

1-30-1893

Removal of suits from courts of Indian tribes.

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



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

Recommended Citation

H.R. Rep. No. 2384, 52nd Cong., 2nd Sess. (1893)

This House Report 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 darinfox@ou.edu.

REMOVAL OF SUITS FROM COURTS OF INDIAN TRIBES.

JANUARY 30, 1893.—Referred to the House Calendar and ordered to be printed.

Mr. MANSUR, from the Committee on the Territories, submitted the following

REPORT:

[To accompany H. R. 9377.]

Your committee, to whom was referred the bill (H. R. 9377) entitled a bill to provide for the removal of suits from the courts of Indian tribes or nations in the Indian Territory in certain cases, and for other purposes, have had the same under consideration, and respectfully report as follows:

That in the act approved May 3, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes, it is provided in section 43 as follows:

That any member of any Indian tribe or nation residing in the Indian Territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States; * * * *Provided*, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy, or are entitled to as members of the tribe or nation to which they belong.

This proposal to the Indians of the five civilized tribes to become citizens of the United States was a departure in policy upon the part of the United States. It was done deliberately and as an inducement to the better class and better educated Indians to become American citizens with all the hopes, inspirations, and privileges belonging to that proud position; also, with the belief that those assuming American citizenship would be a leaven for political sentiment within the tribes, and a nucleus around which might rally all the influences within the Indian Territory that ardently look forward to the day of statehood for that region; also, to remove all fears of oppression we declare with all the solemnity of law that those Indians who become citizens of the United States "shall not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong."

So far as your committee are enabled to guess rather than judge, from uncertain information, probably a hundred Indians have availed themselves of the privileges of said section 43 and become American citizens, only, as your committee are forced to believe, in many cases to draw upon themselves the indignation, contempt, and hatred of their fellow Indians.

The entire Indian policy of Congress in latter years has been changed and overturned. Since 1871 we make no treaties with Indian tribes, only bargains and agreements. Since the passage of the Dawes allot-

ment act of February 8, 1887, every influence and inducement the Government could urge or offer has been held out to bring the Indians of the United States to an allotment and citizenship, for from the report of the Indian Commissioner for 1892 we find that so far under the Dawes act 15,482 allotments have been made; under special acts, 4,550, and 1,242 made to Indians outside of Indian reservations, a total to date of 21,274 allotments, all made within the past six years.

Your committee are assured, in many ways, that if this bill becomes a law many hundred Indians now contemplating citizenship, but who are withheld from doing so because of their belief that without this law their property, if not their lives, are at the mercy of their enemies the moment they become American citizens, will avail themselves of the protection provided by the change of venue from the Indian courts to the courts of the United States, and at once become American citizens and aid in the forward movement to make a State out of their Territory.

To the hundred, more or less, who have already become American citizens, their present condition, without the relief this bill carries with it, are in a worse condition financially than before they became citizens.

In the language of the Indian Commissioner (see appendix), "Since it appears that parties who have become citizens under the law above referred to (section 43) have thereby prejudiced the authorities and people of their nation against them so as to seriously threaten an infringement of their rights of property therein, it seems to me incumbent upon this Government to provide some remedy for them;" to which your committee add that the honor and dignity of this Government demands a remedy be applied.

To ask and invite these Indians to become citizens, or to promise if they do so they shall lose no right or privilege, and then, after the invitation to citizenship is accepted, we shall abandon them to the tender mercy of the enemies they have made by their acceptance of our invitation, is poltroonery of a character an American Congress will never be guilty of, after their attention has been called to their condition.

It is an undoubted fact, known to all well-informed persons upon conditions existant in the Indian Territory, that white men, with but a trace of Indian blood, are in the control and domination of the five civilized tribes. Parading as Indians they make their laws and furnish their rulers, and on all occasions inculcate hostility to the Federal Union, its laws, and its citizens. Instead of being proud of their white blood, and hailing the hour with joy when they may become American citizens, they denounce American ideas and our Government as hostile to their people, and boldly proclaim all legislation proposed by this Government for their region, looking to their ultimate absorption as citizens, with statehood as the glorious end, a sham and a myth, and inspired solely as a means to rob them of their lands and property.

These sham Indians are to-day the greatest obstacle in the way of the development and statehood for their Territory. By a law of Congress this condition ought to be exploded and brought to an end. Let Congress declare by law who an Indian is—what constitutes one—and say that when a person, male or female, has less than one-fourth Indian blood in his or her veins he or she ceases to be an Indian, and is *ipso facto* a white person, incapable of holding office or possessed of any tribal rights other than to inherit his or her share of the joint property, real or otherwise, of the nation; and the farce of white Indians and white tribes would end and cease. So long as present conditions are

perpetuated their white rulers to perpetuate their own power and rule, with attending opportunities to accumulate wealth, will be found arrayed in hostility to all legislation proposed or enacted by Congress for their region.

The bill deals with property rights alone—nothing else is within its compass. It provides simply a change of venue from the Indian, or tribal court, to the naturalized Indian who has become an American citizen, upon his showing, under oath, that he has reason to believe, and does believe, that from prejudice or local influence he can not obtain justice in the Indian court on account of having taken the oath of allegiance to the United States.

The attention of Congress is called to the various papers published as an addenda to this report for the necessary evidence to support the bill, if any is needed.

It will be seen the bill has the approval of the Assistant Attorney-General for the Department of the Interior, also of the Secretary of the Interior, and that in fact the bill was there prepared as the remedy for the evil complained of.

Your committee therefore recommend that the bill do pass.

EXHIBIT A.

SOUTH McALESTER, IND. T.,

March 23, 1892.

To the Department of the Interior, Washington, D. C.:

Comes now your complainant, Fritz Sittel, a Choctaw Indian by marriage, who has resided in the Choctaw Nation twenty years, and Malvina Sittel, his wife, a Choctaw Indian by blood, and most respectfully beg leave to present to your honor the following statement of their grievances:

In the year 1870 or 1871 one R. S. McCarty purchased of one Martin Kutchubbu (both being Choctaw Indians) a farm situate one and one-half miles south of McAlister, at a point on the Missouri, Kansas, and Texas R. R., known as Rock Cut or Deep Cut, in Tobuxey County, Choctaw Nation, in the Indian Territory.

That at the time of the said purchase of said above-described farm by the said R. S. McCarty there was no improvements within two miles west of the exterior improvements on the west side of said farm, and that the said R. S. McCarty owned and controlled the 440 yards limits on the west of the western exterior boundaries of said farm under and by virtue of the laws Choctaw Nation. See sec. 1, page 191, of the Choctaw Laws of 1887.

That the said R. S. McCarty had the said farm well improved, and occupied the same continuously and without molestation until the 21st day of July, A. D. 1885, when he and his wife, for a valuable consideration, deeded said farm to your complainant, Fritz Sittel; that at the time of making and delivering said deed there were no improvements or claim by anyone other than R. S. McCarty on said 440 yards limits to said farm, but that it was understood by all parties to the transaction to be a part and parcel of said farm.

That the west 440 yards limits extended yards west of the Missouri, Kansas and Texas R. R.

That said farm has continuously been in a condition to produce an income each year aside from the timber or natural products of the land.

That in the year 1889 your complainant, Fritz Sittel, by great labor, exertion, and expense, caused to be built across said farm and the 440 yards limits above described, what is known as the Choctaw Coal and Railway Company R. R., which runs from a point on the Frisco R. R. in the Choctaw Nation, known as Wrister Junction, extending about 65 miles west and across the Missouri, Kansas and Texas R. R., on the limits of the said above-described farm belonging to your complainants.

That by your complainants' permission and instigation, a part of the town of South McAlister was built upon the 440 yards limits to their said farm, in which said town your complainants have large and valuable improvements.

That in the year 1883, one Henry Trout, a Choctaw Indian by marriage, commenced to make improvements one-half mile or more west of the western exterior improve-

ments of the farm of your complainants, then owned by the said R. S. McCarty, and occupied by him or his tenant.

That after the purchase of the said farm by your complainants, as aforesaid, the said Henry Trout extended his improvements eastward, and when he was approaching the limits of their said farm above described, they gave him notice and forbade him entering upon their said limits to make any improvements; but that the said Henry Trout, disregarding said notice and claim of your complainants, trespassed upon said limits, and without the consent of your complainants and against their will sold a portion of the said limits, and deeded the same to one T. J. Phillips, who has, against the will and consent of your complainants, entered upon such portion of said limits and has sold a large portion of the same to noncitizens for town lots.

That on the — day of —, 1891, the said Henry Trout and Minnie Trout, his wife, at the instigation of noncitizens, instituted a suit against your complainants, Fritz Sittel and Malvina Sittel, in the district court of the Choctaw Nation, asking that they be awarded the 440 yards limits from their east limits of their improvements, which embraces a large portion of the limits of your complainants, as above described, and upon which they, your complainants, have valuable improvements, and also asking for five thousand (\$5,000) dollars damages, claimed to be sustained by them.

That the said cause was tried at the May, 1891, term of said court, by a jury composed of Choctaw Indians.

That your complainants, in their defense of said cause, presented testimony good and sufficient to establish the above-stated facts, and that they, these complainants, are the lawful owners of said limits, and that they, the said Trouts, were in no way entitled to any portion of said limits; but, owing to the fact that your complainant, Fritz Sittel, had, on the 4th day of September, 1890, taken the oath of allegiance to the United States Government, and because of the prejudice existing in the minds of the said jurors, and the Choctaw Indians, generally, against a citizen having taken the oath of allegiance, and because of the statements made to said jury by council for Henry Trout and Minnie Trout, to wit: "That he, Fritz Sittel, had taken the oath of allegiance to the United States, and was no longer a citizen of the Choctaw Nation, and had no rights as an Indian in their courts, and that he, being a citizen of the United States, he must look to them for protection; that it was a contest between an Indian and a railroad Co.;" accusing him, Fritz Sittel, of being a railroad man and like arguments, by reason of said prejudice brought to bear upon the minds of the jury, and by the promise of money to one or more of the jurors as a reward for a verdict in favor of them, the said Henry Trout and Minnie Trout, and against your complainants, they, the jury, brought in a verdict in favor of the said Henry Trout and Minnie Trout, and against your complainants, Fritz Sittel and Malvina Sittel, awarding them, the said Trouts, even 100 yards more than the said 440 yards limits asked for by the said Henry and Minnie Trout, and for four thousand (\$4,000.00) dollars damages against Fritz Sittel without the finding, assessment, or intervention of three discreet persons residents of the county as is provided for by law. (See Choctaw law, par. 2, sec. 1, page 191. Laws of 1887.)

Your complainants appealed said cause to the supreme court of the Choctaw Nation, hoping to receive that justice at their hands which the law and the testimony vouchsafed to them, but they encountered there the same prejudice to contend with, and also the same arguments were used with like effect, with the assistance of the national attorney, Coleman E. Nelson, who, for a valuable consideration paid to him by the said Henry Trout, made statements in favor of the said Henry Trout and Minnie Trout, and very damaging to your complainants, at the same time representing to the court that he was not appearing for either party, but for the nation. And your complainants would further show to your honor that the sheriff of Tobuxey County, to satisfy the judgment for damages aforesaid, sold all the separate property of Malvina Sittel, one of your complainants herein, and deeded the same to the purchasers thereof, claiming to sell and deed only the interest of her co-complainant, thus placing a cloud upon her title in her said property.

Your complainants further state that the United States court, sitting in and for the second judicial division of the Indian Territory, refuses to take cognizance of this class of cases.

Therefore, your complainants, who have been promised by the United States Government that they should not lose any of their rights or privileges as Indians by reason of having taken the oath of allegiance, and feeling that they have been wrongfully treated and robbed of their property to their damage in the sum of twenty to twenty-five thousand dollars. Therefore they would humbly ask that you issue an order staying all proceedings by the Choctaw authorities, or anyone acting under them, until a hearing can be had by your department, and that you cause this matter to be fully investigated, and render into these, your complainants, that justice and equity to which you in your wisdom may find them entitled.

Comes now, Fritz Sittel, and, after being duly sworn, upon his oath, says that he is one of the complainants above named, and that he has carefully read the above statements, and that they are true in substance and in fact.

FRITZ SITTEL.

Subscribed and sworn to before me this 23rd day of March, A. D. 1892.

[SEAL.]

WILLIAM NOBLE,
United States Commissioner.

EXHIBIT B.

OFFICE OF WILSON, MOORE & WILSON, ATTORNEYS AT LAW,
South McAlester, Ind. Ter., March 24, 1892.

DEAR SIR: You being a member of the Committee on Indian Affairs, we take the liberty to present some of the papers in a case which has passed through the Indian courts, and a statement of the facts in said cause (which we are fully prepared to verify), in the form of a petition, which we think on examination you will readily conclude to be worthy of the consideration of the Department.

The policy of the Government, if we mistake not, in the management of the Indian affairs, is to encourage civilization, self-dependence, and good citizenship, and hasten on the happy condition of things when all the civil tribes shall become subjects and citizens of the United States Government and the Indian Territory shall be brought into the Union as a State. Hence in the act providing temporary government for the Territory of Oklahoma and to enlarge the jurisdiction of the U. S. court in the Indian Territory, and for other purposes, is "provided that Indians who become citizens of the United States do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong" (see provision in sec. 43 of said act), and we take it that the Government has the power to throw the mantle of protection where it has, in good faith, promised it, and it is in as good faith sought.

The petitioner, Fritz Littel, is a young man who has been raised in the Territory, a man of good moral character, and of good native ability and persistent energy, who has done more than any other man in the nation toward developing the natural resources of the country, in the discovery and development of a number of mines from which the nation is receiving large revenues, and has been the means of and instigation of many enterprises and industries. He, therefore, has the right to expect better treatment of the nation than he is receiving.

He, therefore, asks the protection of the United States Government, which has been promised him in the premises.

We, therefore, respectfully submit the matter to you, and ask you to use your own good judgment and pursue the best course to bring this matter to a speedy investigation, as we know the facts will warrant the Government in lending its protecting hand to the petitioner's assistance.

Hoping this will meet with your approbation, we are, most respectfully,

WILSON, MOORE & WILSON.

HON. CHARLES H. MANSUR,
Washington, D. C.

EXHIBIT C.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 21, 1892.

SIR: I have the honor to acknowledge the receipt of your communication of April 1, 1892, transmitting a petition and other papers from one Fritz Sittel, a citizen of the Choctaw Nation, who claimed to own certain improvements in said nation at South McAlester; that suit was brought in the Choctaw courts against him by one Henry Trout, who is also a citizen of the nation, for the recovery of said improvements and damages claimed by said Trout to have been done his property lying contiguously to the improvements claimed by Sittel; that on account of the prejudice existing in the nation against Mr. Sittel, by reason of the fact of his having become a citizen of the United States, under the provisions of section 43 of the act of May 2, 1890 (26 Stats., 81, 99), the jury decided in favor of Trout, and contrary to evidence; that the supreme court of the nation confirmed the judgement of the court below; and that by these judgements Mr. Sittel's property to the value of about \$25,000 was confiscated to the use and benefit of Mr. Trout.

In reply thereto I transmit herewith copy of a communication from the Commis-

sioner of Indian Affairs, to whom the matter was referred, wherein he holds that this Department has no power to interfere with the administration of the laws of the Choctaw Nation, unless said laws are shown to be contrary to the Constitution of the United States, and the relief for the people whose rights are being infringed and how that relief shall be given is for Congress to determine.

I inclose herewith copy of an opinion of the Assistant Attorney-General for this Department on the subject, in which he concurs in the views of the Commissioner of Indian Affairs.

I also inclose herewith draft of a bill to provide for the removal of suits from the courts of the Indian tribes or nations in the Indian Territory in certain cases and for other purposes, to remedy the evil complained of, which I hope will receive early and favorable consideration by Congress.

I have also this day addressed a letter to the chairman of the Senate Committee on Indian Affairs calling his attention to this matter and inclosing draft of said bill.

The inclosures of your letter are herewith returned.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

Hon. C. H. MANSUR,
House of Representatives.

EXHIBIT D.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 12, 1892.

SIR: I have the honor to acknowledge the receipt, by Department reference, of a letter of April 1, 1892, from Hon. C. H. Mansur, transmitting, with request for information thereon, a petition and other papers from one Fritz Sittel, a citizen of the Choctaw Nation, from which it appears that Mr. Sittel claimed to own certain improvements in the said Choctaw Nation, at South McAlester; that suit was brought in the Choctaw courts against him by one Henry Trout (or Troth), who is also a citizen of the nation, for the recovery of said improvements and damages claimed by said Trout to have been done his (Trout's) property lying contiguously to the improvements claimed by Mr. Sittel; that on account of the prejudice existing in the nation against Mr. Sittel, by reason of the fact of his having become a citizen of the United States, under the provisions of section 43 of the act of May 2, 1890 (26 Stats., 81, 99), the jury decided in favor of Trout, and contrary to evidence; that in the trial stress was laid by the attorneys for Trout upon the fact that Sittel was a citizen of the United States, and it was claimed he no longer had rights in the Choctaw Nation as a citizen thereof; that the supreme court of the nation, before which similar arguments were advanced against Mr. Sittel's citizenship in the Choctaw Nation, confirmed the judgment of the court below; and that by these judgments Mr. Sittel's property to the value of about \$25,000 was confiscated to the use and benefit of Mr. Trout.

In reply, I have to say that inasmuch as all the parties to this controversy are citizens of the Choctaw Nation, and as the rights claimed by Mr. Sittel are alleged to be guaranteed to him by the laws of that nation, no tribunal or Department of the United States Government has jurisdiction to investigate and adjudicate the matter. If Mr. Sittel has any remedy under existing law, it is only such as is afforded by the proper institutions of the Choctaw national government.

By section 43 of the act above referred to, Congress gave jurisdiction to the United States court for the Indian Territory to naturalize any member of any Indian tribe or nation in said Territory, and declared that "the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong," but it provided no tribunal through which the tribes and nations could be compelled to recognize those rights and privileges should they see proper to deny them to persons becoming citizens under this law.

This Department has no power to interfere with the administration of the laws of the Choctaw Nation, unless the said laws are shown to be contrary to the Constitution of the United States and the laws enacted thereunder relating to trade and intercourse with the Indian tribes, nor can it control or direct the decisions of the courts of that nation. At the same time the courts of the United States have no jurisdiction over civil controversies wherein citizens of the Choctaw Nation are the only parties. So it would appear that while the United States invites the Indians in the Indian Territory to become citizens, and promises that their rights and privileges as members of their respective tribes or nations shall be preserved to them, those rights and privileges may be denied and they may be persecuted by the local

governments, because they have accepted the invitation and become citizens, and there is no relief that can be given them by the executive branch of the Government. They must appeal to Congress for such remedy as it sees proper to give.

Since it appears that parties who have become citizens under the law above referred to have thereby prejudiced the authorities and people of their nation against them, so as to seriously threaten an infringement of their rights of property therein, it seems to me incumbent upon this Government to provide some remedy for them; but the questions of the expediency of providing a relief for the people whose rights are being infringed, and of how that relief shall be given, are for Congress to determine, after careful consideration of the rights guaranteed to these Indian tribes of self-government in their various treaties.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT E.

DEPARTMENT OF THE INTERIOR,
ASSISTANT ATTORNEY GENERAL'S OFFICE,
Washington, June 14, 1892.

SIR: By reference from the honorable First Assistant Secretary, dated the 14th instant, was received a communication from the Commissioner of Indian Affairs, dated the 12th instant, to whom was referred a letter from Hon. C. H. Mansur, transmitting, for information, a petition and accompanying papers from one Fritz Sittel, a citizen of the Choctaw Nation by marriage, relative to a suit brought against him in the courts of the Choctaw Nation, Indian Territory, by one Henry Trout, for the recovery of certain improvements and damages.

Mr. Sittel alleges that a verdict was found against him by the jury, on account of prejudice against him by reason of his having become a citizen of the United States, under the provisions of section 43 of the act of Congress approved May 2, 1890 (26 Stat., 81-99); that said judgment was affirmed by the supreme court of the Choctaw Nation, and that upon application to the United States court for that district it refused to take jurisdiction in such cases, and he asks that this Department shall interpose a stay of proceedings, and afford him such relief as he is entitled to in the premises, by reason of the guaranty in said section that "the Indians who become citizens of the United States, under the provisions of this act, do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong."

The Commissioner of Indian Affairs, to whom said papers were referred, expresses the opinion that this Department has no authority to interfere with the administration of the laws of the Choctaw Nation, unless they appear to be contrary to the Constitution of the United States and the laws enacted thereunder relating to trade and intercourse with the Indian tribes, nor can it control or direct the decisions of the courts of that nation.

By said reference I am asked for "an expression of opinion on the matter herein presented." I think the Commissioner of Indian Affairs is undoubtedly correct in his view relative to the power of this Department over the decisions of the courts of the Choctaw Nation. Of course, any decision or law contrary to the laws of the United States would have no binding force upon this Department. But the papers presented do not show that any judgment was made that Mr. Sittel had lost any right by reason of having taken the oath of allegiance to the United States under said section 43, and there is no provision of law authorizing an appeal or writ of error from the decision of the supreme court of said nation to any court of the United States. In my judgment, some legislation should be enacted by Congress by which any Indian who has taken the oath of allegiance to the United States, may bring suit against another Indian in the United States court established for the Indian Territory by act of Congress approved March 1, 1889 (25 Stat., 783), or, if sued in the Indian courts, may have the suit removed to said United States court upon making proper showing that he can not secure a fair trial on account of prejudice because he has taken the oath of allegiance under said section 43.

Upon the papers presented, I am of opinion, and so advise you, that no case is presented for the action of this Department.

The papers submitted are herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

EXHIBIT F.

CHOCTAW NATION, *1st Jud. Dist.* :

HENRY TROUT AND MINNIE TROUT }
vs. }
 MELVINA SITTEL AND FRITZ SITTEL. }

We, the jury duly empaneled and sworn to try the above-entitled cause, find for the plaintiffs that they are entitled to the legal limits from the exterior boundaries of their improvements as claimed in their petition, and assess their damages at (\$4,000.00) four thousand dollars.

EDWARD LANIER,
Foreman.

Dated the 20th day of May, 1891.

I hereby certify that the foregoing statement is a true and correct copy of the original now on record in this office.

Witness my hand and official seal this 4th day of August, 1891.

[SEAL.]

H. C. HARRISON.

EXHIBIT G.

INDIAN TERRITORY, *Second Judicial Division* :

William S. Folsom, after being duly sworn, upon his oath says that he is a Choctaw Indian by blood and a citizen of the Choctaw Nation; that he is 37 years of age; that he is acquainted with Fritz Sittel, one of the defendants in the case of Minnie Trout and Henry Trout *vs.* Fritz Sittel and Malvina Sittel; that he was attending the trial of the said cause at the May, 1891, term of the district court of the first judicial district of the Choctaw Nation; that the attorneys for the plaintiff in the said cause argued to the court and jury; that the defendant, Fritz Sittel, had taken the oath of allegiance to the United States; that the Choctaw Nation and the citizens and the jury were not indebted to him, the said Sittel; that he, the said Sittel, was not entitled to anything at their, the jury's, hand, as he had left them and united himself by taking the oath of allegiance to the United States.

That the prejudice in the minds of the Choctaw people against anyone taking the oath of allegiance to the United States is such as will prevent a citizen who has taken the oath of allegiance that such person can not get justice at the hands of an Indian court or jury.

That he, this affiant, believes that the defendants, by reason of the prejudice excited by the plaintiffs in the trial of said cause, by the reasons aforesaid, were defeated of their rights.

W. S. FOLSOM.

Subscribed and sworn to before me this 8th day of December, 1891.

[SEAL.]

WM. NOBLE,
Notary Public.

EXHIBIT H.

INDIAN TERRITORY, *Second Judicial Division* :

Comes now Judge Mitchell Harrison, and after being duly sworn, upon his oath says that he is the judge of first judicial district, Choctaw Nation, and sat as judge at the trial of the cause wherein Henry Trout and Minnie Trout were plaintiffs and Fritz Sittel and Malvina Sittel were defendants.

That if the prejudice against the Choctaw Coal and Railway Company and against Fritz Sittel for having taken the oath of allegiance had been kept from the jury the jury would have without doubt decided in favor of the said Sittels, the defendants.

MITCHELL HARRISON.

Subscribed and sworn to before me this 26th day of October, 1891.

[SEAL.]

R. L. SCHEIG,
Notary Public.

EXHIBIT I.

INDIAN TERRITORY, *Second Judicial Division, ss:*

Solomon H. Mackey, after being duly sworn, upon his oath says that he is a citizen of the Choctaw Nation by blood and about 37 years, and is at this time a United States Indian policeman. That he is generally acquainted with the Choctaw people generally, and knows how they feel towards citizens who have taken the oath of allegiance to the United States. That they are very much prejudiced against any citizen who has taken the oath of allegiance to the United States. That it would be very hard for such a citizen to get his dues before a jury of Choctaw people if they were apprised of the fact or knew he had taken the oath of allegiance.

That the Choctaw people are generally prejudiced against Fritz Sittel, one of the defendants in the case of Trouts *vs.* Sittels, lately tried in the Indian courts in the Choctaw Nation, on account of his having taken the oath of allegiance. That he knows this, the above fact, of his own personal knowledge.

SOLOMON H. MACKEY.

Subscribed and sworn to before me this 27th day of November, 1891.

T. N. FOSTER,
United States Commissioner

EXHIBIT K.

[Postal card.]

SOUTH CANADIAN, *November 22, 1891.*

SIR: Do not care to have anything more to do with the matter, as I am too loyal to my country to kick, even if they are wrong.

S. E. LEWIS.

Mr. O. S. MOORE.

H. Rep. 2384—2

○