

University of Oklahoma College of Law

## University of Oklahoma College of Law Digital Commons

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

1-9-1873

**Letter from the Acting Secretary of the Interior, transmitting a petition of a citizen of the Chickasaw country, Indian Territory, praying for a charter to construct and operate a toll-bridge across Red River, on the line between said Chickasaw country and Grayson County, Texas.**

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

---

### Recommended Citation

H.R. Exec. Doc. No. 75, 42nd Congress, 3rd Sess. (1873)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [Law-LibraryDigitalCommons@ou.edu](mailto:Law-LibraryDigitalCommons@ou.edu).

TOLL-BRIDGE IN CHICKASAW COUNTRY.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

TRANSMITTING

*A petition of a citizen of the Chickasaw country, Indian Territory, praying for a charter to construct and operate a toll-bridge across Red River, on the line between said Chickasaw country and Grayson County, Texas.*

JANUARY 9, 1873.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 7, 1873.*

SIR: I have the honor to transmit herewith a copy of a letter, dated the 6th instant, from the Commissioner of Indian Affairs, together with the copy of a petition, therein referred to, addressed to Congress by B. F. Colbert, a citizen of the Chickasaw country, Indian Territory, praying for a charter to construct and operate a toll-bridge across Red River, on the line between said Chickasaw country and Grayson County, Texas.

The papers are respectfully laid before Congress for the action of that body.

Very respectfully, your obedient servant,

B. R. COWEN,  
*Acting Secretary.*

Hon. JAMES G. BLAINE,  
*Speaker House of Representatives.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., January 6, 1873.*

SIR: I have the honor to submit herewith a copy of a communication addressed to this Office under date of the 28th of December last, by Douglas Cooper, esq., transmitting a petition (copy also herewith) addressed to the Congress of the United States by B. F. Colbert, a citizen of the Chickasaw country, Indian Territory, praying for a charter to construct and operate a toll-bridge across Red River, on the line between the said Chickasaw country and Grayson County, State of Texas.

I respectfully recommend that the same be laid before Congress for its action.

Very respectfully, your obedient servant,

H. R. CLUM,  
*Acting Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

WASHINGTON, December 23, 1872.

SIR: I have to inclose the petition of Captain Benjamin F. Colbert, a Chickasaw Indian, residing in Panola County, Chickasaw Nation, on Red River, and the proprietor of "Colbert's Ferry," across said river.

As set forth in the petition, Captain Colbert is the owner of the land on both sides of the river where the ferry is now kept, and where a toll-bridge is to be erected. Captain Colbert has long kept a ferry over Red River, and is now willing and able to erect and keep a bridge for the accommodation of the public. It would seem, under the circumstances, he ought to be entitled to a charter in preference to any one else who may desire or propose to build a bridge at his ferry, or near enough to interfere with him. It is understood that some Texan parties desire to do so; but the State of Texas has no jurisdiction over the bed of Red River, inasmuch as the line of that State between it and the Choctaws and Chickasaws is the *south* bank of the river. This will appear by examining the treaties between the United States and Spain and Mexico, and the resolutions of Congress re-annexing Texas, in 1845. The bed of Red River belongs either to the Choctaws and Chickasaws or to the United States. It certainly does not belong to Texas.

If Red River were not a navigable stream there would be nothing to prevent Captain Colbert from putting up his bridge, as he is the riparian owner on both sides of the river, and the Chickasaw legislature might regulate the tolls as it has done those at the ferry for many years. But, under all the circumstances, it is desirable to obtain a charter for a toll-bridge, in favor of Captain B. F. Colbert, from Congress.

The Chickasaws having no Representative in Congress, and being the wards of the United States Government, look to the Indian Department to make known their wants, and hope to have the weight of its official influence in furtherance or in protection of their rights and interests before Congress, when a resort to it may be necessary.

It would seem that Congress has the right to grant the charter asked for, under the clause in the Constitution which confers upon it the right "to regulate commerce with foreign nations, between the States, and with the Indian tribes;" and I trust, sir, you will have the inclosed petition presented to Congress, and aid and assist Captain Colbert in obtaining the charter he desires. I ask this most respectfully, merely as his *friend*, and as a *Chickasaw*.

DOUGLAS H. COOPER.

Hon. F. A. WALKER,  
*Commissioner of Indian Affairs.*

*To the Congress of the United States:*

B. F. Colbert, a citizen of the Chickasaw Nation, Indian Territory, would respectfully represent to your honorable body, that he owns a ferry upon the Red River, on the line between Grayson County, Texas, and the said nation, and has owned and operated said ferry for near twenty years, and has had a charter (on the north bank of the river) from the Chickasaw Nation since October 8, 1859. And he further represents that he is the owner of the land on both banks of said river at the point indicated. That said ferry is located on the main traveled road leading from Fort Smith, Arkansas, and other points north, in the States of Missouri and Arkansas, through the Indian Territory to the State of Texas. He would represent that the amount of travel upon said road makes it a matter of public interest to have a more convenient mode of crossing said river. Wherefore he prays that your honorable body grant to him a charter for a toll-bridge across said river, at a point within three miles of said ferry, known as Colbert's Ferry, granting to him all of the privilege and protection usual in such charters.

Respectfully submitted.

B. F. COLBERT.

I hereby recommend that the charter herein prayed for may be granted, and I further indorse the representations and statements herein as correct and true.

CYRUS HARRIS,  
*Governor of the Chickasaw Nation.*

COLBERT'S FERRY,  
*Panola County, Chickasaw Nation, November 30, 1872.*