

6-8-1896

Chickasaw Nation

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IN THE SENATE OF THE UNITED STATES.

JUNE 8, 1896.—Laid on the table and ordered to be printed.

The VICE-PRESIDENT presented the following

LETTER OF THE SECRETARY OF THE INTERIOR, TRANSMITTING AN APPLICATION OF THE CHICKASAW NATION FOR THE WITHDRAWAL OF \$100,000 OF THEIR TRUST FUNDS TO BE PLACED TO THE CREDIT OF THE NATION WITH ASSISTANT TREASURER OF THE UNITED STATES AT ST. LOUIS, MO., SUBJECT TO THE ORDER OF THE TREASURER OF THE NATION, FOR THE PAYMENT OF NATIONAL WARRANTS ISSUED BY THE AUDITOR OF PUBLIC ACCOUNTS OF THE NATION.

DEPARTMENT OF THE INTERIOR,
Washington, June 8, 1896.

SIR: I have the honor to transmit herewith an application of the Chickasaw Nation, through their delegates, for the withdrawal of \$100,000 of their trust funds, to be placed to the credit of the nation with the assistant treasurer of the United States at St. Louis, Mo., subject to the order of the treasurer of the nation, for the payment of national warrants issued by the auditor of public accounts of the nation.

The trust fund referred to is shown by the accompanying correspondence to have been created under the provisions of the treaties of 1832 and 1834 with the Chickasaws (7 Stat. L., 381 and 450), and is subject to withdrawal with the consent of the President of the United States and the Senate.

The matter has been submitted to the President, and I am in receipt this day of the papers bearing the following indorsement:

EXECUTIVE MANSION, *June 8, 1896.*

I hereby consent to the withdrawal by the Chickasaw tribe of Indians of the sum of \$100,000 from the trust funds of said tribe now in the Treasury of the United States, pursuant to Article XI of the treaty with said tribe, entered into and dated October 20, 1832, said money to be deposited with the assistant treasurer of the United States, subject to the draft of the treasurer of said tribe.

GROVER CLEVELAND.

The matter is submitted with request for early and favorable action by the Senate.

Very respectfully,

HOKE SMITH, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, June 4, 1896.

The PRESIDENT:

By an act of the Chickasaw national legislature, approved February 5, 1896, a delegation of three competent persons, composed of citizens of the nation, was authorized to proceed to this city during the present session of Congress, "with full power and authority to withdraw from the Treasury of the United States the sum of \$70,000" (afterwards, by the same act, increased to \$100,000) from their invested funds, known as the Chickasaw national fund, to be placed to the credit of the nation with the assistant treasurer of the United States at St. Louis, Mo., subject to the order of the treasurer of the nation, for the payment of national warrants issued by the auditor of public accounts of the nation.

In pursuance of the aforesaid legislative enactment a petition has been presented by the delegates of the nation requesting that \$100,000 of the trust fund referred to be withdrawn and placed to the credit of the nation, as provided for in the act cited.

The trust fund referred to was created under the provisions of the treaties of 1832 and 1834 with the Chickasaws (7 Stat. L., 381 and 450), Article XI of each of these treaties providing for the investment "in safe and valuable stocks" of certain moneys to be derived from the sale of lands ceded to the United States by other articles of the same treaties.

Article XI of the treaty of 1832 (7 Stat. L., 385), also provides that:

At the expiration of fifty years from this date, if the Chickasaw nation shall have improved in education and civilization, and become so enlightened as to be capable of managing so large a sum of money to advantage, and with safety, for the benefits of the nation, and the President of the United States, with the Senate, shall be satisfied thereof, at that time, and shall give their consent thereto, the Chickasaw nation may then withdraw the whole, or any part of the fund now set apart, to be laid out in stock, or at interest, and dispose of the same in any manner that they may think proper at that time, for the use and benefit of the whole nation, but no part of said fund shall ever be used for any other purpose than the benefit of the whole Chickasaw nation. * * *

The fund in question aggregates \$1,306,695.66, with an annual interest of \$65,334.78. Besides this they have an item of \$3,000 in perpetuity, arising under the treaty or agreement of July 15, 1794 (1 Stat. L., 619), their entire income from these sources therefore amounting to \$68,334.78.

Another source of income stated by the treasurer of the nation appears to be from fees from "licenses and permits." These fees have varied greatly in the past few years, decreasing from \$57,760.58 in 1892 to \$27,805.75 in 1895, while in 1894 they were only \$20,272.31. The heavy falling off in the receipts from this source is stated to be "owing to the refusals to pay on account of the agitation of opening the country."

Without being able to verify this statement, a large decrease in this respect appears evident.

Much dependence seems to have been placed upon these fees as an aid in defraying the expenses of the national government and the schools, and the deficiency in the national treasury is largely attributed to the decreased and decreasing receipts from these sources in the past few years.

The specific uses which it is proposed to make of the fund to be withdrawn is the payment of outstanding indebtedness represented by warrants issued under authority of the legislature in the settlement of expenses incurred for national, school, and other purposes.

From a statement prepared by the treasurer of the nation it appears

that there was an indebtedness of this character outstanding on January 1 last of \$60,870.77, of which \$21,185.52 is on account of school expenses. It is also represented that a further indebtedness of some \$40,000 on the latter account would arise in February (last) and June next, making a total of national warrants issued and to be issued of something over \$100,000.

There are five academies or boarding schools, besides "neighborhood" schools (day), being conducted by the Chickasaws, which accommodate an average of about 60 pupils each. While the expense of conducting these schools is not shown in the data submitted to the Department, yet it is stated that there will be \$6,375 due on July 1 next for conducting the "Chickasaw Orphan Home and Manual Labor School" which, as the others appear to be also, is carried on by contract. Doubtless a corresponding or proportionate indebtedness exists in the cases of the other schools.

The facts herein presented seem to indicate that some relief is essential to enable the Chickasaw authorities to meet the large and apparently growing indebtedness of their nation, if the national schools are to be continued and the educational facilities now afforded their children maintained upon the present scale.

The subject is respectfully submitted for your consideration and action, under the provisions of the treaty of 1832.

If you should be pleased to take a favorable view of the petition presented, it is respectfully recommended that all the papers in the case be forwarded to the Senate, for the necessary action of that body.

I inclose for your information copies of the act of the legislature, and of letters from the Commissioner of Indian Affairs, dated, respectively, March 9 and April 21, 1896, on the subject; also the petition of the delegates; statements of the treasurer of the nation; a letter from Rev. W. S. Derrick, principal of the Chickasaw Orphan Home and Manual Labor School, and a draft or form of proposed amendment, prepared in the Office of Indian Affairs, intended to meet the requirements of the case.

Very respectfully,

HOKE SMITH, *Secretary.*

EXECUTIVE MANSION,
January 8, 1896.

I hereby consent to the withdrawal by the Chickasaw tribe of Indians of the sum of \$100,000 from the trust funds of said tribe now in the Treasury of the United States, pursuant to Article XI of the treaty with said tribe, entered into and dated October 20, 1832. Said moneys to be deposited with the assistant treasurer of the United States, subject to the drafts of the treasurer of said tribe.

GROVER CLEVELAND.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 9, 1896.

SIR: I have the honor to inclose herewith (in duplicate) copy of an act of the legislature of the Chickasaw Nation, creating delegates to visit Washington, D. C., during the present session of Congress, to withdraw the sum of \$100,000 of the uninvested funds of the said nation, to liquidate the outstanding indebtedness of the nation, and for other purposes, approved February 5, 1896.

This act provides that the above sum shall be taken from their uninvested trust fund in the United States Treasury, amounting to \$1,306,695.66, and placed to the credit of their national treasurer, with the assistant treasurer of the United States, at St. Louis, Mo., to be checked out by the said national treasurer, in payment of all warrants issued by the Chickasaw auditor of public accounts that are outstanding and remain unpaid; and should there be a surplus, after all of said warrants have been paid, remaining in the subtreasury, the same shall remain there subject to the future disposal of the regular session of the legislature of the Chickasaw Nation. It is claimed by the Chickasaw delegates that the Chickasaw Nation is in debt and greatly in need of financial assistance, but relief can not be afforded the nation without the sanction of Congress.

Article XI of the treaty with the Chickasaw Nation, proclaimed March 1, 1833 (7 Stat. L., 385), provides for a trust fund from the proceeds of sale of their lands, and recites:

* * * At the expiration of fifty years from this date, if the Chickasaw Nation shall have improved in education and civilization, and become so enlightened as to be capable of managing so large a sum of money to advantage, and with safety, for the benefit of the nation, and the President of the United States, with the Senate, shall be satisfied thereof at that time, and shall give their consent thereto, the Chickasaw Nation may then withdraw the whole or any part of the fund now set apart, to be laid out in stocks, or at interest, and dispose of the same in any manner that they may think proper at that time, for the use and benefit of the whole nation; but no part of said fund shall ever be used for any other purpose than the benefit of the whole Chickasaw Nation.

In order that the necessary authority may be obtained for the withdrawal of this sum from the Treasury, I submit herewith a form of a proposed amendment to the Indian appropriation bill for the next fiscal year, authorizing the Secretary of the Treasury to place the sum of \$100,000 to the credit of the nation, with the recommendation that the same be forwarded to the Senate for consideration in connection with the Indian bill now before that body.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Proposed amendment to the bill making appropriation for the Indian Service for the fiscal year ending June 30, 1897.

Insert on page 11, after line 19, the following:

"And the Secretary of the Treasury is hereby authorized and directed to place to the credit of the national treasurer of the Chickasaw Nation, with the assistant treasurer of the United States at St. Louis, Missouri, the sum of one hundred thousand dollars of the Chickasaw national trust funds on deposit to the credit of the Chickasaw Nation in the United States Treasury, the same to be immediately available."

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 21, 1896.

SIR: I have the honor to be in receipt, by your reference of the 16th instant for consideration and report, of a petition of the delegates of the Chickasaw Nation addressed to the President of the United States and to the United States Senate, in reference to the withdrawal from the United States Treasury of the sum of \$100,000 of the Chickasaw trust funds. The delegates state that by virtue of the authority in them

vested by an act of the legislature of the Chickasaw Nation, approved February 5, 1896 (a certified copy of which is on file in the Indian Office), they respectfully ask that \$100,000 of the trust fund of said nation may be withdrawn and placed in the subtreasury of the United States at St. Louis, Mo., to their credit, for the following reasons:

They state that, in order to maintain the schools of the Chickasaw Nation at their full capacity, by act of the legislature of the Chickasaw Nation all the semiannual interest due them for interest on their trust funds has been set aside for school purposes exclusively, and can not be used for any other purpose; that in consequence of the failure and refusal of the many white people domiciled in their country to pay the tax to their government known as the "permit tax," their revenues have not been sufficient to pay the current expenses of their government without encroaching upon their school fund, which they do not want or intend to do. For these reasons the legislature of the nation, as above stated, authorizes and directs them to make this request; the said sum of \$100,000, as provided in said act, to be placed in the subtreasury of the United States at St. Louis, Mo., for the purpose of paying the outstanding unpaid warrants of said nation; the surplus, if any, to be drawn out only in pursuance of an act of the Chickasaw legislature; and that this petition is made as provided in the eleventh article of the treaty of 1832 (proclaimed March 1, 1833) between the United States and the Chickasaw Nation of Indians. The article referred to reads as follows (7 Stat. L., 385):

* * * At the expiration of fifty years from this date, if the Chickasaw Nation shall have improved in education and civilization and become so enlightened as to be capable of managing so large a sum of money to advantage, and with safety, for the benefit of the nation, and the President of the United States, with the Senate, shall be satisfied thereof at that time, and shall give their consent thereto, the Chickasaw Nation may then withdraw the whole or any part of the fund now set apart, to be laid out in stocks or at interest, and dispose of the same in any manner that they may think proper at that time, for the use and benefit of the whole nation; but no part of said fund shall ever be used for any other purpose than the benefit of the whole Chickasaw Nation.

The trust fund of the Chickasaw Nation on deposit in the United States Treasury amounts to the sum of \$1,366,695.66, and is drawing interest at 5 per cent per annum.

I inclose herewith a copy of a letter addressed to the governor of the Chickasaw Nation, dated January 1, 1896, being a report of registration of all outstanding warrants, in compliance with the late law (of the Chickasaw Nation) requiring registration and report in sixty days, amounting to \$60,870.77, and estimated amount appropriated for schools, warrants for which "will be issued in February and June, 1896," amounting to about \$40,000, aggregating \$100,000 indebtedness.

The above letter is from C. J. Grant, treasurer Chickasaw Nation, and I inclose another letter from him in reference to annual income to the nation from permit taxes, etc.; also letter addressed to the President and Senate by Rev. W. S. Derrick, principal of the Chickasaw Orphan Home, in reference to the financial condition of the nation and the necessity for additional moneys to carry on their schools.

The petition and accompanying papers are respectfully returned to the Department, with the recommendation that the same be forwarded to the President for his action, as required by the treaty, and that if the proposition to divert \$100,000 is consented to by the President, the papers be forwarded to the Senate for action.

Very respectfully,

D. M. BROWNING, *Commissioner*.

The SECRETARY OF THE INTERIOR.

PAULS VALLEY, IND. T., *January 1, 1896.*

SIR: I have the honor to submit my report of registration of all outstanding warrants, in compliance with the late law requiring registration and report to you in sixty days:

Total school warrants	\$53, 852. 91
Total general warrants.....	34, 165. 25
Total L district warrants	520. 00
I estimate unregistered warrants.....	5, 000. 00
<hr/>	
Total.....	93, 538. 16
Less amount paid of school warrants.....	32, 667. 39
<hr/>	
	60, 870. 77

Respectfully submitted.
Yours, obediently,

C. J. GRANT,
Treasurer Chickasaw Nation.

His Excellency P. S. MOSLEY,
Governor Chickasaw Nation, Tishomingo, Ind. T.

There is already appropriated for schools, and will be issued in February and June, 1896, warrants to about the amount of \$40,000, making a total of \$100,000 indebtedness.

G.

PAULS VALLEY, IND. T., *April 11, 1896.*

SIR: As requested, I hereby submit the following statement of the yearly receipts of the Chickasaw Nation from permits, licenses, etc., from 1887 to 1895, inclusive:
Fiscal year ending August 31—

1887	\$27, 914. 59
1888	34, 956. 02
1889	28, 460. 19
1890	45, 123. 66
1891	42, 318. 00
1892	57, 760. 58
1893	31, 737. 81
1894	20, 272. 31
1895	27, 805. 75

I beg leave to call your attention to the fact that the receipts from licenses and permits are now falling off heavily, owing to the refusals to pay on account of the agitation of opening the country.

The income from the interest on the trust funds is now about \$7,000 less than formerly.

Respectfully,

C. J. GRANT, *Treasurer*

HON. HOLMES COLBERT,
Chickasaw Delegate, Washington, D. C.

To the President of the United States and to the Senate of the United States:

The undersigned delegates of the Chickasaw Nation of Indians in the Indian Territory, by virtue of the authority in them vested by an act of the legislature of the Chickasaw Nation, approved February 5, 1896, a certified copy of which is now on file in the Office of the Commissioner of Indian Affairs, respectfully ask that \$100,000 of the trust fund of said nation may be withdrawn and placed in the subtreasury of the United States, at St. Louis, Mo., to their credit, for the following reasons, to wit:

In order to maintain the schools of the Chickasaw Nation to their full capacity, by act of the legislature of the Chickasaw Nation, all the semiannual interest due them for interest on their trust funds has been set aside for school purposes exclusively, and can not be used for any other purpose.

In consequence of the failure and refusal of the many white people domiciled in our country to pay the tax to our government, known as the permit tax, our revenues have not been sufficient to pay the current expenses of the government without

encroaching upon their school fund, which they do not want nor intend to do. For these reasons the legislature of the nation, as above stated, authorizes and directs us to make this request. The said sum of \$100,000, as provided in said act, to be placed in the subtreasury of the United States at St. Louis, Mo., for the purpose of paying the outstanding unpaid warrants of said nation; the surplus, if any, to be drawn out only in pursuance of an act of the Chickasaw legislature. This petition is made as provided in the eleventh article of the treaty of 1832 between the United States and the Chickasaw Nation of Indians.

HOLMES COLBERT,
C. A. BURRIS,
Delegates Chickasaw Nation.

Form of proposed resolution.

Resolved by the Senate of the United States (the President concurring), That the Chickasaw Nation of Indians in the Indian Territory is hereby authorized to withdraw one hundred thousand dollars from its trust funds now in the Treasury of the United States, as provided by Article Eleven of the treaty of eighteen hundred and thirty-two (see seventh Statutes at Large, three hundred and eighty-five), and that the same be placed at the subtreasury of the United States at Saint Louis, Missouri, to their credit, to be checked out by the treasurer of the Chickasaw Nation to pay the outstanding unpaid warrants of said nation; the surplus, if any, to be paid out to said nation pursuant to the legislative enactment of said nation.

To His Excellency, Grover Cleveland, President of the United States, and Senators:

HONORABLE GENTLEMEN: As there seems to be some reluctance upon your part in allowing the Chickasaws to withdraw \$100,000 of their vested funds with which to pay their indebtedness, I deem it to be my duty and also to my interest to make a statement of facts: I have been conducting one of the Chickasaw schools, viz, the Chickasaw Orphans' Home and Manual Labor School. I feel that I am in a position to be acquainted with the financial condition of the country. I know there has been a great falling off in the collection of revenues during the past few years.

When I took charge of the Chickasaw Orphans' Home, more than six years ago, there was a sufficiency of funds in the Chickasaw treasury to meet the liabilities; but the revenues have fallen off of late until there is not, and has not been, ample funds to meet the current expenses. The Chickasaws have five academies or boarding schools, with accommodations for 60 pupils each, besides several neighborhood schools, all of which are supported by funds received as interest accruing from the funds held in trust by the United States. These academies are let out by contract for a term of five years, to competent teachers, at so much per scholar. The contractor furnishes all books, stationery, and apparatus necessary for conducting a first-class school. He also boards pupils and furnishes medical aid when needed.

The school which I conduct does all that I have mentioned, and clothes the pupils besides. Our school is a home for the orphans, and we are required, when necessary, to keep the pupils the year round. The Chickasaws have promised to pay us for supplies every three months, and have promised to pay the salaries of teachers every six months, but owing to the depleted condition of their treasury they are greatly behind with their payments. Bills that I made nine months ago are unpaid. I am informed by Hon. C. J. Grant, treasurer of the nation, that there will be no funds available before July or August, and then there will not be nearly enough to pay the outstanding warrants.

There will be due our school about the 1st of July, \$6,375, and unless the withdrawal of the \$100,000 is allowed there will not be sufficient funds to pay one-half the amount. We who are conducting these schools are compelled to sell off our Chickasaw warrants at a large discount, or borrow money at the highest legal rates of interest in order to raise funds with which to meet expenses. The Chickasaws are using every expedient in order to prevent their schools from suspending, but unless there is some relief afforded quickly suspension is inevitable. In conclusion, gentlemen, I most respectfully and earnestly ask that you approve the withdrawal of the \$100,000.

Very respectfully,

W. S. DERRICK,
*Principal Teacher of Chickasaw Orphans' Home and Manual Labor School,
Lebanon, Ind. T*

WASHINGTON, D. C., April 29, 1896.

To His Excellency Grover Cleveland, President, and the Honorable Senate of the United States of America:

We, the undersigned, duly appointed, commissioned, and qualified delegates and representatives of the Chickasaw Nation of Indians in the Indian Territory, most respectfully state that as such delegates we were authorized and directed, by an act of the legislature of the Chickasaw Nation, approved February 5, 1896, a copy of which will be found on file in the Office of the Commissioner of Indian Affairs (also copy is hereto attached—Exhibit A), to respectfully ask the consent of your excellency and that of the Honorable Senate to withdraw from the Treasury of the United States \$100,000 of the trust funds of said Chickasaw Nation, as provided by eleventh article, treaty of 1832 (7 Stat. L.), and to have the same placed in the subtreasury of the United States to the credit of said nation, to be paid out upon the check of the treasurer of the nation, for the liquidation of outstanding unpaid warrants of indebtedness of said nation, the surplus, if any, to be paid out in accordance with the legislative acts of said nation, for the following reasons, to wit:

First. The treaty of 1832, as provided in the eleventh article (7 Stat. L., p. 385): After fifty years, by the consent of the President of the United States and the Senate, the Chickasaw Nation may withdraw all or any part of their trust funds, provided they have within that time advanced in education and civilization and become so enlightened as to be capable of handling such large sums of money.

Second. Over sixty years have elapsed since the ratification of the treaty of 1832, above referred to.

Third. The delegates respectfully state that the advancement of their people in education and civilization is all that could have been expected. They have for many years had an organized government, republican in form, patterned after the State Government of the Union. They have a written constitution, dividing the powers of government into three coordinate branches, to wit: Legislative, executive, and judicial. The legislative is composed of a senate and house of representatives elected by the people. The executive is lodged in a governor elected by the people. They have also a national attorney-general, secretary, auditor, and treasurer, who perform the same functions as such officers do in the States. They have their lower or district courts, and their appellate or supreme court. Their code of laws will compare favorably with the codes of the new States of the Union.

As a rule, they are agricultural people. Many of their citizens, however, are lawyers, doctors, merchants, bankers, mechanics, etc.; many are ministers. As a rule, all are religiously inclined, and belong to the various churches of the Protestant faith. They support themselves absolutely, and have never cost the Government of the United States a cent. They have never raised a hand against the whites; many have intermarried with the whites; churches and schoolhouses are to be seen all over the country.

The present administration is recognized by the honorable Dawes Commission and all others as being honest and faithful. (See p. 39, McKinnon statement before House Committee on Indian Affairs.) They are using every exertion to educate well every Chickasaw child in the nation, so that in the near future they may be able to enter the race of life with all English-speaking people. They have five academies well filled with students, and well conducted; also neighborhood schools all over the country. Their law requires that wherever there can be found as many as ten Chickasaw children of school age there is established a neighborhood school. They also keep quite a number of their advanced students in the highest and best schools of the States.

In order that their schools shall be fostered they have, by act of their legislature, set aside as a sacred school fund all the interest they draw from the United States on their trust funds, which amounts, in round numbers, to \$65,000. As it requires about \$85,000 to run their schools fully, they must provide by some means for raising \$20,000 more for school purposes. This amount, with other necessary revenues to pay the current expenses of their government, must be raised outside of the interest on their trust funds. Heretofore this amount has been raised in the following way: They receive as royalty from the coal mining in the Choctaw Nation one-fourth of the net proceeds of that royalty, while the Choctaws, as provided in the treaties for Choctaws and Chickasaws, receive the other three-fourths. The amount realized from this source ranges from \$15,000 to \$25,000 per annum. Then their other revenues consist in what is termed privilege taxes, which with them means a per capita tax on all male noncitizens 18 years old and upward, which tax is \$5 a year. Nothing is charged for children under 18, or for females. Also, the legislature imposes a tax of 1 per cent on all merchandise imported into their country for sale by noncitizens. Also, a license tax on banks run by noncitizens; also a tax on lawyers and doctors who practice their profession in the country and who are noncitizens of the Territory. From this source the revenues run all the way from \$20,000 to \$57,000. (See Treasurer Grant's report.)

If the nation could enforce collection, this revenue would be increased until their revenues would be ample for all legitimate governmental purposes; but, having no jurisdiction over this class of citizens, which is now quite large, collections can not be enforced. Therefore, such citizens pay only at pleasure; and of late years the majority of them refuse to pay at all. From this source collections fell from 1892 to 1895 about one-half. (See report of C. J. Grant, national treasurer Chickasaw Nation.) For this want of revenue the current expenses, such as salaries of officers and other necessary legal expenses incident to the administration of any government, have exceeded the incomes, which deficit now amounts, as will appear in Treasurer Grant's report, to nearly \$100,000. And unless the nation is allowed to withdraw that amount from the trust funds their government will grow more and more embarrassed, and their schools crippled, if not entirely stopped; because no government can long run without some money.

In order that this deficit should not again occur the delegates have caused a bill to be introduced in the Congress of the United States, which is now pending (H. R. 7144), entitled "A bill to authorize the Choctaw and Chickasaw nations of Indians to collect their national revenues," a copy of which is hereto attached (Exhibit B). If this bill could be enacted into a law ample means would be raised to run their government and schools well. The Chickasaw Nation hold their trust funds held by the United States as sacred, and would much rather enlarge them than to decrease them. As an evidence of that fact they state that the United States is legally indebted to the Chickasaw nation for arrears of interest on their trust funds in the sum of \$558,520.54, which amount has been found due by a judgment of the United States Court of Claims, the payment of which has been recommended by the Honorable Commissioner of Indian Affairs and the Honorable Secretary of the Interior many times, yet Congress refuses to make the appropriation. The Indian committee of the Senate have now reported a bill to pay said amount, but said bill can not become a law in time to relieve the present financial embarrassment of the Chickasaw Nation.

As evidence that the nation does not want to decrease the volume of their trust funds, \$400,000 of the amount due the nation in the bill reported is, by the request of the nation, to remain in the Treasury of the United States, and to be added to their other trust funds, leaving the balance to pay outstanding indebtedness of the nation. (See copy of proposed amendment to Indian appropriation bill, Exhibit D.) This amount, if available, would supersede the necessity of withdrawing the \$100,000 or any other amount.

It is not from choice, but from necessity, that we ask permission at this time to withdraw the amount above stated.

We respectfully state that the officials of the Chickasaw Nation of Indians are honest and trustworthy, and will use the money for none but honest and legitimate and legal purposes, and in the interest of the whole people. But, should there be any doubt on that point, the nation is perfectly willing that an officer of the United States be authorized and directed to superintend the disbursement of said money, that it may be applied only to such legal indebtedness and other needed public purposes as is absolutely necessary.

Respectfully submitted.

WILLIAM M. GUY.
HOLMES COLBERT.
C. A. BURRIS.

EXHIBIT A.

AN ACT creating delegates to visit Washington City, D. C., during the present session of Congress to withdraw the sum of seventy thousand dollars of the invested funds of the Chickasaw Nation to liquidate the outstanding indebtedness of the Chickasaw Nation, and for other purposes.

SEC. 1. *Be it enacted by the legislature of the Chickasaw Nation*, That there be elected, by joint vote of both houses of the present session of the legislature, three competent persons, citizens of the Chickasaw Nation, delegates to visit Washington City, D. C., during the present session of Congress, with full power and authority to withdraw from the Treasury of the United States the sum of seventy thousand dollars, from the one million three hundred and six thousand six hundred and ninety-five dollars and sixty-six cents, known as the Chickasaw national fund, and have the same placed to the credit of the Chickasaw Nation, in the United States subtreasury at St. Louis, Missouri, to be checked out by the treasurer of the Chickasaw Nation in payment of all warrants issued by the auditor of public accounts of the Chickasaw Nation prior to August thirty-one, eighteen hundred and ninety-five, that is outstanding and remains unpaid; and should there be a surplus after all said warrants have been paid remaining in the subtreasury, the same to remain there,

subject to the future disposal of the regular session of the legislature of the Chickasaw Nation.

SEC. 2. *Be it further enacted*, That the said delegates so elected shall be commissioned by the governor of the Chickasaw Nation, and they shall have full and efficient power and authority to protest against the passing of any Territorial or town-site bills by the United States Congress, or any legislation by that body that will interfere with or change the present land tenure and form of government of the Chickasaw Nation; and shall remain at Washington City, D. C., during the entire session of the present Congress, and after its adjournment make a written report to the governor of the Chickasaw Nation of all their official acts while acting as delegates, to be by him submitted to the next legislature after their return home.

SEC. 3. *Be it further enacted*, That the compensation of the said delegates for their services shall be two thousand dollars each; and the sum of six thousand dollars is hereby appropriated, to become immediately available, to pay the delegates; and the auditor of public accounts of the Chickasaw Nation is hereby directed to issue his warrant on the treasurer for the same in favor of the parties elected.

SEC. 4. *Be it further enacted*, That should any vacancy occur by reason of death, resignation, or otherwise in the delegation the governor shall, if he deems it necessary, appoint some competent person to fill out the unexpired term of the said delegate, and his duties shall be the same as the duties of his predecessor in office, and he shall receive for his services the sum of one thousand dollars, out of the treasury of the Chickasaw Nation, and the auditor of public accounts is directed to issue a warrant in favor of the appointee on the national treasurer, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

SEC. 5. *Be it further enacted*, That the delegates herein created and empowered be, and they are further, specially authorized, empowered, and directed to take the necessary steps to prevent, if possible, the United States Government from forcing upon the Chickasaw Nation the so-called adoption of the negroes (former slaves of said people), under the amendment to the Indian Appropriation bill of the last session of the United States Congress, and purporting to ratify and confirm an old act of the Chickasaw legislature, adopting said freedmen to Chickasaw citizenship, but which was never concurred in by the Choctaw people, as provided by treaty stipulations, and was therefore repealed by the Chickasaw legislature, and also vetoed out by the Chickasaw people at large long prior to the above amendment complained of; and, therefore, the Chickasaw people feel forced to regard said amendment as being without legal effect and as a gross injustice to them.

SEC. 6. *Be it further enacted*, That said delegates are further directed and authorized to make a full examination of the Chickasaw land sales, under the treaty of eighteen hundred and thirty-two and supplemental treaties thereto, and all land-office entries relating thereto from eighteen hundred and thirty-two up to the time at which all sales had been completed; and to also investigate the Treasury accounts from eighteen hundred and thirty-two to the present time, and, if possible, by so doing ascertain whether or not the Chickasaws actually have anything due them, and which has been lost sight of, both by the Chickasaws and officials of the United States Government, or to see if the Chickasaws were given proper credits for their lands thus authorized to be sold; and whether or not the Chickasaws were at any time wrongfully charged, as has often been believed by them; and to see if at any time since the year eighteen hundred and thirty-two any moneys belonging to the Chickasaws for said lands have been overlooked and dropped from the Treasury accounts of the United States, of which the Chickasaws have had no benefit, to the present claim of said people against the United States Government, known as arrearage of interest, which is pending adjudication at present, and was caused and created from oversight, and was dropped from the Chickasaw treasury accounts for many years, which, with accrued interest, amounts to much importance to the Chickasaw people; and other items might be discovered in the same way.

SEC. 7. *Be it further enacted*, That inasmuch as the Choctaw Nation of people have found, by due investigation and comparison of accounts between the two nations, by duly authorized commissioners on the part of both nations, to be due and owing the Chickasaws the sum of twenty thousand dollars, a part of which is due on royalties, due from the sale of timber, coal, grazing, etc., and about eight thousand dollars of which is due the Chickasaws on the settlement and adjustment of the old eastern boundary claim between the Choctaws and the United States Government, of which the Chickasaws were entitled to one-fourth of the amount so paid by the United States Government, but which the Choctaws withheld; and no settlement as between the Choctaws and the Chickasaws can be reached, although the Chickasaws have repeatedly called on them and authorized commissioners to meet them for the purpose of friendly settlements, which was all unsuccessful. And the Choctaws still withhold the moneys actually belonging to the Chickasaws, and who should have the same. Therefore, the delegates herein authorized and empowered, are directed to present the matter fully to the Honorable Secretary of the Interior, and urge upon

him to take some steps, either by advice to the Choctaws or compulsion, to aid the two nations in getting a friendly and just settlement of whatever may be due either nation, upon such plans and methods as he will advise, if possible. And the delegates herein created have full power to adjudicate, on the part of the Chickasaw Nation, such differences; and for any failure or neglect on the part of any of said delegates to comply with the provisions of this act, the offender shall be deemed guilty of fraud and embezzlement, and shall be prosecuted under the laws in relation thereto, and the grand jury shall take due notice of the same; and after its passage, amended in Senate, by striking out the words "prior to August thirty-first, eighteen hundred and ninety-five" (page two, lines two and three); also amended by striking out the words "seventy thousand dollars" (in lines eleven and twelve, on page one) and inserting in lieu thereof "one hundred thousand dollars."

Approved, February 5, 1896.

P. S. MOSELEY, *Governor Chickasaw Nation.*

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

Given under my hand and official seal this the 6th day of February, A. D. 1896.

G. C. BURRIS,
National Secretary Chickasaw Nation.

EXHIBIT B.

[H. R. 7144. Fifty-fourth Congress, first session. In the House of Representatives. March 11, 1896. Mr. Curtis, of Kansas, (by request) introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed.]

A BILL to authorize Choctaw and Chickasaw nations of Indians to collect their national revenue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter if any person, being a noncitizen of the Choctaw or Chickasaw Nation, domiciled or being within the limits of the territory now occupied by either the Choctaw or Chickasaw Nation of Indians, shall neglect or refuse to pay any privilege tax imposed upon them or upon their occupation, by the national council or legislature of either of said nations, known as the permit tax, or tax for license to sell and vend any kind of goods, wares, or merchandise, or to practice medicine or law, or for the purpose of exercising within either territory any other privilege for which a tax has been imposed, after such tax has become due and after demand by the officer designated by the law of either of said nations to collect the same, shall forfeit all rights or privilege for which such tax was imposed. And such collecting officer is hereby authorized to seize and levy upon any personal property belonging to such person so neglecting or refusing to pay such tax, and hold the same until a trial can be had as hereinafter provided.

SEC. 2. That the collecting officer referred to in section one of this act shall file a statement in writing, before the nearest United States commissioner, who is hereby invested with jurisdiction to hear and determine all causes for nonpayment of taxes, as specified in the first section of this act, giving the name of such delinquent taxpayer, the kind of property he has seized for such nonpayment, when such commissioner shall cause a summons to be issued directing or notifying such delinquent taxpayer to appear before him, on a day to be named therein, which shall not be less than five nor more than ten days, and show cause why judgment shall not be rendered against him for such tax. And upon the trial, if the defendant fails to show a legal defense to such action, the court shall render judgment in favor of such nation against the defendant for the amount of the tax or taxes found to be due and unpaid, together with all costs, and the collecting officer ordered to sell the property levied upon by him for the nonpayment of such tax, to the highest bidder for cash, after five days' notice.

SEC. 3. That if any person residing or being in either the Choctaw or Chickasaw Nation shall refuse to pay any tax imposed against him, as provided in section one of this act, within five days after demand, in addition to the liabilities imposed in said section one of this act, he shall be guilty of a misdemeanor, and upon conviction shall be imprisoned in the common or national jail for not less than twenty days, nor more than ninety days, for each offense.

SEC. 4. That all persons doing business in the Choctaw or Chickasaw Nation, as vendors of goods, wares, and merchandise, and who are subject to a tax for the exercise of such privilege, shall render to the proper collector of such tax a complete invoice of all goods, wares, or merchandise purchased and imported into the

territory for sale, upon which the tax has not been paid, at least once every six months, and shall state, under oath, to be in writing and attached to such invoice, to the effect that the foregoing invoice contains a full and complete invoice of all goods, wares, and merchandise that has been imported into the territory for sale by him, or for him, upon which any tax is due for the privilege of carrying on his business in such territory. Any person swearing falsely to any such invoice shall be guilty of perjury and punished accordingly.

EXHIBIT C.

[H. R. 6249. Fifty-fourth Congress, first session. In the Senate of the United States. March 17, 1896. Referred to the Committee on Indian Affairs and ordered to be printed.]

AMENDMENT intended to be proposed by Mr. Nelson (by request) to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes, viz:

Insert the following:

For fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely: For arrears of interest, at five per centum per annum, from December thirty-first, eighteen hundred and forty, to June thirtieth, eighteen hundred and eighty-nine, on one hundred and eighty-four thousand one hundred and forty-three dollars and nine cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December thirty-first, eighteen hundred and forty, and restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two; and for arrears of interest, at five per centum per annum, from March eleventh, eighteen hundred and fifty, to March third, eighteen hundred and ninety, on fifty-six thousand and twenty-one dollars and forty-nine cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March eleventh, eighteen hundred and fifty, and restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents: *Provided*, That the sum of four hundred thousand dollars of the said amount be placed to the credit of the Chickasaw Nation of Indians, to remain in the Treasury of the United States as a part of their trust funds, to bear the same interest as their other trust funds and be payable in the same manner, the remainder to be paid from time to time upon requisition signed by the governor and national secretary of the Chickasaw Nation, and to be immediately available.