

TO APPROVE THE DONATION OF PROPERTY LOCATED IN CHOCTAW COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE a donation of property held by the Choctaw Nation of Oklahoma in Choctaw County, Oklahoma, to Kenneth Sivard and Kayla Sivard.

WHEREAS, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation"), the Chief shall perform all duties pertaining to the Office of the Chief Executive. He shall sign official papers on behalf of the Nation;

WHEREAS, in accordance with Article IX, Section 6 of the Constitution of the Choctaw Nation of Oklahoma, the Tribal Council (the "Council") shall make decisions pertaining to the acquisition, leasing, disposition, and management of tribal property;

WHEREAS, Delilah V. Swink was the owner of a 10 acre piece of property located in the town of Swink, Choctaw County, Oklahoma, as fully described in the attached Exhibit A, Deed to Swink House 10 Acre Tract. Upon her death, Ms. Swink's estate donated the property to the Nation on April 9, 2022 (See Exhibit A, Deed to Swink House 10 Acre Tract);

WHEREAS, the property consists of 10 acres and several improvements, namely a House ("the Swink Cabin"), as well as several other additional out buildings;

WHEREAS, at one time, it was believed that the Swink House was the former home of a Chief of the Nation, however, upon conducting further historical research and analysis, Dr. Ian Thompson, Senior Director of Historic Preservation for the Nation, has determined that the Swink House was not the residence of a Chief (See Exhibit B, The Choctaw Chief's House, Oral Tradition and Historical Inaccuracies);

WHEREAS, while the Swink House was not a Chief's residence, it still holds some historical value and Kenneth and Kayla Sivard would accept donation of the Swink House and the 10 acre parcel it is located on with plans to renovate the Swink House and property to be an historically accurate representation of farm life in the Choctaw Nation of Oklahoma in the 19th century and open it to the public.

WHEREAS, the Swink House and other buildings on the 10 acre parcel need significant improvements to keep them from degrading further and to keep trespassers from accessing the property and buildings to cause damage (See Exhibit C, Swink House Historical Inspection Report); and

WHEREAS, the Tribal Council has determined it is in the best interest of the Choctaw Nation of Oklahoma to approve and grant the donation of the Swink House property to Kenneth and Kayla Sivard.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval of the donation of a 10 acre piece of property located in the town of Swink, Choctaw County, Oklahoma, as fully described in the attached Exhibit A, Deed to Swink House 10 Acre Tract.

BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as an acknowledgement that the Chief of the Nation, or his designee, is authorized to prepare, execute, deliver and file any and all deeds, agreements, certificates, instruments and documents, in such form and with such terms and

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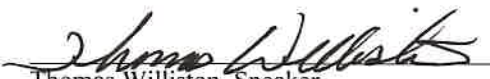
provisions as the Chief of the Nation, or his designee, may approve, and to take such other action as he, she or they may deem proper or appropriate, to carry out the intent and purposes of the foregoing enactments.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on April 8, 2023. I further certify that the foregoing Council Bill CB-67-23 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 4-11-23

TO APPROVE THE DONATION OF PROPERTY LOCATED IN CHOCTAW COUNTY, OKLAHOMA

Purpose of Council Bill: To approve the Choctaw Nation's donation of a 10 acre parcel of property in Swink, Choctaw County, Oklahoma, that contains the Swink House and other outbuildings, to Kenneth and Kayla Sivard. The property was originally donated to the Nation by the estate of Delilah Swink in 2022. At one time, it was believed that the Swink House was the former home of a Chief of the Nation, however, upon conducting further historical research and analysis, Dr. Ian Thompson, Senior Director of Historic Preservation for the Nation, has determined that the Swink House was not the residence of a Chief (See Exhibit B, The Choctaw Chief's House, Oral Tradition and Historical Inaccuracies). While the Swink House was not a Chief's residence, it still holds some historical value and Kenneth and Kayla Sivard wish to accept donation of the Swink House and the 10 acre parcel it is located on with plans to renovate the Swink House and property to be an historically accurate representation of farm life in the Choctaw Nation of Oklahoma in the 19th century and open it to the public.

Title of Council Bill: TO APPROVE THE DONATION OF PROPERTY LOCATED IN CHOCTAW COUNTY, OKLAHOMA

Grantee: Kenneth and Kayla Sivard

Payment: \$0.00 Donation

Request by Project Director: Donna Loper, Executive Director Land, Title, Natural Resources, Kelly McKaughan, Senior Executive Officer

ADMINISTRATOR'S DEED



This deed, made the 9TH day of April, 2022, by and between William Morner of Glendale, California, the duly appointed, qualified and acting Administrator of the Estate of Delilah V. Swink, Deceased, Party of the First Part, and CHOCTAW NATION OF OKLAHOMA, P.O. Box 1210, Durant, Oklahoma 74702, Party of the Second Part,

WITNESSETH:

That, whereas, on the 27th day of December, 2021, the District Court for said County of Choctaw, State of Oklahoma, made an Order in case numbered PB-2021-21, authorizing the Party of the First Part to sell, grant, lease, mortgage or convey any and all right, title and interest of any and all real and personal property of the Estate of Delilah V. Swink, Deceased, situated in Choctaw County, State of Oklahoma, which Order, is now on file and of record in said Court, and is hereby referred to and made a part of this deed.

And whereas, under and by virtue of the said Order, said Party of the First Part, conveyed and granted all right, title and interest of the estate of Delilah V. Swink in and to the hereinafter described real property, situated in Choctaw County, Oklahoma to the said Party of the Second Part.

Now therefore, the said William Morner, as Administrator of the Estate of said Delilah V. Swink, Deceased, Party of the First Part, pursuant to the Order of said Court, for valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, quit claim and convey unto the said Party of the Second Part, its successors and assigns forever, all the right, title, interest and estate of said Delilah V. Swink, Deceased, at the time of her death, and also all the right, title and interest that the estate, by operation of law or otherwise, may have acquired, in and to all that certain land situated in said County of Choctaw, State of Oklahoma, described as follows, to-wit:

Tract 1:

Start at the Northwest Corner of the NE1/4 of Section 23, Township 6 South, Range 20 East, then running South along the Quarter Section Line a distance of 916 feet to the point of beginning, thence East 90° for a distance of 880 feet; thence South 180° for a distance of 650 feet; thence West 270° for a distance of 880 feet; thence North 0° for a distance of 650 feet to the point of beginning, containing 13.13 acres more or less, LESS AND EXCEPT a tract of land containing 3.00 acres more or less, in the W1/2 NE1/4, of Section 23, Township 6 South, Range 20 East, Choctaw County, State of Oklahoma, more particularly described as follows: Beginning at a point 916.00 feet South along the Westerly line of the NE1/4, of Section 23, from the Northwesterly corner of the NE1/4, of Section 23, thence East 208.71 feet, thence South 626.13 feet along a line parallel to the Westerly line of the NE1/4, of Section 23, thence West 208.71 feet to a point on the Westerly line of the NE1/4, of Section 23, thence North 626.13 feet along the Westerly line of the NE1/4, of Section 23, to the point of beginning;

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office in said Los Angeles County, State of California, the day and year in the deed last above written.

Patricia Londono
Notary Public

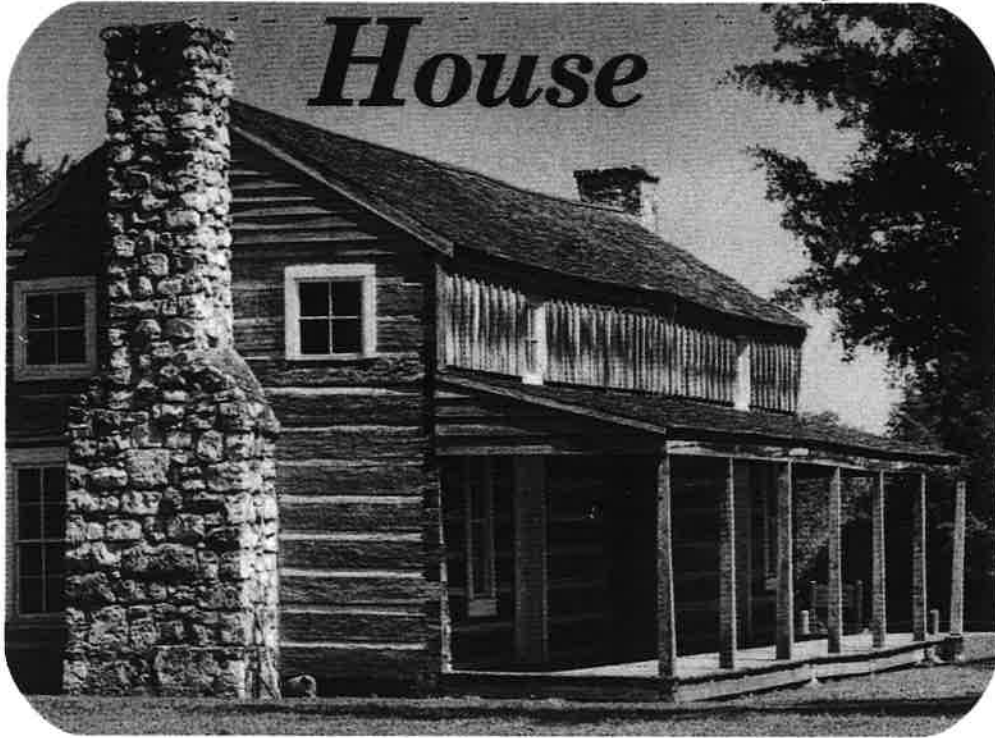
My Commission Expires: Sept. 15, 2022



EXHIBIT "A"

Beginning at a point 2359 feet West and 1304 feet South of the Northeast Corner of Section 23, Township 6 South, Range 20 East, Choctaw County, Oklahoma; thence North 50° 10' East 125 feet; thence South 30° 55' East 200 feet; thence South 39° 50' West 125 feet; thence North 59° 5' West 200 feet to the point of beginning.

The Choctaw Chief's House



Oral Tradition and Historical Inaccuracies

*By Louis Coleman**

Oral tradition, embellished over time, can and sometimes may lead to historical inaccuracies. Such appears to be the case of the "Choctaw Chief's House" near Swink, Oklahoma, in Choctaw County. The Swink House, which was acquired and restored by the Oklahoma Historical Society in 1960–1961, has been represented as being the home built for the chief of the Apuckshunubbee District of the Choctaw Nation under provisions of the 1830 Treaty of Dancing Rabbit Creek. The treaty provided that the

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United States government would build a house for each of the district chiefs after removal of the Choctaws to what is now Oklahoma.

Various publications have identified the Swink house as the home built under the treaty and as having been initially occupied by Thomas LeFlore, who was elected district chief in 1834 and was serving in that position during the period 1836–1838 when the house was supposedly built. Undocumented reports also contend that LeFlore had operated a 1,000-acre farm with black slaves while living in the Swink house.

Other accounts assert that LeFlore, after his service as chief ended in 1850, moved from the Swink house and built another home about one mile west of the Wheelock Mission. The mission had been established in 1832 by the Rev. Alfred Wright and his wife about fifteen miles east of Fort Towson.

There is evidence and testimony of credible witnesses to support the conclusion that the LeFlore home, which stood a short distance west of the Wheelock Mission, was the structure built under the provisions of the 1830 removal treaty. Lacking, however, is adequate evidence to support the contention that Thomas LeFlore ever lived in the Swink house or that it is the home built in compliance with the treaty. The most significant evidence relative to the authenticity of the Swink house is that it does not conform to the construction specifications in the advertisement for bids on June 21, 1836.¹

The most apparent difference between the specifications and the "as built" Swink house pertains to the roof. The specifications required that the "porch roof extend over the main body of the house." The Swink house has separate roofs over the porch and the main portion of the house. It also is noteworthy that the Swink house is of two stories with two rooms below and two above. The specifications required only two rooms.

One of the most authoritative and credible witnesses pertaining to the matter is Peter J. Hudson, a reputable, well-educated Choctaw historian. Born at Eagletown in 1861, Hudson was an avid student of Choctaw history and was employed for several years by the Oklahoma Historical Society researching and writing about Choctaw history.

Concerning the residence of Thomas LeFlore, Hudson wrote in 1932:

About a mile west from Wheelock Academy was located the home of Thomas LeFlore. He was District Chief of the Second or Apuckshunubbee District, Choctaw Nation, from 1834 to 1838 and from 1842

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to 1849. . . . Thomas LeFlore's home was one of the buildings provided under the treaty of 1830 and still stands today. It is constructed of hewn logs dove tailed together, is a story and a half high. . . . There are two big rooms separated by a hallway with a gallery across the south side and what would be a gallery on the north side cut up into small rooms, all under one roof. . . . The old military road passed to the south of the house. . . . He died about 1850 and is buried about a quarter of a mile from the house in an old field. It is about one-half mile north of the present highway, going east from Idabel.²

The burial site to which Hudson referred is west of the Wheelock Mission station. The cemetery contains a number of graves, some of which are marked. No marker has been found for the graves of Thomas LeFlore and his wife, although it has been well established that they are buried there. A modern granite marker has been erected on the site by LeFlore descendants to memorialize Chief LeFlore.

In another pertinent article published in 1939, Peter Hudson wrote:

Thomas LeFlore lived near Wheelock, a short distance from what is now the town of Millerton. The house which the government built under treaty provision and which the chief occupied as long as he lived, still stands. Thomas LeFlore died about 1850 and is buried about one-fourth mile from his house near Millerton.³

Muriel H. Wright, another eminent Choctaw historian and editor of the official journal of the Oklahoma Historical Society for many years, wrote in 1931 as follows:

The District Chief's House in the Apuckshunubbee District (formerly Oklafalaya) was located about a mile off the highway northeast of the present site of Millerton, McCurtain County. This is known as the old LeFlore place. He was district chief so long that people accepted the idea that the house belonged to him, though it had not been erected with such intentions.⁴

It should be noted, however, that in 1965 in an editorial note to another article, Wright stated:

Thomas LeFlore lived for a number of years in the old Choctaw Chief's House near Swink in Choctaw County, having been elected chief of the southeastern district in 1834. Just before his death about 1850 he and his wife lived near Wheelock in a house reported to have been built by the U. S. government where their son, Michael LeFlore, made his home during and for many years after the Civil War.⁵

The advertisement for bids on the chiefs' houses, as printed in the *Arkansas Gazette*, specified that the homes were to be located "at the sites selected by the chiefs." Thomas LeFlore was serving as

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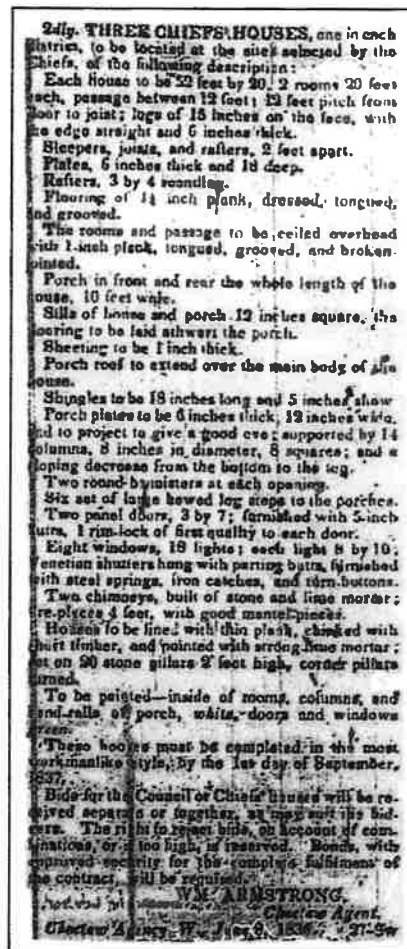
district chief when the house was built, and it does not seem likely that he would have selected a site other than where he was then residing.

Further testimony concerning the authenticity of the LeFlore house near Wheelock was recorded by Edmond J. Gardner, another Choctaw historian and a great-grandson of Chief LeFlore.⁶ Gardner was born in 1877 on the family farm a short distance north of the present town of Millerton and near the Thomas LeFlore residence. LeFlore's widow occupied the home until her death in 1890.

Gardner wrote that he and his father visited Mrs. LeFlore to hear her tell of her life in Mississippi, of the trip to the new land, and of experiences after arriving in the Indian Territory. Mrs. LeFlore told the Gardners, according to Edmond Gardner, that her family left Mississippi with a large group led by her husband in August, 1832. After four months of difficult travel, they arrived and settled in the vicinity of where the Rev. Alfred Wright and his wife established Wheelock Mission. She told of living in a tent for the first winter and of erecting a small cabin the next year. They occupied the cabin until "the Choctaw people built us a big house, the biggest and best in the country."

Edmond Gardner added the following comment pertaining to the house: "In November 1931 the ruins of this house was still standing, and had been occupied up (to) a year or so ago. This house stands about a half mile north east of Millerton, Okla. The writer was born on a farm that joins Millerton on the north."⁷ Gardner reported that Mrs. LeFlore referred to the Rev. Wright as "our missionary" for whom they selected a site for his mission and helped clear it for him.

Additional evidence pertaining to the authenticity of the LeFlore home



The specifications for construction of the chiefs' houses as published in area newspapers (Taken from Arkansas Gazette).

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near Wheelock appeared in a 1905 issue of an Idabel, Oklahoma, newspaper. The item reported John Garland, grandson of Chief Thomas LeFlore, as stating that he was then living on the old LeFlore homestead near Wheelock where the family had settled when they came to the new land. John Garland was the son of Cornelius Garland and Sara LeFlore Garland, daughter of Thomas LeFlore.⁸

Another Idabel newspaper reported in 1910 in an article dated Millerton:

The Governors Mansion, built by the U. S. Government for Principal Chief LeFlore, when he moved from Mississippi, is in a splendid state of preservation and is occupied by a grandson of the distinguished chief. In this historic home is the silver peace medal presented by Andrew Jackson, President of the U. S. to Chief LeFlore in 1829 in Mississippi.⁹

Another reference to the LeFlore home near Wheelock is contained in the 1913 annual report by the superintendent of Wheelock Academy to the commissioner of Indian affairs. The report states in part:



“Choctaw Chief’s House” near Swink in Choctaw County (p. 492) was restored in 1960–1961 after acquisition by the Oklahoma Historical Society. The porch is roofed separately from the main body of the house. In a photograph identified as the home of Tom LeFlore (above) in what is now McCurtain County, the design seems to conform to the advertised specifications for the chiefs’ houses; the porch roof extends over the main body of the house (Courtesy Oklahoma Historical Society, p 492; courtesy John Williams, above).

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Eighty years ago the U. S. Government set a good example for the Indians and others by constructing a fine old hewn log house for the Choctaw Governor who led his people to their new home in the early 30s. It stands near here today in a fair state of preservation bearing testimony to the economy and comfort of such a dwelling.¹⁰

Further testimony pertaining to the LeFlore home near Wheelock came from Mrs. Julius Hampton, who was interviewed March 21, 1938, as part of the Indian-Pioneer History project conducted by the federal Works Progress Administration in cooperation with the Oklahoma Historical Society. During that interview, Mrs. Hampton stated, "My grandfather, Thomas LeFlore, was born in Mississippi and came to the Indian Territory in about 1834 and his land and home was near Wheelock and Millerton."¹¹

Annie Garland Haynie, daughter of John Garland, and thus a great-granddaughter of Chief Thomas LeFlore, in an interview by the author on November 4, 1979, stated that as a child she lived with her parents in the old LeFlore home a short distance west of Wheelock. She said the house was then referred to as the "Council House," apparently because it was where the district business was then administered. She also understood that the house had been built for her great-grandfather as required by the removal treaty. According to Mrs. Haynie, the house near Swink was not as large as the one in which she and her family lived near Wheelock.¹²

Mrs. Haynie, prior to her death in 1996, reportedly executed an affidavit to the effect that Thomas LeFlore had lived in the Swink house for sixteen years before moving to a home which he built near Wheelock. Unfortunately, it is not possible to reconcile her previous oral statement with the affidavit.¹³

A compelling piece of evidence pertaining to the authenticity of the LeFlore house near Wheelock came from a private collection in possession of John Williams of Garvin, Oklahoma. In a "Scrap Book," which Williams said he purchased at a rummage sale in Ada, Oklahoma, is a photograph, among others, of a large log house bearing the caption: "THE HOME OF TOM LEFLORE — CHOCTAW INDIAN — WHICH WAS BUILT IN 1832 — LEFLORE WAS GOVERNOR (OR CHIEF) OF THE INDIANS IN THIS DISTRICT. MCCURTAIN COUNTY."¹⁴ The foreword of the scrapbook describes it as an advertising medium for Idabel businesses, a number of which are featured. It contains thirty-two images of buildings and scenes in the county, taken between 1920 and 1926.

Credible documentation is lacking concerning the origins of the Swink house, but Edmond J. Gardner, in the previously cited manu-

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script, offers a possible explanation regarding early ownership of the structure. He recorded that Joel Kemp, a wealthy Choctaw, had settled about ten miles west of Wheelock and there did operate a 1,000-acre farm with slaves. The Swink house is approximately twelve miles west of Wheelock.¹⁵

In a 1937 interview W. O. Key, then residing at Fort Towson, stated that he had known a Joel Kemp when he was living at Caddo, Oklahoma. Kemp told Key that his father, also called Joel, "in slavery time," had cleared and operated a 1,000-acre plantation northeast of Fort Towson. Kemp described the "big house" (residence) on the farm as being a "story and a half" of hewn logs. Fireplaces with native stone chimneys stood at each end of the house, according to Kemp. Log cabins used as slave quarters stood nearby.¹⁶

Key further related that he had moved to the 1,000-acre field in January, 1900, about five miles northeast of Doaksville. (Old Doaksville was about a mile north of the town of Fort Towson, which was



The former home of Choctaw Chief Basil LeFlore was eventually incorporated into the campus of Oak Hill Industrial Academy (Taken from Robert Elliott Flickinger, The Choctaw Freedmen and the Story of Oak Hill Industrial Academy (Fonda, Iowa: Journal and Times Press, 1914).

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A modern Oklahoma highway map shows the general area of the old Choctaw Nation in which the houses that are the subject of this article were located.

later established on the railroad.) Key told the interviewer that he had found the “big house” and some of the slave cabins still standing when he arrived. The house, however, was in a dilapidated condition and uninhabitable.

Some of the confusion pertaining to the identity of the Choctaw Chief’s House, and in particular the Swink house, may be attributable to the fact that a home of similar size, construction, and configuration stood for almost seventy years at a point on the old military road between Fort Towson and Wheelock. That house was at one time the residence of a Choctaw chief or governor.

The “old log house,” as it has been called, stood about two miles east of Clear Creek and eight miles west of Wheelock. Reportedly, it was built in about 1840 for Basil (Brazil) LeFlore, a cousin of District Chief Thomas LeFlore. Basil served as personal secretary for Thomas LeFlore when the latter was district chief.¹⁷

Basil LeFlore was elected chief or governor of the Choctaw Nation in August, 1859, under provisions of the Skullyville constitution. He served until 1860 when George Hudson was elected principal chief under the new constitution framed at Doaksville that year.¹⁸

Basil LeFlore occupied the “old log house” until 1860 when he moved farther west. The house was then occupied by Basil LeFlore’s nephew, John Wilson. Later the structure was utilized as a school

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for children of Choctaw freedmen until being destroyed by fire in 1910.¹⁹

Other evidence of Basil LeFlore's occupancy of the "old log house" is in a small family-type cemetery near the former site of the house. Included among the various marked graves is that of Narcissa LeFlore, wife of Basil, who died in 1854 at the age of forty years. Other grave markers bear the names of LeFlore and Wilson.²⁰

Correspondence between the Choctaw agent and the Office of Indian Affairs during the period 1836–1839 contains several references to construction of the Choctaw chiefs' houses promised under the removal treaty. None of the letters specify where the houses were built. The specifications in the advertisement for construction bids, dated June 5, 1836, merely states that the houses were to be built "at the sites selected by the Chiefs."²¹

ENDNOTES

* Louis Coleman of Idabel holds the M.A. in History from Central State University (University of Central Oklahoma) and is former deputy executive director of the Oklahoma Historical Society. He has done extensive research concerning Choctaw and local history and is the author of numerous articles on these subjects.

¹ (Little Rock) *Arkansas Gazette*, June 21, 1836.

² Peter J. Hudson, "Recollections of Peter Hudson," *The Chronicles of Oklahoma*, 10 (December, 1932): 516.

³ Peter J. Hudson, "A Story of Choctaw Chiefs," *The Chronicles of Oklahoma*, 17 (March, 1939): 12.

⁴ Muriel H. Wright, "Historic Spots in the Vicinity of Tuskahoma," *The Chronicles of Oklahoma*, 9 (March, 1931): 32 n.

⁵ John Edwards, "My Escape in 1861," *The Chronicles of Oklahoma*, 43 (Spring, 1865): 74, editorial footnote by Muriel Wright.

⁶ Edmond J. Gardner, "Granny LeFlore," unpublished manuscript in possession of Edna Gardner, Valliant, Oklahoma.

⁷ *Ibid.*

⁸ *Idabel* (Choctaw Nation) *Signal*, August 10, 1905.

⁹ (Idabel, Oklahoma) *McCurtain Gazette*, May 13, 1910.

¹⁰ Commissioner of Indian Affairs, Annual Narrative Report of the Superintendent of Wheelock Orphan Academy, microcopy, Record Group (RG) 75, Roll 169, 0729, National Archives (hereafter cited as NA).

¹¹ Interview of Mrs. Julius Hampton, March 21, 1938, Indian-Pioneer History, ed. Grant Foreman, 112 vols., unpublished manuscript, 92: 162, Research Division, Oklahoma Historical Society, Oklahoma City (hereafter cited as IPH and RD OHS).

¹² Annie Garland Haynie, interview by author, November 4, 1979.

¹³ Lila Douglas Swink, *Swink, Choctaw Co., Oklahoma* (Swink, Oklahoma: Swink Historical Preservation Association, n.d.) 7.

¹⁴ Private Collection, John Williams, Garvin, Oklahoma.

¹⁵ Gardner, "Grannie LeFlore."

¹⁶ Interview of W. O. Key, November 29, 1937, IPH, 32: 225–226, RD OHS.

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¹⁷ Robert Elliott Flickinger, *The Choctaw Freedmen and the Story of Oak Hill Industrial Academy* (Fonda, Iowa: Journal and Times Press, 1914), 296.

¹⁸ Hudson, "A Story of Choctaw Chiefs," 193.

¹⁹ Flickinger, *Choctaw Freedmen*, 104, 107-109, 210, 297.

²⁰ *Ibid.*, 296-297.

²¹ Office of Indian Affairs, Letters Received, Choctaw Agency, 1824-1876, microcopy, RG 75, Roll 170, NA.