closed without the discussion being closed, and a vote could not be taken.

The measure was brought up again on the 10th of December, but the hour of the day was so late the committee thought best to postpone the matter for that day in the hope of getting another day for action on it.

A member of the Committee on Rules was so much opposed to our measure, that he prevented the Committee on Indian Affairs from getting another day for the consideration of their measure.

And so the matter dragged along until toward the last days of Congress. When the Indian appropriation bill was presented to the House, the chairman of the Committee on Appropriations agreed with the chairman of the Committee on Indian Affairs that he (the chairman of the Committee on Appropriations) would not make a "point of order" against the agreement with the Cheyennes and Arapahoes, and that it might be put upon the Indian appropriation bill.

We knew that it would never do for that bill to go through without carrying an appropriation to pay the Choctaws and Chickasaws for their interest in the lands occupied by the Cheyennes and Arapahoes. It was a critical time for us and demanded prompt action. We prepared an amendment to the Indian appropriation bill, got it introduced into the Senate, and engineered it safely through all the necessary preliminary steps by the time the Indian appropriation bill was reported to the Senate.

Senator Jones, of Arkansas, proposed our amendment and worked most actively, unselfishly, and determinedly for the passage. We hope it will not be considered out of place here to state that he deserves the thanks of the Choctaw and Chickasaw nations for the same. The debate upon the amendment was warm and exciting, but was carried by a safe vote.

The bill, when passed by the Senate, on account of amendments was sent to a conference committee. After considerable trouble the amendment was retained in the conference report.

When the conference report was made to the House it received the bitterest opposition on account of our amendment, but it was fortunately carried safely through. The opposition did not stop then. The bill was followed to the President, so we are informed, and appeals made to him to veto it.

It is not necessary or appropriate here to state the character and extent of our opposition there, then, and now. The public press have given it the most notorious publicity. It is only important now to secure the possession of the money.

With very much respect, your obedient servants,

J. S. STANDLEY,  
R. J. WARD,  
H. C. HARRIS,

*Delegates of Choctaw Nation.*

N. B.—For amount of appropriation, etc., see copy of Indian Appropriation bill, filed herewith, pp. 40, 41.

TUSHKA HOMMA, IND. T.,

April 2, 1891.

Hon. W. N. JONES,

*Principal Chief Choctaw Nation:*

DEAR SIR: I respectfully represent to you that last year I obtained an appropriation of \$15,000 from the United States to reimburse the Choctaw orphan fund for money taken and loaned to the Cherokee Nation in 1863, and had the same placed at interest at 5 per cent to the credit of the Choctaw Nation.

I further represent that I had restored to the regular annual Indian appropriation bill an item of \$600, which had been dropped for the last five years, for the support of lighthorsemen.

I rendered this service to the Choctaw Nation without a contract or other authority from the nation. I should be glad to be suitably remunerated by the nation for the service, and if you can find it consistent with your duties to recommend it to the council I shall be very much obliged to you.

Yours, very respectfully,

J. S. STANDLEY.

EXECUTIVE OFFICE, CHOCTAW NATION,

*Tushka Homma, Ind. T., April 2, 1891.*

*To the general council:*

The commissioners appointed under an act of the general council, approved A. D. 1889, October term, have succeeded in procuring an appropriation for the Choctaws by the Congress of the United States amounting to \$2,243,587.50 for the cession of a portion of our lands, to wit, the north one-half of the territory west of 98° west longitude, and known as the leased district. The south half still remains unsold. It is advisable that the assent of the Choctaw council be given to the agreement and parties authorized to make the transfer and sign the necessary papers before the money is to be available. The speedy completion of such an undertaking by our commissioners, being so at variance with the usual characteristics of Indian business at Washington, makes it necessary that we should not throw any needless obstructions in the way to withhold from them the remuneration to which they are entitled under the terms of the law. They have performed their duty well and faithfully and should be amply rewarded and receive the gratitude and thanks of our people. The report is submitted. Your prompt and speedy action in this matter is earnestly requested.

I would further recommend a completion of provisions in reference to locating the new academies, lodging the power in the board of education; also a final disposition of the law in reference to licensed traders.

I would further recommend that, if deemed advisable, an appropriation be made to enable this office to defend the Nation against the unjust claim of Glenn and Tucker families, numbering some 600 souls, for citizenship.

Also, I think Capt. J. S. Standley should be remunerated for special services rendered by him in regard to Choctaw funds. The letter of Capt. J. S. Standley is herewith submitted. It explains itself.

A speedy completion of the business for which you have been convoked will reflect credit upon yourselves and receive the approbation of your fellow-citizens.

I am your most obedient servant,

WILSON N. JONES.

*Principal Chief, Choctaw Nation.*



TUSHKA HOMMA, IND. T., April 4, 1891.

On this 4th day of April, 1891, personally appeared before me Robert J. Ward, well known to me to be the person he represents himself to be, and who makes the following statement of facts:

My name is Robert J. Ward. I am a senator of the Choctaw general council, and one of the special delegates commissioned by the Choctaw council to negotiate the final cession of the Choctaw interest in the lands west of 98°. I voluntarily and of my own free will make the following statement relative to certain promissory notes given to the hereinafter-named persons.

By an act of the general council of the Choctaw Nation (No. 34), entitled "An act to authorize the appointment of three commissioners to treat with United States commissioners in reference to the leased district, and for other purposes," approved November 5, 1889, the undersigned, Robert J. Ward, was appointed as one of the three commissioners, the other two being J. S. Standley and H. C. Harris.

By an act of the general council of the Choctaw Nation (No. 14), entitled "An act contracting to the delegation appointed to negotiate with the authorities of the United States one-fourth of the recovery out of leased district, so called, etc.," the compensation to said delegates was fixed at 25 per centum (approved December 24, 1889).

While said act of council last named was pending, and while the names of the aforementioned delegates were before the Senate of the Choctaw Nation pending confirmation, I was approached by one George T. Thibeuau, a white man residing in Paris, Tex., who stated that there was a plot on foot among certain senators to defeat said measure; that if I was willing to put up for it he would fix the matter. Several times Thibeuau came to me, and finally to satisfy his demands I gave to him the hereinafter mentioned notes. He stated that the delegation would not be confirmed nor the fee of 25 per cent appropriated without I did give the notes. He stated that neither he nor the parties he represented wanted to deal with J. S. Standley nor with H. C. Harris, the other delegates, but would only take notes from me as representing the others. He said they were afraid to trust the other delegates.

On or about the 23d or 24th day of December, 1889, I therefore gave him, the said Thibeuau, notes of hand about as follows:

TUSHKA HOMMA, IND. T.,  
December 23 or 24, 1889.

We, the undersigned, commissioners on the part of the Choctaw Nation to negotiate with the United States for additional compensation for the Choctaw interest west of 98°, hereby promise and agree to pay to \_\_\_\_\_, or his heirs or administrator, the sum of \_\_\_\_\_ dollars, conditioned upon our success in said negotiation for certain services rendered.

J. S. STANDLEY.  
R. J. WARD.  
H. C. HARRIS.  
By R. J. WARD.  
For the Delegation.

to the following persons and for the several amounts set opposite their respective names:

W. W. Hampton, senator.....	\$15, 000
L. W. Oakes, senator.....	10, 000
H. P. Ward, senator.....	5, 000
Columbus Irwin, senator.....	5, 000
Simon Nelson, senator.....	2, 500
J. B. Jeter.....	10, 000
G. T. Thibeuau.....	20, 000

I regard this matter as an attempt to blackmail me and the other delegates, and I gave the notes upon the principle that it was fair for me to fight the devil with fire or to pay these men in their own coin.

R. J. WARD.

Signed and acknowledged, after careful reading, before me, this 4th day of April, 1891.

LEO E. BENNETT,  
*United States Indian Agent.*

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SPECIAL MESSAGE.

EXECUTIVE OFFICE,  
*Tushka Homma, Choctaw Nation.*

*To the General Council:*

You have been in session for a week and nothing appears to have been done towards accomplishing the object for which you are convened. Perhaps the blame, in the opinion of some, attaches to this office, and in order to relieve any doubt as to where the responsibility rests for this delay in the transaction of public business, it is deemed advisable to submit for your consideration a few suggestions, which I hope may assist you in coming to some conclusion on the matters before you.

My first communication was necessarily incomplete, largely from having no data on which to base recommendations.

The primary, and, I might remark, the sole matter for your consideration is legislation in regard to the leased district.

It appears from our records that a delegation was created in 1889 to negotiate with the proper authorities of the United States for the relinquishment of any and all title and interest the Choctaw Nation may have in certain lands lying west of 98° west longitude and known as the leased district.

If the delegation has negotiated or had any correspondence touching this subject with any authority of the United States this office has no official knowledge of the fact.

It is true that an item appears in the Indian appropriation bill, approved March 3, 1891, providing that a sum of money amounting to \$2,991,450.50 be paid to the Choctaws and Chickasaws upon the execution of certain releases and conveyances. But the correspondence and negotiations and methods adopted by our delegation to cause the appropriation, if any, indeed, were had, have not yet been submitted to this office, and in consequence I am not advised as to them. I think under the law it is the duty of the delegation to submit to this office to be laid before you all and every species of correspondence with the United States authorities in any manner, as well as contracts that may have been made by them in the discharge of their duty as delegates. This they have signally failed to do.

This being the case a single item in the appropriation bill is the basis of your action on this important matter. In my opinion it would be very dangerous to place exclusively in the hands of any individual or individuals the power to execute in releases or conveyances where such persons are entitled to one-fourth of the proceeds resulting from their action.

Therefore I would recommend that others be authorized to make this

release if nothing appears in the correspondence or negotiations leading to the release or appropriation inimical to us as a people or government.

You can not be too careful of this trust. I would be spared from offering this suggestion which may cause criticism, suspicions, to be held against the delegation, if the whole subject-matter had been properly submitted to you.

The release having been made, the parties making it should be authorized to make a requisition for the money to be paid to our national treasurer, who is already authorized to receive and receipt for public money. On this point there can be no doubt.

The disposition of the money: Of course the delegation are entitled to 25 per cent of the amount to be paid to them as they may request, and I would here remark that any desire they may have in reference to their per cent, not interfering with the Nation's part, will receive my hearty approbation.

As to our part, it is the almost unanimous desire of the people that it may be paid out as an annuity.

In the light of experience in the distribution of the net-proceeds money it is well that you should make a final disposition of this money now, and perhaps we may escape the scandal that the net proceeds caused.

Truly your servant,

W. N. JONES,  
*Principal Chief.*

APRIL 8, 1891.

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EXECUTIVE DEPARTMENT,  
CHICKASAW NATION,  
*Tishomingo City, Ind. T., April 23, 1891.*

Hon. CHARLES FOSTER,  
*Secretary of the Treasury, Washington, D. C.:*

SIR: Inclosed please find requisition for \$747,862.50, being one-fourth of the amount appropriated by the fifteenth section of the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1892, and for other purposes." Also inclosed please find a certified copy of an act of Chickasaw legislature authorizing me to draw a requisition on you for said amount. Please have same deposited in the subtreasury at St. Louis, Mo., subject to the draft of the national treasurer of the Chickasaw Nation.

Very respectfully,

B. F. BYRD,  
*National Treasurer Chickasaw Nation.*

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WASHINGTON, D. C., April 26, 1891.

Hon. T. J. MORGAN,  
*Commissioner of Indian Affairs:*

SIR: When I was seeking, on behalf of the Choctaw Nation, an appropriation by Congress to pay the Choctaw and Chickasaw nations for their claim upon the lands of the Cheyenne and Arapahoe Reser-

vation, in Oklahoma Territory, south of the Canadian River, it became necessary to know the number of Indians residing upon said lands. I could not find the data in your office, nor could I find it in the Census Office. I then applied to Mr. Charles F. Ashley, United States Indian agent for the Cheyenne and Arapahoe Indians. He wrote me an official letter, stating there were 600 Indians residing upon said lands.

I furnished that letter to Senator Jones, of Arkansas, and upon their information he prepared the amendment to the Indian appropriation bill approved March 3, 1891, appropriating \$2,991,450 for the Choctaws and Chickasaws, which amount was arrived at in this way: The whole number of acres of said lands are 2,489,160. Estimating 160 acres for each one of the resident Indians or allottees, it made 96,000 acres to be reserved for allotment to the resident Indians. Deducting, then, 96,000 acres from 2,489,160, the whole number of acres, there will be found a residue of 2,393,160 acres, calculating which at \$1.25 per acre the amount of the said appropriation of \$2,991,450 will be obtained.

For verification of this statement I refer you very confidently to Senator Jones, of Arkansas, and I might, perhaps, with equal confidence refer you to Senator Dawes, and to Judge Perkins and Mr. Peel of the House Committee on Indian Affairs.

Very respectfully, your obedient servant,

J. S. STANDLEY,  
Choctaw Delegate.

[Requisition of the Treasurer of the Chickasaw Nation on the Treasury of the United States.]

EXECUTIVE DEPARTMENT, CHICKASAW NATION,  
Tishomingo City, April —, 1891.

Hon. CHARLES FOSTER,  
Secretary of the Treasury:

SIR: Whereas the fifteenth section of the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1892, and for other purposes," contains the following provisions:

And the sum of two million nine hundred and ninety-one thousand four hundred and fifty dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by Cheyenne and Arapahoe Indians under Executive order; said lands lying south of the Canadian River, and now occupied by the Cheyenne and Arapahoe Indians; said lands have been ceded in trust by article three of the treaty between the United States and the Choctaw and Chickasaw nations of Indians, which was concluded April twenty-eighth, eighteen hundred and sixty-six, and proclaimed on the tenth day of August of the same year, and whereof there remains after deducting allotments as provided by said agreement, a residue ascertained by survey to contain two million three hundred and ninety-three thousand one hundred and sixty acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of the Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation; this appropriation to be immediately available and to become operative upon the execution by the duly appointed delegates of said respective nations specially authorized to by law of releases and conveyances to the United States of all right, title, interest, and claim of said respective nations of Indians in and to said land (not including Greer County, which is now in dispute) in manner and form satisfactory

to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw nations of Indians in and to the tract of country to which said releases and conveyances shall apply.

Now, therefore, I, Benjamin F. Byrd, treasurer of the Chickasaw Nation, respectfully request that, upon the execution and delivery to the President of the United States, by the duly appointed delegates of said respective nations specially authorized thereto by law, of releases and conveyances to the United States of all right, title, and interest and claim of said respective nations of Indians in and to said land, not including Greer County, in manner and form satisfactory to the President of the United States, you will cause one-fourth of said appropriation, amounting to the sum of \$747,862.50, to be deposited in the sub-treasury at St. Louis, Mo., subject to the draft of the national treasurer of the Chickasaw Nation.

Very respectfully, your obedient servant,  
[SEAL.]

B. F. BYRD,  
*National Treasurer Chickasaw Nation.*

Attest:

WM. L. BYRD,  
*Governor Chickasaw Nation.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, April 29, 1891.*

The SECRETARY OF THE INTERIOR:

SIR: I have the honor to acknowledge the receipt, by Department reference of April 15, 1891, of a communication of March 17, 1891, from the principal chief of the Choctaw Nation, addressed to the President of the United States, wherein he states that he has issued a call for a meeting of the general council of the Choctaw Nation for April 1, 1891; and desiring to have full information on the making of releases and conveyances to be made to the United States of all right, title, interest, and claim of the said nation of Indians in and to certain lands, payment for which was provided for in the Indian appropriation act of March 3, 1891, he requested that there be sent to him, at least by the time named for the meeting of the council, information as to what manner and form of release and conveyance required by the law will be satisfactory to the President, to the end that should the general council accept the proposition they may conform to the views of his excellency, and exactly carry out the wishes of Congress.

As this paper came to this office by Department reference of April 15, 1891, it was of course too late for any information to be prepared in time for the meeting of the Choctaw council, April 1, 1891.

I have caused to be prepared a form of release and conveyance to be executed jointly by the delegates of the Choctaw and Chickasaw Nations of Indians, conformable to the stipulation contained in articles 1 and 2 of the treaty of January 17, 1837, forming the Chickasaw district, that the said district *should be held in common* (11 Stat., p. 573). The "leased district" comprised a part of what was originally the Chickasaw district. I have also had prepared two other forms of release and conveyance, to be executed separately by the delegates of each of said nations, respectively, conformable to the language of section 15 of the said Indian appropriation act, requiring *releases and con-*



*veyances* (line 16, p. 41 of said act) to be substituted for the form of the joint release and conveyance submitted if it shall be decided that the language of the act makes it necessary that each of the nations shall execute separate conveyances.

In submitting these papers I deem it proper to invite attention to the provision and language of the fifteenth section of the Indian appropriation act above referred to, so far as it describes the land to be released. The appropriation is for \$2,991,450—

to pay the Choctaw and Chickasaw nations of Indians for all the right, title, interest and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapahoe Indians under Executive order; said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians. Said lands have been ceded in trust by article three of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April twenty-eighth, eighteen hundred and sixty-six, and proclaimed on the tenth day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement (agreement with the Cheyenne and Arapahoe Indians, ratified by same act and preceding the provision of law here quoted) a residue ascertained by survey to contain two million three hundred and ninety-three thousand one hundred and sixty acres; \* \* \* this appropriation to be immediately available and to become operative upon the execution by the duly appointed delegates of said respective nations specially authorized thereto by law of releases and conveyances to the United States of all the right, title, interest, and claim of said respective nations of Indians in and to said land (not included in Greer County, which is now in dispute) in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of the Choctaw and Chickasaw nations of Indians in and to the tract of country to which said releases and conveyances shall apply.

It will be observed that the law making the appropriation for the payment specifically states the quantity of land to be 2,393,160 acres, after deducting allotments as provided by the Cheyenne and Arapahoe agreement, and it is presumed that it is this quantity of land for which the releases and conveyances must be prepared and executed.

Nothing is before the office to more definitely show what particular area, portion, or tract of land is to be released and conveyed to the United States by the Choctaw and Chickasaw nations of Indians than is set out in this provision of the law.

The following statement of facts and information is presented for the consideration of the Department on this subject:

By article 9 of the treaty of June 22, 1855 (11 Stat., 613), the Choctaws and Chickasaws leased to the United States, for the permanent settlement of the Wichita and other Indians, a tract of country west of the ninety-eighth degree of longitude. This "leased district," as it was called, contains a total area of 6,200,642.91 acres. This does not include the tract of country—so-called Greer County—which is referred to in the law above quoted as being "now in dispute."

The Executive order referred to in the act, under which the Cheyenne and Arapahoe Indians are occupying the lands under consideration, and which is dated the 10th of August, 1869, may be found in the pamphlet of Executive Orders Relating to Indian Reserves issued prior to April 1, 1890 (pp. 31-33), and the description of the land embraced within the boundaries of the reservation declared by that Executive order is as follows:

Commencing at a point where the Washita River crosses the ninety-eighth degree of west longitude; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron) River; thence up said river, in the middle of the main channel thereof, to the north boundary of the country ceded to the United States by the treaty of June 14, 1866, with the Creek Nation of Indians; thence west on said north boundary

and the north boundary of the country ceded to the United States by the treaty of March 21, 1866, with the Seminole Indians, to the one hundredth degree of west longitude; thence south on the line of the said one hundredth degree to the north boundary of the country set apart for the Kiowas and Comanches by the second article of the treaty concluded October 21, 1867, with said tribes; thence east along said boundary to the point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning.

The territories comprised within the boundaries last above designated contain a small portion of the country ceded to the United States by the terms of the treaty with the Creek Indians concluded June 14, 1866; a portion of the country ceded to the United States by the terms of the treaty with the Seminole Indians concluded March 21, 1866, and the remainder is composed of a portion of what is commonly known as the "leased country."

So much of the land covered by said Executive order as lies south of the main Canadian River forms a part of what is known as the "leased district," and contains 3,232,772.12 acres. Of this area, however, 743,612.28 acres (excluding an area of 144.91 acres covered by Swan Lake), are occupied by the Wichitas, Caddoes, and affiliated bands, under an unratified agreement with said Indians dated October 19, 1872. (See Annual Report Indian Bureau, 1872, p. 101). This leaves 2,489,159.84 acres as the area occupied by the Cheyenne and Arapahoe Indians under the Executive order of August 10, 1869.

The difference between the area of land thus shown and the 2,393,160 acres mentioned in the Indian appropriation act referred to above, is accounted for to this office by J. S. Standley, esq., a representative of the Choctaw Nation, in a letter (herewith) dated April 26, 1891, in this way:

That on application of Mr. Charles F. Ashley, United States Indian agent for the Cheyenne and Arapahoe Indians, for the number of said Indians residing upon their reservation south of the main Canadian River, he, Mr. Standley, was informed in an official letter in February last by said agent that there were 600 Indians residing thereon. This letter, he states, was handed Senator Jones, of Arkansas, and upon this information the amendment making an appropriation of \$2,991,450 to pay the Choctaw and Chickasaw nations of Indians for their interest in said lands was prepared. This specific sum was thus obtained. The whole number of acres occupied by the Cheyenne and Arapahoe Indians south of the main Canadian River is 2,489,160 acres. Estimating 160 acres for each of the aforesaid 600 Indians, it would require 96,000 acres for allotment to resident Indians. Deducting this amount of land (96,000 acres) from the whole area south of the main Canadian River (2,489,160 acres) leaves a residue of 2,393,160 acres, the area named in the act, which, at \$1.25 per acre, would amount to \$2,991,450, the amount of the appropriation.

There is no data in this office from which the above statement can be verified; nor is it known that these 600 Indians will conclude to take allotments south of the main Canadian River, or that there are not others north of the said river who may desire to take allotments south of the river.

This is an open question for the Indians to decide, and can not be determined definitely and finally until all the allotments have been made and duly approved by the Department.

Steps are about being taken to have these allotments made, which will require some time to satisfactorily execute and complete the work, and unless the preparation of releases and conveyances is suspended until the quantity required for allotment is definitely ascertained and determined by actual allotments made and approved more satisfactory

forms of deeds of conveyance in my judgment can not now be formulated.

The forms prepared are herewith submitted for your consideration.

Very respectfully, your obedient servant,

T. J. MORGAN,  
*Commissioner.*

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COMMISSION.

The Choctaw Nation, to all to whom these presents shall come, greeting:

Know ye, that Thomas D. Ainsworth has been duly appointed special delegate in the Choctaw Nation, on the 11th day of April, A. D. 1891.

Now therefore, I, Wilson N. Jones, principal chief of the Choctaw Nation, by virtue of the authority in me vested by the constitution and laws of said Nation, do hereby commission him, the said Thomas D. Ainsworth, in and for the office aforesaid, for and during the term prescribed by the laws of said Nation. He, the said duly appointed T. D. Ainsworth, is therefore hereby authorized and required to do and perform all and singular the duties incumbent upon him as special delegate in and for the Nation aforesaid, according to law and the trust reposed in him.

In testimony whereof I have hereto set my hand, and caused the seal of the Choctaw Nation to be affixed, at Tushka Humma, this 11th day of April, in the year of our Lord, 1891.

By the principal chief, Wilson N. Jones.

[SEAL.]

J. B. JACKSON,  
*National Secretary.*

(On which is the following memorandum from the Indian Office.)

MAY 2, 1891.

This appointment does not show that Mr. A. is appointed as the delegate and for the purposes as provided in Choctaw act of April 9, 1891. It is to that extent defective. The governor, however, says he will send for and have him in a few days an appointment in proper shape.

BELT.

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DEPARTMENT OF THE INTERIOR,  
*Washington, May 6, 1891.*

The PRESIDENT:

In the act of Congress approved March 3, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1891, and for other purposes," is contained the following provision:

SEC. 15. \* \* \* And the sum of two million nine hundred and ninety-one thousand four hundred and fifty dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in, and to certain lands now occupied by the Cheyenne and Arapahoe Indians under executive order; said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians. Said lands have been ceded in trust by article three of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April twenty-eighth, eighteen hundred and sixty-six, and proclaimed on the tenth day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain two million three

hundred and ninety-three thousand one hundred and sixty acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation; this appropriation to be immediately available and to become operative upon the execution of the duly appointed delegates of said respective nations specially authorized thereto by law of releases and conveyances to the United States of all right, title, interest, and claim of said respective nations of Indians, in and to said land (not including Greer County, which is now in dispute) in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw nations of Indians in and to the tract of country to which said releases and conveyances shall apply.

Wilson N. Jones, principal chief of the Choctaw Nation, addressed you a letter dated Caddo, Ind. Ter., March 17, in which he requested "information for transmittal to the general council as to what manner and form of release and conveyance named in the law would be satisfactory to you, to the end that should the general council accept the proposition they might conform to the views of your excellency in carrying out the wishes of Congress."

This was referred to the Commissioner of Indians Affairs on the 15th ultimo and had his early consideration, and who now makes his report, a copy of which is herewith inclosed, dated 29th ultimo, received at the Department on the 4th instant.

The Chickasaws have heretofore failed to move in the matter, so far as this Department has information, except that Mr. Payne, the attorney for them, appeared before the Secretary the 5th instant, urging with the principal chief of the Choctaws an early consideration of the communication heretofore mentioned in regard to the form of deed. It may be considered, I think, that the two nations are now moving together on the same line.

You will perceive from the communication of the Commissioner that he is doubtful whether there should be separate conveyances or whether the two nations should join in one conveyance.

In my judgment the form should be, when made, that of a joint conveyance. The parties are jointly interested, the consideration is single, save that it is to be proportionately paid out, and it will save great inconvenience and prolixity if this form is required.

You will further perceive from the communication of the Commissioner (page 4) that nothing is before that office definitely showing what particular portion of land is to be released or conveyed to the United States by the Choctaw and Chickasaw nations of Indians, other than is set out in the provision of the law above cited.

A copy of the law, with the section marked with blue pencil, is herewith inclosed you.

In my judgment it was intended by the act that the Choctaw and Chickasaw Nations were to be paid for and should release all right, title, interest, and claim which they had in and to the lands occupied by the Cheyenne and Arapahoe Indians under the Executive order. The boundaries of this reservation under the Executive order are given in the deed, and the conveyance should be for each and every part of this land, including those parts set apart by allotment to the Cheyennes and Arapahoes, as well as the other portions. I consider that the recitals in the law did not intend to limit this general requirement in



the first part of the statute. I think this construction is borne out by the latter portion of the section of the law applicable in words as follows:

This appropriation to be immediately available and to become operative upon the execution by the duly appointed delegates of said respective nations duly authorized thereto by law of releases and conveyances to the United States of all right, title, interest, and claim of said respective nations of Indians in and to said lands (not including Greer County, which is now in dispute) in manner and form satisfactory to the President of the United States.

You will notice also in this connection the uncertainty that has grown up as to the amount of lands to be conveyed. This appears in the report of the Commissioner and in a letter from Mr. J. H. Standley, a Choctaw leader, dated April 26, 1891, to the Commissioner (a copy of which is herewith inclosed).

It appears that the calculation as to the amount of lands is based upon a statement made by the Indian agent that there were 600 Indians to receive allotments. This is not verified, and the whole question will rest in conjecture, it would seem, until the work of the allotting agents is completed.

The Commissioner suggests that the preparation of releases and conveyances be suspended until the quantity of land required for allotments is definitely ascertained and determined by actual allotment made and approved, and his concluding remark would seem to indicate that he was not entirely satisfied with the forms of deeds by him presented. The forms presented are defective also, in my judgment, in that they eliminate certain lands covered by water, called "Swan Lake," the allotted lands, and a tract of country occupied by the Wichitas and other affiliated bands, a description of which is given. The conveyance should be direct and absolute to the extent I have hereinbefore indicated.

You are aware of my opinion that this vast sum of money is being paid for no consideration, as the previous cession by these Indians included these lands and gave an absolute title to the United States. I am, therefore, the stronger in my recommendation that the conveyance should include everything that reasonably comes within the construction of the law, and that these exceptions so definitely made are not either necessary or desirable.

I would transmit herewith a form in accordance with my own views did I not intend to present herein a matter which I think demands your very earnest consideration and may render any form of deed unnecessary.

Mr. Leo E. Bennett, United States Indian agent at Muscogee, Ind. T., had an interview with me during his late visit to Washington regarding the manner in which this business has been conducted in the Choctaw Nation, and I inclose you the original affidavit transmitted me by him in a note of the 28th ultimo, while he was still in Washington. From this document it appears that Robert J. Ward, who is one of the delegates of the Choctaw Nation, and who, among others, is to execute the deed, is a senator in that Nation's council to negotiate the final cession of the Choctaws' interest in the lands west of the ninety-eighth degree. By an act of the general council of the Choctaws (No. 34), entitled "An act to authorize the appointment of three commissioners to treat with the United States commissioners in reference to the leased district, and for other purposes," approved November 5, 1889, Ward was appointed as one of the three commissioners, the other two, J. H. Standley and H. C. Harris, who, you will perceive, are also among those to execute the present deed; that by an act of the general council (No. 14), entitled "An act contracting to the dele-



gation appointed to negotiate with the authorities of the United States one-fourth of the recovery out of the 'leased district,' so-called, etc., "the compensation was fixed at 25 per centum." This was approved December 24, 1889.

While this last act was pending; and while the names of the delegates were before the senate of the Choctaw Nation, pending confirmation, Ward was approached, as he says, by one Thibeau, a white man, residing in Paris, Tex., who said there was a plot on foot among certain senators to defeat said measure; that if he, Ward, was willing to pay for it he could fix the matter, and Ward was induced finally to give seven promissory notes hereinafter described to induce the confirmation of the delegation and the approval of the fee of 25 per cent out of the funds recovered. These notes were given, he states, on the 23d and 24th days of December, 1889, and were to the following persons and amounts:

W. W. Hampton, senator.....	\$15,000
L. W. Oakes, senator.....	10,000
H. P. Ward, senator.....	5,000
Columbus Irwin, senator.....	5,000
Simon Wilson, senator.....	2,500
J. B. Jeter.....	10,000
G. T. Thibeau.....	20,000

The form of note is inclosed, and it seems that each note was signed by R. J. Ward, who also signed the names of Standley and Harris. The note to Hampton appears to be for \$12,500, instead of \$15,000, as stated in the affidavit.

The number of senators thus to be compensated formed a majority of all the body that was to confirm the per cent and authorize the delegation to act in making these conveyances. If true, therefore, these facts should impair the validity of the consent apparently given by the Choctaw Nation to these conveyances and involve the question of good faith as to the whole transaction.

There is no evidence corroborating the statements of Ward, but inasmuch as he criminales himself in the transaction it is hardly presumable that he has told an entire falsehood.

It is impossible for me, with this knowledge, which I communicate to you, to recommend the completion of this transaction without an investigation into the facts thus asserted by one of the parties implicated, and which statement seems to have been voluntarily proffered.

I recommend that all action by you be postponed until the Ward statement can be laid before Congress and due investigation into the facts be properly made by that body.

The allowance made to the delegation of 25 per cent would amount to \$747,862.50, and this enormous sum of money for the services rendered leads to grave suspicion, if the facts mentioned have any basis whatever, of a much wider conspiracy against the public welfare both of the Choctaws and the United States.

I submit the matter to your own consideration as to what should be done.

If you wish the form of deed prepared and submitted it will be attended to without delay in the Department.

Most respectfully,

JOHN W. NOBLE,  
*Secretary.*

I inclose copies of other proceedings of the Choctaws relative to this subject for your consideration. They were handed me by Mr. Bennett, Indian agent, as true copies.

JOHN W. NOBLE,  
*Secretary.*

MAY 9, 1891.

DEPARTMENT OF THE INTERIOR,  
*Washington, May 9, 1891.*

The PRESIDENT:

In connection with my report upon the Choctaw and Chickasaw appropriation of \$2,991,450, I herewith transmit to you a requisition made by B. F. Byrd, national treasurer, Chickasaw Nation, for one-fourth of that money, being \$747,862.50, upon the honorable Secretary of the Treasury, and by him referred to this Department.

I know of no other action to take but to send it to you with the other papers, which will be handed to you upon your return.

Very respectfully,

JOHN W. NOBLE,  
*Secretary.*

WASHINGTON, D. C., *June 4, 1891.*

Mr. PRESIDENT:

As of counsel for the freedmen of the Chickasaw Nation, I deem this an appropriate time, in view of the settlement and adjustment of accounts pending between the United States and the Chickasaws, to call attention to the condition of the freedmen of the Chickasaw Nation, and to request that there be taken into consideration in such settlement and adjustment the treaty obligations both of the Chickasaw Nation and of the United States to the said freedmen.

Without prolixity, I beg merely at this time to call attention to the letter of the Commissioner of Indian Affairs to the Secretary of the Interior, dated May 8, 1888, and contained in Ex. Doc. No. 166, Fiftieth Congress, first session, in which is summarized the treaty obligation, and the action heretofore of Congress, of the Executive Department, and of the Chickasaw Nation with reference to the rights of the said freedmen, and which document also contains a memorial of the governor of the Chickasaw Nation to the President, and a memorial, signed by Chickasaw delegates, and other correspondence to which attention is particularly called.

This subject has frequently been brought to the attention of Congress by the Executive, and urged by the Commissioner of Indian Affairs in his report of 1881, p. 52; report of 1882, p. 57; report of 1887, p. 59, in which last-named report the deplorable condition of these people is quite fully set forth. The Commissioner again, in his report of 1888, p. 61, earnestly urges action in reference to the matter. Particular attention is also called to the report of the Commissioner for 1889, p. 81.

Without consuming time with further citations about a subject so often considered and so fully understood by the Executive Department, I beg most respectfully to submit that such action as the Executive may legally take be had at this time for the enforcement of the rights and amelioration of the condition of these poor, ostracized, landless,

homeless, disfranchised, friendless people, who are deprived of all rights enjoyed by other freedmen and by Indians.

I have the honor to be,

Very respectfully, yours,

THOS. C. FLETCHER,  
*Of Counsel for Chickasaw Freedmen.*

MUSCOGEE, IND. T., November 6, 1891.

MY DEAR SIR: On October 19, 1891, the Choctaw general council passed the following act, as I am informed and believe, under the influence of persistent misrepresentation and corrupt influences, as follows, to wit:

Whereas the Congress of the United States did on the 23d day of March, A. D. 1891, make an appropriation of the sum of \$2,991,450 in favor of the Choctaw and Chickasaw nations of Indians, for their right, title, and interest in certain lands west of the ninety-eighth degree west longitude, and now occupied by the Cheyenne and Arapahoe tribes of Indians; and

Whereas the attorneys and others employed in the prosecution of the claim by the commissioners appointed by the Choctaw government have failed to procure the payment of said appropriation to the treasurer of the Choctaw Nation, as required by the act of general council of April, 1891; and

Whereas it appears that contracts made by said commissioners with their attorneys have never been approved by the Interior Department, as required by the United States, thereby precluding said attorneys from being of any use to the Choctaw Nation in procuring said appropriation, and it is believed that said attorneys with supposed contracts are an absolute hindrance to the prompt payment of said appropriation, thereby depriving the Choctaws of their just dues: Therefore,

SECTION 1. *Be it further enacted by the general council of the Choctaw Nation, That any and all contracts made by the Choctaw commissioners with any attorneys in connection with the appropriation of \$2,991,450, and not approved by the Department of the Interior, are declared void and of no effect.*

SEC. 2. *That the principal chief of the Choctaw Nation, the national treasurer, and the special delegates heretofore appointed be, and they are hereby, authorized and directed to proceed at once to Washington City, D. C., and make a formal demand for this money, and to this end they are authorized to procure such assistance, and to take the necessary steps to procure said money before the 1st day of December, 1891; and they are further authorized to sign the necessary relinquishment to said lands west of ninety-eighth degree west longitude now occupied by the Cheyenne and Arapahoe tribes of Indians.*

SEC. 3. *That all acts or parts of acts, resolutions or parts of resolutions, except the "disbursement bill known as the per capita bill" of April, 1891, coming in conflict with this are hereby repealed, and this act take effect and be in force from and after its passage.*

Approved October 19, 1891.

J. H. BRYANT,  
*Acting P. C., C. N.*

Proposed by R. J. Ward.

Upon which appears the following indorsement:

Passed the Senate; referred to the House October 16, 1891.

D. W. HODGES,  
*Pres. Pro.*

Bill passed the House and referred to P. C. C. N. Oct. 19, 1891.

W. W. HAMPTON,  
*Speaker of the House.*

Approved Oct. 19, 1891.

J. H. BRYANT,  
*Act. Principal Chief, C. N.*

This latter law is invalid and unconstitutional on the following points: D. W. Hodges was not president of the senate according to the constitution of the Choctaw Nation, article 3, section 7, which requires

the senate to choose its president, whereas D. W. Hodges was not so chosen, as I am informed, but was nominated and assigned to that duty by J. H. Bryant, who assumed this right because the said Bryant had been chosen president of the senate in the regular way, and erroneously considered himself empowered to delegate his authority while he acted principal chief.

Second. The said J. H. Bryant had no authority to act as principal chief, first, because the said J. H. Bryant is only authorized to discharge the duties of the principal chief as "the president of the senate," an office which he voluntarily vacated, and he should have signed this bill as the "president of the senate," acting on account of the inability of the principal chief. (Sec. 4, Art. 5, Choc. Con.)

Secondly. Under this section the said J. H. Bryant was not authorized to act at all, for the reason that there was no inability existing. The fact was the chief was temporarily absent and immediately returned to the council and was not out of the Choctaw Nation. It does not avail Mr. Bryant to say that the chief authorized him to act, because the principal is not authorized under the constitution to divest himself of his official authority and responsibility or invest any man therewith.

Second. The Choctaw constitution, article 3, section 8, says:

Every bill which shall have passed both houses of the legislature shall be presented to the principal chief.

This bill was not presented to the principal chief, but passed beyond his office into the hands of the national secretary; was entered up as a law without the chief ever having an opportunity of examining the same, as contemplated by the constitution. The legislature adjourned at noon on October 29 without this bill ever having been presented to the principal chief, as required by the constitution.

Article 2, section 2, says:

No person or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereafter expressly directed or permitted by the general council.

Third. The constitution of the Choctaw Nation, article 3, section 1, declares that the style of their laws shall be, "Be it enacted by the general council of the Choctaw Nation assembled." This mandate of the constitution was not observed in the passage of this alleged law; words were inserted and omitted.

Section 23, article 7, declares "that any law which may be passed contrary to the provisions herein specified shall be null and void." This law is therefore null and void.

Fourth. Article 1, section 21, declares "that the general council shall pass no law impairing the obligation of contract." That it openly does in section 1 of said act.

In this connection attention is called to article 7, treaty between the United States and the Choctaw and Chickasaw Indians of 1855, which limits the Choctaws to an observance of the Constitution of the United States, which letter declares that no law impairing an obligation of a contract shall be passed, etc.

Attention is also called to United States Statutes at Large, No. 26, page 93, last three lines, etc., wherein contracts entered into by citizens of any tribe or nation with citizens of the United States in good faith and for valuable consideration and in accordance with laws of such tribe or nation shall be deemed valid and enforced by the courts.

Fifth. Again, this law is not valid in appointing this special delegation to transact this business (see Exhibit 11 and the law of October 19),

because by article 7, section 13, the principal chief is specially invested with the power "by and with the advice and consent of the senate, to appoint commissioners or delegates as may become expedient to the Choctaw Nation, and all other officers whose appointments are not herein otherwise provided for." In this latter act the principal chief did not appoint the said commissioners or delegates, the senate did not confirm them, but said delegation was created by the legislature in the absence of the principal chief, in direct violation of the constitution, as aforesaid.

Moreover, not only did the general council usurp the functions of the principal chief, but made the principal chief and the treasurer and the ex-auditor a special delegation, in violation of the Choctaw law that no officer having a commission should be invested at the same time with another office.

Commenting on the act of October 19, it is to be observed that this special delegation are authorized to make a formal demand for this money, but whether or not the legislature intends that they shall make formal demand for this money to be placed to the credit of the Choctaw Nation, or placed to their own personal credit, does not appear. And while they are authorized to take the necessary steps to procure said money before the 1st day of December, 1891, the law does not state whether they shall procure it for the Choctaw Nation's credit or procure it for their own handling. No allusion is made to signing requisition as required by United States statutes, or to receive and receipt therefor. A reasonable presumption would be, since the Choctaw general council adjourned until the 30th of November, that the council contemplated having such fund placed to the credit of the Choctaw Nation, subject to the further action of the legislature itself.

By section 2, if the authority to the special delegation to make a formal demand for this money and to take the necessary steps to secure said money to their own credit, instead of to the credit of the Choctaw Nation, a presumption repugnant to common sense would arise that such persons without bond or adequate security should assume charge of this enormous amount.

It is to be observed in this connection that the bond of the national treasurer is totally inadequate, being only \$20,000, whereas the proposed sum is over one hundred times as great.

Continuing the history of this matter, I observe that a number of statements were made to me by persons about the Choctaw legislature, going to prove that the above legislation was of a fraudulent character and secured by bribery and corruption. My attention has been called to the fact that section 2 of the act under consideration authorizes this special delegation "to procure such assistance" and "to take the necessary steps," and that under this authority they would be authorized to use any percentage of this money they might see fit under the pretense of securing further assistance, whereas it is well known that no further assistance was needed, but was actually undesirable.

I am reliably informed that the principal chief and treasurer did take advantage of this law, immediately after its passage, to engage the services of a blackmailer and gambler to secure this fund, pledging him (George Thibeau, of Paris, Tex.) 10 per cent, or \$224,000, for going through the pretense of accomplishing what the present attorneys of the Choctaw Nation have substantially accomplished. Thibeau is associated with J. Hale Sypher, of Washington, D. C., and Thibeau has gone to Washington upon this pretended errand.

Various assurances have been given by those who seemed responsi-



ble for this act of October 19, that there was no intention to interfere with the contract of the old delegation, or their attorneys, and this assurance is quite harmonious with a plan to deceive the general council into passing this bill on the presumption and theory that the old attorneys were valueless and a new management essential, while the act itself does not in fact necessarily interfere with the old delegates or their attorneys.

I incline to the opinion this last special delegation (so called) would be ready to lay aside the act of October 19, and act under the laws of April, in dealing with the Government, while they use the former in justifying their acts to the Choctaw legislature.

In this matter I regard the chief as very weak, and absolutely under the control of McCurtain and Ainsworth, who are unscrupulous and reckless.

The council meets again on November 30 for further action in this matter, and in the event of the failure of McCurtain and Ainsworth to carry out their plan of securing this money there should be no difficulty in having the Choctaw legislature repeal the act quoted.

In this connection I would observe that the objections to the act of October 19 have been discussed by some of the highest officials of the Choctaw Nation, and I understand that the national attorney of the Choctaw Nation concurs in the opinion that the law of October 19 is null and void; and has given his opinion in writing upon this case.

It would be mischievous in the highest degree to permit McCurtain and Ainsworth to succeed in getting this money, as they are perfectly unscrupulous and would undertake to rob the attorneys and delegation of their fees so justly earned. For this reason I urge upon you to give this delegation and its actions and associations your vigilant attention. Advise yourself carefully as to the possibilities of their succeeding. If necessary put obstacles in their way, and if it can be done with propriety and dignity, cause them to realize that the Choctaw Nation in attempting to repudiate its obligations is making a fatal mistake, one which will not only cause the loss of every friend worth having, but will secure the active enmity of men whose hostility will hereafter prevent the possibility of success in relation to the collection of the money value of the leased district.

It might be well for you and others to make a brief call on these people and tell them plainly that their bad faith will not be permitted.

I wish you would advise me of the status of this matter, whether or not there is any probability of this money being paid, also what this delegation is doing and how they respond in your interview with them, if you have such interview. Of course you will use your own discretion as to whether you interview them. A cold-water douche, I think, would help them a good deal. They do not realize that they are doing a highly mischievous thing, but actually believe that they can work this matter through after repudiating their contracts, and I think it might be well to educate them out of this folly.

Hoping to hear from you soon, I remain,

Very respectfully, yours,

R. L. OWEN.

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WASHINGTON, D. C., November 4, 1891.

THE PRESIDENT OF THE UNITED STATES:

SIR: We, the undersigned, commissioners appointed by an act of the general council of the Choctaw Nation approved October 19, 1891,

being authorized and directed to proceed to Washington City, D. C., and make a respectful formal demand upon the United States for the payment of the money appropriated by Congress, approved March 3, 1891, do hereby most respectfully appeal to you for just and speedy action in the premises.

We would most respectfully submit that our people, having learned of this appropriation for their benefit by the Congress of the United States, do not understand the cause of the delay in the realization of the money, a portion of which, by recommendation of the governor and general council of the nation, will be set apart for schools and purposes of internal improvements, and therefore much anxiety and restlessness prevails in the nation, to the detriment of harmony, peace, and good order among the people.

We desire to assure the President that no portion of this money is to be paid for improper and illegal purposes. No agents or lobbyists have been employed by us to advocate our claims or to attempt to influence improperly or illegally either Congress or any officer of the Government.

We have employed and engaged the professional legal services of Gen. J. Hale Sypher, who presented us this morning. He is our true and lawful attorney and representative, and we have none other authorized to represent or to act for us.

Very respectfully, your obedient servants,

WILSON N. JONES,  
*Governor and Principal Chief of the Nation,*

GREEN McCURTAIN,

*Treasurer of the Nation,*

THOS. D. AINSWORTH,

*Special Delegate of the Nation,*

*Commissioners of  
the Choctaw Nation  
of Indians.*

J. HALE SYPHER,

*Attorney and Counselor.*

DISTRICT OF COLUMBIA, ss:

Subscribed to before me this 4th day of November, A. D. 1891.

[SEAL.]

ALLEN R. ADAMS,

*Notary Public.*

[From The Indian Citizen (weekly) of Atoka, Ind. T., Saturday, November 7, 1891.]

#### CONSTITUTIONALITY OF A LAW.

Below will be found an official opinion of the national attorney of the Choctaw Nation on an act recently passed by the general council.

The act in question was published in these columns week before last and proposed to cancel the contracts of the attorneys of the nation made with the "leased district delegation," and authorizes the governor, treasurer, and special delegate to go to Washington and make a formal demand for the money, and also authorizes them to make other arrangements, without regard to cost, to get the money by the 1st of December.

The national auditor called upon the national attorney for his opinion as to the constitutionality of this action, and in accordance with the law requiring the national attorney to give his opinion in writing to the

national auditor upon all cases concerning the revenue expenses of the nation, the following opinion was elicited:

OFFICE OF NATIONAL ATTORNEY, CHOCTAW NATION,  
Antlers, Ind. T., October 30, 1891.

Hon. WILLIAM WILSON,  
*National Auditor, Choctaw Nation:*

DEAR SIR: Answering your letter of the 28th instant returning the same with copies of the laws inclosed, I have the honor to answer your questions concerning the law in their order.

(1) The law relating to the appropriation of \$2,991,450, passed by the general council on October 19, 1891, and approved by J. H. Bryant, acting principal chief of Choctaw Nation, is not constitutional but defective in various particulars.

(1) Article III, section 8, constitution, requires every bill which shall have passed both houses of the legislature to be presented to the principal chief. The failure to do so because of the temporary absence of the chief for two or three days, or for any other cause not provided in the constitution or laws makes it unconstitutional.

(2) The president of the senate is authorized to exercise the duties of the principal chief (article 5, section 4, constitution) only when a vacancy occurs "on account of the inability of the principal chief to discharge his duties."

In this case, however, there was no vacancy whatever in the office of principal chief, who was perfectly sound and well, was in the Choctaw Nation at his home, and immediately returned to the capital. Nor was there any legal disability.

Such temporary absence is not "inability" in the eyes of the law.

Such a construction would be highly mischievous as the president of the senate could at his will deprive the principal chief of all authority unless the chief should be immediately and personally present at every instant when a bill should pass.

The president of the senate has no such authority and the principal chief has no right to delegate such authority.

The Choctaw people elected the Hon. W. N. Jones principal chief, and he can not, except as expressly provided by the constitution, be divested or divest himself of his rights or his responsibilities.

The law referred to is unconstitutional in this respect, that it is signed by Hon. J. H. Bryant as acting principal chief of the Choctaw Nation, and not signed by Hon. W. N. Jones, principal chief of the Choctaw Nation.

(3) Again, the signature of the Hon. J. H. Bryant as acting principal chief is not authorized by the Choctaw laws, but if the principal chief's office had been vacant the person authorized by law is the "president of the senate," and this alleged act is not so signed but on its face it clearly appears that D. W. Hodges at this very time was president of the senate.

(4) The constitution of the Choctaw Nation, section 23, article 7, declares that any law "passed contrary to the provisions herein specified shall be null and void," and section 21, article 1, declares "the general council shall pass no bill of attainder, retrospective law, nor law impairing the obligation of contracts."

The act under consideration proposes to impair the obligation of contracts in section 1 in express terms.

This is clearly and positively unconstitutional and void.

All laws of the Choctaw Nation (article 7, treaty of 1855 between the United States and the Choctaw Nation), must be compatible with the Constitution of the United States and the laws made in pursuance thereof.

The law under consideration violates the Constitution of the United States, in that it impairs the obligation of a contract and is therefore void under the treaty as stated, especially so as the contracts were made with United States citizens.

It is to be observed in regard to the alleged act of October 19, 1891, that it proposed to create a new delegation.

It would be obnoxious to article 7, section 13, of the constitution, which expressly requires that delegates or commissioners to transact such public business shall be nominated by the principal chief and confirmed by the Senate, which has not been done, except in case of the special delegate and the delegation of 1889.

If it should be held that the alleged law of October 19 repeals the laws of April 9, then there is a special delegate; but it is evident that this construction would be obnoxious to the plain meaning of the general council.

Article 3, section 1, declares that the style of the law shall be, "Be it enacted by the general council of the Choctaw Nation assembled," which is not observed in the act of October 19, 1891.

This is a constitutional requirement, and any law (section 23, article 7) which is passed contrary to such provisions is null and void.

The laws of April 9, 1891, however, could not be repealed by the act of October 19, 1891, because the latter is void, as above stated.

C. E. NELSON.  
*National Attorney, Choctaw Nation.*

I do certify that the above is a true and correct copy of the original now on file in my office (October 31, 1891).

WM. WILSON,  
*National Auditor, Choctaw Nation.*

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TUSHKA HOMMA, CHOCTAW NATION,  
*December 21, 1891.*

We, the Commissioners, James S. Standley, R. J. Ward, and H. C. Harris, promise to pay to W. W. Hampton or his heirs, the sum of \$12,500 for services rendered us for certain information regarding the sale of the leased district, provided the sale is consummated.

JAMES S. STANDLEY.

R. J. WARD.

H. C. HARRIS.

By R. J. WARD.

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The PRESIDENT:

I have been informed that you have in your possession information of some kind tending to show that I used improper means to secure the passage of an act by the general council of the Choctaw Nation, approved December 24, 1889, contracting one-fourth of the recovery of the leased district to a delegation of three persons, to be nominated by the principal chief and confirmed by the senate of the Choctaw Nation.

I inclose herewith a sworn statement made by Mr. Henry C. Harris, a codelegate, and myself in reference to the matter.

The general council of the Choctaw Nation which was in special session at the time, adjourned *sine die* on December 24, 1889, and on the afternoon of that day Henry C. Harris, Robert J. Ward, and myself were nominated by the principal chief and confirmed by the Choctaw senate as delegates under acts authorizing a delegation, and giving them authority to use and have 25 per cent of the recovery from the leased district.

I inclose herewith a pamphlet which was published publicly by the Choctaw Nation, under a general law, for public distribution and information, as soon after the adjournment of the council as it could be done, containing copies of the acts referred to.

The law appropriating 25 per cent must have become a law (as hereby I aver it did) before any delegation was authorized. Any promises alleged to have been made by the delegation could only have been made or accepted as of any value at a time subsequent to the passage of the act and the nomination and confirmation of the delegation, because until that moment arrived it was impossible to say who would constitute the delegation.

There are two acts, both approved the same day. The fact that those acts were passed and approved previous to the nomination and confirmation of the delegation should acquit the delegation of having used or promised any sum or sums out of the percentage to procure the passage of the act.

I never sought nomination directly or indirectly, and had no reason to believe that I would be nominated until the nomination had been

made. I never spoke to a single Senator about my confirmation. I desire to renew my statement that I never promised a single member of the council anything, and that I never heard or knew of anything of the kind having been done by Mr. Ward until after that council had adjourned.

The percentage has been repeatedly recognized since and confirmed, notwithstanding the annual election of the council members and change of political parties in the nation. The general council of 1890 left the matter undisturbed after considering it. After the appropriation by Congress of March 3, 1891, the general council, in special session, on April 9, 10, and 11, 1891, confirmed and recognized the right of the delegation in several acts (see pamphlet inclosed herewith), and also on December 11, 1891 (see copy of act inclosed herewith).

Respectfully submitted.

J. S. STANDLEY,  
*Choctaw Delegate.*

We, James S. Standley and Henry C. Harris, duly authorized delegates of the Choctaw Nation of 1889, being duly sworn, on our oaths solemnly state that we have been advised there is in the hands of the President of the United States some information imputing to our delegation corrupt means in securing the passage of an act contracting to us one-fourth of the recovery of the "leased district." We solemnly declare that we did not in any way use any improper means in this matter; that we did not sign or authorize anyone to sign our names to any promises alleged to have been given by Mr. R. J. Ward, and if it was done it is a forgery. We have never confirmed any such contracts or promises alleged to exist. We denounced Ward's action when we heard he had used such promises and signed our names, and openly and repeatedly repudiated such promises. We will never recognize the fraud and we solemnly protest against being connected with it.

J. S. STANDLEY,  
H. C. HARRIS.

I hereby certify that James S. Standley and H. C. Harris, after being duly sworn, stated that the above and foregoing statement is true.

Given under my hand and seal this 23d day of December, 1891.

[SEAL.]

JOHN G. FARR,  
*Notary Public, Second Division, Indian Territory.*

[Extracts from the laws of the Choctaw Nation passed at regular session of general council, 1889, and published 1890.]

AN ACT authorizing the appointment of three Commissioners to treat with United States commissioners in reference to the leased district, and for other purposes.

Whereas, by act of Congress May 28, 1830, the President of the United States was authorized to set apart a certain country now the Indian Territory and solemnly assure the tribes to whom it was assigned that their heirs, or successors, might forever possess and occupy it; and whereas, pursuant to this act of Congress the President of the United States the following September did make a treaty with the Choctaw Nation assigning to it a tract including their present country, which was subsequently patented to them; and whereas, by the 9th article of the treaty of 1855, the Choctaws and the Chickasaws leased to the United States all that portion of their common territory west of the 98th degree of longitude for the Wichita and such other tribes or bands of Indians as the Government might desire to locate thereon, reserving, however, the right to the Choctaws and Chickasaws to settle thereon; and whereas, on the 9th of September, 1865, Hon. D. N. Cooley, Commissioner of Indian Affairs, Hon. Elijah Sells, superintendent southern



superintendency, Thomas Wister, of the Society of Friends, Brigadier-General W. S. Harney, U. S. Army, and Colonel Ely S. Parker, of General Grant's staff, appointed by the President of the United States as a board of commissioners, did, as the declared and acknowledged representatives of the President of the United States duly empowered, declare to the commissioners of the Choctaw Nation that the new treaty must contain among other things the following stipulations, to wit:

(5) That a portion of the lands hitherto owned and occupied by the Choctaws and Chickasaws must be set apart for the friendly tribes then in Kansas and elsewhere, and on the further stipulation—

(7) That no white person except officers, agents, and employes of the Government, or of any internal improvement authorized by the Government, would be permitted to reside in the Territory unless formerly incorporated with some tribe according to the usages of the lands; and whereas on the representations of the said United States Commissioners that the lands west of the 98th degree of west longitude on which the Choctaws and Chickasaws had still the right to settle would all be needed for the use of friendly Indians and the colonization of the negro freedmen in the Chickasaw and Choctaw Nations, unless otherwise adopted by the Choctaws and Chickasaws, the Choctaw and Chickasaw Nations did, by the 3d article of the treaty of 1866, cede the lands west of the 98th degree of west longitude to the United States, in trust, for the purposes aforesaid, and under the conditions of the existing laws and treaties of the United States hereinbefore mentioned.

And whereas by act of Congress of March 1, 1889, the United States departed from the long-established policy of holding the lands of the Indian Territory for Indian settlement, by purchase of the lands of the Creeks and Seminoles, which had been sold to the United States for the same purposes as in the case of the Choctaw cession of the lands west of the 98th degree of west longitude;

And whereas the United States by act of Congress of March 2, 1889, in pursuance of this new line of policy, authorized the President of the United States to appoint three commissioners to negotiate with all Indians owning or claiming lands lying west of the 96th degree of west longitude in the Indian Territory for cessions to the United States of all their title, claim, or interest of every kind or character in and to said lands;

And whereas the Choctaw people recognize the changes which have taken place in the policy of the United States, and the desire of the Government to establish a Territorial government in the western part of the Indian Territory, and the need to use the lands west of 98th degree of west longitude for a different purpose than the holding in trust for friendly Indians, as by the cessions of 1866;

And whereas the Choctaws have been willing and anxious to conform to the wishes of the United States consistently with the interests of their own people: Now, therefore,

SECTION 1. *Be it enacted by the general council of the Choctaw Nation assembled,* That the principal chief of the Choctaw Nation is hereby authorized and directed to appoint, by and with the advice of the senate, three competent, sober men, who shall constitute a commission to represent the Choctaw Nation in reference to the rights of the nation in the lands lying between the 98th and 100th degrees of west longitude, and between the Red and Canadian rivers, comprising an area of 7,713,230 acres.

SEC. 2. Said commissioners are hereby authorized and directed to conduct negotiations with the United States commissioners in accordance with the act of Congress of March 2, 1889, or with other proper authorities of the United States, for the cession to the United States of all the claims, interest, and title of the Choctaw Nation in and to the lands lying west of the 98th degree of west longitude.

Said commissioners are hereby instructed to actively and strenuously oppose and resist any attempt to include these lands within the limits of the proposed Oklahoma Territory until the Choctaw Nation shall have their rights therein properly recognized and secured.

SEC. 3. Said commissioners are also hereby instructed to invite the co-operation of the Chickasaw Nation in the purpose of this act, and to report at once to the principal chief any agreement arrived at with the authorities of the United States; provided, however, that no agreement of the said commission shall be binding until duly ratified by the general council, and it shall be the duty of the principal chief to immediately convene the general council on receiving notice that an agreement has been reached by the commission herein provided for.

SEC. 4. Said commissioners shall be allowed for their services six dollars per day, and mileage of ten cents per mile while on this national business, payable on their own certificate, approved by the principal chief, and a sum sufficient to defray such expenses is hereby appropriated out of any money in the treasury not otherwise appropriated.

*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved November 5, 1889.

AN ACT contracting to the delegation appointed to negotiate with the authorities of the United States one-fourth of the recovery out of the "leased district," so called, etc.

Whereas the United States has bought out the Indian interest in Okla Homma and settled it with United States citizens, and thus departed from the policy established and maintained since 1830, of reserving the Indian Territory to be occupied by Indians alone; and whereas bills have been introduced in Congress to incorporate said "leased district" into the Territory of Okla Homma without any reference to the rights of the Choctaws and Chickasaws, which shows an attitude of the United States towards the Choctaws and Chickasaws different to that taken toward the Creeks, Seminoles, and Cherokees in reference to their western lands; and whereas the principal chief of the Choctaw Nation has been advised in a formal manner by the United States Commissioners appointed under act of Congress of March 2, 1889, to negotiate with all Indians in the Territory for the cession to the United States of all their rights, claims, or interests in and to the lands west of the 96th degree of longitude, and that the United States has now full title to the lands between the 98th and 100th degrees of west longitude ceded to the United States by the Choctaws and Chickasaws in 1866, and that said United States Commissioners were not authorized to even negotiate with the Choctaw Nation relative thereto; and the Choctaw Nation is not willing to expend any money on the prosecution of this claim, but desires to engage the services of a delegation willing to pay all expenses incurred; and whereas the Choctaw Nation wishes to support said delegation in the employment of competent counsel and a large and able corps of assistants to push the equitable rights of the Choctaw Nation upon the attention of the Executive Department of the United States and upon Congress in order that the rights of the nation now ignored may be recognized: Now, therefore,

SECTION 1. *Be it enacted by the general council of the Choctaw Nation assembled*, That the delegation appointed under "An act providing for the disposition of the interest of the Choctaw Nation in the lands west of the 98th degree of west longitude," or their assigns, are hereby

guaranteed and pledged twenty-five per cent of the recovery to the Choctaw Nation in consideration of the facts above recited; it being distinctly understood that said delegation shall bear all expenses in conducting this business, and that they shall not call on or expect any appropriation whatever in this connection, except as contracted herein, to wit, twenty-five per cent of the recovery; in case they do, their authority shall cease, and in case of failure said delegation shall bear the loss of their expenses, labor, and time.

Said delegation or its assigns are hereby authorized, in the name of and on behalf of the Choctaw Nation, to make requisition on the proper authorities of the United States for twenty-five per cent of whatever appropriations Congress may hereafter make on account of such so-called "leased district" aforesaid, and to execute proper receipts therefor, and all acts or parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

Approved December 24, 1889.

B. F. SMALLWOOD, *P. C. C. N.*

AN ACT providing for the disposition of the interest of the Choctaw Nation in the lands west of the 98th degree of west longitude,

Whereas by act of Congress, May 28, 1830, the President of the United States was authorized to set apart a certain country, now the Indian Territory, and solemnly assure the tribes to whom it was assigned that they, their heirs or successors, might forever possess and occupy it;

And whereas pursuant to this act of Congress the President of the United States the following September did make a treaty with the Choctaw Nation assigning to it a tract including their present country, which was subsequently patented to them;

And whereas by the 9th article of the treaty of 1855 the Choctaws and Chickasaws leased to the United States all that portion of their territory west of the 98th degree of west longitude for their permanent settlement of the Wichita and such other tribes or bands of Indians as the Government might desire to locate thereon, reserving, however, the right to the Choctaws and Chickasaws to settle thereon;

And whereas on the 9th day of September, 1865, Commissioner of Indian Affairs Hon. Elijah Sells; Superintendent Southern Superintendency Thomas Wister, of the Society of Friends; Brigadier-General W. S. Harney, U. S. Army, and Col. Ely S. Parker, of General Grant's staff, all appointed by the President of the United States as a board of commissioners, did, as the declared and acknowledged representatives of the President of the United States, duly empowered, declare to commissioners of the Choctaw Nation that the new treaty must contain among other things the following stipulation, to wit:

5th. That a portion of the lands hitherto owned and occupied by the Choctaws and Chickasaws must be set apart for the friendly tribes then in Kansas and elsewhere, and on the further stipulation:

7th. That no white person, except officers, agents, and employés of the Government, or of any internal improvement authorized by the Government, would be permitted to reside in the Territory unless formerly incorporated with some tribe according to the usages of the bands; and whereas on the further representation of the said board of the United States Commissioners that the lands west of the 98th degree of west longitude, on which the Choctaws and Chickasaws had still the right to settle, would all be needed for the use of friendly Indians and

colonization of the negro freedmen in the Choctaw and Chickasaw Nations, unless otherwise adopted by the Choctaws and Chickasaws, the Choctaws and Chickasaws did, by the 3d article of the treaty of 1866, cede the land west of the 98th degree of west longitude to the United States in trust for the purposes aforesaid, and under the conditions of the existing laws and treaties of the United States hereinbefore mentioned;

And whereas by act of Congress of March 1, 1889, the United States departed from the long-established policy of holding the lands of the Indian Territory for Indian settlement by purchase of the lands of the Creeks and Seminoles, which had been sold to the United States for the same purposes as in the case of the Choctaw cession of the lands west of the 98th degree of west longitude;

And whereas the United States by act of Congress of March 2, 1889, in pursuance to this new line of policy, authorized the President of the United States to appoint commissioners to negotiate with all Indians owning or claiming lands lying west of the 96th degree of west longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands;

And whereas the Choctaw people recognize the changes which have taken place in the policy of the United States, and the desire of the Government to establish a Territorial government in the western part of the Indian Territory, and the need to use the lands west of the 98th degree of west longitude for a different purpose than the holding in trust for friendly Indians as by the cession of 1866;

And whereas the Choctaws have ever been willing and anxious to conform to the wishes of the United States consistently with the interest of their own people: Now, therefore,

SECTION 1. *Be it enacted by the general council of the Choctaw Nation assembled*, That the principal chief of the Choctaw Nation is hereby authorized and directed to appoint, by and with the advice of the senate, three competent, sober men, who shall constitute a delegation with full authority to represent the Choctaw Nation in reference to the rights of the nation in the lands lying between the 98th and 100th degrees of west longitude and bounded to wit: Beginning at a point on Red River where the meridian of the 98th degree of west longitude crosses the same, thence up said river to the point where the meridian of the 100th degree of west longitude crosses the same, thence north along said meridian to the main Canadian River, thence down said river to the point where the meridian of the 98th degree of west longitude crosses the same, thence south along said meridian to the place of beginning. And said delegation is hereby authorized to negotiate and make agreement with the proper authorities of the United States for the absolute relinquishment of all right, claim, and interest of the Choctaw Nation in and to the lands lying west of the 98th degree of west longitude above described, better known in the Choctaw Nation as the "leased district," and refer the same back to the general council for ratification as required by the act of Congress of March 2, 1889.

SEC. 2. Said delegation are hereby authorized to make a full report to the next session of the general council, and if any vacancies should occur in said delegation, by death or otherwise, the principal chief is hereby authorized to fill it by appointment. All acts or parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved December 24, 1889.

B. F. SMALLWOOD, P. C., C. N.



[Extracts from the laws of the Choctaw Nation, passed at special session of general council in 1891.]

AN ACT authorizing a release of all the title and interest that the Choctaws have in the Cheyenne and Arapahoe lands lying south of the Canadian River and west of the 98th degree of west longitude, and making conveyance thereof.

*Be it enacted by the general council of the Choctaw Nation assembled,* That the delegation of 1889, to wit: J. S. Standley, H. C. Harris, and R. J. Ward, and Green McCurtain, national treasurer, and some one to be appointed by the principal chief, with the advice and consent of the senate, and commissioned by the principal chief, are hereby empowered, authorized, and directed to proceed to Washington, D. C., and as delegates specially authorized thereto, execute releases and conveyances and transfer to the United States all the right, title, and interest of the Choctaw Nation to their lands lying west of the 98th degree of west longitude and south of the Canadian River and now occupied by the Cheyenne and Arapahoe tribe of Indians, for the payment of which an act of Congress of the United States was approved March 3, 1891, and this act take effect and be in force from and after its passage.

Approved April 9, 1891.

W. N. JONES, P. C., C. N.

AN ACT making requisition for the sum of \$2,243,587.50, due the Choctaw Nation under an act of Congress approved March 3, 1891.

*Be it enacted by the general council of the Choctaw Nation assembled,* That the delegation of 1889, the national treasurer of the Choctaw Nation, and some one to be selected by the principal chief, with the advice and consent of the senate, are hereby authorized and directed to proceed to Washington, D. C., and make a requisition on the Government of the United States in such manner and form as may be satisfactory to the proper authorities of the United States for the sum of \$2,243,587.50, being three-fourths of the sum of \$2,991,450 appropriated by the act of the Congress of the United States, approved March 3, 1891, in payment of the interest of the Choctaw and Chickasaw nations in the lands west of 98th degree of west longitude; and the national treasurer shall deposit the same in some responsible bank or banks, subject to the order of the Choctaw Nation, and such bank or banks to give a bond payable to the Choctaw Nation in a sum equal to the amount so deposited; such bond to be approved by the national treasurer and to be recovered by the national treasurer for the use and benefit of the Choctaw Nation, and conditioned as other bonds are conditioned for like purposes; and this act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

W. N. JONES, P. C., C. N.

AN ACT authorizing settlement with the delegation for services rendered in the prosecution of the claim of the Choctaw Nation in the leased district.

*Be it enacted by the general council of the Choctaw Nation assembled,* That the national treasurer is hereby authorized and directed (as soon as practicable after the receipt of the leased district money) to make a settlement with the delegation as per act of the general council of the Choctaw Nation, approved December 24, 1889, and to pay over to them such sum or sums as may be due them; and that this act shall take effect and be in force from and after its passage.

Approved April 10, 1891.

W. N. JONES, P. C., C. N.



AN ACT authorizing distribution per capita of the money due the Choctaw Nation for the sale of a portion of the leased district under act of Congress approved March 3, A. D. 1891.

SEC. 1. *Be it enacted by the general council of the Choctaw Nation assembled*, That the sum of one million six hundred and fifty-seven thousand six hundred and ninety-one dollars (\$1,657,691), being the balance after deducting delegates' per cent and twenty-five thousand and five dollars for necessary expense in procuring and distributing the same, shall be paid out per capita among Choctaw citizens by blood residing in the Choctaw and Chickasaw Nation at the date of this act.

SEC. 2. That for properly executing section 1 of this act it shall be the duty of the principal chief to appoint three commissioners for each county in the Choctaw Nation and three for the Chickasaw district, whose duty shall be to enroll all the names on rolls to be prepared for the purpose under order of the chief, the beneficiaries under this act. When said rolls are completed, which shall be done as speedily as possible, they shall be carried by one of the commissioners to Tashka Homma and delivered to a committee consisting of the principal chief, secretary, auditor, and treasurer, who shall ascertain exactly the amount due each person, whereupon the treasurer shall proceed to disburse the same, commencing in the second district, the payment to be made at the district court ground of each district. The auditor shall accompany the treasurer and verify the payments. The Light Horse shall also attend as a guard. The principal chief, if he desires, may superintend the disbursement in person.

SEC. 3. The commissioners shall be sworn by some county judge, which oath shall be endorsed on their appointment, and shall complete their work in not less than twenty days. They shall meet at the most public place for convenience of the people in their respective counties, and shall receive the sum of one hundred and fifty dollars each for their services.

SEC. 4. The principal chief shall notify the commissioners when to begin work, soon after receiving the money; and this act take effect and be in force from and after its passage.

Approved April 11, 1891.

W. N. JONES, P. C., C. N.

AN ACT authorizing the principal chief to accompany the special delegation to Washington City, D. C.

*Be it enacted by the general council of the Choctaw Nation assembled*, That Wilson N. Jones, principal chief, shall accompany the special delegation to Washington City, D. C., and shall sign officially with the delegation the release of the interest of the Choctaw Nation in the lands west of 98 degrees west longitude, as contemplated in the act of the Congress of the United States approved March 3, 1891, and shall also sign with special delegation the requisition for the moneys due for said lands: *Provided, however*, If from any disability he should be unable to accompany the delegation, or should be unable to act, then the delegation are authorized to continue the business; and this act shall take effect and be in force from and after its passage.

It became a law by its own limitation.

AN ACT authorizing the settlement with the delegation for services rendered in the prosecution of the claim of the Choctaw Nation in the leased district.

*Be it enacted by the general council of the Choctaw Nation assembled*, That the national treasurer is hereby authorized and directed (as soon as practicable after the receipt of the leased district money) to make a

settlement with the delegation as per act of the general council of the Choctaw Nation, Dec. 24, 1889, and pay over to them such sum or sums as may be due them, and that this act shall take effect and be in force from after its passage.

Proposed by R. J. Ward.

Approved December 11, 1891.

W. N. JONES, P. C. C. N.

This is to certify that the foregoing is a true and correct copy of the original act of the general council of the Choctaw Nation, now on file in my office.

Witness my hand and the great seal of the Choctaw Nation this the 23rd day of Dec., A. D. 1891.

J. B. JACKSON,

*National Secretary Choctaw Nation.*

AN ACT providing pay for the special delegates to Washington City, D. C., to sign release of the leased district and to make requisition for the money arising therefrom.

SECTION 1. *Be it enacted by the general council of the Choctaw Nation assembled*, That the special delegation to Washington City, D. C., are to be paid as follows, to wit: The expenses of W. N. Jones, principal chief, and Green McCurtain, national treasurer, are to be paid, they being salaried officers, and the other, who is to be appointed and confirmed, shall receive for his services five hundred dollars and his expenses actually incurred while in the performance of his mission; *provided, however*, the said appointee is not a salaried officer, in which case his expenses alone shall be paid, and the national treasurer shall pay the same on the order of the principal chief.

SEC. 2. *Be it further enacted*, That the delegation of 1889, to wit, J. S. Standley, H. C. Harris, and R. J. Ward, shall not be entitled to any per diem or expense fund; and that this act shall take effect and be in force from and after its passage.

It became a law by its own limitation.

AN ACT authorizing the principal chief to accompany the special delegation to Washington, D. C.

*Be it enacted by the general council of the Choctaw Nation assembled*, That Wilson N. Jones, principal chief, shall accompany the special delegation to Washington City, D. C., and shall sign officially with the delegation the release of the interest of the Choctaw Nation in the lands west of the 98th degree of west longitude, as contemplated in the act of Congress of the United States approved March 3, 1891, and shall also sign with the special delegation the requisition for the moneys due for said lands; *provided, however*, that if from any disability he should be unable to accompany the delegation or should be unable to act, then the delegation are authorized to continue the business.

And this act shall take effect and be in force from and after its passage.

Passed April 10, 1891, and became a law April 12.

AN ACT authorizing a release of all the title and interest that the Choctaws have in the Cheyenne and Arapahoe lands lying south of the Canadian River and west of 98th degree of west longitude and making conveyance thereof.

*Be it enacted by the general council of the Choctaw Nation assembled*, That the delegation of 1889, to wit, J. S. Standley, H. C. Harris, and R. J. Ward, and Green McCurtain, national treasurer, and some one to

be appointed by the principal chief, with the advice and consent of the senate, and commissioned by the principal chief, are hereby empowered, authorized, and directed to proceed to Washington City, D. C., and as delegates especially authorized thereto execute, release, and conveyances and transfer to the United States all the right, title, and interest of the Choctaw Nation to their lands lying west of the 98th degree of west longitude and south of the Canadian River, and now occupied by the Cheyenne and Arapahoe tribe of Indians, for the payment of which an act of Congress of the United States was approved March 3, 1891, and this act to take effect and be in force from and after its passage.

Approved April 9, 1891.

AN ACT for the protection of the interest of Orphans in the money arising from the sale of the leased district under act of Congress approved March 3, 1891.

*Be it enacted by the general council of the Choctaw Nation assembled,* That the gross amount ascertained to be due the orphans now at Armstrong and Wheelock arising under per capita distribution of the leased-district money, under act of Congress of the United States approved March 3, 1891, shall be covered into the national treasury and so entered on the books thereof, and shall draw interest at the rate of four per cent per annum.

SEC. 2. That a list of said orphans shall be filed in the auditor's and treasurer's office, with the age of each orphan, and upon the becoming of age of any orphan herein provided for, it shall be the duty of the national auditor, without further action of the general council, upon proper application, to issue his warrant on the treasury for the said orphan's pro rata of said gross sum with the accrued interest thereon. That this act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

AN ACT making requisition for the sum of \$2,243,587.50 due the Choctaw Nation under an act of Congress approved March 3, 1891.

*Be it enacted by the national council of the Choctaw Nation assembled,* That the delegation of 1889, the national treasurer of the Choctaw Nation, and some one to be selected and commissioned by the principal chief, with the advice and consent of the senate, are hereby directed to proceed to Washington City, D. C., and make a requisition on the Government of the United States in such manner and form as may be satisfactory to the proper authorities of the United States for the sum of \$2,243,587.50, being  $\frac{2}{3}$  of the sum of \$2,991,450 appropriated by the act of Congress of the United States approved March 3, 1891, in payment of the interest of the Choctaw and Chickasaw nations in the lands west of 98th degree of west longitude; and the national treasurer shall deposit the same in some responsible bank or banks, subject to the order of the Choctaw Nation, and such bank or banks to give a bond payable to the Choctaw Nation, in a sum equal to the amount so deposited.

Such bond to be approved by the national treasurer and to be recovered by the national treasurer for the use and benefit of the Choctaw Nation, and conditioned as other bonds are conditioned for like purposes, and this act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

AN ACT authorizing distribution per capita of the money due the Choctaw Nation for the sale of a portion of the leased district.

*Be it enacted by the general council of the Choctaw Nation assembled,* That the sum of one million six hundred and fifty-seven thousand six hundred and ninety-one dollars (\$1,657,691.00), being the balance after deducting delegates' per cent, and twenty-five thousand dollars for necessary expenses in procuring same, shall be paid out per capita among Choctaw citizens by blood residing in the Choctaw and Chickasaw nations at the date of this act.

SEC. 2. That for properly executing section 2 of this act it shall be the duty of the principal chief to appoint three commissioners for each county in the Choctaw Nation and three for the Chickasaw dist., whose duty shall be to enroll all the names on rolls to be prepared for that purpose, by order of the principal chief, the beneficiaries under this act. When said rolls are completed, which shall be done as speedily as possible, they shall be carried by one of the commissioners to Tushka Homma and delivered to a committee consisting of the principal chief, secretary, auditor, and treasurer, who shall ascertain exactly the amount due each person, whereupon the treasurer shall proceed to disburse the same, commencing in the second district, the payment to be made at the district court ground of each district. The auditor shall accompany the treasurer and verify the payment. The Light Horse shall also attend as guard.

The principal chief, if he desires, may superintend the disbursement in person.

The commissioners shall be sworn by some county judge, which oath shall be indorsed on their appointment, and shall complete their work in not less than twenty days. They shall meet at the most public place for convenience of the people in their respective counties, and shall receive the sum of one hundred and fifty dollars each for their services.

The principal chief shall notify the commissioners when to begin their work soon after receiving the money.

And this act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

AN ACT authorizing settlement with the delegates for services rendered in the prosecution of the claim of the Choctaw Nation in the leased district.

*Be it enacted by the general council of the Choctaw Nation assembled,* That the national treasurer is hereby authorized and directed (as soon as practicable after the receipt of the leased district money) to make a settlement with the delegation, as per act of the general council of the Choctaw Nation, approved December 24, 1889, and to pay over to them such sum or sums as may be due them, and that this act shall take effect and be in force from and after its passage.

Approved April 10, 1891.

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I, R. J. Ward, having been duly sworn, on my oath depose and say: In 1889 I was nominated by the principal chief as a delegate to secure the values of the leased district. I was very ambitious to be on this delegation, and Geo. Thibau, United States citizen, of Paris, Tex., worked a scheme up on me by which he got certain senators to refuse to confirm me unless I would secure a subcontract for them. I knew I could not do this, and I met the devil with fire and agreed to their



blackmailing terms by giving them promises to pay, and signed the names of the delegation without the knowledge or consent of H. C. Harris or J. S. Standley, and they have never confirmed such promises as far as I know, and I have never talked to them about it for obvious reasons. I went to the chief, W. N. Jones, in 1890, when this matter was up and told him the plain truth. A mean trick was worked up on me and my ambition yielded to the temptation to defeat them by this trick in return. The Choctaw general council, in contracting with the delegation of 1889 the percentage fixed were not influenced in any way except by the consideration of the probable difficulties alone. The promises I made were in reference to my confirmation alone. Standley and Harris are entirely innocent of any knowledge or connection with this matter. I told various people what the facts were, and, among others, Mr. Leo E. Bennett, United States Indian agent. I think he wrote down what I said to him, and I signed it.

R. J. WARD.

This day personally appeared before me Robert J. Ward, to me well known, who having been duly sworn to tell the truth, the whole truth and nothing but the truth, declared the above statement to be the truth and signed the same in my presence.

Given under my hand this 7th day of January, 1892.

I. C. PARKER,

*United States District Judge.*

I hereby certify that the within is a true and literal copy of the original.

In witness whereof I hereunto attach my name and seal.

[SEAL.]

ROBT. L. OWEN,

*United States Commissioner.*

Whereas the Congress of the United States did on the 3d day of March, A. D. 1891, make an appropriation of the sum of \$2,991,450 in favor of the Choctaw and Chickasaw Nations of Indians, for their right, title, and interest in certain lands west of ninety-eighth degree west longitude, and now occupied by the Cheyenne and Arapahoe tribes of Indians;

And whereas the attorneys and others employed in the prosecution of the claim by the commissioners appointed by the Choctaw government have failed to procure the payment of said appropriation to the treasurer of the Choctaw Nation, as required by the act of the general council of April, 1891;

And whereas it appears that contracts made by said commissioners with their attorneys have never been approved by the Interior Department as required by the United States statutes, thereby precluding said attorneys from being of any use to the Choctaw Nation in procuring said appropriation, and it is believed that said attorneys with supposed contracts are an absolute hindrance to the prompt payment of said appropriation, thereby depriving the Choctaws of their just dues: Therefore,

SECTION 1. *Be it further enacted by the general council of the Choctaw Nation, That any and all contracts made by the Choctaw commissioners with any attorneys in connection with the appropriation of \$2,991,450, and not approved by the Department of the Interior, are declared void and of no effect.*

SEC. 2. That the principal chief of the Choctaw Nation and the na-



tional treasurer and the special delegate heretofore appointed be, and they are hereby, authorized and directed to proceed at once to Washington City, D. C., and make a formal demand for this money, and to this end they are authorized to procure such assistance and to take necessary steps to procure said money before the 1st day of December, 1891, and they are further authorized to sign the necessary relinquishment to said lands west of the ninety-eighth degree west longitude, now occupied by the Cheyenne and Arapaho tribes of Indians.

SEC. 3. That all acts or parts of acts, resolutions or parts of resolutions, except the "disbursement bill known as the per capita bill," of April, 1891, coming in conflict with this are hereby repealed, and this act take effect and be in force from and after its passage.

Approved October 19, 1891.

J. H. BRYANT,  
*Acting P. C. C. N.*

Proposed by R. J. Ward.

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AN ACT to comply with the requirements of the act of Congress, approved March 3, 1891, making an appropriation to compensate the Choctaws and Chickasaws for their interest in the lands lying south of the Canadian River, now occupied under executive order by the Cheyenne and Arapahoe Indians.

Whereas an act of Congress was approved by the President of the United States on the third day of March, 1891, containing the following provisions: "And the sum of two million nine hundred and ninety-one thousand four hundred and fifty dollars be paid, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw nations of Indians for all of the right, title, interest, and claim which said nations of Indians may have in, and to certain lands now occupied by the Cheyenne and Arapahoe Indians, under executive order, said lands lying south of the Canadian River and now occupied by the said Cheyenne and Arapahoe Indians. Said lands having been ceded in trust by article three of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April 28, 1866, and proclaimed on the tenth day of August of the same year; and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain two million three hundred and ninety-three thousand one hundred and sixty acres, three-fourths of this appropriation to be paid to such person or persons as are, or shall be, duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are, or shall be, duly authorized by the laws of said Choctaw Nation to receive the same at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation, this appropriation to be immediately available and to become operative upon the execution, by the duly appointed delegates of said respective nations specially authorized thereto, by law of releases and conveyances to the United States of all the right, title, interest, and claim of said respective nations of Indians in and to said lands (not including Greer County, which is now in dispute), in manner and form satisfactory to the President of the United States, and said releases and conveyances when fully executed and delivered shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw nations of Indians in and

to the tract of country to which said releases and conveyances shall apply."

*Now, therefore, be it enacted by the legislature of the Chickasaw Nation, That Benjamin F. Byrd, treasurer of the Chickasaw Nation be, and he hereby is, authorized to receive, on behalf of the Chickasaw Nation, the sum of seven hundred and forty-seven thousand eight hundred and sixty-two dollars and fifty cents, being one-fourth part of the amount appropriated in said act of Congress to compensate the Choctaw and Chickasaw nations for their interest in the lands lying south of the Canadian River and now occupied, under executive order, by the Cheyenne and Arapahoe Indians; and said sum of seven hundred and forty-seven thousand eight hundred and sixty-two dollars and fifty cents is required to be paid to said Benjamin F. Byrd when he shall present to the Secretary of the Treasury his requisition in writing therefor, accompanied by a certified transcript of this act.*

SEC. 2. Be it further enacted, That Benjamin C. Burney and Overton Love be, and they are hereby, appointed delegates of the Chickasaw Nation, and are authorized and directed as such delegates to execute a release and conveyance to the United States of all right, title, interest, and claim of the Chickasaw Nation in and to said lands lying south of the Canadian River and now occupied, under executive order, by the said Cheyenne and Arapahoe Indians, and shall cause said release and conveyance executed as aforesaid to be delivered to the President of the United States, and in case of the death, resignation, or any other inability of either of said delegates to act as herein provided, the governor shall appoint and commission a proper person or persons to act as a delegate or delegates for and in behalf of the Chickasaw Nation, as provided in this act.

Approved April 1, 1891.

WM. S. BYRD,  
Governor.

I, M. V. Cheadle, national secretary of the Chickasaw Nation, do hereby certify that the above and foregoing is a true and correct copy of the original act now on file in my office. Given under my hand and seal of office this the 11th day of April, A. D. 1891.

[SEAL.]

M. V. CHEADLE,  
National Secretary of the Chickasaw Nation.

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Whereas the Congress of the United States did, on the 3rd day of March, A. D. 1891, make an appropriation of the sum of \$2,991,450 in favor of the Choctaw and Chickasaw nations of Indians for all their right, title and interest in certain lands west of the 98th degree west longitude and now occupied by the Cheyenne and Arapahoe tribes of Indians;

And whereas the attorneys and others employed in the prosecution of the claim by the commissioners appointed by the Choctaw Government have failed to procure the payment of said appropriation to the treasurer of the Chickasaw Nation, as required by the act of the general council of April, 1891;

And whereas it appears that contracts made by said commissioners with their attorneys have never been approved by the Interior Department, as required by the United States Statutes, thereby precluding said attorneys from being of any use to the Choctaw Nation in secur-

ing said appropriation; and it is believed that said attorneys with supposed contracts are an absolute hinderance to the prompt payment of said appropriation, thereby depriving the Choctaws of their just dues;

SECTION 1. *Therefore, be it further enacted by the general council of the Choctaw Nation*, That any and all contracts made by the Choctaw commissioners with any attorneys in connection with the appropriation of \$2,991,450, and not approved by the Department of the Interior, is hereby declared void and of no effect.

SEC. 2. That the principal chief of the Choctaw Nation and the national treasurer and the special delegate heretofore appointed be, and they are hereby, authorized and directed to proceed at once to Washington City, D. C., and make a formal demand for said money, and to this end they are authorized to procure such assistance and to take the necessary steps to procure said money before the first day of December, 1891, and they are further authorized to sign the necessary relinquishment to said lands west of 98 degrees west longitude now occupied by the Cheyenne and Arapahoe tribes of Indians.

SEC. 3. That all acts or parts of acts, resolutions, or parts of resolutions except the "disbursement bill, known as the per capita bill" of April, 1891, coming in conflict with this act are hereby repealed, and this act take effect and be in force from and after its passage.

Proposed by R. J. Ward.

Approved April 19, 1891.

J. H. BRYANT,  
*Acting Principal Chief, Choctaw Nation.*

This is to certify that the foregoing is a true and correct copy of the act of the general council of the Choctaw Nation now on file in my office.

Witness my hand and seal of the Choctaw Nation this the 21st day of October, A. D. 1891.

[SEAL.]

J. B. JACKSON,  
*National Secretary, Choctaw Nation.*