

COMMISSION

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—TO—

THE FIVE CIVILIZED TRIBES.

ANNUAL REPORTS OF 1894, 1895 AND 1896.

AND

CORRESPONDENCE WITH THE FIVE CIVILIZED TRIBES
FROM MARCH 3, 1893, TO JANUARY 1, 1897.

COMMISSION

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FIVE CIVILIZED TRIBES.

ANNUAL REPORTS OF 1894, 1895 AND 1896.

AND

CORRESPONDENCE WITH THE REPRESENTATIVES OF THE FIVE CIVILIZED TRIBES.

FROM

MARCH 3, 1893, TO JANUARY 1, 1897.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, February 18, 1897.

THE CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES.

SIR:—

I have the honor to acknowledge the receipt of your communication of 5th instant, calling my attention to the following quotation from the minutes of the Committee on Indian Affairs:

“Mr. Flynn moved that the Secretary of the Interior be requested to furnish the committee with all of the correspondence which has passed between the Dawes Commission and any and all of the Five Civilized Tribes and also all of the papers submitted to the Secretary of the Interior for his consideration in relation thereto. Carried.”

In response thereto, I transmit herewith a communication of this date from the Chairman of the Commission to the Five Civilized Tribes, with copies of the correspondence called for.

Very respectfully,

D. R. FRANCIS,
Secretary.

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DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

WASHINGTON, D. C., February 18, 1897.

THE HONORABLE

THE SECRETARY OF THE INTERIOR.

SIR:—

In compliance with the following resolution from the minutes of the Committee on Indian Affairs, House of Representatives, dated February 5, 1897, and referred by your department February 11, 1897, to the Commission to the Five Civilized Tribes for report—

“Mr. Flynn moved that the Secretary of the Interior be requested to furnish the Committee with all the correspondence which has passed between the Dawes Commission and any and all of the Five Civilized Tribes, and also all of the papers submitted to the Secretary of the Interior for his consideration in relation thereto. Carried.”

—I have the honor to transmit herewith copies of all correspondence which has passed between said Commission and the representatives of the Five Civilized Tribes, together with copies of “all of the papers submitted to the Secretary of Interior for his consideration in relation thereto,” arranged as follows:

Report of the Commission to the Five Civilized Tribes, dated November 20, 1894, containing correspondence with the five tribes for that year. Exhibit A.

Report of the Commission to the Five Civilized Tribes, dated November 18, 1895, containing correspondence with the five tribes for that year. Exhibit B.

Report of the Commission to the Five Civilized Tribes, dated November 28, 1896. Exhibit C.

Correspondence between the Commission to the Five Civilized Tribes and the representatives of the Choctaw Nation, 1896. Exhibit D.

Correspondence between the Commission to the Five Civilized Tribes and the representatives of the Chickasaw Nation, 1896. Exhibit E.

Correspondence of the Commission to the Five Civilized Tribes with the representatives of the Cherokee Nation, 1896. Exhibit F.

Correspondence between the Commission to the Five Civilized Tribes and the representatives of the Creek Nation, 1896. Exhibit G.

Correspondence between the Commission to the Five Civilized Tribes and the representatives of the Seminole Nation, 1896. Exhibit H.

Very respectfully,

(Signed) HENRY L. DAWES,
Chairman.

EXHIBIT A.

IN THE SENATE OF THE UNITED STATES.

DECEMBER 10, 1894.—*Resolved*, That the Report of the Commission appointed to negotiate with the Five Civilized Tribes of Indians, known as the Dawes Commission, which report is attached to the Annual Report of the Secretary of the Interior as Appendix B, be printed as a Senate document.

Attest:

Wm. R. Cox,
Secretary.

B.

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

WASHINGTON, D. C., November 20, 1894.

SIR: The Commission to the Five Civilized Tribes, appointed under the sixteenth section of an act of Congress making appropriations for the Indian service approved March 3, 1893, report what progress has thus far been made by it.

Immediately upon receiving their instructions they entered upon their work and made their headquarters, on reaching the Territory, at Muskogee, in the Creek Nation, removing it in March to South McAlester, in the Choctaw Nation, where it still remains.

Upon arriving in the Territory the commission immediately sent to the chief or governor of each tribe an official notice of their appointment and of their authority and the objects of their mission in accord with their instructions, and requested an early conference with him, or those who might be authorized to confer with this commission, at such time and place as might be designated by him. Such conferences were held separately with the chief and duly authorized commission of each of the tribes. At each of these conferences the commission explained with great pains the wishes of the Government and their authority to enter into negotiations with them for an allotment of their lands and exchange of their tribal for a Territorial government. They were listened to attentively, and were asked many pertinent questions, which were fully answered so far as their authority justified. No definite action was taken at either of these conferences, though the indications were adverse to a favorable result. They all asked for time to consider, and promised a renewal of the conferences.

Afterwards, at the suggestion of one of the chiefs, an international council, according to their custom on important questions, consisting of delegates appointed for that purpose from each of the tribes, except the Seminoles, who took no part in it, was held to confer upon the purposes of this commission. The commission attended this conference, and on request presented the subject to them more elaborately and fully than had been done before. The conference continued three days, and at first the views of the commission were treated with seriousness, and the impression seemed favorable in the body that a change in their present condition was necessary and was imminent, and that it was wise for them to entertain our propositions. During the deliberations, however, telegraphic dispatches from Washington reached them indicating that the sentiment of the Government, and especially of Congress, from whose action they had most to apprehend, was strongly in favor of what they maintained as "the treaty situation," and that no steps would be taken looking to a change unless they desired it. This put an effectual check upon the disposition to negotiate, and the result at this international conference was the adoption of resolutions strongly condemning any change and advising the several tribes to resist it. Each of the

tribes subsequently acted in accord with this advice, and several of them took official action condemning any change, and refusing to negotiate upon any terms looking to a change in the present condition in respect either to their form of government or the holding of their domains. This refusal has been repeated many times in these tribes in several ways since, and stands today as the official position of the governments of those who have taken action thereon.

It was apparent that this convention was dominated by the tribal officials and those having large holdings of land.

CREEK NATION.

On the 23d of January, a commission appointed by the chief of the Creek tribe met us at Muskogee to confer with us, but had no authority whatever, as they stated, to enter into negotiations or conclude any agreement with us. After a conference, however, they expressed a desire that we should make any appointment to meet and address their people at Okmulgee, their capitol, and explain the policy and purposes of the U. S. Government in sending us to the Territory, which we accordingly did on the 3d day of April, 1894. Our audience was large, embracing the chief, council, and Creek citizens. A number of prominent citizens, who have almost absolute control of the government and a monopoly of the lands of the tribe, were present, actively opposing the work of this commission.

After arriving at Okmulgee, we had frequent and free conversations with quite a number of Creek citizens, who expressed themselves favorable to the propositions we were submitting, and detailed the poverty-stricken condition of the common people, and the consequent necessity for a change. They also expressed their desire that their council should accede to the proposed changes. After we had addressed fully and in detail the meeting upon the subject of our mission, we were followed by the chief, who addressed them in the Creek language, which was not interpreted and which we therefore could not understand. But we were informed by one present, and believe truthfully, that the chief stated to them that if they acceded to the propositions of the Government and accepted allotment they would each receive a lot of land only 4 by 8 feet, and thereupon called for a vote of the meeting upon the propositions discussed by us, and all of the meeting passed over to the side against our propositions. Immediately thereafter the council met and passed resolutions declining to appoint a commission to treat with us, or take any steps looking to the allotment of lands or change of government.

That our propositions to the Creek tribe might be definite and specific, and the action of their council thereon free from doubt and misconstruction, we, on the 25th day of July, 1894, submitted to the tribe, through its principal chief, written propositions upon which we proposed to negotiate with them, as follows:

PROPOSITIONS TO THE CREEKS.

The commission to the Five Civilized Tribes, appointed by the President under section 16 of an act of Congress approved March 3, 1893, propose to treat with the Creek Nation on the general lines indicated below, to be modified as may be deemed wise by both parties after discussion and conference.

First. To divide all lands now owned by the Creek Nation, not including town sites, among all citizens, according to the treaties now in force, reserving town sites, coal, and minerals for sale under special agreement. Sufficient land for a good home for each citizen to be made inalienable for twenty-five years, or such longer period as may be agreed upon.

Second. The United States to agree to put each allottee in possession of the land allotted to him, without expense to the allottee, that is, to remove from the allottee's land all persons who have not written authority to be on the same, executed by the allottee after the date of the evidence of title.

Third. Town sites, coal and mineral discovered before allotment to be the subject of special agreement between the parties, such as will insure to the nation and to those who have invested in them just protection and adjustment of the respective rights and interests therein.

Fourth. A final settlement of all claims against the United States.

Fifth. All invested funds not devoted to school purposes, and all moneys derived from the sale of town sites, coal, and minerals, as well as all moneys found due from the United States, to be divided per capita among the citizens, according to their respective rights under treaties and agreements.

Sixth. All moneys due the citizens of said Nation, except that devoted to school purposes, to be paid per capita to the citizens entitled thereto by an officer of the United States, to be appointed by the President.

Seventh. A board of three persons to be agreed upon, to whom shall be referred all questions of citizenship and right to allotment, to consist of one member of this commission and one Creek by blood, they to select the third member, wholly disinterested; and in case they shall fail to agree upon such third member, such third member shall be appointed by the President.

Eighth. If an agreement shall be reached with the Creek Nation, a Territorial form of government may be formed by Congress and established over the territory of the Creek Nation, and such other of the Five Civilized Tribes as may have at the time agreed to allotment of lands and change of government.

Ninth. Such agreement, when made, shall be submitted for ratification to the Creek government, and if ratified by it, shall then be submitted to Congress for approval.

Tenth. The present tribal government to continue in existence until after the lands are allotted and the allottees put in possession—each of his own land—after which a Territorial government may be established by Congress.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

These propositions were accompanied by the following letter of transmittal:

SOUTH McALESTER, July 25, 1894.

DEAR SIR: The commission appointed by the President under the sixteenth section of an act of Congress approved March 3, 1893, has not heretofore submitted to the Creek government formal propositions looking to concluding an agreement as provided in such section. We, therefore, herewith inclose such propositions, and request that a commission be constituted by the Creek government, with full power to settle upon the terms of such agreement.

We also request a definite answer prior to 1st of October next, as at that time it is the purpose of this commission to report to the Secretary of the Interior the influences which prevent such an agreement should your government further decline to enter upon negotiations with this commission, as also all other matters which should be properly embraced in such report.

We are, very respectfully,

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

HON. LEGUS C. PERRYMAN,
Principal Chief, Creek Nation.

The national council of the Creek Nation convened in regular session in October, 1894, and adjourned without having taken any action upon the foregoing propositions, so far as this commission has been advised.

CHOCTAW NATION.

By agreement this commission met and addressed the council of the Choctaw tribe at the capitol, Tushkahoma, on the 25th day of January, 1894, explaining the objects of the commission, and the desires and purposes of the U. S. Government in sending it to the Territory. After the international council above alluded to, a commission of Choctaws waited upon us at Muskogee and requested that members of the commission visit and address the Choctaw people at a number of points in the Choctaw tribe; which we did during the spring and summer, accompanied by a commission of three, appointed by the Choctaw council, who could

speak both the English and Choctaw languages, and who were instructed to use their influence to prevent favorable consideration of the propositions submitted by this commission.

On the 23d day of April, 1894, we submitted propositions to the Choctaw tribe as follows:

PROPOSITIONS TO THE CHOCTAW AND CHICKASAW NATIONS.

We propose to treat with the Choctaw and Chickasaw nations jointly, on these general lines, to be modified as may be deemed wise by both parties, after discussion and conference.

First. To divide all lands now owned by the Choctaws and Chickasaws, not including town sites, among all citizens of the two nations, according to the treaties now in force, reserving the coal, minerals, and town sites for sale.

Second. The United States to agree to put each allottee in possession of the land allotted to him without expense to the allottee.

Third. Town sites, coal and minerals discovered to be the subject of special agreements between the parties, and such as will secure to the nation and to those who have invested in them a just protection and adjustment of their respective rights therein.

Fourth. A settlement of all claims against the United States, including the "leased district."

Fifth. All invested funds and all money derived from the sale of town sites, coal and minerals, and from the sale of the leased district, as well as all moneys found to be due from the United States to either of said nations, to be divided per capita among their citizens according to their respective rights under the treaties and agreements.

Sixth. All the moneys due the citizens of said nations, except that devoted to school purposes, to be paid per capita to the citizens of each nation respectively by an officer of the United States, who shall be appointed by the President.

Seventh. If an agreement shall be reached with the Choctaws and Chickasaws a territorial government shall be formed by Congress over the territory of the two nations, and such other of the Five Civilized Tribes as may have, at the time allotted their lands and agreed to a change of government.

Eighth. The present tribal governments to continue until after the lands are allotted and the allottee put in possession, each, of his own land and the money paid to those entitled to the same.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

These propositions were accompanied by a letter of transmittal similar to the one to the Creeks above copied.

Since these propositions were submitted the Choctaw council met in regular session in October last, and adjourned without having taken any action thereon, so far as this commission is advised.

CHICKASAW NATION.

In answer to our letter announcing our presence in the Territory, heretofore alluded to, Hon. Jonas Wolfe, governor of the Chickasaw Nation, suggested the 6th day of February, 1894, at Tishomingo, as the time and place for a meeting of this commission with a commission appointed by him. At that time and place we met and addressed the commission so appointed, together with a large number of Chickasaw Indians, on the objects and purposes for which this commission was appointed, and by request of the governor and members of said commission we met the citizens of the Chickasaw tribe at a number of places and addressed large audiences on the subject of our mission during the spring and summer.

On the 23d day of April, 1894, we submitted propositions to the Chickasaw tribe, through its governor, like those submitted to the Choctaw Nation and copied above, which were accompanied by a like letter of transmittal.

Since these propositions were submitted, the national council of the Chicka-

saw Nation met in regular session and adjourned without having taken any action on such propositions, so far as we are advised.

CHEROKEE NATION.

On the 30th day of January, 1894, a commission of Cherokees met us at Muskoguee, they having been appointed by the principal chief, in response to our letter heretofore referred to. They presented to us a copy of the resolutions adopted by their tribal council, under which they were appointed, which expressly forbade them from entering upon negotiations with this commission, looking to allotment of lands or change of government, and in effect instructing them to use all means within their power to prevent the accomplishment of our mission. After a conference with us, however, they invited us to make a number of appointments and to meet and address the citizens of the Cherokee tribe on the subject of our mission. This we accordingly did during the ensuing spring and summer.

On the 25th day of July, 1894, we submitted to the Cherokee tribe, through its principal chief, propositions as follows:

PROPOSITIONS TO THE CHEROKEES.

The Commission to the Five Civilized Tribes, appointed by the President under section 16 of an act of Congress approved March 3, 1893, propose to treat with the Cherokee Nation on the general lines indicated below, to be modified and extended as may be deemed wise by both parties after discussion and conference.

First. To divide all lands now owned by the Cherokee Nation, not including town sites, among all citizens according to treaties now in force, reserving town sites and minerals for sale under special agreements. Sufficient land for a good home for each citizen to be made inalienable for twenty-five years, or such longer period as may be agreed upon.

Second. The United States to agree to put each allottee in possession of the land allotted to him without expense to allottee—that is, to remove from the allottee's land all persons who have not written authority from the allottee to be on the same, executed after the date of the evidence of title.

Third. Town sites, coal and minerals discovered before allotment to be the subject of special agreement between the parties, such as will secure to the nation and to those who have invested in them a just protection and adjustment of their respective rights and interests therein.

Fourth. A final settlement of all claims against the United States.

Fifth. All invested funds not devoted to school purposes and all moneys derived from the sale of town sites, coal and mineral, as well as all moneys found due from the United States, to be divided per capita among citizens according to their respective rights under the treaties and agreements.

Sixth. All moneys due the citizens of said nation, except that devoted to school purposes, to be paid per capita to the citizens entitled thereto by an officer of the United States, to be appointed by the President.

Seventh. A board of three persons to be agreed upon, to whom shall be referred all questions of citizenship and right to allotment, except freedmen, to consist of one member of this commission and one Cherokee by blood, they to select the third member, who shall be wholly disinterested; and in case they shall fail to agree upon such third member, he shall be appointed by the President.

Eighth. A board of three persons to be agreed upon, to consist of two members of this commission and one Cherokee by blood, who shall revise the roll of freedmen, known as the Wallace roll, and erase the names of such as may be improperly placed on said rolls and add such as may be entitled thereto, including such as may have been born since that roll was made.

Ninth. If an agreement shall be reached with the Cherokee Nation, a Territorial government may be formed by Congress and established over the Cherokee Nation and such other of the Five Civilized Tribes as may have, at the time, agreed to allotment of lands and change of government.

Tenth. Such agreement, when made, shall be submitted for ratification to the Cherokee government, and if ratified by it shall then be submitted to Congress for approval.

Eleventh. The present tribal government to continue in existence until after

the lands are allotted and the allottee put in possession of his own land, after which a Territorial government may be established by Congress.

Twelfth. The agreement entered into by the United States, in reference to intruders, is to be in no way impaired, but is to continue in force and be carried out as originally made, if desired by the Cherokee Nation.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

These propositions were accompanied by the following letter of transmittal:

SOUTH McALESTER, IND. T., July 25, 1894.

DEAR SIR: The commission appointed by you last January, upon an interview with this commission, under instructions from the Cherokee council, declined to take any steps looking to a change of land tenure and the organization of a territorial government by the United States. Believing the Cherokee people did not fully comprehend the changes proposed, and the willingness and anxiety of the United States government to throw around them protection against any possible injury resulting from such proposed change, it was deemed advisable by this commission to disseminate among them such information as would enable them to fully understand the same, with the necessity therefor, and the reasons why the same was desired by our Government. This was promptly done, and sufficient time has now elapsed for them to reach a deliberate conclusion.

We therefore have the honor to submit for the consideration of your government propositions outlining the prominent features of an agreement desired by the United States Government, and to request that the same be submitted to your legislative council, and that a commission on the part of the Cherokee Nation be appointed to negotiate with this commission under the provisions of the sixteenth section of an act of Congress approved March 3, 1893.

We shall be pleased to learn of the action of your government prior to the 1st day of October, 1894, at which time it will be the duty of this commission, if negotiations have not been previously entered upon, to report to the Secretary of the Interior the condition of the Cherokee people, the system of land holding now prevalent, and the influence now obstructing the policy of the Government in securing a change of both land tenure and government, and such other matters as should be embraced in said report.

We have the honor to be, governor, yours, with great respect,
HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

HON. C. J. HARRIS,
Principal Chief, Cherokee Nation.

After these propositions were submitted, it came to our knowledge that the honorable Secretary of the Interior had decided that the Cherokee tribe was the exclusive judge as to who were citizens of said tribe, and we accordingly waived the appointment of a board as provided for in the seventh proposition, and notified the principal chief of the Cherokee tribe of such decision and waiver.

After said propositions were submitted to the Cherokee tribe, Chief Harris requested that the time for an answer thereto be extended until a meeting of the Cherokee council on the first Monday in November, 1894, which we agreed to. The Cherokee council is now in session, but up to this date no response has been received.

SEMINOLE NATION.

In answer to our letter to the governor of the Seminole tribe, he suggested that the national council of the Seminole tribe would convene early in April and named the 6th day of April, 1894, as the time and Wewoka as the place he desired this commission to meet and address said council. Pursuant to such suggestion

we met and addressed the council and a large number of citizens of said tribe. Afterwards the council met and adopted resolutions declining to take any action whatever with a view of negotiating with this commission. Not having done so before, we, on the 26th day of July, 1894, in order to make our propositions more specific and definite, and to obtain a clear response thereto, submitted to the Seminole tribe the following propositions:

PROPOSITIONS TO THE SEMINOLES.

The commission to the Five Civilized Tribes, appointed by the President under section 16 of an act of Congress, approved March 3, 1893, propose to treat with the Seminole Nation on the general lines indicated below, to be modified as may be deemed wise by both parties after discussion and conference.

First. To divide all lands now owned by the Seminole Nation, not including town sites, among all citizens according to the treaties now in force, reserving town sites, coal and minerals, for sale under special agreement. Sufficient land for a good home for each citizen to be inalienable for twenty-five years, or such longer period as may be agreed upon.

Second. The United States to agree to put each allottee in possession of the lands allotted to him without expense to the allottee—that is, to remove from the allottee's land all persons who have not written authority to be on the same, executed by the allottee after the date of the evidence of title.

Third. Town sites, and coal and minerals discovered before allotment, to be the subjects of special agreements between the parties—such as will secure to the nation and to those who have invested in them a just protection and adjustment of the respective rights and interests therein.

Fourth. A final settlement of all claims against the United States.

Fifth. All invested funds, not devoted to school purposes, and all money derived from the sale of town sites, coal and minerals, as well as all moneys found due from the United States, to be divided per capita among the citizens according to their respective rights under the treaties and agreements.

Sixth. All moneys due the citizens of said nation, except that devoted to school purposes, to be paid per capita to the citizens entitled thereto by an officer of the United States, to be appointed by the President.

Seventh. If an agreement shall be reached with the Seminole Nation a Territorial government may be formed by Congress and established over the territory of the Seminole Nation and such other of the Five Civilized Tribes as may have at the time agreed to allotment of lands and change of government.

Eighth. Such agreements when made shall be submitted for ratification to the Seminole government, and, if ratified by it, shall then be submitted to Congress for approval.

Ninth. The present tribal government to continue in existence until after the lands are allotted and the allottee put in possession, each of his own land, after which a territorial government may be established by Congress.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

The foregoing propositions were accompanied by the following letter of transmittal:

SOUTH McALESTER, IND. T., July 28, 1894.

DEAR SIR: Please find inclosed formal propositions indicating the general line upon which this Commission proposes to negotiate with the Seminole Nation.

We request that your nation appoint a commission to arrange the details of such an agreement as this commission is authorized to make under the sixteenth section of an act of Congress approved March 3, 1893.

We hope to be informed in regard to the action of your nation prior to the 1st of October next. If your nation should decline to appoint a commission as requested, we desire at that time to submit a report to the Secretary of the Interior of the condition of the Seminole people and the causes and influences obstructing the policy of the U. S. Government in regard to a change of land tenure and gov-

ernment, with such other facts as may seem pertinent and will enable the government to take such further action as it may deem wise.

Information, alike accessible to all, must convince you of the earnest desire of the United States to effect a change in the condition of the Five Civilized Tribes, and of the many advantages which would accrue to your people if they shall effect such change by agreement.

We have the honor to be, respectfully yours,

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

Hon. JOHN F. BROWN,
Principal Chief, Seminole Nation, Wewoka, Ind. T.

To the above propositions we have not, as yet, received any reply.

SOME EXPLANATIONS.

Early interviews with us by commissioners appointed by the several tribes, and with citizens, satisfied us that the Indians would not, under any circumstances, agree to cede any portion of their lands to the Government, but would insist that if any agreements were made for allotment of their lands it should all be divided equally among them. Among other reasons assigned, it was stated that a cession to the United States would likely make operative and effective the various railroad grants; that they preferred each to sell his share of the lands and receive the money for it, as if ever their lands were converted into money it would go into the hands of the officers of the tribes, who would swindle them out of a large portion of it. Finding this unanimity among the people against the cession of any of their lands to the United States, we abandoned all idea of purchasing any of it and determined to offer them an equal division of all their lands. Hence the first proposition made to each tribe.

An objection very generally urged to allotment of lands was that they would be in possession, when allotted, of non-citizens, whom they could not dispossess without interminable lawsuits, and as the Indians, especially the full-bloods, have a settled aversion to go into our courts, we, to remove this difficulty, submitted the second proposition to each tribe.

There are towns in the Territory ranging in population from a few people to 5,000 inhabitants. Nearly all of them are non-citizens. These towns have not been surveyed or platted, and streets exist only by agreement and arrangement among the people who constructed them, and are often bent and irregular. Many large and valuable stone, brick and wooden buildings have been erected by non-citizens of these towns, and the lots on which they stand are worth many thousands of dollars. These town sites are not susceptible of division among the Indians, and the only practicable method of adjusting the equities between the tribes who own the sites and those who have constructed the buildings is to appraise the lots without the improvements and the improvements without the lots, and allow the owners of the improvements to purchase the lots at the appraised value, or to sell lot and improvements and divide the money according to the appraisement. Hence, the third proposition to all the tribes, town sites were reserved for disposition under special agreements.

Complaints are made by the Cherokees that many freedmen are on the rolls made under the direction of the Government, and known as the "Wallace Roll," who are not entitled to be there, and many freedmen complain that they have been improperly omitted. The chief of the Cherokee tribe suggested that they might be willing to submit all these disputes to this commission for decision, but it was believed that if an intelligent Cherokee by blood was one of such board, it would give the Cherokee people a knowledge of the good faith and correctness of the decision, and secure their confidence in the conclusions arrived at. Hence, in the eighth proposition to the Cherokees, we propose such board be composed of two members of this commission and one Cherokee by blood.

The Cherokee tribe is clamorous for the execution of the agreement in regard to intruders contained in the contract heretofore made with that tribe in purchasing the "Outlet," and we have been met by the declaration repeatedly made by those in power, that when that agreement was carried out it would be time to

discuss the propriety of making another. We therefore provided that that agreement should not in any way be impaired, though it is believed the proposition numbered second is certainly the most satisfactory and effective method of settling the intruder question that has been suggested.

Our instructions were to endeavor to secure the sixteenth and thirty-second sections for school purposes. This was strenuously objected to on the ground, as was claimed, that it would be requiring them to furnish a large school fund for a people of whom they did not constitute more than one-seventh. It was therefore omitted in the propositions made to all the tribes.

The Choctaws and Chickasaws are still claiming an interest in the south part of what is known as the "Leased district," and they insisted that if negotiations were entered upon this matter should also be adjusted before the abolition of their tribal governments, and we embraced it in the fourth proposition to them that the matter might properly come before the tribe and the Government when negotiations were concluded.

In addition to these official communications, and in order that their purport might reach as many individual Indians of the several tribes as possible and their importance be fully understood, we have held frequent conferences with the citizens themselves and personally with those in authority at their respective capitols, at our own headquarters, and whenever an opportunity presented itself. We addressed frequent meetings of the Indians also for that purpose in different parts of the Territory, and have visited all parts of it to acquaint ourselves with the condition of the people and with the subject-matter of our mission. We have also presented the subject through the public press of the Territory whenever possible, and have caused our addresses, circulars, and propositions to be translated into the languages of the different tribes and circulated among those who do not understand the English language. A copy of our address to the citizens of the Five Tribes, issued soon after our arrival in the Territory, is herewith submitted.

The east half of the Territory, inhabited by the Five Civilized Tribes, is mostly covered with dwarf oak, and a belt of similar timber extends west to Oklahoma through the north part of the Chickasaw and south part of the Creek countries, and covers most of the Seminole country. In the Chickasaw, Choctaw, and Seminole countries are mountains of considerable extent covered with pine forests. The margins of streams are bordered with heavy timber, in which are jungle and vines, constituting impenetrable thickets. The remainder of the country is prairie of rich alluvial soil and admirably adapted to agricultural purposes. The land covered with oak timber is generally poor, rocky, and mostly worthless for cultivation.

Coal of superior quality abounds in the Territory, and in the Choctaw country especially are immense beds, worth many millions of dollars, which are being extensively worked by large and costly plants. These coal beds are shingled over with leases and discoverers' rights, claimed under existing law, and complications are arising which will lead to conflict and endless litigation, and which are constantly growing worse.

The abundance of game, fine spring water, and convenience of wood led the Indians to settle in the timber country when first transferred to the Territory, and where the full-bloods still remain, eking out an existence on a few acres of corn raised in the small valleys, and the hogs raised on the acorns.

The real Indian is living in this sterile country, far from the whites and from all civilizing influences.

The mountains and thickets along the water courses afford a refuge and abiding place for criminals and outlaws, whence they sally in their forays on the surrounding country and States, and to which they return when pursued. The immunity thus afforded from arrest and punishment, encourages lawlessness and only the presence of large bodies of armed men or the settlement of the country can extirpate this evil.

Indians living in the woods are by the admission of their wisest men less civilized and fit for citizenship than they were twenty years ago. There is a case of arrested progress, and it is believed that the only hope of civilizing them is to induce them to settle on the fertile lands, rent portions to the whites, mingle freely with them, attending the same churches and schools.

The barrier opposed at all times by those in authority in the tribes, and assuming to speak for them as to any change in existing conditions, is what they

claim to be "the treaty situation." They mean by this term that the United States is under treaty obligations not to interfere in their internal policy, but has guaranteed to them self-government and absolute exclusion of white citizens from any abode among them; that the United States is bound to isolate them absolutely. It cannot be doubted that this was substantially the original governing idea in establishing the Five Tribes in the Indian Territory, more or less clearly expressed in the treaties, which are the basis of whatever title or authority they at present have in the possession of that Territory, over which they now claim this exclusive jurisdiction. To that end the United States, in different treaties and patents executed in pursuance of such treaties, conveyed to the several tribes the country originally known as the "Indian Territory," of which their present possessions are a part only, and agreed to the establishment by them therein of governments of their own. The United States also agreed to exclude all white persons from their borders.

These treaties, however, embraced stipulations equally clear, that these tribes were to hold this territory for the use and enjoyment of all Indians belonging to their respective tribes, so that every Indian, as is expressed in some of the treaties, "shall have an equal right with every other Indian in each and every portion of the territory," and the further stipulation that their laws should not conflict with the Constitution of the United States. These were executory provisions to be observed in the future by both sides. Without regard to any observance of them on their part, the Indians claim that these treaties are irrevocably binding on the United States. These stipulations naturally grew out of the situation of the country at the time they were made, and of the character of the Indians with whom they were made. The present growth of the country and its present relations to this territory were not thought of or even dreamed of by either party when they entered into these stipulations. These Indians were then at a considerably advanced stage of civilization, and were thought capable of self-government, in conformity with the spirit if not the forms of the National Government, within whose limits they were to remain. It was not altogether unreasonable, therefore, to conclude that it would be possible, as it was by them desirable, that these Indians could have set apart to them a tract of country so far remote from white civilization and so isolated that they could work out the problem of their own preservation under a government of their own, and that not only with safety to the Union but with altogether desirable results to themselves.

For quite a number of years after the institution of this project it seemed successful, and the Indians under it made favorable advance toward its realization. But within the last few years all the conditions under which it was inaugurated have undergone so complete a change that it has become no longer possible. It is hardly necessary to call attention to the contrast between the present conditions surrounding this Territory and those under which it was set apart. Large and populous States of the Union are now on all sides of it, and one-half of it has been constituted a Territory of the United States. These States and this Territory are teeming with population and increasing in numbers at a marvelous rate. The resources of the Territory itself have been developed to such a degree and are of such immense and tempting value that they are attracting to it an irresistible pressure from enterprising citizens. The executory conditions contained in the treaties have become impossible of execution. It is no longer possible for the United States to keep its citizens out of the Territory. Nor is it now possible for the Indians to secure to each individual Indian his full enjoyment in common with other Indians of the common property of the Territory.

The impossibility of enforcing these executory provisions has arisen from a neglect on both sides to enforce them. This neglect is largely the result of outside considerations for which neither is responsible and of the influence of forces which neither can control. These executory conditions are not only impossible of execution, but have ceased to be applicable or desirable. It has been demonstrated that isolation is an impossibility, and that, if possible, it could never result in the elevation or civilization of the Indian. It has been made clear that under its operations, imperfectly as it has been carried out, its effect has been to retard rather than to promote civilization, to impair rather than strengthen the observance of law and order and regard for human life and human rights or the protection or promotion of a virtuous life. To such a degree has this sad deterioration become evident that today a most deplorable and dangerous condition of

affairs exist in the Territory, causing widespread alarm and demanding most serious consideration.

All the functions of the so-called governments of these five tribes have become powerless to protect the life or property rights of the citizen. The courts of justice have become helpless and paralyzed. Violence, robbery and murder are almost of daily occurrence, and no effective measures of restraint or punishment are put forth to suppress crime. Railroad trains are stopped and their passengers robbed within a few miles of populous towns and the plunder carried off with impunity in the very presence of those in authority. A reign of terror exists, and barbarous outrages, almost impossible of belief, are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims. We are now informed that, within the territory of one of these tribes, there were 53 murders during the month of September and the first twenty-four days of October last, and not a single person brought to trial.

In every respect the present condition of affairs demonstrates that the permission to govern themselves, under the Constitution of the United States, which was originally embraced in the treaty has proved a failure. So, likewise, has the provision that requires the United States to exclude white citizens from the Territory. The course of procedure by the governments of the Five Tribes has largely contributed to this result, and they are quite as much responsible as the United States for the fact that there are 250,000 white people residing in the Territory. These citizens of the United States have been induced to go there in various ways and by various methods by the Indian governments themselves. These governments consented to the construction of a number of railways through the Territory, and thereby consented that they bring into the Territory all that is necessary in the building and operation of such railroads—the necessary depots, stations, and the inevitable towns which their traffic was sure to build up, and the large building which white men alone could develop and which these railroads were sure to stimulate and make profitable.

Besides these, they have, by their laws, invited men from the border States to become their employees in the Territory, receiving into their treasuries a monthly tax for the privilege of such employment. They have also provided by law for the intermarriage of white persons with their citizens and adopted them into their tribes. By operation of these laws large numbers of white people have become adopted citizens, participating in the benefits of citizenship. A single instance of such marriage has enabled one white man under the laws to appropriate to his exclusive use 50,000 acres of valuable land. They have, by their legislation, induced citizens of the United States to come in from all sides and under leases and other agreements with private citizens, sanctioned by their own laws, farmed out to them large ranges of their domain, as well as inexhaustible coal deposits within their respective borders, and other material interests which civilized white men alone could turn to profit. In some sections of the Territory the production of cotton has proved so feasible and profitable that white men have been permitted to come in by thousands and cultivate it and build trading marts and populous towns for the successful operation of this branch of trade alone.

In a single town of 5,000 white inhabitants, built there by their permission and also for the profit of the Indian, there were during last year marketed 40,000 bales of cotton. They have also sold off to the United States one-half of their original territory, to be opened up to white settlement on their western borders, in which, with their consent thus obtained, 300,000 white citizens have made their homes, and a Territorial government by this means has been erected in the midst of their own territory, which is forbidden by one of the executory provisions of the treaty. The day of isolation has passed. Not less regardless have they been of the stipulations in their title that they should hold their territory for common and equal use of all their citizens. Corruption of the grossest kind, openly and unblushingly practiced, has found its way into every branch of the service of the tribal governments. All branches of the governments are reeking with it, and so common has it become that no attempt at concealment is thought necessary. The governments have fallen into the hands of a few able and energetic Indian citizens, nearly all mixed blood, and adopted whites, who have so administered their affairs and have enacted such laws that they are enabled to appropriate to their own exclusive use almost the entire property of the Territory of any kind that can be rendered profitable and available.

In one of these tribes, whose whole territory consists of but 3,040,000 acres of land, within the last few years laws have been enacted under the operation of which 61 citizens have appropriated to themselves and are now holding for pasturage and cultivation 1,237,000 acres. This comprises the arable and greater part of the valuable grazing lands belonging to that tribe. The remainder of that people, largely the full-bloods who do not speak the English language, are excluded from the enjoyment of any portion of this land, and many of them occupy the poor and hilly country where they get a scanty living from such portions as they are able to turn to any account. This class of persons in the Territory are making little if any progress in civilization. They are largely dependent on those in control of public affairs, whose will they register at the polls and with whose bidding, in a large measure, they comply without question. Those holding power by these means oppose any change and ask only to be let alone.

In another of these tribes, under similar legislation, vast and rich deposits of coal of incalculable value have been appropriated by the few, to the exclusion of the rest of the tribe and to the great profit of those who operate them and appropriate their products to their individual use. Large and valuable plants for mining coal have been established by capitalists under leases by which, together with "discoverer's claims" authorized by the tribal governments, these coal lands are covered, and under the workings of which the rightful owners are being despoiled of this valuable property with very little or no profit to them; and it is clear that this property should be restored to the common domain and protected to the common people, and the mines worked under a system just and equitable to all who have rights therein.

The vast pine forests heretofore spoken of, which are of incalculable value, if not indispensable, in the future development of the country and the building up of homes and improvements of the agricultural lands, are being spoliated and laid waste by attempts, under laws enacted for that purpose, to grant to a few, mostly adopted white citizens, the right to cut and market for their own use whatever timber they can turn to their own profit. This is an irreparable destruction of one of the most essential elements of the progress of the country in the future and should be at once arrested.

Towns of considerable importance have been built by white persons under leases obtained from Indians claiming the right to appropriate common property to these uses. Permanent improvements of great value have thus been made by white citizens of the United States, induced and encouraged thereto by the tribal government themselves, and have become immovable fixtures which cannot be taken away. However difficult the problem of adjusting rights thus involved, nothing can be more clear than that the step cannot be retraced. Towns built under such inducements cannot be removed nor their structures razed to the ground, nor can the places they occupy be restored to the conditions originally contemplated by the treaties. Ruinous as any such attempt would be to those thus induced to expend their money in building these towns, it would not be less ruinous to the Indians themselves to be, by any such attempt, forced back to the methods of life existing before the coming of these white men. The original idea of a community of property has been entirely lost sight of and disregarded in every branch of the administration of their affairs by the governments which have been permitted to control this Territory under the treaty stipulations which are now being invoked, by those who are in this manner administering them, as a protection for their personal holdings and enterprises.

The large payments of moneys to the Indians of these tribes within the last few years have been attended by many and apparently well-authenticated complaints of fraud, and those making such payments, with others associated with them in the business, have, by unfair means and improper use of the advantages thus afforded them acquired large fortunes, and in many instances private persons entitled to payments have received but little benefit therefrom. And worse still is the fact that the places of payments were thronged with evil characters of every possible caste, by whom the people were swindled, defrauded, robbed, and grossly debauched and demoralized. And in case of further payments of money to them the Government should make such disbursements to the people directly, through one of its own officers.

We feel it our duty to here suggest that any measures looking to any change of affairs in this Territory should embrace special, strict, and effective provisions for protection of the Indian and other citizens from the introduction, manufac-

ture, or sale of intoxicants of any kind in the Territory, with penalties therefor, and for failure by officers to enforce same, sufficiently severe to cause their perfect execution. A failure to thus protect these Indians will, in a measure, work their extinction at no distant day.

It is a deplorable fact, which should not be overlooked by the Government, that there are thousands of white children in this territory who are almost wholly without the means of education, and are consequently growing up with no fitting preparation for useful citizenship. A matter of so much concern to the country should not be disregarded.

When the treaties were reaffirmed in 1866, provision was made for the adoption and equality of rights of the freedmen, who had theretofore been slaves in the tribes, upon terms provided in the treaties. The Cherokees and Choctaws have appeared to comply with the letter of the prescribed terms, although very inadequately and tardily, and the Chickasaws at one time took some steps toward complying with these terms, but now deny that they ever adopted the freedmen, and are endeavoring to retrace the steps originally taken. They now treat the whole class as aliens without any legal right to abide among them, or to claim any protection under their laws. They are shut out of the schools of the tribe, and from their courts, and are granted no privileges of occupancy of any part of the land for a home, and are helplessly exposed to the hostilities of the citizen Indian and the personal animosity of the former master. Peaceable, law-abiding, and hard-working, they have sought in vain to be regarded as a part of the people to whose wealth their industry is daily contributing a very essential portion. They number in that tribe about 4,000, while the Chickasaws number 3,500. The United States is bound by solemn treaty to place these freedmen securely in the enjoyment of their rights as Chickasaw Indians, and cannot with honor ignore the obligation.

Upon this subject, as also the claims and condition of the Choctaw freedmen, referred to us by the Department, we submit with this report briefs prepared and submitted to us by Hon. R. V. Belt, and Hon. J. P. Mullen, counsel for the Choctaw and Chickasaw freedmen.

The condition of the freedmen in Choctaw and Cherokee tribes is little better than that of those among the Chickasaws, although they have been adopted according to the requirements of the treaties. They are yet very far from the enjoyment of all the rights, privileges, and immunities to which they are entitled under the treaties. In the Choctaw tribe, the 40 acres to which they are entitled for a home has not been set apart to them and no one has any title to a single foot of land he may improve or occupy. Whenever his occupancy of land is in the way of any citizen Indian he is at once, by means sufficiently severe and threatening, compelled to leave his improvements. He consequently has no abiding place and what he is enabled to get from the soil for his support, he is compelled to gather either furtively or by the most absolute subserviency to the will, caprices, or exactions of his former master. But meager provision is made for the schooling of his children, and but little participation in the management of the government of which he is a citizen is permitted him. He is nevertheless moral, industrious, and frugal, peaceable, orderly, and obedient to the laws, taking no part in the crimes which have of late filled the country with alarm and put in peril the lives and property of law-abiding citizens. A number of these sought an interview with us on one occasion, but were, as we were informed, warned by a prominent Indian citizen that if they called upon us they would be killed, which warning they heeded.

In the Cherokee tribe the schools provided for the freedmen are of very inferior and inefficient character, and practically their children are growing up in deplorable ignorance. They are excluded from participation in the per capita distribution of all funds, and ignored in almost all respects as a factor in the government of a people of whose citizenship they are by the treaties in all respects made a part. Yet in this tribe the freedmen are conspicuous for their morality, industrial and frugal habits, and for peaceable and orderly lives.

Justice has been utterly perverted in the hands of those who have thus laid hold of the forms of its administration in this Territory and who have inflicted irreparable wrongs and outrages upon a helpless people for their own gain. The United States put the title to a domain of countless wealth and unmeasured resources in these several tribes or nationalities, but it was a conveyance in trust for specific uses, clearly indicated in the treaties themselves, and for no other

purpose. It was for the use and enjoyment in common by each and every citizen of his tribe, of each and every part of the Territory, thus tersely expressed in one of the treaties: "To be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole." The tribes can make no other use of it. They have no power to grant it to anyone, or to grant to anyone an exclusive use of any portion of it. These tribal governments have wholly perverted their high trusts, and it is the plain duty of the United States to enforce the trust it has so created and recover for its original uses the domain and all the gains derived from the perversions of the trust or discharge the trustee.

The United States also granted to these tribes the power of self-government, not to conflict with the Constitution. They have demonstrated their incapacity to so govern themselves, and no higher duty can rest upon the Government that granted this authority than to revoke it when it has so lamentably failed.

In closing this report we may be permitted to add that we have observed with pain and deep regret that the praiseworthy efforts of the Christian church, and of benevolent associations from different parts of the country, so long continued among the tribes, are being counteracted and rendered in a large measure nugatory by the untoward influences and methods now in force among them tending directly to destroy and obliterate the beneficial effects of their good work.

Respectfully submitted,

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

HON. HOKE SMITH,
Secretary of the Interior, Washington, D. C.

STATEMENT OF THE CHOCTAW FREEDMEN,

SETTING FORTH

THEIR WRONGS, GRIEVANCES, CLAIMS AND WANTS.

AUGUST, 1894.

Submitted to HON. HENRY L. DAWES, Chairman,
HON. MEREDITH H. KIDD,
HON. ARCHIBALD S. MCKENNON,
Commission to the Five Civilized Tribes, Muskogee, Indian Territory.

By E. D. COLBERT,
D. BARROWS,
WESLEY MCKENNEY,
Committee of the Choctaw Colored Citizens' Association.

HON. R. V. BELT, Washington, D. C.,
HON. J. P. MULLEN, Fort Smith, Ark.,
Attorneys and Counsel for Association.

INDIAN TERRITORY, August —, 1894.

HON. HENRY L. DAWES, Chairman,
HON. MEREDITH H. KIDD,
HON. ARCHIBALD S. MCKENNON.

Commission to The Five Civilized Tribes, Muskogee, Indian Territory.

GENTLEMEN: For the purpose of considering the business, claims, and grievances of those persons who were formerly held in slavery by the Choctaw Indians, and their descendants, including those persons who have intermarried with Choctaw freedwomen, and those Choctaw Indian women by blood who have intermarried with persons of African descent, and all other persons of African and Choctaw blood and descent, residing in the Choctaw Nation, an association has heretofore been formed, whose membership is composed of the classes of persons enumerated, and is known by the name of the Choctaw Colored Citizens' Association.

REFERRED TO THE DAWES COMMISSION.

In response to a letter addressed to him on the subject, the honorable Secretary of the Interior has advised us to lay our grievances, condition, claims, etc., before the Commission appointed by the President to negotiate with the Five Civilized Tribes in the Indian Territory.

PROCEEDINGS OF THE CHOCTAW COLORED CITIZENS' CONVENTION.

In order that we might comply with this suggestion, a call was made, of which due and timely notice was given, for the members of the Choctaw Colored Citizens' Association to meet in convention at Goodland, Kiamichi County, Choctaw Nation, on the 1st day of February, 1894. At the time and place indicated, the convention was duly and regularly assembled, and the proceedings thereof are contained in the accompanying printed pamphlet, embracing a "Memorial of the Choctaw Colored Citizens' Association," wherein is set out very briefly and very generally the wrongs and injustice suffered by the classes of persons comprising the association (who, for convenience, will hereafter be referred to in this paper as the "Choctaw freedmen") by reason of the failure of the Choctaw Nation and the United States to fulfill the treaty relations concerning and affecting the Choctaw freedmen.

It will be seen by reference to the printed pamphlet of the proceedings of the convention (copy herewith, Exhibit 1), that the undersigned were appointed a committee to call upon, confer with, and make known to your Commission the condition, status, grievance, and wants of the Choctaw freedmen.

CONFIDENCE IN THE DAWES COMMISSION.

The Choctaw freedmen consider themselves fortunate indeed in that they have the privilege of laying their claims and grievances before a Commission, now so close at hand, composed of men so able, so wise, and so well known for their disposition to do what is fair, right, and just in all matters with which they have to deal. They consider themselves particularly fortunate that they are referred to a Commission whose chairman is a statesman of such exalted national reputation, having such long and thorough familiarity with and experience in the affairs concerning the Indians of this country, and whose wisdom in discerning what is right has contributed so largely to the solution and adjustment of so

many difficult problems affecting the relation of the Indian tribes to each other and to the Government of the United States. We therefore feel encouraged that at the hands of your Commission some fair and just plan will be adopted whereby the great wrongs and injustice inflicted upon and suffered so long by the Choctaw freedmen will be righted and adjusted.

UNJUST DISCRIMINATION AGAINST CHOCTAW FREEDMEN AND THE RESPONSIBILITY THEREFOR.

The Choctaw freedmen had no choice in the establishment of the relation of slaves to the Choctaw Indians which previously existed. Their lot, like that of all slaves doomed to unrequited toil and the privations, sufferings, and sorrows of involuntary bondage and servitude, was a hard one. But when their freedom was secured their great love and attachment for home, kindred, and the associations of their youth induced them rather to remain in the place of their birth, among familiar scenes, customs, and habits, notwithstanding all the surrounding embarrassments, hindrances, etc., than to adventure forth to new fields and occupations amid untried and unfamiliar environments.

The liberation of the Choctaw slaves was a consequence and result of the great war of the rebellion, in which the Choctaw Indians generally threw their aid and influence against the United States. The provision of the treaty of 1866, against slavery thereafter in the Choctaw Nation, was only to give formal acquiescence to what had already been accomplished and already existed.

The Choctaw freedmen claim that when the Choctaw Indians were seeking the reconstruction of their treaty relations with the United States the Choctaw freedmen at that time should have been recognized and treated as Choctaws in all respects, with equal rights with the Choctaw Indians by blood, without regard to their previous condition of servitude.

Upon every principle of justice the recognition of the right of the Choctaw freedmen to a proportionate share in all that belonged to or was claimed by the Choctaw Nation should have been secured to them when the treaty relations between the United States and the Choctaw Indians, broken during the war of the rebellion, were reconstructed.

That such recognition of the equal rights of the Choctaw freedmen in and to the national estate of the Choctaw Indians was not secured in the treaty of 1866 is no fault of the Choctaw freedmen, as they had no voice in the making of that treaty, and they were represented therein only so far as the United States looked after their interests and welfare. The treaty left them without defined rights; unsecured in any privileges, rights and immunities, with only a stipulation for alternative prospective action for the establishment of their status by either the Choctaw Nation or the United States, as contained in articles 3 and 4 of said treaty, which are as follows:

"ART. III. The Choctaws and the Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than five per cent, in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations, respectively, shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges and immunities, including the right of suffrage, of citizens of said nations, except annuities, moneys, and public domain claimed by, or belonging to, said nations, respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations, on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter, less such sum at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to, as within ninety days after the passage of such laws, rules, and

regulations, shall elect to remove, and shall actually remove, from the said nations, respectively. And should the said laws, rules, and regulations not be made by the legislatures of said nations, respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from said Territory, in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining, or returning after having been removed from said nations, to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

"ART. IV. The said nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration on reasonable and equitable contracts for their labor, which the law should aid them to enforce. And they agree, on the part of their respective nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness and be protected against injury; and they further agree that while the said freedmen now in Choctaw and Chickasaw nations remain in said nations, respectively, they shall be entitled to as much land as they may cultivate for the support of themselves and their families in cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of the occupant, it being understood that in the event of the making of the laws, rules, and regulations aforesaid, the forty acres aforesaid shall stand in place of the land cultivated as last aforesaid." (14 Stat., 769.)

The delay and failure of both the Choctaw Nation and the United States for so many years in any attempt at fulfillment of the treaty stipulations, wrought irreparable wrongs, untold hardships, and great injustice and suffering to the Choctaw freedmen.

They had no adequate legal security in any kind of property; no place they could call their own; were not encouraged by any sufficient legal protection, they could not build themselves homes, or surround themselves with even the barest means of existence; to say nothing of the comforts and pleasures which come with an advancing civilization. No provision was made by the United States or by the Choctaw Nation for the education of their children, and they, in their poverty, and with no defined rights, privileges, and immunities, could not procure and provide necessary educational facilities; in the absence of which their children grew up in ignorance, to their great harm, wrong, and disadvantage.

The status of the former slaves of the Indian tribes, among which slavery existed, after their liberation as a result of the war of the rebellion, was not in many respects analogous to that of the liberated slaves of the other sections of the country. The latter were made citizens of the United States, and of the States in which they resided, by an amendment to the Constitution. They became thereby owners in common with equal rights and interests, with all other citizens of the United States in all of the common property of the United States, and with the citizens of their respective States of the common property of said States, and became entitled to full and equal enjoyment of all benefits and advantages derived therefrom.

If the land and other property in the States had been held in common by the citizens thereof, instead of in severalty, as was and is the case, the former slaves and newly made citizens would have become entitled to a pro rata share thereof according to their numbers.

As the land, invested funds, annuities, and other moneys belonging to or claimed by the Choctaw Nation, and constituting the estate of said nation were—as they are yet—held in common by the citizens of the Choctaw Nation, the former slaves of the Choctaw Indians, when liberated as a consequence of the war of the rebellion, should have been recognized at once as Choctaws in all respects and entitled to all the rights, privileges and immunities, including the right of suffrage, of citizens of said nation, and also including the right to share

equally with the citizens of said nation in the annuities and other moneys and the public domain belonging to or claimed by said nation. That this claim is right and just is shown by the action taken in the reconstructed treaties of 1866 made with the Creeks, Seminoles, and Cherokees, of the Five Civilized Tribes.

In the treaty of 1866 with the Creeks, this provision is made:

"ART. II. The Creeks hereby covenant and agree, that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said Creek country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens (thereof) shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of said nation shall be equally binding upon and give equal protection to all such persons and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe." (14 Stat., 786.)

In the treaty of 1866 with the Seminoles, article 2 is to the same effect. (14 Stat., 756.)

In the Cherokee treaty of 1866 a right to occupy and improve the land, and "all the rights of native Cherokees" are accorded to the Cherokee freedmen and certain other free colored persons, by articles 4, 5, 6, 7, 8, 9, etc. (14 Stat. 800.)

There was no reason why the same principle of justice and right should not have been secured to the Choctaw and Chickasaw freedmen; and with the equality of rights, privileges and immunities, including the interest in the tribal estate, so fully acknowledged and recognized in the reconstructed treaties negotiated and concluded with the Creek, Seminole and Cherokee Nations, of the Five Civilized Tribes, to the former slaves of the people of said tribes, it is a cause for great wonder that the United States finally concluded any treaty at that time with the Choctaw and Chickasaw Nations which did not fully recognize the equal rights and interests of the former slaves of said tribes in and to the tribal estates.

Who is responsible for this unjust and ruinous discrimination against the Choctaw and Chickasaw freedmen? To whom should they apply but to the United States for the proper measures of relief and reparation?

SUBSEQUENT INEFFECTUAL EFFORTS TO REMEDY ADMITTED TREATY INJUSTICE.

The Choctaw and Chickasaw treaty of 1866 failed to establish and define the status of the freedmen of said tribes. This failure was soon found to have been a serious mistake, the responsibility for which was certainly not with the Choctaw and Chickasaw freedmen.

It has been subsequently sought at various times to secure legislation by Congress to correct this mistake. And the justice of the claim that is here set up in behalf of the Choctaw freedmen, has been heretofore stated with great force and clearness by the honorable Secretary of the Interior (C. Delano) in a report made by him to the Senate Committee on Indian Affairs, on a bill (Stat., 680) for the relief of certain persons of African descent, resident in the Choctaw and Chickasaw Nations, which had been objected to by these nations (see Senate Mis. Doc. No. 118, Forty-third Congress, first session). Therein, after referring to the condition of the Choctaw and Chickasaw freedmen, the provisions of the treaty of 1866 as to them, and the failure of fulfillment thereof by both the Choctaw and Chickasaw nations and the United States, the Secretary says:

"Now for the facts. Neither the Choctaw nor the Chickasaw nations have secured to said persons of African descent the rights, privileges and immunities, including the right of suffrage, provided for in treaty. The United States has not removed any persons of African descent, because such persons are so identified by marriage and customs with said nations as to be unwilling to break up their homes and go elsewhere.

"The \$300,000 has not been invested nor paid to the Choctaw and Chickasaw nations; and the said persons of African descent, who are the most industrious and useful portion of the population of each nation, are without the rights, privileges, and immunities of citizens, without the right of suffrage, without land, and without money, and with a disinclination, under all the painful embarrassments, to leave their homes, friends, and relatives and go elsewhere, for the pitiful sum of \$100 per capita. They are as meritorious, to say the least, as the average Choctaw and Chickasaw population. They have probably done as much toward securing the wealth possessed by said nations, per capita, as the average Choctaw and Chickasaw population. Under these circumstances their condition is not simply anomalous; it is unjustifiable, oppressive, and wrong, and ought to be remedied.

"Now for the provisions of the bill. It provided that the persons of African descent, before alluded to, shall have all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, respectively, and in the annuities, moneys, and public domain claimed by or belonging to said nations, respectively. Is this wrong? The Choctaw and Chickasaw nations are under treaty obligations to secure these people the rights, privileges, and immunities, of citizens, including the right of suffrage. They ought to have done so long since. Their failure to do so is a great wrong, and a great injustice, which should be speedily corrected. But ought these people to have an equal right in the annuities and public domain of the Choctaw and Chickasaw nations? Let us see. The present annuity fund of these nations amounts to about \$100 per capita. The United States, by the treaty aforesaid, secured to these persons of African descent, under certain conditions, \$100 per capita, and that is about what the said \$300,000 amounts to.

"By the second section of the bill objected to, this \$300,000 is to be invested and paid in trust for the use and benefit of the Choctaw and Chickasaw nations, so that these persons of African descent will bring to the trust fund of said nations a sum per capita equal to the amount per capita of the present annuity trust fund of the nations.

"This, it seems to me, answers satisfactorily the objections to the bill so far as it relates to the rights of the Africans in the annuity funds of the Choctaw and Chickasaw nations.

"But the bill also gives to these Africans an equal right in the public domain claimed by said nations. Is this wrong? Lands are not held in severalty by these nations; they are held in *common*. The treaty contemplated making the Africans citizens, with equal rights and privileges with the Choctaws and Chickasaws, and upon this principle, in justice and equity, the common property of the nations should belong as much to the Africans made citizens, as to the native-born citizens of said nations.

"The argument against this provision, drawn from a pretended analogy between this case and the case of the liberated slaves of the United States, does not rest upon a solid foundation. The liberated slaves of the United States did not become entitled to the property held by individual citizens of the United States, in severalty, but to so much of the public domain and other property of the United States as was not the separate property of individuals. These liberated slaves, when they became citizens, did become entitled to equal rights and privileges as other American citizens.

"If you look at the manner in which the Choctaw and Chickasaw nations acquired their property, and if you consider that the improvements made thereon have been made by the labor of the African people, in as large, if not larger proportion, than by the labor of native Choctaws and Chickasaws, you will see that there is not any injustice in giving to these persons of African descent, made free and made citizens, equal rights in all respects with native Choctaw and Chickasaw people.

"A failure to pass this bill will leave the treaty of 1866 unexecuted; will continue the African people among the Choctaws and Chickasaws in their present unjust and disastrous situation; will preserve the strife, animosity, and disturbance incident to these relations, and therefore I cannot too earnestly or too urgently recommend the passage of the bill during the present session of Congress.

"I beg your careful and attentive consideration of this subject, and hope you will bring it before such of your colleagues as feel an interest in the welfare of

these people, and that if you concur with me in this opinion you will endeavor to secure the passage of the measure referred to immediately."

Like other projected measures of legislation designed to correct the mistakes made in negotiating the treaty of 1866, and to remedy the wrong brought thereby upon the Choctaw and Chickasaw freedmen, the bill referred to failed to become a law. It may be that this failure of legislation was due, as much as anything else, to the poverty of these people, and their consequent inability to provide for the employment of competent legal counsel to represent them and to press their case before Congress.

DUTY OF UNITED STATES AS TO FREEDMEN OF THE FIVE CIVILIZED TRIBES.

Justice I. C. Parker, in the case of *United States v. D. L. Payne*, tried in the United States district court for the western district of Arkansas, in the May term, 1881, referring to the right of the Government to locate freedmen in the country ceded by the Seminole Nation by treaty of 1866, containing the language, "In compliance with the desire to locate other Indians and freedmen thereon," says:

"We find that colored people were held in slavery in all the civilized tribes of the Indian Territory. Slavery was abolished there, as well as elsewhere in the United States, by the emancipation proclamation of the President, and by the thirteenth amendment to the Constitution, adopted the 13th of December, 1865, and such abolition was recognized by these tribes in the several treaties made with them in 1866.

"The government was desirous of protecting these freedmen and of securing them homes. It was not known how well the several tribes who had held them in slavery would observe their pledges to secure them the same rights they enjoyed. It was feared that prejudice, growing out of their former condition as slaves, and of race, would be so strong against them that they would not be protected by the Indians. The government had given them the boon of freedom, and it was in duty bound to secure it, in all that the term implied to them.

That this duty would ultimately be fully performed by the United States— notwithstanding the long delay of year after year—the Choctaw freedmen confidently hoped and believed; and they as confidently hoped and believed that reparation would be made, as far as possible, for the damage and injury suffered during the long years of waiting.

INJUSTICE SUFFERED BY CHOCTAW FREEDMEN.

The unsettled condition of the Choctaw and Chickasaw freedmen, and the need for some speedy adjustment of the matter, was frequently mentioned in the annual reports and other documents by the Indian Office, and of the Department of the Interior.

Agent T. D. Griffith, in his annual report for 1872, referring to these freedmen, says:

"But it is of great importance that they should somewhere have well-defined rights. As they are here now, I cannot encourage them to make permanent improvements; and without them they are but hewers of wood for others. There should also be means provided for the education of their children. They are not able to employ suitable teachers, and the consequence is, many of these children are growing up ignorant, as their fathers were before them. It would cost something to establish a school system for them and carry it on until they could do it themselves, but they will do all in their power to aid, and it will be cheaper to educate them than to allow them to grow up, as they are now growing, in ignorance." (Annual Report Indian Office, 1872, p. 238.)

The Commissioner of Indian Affairs, in his annual report for 1874, page 70, says:

"The negroes who were formerly owned as slaves by the Choctaws and Chickasaws, are in an anomalous condition. They have their freedom, but are without equal rights and privileges. There is no reason in justice and equity why these negroes should not be treated by the Government as a constituent part of these Indian nations, and share with them in all the right of landed property and educational facilities. They are orderly, industrious, and eager for the education of

their children, and yet are obliged to spend their labor upon farms to which they have no title, and which, when once well improved, are not infrequently taken from them. Their children grow up in ignorance in sight of schoolhouses in which they may not enter."

Such quotations from official reports might be continued to a further extent. The foregoing are deemed sufficient to show that at least from the close of the war of the rebellion till the Choctaw legislature passed the act of May 21, 1883, adopting the Choctaw freedmen, the Choctaw freedmen continued to exist under great disadvantages, without any pretense at fulfillment of even treaty stipulations concerning them, either by the Choctaw Nation or by the United States.

No positive remedy can reach those who have passed away under unmerited afflictions. Nor can the damage and injury suffered by the living be wholly repaired, but the fullest possible measure of justice should be secured to them, especially for the benefit of the rising generation.

INSUFFICIENCY OF LAW ADOPTING CHOCTAW FREEDMEN FOR FULFILLMENT OF EVEN TREATY STIPULATIONS.

There has been little improvement in the condition of the Choctaw freedmen in many respects since the passage of the Choctaw act of May 21, 1883 (copy herewith, Exhibit 2).

Under that law no equal or adequate facilities for the education of their children are provided. No sufficient protection in the use and occupation of even the forty acres of the public domain guaranteed to them in the treaty of 1866 is secured. In these and many other respects the laws enacted by the Choctaw Nation are not equal in their operation upon the Choctaws and the negroes. No survey has been made by the United States of the Choctaw domain, as stipulated and provided in the treaty of 1866. This failure has added greatly to the embarrassments suffered by the Choctaw freedmen in the use and occupation of land for cultivation, and hindered them in asserting their claims for protection against intrusion upon their improvements and the fruits of their labors, or for dispossession thereof.

When said Choctaw act of May 21, 1883, was submitted to the Commissioner of Indian Affairs, as a compliance with the treaty provisions on the subject, it was objected to by him as not a satisfactory and sufficient compliance with the stipulations of the treaty, and as not calculated to secure the objects and purposes of said treaty stipulations. He therefore declined to give it his approval, but recommended that either the freedmen be removed to the Oklahoma district or that stringent laws be passed compelling the respective tribes to adopt their freedmen, as provided in their treaty. (See Annual Report Indian Office, 1883, p. 53.)

The Secretary of the Interior, however, subsequently held that the said act was a substantial compliance with the third article of the treaty of 1866. (See Annual Report Indian Office, 1884, p. 45.)

Accordingly, money appropriated by the act of Congress of May 17, 1882, for the education of the freedmen was paid to the Choctaw Nation instead.

Subsequently final balance of the claim of the Choctaw Nation upon the \$300,000 mentioned in the treaty of 1866, was placed to the credit of that nation, and its obligations under the treaty, so far as making the laws, rules, and regulations required by the treaty, have been treated as closed.

The practical operation of the provisions of that act of the Choctaw legislature has demonstrated how unsatisfactory and insufficient it is for securing and accomplishing the intents, objects, and purposes of the treaty stipulations on behalf of and for the benefit of the Choctaw freedmen. The children of the Choctaw freedmen are yet growing up in ignorance because of the inadequacy and insufficiency of proper school facilities and advantages. The Choctaw freedmen have no proper security and protection in their homes, property, etc., and whether or not the laws be considered equal in their provisions and purposes, without distinction against the Choctaw freedmen, they are not equal in their application and operation. The Choctaw freedmen feel and suffer the effects and results of discrimination against them in the administration of all departments and branches of the Choctaw government.

In the midst of such embarrassment the Choctaw freedmen have very little of the hope of better things to encourage them to industry, to make permanent improvements in their homes, or other proper efforts to advance in civilization.

The Choctaw freedmen have believed it to be, as it has been judicially declared to be, the duty of the United States, which gave them the boon of freedom, "to secure it, in all that the term implied, to them." They have waited and hoped, and are still waiting and hoping, that the United States will put them in possession and enjoyment of all the rights, privileges, and immunities, without any sort of limitation or distinction thereon, possessed and enjoyed by the Choctaw citizens by blood. And they appeal to the United States and to your honorable Commission to whom they have been referred by the honorable Secretary of the Interior as the representative of the United States in these matters, to effectuate, by proper, just and suitable negotiations, the necessary arrangements for securing to them full rights, privileges, and immunities as Choctaw citizens, as well in the national estate as otherwise. And they further urge that such arrangements and provisions be so framed and made as to cover the past and present unjust discrimination and the consequent injuries resulting therefrom, as well as to relieve them from any future discrimination, injury, etc.

The immigrant recently landed upon the shores of the United States who has taken the preliminary steps of citizenship becomes entitled to appropriate as much of the public domain as a native-born American citizen, though he has done nothing to defend and maintain the Government, nothing to increase the value of the public domain, and nothing to add to the wealth of the country.

Why were not the Choctaw freedmen, born upon the soil of the United States, with the right of domicil and domiciled in the Choctaw country, whose labor had largely contributed to the wealth of the Choctaw Nation, given an equal interest with the Choctaw citizens by blood, in the lands and other common property of the Choctaw Nation?

To be a citizen of a free country, under a government of the people, by the people, and for the people, without the right to share in the common property of that government, is an absurdity. Such base citizenship inspires no loyalty, but debases and degrades the citizen, and dishonors the government that bestows it.

THE POWER OF CONGRESS TO REMEDY TREATY WRONGS BY LEGISLATION.

It is in the power of the United States, through Congress, to remedy the wrongs brought upon the Choctaw freedmen by the unjust treaty of 1866.

"Under the Constitution, treaties as well as statutes are the law of the land; both the one and the other, when not inconsistent with the Constitution, stand upon the same level, and being of equal force and validity; and as in the case of all laws emanating from an equal authority, the earlier in date yields to the later." (Op. of Att'y Gen'l U. S., Dec. 15, 1870, 13 Op., 354.)

"A treaty may supersede a prior act of congress (Foster and Elam v. Neilson, 2 Peters, 314) and an act of Congress may supersede a prior treaty (Tailor v. Morton, 2 Curt., 454; The Clinton Bridge, 1 Walworth, 155). In the cases referred to, these principles were applied to treaties with foreign nations. Treaties with the Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, cannot be more obligatory. They have no higher sanctity, and no greater inviolability or immunity from legislative invasion can be claimed. The consequences in all such cases give rise to questions which must be met by the political department of the Government. They are beyond the sphere of judicial cognizance." (The Cherokee Tobacco, 11 Wall., 616.)

"In short, we are of opinion that, so far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal." (Head-money cases, 112 U. S., 580; Whitney v. Robertson, 124 U. S., 190; Chinese exclusion cases, 130 U. S., 581.)

CLAIMS OF THE CHOCTAW FREEDMEN.

No claims not warranted by right and justice are asserted by the Choctaw freedmen.

FULL RIGHTS AS CHOCTAW CITIZENS, AND INDEMNITY FOR PAST WRONGS AND INJURIES.

The Choctaw freedmen claim that they should have and enjoy, and should be secured by the United States in the full possession and enjoyment of, all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, and also including the right to share per capita in the annuities, moneys, and public domain claimed by or belonging to said nation. They claim that these rights should have been fully secured to them by the United States when the treaty of 1866 was negotiated and concluded; and that the loss, damage, and injury suffered by them by reason of the failure to secure them in the full and equal rights of Choctaw citizens, including the estate of the Choctaw Nation, should be repaired and provided for as far as possible.

This is the claim which they present for consideration of your Commission. And they ask that the fullest possible measure of their claim, within the power of your commission to obtain, be secured to the Choctaw freedmen.

The mistakes and injuries of the past, as well as the hardships and wrongs of the present, suffered by the Choctaw freedmen, should be kept in view in any present or future negotiations that may be had and concluded with the Choctaw Nation; or in any laws that may be enacted by Congress in ratification of any agreements that may be negotiated with them by the United States; or in any laws that may be enacted in carrying out any policy that may be adopted by the Congress with reference to the Choctaw Indians, upon failure of negotiations with them for modification of their existing treaties; and such remedies as may be right and just should be provided.

CLAIM TO AN INTEREST IN THE "LEASED DISTRICT" PAYMENTS.

In the Indian appropriation act of March 3, 1891, provision was made for the payment to the Choctaw and Chickasaw nations of \$2,991,450 as additional compensation for a part of the Choctaw "Leased district." In submitting that matter to Congress for further consideration President Harrison, in his special message of February 17, 1892, said:

"In view of the fact that the stipulations of the treaty of 1866, in behalf of the freedmen of these tribes, have not, especially in the case of the Chickasaws, been complied with, it would seem that the United States should, in a distribution of this money, have made suitable provision in their behalf. The Chickasaws have steadfastly refused to admit the freedmen to citizenship, as they stipulated to do in the treaty referred to, and their condition in that tribe, in a lesser degree in the other, strongly calls for the protective intervention of Congress." (Senate Ex. Doc. No. 42, Fifty-second Congress, first session, p. 3.)

That money has been paid to the Choctaws and Chickasaws; and it has been paid out to the Choctaw citizens by blood. The Choctaw freedmen have not received any portion thereof, nor derived any benefits from that large sum of money, a part of the Choctaw national estate.

A much larger sum is yet claimed by the Choctaw and Chickasaw nations for the remainder of said "Leased district," the payment of which they are expecting to receive when the pending agreements made with other Indians residing upon the land shall have been ratified by Congress.

The part payment already made upon the "Leased district" claim may be taken as a recognition, at least, by the United States, that there is merit in the further payment claimed by the Choctaw Nation on that account, when the remainder of said "Leased district" lands shall be opened to public settlement. It will require legislation by Congress to finally settle that claim. The Choctaw freedmen most respectfully and humbly urge and insist that in any plans, propositions and arrangements considered by your Commission, in your negotiations with the Choctaw Nation, looking to any agreement with that nation, proper stipulations be incorporated therein for securing to the Choctaw freedmen a just and equitable share of any money that may be hereafter paid to the Choctaw Nation, or the citizens thereof, on account of that claim. They certainly indulge the hope that "the protective intervention of Congress," so strongly urged by President Harrison in their behalf as to the legislation for the payment already made on that claim, may be interposed without any failure in any future legislation on the subject.

THE SURVEY OF THE CHOCTAW LANDS.

The Choctaw freedmen desire and claim that the lands of the Choctaw Nation be surveyed, and also that provision be made for title in severalty to the Choctaw freedmen to the land to which they are justly entitled. They desire this that they may select and settle upon, and cultivate and improve their holdings, establish and furnish their homes, and surround themselves with more of the comforts of life, with some adequate security that they will be fully protected in the use and enjoyment of the fruits of their labors.

SUITABLE EDUCATIONAL FACILITIES.

The Choctaw freedmen desire, claim, and urge that sufficient and suitable provisions and facilities be secured to them at the earliest possible moment for the proper education of their children.

They were for so many years without schools of any sort, and those educational facilities now accorded to their children are so meager and limited that the Choctaw freedmen enjoy almost nothing of the great benefits of education. Their ignorance is pitiable and deplorable.

The past cannot be redeemed; but the future can be made so bright that the past, if not atoned for, may be buried and forgotten. They therefore most humbly implore your honorable Commission to provide amply for the education of their children. We would not insult the intelligence and statesmanship of your Commission by consuming more of your time in urging the necessity and benefits of education to the rising generation of the Choctaw freedmen. These benefits we cannot have while we continue in our present embarrassed condition; and our poverty is too universal for us to provide, as we should and desire, for the education of our children.

FULL AND EQUAL PROTECTION UNDER JUST LAWS.

Finally, we appeal for emancipation and extrication from our present peculiar and deplorable condition and embarrassments.

We claim and urge that our status be so clearly established, fixed, and defined that we shall be free in deed and in fact, in all that freedom implies. That we be secured in full and adequate protection under just and equal laws, in our person, our property, and our liberty.

When we shall be thus made free, with an equal chance for our lives, liberties, and homes, we shall be encouraged to set ourselves diligently about the task of improving our condition and surroundings, elevating ourselves, and advancing in the ways of civilization.

We ask that your Commission make such personal investigation as may be necessary to satisfy you of the facts in any of the matters herein alleged.

As you will see by the proceedings of our convention, Hon. R. V. Belt, of Washington, D. C., and Hon. Joseph P. Mullen, of Fort Smith, Ark., have been retained as our attorneys in these matters.

Valuable information concerning the Choctaw freedmen will be found in the following public document, one copy of which is herewith submitted:

Senate Ex. Doc. No. 82, Fortieth Congress, second session.

Senate Ex. Doc. No. 71, Forty-first Congress, second session.

H. R. Mis. Doc. No. 46, Forty-second Congress, second session.

H. R. Ex. Doc. No. 212, Forty-third Congress, first session.

We have the honor to be, very respectfully, your obedient servants,

E. D. COLBERT,
D. B. BARROWS,
WESLEY MCKENNEY.

Committee of the Choctaw Colored Citizens' Association.

R. V. BELT, Washington, D. C.,

J. P. MULLEN, Fort Smith, Ark.,

Attorneys and Counselors for the Choctaw Colored Citizens' Association.

STATEMENT OF THE CHICKASAW FREEDMEN,

SETTING FORTH

THEIR WRONGS, GRIEVANCES, CLAIMS AND NEEDS.

1894.

Submitted to HON. HENRY L. DAWES, Chairman,
HON. MEREDITH H. KIDD,
HON. ARCHIBALD S. MCKENNON,
United States Commission to the Five Civilized Tribes of Indians,
Muskogee, Indian Territory.

By CHAS. COHEE,
ISAAC C. KEMP,
GEO. W. HALL,
MACK STEVESON,
Committee of Chickasaw Freedmen's Association.

HON. HENRY L. DAWES, Chairman,
HON. MEREDITH H. KIDD,
HON. ARCHIBALD S. MCKENNON,

Commission to The Five Civilized Tribes, Muskogee, Indian Territory.

GENTLEMEN: The undersigned, a committee appointed by the Chickasaw freedmen in convention assembled, as shown by the accompanying copy of the proceedings of said convention, to present to and lay before your honorable Commission the grievances, condition, claims, and the wants of the Chickasaw freedmen, most respectfully request that you give careful consideration to the "Memorial of the Chickasaw freedmen, adopted at said convention, and contained in the copy of the proceedings thereof before referred to; and also to what we, the duly authorized and empowered committee of the said convention of Chickasaw freedmen, shall herein present in their behalf.

THEIR HOPE AND CONFIDENCE IN THE DAWES COMMISSION.

Coming, as does your honorable Commission, to the Indian Territory, with the authority of Congress, to negotiate with the Five Civilized Tribes, to such extent as will "enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory," the Chickasaw freedmen, whose domicile is within the Chickasaw country, where they have been born and reared, and where they have treaty rights unfulfilled, deem it right and proper that they should lay before your honorable Commission their condition and grievances, and present to you their claims, needs, and wants. And they do this with the greater confidence, because they recognize in the members of your honorable Commission men of great ability and broad statesmanship, desirous of ascertaining the true state and condition of the whole of the population domiciled within the domain of several Indian nations comprising the Five Civilized Tribes; what rights, if any, they have, their grievances, and the wrongs they have suffered, and not only anxious, but abundantly able to find and report what is the true remedy for the existing evils, and the proper measure of relief for those who have been compelled to suffer injustice at the hands either of the Chickasaw Nation or the United States.

The chairman of your Commission, the Hon. Henry L. Dawes, is a statesman of exalted national reputation, having had long and wide experience in both Houses of the Congress of the United States, where he was recognized as peculiarly and especially skilled in all matters concerning the relation of the Indian and negro population of the country to the United States Government, and where his wisdom and statesmanship have contributed to the satisfactory solution and adjustment of so many of the difficult problems connected therewith. Therefore we the more rejoice that it is our high privilege to lay our matters before your Commission, and we indulge in great hope that the dark night of our existence will soon give way to the dawn of a better day.

ATTORNEYS FOR THE CHICKASAW FREEDMEN.

We have secured for co-operation with our local attorney, Hon. Joseph P. Mullen, of Fort Smith, Ark., the assistance of Hon. R. V. Belt, late Assistant Commissioner of Indian Affairs, and so long connected with the Indian branch of the Department of the Interior under Secretaries Teller, Lamar, Vilas and Noble, in the future prosecution of our claims, so long neglected for want of proper help.

TREATY PROVISIONS CONCERNING CHOCTAW AND CHICKASAW FREEDMEN.

The treaty relations between the Choctaw and Chickasaw nations of Indians existing at the outbreak of the war of the rebellion were broken and interrupted during that conflict, when loyalty to the United States was renounced and adherence to the Southern Confederacy was proclaimed by treaty, and in which many of the members of those nations gave active aid against the United States. After the close of that conflict, which resulted in the emancipation of African slavery wherever it existed in this country, it became necessary to reconstruct and re-establish treaty relations between the United States and the Five Civilized Tribes in the Indian Territory. The treaty of April 28, 1866, with the Choctaw and Chickasaw nations is the result as to them.

The provisions of that treaty, so far as they sought to establish and fix the status of the persons of African descent, formerly held in slavery by the Chickasaw Indians, and their descendants, are found in articles two, three, and four thereof, which are as follows:

"ART. II. The Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in punishment of crime whereof the parties shall have been duly convicted, in accordance with laws applicable to all members of the particular nation, shall exist in said nations."

"ART. III. The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than five per cent, in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations, respectively, shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations, respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations, on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selection as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter, less such sum at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to, as within ninety days after the passage of such laws, rules, and regulations, shall elect to remove, and actually remove, from the said nations, respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations, respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from said Territory, in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining, or returning after having been removed from said nations, to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

"ART. IV. The said nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration on reasonable and equitable contracts for their labor, which the law should aid them to enforce. And they agree, on the part of their respective nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness and be protected against

injury; and they further agree that while the said freedmen now in Choctaw and Chickasaw nations remain in said nations, respectively, they shall be entitled to as much land as they may cultivate for the support of themselves and their families in cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of the occupant, it being understood that in the event of the making of the laws, rules, and regulations aforesaid, the forty acres aforesaid shall stand in place of the land cultivated as last aforesaid." (14 Stat., 769.)

NONFULFILLMENT OF TREATY STIPULATIONS.

The stipulations of the treaty of 1866, concerning the Chickasaw freedmen, have never been fulfilled nor carried out. The action of both parties to that treaty, the United States and the Chickasaw Nation, can best be shown by the acts passed by the Congress of the United States and by the Chickasaw legislature. It must be remembered that the Chickasaw freedmen had no voice in the making of the treaty of 1866, and were in no wise represented in the making thereof, except as their interests may have been looked after by the United States.

ACTION BY THE CHICKASAW LEGISLATURE.

November 9, 1866, the Chickasaw legislature passed an act declaring it to be the unanimous desire of the legislature that the United States hold the share of the Chickasaw Nation in the \$300,000, stipulated for the cession of the "Leased district," for the benefit of the Chickasaw freedmen, and remove them beyond the limits of the Chickasaw Nation according to the third article of the treaty of 1866.

In 1868, similar action was taken by the Chickasaw legislature asking for the removal, by the United States, of the Chickasaw freedmen from the Chickasaw country.

January 10, 1873, the Chickasaw legislature passed an act entitled "An act to adopt the negroes of the Chickasaw Nation, etc." That act was submitted by the governor of the Chickasaw Nation, by letter of the same date, to the President of the United States, and was submitted by the Secretary of the Interior to the Speaker of the House of Representatives, on February 10, 1873, with recommendation for appropriate legislation for extending the time for the execution of the third article of the treaty. The papers were referred to the Committee on Freedmen Affairs, but no action thereon was had. (See Annual Report Indian Office, 1882, p. 57; and H. R. Ex. Doc. 207, Forty-second Congress, third session.)

October 18, 1876, the Chickasaw legislature adopted a resolution providing for a commission to confer with a like Choctaw commission, looking to the agreement upon some plan for removing and keeping the freedmen from the Choctaw and Chickasaw country (Chickasaw laws, 1878, p. 148).

February 17, 1877, the Chickasaw legislature passed an act entitled "An act confirming the treaty of 1866." In section 3 thereof, "the United States are requested to remove the said negroes beyond the limits of the Chickasaw Nation according to the requirements of the third article of the treaty of April 28, 1866" (Chickasaw laws, 1890, p. 121).

October 4, 1887, the Chickasaw legislature passed the following:

"And, whereas, the Chickasaw people have kindly and friendly feeling toward the freedmen, their former slaves, and wishing them to receive full valuation of the places they live upon, for their support, as provided for in section 4 of the treaty of 1866, do hereby agree that they shall have two years from the passage of this act to sell their improvements in the Chickasaw Nation to the best advantage, that no loss may accrue to them: Therefore,

"Be it resolved by the legislature of the Chickasaw Nation, That the Nation shall refund to the United States the sum of \$55,000 to be used in removing the freedmen in the Chickasaw Nation to their new home as provided under the third and fourth articles of the treaty of 1866, made between the United States and the Choctaw and Chickasaw nations of Indians." (See Sen. Ex. Doc. 166, Fiftieth Congress, first session.)

The Chickasaw legislature had previously, on October 22, 1885, passed an act rejecting the adoption of the Freedmen of the Chickasaw Nation (Chickasaw laws, 1890, p. 171).

ACTION BY THE CONGRESS OF THE UNITED STATES.

In the Indian appropriation act of May 17, 1882, the following provision of law was enacted by Congress:

"That the sum of ten thousand dollars is hereby appropriated out of the three hundred thousand dollars reserved by the third article of the treaty with the Choctaws and Chickasaws concluded April 8 (?), 1866, for the purpose of educating freedmen in said tribes, to be expended under the direction of the Secretary of the Interior, three-fourths thereof for the freedmen among the Choctaws, and one-fourth for the freedmen among the Chickasaws; *Provided*, That said sum of ten thousand dollars shall be deducted in like proportion from any moneys in this act appropriated to be paid said Choctaws and Chickasaws; *And provided further*, That either of said tribes may, before such expenditure, adopt and provide for the freedmen in said tribe in accordance with said third article, and in such case the money herein provided for such education in said tribe shall be paid over to said tribe, to be taken from the unpaid balance of the three hundred thousand dollars due said tribe" (22 Stat., 72).

(Under and subsequent to the foregoing provision of law the Choctaw national legislature passed an act adopting the freedmen of the Choctaw Nation.)

In the Indian appropriation act passed by Congress, August 15, 1894 (Public No. 197, p. 56), the following is contained:

"SEC. 18. That the approval of Congress is hereby given to 'An act to adopt the negroes of the Chickasaw Nation' and so forth, passed by the legislature of the Chickasaw Nation and approved by the governor thereof, January 10, 1873, particularly as set forth in a letter from the Secretary of the Interior, transmitting to Congress a copy of the aforesaid act, contained in House Executive Document numbered two hundred and seven, Forty-second Congress, third session."

What effect, if any, this action by Congress will have upon the status of the Chickasaw freedmen, in view of the subsequent action of the Chickasaw legislature, directly the reverse of its action in the said act of Jan. 10, 1873, is a problem for future solution. It is at least encouraging to the Chickasaw freedmen, notwithstanding it seems to be confusing an already badly confounded matter. It indicates a desire on the part of the Congress of the United States to do something to carry out its pledges on behalf of the Chickasaw freedmen; and we feel sure that any proper and feasible plan for their relief that shall be formulated and presented by you for the consideration of Congress will receive consideration and action by that body.

ACTION BY THE CHICKASAW FREEDMEN.

The Chickasaw freedmen have waited many long and weary years for the settlement of their status, and the adjustment of their rights, privileges, immunities, claims, etc., so that they might have some security in the enjoyment of the fruits of their labors, educate their children, and surround themselves and their homes with some of the comforts of civilization. From time to time they have memorialized the United States, and laid their grievances before such officers thereof as they could reach, and who would hear them.

When the Chickasaw legislature passed the act of 1866 against the adoption of the Chickasaw freedmen, the latter, by a petition, represented to the United States the bitter feeling existing against them among the Chickasaws, and stated their anxiety to leave the Chickasaw country, and that they would settle on any land that might be designated for them by the United States; and they asked that transportation to such designated land be provided for themselves and families, and that they be furnished with supplies sufficient to enable them to make a start in their new homes.

No attention was given to this petition.

A similar petition was presented on June 10, 1868, which was laid before Congress, but no action was taken thereon (see Senate Ex. Doc. 82, Fortieth Congress, second session).

In February, 1869, a delegation of the freedmen went to Washington and there submitted a memorial urging the fulfillment by the United States of the treaty stipulations.

Nothing was accomplished by this mission.

Complaints were presented from time to time, of the denial of rights, privileges, etc., to the freedmen by the Chickasaws; that their children were growing up in ignorance, and that they were all in great distress and poverty; but no action for our relief was taken, except, as shown hereinbefore, in the act of Congress of 1882; and that extended only for the one year, and only for the education of our children, to the extent of \$2,500. With that exception, our children, growing up in the very midst of the most advanced civilization of the age, have been absolutely with no greater advantages for their education than if they were living in the very heart of the "Dark Continent."

CONDITION AND TRIALS OF THE CHICKASAW FREEDMEN.

From and after the ratification of the treaty of 1866, the condition of the Chickasaw freedmen has frequently been made the subject of investigation and report by officials of the United States. The results of these investigations can be ascertained by reference to the special reports, in the proper archives of the United States Government.

The annual reports of the United States Indian agents having charge of the Chickasaw Indians, as well as the annual reports of the Commissioner of Indian Affairs, as will be found by reference to the published volumes thereof, have year after year represented the wretched and deplorable condition of these Chickasaw freedmen; and have urged such appropriate and necessary legislation as the facts and circumstances from time to time seemed to them to require and warrant, to afford the proper relief.

In his annual reports for 1869 and 1870, the United States Indian agent, George T. Olmstead, captain, United States Army, strongly urged the necessity for the settlement of the status of the Chickasaw freedmen; and he suggested the negotiation of a supplemental treaty, under which they would be fairly settled and established as citizens of the Choctaw and Chickasaw nations (see Indian Office Annual Report, 1869, p. 409, and 1870, p. 292.)

United States Indian agent, T. D. Griffith, in his annual reports for the years 1871 and 1872, invites special attention to the condition of the Choctaw and Chickasaw freedmen. In the latter report he says:

"As they are here now, I cannot encourage them to make permanent improvements; and without them they are but hewers of wood for others. There should also be means provided for the education of their children. They are not able to employ suitable teachers, and the consequence is, many of these children are growing up ignorant, as their fathers were before them. It would cost something to establish a school system for them and carry it on until they could do it themselves, but they will do all in their power to aid, and it will be cheaper to educate them than to allow them to grow up, as they are now growing, in ignorance." (See Indian Office Annual Report, p. 238.)

In his annual report for 1873, United States Indian agent, A. Parsons, stated that:

"Some of the freedmen are improving farms and accumulating property. They seem very well satisfied, in all respects, except their uncertainty of their right to vote and the want of any educational opportunities for them. The honorable Secretary of the Interior decided that they clearly had the right to vote, but the disposition of the Chickasaws and Choctaws have been to oppose it, and the freedmen have, therefore, not voted for fear of offending them. The freedmen seem very anxious to have school privileges, and say they will furnish school buildings if by any means teachers and books can be obtained for them." (See Ind. Office Annual Rpt., p. 209.)

Hon. Edward P. Smith, Commissioner of Indian Affairs, states as follows, in his annual report for 1874, page 71:

"The negroes who were formerly owned as slaves by the Choctaws and Chickasaws, are in an anomalous condition. They have their freedom, but are without equal rights and privileges. There is no reason in justice or equity why these negroes should not be treated by the Government as a constituent part of these Indian nations, and share with them in all the rights of landed property and edu-

cational facilities. They are orderly, industrious, and eager for the education of their children, and yet are obliged to spend their labor upon farms to which they have no title, and which, when once well improved, are not infrequently taken from them. Their children grow up in ignorance in sight of schoolhouses which they may not enter."

Action was strenuously urged upon Congress in the matter by Hon. Hiram Price, Commissioner of Indian Affairs, in his annual reports for 1881, 1882, 1883, and 1884.

Hon. J. D. C. Atkins, Commissioner of Indian Affairs, in his annual report for 1887, concludes a brief statement of the previous action of the United States with reference to the Chickasaw freedmen, as follows:

"During the year several complaints have been received from the freedmen relative to the denial of their rights, and particularly as to the utter lack of educational facilities. Recently Agent Owen held a conference with some of the leading freedmen, at which they expressed a desire to remain in the nation if their rights, especially in the matter of schools, could be accorded them, but signified their willingness to submit to the decision of the Government. The Chickasaw authorities positively refuse to take any steps looking to their adoption, and even refuse to provide for their education. This reluctance to carry out the stipulations of the treaty, is doubtless caused in great measure by the fear that the freedmen will out-vote the Chickasaws, they being fully as numerous as the Indians. These people, therefore, whose rights, protection and education were guaranteed by treaty, are left in ignorance, without civil or political rights, and with no hope of improvement.

"Under these circumstances, I believe their removal from the nation is the only practical method by which they can be afforded education and other privileges. It has been decided by Judge Parker, of the district court of the western district of Arkansas, that the United States may settle freedmen belonging to the Five Civilized Tribes upon lands acquired from the Seminoles and Creeks, and Agent Owens suggests that the Chickasaw freedmen be removed to that portion of Oklahoma lying on the Canadian River, and west of the Pottawatomie Reservation.

"Many of the freedmen have doubtless made improvements on the lands which they and their fathers had occupied but not possessed; and if, because they can acquire no title thereto, they are forced to abandon these improvements, it would be but sheer justice to pay them the full value thereof, in addition to the \$100 per capita which the treaty promised them if they should emigrate.

"I have no reason to suppose that the Chickasaws would object to legislation requiring them to return the \$55,125 to the United States, provided, by the same legislation, they could be relieved of the presence of their freedmen. Congress has heretofore been asked to enact the necessary legislation for the removal of these freedmen, and in my opinion the recommendation should be renewed. A special report upon the subject with a draft of the necessary legislation will be prepared and submitted for your consideration before the meeting of Congress." (See pp. LXIII and LXIV.)

The foregoing is reiterated in his special report on the subject to the Secretary of the Interior, Hon. Wm. F. Vilas, who submitted said report with the draft of the bill, and the detailed and full information accompanying it, to the Congress for its consideration and action, on May 9, 1888. (See Senate Ex. Doc. 166, Fiftieth Congress, first session.)

We will not further weary your patience, nor consume your valuable time with recitals from the published reports of the officers of the United States Government, whose duty it is to present the facts, as to the condition of the Chickasaw freedmen to the attention and consideration of Congress, except to quote from the report of Dew. M. Wisdom, United States Indian agent for 1893, the following:

"The status of the freedmen also in the Chickasaw and Cherokee nations is a vexed problem." In the former nation those people have never by any law or statute of that nation been incorporated into its 'body politic.' They do not vote or hold office, and are denied participation in its funds devoted to educational purposes. The negroes are clamorous for schools and for full recognition of their rights as citizens of the nation. Many of them were slaves to Chickasaw masters or owners, and were born upon Chickasaw soil, are well grounded in the

customs and usages of that people, and speak the language as fluently as the natives themselves. They predicate their right to citizenship upon article 4 of the treaty of 1866, and upon the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution of the United States. This class of citizens, it is said, exceed in number the native population, and the Chickasaws in defense of their denial to them of the rights of citizenship assert that if the negroes were made citizens they would take charge of the Government and convert it into another Hayti. Doubtless this fear has controlled their course toward them; but nevertheless the condition of the negro is one to be deplored, and it would seem to be difficult to mitigate or remedy, and I have felt it my duty to suggest their condition to the Indian Bureau, without further amplification in the way of details." (See Indian Office Annual Report, 1893, p. 145.)

When we look at the condition of the Creek and Seminole nations, with their large preponderance of persons of African descent and blood, admitted by their treaties of 1866 to full membership into those nations, with equal rights in the nation's funds, domain or other estate, and behold the peace and prosperity within their borders, we must insist that the fears of the Chickasaws that the full adoption of the Chickasaw freedmen as Chickasaw citizens, with the right to share in the national estate, in whatever character or form it exists, will be detrimental to the welfare and interests of the Chickasaw Nation are not well founded. Some other reason must be found for their excuse for denying to the Chickasaw freedmen their just rights, privileges and claims. Whether that reason be selfishness or unwillingness to accord that justice and equity to their freedmen that they insist for themselves from the United States or otherwise, is left to those who must pass in judgment upon these matters to determine.

Under a resolution of the Senate, March 29, 1894, the committee on the Five Civilized Tribes of Indians, of which Hon. H. M. Teller is chairman, visited the Indian Territory "to inquire into the present condition of the Five Civilized Tribes of Indians, and the white citizens dwelling among them, and the legislation required and appropriate to meet the needs and welfare of such Indians."

While this resolution did not in terms authorize an inquiry as to that class of persons who are neither Indians or white citizens, a class of persons left by Congress in 1866 without defined rights, and with no certain status, and whose condition and existence have been almost continuously ignored during the past twenty-eight years, the committee thought proper to bring to the attention of Congress the following:

"The Indians maintain schools for their own children. The Choctaws, Cherokees and Creeks maintain schools for the children of recognized colored citizens, but the Chickasaws have denied to these freedmen not only the right of suffrage, especially provided for in the treaty of 1866, but have also denied the children of freedmen the right to participate in their schools. We find in the Chickasaw country a freedman population somewhat in excess of that of the Indian population, not only deprived of citizenship, but denied the privileges of schools, so that the children of that class are growing up in ignorance, except in a few cases where schools have been maintained by individual means for the education of the freedmen children. This is a plain and open violation of the treaty of 1866."

The committee might have added further that this condition had existed since the making of the treaty of 1866. However, the committee did not complete its work, for it concluded its report as follows:

"As the matters submitted are so complicated and of such grave importance, the committee has thought proper to submit this preliminary report, and hopes, upon further investigation, to be able to make such further and more specific recommendation as to necessary legislation as will lead to a satisfactory solution of this difficult question." (See Senate Report No. 377, Fifty-third Congress, second session.)

This promise of prospective legislation holds out to us a gleam of hope, especially when the standing of the men making the report is considered.

It remains for your commission to present to the Congress some feasible plan of legislation for correcting the existing evils, to secure early legislation on the subject.

Such is our condition as officially reported by the constituted authorities of

the United States. We are willing to let it pass without any further amplification. We might add material evidences and facts that would more strongly represent our real situation; but we do not desire even to seem to exaggerate our wrongs, distress and embarrassments.

Surely we will not be left much longer in our deplorable situation.

Had we existed under such wrongs and hardships in any other land, we believe that our cries for relief would ere this have been heard by the sympathetic and liberty-loving people of this country; and we would not only have had their pity, and their benevolence reached out to lift us out of our degradation and distress, but such influence in our behalf would have been exerted that the good offices of this great Government would have interposed for the amelioration of our condition long ere this.

We are prone to believe that had our cries of distress come from some distant island of the sea, instead of from the midst of an Indian tribe right here in the United States, the power and influence of the Government of the United States would have been exerted to extricate us from our bondage and barbarism.

Many have died in the midst of great sufferings while waiting and hoping for deliverance; they are now past relief here; others survive, suffer and hope, having grown up in ignorance, and without the comforts of the civilization that surrounds them, and whose benefits they have longed for; others, still, are growing up to manhood and womanhood, and unless relief soon comes to us another generation must bear through life the blight of wrong and injustice which were inflicted upon their fathers and mothers.

Full and adequate remedy can never be provided. But the measure of relief to the living, and especially to the rising generation, should be as commensurate with the evils endured as it is possible to afford after the lapse of so great a time.

FAILURE OF CONGRESS TO ENACT PROPOSED LEGISLATION FOR FULFILLMENT OF
TREATY STIPULATIONS, AND FOR RELIEF OF CHOCTAW AND
CHICKASAW FREEDMEN.

The necessity for legislative action in the matter of the Chickasaw freedmen has been laid before Congress at various times, by the Executive Department of the Government, always urging speedy action, and sometimes submitting drafts of proposed legislation, which the condition, circumstances, justice, and equity of their case seemed to demand.

The efforts in this direction, to some extent, are shown by the contents of various Congressional documents on the subject, some of which are here briefly set forth:

Senate Ex. Doc. No. 82, Fortieth Congress, second session, contains a petition from delegates of the Choctaw and Chickasaw freedmen, stating the failure of their adoption by the legislatures of the Choctaw and Chickasaw nations, and asking that the \$300,000, stipulated in the treaty to be held for their benefit, be so used; and that they be removed from the Choctaw and Chickasaw country. This petition, with other papers, was submitted to Congress, with a letter from the Secretary of the Interior, Hon. O. H. Browning, dated July 20, 1868, informing that body of the terms of the treaty as to the freedmen; that the two years within which the legislatures of the nations should act had expired, and the freedmen had not been adopted; and that the duty of their removal, consequently, devolved upon the United States as a treaty obligation; but as no place had been designated to which they should be removed, and no funds provided, by treaty or otherwise, to defray the expenses of removal, no action could be taken until Congress should enact the necessary legislation for carrying the treaty into effect. Early attention was earnestly invited to the subject. Congress did not heed this appeal; and no place was designated, and no funds were provided for the removal of the freedmen in fulfillment of the treaty obligations.

The Executive Document H. R. No. 207, Forty-second Congress, second session, contains the act of the Chickasaw legislature, of January 10, 1873, providing for the adoption of the Chickasaw freedmen. This was submitted to Congress by the Secretary of the Interior, concurring in the recommendation of the Commissioner of Indian Affairs, that necessary and appropriate legislation, suggested in the correspondence, be enacted.

It is remarkable that Congress, with such an opportunity for doing something in the matter, neglected to use it, and took no action on that enactment of the Chickasaw legislature for the adoption of their freedmen, from 1873 till 1894, a period of over twenty-one years, during which the Chickasaw legislature had, by several acts passed at different times, taken action directly the reverse of that contained in the act of 1873. By a provision in the Indian appropriation act of August 15, 1894, Congress gave its approval to the Chickasaw act of 1873, as hereinbefore set forth. This may involve the Chickasaw freedmen in a more doubtful status, which they fear not only will not be solved to their advantage, but will, on the other hand, serve to protract the delay in securing effective legislation for their relief.

The Executive Document, H. R. No. 212, Forty-third Congress, first session, contains the draft of a bill submitted to Congress by Acting Secretary of the Interior B. R. Cowan, by his letter of April 4, 1874, wherein he urged its adoption for the relief of the Choctaw and Chickasaw freedmen.

That proposed legislation recites, so far as necessary for its purpose, the provisions of the treaty of 1866; states the failure of fulfillment thereof; that the freedmen were then anxious to remain in the Choctaw and Chickasaw country and to become incorporated as citizens thereof; and it provided—

"That all persons of African descent who were resident in the territory of the Choctaw or Chickasaw nations on the 28th day of April, A. D. 1866, and who had before that been held in slavery among said nations, or either of them, and all the descendants of such persons, shall be entitled to all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, respectively, and the annuities, moneys, and public domain claimed by or belonging to said nations, respectively."

The further provisions of said proposed legislation provided for disposing of the \$300,000 held under the treaty of 1866, and for carrying the measure into effect.

In urging Congress to take that action, the Acting Secretary, Mr. Cowan, said:

"Almost eight years have passed since the ratification of the treaty above referred to, and the legislatures of the Choctaw and Chickasaw nations have not enacted any laws, rules, and regulations in behalf of the persons of African descent above referred to.

"The ancestors of these negroes came to the Indian Territory with the Choctaw and Chickasaw nations from the State of Mississippi, and have been with them continuously since that time in the capacity of slaves. They were freed by the treaty of 1866, and have been since enjoying the privileges of freedom. They are reported to be industrious, sober, and frugal people, desirous to learn, anxious to secure to themselves homes in severalty, and, above all, anxious to remain in the country where they now live, and which is the only home they have ever known. And, so far as the Department has been able to ascertain, none of them will ever leave that country voluntarily. They have formed strong attachments to the soil; they have acquired, as far as the peculiar laws and regulations governing the Indian nations will permit, homesteads, and have cultivated farms. A strong prejudice seems to exist against these freedmen on the part of the Choctaws and the Chickasaws, which will account in some measure for the failure of these nations to provide by law for the division among them of the lands of the nations.

"The Creek, Seminole, and Cherokee nations have each adopted the freedmen into their tribes, and given them equal rights and privileges with other citizens of the nation. The Choctaws and Chickasaws, I understand, have refused to do so. The condition of these negroes strongly appeals to the United States Government for some action that will fix their status, and give them all that they are entitled to by the terms of the treaty above quoted.

"I have the honor to submit herewith the draft of a bill which in my judgment will secure to these freedmen all the rights and privileges to which they are entitled under the treaty. The bill also gives them the right of suffrage, and an equal share in the annuities, moneys, and public domain claimed by or belonging to said nations, respectively. While this may not be exactly in accordance with the letter of the treaty, I am satisfied that it is simply a matter of justice to this class of persons who have always been residents of said nations and who are now industrious, law abiding, and useful citizens thereof.

"I respectfully invite the attention of Congress to this subject and trust that it may receive favorable consideration."

The legislation thus proposed met with the opposition of the Choctaws and Chickasaws, who have always been able to have near the Capitol of the United States, especially during the sessions of Congress, duly accredited representatives, to watch legislation, and to otherwise look out for the interests of said nations respectively. It is not complained that this is so. It is right that they should take care of their affairs. But if the Choctaw and Chickasaw freedmen had been possessed of a small portion of the wealth that their years of unrequited toil had secured to the Choctaw and Chickasaw people, they too would have had active and energetic representatives present to intelligently press these measures for their relief.

As usual, the cause of the freedmen was strongly espoused by the executive branch of the Government. The Senate Committee on Indian Affairs sent the objections to the proposed bill, made by the representatives of the Choctaw and Chickasaw nations, to the Secretary of the Interior, for the report of his views thereon. His report is contained in Senate Mis. Doc. No. 118, Forty-third Congress, first session, wherein, after setting forth the then condition of the freedmen, Secretary C. Delano expressed his views vigorously and forcibly, as follows:

"Now for the facts. Neither the Choctaw nor the Chickasaw nations have secured to said persons of African descent the rights, privileges and immunities, including the right of suffrage, provided for in treaty. The United States has not removed any persons of African descent, because such persons are so identified by marriage and customs with said nations as to be unwilling to break up their homes and go elsewhere.

"The \$300,000 has not been invested nor paid to the Choctaw and Chickasaw nations; and the said persons of African descent, who are the most industrious and useful portion of the population of each nation, are without the rights, privileges, and immunities of citizens, without the right of suffrage, without land, and without money, and with a disinclination, under all these painful embarrassments, to leave their homes, friends, and relatives and go elsewhere, for the pitiful sum of \$100 per capita. They are as meritorious, to say the least, as the average Choctaw and Chickasaw population. They have probably done as much toward securing the wealth possessed by said nations, per capita, as the average Choctaw and Chickasaw population. Under these circumstances their condition is not simply anomalous; it is unjustifiable, oppressive, and wrong, and ought to be remedied.

"Now for the provisions of the bill. It provides that the persons of African descent, before alluded to, shall have all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, respectively, and in the annuities, moneys, and public domain claimed by or belonging to said nations, respectively. Is this wrong? The Choctaw and Chickasaw nations are under treaty obligations to secure these people the rights, privileges, and immunities, of citizens, including the right of suffrage. They ought to have done so long since. Their failure to do so is a great wrong, and a great injustice, which should be speedily corrected. But ought these people to have an equal right in the annuities and public domain of the Choctaw and Chickasaw nations? Let us see. The present annuity fund of these nations amounts to about \$100 per capita. The United States, by the treaty aforesaid, secured to these persons of African descent, under certain conditions, \$100 per capita, and that is about what the \$300,000 amounts to.

"By the second section of the bill objected to, this \$300,000 is to be invested and paid in trust for the use and benefit of the Choctaw and Chickasaw nations, so that these persons of African descent will bring to the trust fund of said nations a sum per capita equal to the amount per capita of the present annuity trust fund of these nations.

"This, it seems to me, answers satisfactorily the objections to the bill so far as it relates to the rights of the Africans in the annuity funds of the Choctaw and Chickasaw nations.

"But the bill also gives to these Africans an equal right in the public domain claimed by said nations. Is this wrong? Lands are not held in severalty by these nations; they are held in *common*. The treaty contemplated making the Africans citizens, with equal rights and privileges with the Choctaws and Chickasaws, and upon this principle, in justice and equity, the common property of the

nations should belong as much to the Africans made citizens, as to the native-born citizens of said nations.

"The argument against this provision, drawn from a pretended analogy between this case and the case of the liberated slaves of the United States, does not rest upon a solid foundation. The liberated slaves of the United States did not become entitled to the property held by individual citizens of the United States, in severalty, but so much of the public domain and other property of the United States as was not the separate property of individuals. These liberated slaves, when they became citizens, did become entitled to equal rights and privileges as other American citizens.

"If you look at the manner in which the Choctaw and Chickasaw nations acquired their property, and if you consider that the improvements made thereon have been made by the labor of the African people, in as large, if not larger proportion, than by the labor of native Choctaws and Chickasaws, you will see that there is not any injustice in giving to these persons of African descent, made free and made citizens, equal rights in all respects with native Choctaw and Chickasaw people.

"A failure to pass this bill will leave the treaty of 1866 unexecuted; will continue the African people among the Choctaws and Chickasaws in their present unjust and disastrous situation; will preserve the strife, animosity, and disturbance incident to their relations, and therefore I cannot too earnestly or too urgently recommend the passage of the bill during the present session of Congress.

"I beg your careful and attentive consideration of this subject, and hope you will bring it before such of your colleagues as feel an interest in the welfare of these people, and that if you concur with me in this opinion you will endeavor to secure the passage of the measure referred to immediately."

This clear and forcible exposition of the justice of the then pending measure shows how strongly the executive branch of the Government of the United States has become convinced of the great injustice brought upon the Chickasaw freedmen by the ratification of the treaty of 1866.

The presence of active and energetic agents representing the Chickasaw Nation before the committees of Congress, and the absence of any such representatives of the freedmen, may account for the failure of enactment by Congress of that or some other remedial legislation for the fulfillment of the treaty stipulations as to the Chickasaw freedmen, and for securing to them the rights in the estate of the Chickasaw Nation to which they are so justly entitled.

The Senate Ex. Doc. No. 166, Fiftieth Congress, first session, contains another effort to secure legislation for the relief of the Chickasaw freedmen. That is the measure drawn under the direction of Hon. J. D. C. Atkins, Commissioner of Indian Affairs, providing for their removal to the Oklahoma district, the appraisal of and payment for their improvements before removal, and the payment to them of a per capita distribution of money to enable them to make a start in their new homes. That measure was submitted to Congress by Hon. Wm. F. Vilas, Secretary of the Interior, as hereinbefore shown, but, like all other appeals and measures presented to Congress for the relief of the Chickasaw freedmen, or even for carrying out the stipulations of the treaty which secured to them such limited, base, and indifferent rights, privileges and immunities it bore no fruit whatever.

It is thus seen that Congress has taken no action for the fulfillment of its treaty obligations on behalf of the Chickasaw freedmen, nor adopted any measures for their permanent relief, notwithstanding the urgent requests made therefor by the Executive branch of the Government as above shown.

As late as the administration of President Harrison, Congress was appealed to for remedial legislation in their behalf, as will hereafter appear, but it failed to embrace the opportunity then presented to accomplish something for their relief.

THE DUTY OF THE UNITED STATES TO SECURE NOT ONLY FREEDOM BUT JUSTICE
TO THE FORMER SLAVES OF THE FIVE CIVILIZED TRIBES.

Justice I. C. Parker, in the case of *United States v. D. L. Payne*, tried in the United States district court for the western district of Arkansas, in the May term, 1881, referring to the right of the Government to locate freedmen in the country ceded by the Seminole Nation by treaty of 1866, containing the language "In compliance with the desire to locate other Indians and freedmen thereon," says:

"We find that colored people were held in slavery in all the civilized tribes of the Indian Territory. Slavery was abolished there as well as elsewhere in the United States by the emancipation proclamation of the President and by the thirteenth amendment to the Constitution, adopted the 13th of December, 1865, and such abolition was recognized by these tribes in the several treaties made with them in 1866.

"The Government was desirous of protecting these freedmen and of securing them homes. It was not known how well the several tribes who had held them in slavery would observe their pledges to secure them the same rights they enjoyed. It was feared that prejudice growing out of their former condition as slaves and of race would be so strong against them that they would not be protected by the Indians. The Government had given them the boon of freedom, and it was in duty bound to secure it, in all that the term implied, to them."

That this duty would ultimately be fully performed by the United States, notwithstanding the long delay of year after year, the Chickasaw freedmen confidently hoped and believed, and they confidently hoped and believed that reparation would be made as far as possible for the damage and injury suffered during the long years of waiting.

There has not only been delay and neglect on the part of the United States in the performance of its clear duty toward the Chickasaw freedmen, but there has been absolute injustice and great damage to them in what has been done.

WHO IS RESPONSIBLE FOR THE UNJUST TREATY DISCRIMINATION AGAINST THE CHICKASAW FREEDMEN?

The Chickasaw freedmen had no voice in the making of the reconstruction treaty of 1866 with the Choctaws and Chickasaws. They had just been relieved from the bondage of slavery, as the result of the war of the rebellion. Their interests and welfare are wholly and absolutely in the keeping and power of the United States. For whatever they received, whether of good or evil, the United States must have the credit or bear the blame.

The time to have settled forever their status was when the treaty of 1866 was negotiated.

The treaty rights of those nations had been forfeited. They were seeking their restoration. Justice and right should then have been insisted upon for the freedmen. No treaty should have been concluded that did not secure to the freedmen the fullest rights that they were justly entitled to. The failure to do what should then have been done has not only entailed untold hardships and misery upon the Chickasaw freedmen that no legislation can ever fully remedy, but this problem so left unsolved, and the protracted delay, and the aggregated neglect to define, fix, settle, and establish the status and rights of the Chickasaw freedmen have made a dark page on the history of the United States.

The United States entered upon the negotiations for re-establishing the treaty relations with the Cherokees, Creeks, Seminoles, and the Choctaws and Chickasaws, comprising the Five Civilized Tribes, with the right purpose in view, and upon just principles. The commission charged with the preliminary negotiations went to their duty with the distinct instructions that such treaties must contain seven distinct stipulations; the third of these stipulations, which they presented to each tribe, read as follows:

"The institution of slavery, which has existed among several of the tribes, must be forthwith abolished, and measures taken for the unconditional emancipation of all persons held in bondage, and for their incorporation into the tribes on an equal footing with the original members, or suitably provided for." (See Annual Report Indian Office, 1865, pp. 298, 320, etc., and H. R. Report No. 3147, Fifty-first Congress, first session, p. 11.)

The Chickasaw delegates, at least those representing the element in that nation that had remained loyal to the United States, expressed their assent to that proposition without change or qualification.

That the United States did not insist upon engrafting that stipulation into the treaty of 1866, that was finally concluded, has been a cause no less of wonder than of trouble and distress.

The provisions on the subject that were incorporated in that treaty show great skill in the methods of negotiation, and high attainments in the art of diplomacy, on the part of the Choctaw and Chickasaw nations and the learned

counsel they employed and paid so well for assisting them in conducting those negotiations.

What was stipulated was shown by the second, third and fourth articles of that treaty. The adoption of the freedmen was left optional with the Choctaw and Chickasaw legislatures. If they did not adopt the freedmen within two years from date of the ratification of the treaty, the United States were to remove them elsewhere, pay each \$100, etc.

The promise was little; the performance has been nothing by either party to the treaty.

Let us see what was accomplished for the freedmen of the other tribes among which slavery had existed.

In the treaty of 1866 with the Creeks, this provision is made:

"ART. II. The Creeks hereby covenant and agree, that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent who have no interest in the soil, it is stipulated that hereafter those persons lawfully residing in said Creek country under their laws and usages, or who have been thus resident in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens (thereof) shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of said nation shall be equally binding upon and give equal protection to all such persons and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe." (14 Stat., 786.)

In the treaty of 1866 with the Seminoles, article 2 is to the same effect. (14 Stat., 756.)

In the Cherokee treaty of 1866 a right to occupy and improve the land, and "all the rights of native Cherokees" are accorded to the Cherokee freedmen and certain other free colored persons, by articles 4, 5, 6, 7, 8, 9, etc. (14 Stat., 800.)

When it is thus seen how fully the former slaves of the Creek, Seminole, and Cherokee nations were adopted as citizens of those nations, with equality of rights of other members by blood of those nations, in the respective national estates, it is past understanding why the same measure of justice was not insisted upon by the United States for the freedmen of the Choctaw and Chickasaw nations.

The status of the former slaves of the Indian tribes, among which slavery existed, after their liberation as a result of the war of the rebellion, was not in many respects analogous to that of the liberated slaves of the other sections of the country. The latter were made citizens of the United States, and the States in which they resided, by amendment to the Constitution. They became thereby owners in common, with equal rights and interests, with all other citizens of the United States, in all of the common property of the United States; and with the citizens of their respective States, of the common property of said States, and became entitled to full and equal enjoyment of all benefits and advantages derived therefrom.

If the land and other property in the States had been held in common by the citizens thereof, instead of in severalty, as was and is the case, the former slaves and newly made citizens would have become entitled to a pro rata share thereof according to their numbers.

As the land, invested funds, annuities, and other moneys belonging to or claimed by the Chickasaw Nation and constituting the estate of said nation were—as they are yet—held in common by the citizens of the Chickasaw Nation, the former slaves of the Chickasaw Indians, when liberated as a consequence of the war of the rebellion, should have been recognized at once as Chickasaws in all respects, and entitled to all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nation, and also including the right to share equally with the citizens of said nation in the annuities and other moneys and public domain belonging to or claimed by said nation. If this was not right and just, why was it required of the Creeks, Seminoles, and Cherokees, of the Five Civilized Tribes, as hereinbefore set forth?

Had the latter nations been more disloyal to the United States than the Choctaws and Chickasaws? Or were the former slaves of the latter less deserving than those of the other nations? Certainly the unjust discrimination against the Chickasaw freedmen cannot be justified on these accounts.

THE POWER OF CONGRESS TO REMEDY TREATY WRONGS BY LEGISLATION.

It is in the power of the United States, through Congress, to remedy the wrongs brought upon the Choctaw freedmen by the unjust treaty of 1866.

"Under the Constitution, treaties as well as statutes are the law of the land; both the one and the other, when not inconsistent with the Constitution, stand upon the same level, and being of equal force and validity; and as in the case of all laws emanating from an equal authority, the earlier in date yields to the later." (Op. of Att'y Gen'l U. S., Dec. 15, 1870, 13 Op., 354.)

"A treaty may supersede a prior act of congress (Foster and Elam v. Neilson, 2 Peters, 314) and an act of Congress may supersede a prior treaty (Tailor v. Morton, 2 Curt., 454; The Clinton Bridge, 1 Walworth, 155). In the cases referred to, these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, cannot be more obligatory. They have no higher sanctity, and no greater inviolability or immunity from legislative invasion can be claimed. The consequences in all such cases give rise to questions which must be met by the political department of the Government. They are beyond the sphere of judicial cognizance." (The Cherokee Tobacco, 11 Wall., 616.)

"In short, we are of opinion that, so far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal." (Head-money cases, 112 U. S., 580; Whitney v. Robertson, 124 U. S., 190; Chinese exclusion cases, 130 U. S., 581.)

The Chickasaw freedmen have no redress for the evils brought upon them by the treaty of 1866, and no remedy for the wrongs they have consequently suffered thereunder, except through legislation by Congress.

While no more treaties are made with the Indian tribes of the country by the treaty-making power of this Government, agreements are entered into between the United States and said tribes, which, if acceptable, are ratified by acts of Congress, and become the law of the land. Your Commissions can, if the Chickasaws are willing, negotiate an agreement with them for our relief. If this cannot be accomplished to the satisfaction of all parties, then we ask that you formulate and propose to Congress such legislation as you may be able to recommend for our relief, and for fixing and defining our status, taking into your careful consideration the requests herein presented.

THE CHOCTAW AND CHICKASAW CLAIM FOR ADDITIONAL COMPENSATION FOR THE "LEASED DISTRICT" LANDS, AND PRESIDENT HARRISON'S APPEAL FOR USING A PORTION OF THE MONEY FOR THE FREEDMEN.

It is well known that the Choctaw and Chickasaw nations of Indians asserted claim to further compensation to the land known as the "leased district," ceded by the treaty of 1866 to the United States, claiming that the cession made by that treaty was only for the purpose of locating other Indians and freedmen on said lands, and that if other disposition be made of said lands by the United States, they should have further compensation therefor.

When Congress had under consideration the opening to public settlement of the surplus lands of the Cheyenne and Arapahoe Reservations, a portion of which was included in the said "Leased district," it gave full consideration to the claim of the Choctaw and Chickasaw nations for further compensation for said land, and finally appropriated the sum of \$2,991,450.

President Harrison was not satisfied that the United States were legally or equitably bound to pay the Choctaw and Chickasaw nations anything further for said lands, holding that the treaty of 1866 passed the full title of the Indians to and in said lands.

So fully was he impressed with his belief on the subject he declined to pay over the money to those nations, but resubmitted the matter for the further consideration of Congress, taking occasion, in his special message on the subject, to call attention to the facts that preparations were being made by those nations to distribute that money to the members thereof by blood only, excluding from participation therein the white persons adopted into the tribes, and also the former slaves thereof, and their descendants.

In this latter connection he said:

"In view of the fact that the stipulations of the treaty of 1866, in behalf of the freedmen of these tribes, have not, especially in the case of the Chickasaws, been complied with, it would seem that the United States should, in a distribution of this money, have made suitable provision in their behalf. The Chickasaws have steadfastly refused to admit the freedmen to citizenship, as they stipulated to do in the treaty referred to, and their condition in that tribe, and in a lesser degree in the other, strongly calls for the protective intervention of Congress." (Senate Ex. Doc. No. 42, Fifty-second Congress, first session, p. 3.)

The matter was further considered by Congress and resulted in a resolution affirming the position already taken by that body as to the justice of the claim of the Choctaw and Chickasaw nations.

The money has, accordingly, been paid over by the United States to the credit of the proper authorities of those nations; and it has been by those nations distributed to the members thereof by blood only.

When that claim was first reported upon by the Indian Office, attention was invited to the unfulfilled treaty stipulations as to the Chickasaw freedmen, and it was urged:

"In any adjustment that may be made of this claim the interests of the Chickasaw freedmen should be guarded and protected." (See H. R. Report No. 3147, Fifty-first Congress, first session, p. 15.) Congress, however, failed to take any action to guard and protect the interests of the Chickasaw freedmen in its adjustment of the claim as recommended by the Indian Office, or to interpose any protective intervention in behalf of the Chickasaw freedmen in the distribution of the money, as so strongly urged by President Harrison.

The amount already paid is for so much of the "Leased district" as was within the boundaries of Cheyenne and Arapahoe Reservation, opened to public settlement April 19, 1892. The balance of the claim is for so much of the "Leased district" as is within the reservations of the Kiowa, Comanche, and Wichita, etc., Indians, embracing an area of 3,712,503 acres, which, at the same rate of additional compensation—\$1.05 per acre—allowed for the proportion in the Cheyenne and Arapahoe reservations (aggregating nearly \$3,000,000), makes the balance of that claim amount to about \$3,520,264.65, the allowance and payment of which the Choctaw and Chickasaw nations are seeking from Congress in connection with the ratification of the pending agreements, with the occupying tribes above-named, for opening the surplus lands to public settlement.

The nearly \$3,000,000 already paid to the Choctaws and Chickasaws in part settlement of their claim may be taken as a recognition, at least, by Congress that the claim is an equitable one, and that full payment will ultimately be made, unless the trust upon which the lands are recognized to be held is applied.

The Chickasaw freedmen received no share of the nearly \$3,000,000 heretofore paid, nor have they been participants in anywise in the benefits of said payment. But of that immense sum of money not a schoolhouse was built for the education of the children of the freedmen, now and heretofore growing up in ignorance in the Chickasaw country, and not a cent of it was in any way used to ameliorate and improve the condition or to advance the welfare and interests of the Chickasaw freedmen.

Will Congress pay the balance of the claim and make no provision out of it for the benefit of the Chickasaw freedmen? Will Congress let what seems to be the last opportunity pass without applying some suitable remedy for the wrongs and sufferings of the Chickasaw freedmen at the hands of the Chickasaw Nation?

The claims of the Chickasaw Nation upon the Government of the United States in the matter of this claim are certainly no greater and no more just than are the claims of the Chickasaw freedmen herein presented. If "the protective intervention of Congress," so strongly but vainly urged by President Harrison in behalf of the Chickasaw freedmen, for a share of the payment already made is not interposed in their behalf when the legislation is enacted as to the balance

of the claim, then the Chickasaw freedmen can see little hope but to look to the Treasury of the United States alone for redress of their grievances and payment of the claims they have for damages and otherwise resulting to them, not only by reason of failure of fulfillment of treaty stipulations, but by reason of unreasonable and unjust treaty discrimination against them.

RIGHTS OF THE CHICKASAW FREEDMEN IN THE "LEASED DISTRICT."

It will be observed that in the third article of the treaty of 1866, by which the Choctaws and Chickasaws ceded "to the United States the territory west of the 98 degree west longitude, known as the leased district," there are no words of express limitation upon the title to said land thus conveyed to the United States.

That cession is unlike the cession made at the same time by the Cherokees, Creeks and Seminoles.

The trust upon which the United States received the lands ceded by these latter nations will be found as follows:

In article 16 of the Cherokee treaty of 1866 (14 Stat., 804). In article 3 of the Creek treaty of 1866 (14 Stat., 786). In article 3 of the Seminole treaty of 1866 (14 Stat., 756).

In the treaties with the Creeks and Seminoles the trust is expressed in these words:

"In compliance with the desire of the United States to locate other Indians and freedmen thereon."

There are no such words in the Choctaw and Chickasaw treaty; but those nations were able to satisfy the Congress of the United States, by reference to the records of negotiations and otherwise, that it was the intention of the parties to that treaty that the lands ceded thereby were coupled with the same trust as expressed in the treaties with the Creeks and Seminoles.

The Chickasaw Nation strongly urged this contention, as will appear in the declarations of B. C. Burney and Overton Love, their accomplished and intelligent delegates, in their "memorial of the Chickasaws relating to the President's message of February 17, 1892," presented to Congress February 26, 1892, wherein they said:

"The President expresses the opinion that the conditions attached to the cessions in the Creek and Seminole treaties of 1866 were the same as those which were attached to the lease of the Choctaw and Chickasaw treaty of 1855, and that, therefore, the claim of the Choctaws that the cession in their latter treaty of 1866 was encumbered by a condition, or trust, is not supported by any analogies of the Creek and Seminole cases. This is a mistake. The trusts created in the Creek and Seminole treaties of 1866 were trust (1) for the location of friendly Indians, in general, without restriction, and (2) for the location of freedmen. Neither of these two trusts were created by the Choctaw and Chickasaw treaty of 1855. Neither of them existed, in the case of the leased district, until created by the Choctaw and Chickasaw treaty of 1866. The trust created by the Choctaw and Chickasaw treaty of 1855 was a trust not to locate Indians in general, but to locate certain Indians whose ranges were included within the boundaries designated in the treaty. This treaty of 1855 contained no trust whatever for the location of freedmen. That trust was first created for the leased district by the Choctaw and Chickasaw treaty of 1866.

"It is true that these two trusts of the Choctaw and Chickasaw treaty of 1866 are not created by express words qualifying the grant; but this is also true of the Creek and Seminole treaties. In those treaties the trusts are not expressed, but are implied in words used in recitals only. They are not implied in either of those treaties in words used in the body of the grant. The recital in each case is in the following words: 'In compliance with the desire of the United States to locate other Indians and freedmen thereon,' etc. The words of the grant are even stronger in the Creek and the Seminole treaties than in the Choctaw and Chickasaw treaty. The Choctaws and Chickasaws 'cede,' but the Creeks and Seminoles 'cede and convey.'

"These trusts, in the Choctaw and Chickasaw treaty of 1866, are implied in the language of the third article, in which the words of conveyance, the statement of consideration, and the arrangements for the freedmen are placed in such juxtaposition as not only to warrant, but to necessitate the inference that it was

the object of the parties and the effect of the treaties to authorize the United States to locate upon these lands Indians whose ranges were not embraced within the limits designated in the treaty of 1855, and also to locate Choctaw and Chickasaw freedmen thereon, and that the cession was encumbered by corresponding trusts." (See Sen. Mis. Doc. No. 82, Fifty-second Congress, first session.)

The same position had been taken by the Chickasaws in their memorial, presented to Congress March 19, 1890, by B. C. Burney, chairman Chickasaw commission, and J. D. Collins and Overton Love, Chickasaw delegates, wherein they state as follows:

"One-fourth of the interest of the Choctaws in the proceeds of the land west of the one hundredth meridian had been acquired by the Chickasaws in the purchase of 1837.

"On the 28th day of April, 1886, the Choctaws and Chickasaws, by a treaty of that date, conveyed a trust estate in the lands between the ninety-eighth and one hundredth meridians to the United States. The trust created by this treaty was to remove to and settle on said lands 3,000 Choctaw and Chickasaw freedmen, if willing to be removed. These lands thenceforth remained subject to the trust for the settlement of Indian tribes and bands, whose homes and ranges were within certain designated limits, which trust had been created by the lease of 1855, and also subject to this second trust for the settlement of freedmen thereon. But the Choctaws and Chickasaws surrendered and lost by this treaty all right to settle on those lands themselves, which right had been reserved by the lease of 1855. The United States have located upon the lands west of the ninety-eighth meridian a small number of Indians, and have also paid for the emigration thereto of 72 Choctaw freedmen. Whether these freedmen emigrated to said lands, or remained in the Choctaw or Chickasaw district, your memorialists are not advised." (See Senate Mis. Doc. No. 107, Fifty-first Congress, first session.)

That contention was settled in favor of the claims of the Choctaws and Chickasaws, as will be seen by the report of the Senate Committee on Indian Affairs, of which Senator Henry L. Dawes was Chairman, which declared as follows:

In the message of the President, transmitted to Congress February 17, 1892, he says:

"After a somewhat careful examination of the question, I do not believe that the lands for which this money is to be paid were, to quote the language of section 15 of the Indian appropriation bill already set out, 'ceded in trust by article 3 of treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April 28, 1866.'

"The President is of the opinion that the lands in question were not ceded in trust to the United States by this treaty. He thinks that an absolute, unqualified title was conveyed by the treaty, and as he elsewhere says, that the United States paid the Choctaws and Chickasaws therefor the sum of \$300,000. On the contrary your committee believe that the estate conveyed was a trust estate only; that whereas the treaty of 1855 empowered the United States to locate upon these lands only those Indians whose ranges were included within certain specified limits, this treaty of 1866 authorized the United States—

"(1) To locate upon these lands Indians like the Cheyennes and Arapahoes, whose ranges were not within the limits designated in the treaty of 1855, and whom, prior to the treaty of 1866, the United States had no right to locate upon the lands.

"(2) To locate upon the lands Choctaw and Chickasaw freedmen.

"(3) Deprived the Choctaws and Chickasaws themselves of the right to settle thereon." (See Senate Report No. 552, Fifty-second Congress, first session, p. 11.)

Provision was made for the payment of the portion of the claim then contended for, by the act of March 3, 1891 (26 Stat., 1025), appropriating the sum of \$2,991,450.

There are within the occupancy of the Kiowa and Comanche and the Wichita, etc., Indians 3,712,503 acres, which is the remainder of the "leased district," and the basis of the unsettled portion of the claim of the Choctaw and Chickasaw nations for additional compensation.

The statement of these facts and conclusions are here set forth to serve as the basis of an alternate proposition for the settlement of the claims of the Chickasaw freedmen, to be hereinafter stated.

CLAIMS OF THE CHICKASAW FREEDMEN.

The Chickasaw freedmen claim

FULL AND EQUAL RIGHTS, ETC., AS CHICKASAW CITIZENS.

They insist that they were justly and equitably entitled to be, and that they should have been invested, by the treaty of 1866, with full and equal rights, privileges, and immunities with the Chickasaw citizens by blood, including the right of suffrage, the right to equal educational privileges for their children, the right to equal protection under equal and just laws, and the right to share equally in the annuities and other moneys, and in the public domain claimed by and belonging to the Chickasaw Nation, or in which said nation is interested. And that the refusal and denial of the rights so claimed, and the failure and neglect to secure to them said rights, etc., the same as were secured for the freedmen of the Creek and Seminole nations, have been the cause of great damage, loss, and injury to the Chickasaw freedmen, for which they are justly and equitably entitled to indemnification.

The Chickasaw freedmen claim and insist that they be now invested with the full rights, etc., so claimed.

The Chickasaw freedmen claim and insist that they be now indemnified for the damage, loss, and injury sustained and suffered by them from 1866 till they shall be invested with the full rights as Chickasaw citizens, and for the damage, loss, and injury sustained and suffered by them by reason of the denial of said rights and the failure and neglect to secure said rights to them; and also by reason of the failure and neglect of both parties to the treaty of 1866, or either of them, as shall be determined to fulfill and carry out the stipulations for the very limited rights and benefits provided for them thereunder.

The measure of their claim for indemnification for damages, etc., can be ascertained by the statement of an account of the moneys that have come into the possession of the Chickasaw Nation from payment of annuities, licenses, taxes, and other public charges, and from payments for lands, or on any other account; and pro rating the moneys so received between the Chickasaws who received the benefits thereof, and the former slaves of Chickasaws and their descendants.

The amount of the damage, etc., so ascertained, to be paid by the United States directly out of the Treasury, or by the Chickasaw Nation out of its national funds, according as it shall be determined which of the parties are chargeable for such damages, etc.

The funds of the Chickasaw Nation in the custody of the United States, amount to \$1,337,695.65 (not including certain permanent treaty provisions for goods), upon which that nation receives annually from the United States as interest the sum of \$68,221.44.

Out of the payment of the claim for damages the Chickasaw freedmen desire and propose to provide suitable and sufficient educational facilities for their children, and otherwise improve their condition and surroundings.

The Chickasaw freedmen also desire and claim that when they shall be invested with the full rights, etc., so claimed, the lands occupied by the Chickasaw Nation should be surveyed and sectionized, and that provision be made for title in severalty, at least to the Chickasaw freedmen, for the quantity thereof that they would be severally entitled to have and to hold.

The Chickasaw freedmen claim and insist that the foregoing claims are right, just and equitable; and they insist and urge that said claims be adjusted by an agreement between the United States and the Chickasaw Nation; and that the claim for damages, etc., be speedily paid to and for the Chickasaw freedmen.

PLANS FOR THE ADJUSTMENT OF THE CLAIMS OF THE CHICKASAW FREEDMEN.

We greatly desire that the adjustment of our claims be effected by an agreement between the United States and the Chickasaw Nation. That the adjustment be such as shall be just to both parties, the Chickasaw Nation and the Chickasaw freedmen, and also to the United States. We desire to remain in the land of our birth, among the people with whose language, customs, and habits we are trained and familiar, and whose friendship we desire and esteem, and against whom we have refrained from stating anything in this paper not necessary to a clear presentation of our case.

If, however, it is found impossible to so adjust our said relations and claims, then and in that event we insist and urge that the adjustment be made by the

appropriate and necessary legislation by Congress. Both the right and the duty of Congress to do this have been hereinbefore shown.

ANOTHER FEASIBLE METHOD FOR ADJUSTMENT.

If the claims and relations of the Chickasaw freedmen cannot be adjusted on either of the plans above suggested, and it shall be found absolutely necessary for the Chickasaw freedmen to remove from the Chickasaw country, for the public welfare as well as for their own best interests, then, as a dernier resort, we suggest that a sufficient quantity of the surplus lands within the present reservations of the Kiowa and Comanche and Wichita, etc., Indians, which comprise what remains of the "leased district," be set apart and designated as the land for the location for the Chickasaw freedmen, under the treaty of 1866. That the said freedmen be removed to said land at the expense of the United States. That an appropriation be made of a sum sufficient to pay to each of said freedmen entitled thereto, a per capita payment of \$100, as provided for in the treaty of 1866, with interest thereon from the date said per capita payment should have been made to the date of the payment thereof. That the quantity of land so set apart and designated for the location of the said freedmen thereon shall contain a sufficient number of acres, which, at the rate of \$1.05 per acre, will cover the fair and reasonable amount of damages, loss, and injury sustained and suffered by the Chickasaw freedmen, by reason of the failure and neglect of the parties to the treaty of 1866, to secure to them their just and equitable rights, and the denial, refusal, and neglect of said parties to fulfill the stipulations of that treaty providing for the very limited rights and benefits as therein set forth, and also for the value of the improvements made and put by them on land in the Chickasaw country. That the land so set apart and designated for the location of the Chickasaw freedmen be allotted and patented to them on a fair and just basis, with such limitations and restriction as to alienation, incumbrance, and so forth, as will prevent the disposal thereof of more than one-fourth the first year, one-fourth after the expiration of five years, and with the right to receive title in fee simple for the remainder after the expiration of ten years.

The right of the United States to locate the Chickasaw freedmen on the lands of the "leased district" has been fully set forth in this paper.

Such disposition of the lands of the "leased district," or what remains thereof undisposed of, will serve double purpose of adjusting the Chickasaw freedmen problem, and at the same time dispose of a large part, if not the whole, of the remainder of the claim of the Choctaw and Chickasaw nations for additional compensation for said lands.

Finally, we beseech your Commission to consider our case carefully, and mature and put in form some measure for adoption by Congress that will extricate us from our present deplorable and distressed situation, a condition worse than slavery, in which we have been compelled so long to remain, without proper effort for our relief, or remedy for our wrongs.

We hope that your Commission will use the opportunity, while present in the Indian Territory, to acquaint yourselves with all the facts necessary to a full understanding of our claims, our needs, and of the remedies and the measures of relief that right, justice, and equity require to be provided, in order to correct, as far as it can possibly be done at this time, the evils, wrongs, and great injustice under which we have been so long, and are yet, existing.

We hold ourselves in readiness to respond to any demands your Commission may make upon us for facts, information, suggestions, or otherwise, so far as it may be in our power to comply therewith.

Very respectfully, your obedient servants,

CHAS. COHEE,
ISAAC C. KEMP,
GEO. W. HALL,
MACK STEVESON,

Committee of the Chickasaw Freedmen's Association.

R. V. BELT, 1314 Tenth street NW., Washington, D. C.,

J. P. MULLEN, Fort Smith, Ark.,

Attorneys and Counselors for the Chickasaw Freedmen Association.

REPORT OF COMMISSION TO THE KING AND THE QUEEN

THE COMMISSIONERS OF THE INDIAN AFFAIRS
REPORT
ON THE
PROGRESS OF THE INDIAN AFFAIRS
DURING THE YEAR 1881
LONDON: H.M.S.O. 1882

REPORT
THE COMMISSION

EXHIBIT B.

REPORT

OF

THE COMMISSION

APPOINTED TO NEGOTIATE WITH THE

FIVE CIVILIZED TRIBES OF INDIANS,

KNOWN AS

THE DAWES COMMISSION.

DECEMBER 5, 1895.—Ordered to be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1895.

REPORT.

FORT SMITH, ARK., November 18, 1895.

SIR: The Commission to the Five Civilized Tribes hereby report what progress has thus far been made in the work intrusted to them since their last report.

Since that report the Commission has undergone some changes in its composition. Mr. Frank C. Armstrong has been appointed in the place of Meredith H. Kidd, transferred to other service, and under the provisions of the act making appropriations for the Indian service for the year ending June 30, 1896, Mr. Thomas B. Cabaniss and Mr. Alexander B. Montgomery have been added to the Commission and Mr. Allen R. Boyd made its secretary.

Immediately upon this reorganization, and after conference with the Honorable Secretary of the Interior in Washington, the Commission repaired without delay to the Territory for the purpose of continuing the negotiations heretofore intrusted to them, in conformity with the instructions under which they were acting.

In anticipation of their arrival in the Territory they caused letters to be addressed to the chiefs of the Cherokee and Creek Nations, informing them of the intention of the Commission to renew the negotiations heretofore pending, and that upon the date named they would be at Muscogee, in the Creek Nation, and would be pleased to be notified upon arrival there at what time and place it would be agreeable for them to meet the Commission, either in person or by others duly authorized by them or their governments to act, and renew negotiations which might lead to an agreement in regard to the objects of our mission.

To these letters the Commission received the following replies from the chief of the Cherokee Nation and the chief of the Creek Nation, respectively:

TAHLEQUAH, I. T., May 6th, 1895.

HON. HENRY L. DAWES,
Muscogee, Ind. Ter.

DEAR SIR: I have the honor to acknowledge your favor of the 25th ultimo, in which you mention the request of the President to meet your Commission at an as early day as convenient. In reply thereto, I shall name the day on which I shall meet you, which is Saturday, the 11th instant; the place of meeting, Muscogee.

I have the honor to be, very respectfully yours,
(Signed) C. J. HARRIS, Principal Chief.

TULSA, IND. TER., May 11th, 1895.

Hon. HENRY L. DAWES,
The Chairman Ind. Commission of the U. S.

SIR: Yours has been rec'd, but has not been able to say definitely the time you can meet the Creeks. I will say now that a call session of the national council will meet at Okmulgee, on the 14th of this month, and will continue in session for at least the following week, and should you wish to see the Creeks at that time will be pleased to meet you or any of the Commission.

Yours, truly,

(Signed) L. C. PERRYMAN, Prin. Chief, M. N.

On arrival at Muscogee, where they held for the time being their headquarters, they addressed to the chief of each of the Five Civilized Tribes the following letter, inclosing a letter from the President to the Honorable Secretary of the Interior, and from the Secretary to the chairman of the Commission:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSCOGEE, IND. T., May 13, 1895.

To the PRINCIPAL CHIEF OF THE ——— NATION:

DEAR SIR: The Commission to the Five Civilized Tribes have been directed to present again to the several nations for further consideration the matters upon which they are authorized to confer, and are in receipt of a letter from the honorable Secretary of the Interior, in which he encloses one from the President of the United States disclosing his great interest in the success of this Commission in coming to some agreement with your people, which shall secure all your just rights and promote your highest welfare, as well as contribute to the best interests of the whole country.

By direction of the Commission I enclose to you copies of these letters, with the hope that you will make them known to your people, and commend their spirit and purpose to the favorable consideration and cooperation of your nation.

I am, with the highest consideration, truly yours,

(Signed) HENRY L. DAWES, Chairman.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 6, 1895.

Hon. HENRY L. DAWES,
Chairman Five Civilized Tribes Commission, Muscogee, Ind. Ter.

MY DEAR SIR: Enclosed I hand you a copy of a letter from the President, in which he discusses the work of the Commission of which you are the chairman. I hope it may aid you to convince the Indians that this work has really their own advantage in view. The impossibility of permanently continuing the present form of government of the Five Civilized Tribes must be apparent to those who consider the great difficulty already experienced, even by an administration favorable to the enforcement of treaties, in preserving for them the rights guaranteed by the Government. As the time must come when they will change their present system, how much better for them to inaugurate with you now, under an administration favorable to their rights, the plan by which this change will be accomplished?

Very truly, yours,

(Signed) HOKE SMITH, Secretary.

EXECUTIVE MANSION, WASHINGTON, May 4, 1895.

Hon. HOKE SMITH,
Secretary of the Interior.

MY DEAR SIR: As the Commissioners to negotiate and treat with the Five Civilized Tribes of Indians are about to resume their labors, my interest

in the subject they have in charge induces me to write you a few words concerning their work.

As I said to the Commissioners when they were first appointed, I am especially desirous that there shall be no reason, in all time to come to charge the Commission with any unfair dealing with the Indians, and that, whatever the result of their efforts may be, the Indians will not be led into any action which they do not thoroughly understand or which is not clearly for their benefit.

At the same time I still believe, as I always have believed, that the best interests of the Indians will be found in American citizenship, with all the rights and privileges which belong to that condition. The approach to this relation should be carefully made, and at every step the good and welfare of the Indian should constantly be kept in view, so that when the end is reached, citizenship may be to them a real advantage instead of an empty name.

I hope the Commission will inspire such confidence in those with whom they are to deal that they will be listened to, and that the Indians will see the wisdom and advantage in moving in the direction I have indicated.

If they are unwilling to go immediately so far as we think desirable, whatever steps are taken should be such as point out the way, and the result of which will encourage those people in further progress.

A slow movement of that kind, fully understood and approved by the Indians, is infinitely better than swifter results gained by broken pledges and false promises.

Yours, very truly,

(Signed)

GROVER CLEVELAND.

Not receiving any replies to these letters the Commission addressed to each of the chiefs of these nations a letter bearing date May 18th, 1895, of which the following is a copy:

MUSCOGEE, INDIAN TERRITORY, May 18, 1895.

To the PRINCIPAL CHIEF OF THE ——— NATION.

SIR: As representing the Commission to the Five Tribes, I took the liberty a few days since to direct to you a copy of a letter from the President of the United States and the Honorable Secretary of the Interior upon the subject of the mission of the Commission to this Territory.

The Commission has also been directed by the President to communicate to you and the chiefs of the other four nations the fact that they have returned to the Territory for the purpose of renewing their negotiations with the authorities of the several nations in reference to the subject-matter committed to them.

They desire to open negotiations with you in accordance with the spirit of the letter of the President heretofore sent to you, and therefore they would be gratified to know at what time and where it will be most agreeable to you to meet and confer with them upon that subject, either yourself, personally, or others appointed by you for that purpose.

It is not necessary to enlarge at this time upon the purposes and object which the Commission has in charge. Those have all been heretofore presented to you. It is sufficient at this time to assure you that the Commission have not come here to interfere at all with the administration of public affairs in these nations, or to undertake to deprive any of your people of their just rights. On the other hand, it is their purpose and desire, and the only authority they have, to confer with you upon lines that will result in promoting the highest good of your people and securing to each and all of them their just rights under the treaty obligations which exist between the United States and your nation.

If you and your authorities are willing to confer with the Commission upon these questions and along these lines please indicate to us here in Muscogee, at an early date, when and where and in what manner it would be most agreeable to you to hold such conference.

I have the honor, with much consideration, to be,

Very truly, yours,

(Signed)

HENRY L. DAWES, Chairman.

In answer to this the chief of the Choctaw Nation wrote as follows:

EAGLE TOWN, IND. TER., May 27, 1895.

HON. HENRY L. DAWES,

Chairman of Commission to the Five Tribes, Muscogee, I. T.

DEAR SIR: Yours of 18th inst. rec'd, and in replying I have only this authority to say: As we hold our land in common and in accordance with our treaties and constitution, it is necessary and just to all of the Choctaws to get their consent before we could open negotiations with this Commission.

At the convening of the board of education at Tushka Homma, the 8th day of July, 1895, I, with a great many others, will be there; should it meet with the convenience of the Commission to meet us there at that time they would get the views on the subject of the Commission.

Hoping this will suffice for the time.

I am, very truly, yours,

(Signed) JEFF. GARDNER, P. C. C. N.

This letter was answered by the Commission as follows:

MUSCOGEE, INDIAN TERRITORY, June 5, 1895.

HON. JEFF. GARDNER,

Principal Chief, Choctaw Nation, Eagletown, Indian Territory.

DEAR SIR: I am in receipt of yours of the 27th ult., and am directed by the Commission to express to you their thanks for a courteous and early reply to their communication of the 18th ult.

They are led, however, to think from your letter that perhaps they have failed to make clear to you the purposes of their request. The Commission understands that neither you as chief nor any other of your citizens, except expressly authorized by your national council, would have any authority which would be binding to negotiate with this Commission upon any of the subjects with which they are charged. The law which created this Commission expressly provided that before any agreement or any proposed agreement can have any binding force, it shall be first approved by your council, and if so approved it shall be afterwards approved by Congress or go for nothing. So that if you and the Commission should agree upon anything it would not have the slightest binding force until after the approval of both bodies. For this reason the Commission does not ask you to make any agreement with them. What they do desire and what is the purpose of their correspondence is a conference with you, or with some persons selected by you for that purpose, that you may the better understand what the Government of the United States desires of your people, and what modification of the present condition of public affairs among your people would, in your opinion, be for the best interests of your people, and which you might be willing to present to your council at its next meeting for their consideration. Without such preliminary conference it is difficult to see how anything tangible can be brought before them for their consideration. Such a conference can do no harm, if nothing results from it, and the Commission are confident that much good will come of it, and that from it some measure may be arrived at which you can submit to your council for them to consider. Such a measure could be altered and modified to meet objections while under consideration by your council, if they desired, and up to the last moment of approval, and if in the end it should fail, things would remain as before.

The Commission takes this opportunity to assure you that they recognize fully your treaty rights, and are instructed to respect them. The United States wants nothing which belongs to your people, either their lands or any other rights they enjoy under their treaties, but they are impressed with the conviction that some change in the present condition of affairs is necessary for the good of your people, and their desire is that you shall make that change yourself, and this commission is sent here to aid you in effecting such a change.

The fact that the treaty rights of each nation are distinct and different

from those of the others make a separate conference with each necessary, and one in which all the nations are represented impracticable.

The Commission submits these considerations to you in the hope that they will satisfy you that its presence here is from no other motive or object than to promote the welfare of your people under the treaty rights secured to them, and that you will think it wise to appoint at an early day such a conference as is here suggested.

An early reply, that we may report to the President your conclusions, is urgently requested.

I am, with high consideration, yours truly,

(Signed) HENRY L. DAWES, Chairman.

There being no other replies to their letter of May 18th the Commission again, on June 15th, addressed still another letter to the chiefs of the different nations, of which the following is a copy:

MUSCOGEE, INDIAN TERRITORY, June 5th, 1895.

TO THE PRINCIPAL CHIEF OF THE ——— NATION.

SIR: The Commission to the Five Civilized Tribes, appointed by the President of the United States in conformity with the act of Congress approved March 3rd, 1893, and amended March 2nd, 1895, has heretofore addressed to you certain communications, dated, respectively, May 13th and May 18th, 1895, copies of which are herewith enclosed, and has received no response to the request for conference therein contained.

The Commission was sent here to confer with each of the tribal governments, and would, therefore, be pleased to know if such conference with duly authorized representatives of your governments will or will not be accorded.

If at such conference an agreement is reached, you are aware that it will not be binding until approved both by your council and the Congress of the United States.

It is desired that the objects of our mission should be fully understood by your representatives, that the same may be presented to your national council for consideration.

We have the honor to be, with sentiments of high consideration,

Respectfully,

(Signed)

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
ALEXANDER B. MONTGOMERY.

To this letter the chief of the Cherokee Nation on the 11th of June replied, giving what he considers sufficient reason for not complying with the request of the Commission to enter again into negotiations.

The following is a copy of his letter:

TAHLEQUAH, I. T., June 11th, 1895.

HON. HENRY L. DAWES and others of the Commission to visit the Five Civilized Tribes of the Ind. Ter.

GENTLEMEN: Yours of the 5th instant relative to a conference between your Commission and authorized representatives of this nation is at hand. However anxious I may be to accommodate you in this matter, it is not within my power to say when this opportunity can be offered you. The council at its late session made no provision for such a contingency. I am therefore without authority to appoint the kind of representatives you mention in your letter, because any appointment of representatives could not be considered properly authorized unless I was myself authorized by law to make such an appointment.

How it is with the other nations of the Territory I know not, but there is to be a general council of the nations at Eufaula on the 28th instant. The prime object of this council being the propositions of your commission, it is reasonable

to suppose that some disposition will be made of them by the representatives of the several nations in convention.

All I can do just now to further your project is to give you what aid I can in any manner or means you may wish to adopt to reach the people of this nation on the purpose of your mission. This I will endeavor to do at your wishes or suggestions.

Your letter of the 13th of last month, inclosing the President's letter to the Hon. Secretary of the Interior, has been received and the President's letter published as you desired, but your communication of the 18th ult. and the inclosures of the one now before me have not been received.

With the tone of the President's letter I am well pleased, as he seems to appreciate the gravity of your propositions and the immense and the untried effects they involve. No people except the nations of this Territory, either fortunately or unfortunately, are to feel the consequences of this experiment. The President is humane enough not to desire to force conditions on us with the prospect of doubtful consequences that present themselves in the consideration of your propositions.

The national council will not meet in regular session before the first Monday in November of this year, but that you may know something of its sentiments on the subject of your mission I inclose you a copy of their reply submitted last winter.

Very respectfully,
(Signed) C. J. HARRIS, Principal Chief.

The chief of the Creek Nation on the 10th of June replied as follows:

TULSA, IND. TER., June 10, 1895.

The Hon. U. S. Commission:

Your letter has just been read. In answer to same, I will state that I submitted all your other letters to the extra session of council for their action. At present I am unable to ascertain what action was taken by the council touching your propositions. You will be informed at a later date the action taken by the council.

Yours truly,
(Signed) L. C. PERRYMAN, Chief M. N.

These are the only replies made in writing by the officials of any of these nations either to our written requests or personal application to them to consider the question of further negotiating with the Commission upon the subject-matter of the present condition of affairs in the Territory. The chief of the Cherokee Nation had a personal interview with the Commission soon after the receipt of the last letter, in which he stated that an international council—that is, a conference of delegates from the several five tribes—was about to meet to take into consideration the question of a renewal of negotiations with the Commission. It came to the knowledge of the Commission that immediately upon the receipt by Chief Harris of letters from the Commission informing him that the work of the Commission was to be renewed in the Territory, he instituted proceedings at once for the calling together of representatives of the Five Nations in council, to concert measures more effectually by united action of all the nations, to resist any attempt from any quarter to effect a change of the present condition of affairs, and that this council was the result of this action on the part of the chief of the Cherokee Nation. The council was not attended by delegates of the Choctaw Nation, and in consequence action upon the question was postponed to a future time. The sentiment of the council, however, so far as it was expressed, was of a most positive character adverse to further treating on any conditions with the United States Government upon the subject of change in any respect in the condition of affairs in the Territory.

At the adjourned meeting of this international council it reaffirmed the resolutions adopted at the international council of last year, declining to enter into negotiations, and ordered that several thousand copies of these resolutions be printed and circulated throughout the Territory. A copy is attached to this report and is made a part thereof.

At this meeting the Choctaw Nation was again not officially represented, but three volunteer delegates from that nation were permitted to occupy seats and represent the nation in this council.

The Commission have sought personal interviews with the officials of each of the tribes in the endeavor to ascertain what modifications of the propositions heretofore made would induce them to consider the question of negotiating with the Commission.

During the months of July and August the citizens of two or three of the leading tribes in the Territory were engaged in exciting election campaigns, and apprehensive that it might be thought we were interfering with their political affairs, the Commission, in a measure, refrained from intermingling with the people, and nothing of significance occurred during that time save the holding of meetings at Hartshorne and Atoka, in the Choctaw Nation, by citizens favoring allotment, both of which were addressed by one of our number.

On the 28th of September the following communication was received from Hon. P. S. Mosely, governor of the Chickasaw Nation:

TISHOMINGO, IND. TER., September 27, 1895.

HON. HENRY L. DAWES,
Chairman of the U. S. Commission.

HON. SIR: You will find herein inclosed a copy of a resolution which has, as you will see, been passed by our legislature. Same will explain itself. Please notify me when you can meet us.

Very respectfully,
(Signed) P. S. MOSELY, Governor C. N.

The resolutions are as follows:

Whereas, the United States Government has appointed a Commission known as the Dawes Commission to visit the Five Civilized Tribes of Indians for the purpose of inducing said tribes to change the tenure of their lands;

And whereas, the courtesy due from one government to another demands that their representatives be treated with all due respect and consideration:

Now, therefore, be it resolved, that we, the Chickasaw legislature, in council assembled, recognizing the above facts, hereby authorize the governor of the Chickasaw Nation to notify said Dawes Commission that we are now ready to give whatever proposition they may make due consideration.

Recommended by Holmes Colbert. Amended by the house by striking out the clause "Tribes of Indians" and inserting in lieu thereof "legislature."

Approved Sept. 24, 1895.

P. S. MOSELY, Gov. C. N.

Passed the Senate Sept. 23rd, 1895.

N. G. FRAZIER, Prest. Senate.
WM. M. GUY, Secty. Senate.

Passed the House with the amendment within Sept. 24th, 1895.

LEWIS KEEL, Speaker of the House.

Attest:
ARCH MCGEE, Clerk.

Passed the Senate as amended Sept. 24th, 1895.

N. G. FRAZIER, Prest. Senate.

Attest:
WM. M. GUY, Secty. Senate.

To this letter of the governor of the Chickasaw Nation the following reply was made:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SOUTH McALESTER, IND. TER., Sept. 28th, 1895.

Hon. P. S. MOSELY,

Governor Chickasaw Nation, Tishomingo, Ind. Ter.

DEAR SIR: We beg leave to acknowledge the receipt of your letter of the 28th inst., enclosing resolution of your legislature, passed and approved September 24th, 1895, authorizing you to notify this Commission that they were ready to give whatever proposition we might make due consideration; and in accordance with which you ask us to name a day when we can meet with you and them.

This action of your legislature has been duly considered, and whilst we believe that the most feasible if not the only practicable way to accomplish results is to negotiate with a commission appointed by your legislature, clothed with authority to act, subject to approval by your people, as set forth in our letters of the 8th of May and the 5th of June last, addressed to you, yet with pleasure we accede to your request and name Saturday, October 5th, 1895, as a time when we can meet you and your legislature for the purpose specified.

We have the honor to be, yours, very respectfully,

(Signed) FRANK C. ARMSTRONG.
A. S. MCKENNON.
T. B. CABANISS.
A. B. MONTGOMERY.

Governor Mosely responded, fixing Tuesday, October 8th, as the day for the meeting. According to this arrangement, four members of the Commission visited the capital of the Chickasaw Nation and addressed its legislature, setting forth fully the purposes of the Commission and asking and urging the appointment of a commission of such number and in such manner as they might deem best, clothed with authority to act in conjunction with a similar commission to be appointed by the Choctaw council, then in session, to which commissions in joint session this Commission might make propositions and with whom we might negotiate an agreement.

On November 6th the Commission received from Governor Mosely the following letter:

TISHOMINGO, IND. TER., Nov. 1st, 1895.

Hon. HENRY L. DAWES,

Chairman Dawes Com., Ft. Smith, Ark.

DEAR SIR: Our legislature has now elected five commissioners to confer with the like commission from the Choctaws and also with your Commission. I suppose when the commission gets organized you will receive further notification.

Very respectfully,

(Signed) P. S. MOSELY, Gov. C. N.

Since the receipt of this letter no further advices, either from Governor Mosely or from any commission of the Chickasaw Nation have been received.

On the 28th of October the following invitation was received:

To the Hon. MEMBERS OF THE DAWES COMMISSION.

GENTLEMEN: You are hereby invited to come to the Choctaw capitol on the 29th day of October, 1895, at 10 o'clock a. m. to meet the committee organized to confer with your honorable body.

Yours, respectfully,

OLOSACHUBBEE, Chairman.

TUSHKAHOMMA, IND. TER., Oct. 28th, 1895.

Accepting the same, three of our number visited the Choctaw capital at the time appointed, met and conferred with said commission, submitting to them orally the propositions afterwards reduced to writing and transmitted to them, which are as follows:

FORT SMITH, ARKANSAS, October 30, 1895.

To the Honorable Olosachubbee, Chairman, and Members of Committee appointed by the National Council, Choctaw Nation, Tushkahomma, Indian Territory:

The undersigned commissioners, appointed for that purpose by the United States, propose to negotiate with the Choctaw Nation for the purpose of exchanging, by said nation, upon terms that shall be just, fair, and reasonable to all concerned or interested therein, the present tribal title of said nation to its lands and other property for an equal division thereof among all citizens of the tribe entitled to share therein, and an adjustment and full settlement of all demands, claims, and other unsettled matters of any kind existing between the United States and said nation, so far as may be necessary and proper for the ultimate creation of a Territorial or State government under authority of the United States, embracing said Choctaw Nation and such other nations of the Indian Territory as may desire to become a part thereof.

The United States to put each person in possession of the lands to which he is so entitled, without expense to him and the tribal government, to remain in authority until the completion of the changes herein proposed, and as much longer as shall be agreed upon in such negotiations.

(Signed) HENRY L. DAWES.
FRANK C. ARMSTRONG.
ARCHIBALD S. MCKENNON.
THOS. B. CABANISS.
A. B. MONTGOMERY.

No reply to this communication has been received, but immediately upon its receipt by the national officials the following bill was introduced and passed by the Choctaw senate with only one dissenting vote. The bill failed of passage in the house.

Be it enacted by the general council of the Choctaw Nation, assembled, That it shall be unlawful for any citizen of the Choctaw Nation to attempt to overthrow the Choctaw government by exciting or subverting the minds of the people against the Choctaw form of government, and shall not hold or attempt to hold Choctaw land in severalty, nor shall attempt to convey any part or parcel of Choctaw land to a non-citizen or citizens, or attempt to betray said land and Choctaw country into the hands of a foreign power.

Be it further enacted, That any person or persons violating the first section shall be prosecuted against in the circuit court having jurisdiction, and if proven guilty of treason by two or more witnesses, shall be punished by confinement in jail not less than six months nor more than twelve months, and fined not less than \$1,000 nor more than \$10,000, at the discretion of the court.

Be it further enacted, That if any person or persons violate this act the second time he or she shall be arrested, sentenced, and executed until dead.

Be it further enacted, That any act or part of act coming in conflict with this act is hereby repealed, and that this act shall take effect and be in force from and after its passage.

On the 4th day of October, 1895, the Commission addressed the following communication to the principal chief of the Muscogee Nation:

DEPARTMENT OF THE INTERIOR,
SOUTH McALESTER, IND. TER., October 4th, 1895.

To the PRINCIPAL CHIEF OF THE MUSCOGEE NATION,

Okmulgee, Ind. Ter.

SIR: On June 5th, 1895, we addressed a letter to Hon. L. C. Perryman, prin-

principal chief of the Muskogee Nation, calling attention to certain communications dated respectively May 13th and 18th, 1895, asking for a conference with himself or duly authorized representatives of his nation, to which no reply had been received, and repeating the object of our mission, and again asking for a conference.

To this last communication a reply, dated June 10th, 1895, was had, stating that our former letters had been submitted to the extra session of the Muskogee council, which convened on the — day of —, 1895, and that later information would be given of its action.

We have waited patiently for that promised information, but none has been received; and as we are required to make report by the first of November next to the Secretary of the Interior, and through him to the Congress of the United States, of the result of our mission, we again respectfully request that your council will appoint commissioners clothed with authority to act. If upon conference an agreement is reached, it will not be binding until approved both by your council and the Congress of the United States.

An early reply to this is desired, as our further stay in the Territory is limited.

Very respectfully,

(Signed)

FRANK C. ARMSTRONG.
A. S. MCKENNON.
T. B. CABANISS.
A. B. MONTGOMERY.

To this letter no reply has been received by the Commission. Propositions similar to those forwarded to the Choctaw Nation were at the same time forwarded to the chief of the Cherokees, with the request that he would lay the same before the council about to assemble, to which he replied as follows:

TAHLEQUAH, IND. TER., November 1st, 1895.

HON. HENRY L. DAWES,

Chairman Committee, Fort Smith, Arks.

DEAR SIR: I have the honor to acknowledge your favor of the 30th ultimo, renewing the propositions of your Government to this nation. My term of office will expire in a few weeks more, and upon my successor will devolve the duties of principal chief. Among the many will be the submission of your propositions to the national council as requested by you, and to which I will call his particular attention.

I am, very respectfully,

(Signed)

C. J. HARRIS, Principal Chief.

The Commission has had no notice of any further action in the matter.

In connection with the official intercourse here briefly outlined the Commission availed themselves of every opportunity of conference with private citizens of the several nations, men of character and influence among the people. By visits to the various localities they familiarized themselves with the conditions of life and the opinions and prejudices which prevail in the different sections, and adapted the methods of their attempt at negotiation to these conditions. But thus far they have met with no favorable response among those holding power and controlling political machinery in the governments now existing in the Territory. It is otherwise with those, believed to be a large majority, who, in the machinery by which affairs are administered, are without voice or participation in the policy or laws by which they are governed. The causes, which thus far have proved insurmountable in all the efforts at a peaceable solution of the problem by negotiation, can only be understood by a thorough knowledge of the conditions into which these people have been permitted to fall by the indifference and noninterference of the National Government.

The Commission has heretofore reported how completely the tribal govern-

ments have fallen under the control of the mixed bloods and adopted citizens, and have been used by them to secure to the exclusive use and private gain of a few of their own number much of the tribal property in the land, and from other sources everything valuable and capable of producing profit. More than a third of the whole territory of one of the nations is exclusively appropriated and fenced in by barbed wire to the sole use of a few citizens for pasturage. In other of these nations, under similar legislation, vast and rich deposits of coal of incalculable value have been appropriated by a few to the exclusion of the rest of the tribe, and to the great profit of those who operate them and appropriate their products to their individual use. Similar legislation has enabled private individuals to appropriate the timber of vast pine forests and denude the public domain of this essential element of future development and growth. In short, almost everything of tribal property in which every citizen Indian has of right an equal share has, if of any value, been appropriated to the use and gain of the few, while the real full blood has been left destitute and crowded out upon the mountains and unproductive land, to take care of himself as best he can.

This condition of affairs has not improved since the last report of the Commission. On the contrary, the indications are very manifest that the discussion of the question of a possible change has had the effect of stimulating an unusual activity in efforts to realize as early as possible all available gains arising from this exclusive appropriation of the use of common property. The grasp of those holding power upon the tribal resources has become firmer, and the uses to which the powers of the government have been put for the benefit of the few have become more palpable and flagrant. Those thus prostituting the forms of their laws to private gain have become so open and bold in their operations as in many cases to freely avow that the terms upon which they may be corrupted are made more easy in view of the possibility that the opportunity for such gain may be short.

TOWN SITES.

The attention of the Commission was early called to the anomalous conditions under which a large number of towns of considerable size and growing importance have sprung up in different parts of the Territory destined to exert an important influence upon its future. These towns are the natural and necessary outcome of the great change which is forcing all the active agencies of these nations into new channels. The railroad has been fatal to the old order of things, and has forced upon these people much that is found new among them, and so firmly fastened upon them that removal is impossible and resistance to further advances equally futile. The trunk lines of great railroad systems now traverse the territory its entire length, north and south and east and west, and lateral feeders connect almost every portion of it with railroad facilities hardly less convenient than those existing in the neighboring States.

But the first railroad that crossed its borders brought with it these towns just as much as it brought commerce and commercial relations, the avowed object for which it sought entrance. The two are inseparable. Traffic and business centers live each by and upon the other, and they multiply and prosper side by side. These towns are at this moment growing rapidly in number, size, and importance as marts of trade and places of attractive residence in all parts of the Territory. They have come to stay, and their removal is as impossible as the restoration of the tepee and the war dance in the valley of the Mohawk in the place of the cities and towns now flourishing there. Nor does the Indian citizen desire their removal. The Commission have failed to find an intelligent citizen

Indian who desires the removal of the white residents of the Territory, except that small portion in the Cherokee Nation called intruders, who claim to be Indians, but whose claim is disputed by the nation.

But the existence of these towns in the Territory has come to be as much of a necessity to the citizen Indian as to the white resident, as has the business traffic which railroad enterprise has stimulated wherever it has been permitted to lay its track.

No greater change in any of the conditions existing in these nations is manifest than in the life of the citizen Indian himself. He no longer depends upon his own labor for his livelihood. The white man, invited to the Territory under laws enacted for that purpose, or the negro, once the slave of the Indian and his children, now labor for him, and he has become a landlord, a trader, or an owner of herds kept for him by others. This is the rule, well-nigh universal, with only here and there an exception to make the rule more marked and significant. Places for trade and markets for their products as well as supplies are therefore an absolute necessity to this new mode of life. Take them away and the Indian landlord, trader, or keeper of herds would be at once deprived of all opportunity for profit or even means of support.

These towns have been built and peopled by white residents, whose capital has been invested in large amounts in structures necessary for the great and increasing trade which is being carried on at these centers. Costly and attractive residences have been erected in many of them, and in character they compare favorably with like towns in any of the new States. They vary in population at the present time from 800 to 5,000 inhabitants, and, with few exceptions are doing a surprisingly large and prosperous business. And yet those who have built these towns, invested their capital in these expensive structures and have made these beautiful homes, have no title to the land on which they rest. This remains in the nation, where it was placed by the original treaty seventy years ago, subject to a reversion to the United States when the tribe ceases to exist. The devices resorted to in the different nations to give the builders of these towns a semblance of a claim to the land upon which they have erected them are valuable only as showing the subterfuges which the radical departure from the original plan and basis on which these governments were established has forced them to adopt. These devices have no validity in law. The title still remains in the nation, subject to the above reversion, and must from its very nature be held by the nation for the use of all its citizens, share and share alike, and cannot be appropriated to the exclusive use of any one citizen or resident.

Generally these towns rest on the following unsubstantial arrangement with the national authorities. A citizen Indian is first authorized by the laws of the nation to inclose for his own exclusive use any unoccupied territory. He, having first inclosed a prospective town site, leases town lots at a ground rental, or quit claims his title for a gross sum to the incoming builder, sometimes covenanting that if he ever gets a better title it shall inure to his grantee. Millions of dollars have been expended in the laying out of streets and building of necessary structures in these towns by those who have no other title than this, hardly more as against the holder of the fee than a tenancy at sufferance. The Cherokees have in two or three instances gone a little further than this, have conveyed what title they could in town lots to citizen Indians, but without power to sell to any white resident, and vested in such Indians the control of any town government that might be created.

With these exceptions these towns in the Territory are without town government or town officers, town police, or police courts of any kind, and are unable to adopt or enforce any municipal ordinance or regulation. They cannot impose a tax for any municipal purpose, such as laying out and improving of streets and sidewalks, bringing in gas or water, the construction of sewers and the maintenance of a fire department. They cannot even appoint a constable to keep the peace. They are merely a voluntary association of white residents with not only no power to govern their own organizations, but without a vote or voice in the election of the rulers, or the making of the laws under which they live.

The Commission have been agreeably surprised at the good order and quiet prevailing in the towns here spoken of, where there exists no authority for its enforcement, or for punishment of its infraction. But they have not been able to lose sight of the condition, unsafe at all times and sometimes dangerous, which have no other reliance than the good disposition of the body of the people composing the population of cities and towns like these. It is an exposure of life and property to dangers which cannot be justified and should not be continued an hour beyond necessity.

Besides a town that is not owned by those who build it and make it their home cannot prosper, and it needs no argument to show that ownership is essential to development, and that there can be no healthy and permanent growth so long as there remains an uncertainty hanging over the title to whatever may be added. The residents whose capital and business connections have made these towns what they are have become very uneasy and much disturbed over these defects of title and impediments in the way of future growth. The Commission have been pressed on every side by those interested in the permanent prosperity of these towns and the safety and well-being of the people residing in them to devise some remedy. They thought that a solution of this town-site question would be one step and a long one toward the solution of the greater question of conforming the holdings and governments of the Territory to the system of government under which all communities within our borders must live. And accordingly they prepared a bill designed to secure to those who build these towns the ownership of the lots, within a suitable area, upon paying to the nation their value, and also the authority to maintain a suitable town or city government in the same. This bill, if ratified by the legislative authority of the nation and by Congress, would have secured these most desirable ends. But the provision in it which enabled the citizens of the United States who were not citizen Indians to obtain title to the lots on which they had built the town proved fatal to its approval by the nation. There was no objection to any other provision of the bill, but it was insisted that under no conditions would a United States citizen be permitted to gain title to any portion of the national soil, no matter what amount of capital or other improvement he had been invited or permitted to invest or expend upon the same for the mutual benefit of himself and the community among whom he resides. The Commission has not been able, therefore, to secure from these nations any agreement, which, if ratified by Congress, would put these growing and multiplying towns on any safe and permanent position, or secure to their residents the authority to so govern them as to maintain good order and secure health and prosperity to all whose business or homes are within their borders. So long as the present autonomy remains, this unsafe and precarious condition of affairs must hang over these communities.

UNITED STATES CITIZENS.

No one carefully studying the condition of affairs in the Indian Territory and

the many difficulties by which it is surrounded will fail to take into serious consideration the question of the disposition of that large and preponderating body of residents who are not citizen Indians and who have no foothold in the soil or voice in the governments. There are of these nearly, if not quite, 300,000, not including those called "intruders," whose claim to be Indian citizens is denied, and whom the United States has recently agreed to remove.

The status of these 300,000 United States citizens residing in the Territory has been already partially discussed in connection with the town-site question, but its serious character requires further notice.

These residents are in no sense intruders, and are not so classed by anyone. They are in the Territory by invitation, by consent and by encouragement. Their capital and labor have been availed of for the development of the productive resources of the Territory, and they have built homes for themselves, erected costly edifices and marts of trade and centers of business to meet the demands of the new life forced upon the people. Some thousands of their children who were born in the Territory are now of school age. The doors of the schools of the nations are shut against them, and what education they get is by private contribution. The tribal governments and courts make no provision for the protection of the life or property of these white residents, constituting in number four-fifths of the entire population. Whatever protection of law they have, the United States has sparingly afforded them in United States courts, which necessity has forced into the Territory in the face of the claim of the Indian governments that even this much of interference is forbidden by treaty. So long as these residents are content to remain without interest in the soil or voice in the government or share in its opportunities, those holding control of public affairs do not molest or disturb them, but eagerly avail themselves of all the incidental advantages their presence affords. Their capital and enterprise and labor are most willingly turned to the development and increase of the wealth of these nations, in which sedulous care is taken that these United States citizens shall have no lot, and for whose safety of person and property no provision is made. The Commission is impressed with the conviction that this condition of affairs cannot long continue.

It cannot be possible that in any portion of this country, government, no matter what its origin, can remain peaceably for any length of time in the hands of one-fifth of the people subject to its laws. Sooner or later violence, if nothing else, will put an end to a state of affairs so abhorrent to the spirit of our institutions. But these governments are of our own creation, and rest for their very being on authority granted by the United States, who are therefore responsible for their character. It is bound by constitutional obligations to see to it that government everywhere within its jurisdiction rest on the consent of the governed. There is already painful evidence that in some parts of the Territory this attempt of a fraction to dictate terms to the whole has already reached its limit, and, if left without interference, will break up in revolution. The Chickasaw Nation, in its zeal to confine within the narrowest limits and to the smallest number all privileges and rights, as well as participation in the government, and to weed out as many as possible of the uneasy, has enacted the following confederation law:

AN ACT to amend an act in relation to United States citizens procuring license to marry citizens of this nation.

SECTION 1. *Be it enacted by the legislature of the Chickasaw Nation, That an act in relation to United States citizens procuring license to marry citizens of the Chickasaw Nation be amended thus:*

SEC. 2. *Be it enacted, That all United States citizens who have heretofore become citizens of the Chickasaw Nation or who may hereafter become such by intermarriage and be left a widow or widower by the decease of the Chickasaw wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry another United States citizen, man or woman, as the case may be, having no right of Chickasaw citizenship by blood; in that case all his or her rights as citizens shall cease and shall forfeit all rights of citizenship in this nation.*

SEC. 3. *Be it further enacted, That whenever any citizen of this nation, whether by birth or adoption or intermarriage, shall become a citizen of any other nation or of the United States or any other Government, all his or her rights of citizenship of this nation shall cease, and he or she shall forfeit all the land or money belonging to the Chickasaw people.*

SEC. 4. *Be it further enacted, That the rights and privileges herein conferred upon United States citizens by intermarriage, with the Chickasaws shall not extend to the right of soil or interest in the vested funds belonging to the Chickasaws, neither the right to vote nor hold any office in this nation. All parts of acts coming in conflict with this act are hereby repealed, and that this act take effect from and after its passage.*

Approved, October 1, 1890.

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

Given under my hand and seal this the 18th day of October, 1895.

L. S. BURRIS,
National Secretary, Chickasaw Nation.

It will be observed that among the other penalties here imposed the third section forbids on pain of confiscation any Indian citizen to apply under existing United States laws for United States citizenship, and thus gain a right to enter United States courts for vindication of his rights or avail himself of any anticipated authority conferred on that court to partition the common lands of the nation.

The anticipated enforcement of this act has caused great consternation and excitement among a considerable number of residents in the Chickasaw Nation who were, up to its enactment, admitted citizens enjoying all the rights accorded to any citizen, and possessed, some of them, of very large property interests in the nation. Preparation is being made by the authorities of the nation for its enforcement, and notice to quit is being served upon those to whom it applies. In the meantime threats of open resistance are rife. The resolutions of a secret organization among those whose property is by this act confiscated have been laid before the Commission, in which the determination is avowed "in the event that Indian officials undertake to carry out this law to exterminate every member of this council from the chief down." The commission is appealed to for relief, but without power to interpose they can only bring this critical condition of affairs to the attention of the United States Government as one among the many reasons for immediate Congressional action.

CHEROKEE CITIZENSHIP.

Citizenship in these nations has been left by the National Government entirely under the control of the authorities in the several existing governments.

The citizenship roll of the Cherokees has dealt with a larger number than any of the others, affecting as it does all North Carolina Cherokees who desire to become a part of the nation, and a more liberal policy of adoption by intermarriage and otherwise than exists in the other tribes.

A tribunal was established many years ago for determining the right of ad-

mission to this roll, and it was made up at that time by judicial decision in each case. Since that time and since the administration of public affairs has fallen into present hands, this roll has become a political football, and names have been stricken from it and added to it and restored to it, without notice or rehearing or power of review, to answer political or personal ends and with entire disregard of rights affected thereby. Many who have long enjoyed all the acknowledged rights of citizenship have, without warning, found themselves thus decitizenized and deprived both of political and property rights pertaining to such citizenship. This practice of striking names from the rolls has been used in criminal cases to oust courts of jurisdiction depending on that fact, and the same names have been afterwards restored to the roll when that fact would oust another court of jurisdiction of the same offense. Glaring instances of the entire miscarriage of prosecutions from this cause have come to the knowledge of the Commission and cases of the greatest hardship affecting private rights are of frequent occurrence. This practice is persisted in, in defiance of an expressed opinion of the Attorney-General of the United States forwarded to this nation on a case presented that it was not in their power to thus decitizenize one who has been made a citizen by this tribunal clothed by law with the authority. There is no remedy but an interference of the United States.

The "intruders' roll" is being manipulated in the same way. This "intruders' roll" is the list of persons whose claim to citizenship is denied by the nation, and who by the agreement in the purchase of the "Cherokee Strip" the United States are to remove from the Territory by the 1st of January next. This roll is now being prepared for that purpose by the Cherokee authorities, in a manner most surprising and shocking to every sense of justice, and in disregard of the plainest principles of law. The chief assumes to have authority to "designate" the names to be put upon the intruders' roll, and names are, by his order, without hearing or notice, transferred from the citizens' roll to that of intruders, so that, on January 1, 1896, the United States will be called upon to remove from the Territory, by force if need be, thousands of residents substantially selected for that purpose by the chief of the nation. It has been made clear to the Commission that the grossest injustice and fraud characterize this roll. Persons whose names have been upon the citizens' roll by the judicial decree of the tribunal established by law for that purpose for many years, some of them for twenty or more, persons who have enjoyed all the rights of citizens, unquestioned by anyone until distribution per capita of the strip money, have been by the mere "designation" of the chief stricken from the citizens' roll and put upon that of intruders, with notice to quit before January next. Children of such parents, born in the nation, now of age, with families and homes of their own, are receiving this notice to leave forever all they have earned and the homes they have built for themselves, and this at the will of the chief alone. If the United States Government removes such persons it will become a participant in this fraud and injustice, for which ignorance alone can form any excuse. The Commission feel it a duty to call attention to these facts, and invoke the direct intervention of the Government to prevent the consummation of this great wrong.

These remarks apply specially to the Cherokee Nation, with which the United States has recently entered into obligations in respect to "intruders." But much of what is here said is applicable also to the condition of affairs in the other nations. In these nations many persons coming to the Territory by invitation of the governments themselves, or under the provisions of the laws enacted by them, and acquiring citizenship, with homes and property, in conformity to

such laws, have been in many instances stricken from the rolls of citizenship by those in power, for political and personal purposes, and laws enacted and other means resorted to to deprive them of the homes and property acquired.

The Commission is of the opinion that if citizenship is left, without control or supervision, to the absolute determination of the tribal authorities, with power to decitizenize at will, the greatest injustice will be perpetrated, and many good and law-abiding citizens reduced to beggary.

MISRULE IN THE TERRITORY.

A greater familiarity with the condition of affairs in the Territory than the Commission had at the time of making their last report does not enable it to abate anything of its representation of the deplorable state of affairs as therein stated. They are not only compelled to reaffirm all that they reported of the utter perversion of justice by those who have gotten possession of the machinery and funds of its administration in this Territory, inflicting in its name and that of the lawmaking power irreparable wrongs and outrages upon a helpless people for their own gain, but they are compelled to report that statistics and incontrovertible evidence shows a much more deplorable and intolerable state of affairs than was there represented. They refer to that report for a more extended detail of the character of the misrule which exists among these people, and make that more particular description than is here necessary a part of this report. If the end of government and the administration of justice is the protection of the life and liberty and property of the citizen, then the governments and courts of these nations are a failure, for they afford that protection to neither. They are powerless to these ends, and the victims of this misrule are helpless sufferers at the mercy of the malign influences which dominate every department and branch of the governments as administered here. It matters little, except as to the character of the remedy, whether this failure and misrule arises from the impotence or willful and corrupt purpose, the evil consequences are incalculable and its continuance unjustifiable. It is no less true now than when the Commission reported last year that "all of the functions of the so-called governments of these five tribes have become utterly unable to protect the life or property rights of the citizen. Their courts of justice have become powerless and paralyzed. Violence, robbery, and murder have become almost of daily occurrence, and no effective measures of restraint or punishment are put forth by these governments and courts to suppress crime. Railroad trains continue to be stopped and their passengers robbed in the very presence of those in authority. A reign of terror exists, and barbarous outrages almost impossible of belief are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims."

The United States district court at Fort Smith, Ark., has been given jurisdiction in the Indian Territory only over crimes committed by an Indian upon a white man or by a white man upon an Indian. Of all crimes committed by Indians upon Indians the Indian courts still have sole jurisdiction. In this limited jurisdiction of the United States court the present able and upright judge has, since his appointment in 1875, sentenced to death on conviction in his court 153 persons, and there are to-day in the United States jail at Fort Smith under sentence of death appealed on questions of law 26. Of these 20 have been convicted the present year, the largest number in any one year. There are now under indictment for murder and awaiting trial 13 others, and several are in jail awaiting examination. There is also a United States court at Paris, Tex., having similar jurisdiction in the Indian Territory, the records of which show that since

1890 there have been 22 sentenced to death for murders committed in the Territory, and there are now under indictment 123, nearly all of whom are eluding arrest. How many murders in addition to these have been committed by Indians upon Indians, of which their courts have exclusive jurisdiction, there is no record available, but there is good reason to believe that they exceed these numbers. Reliable newspapers and individuals who have endeavored to obtain accurate information as to the prevalence of crime in the Territory agree in the statement that up to November 1 there had been 257 murders committed in the Territory since the last adjournment of Congress. Of course there have been many others not thus ascertained. If other crimes have in any degree a proportion to that of murder in the Territory the condition must be appalling, and cannot fail to call loudly for a remedy.

In addition to these statistics of prevalent crime taken from judicial records and other authentic sources, there is equally clear evidence of organized force in active operation intimidating and putting in peril witnesses who appear in court to testify for the Government in these cases. In cases of the most serious character now pending in these courts the witnesses have been, one by one, secretly assassinated. In others they have disappeared, and whether slain or not is not likely to be known until, by the failure of justice thus brought about, those charged with the most atrocious crimes have gone free. This terrorism makes it most difficult to obtain in the first instance witnesses to appear in court, knowing that by so doing they expose themselves to all possible persecution and personal danger, even to loss of life. In spite of the best efforts of the United States courts, there is for this reason a most lamentably frequent failure of bringing to justice those guilty of the most flagrant crimes in the Indian Territory.

The terrorism and intimidation is extended even to those who appear before this Commission with information as to the condition of affairs in the Territory and offer their views as to necessary changes. Not infrequently have highly respected citizens of these nations requested the Commission to withhold their names from any connection with the statements made by them as a necessary precaution to personal safety. And in the discussion among themselves of the questions involved they for the same reason take care that it shall be only in the presence of those whom they can trust not to betray them to others who are hostile to the objects of this Commission.

Recently the mayor of one of the towns which have sprung up in the Territory, a man of known integrity and irreproachable character, appeared before the Commission and presented his knowledge of the condition of affairs and his views of the necessity of a change. In a few days the Commission were in receipt of a letter from him informing them that he had been followed in Missouri, where he went on business, by two armed Indians, who informed him that he would be killed if he returned home through the Territory. He called upon the Commission for protection, which it had no power to give. This is not a singular instance, but the like of it is so frequent as to disclose a condition of affairs as deplorable as it is intolerable.

CONCLUSIONS.

The Commission was charged with the duty of negotiation only. They have been clothed with no authority beyond presenting to these "nations" such reasons as might induce them to consent to a change of their tribal holdings and governments upon terms that shall be just and equitable to all concerned, to be made binding only after ratification by the tribes themselves and the United States.

Keeping strictly within their instructions, they have presented to these nations every argument and consideration open to them calculated to make clear the necessity, the justice, and the benefit of such a change in the tenure of their tribal property and in their tribal governments as will conform all to our national system and prepare them to become a part of it. The Commission has found, however, that those having authority to consider these proposed changes are the very persons whose interest it is to prevent them, and that the longer the present conditions continue the greater will be their gain. Every selfish instinct of those holding the power to consider propositions for a change is therefore arrayed against its exercise. They have declined directly, or ignored altogether all formal propositions for negotiation made to them, and in informal conferences have made it clear that no considerations the Commission has authority to present will induce them to voluntarily relinquish their present opportunities for vast gain and consent to share equally with all the Indian citizens that tribal property the United States originally placed in the custody of these "nations" for the common use of all, or to exchange the power they now possess to perpetuate their exclusive use of common property and dictate the character and terms of government under which these people live for anything analogous to the institutions of our own Government by which they are surrounded. The very men who, in the manner heretofore described, have got in their personal grasp the vast tribal wealth of these "nations," elect and control the legislators in their councils, and denominate the work of this Commission as the "interference of a foreign power, not to be tolerated, and seek to punish with the penalties of treason any citizen Indian found advocating a change that shall require equal rights and equal participation.

The Commission is compelled to report that so long as power in these nations remains in the hands of those now exercising it, further effort to induce them by negotiation to voluntarily agree upon a change that will restore to the people the benefit of the tribal property and that security and order in government enjoyed by the people of the United States will be vain.

The Commission is therefore brought to the consideration of the question: What is the duty of the United States Government toward the people, Indian citizens and United States citizens, residing in this Territory under governments which it has itself erected within its own borders?

No one conversant with the situation can doubt that it is impossible of continuance. It is of a nature that inevitably grows worse, and has in itself no power of regeneration. Its own history bears testimony to this truth. The condition is every day becoming more acute and serious. It has as little power as disposition for self reform.

Nothing has been made more clear to the Commission than that change, if it comes at all, must be wrought out by the authority of the United States. This people have been wisely given every opportunity and tendered every possible assistance to make this change for themselves, but they have persistently refused and insist upon being left to continue present conditions.

There is no alternative left to the United States but to assume the responsibility for future conditions in this Territory. It has created the forms of government which have brought about these results, and the continuance rests on its authority. Knowledge of how the power granted to govern themselves has been perverted takes away from the United States all justification for further delay. Insecurity of life and person and property increasing every day makes immediate action imperative.

The pretense that the Government is debarred by treaty obligation from interference in the present condition of affairs in this Territory is without foundation. The present conditions are not "treaty conditions." There is not only no treaty obligation on the part of the United States to maintain, or even to permit, the present condition of affairs in the Indian Territory, but on the contrary the whole structure and tenor of the treaties forbid it. If our Government is obligated to maintain the treaties according to their original intent and purpose, it is obligated to blot out at once present conditions. It has been most clearly shown that a restoration of the treaty status is not only an impossibility, but if a possibility, would be disastrous to this people and against the wishes of all people and governments alike. The cry, therefore, of those who have brought about this condition of affairs, to be let alone, not only finds no shelter in treaty obligations but is a plea for permission to further violate those provisions.

The Commission is compelled by the evidence forced upon them during their examination into the administration of the so-called governments in this Territory to report that these governments in all their branches are wholly corrupt, irresponsible and unworthy to be longer trusted with the care and control of the money and other property of Indian citizens, much less their lives, which they scarcely pretend to protect.

There can be no higher obligation incumbent upon every branch of the General Government than to exert its utmost constitutional authority to secure to this people, in common with all others within our borders, government in conformity with constitutional authorities. The Government cannot abdicate or transfer to other shoulders this duty as to any portion of territory or people in the land. It cannot escape responsibility if the dark record which has now been brought to light is permitted to continue. Delay can bring nothing but increased difficulty and danger to peace and good order in the Territory. The situation calls for prompt action. These considerations lead but to one conclusion.

It is, in the judgment of the Commission, the imperative duty of Congress to assume at once political control of the Indian Territory. They have come with great reluctance to this conclusion, and have sought by all methods that might reach the convictions of those holding power in the Territory to induce them by negotiation and mutual agreement to consent to a satisfactory change in their system of government and appropriation of tribal property. These efforts have failed, and the Commission is driven to the alternative of recommending abandonment of these people to the spoliation and outrages perpetrated in the name of existing governments or the resumption by Congress of the power thus abused.

They therefore recommend immediate legislation as follows:

1. A Territorial government over the Five Civilized Tribes, adapted to their peculiarly anomalous conditions, so framed as to secure all rights of residents in the same, and without impairing the vested rights of the citizen Indian or other person not an intruder.

2. The extension of the jurisdiction of the United States courts in the Territory, both in law and equity, to hear and determine all controversies and suits of any nature concerning any right in or use and occupation of the tribal lands of the several nations, to which any citizen Indian or other person, or the tribal government of any nation, is or may be made a party plaintiff or defendant.

The Commission is confident that such a government wisely administered will restore the observance of law and preserve order among the people residing

in these several nations, and make secure their lives and all just property rights. And that the determination in the United States courts of the most important and complicated questions in which the tenure of their land is unfortunately involved, lifting them out of the unhealthy and unreliable influences which prevail in the Indian courts, where now alone they are disposed of, would go far toward a solution of the difficult problem the present condition of the Territory presents.

Respectfully submitted,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
THOMAS B. CABANISS,
ALEXANDER B. MONTGOMERY.

The SECRETARY OF THE INTERIOR.

Since the completion of the foregoing report the Commission, not having received any notice of action taken by the Choctaw and Chickasaw Nations, either in council or by committee; upon the propositions heretofore submitted by the Commission to these bodies separately, but having heard of some action being taken by them in respect to these propositions, made personal application to the secretary of the Choctaw Nation for information, and have received from him the following attested copy of resolutions adopted. They desire to make these resolutions a part of their report, without modifying, however, in any respect, the statements made or the conclusions of the Commission as set forth in the report, but for the purpose of making complete the record of the official intercourse between the Commission and the several nations, up to date.

HENRY L. DAWES, Chairman.

Whereas, the Congress of the United States having appointed the honorable Dawes Commission to visit the five tribes within the limits of the Indian Territory for the purpose of inducing said five tribes of the Indian Territory to allot or divide our lands in severalty, now we, the committee duly appointed on the 9th day of November, A. D. 1895, by virtue and authority of the Choctaw general council, and in conjunction with the duly appointed and commissioned Chickasaw delegates from the Chickasaw Nation having concurred and find that proposition made by the Dawes Commission in the United States and forwarded by mail to the Choctaw general council now in session, find that it was read and carefully interpreted, now do with matured minds and deliberate consideration have invited to recommend the following resolution:

Be it resolved by the general council of the Choctaw Nation assembled, That the proposition submitted to the Choctaw general council now in session does not meet with the approval in our conference or the consent of the Choctaw and Chickasaw people at large.

Be it further resolved, That we cannot entertained the belief that a Christian nation as the United States Government would use fraudulent means, directly or indirectly, to deprive a weak and dependent people out of our lands now owned and held through a patent issued by the proper authority of the United States Government.

Be it further resolved, We ask the honorable Dawes Commission to make their report to Congress of the United States favoring the extension of justice to us and our peaceful homes, and ask to be permitted without molestation to possess that which is ours and only ours.

M. N. CASS, Chairman of Committee.

Approved, Nov. 12th, 1895.

JEFF. GARDNER, P. C. C. N.

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

Witness my hand and the great seal of the Choctaw Nation this the 15th day of November, A. D. 1895.

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

EXHIBIT C.

FIVE CIVILIZED TRIBES COMMISSION'S REPORT.

FORT SMITH, ARK., November 28, 1896.

SIR: The Commission to the Five Civilized Tribes, appointed to negotiate with the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles respectively, in the Indian Territory, for changes in the holding and management of their tribal property and modification of their tribal governments, report the progress made in the work since the last report.

In addition to the duties with which the Commission were originally charged, Congress, at its last session, enlarged their powers, and required of them other duties of a very important character in the following provision, made a part of the Indian appropriation bill of this session, viz:

That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be admitted and enrolled.

Provided, however, That such application shall be made to such Commission within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes not in conflict with the laws of the United States, and all treaties with either of said nations, or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further,* That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may, within three months from and after the passage of this act, desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits, and other evidence in any form whatsoever taken, where the witnesses giving said testimony are dead, or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of said citizenship in said several tribes: *Provided,* That if the tribe or any person be aggrieved with the decision of the tribal authorities or the Commission provided for in this act it or he may appeal from such decision to the United States district court: *Provided, however,* That the appeal shall be taken within sixty days and the judgment of the court shall be final.

That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations, or tribes, subject, however, to the determination of the United States court, as provided herein.

The Commission is hereby required to file the list of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased, and the amount received therefor, and by whom and from whom, said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

It is hereby declared to be the duty of the United States to establish a government in the Indian Territory, which will rectify the many inequalities and discriminations now existing in said Territory, and afford equal and needful protection to the lives and property of all citizens and residents thereof.

The Commission entered immediately upon the discharge of these duties, and for that purpose established their headquarters at Vinita, in the territory of the Cherokees, as the most convenient of access by those interested in their new duties as well as for the transaction of their own business. At the outset they directed the following communication to the chief officer of each of the several tribes, and caused the same to be made public by publication in newspapers, and as generally known as possible, in order that the new enactment might be understood by all, and that there has been at the same time no intention on the part of the Government to abandon the original purpose of seeking by negotiations changes in the management of their tribal property and their governments:

VINITA, IND. T., July 1, 1896.

SIR: The Congress of the United States at its recent session enacted a law requiring the Commission to the Five Civilized Tribes to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them, and report from time to time to Congress. And it further enacted:

That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however,* That such application shall be made to such Commission within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations: *And provided further,* That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may, within three months from and after the passage of this act, desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof:

"In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of

witnesses, and to send for persons and papers and all depositions and affidavits and other evidence in any form whatsoever taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their power for the purpose of determining the rights of persons claiming such citizenship or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of said citizenship in said several tribes: *Provided,* That if the tribe or any person be aggrieved with the decision of the tribal authorities or the commission provided for in this act it or he may appeal from such decision to the United States district court: *Provided, however,* That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission after the expiration of six months shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nation or tribes, subject, however, to the determination of the United States court, as provided herein.

"The Commission is hereby required to file the list of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of Freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

"It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory, and afford equal and needful protection to the lives and property of all citizens and residents thereof."

In the execution of the duties thus required of them the Commission again appeal to you through the constituted authorities of your nation to authorize some person or persons to meet and confer with them upon the subject-matter embraced in their original appointment, fully set forth and explained in communications heretofore addressed to your duly constituted authorities. To that end they request that they may be notified at an early day at what time and place and with whom such conference may be held.

Before entering upon the execution of the additional duties required of them by this act, the Commission takes this occasion to reassure the people and the government of each of the Five Civilized Tribes that the United States Government is most anxious to accomplish the results contemplated by this legislation through negotiations, and whatever changes in present conditions may be attained may be reached with the consent and co-operation of those who are to be most affected thereby, and on terms that shall be by them deemed most honorable and just. Any communication addressed to the Commissioner at Vinita will be duly acknowledged.

Respectfully,

HENRY L. DAWES, Chairman,
FRANK C. ARMSTRONG,
A. B. MONTGOMERY,
T. B. CABANISS,
A. S. MCKENNON,
Commissioners.

The Commission also made public, in like manner, after careful consideration, the following notice of mode of procedure, best calculated to secure a just consideration of all claims over which Congress had given them jurisdiction:

VINITA, IND. T., July 8, 1896.

TO WHOM IT MAY CONCERN:

The Congress of the United States, at its recent session, enacted that the Commission to the Five Civilized Tribes:

"Is further directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however,* That such application shall be made to such Commission within three months after the passage of this act. The Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commissioners shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes: *And provided further,* That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may, within three months from and after the passage of this act, desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided,* That if the tribe or any person be aggrieved with the decision of the tribal authorities or the commission provided for in this act it or he may appeal from such decision to the United States district court: *Provided, however,* That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission after the expiration of six months shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nation or tribes, subject, however, to the determination of the United States court, as provided herein.

"The Commission is hereby required to file the list of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly sworn authorities. And said Commission shall also make a roll of Freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs.

Any person desiring that said Commission shall pass upon his claim for citizenship, in any of said tribes, under the provisions of this act, must make application in writing, signed and sworn to, containing a particular statement of the grounds upon which his claim is based, and accompanied by such evidence, in the form of affidavits, depositions, or record evidence, as he may desire to have considered in support of his claim, all to be forwarded under seal to the Commission, at Vinita, Ind. T., before the 10th day of September, 1896.

The application should state facts sufficient, if true, to show that the applicant is entitled to citizenship. The applicant must, at the same time, furnish the chief or governor of the nation in which citizenship is sought a copy of such application and evidence, and shall furnish to the Commission evidence of that fact. Such chief or governor must, within thirty days thereafter, furnish the Commis-

sion with answer thereto, signed and sworn to by some duly authorized officer of his government, and accompanied by such evidence in the form of affidavits, depositions, or record evidence as he may desire the Commission to consider in support of his answer.

All arguments shall be in writing.

HENRY L. DAWES, Chairman,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

The opportunity thus afforded for a final settlement of all claims for citizenship in the respective tribes was at once very generally availed of, and the Commission believes well nigh universally, by all who had claims of that character still unsettled.

There were filed with the Commission, for their determination, within the time limited by law, 7,300 applications for hearing, many of which representing families depending on the same facts, of three, four, five, and sometimes more. Of this whole number of claims, 7,300 in all, the Commission has, up to date of this report, considered and determined 5,869, leaving yet to be decided 1,431. They are sparing no effort to finish this part of their work before December 10, 1896, the time fixed by law for its completion.

The Commission has received gratifying evidence from all parts of the Territory, while in the discharge of their duties, since their last report, of a great change among the people of the several tribes in their attitude toward the Commission and its work. There seems to be a growing desire among the people constituting the mass of the citizenship of the Territory for a change from their present condition of affairs, both in respect to the tenure and use of their tribal property and to the manner in which their government is being conducted. Very many are anxious for individual ownership and such political changes as shall secure each equality of participation in their government and greater security to life and property.

This is not universal, however, for there are still those who are unwilling to consent to any modification in either tribal holdings or governments, except upon condition of a fixed period that present control shall not be interfered with by the United States Government. The effect of pressure from the people for an immediate change is, however, plainly visible on those who have heretofore treated with denial or indifference all overtures and propositions from the Commission looking to negotiations.

At a recent general election in the Choctaw tribe allotment was made a distinct issue, and the ticket representing it prevailed, and the government of that tribe in its several branches is now in control of those favorable to negotiations with this Commission for the individual holding of their tribal property and some modification of their tribal government. Their council has recently enacted a law appointing a commission for that purpose, the second and third sections of which are as follows, showing the ample authority with which the commission is clothed:

SECTION 2. *Be it further enacted,* That the said Commission shall enter into negotiations with the Dawes Commission, appointed under an act of Congress approved March 3, 1893, touching the equal division of our lands, coal and mineral interests, the perpetuation of our present form of government for as long

a period as possible, the right to decide our own citizenship cases, the settlement of the claims of the Choctaw Nation touching lands, moneys growing out of the treaty stipulation with the United States, and the preservation of our patent inviolate.

SEC. 3. *Be it further enacted*, When said negotiations have been completed between the commission on the part of the Choctaw Nation and the Dawes Commission then the principal chief shall select two members of said commission to proceed with him to Washington to assist the Dawes Commission in having said agreement ratified by Congress. After such ratification said agreement shall be submitted to the Choctaw council and by the council to the people.

On the 29th of October the principal chief communicated a copy of this law to the Commission, and notified them that the Commission so appointed "would meet this Commission at Fort Smith, Ark., November 16, to negotiate along the line indicated in said act."

In accordance with this notification this Commission proceeded to Fort Smith and met the Choctaw commission at the time appointed, who signified their desire to proceed at once to the consideration of the objects contemplated by the conference. This conference is now in progress in this city, the Choctaw commission preferring to come here rather than to go to Vinita, where the headquarters of the Commission have been up to this time. This has necessitated a removal here of all papers and files of the Commission, that the portion of its work required by law to be completed by December 10, might proceed while a conference is being held. Consequently the headquarters of the Commission has been removed from Vinita, Ind. T., to this place. While this conference has not proceeded far enough to justify any expression of opinion as to the result, it may not be improper to say that the Commission is gratified at the spirit in which it is conducted.

Each of the other tribes, except the Seminoles, have recently enacted laws authorizing the appointment of commissions to confer with this Commission. Some of these commissions were clothed with authority to negotiate and then report to their councils the result, while others were only authorized to confer, and then after report await further action of their council. Each of these commissions has had informal communications with this Commission upon the subject-matter within the scope of their appointment and in reference to a formal meeting at some early day after the present conference with the Choctaws shall have been concluded. The Chickasaw delegates after such informal conference, addressed to this Commission the following note:

To the Honorable Commission to the Five Civilized Tribes: Hon. Henry L. Dawes, Hon. Frank C. Armstrong, Hon. A. S. McKennon, Hon. T. B. Cabaniss, Hon. A. B. Montgomery.

GENTLEMEN: The delegates representing the Chickasaw Nation, before departing for their respective homes, desire to express to you their sincere thanks for the many courtesies accorded to them by you. We hope that no act of ours has caused you unnecessary trouble or annoyance; that the kindly feeling you have manifested for our nation will go with you in the further discharge of your onerous duties.

We deeply regret that the language of the law under which we are acting does not confer upon us the necessary power to negotiate with you upon the important questions affecting the welfare of our people, but trust that the wisdom of our legislators will direct the return to you of a commission sufficiently empowered to finally settle the destiny of a defenseless people, relying alone upon the justice of their cause, the honor of your government, and the integrity of yourselves. In all of these we have implicit confidence.

With our best wishes to each of you, we beg leave to subscribe ourselves as your friends.

OVERTON LOVE, Chairman.
RICHARD McCLISH, Secretary.
WM. L. BYRD.

W. B. JOHNSON, Attorney.

FORT SMITH, ARK., November 25, 1896.

This action of each of these tribes is in marked contrast with the attitude of these governments toward this Commission and its work, heretofore mentioned, and which have been submitted in previous reports of the Commission.

The work of determining all questions of disputed citizenship among these Five Tribes, required by law to be completed in ninety days after September 10, 1896, the limit of time for filing such application, has exceeded all expectations. It is a judicial proceeding, and requires a separate judicial examination and consideration of the evidence filed in support of each, upward of 7,000 cases, as well as the answers made by the tribes, respectively, to each of such applications.

It requires also an immense amount of clerical work in correspondence, filing papers, numbering and indexing cases, and putting in form for permanent record and preservation all the proceedings pertaining to each case, far in excess of any anticipation or provision for assistance to the Commission. At the request of the Commission, the Department detailed one clerk to assist in this work; still it was found that the most diligent and assiduous application of this one clerk and this assistant could not, within the time required by law, complete the necessary work, and the Commission has been compelled to call in another assistant, for whose compensation provision is yet to be made. The amount of necessary labor thus performed by these three clerks, and the manner in which it has been done, will, in the opinion of the Commission, fully justify the expenditure thus incurred.

The Commission will, as soon as it shall have completed its work pertaining to citizenship in the Five Tribes, and the negotiations with the official in progress, proceed without delay to the discharge of the other duties which recent legislation has devolved upon them.

All of which is respectfully submitted.

HENRY L. DAWES, Chairman,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commission to Five Civilized Tribes.

Hon. D. R. FRANCIS,
Secretary of the Interior, Washington, D. C.

EXHIBIT D.

CORRESPONDENCE BETWEEN THE COMMISSION TO THE FIVE
CIVILIZED TRIBES AND THE CHOCTAW NATION.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, INDIAN TERRITORY, July 1, 1896.

To the Hon. JEFFERSON GARDNER,
Governor, Choctaw Nation, Eagletown, I. T.

SIR: The Congress of the United States at its recent session enacted a law requiring the Commission to the Five Civilized Tribes "to continue the exercise of the authority already conferred upon them by law, and endeavor to accomplish the objects heretofore prescribed to them, and from time to time report to Congress." And it further enacted:

That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be admitted and enrolled.

Provided, however, That such application shall be made to such Commission within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes not in conflict with the laws of the United States, and all treaties with either of said nations, or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further,* That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may, within three months from and after the passage of this act, desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits, and other evidence in any form whatsoever taken, where the witnesses giving said testimony are dead, or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of said citizenship in said several tribes: *Provided,* That if the tribe or any person be aggrieved with the decision of the tribal authorities or the Commission provided for in this act it or he may appeal from such decision to the United States district court: *Provided, however,* That the appeal shall be taken within sixty days and the judgment of the court shall be final.

That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations, or tribes, subject, however, to the determination of the United States court, as provided herein.

The Commission is hereby required to file the list of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased, and the amount received therefor, and by whom and from whom, said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

It is hereby declared to be the duty of the United States to establish a government in the Indian Territory, which will rectify the many inequalities and discriminations now existing in said Territory, and afford equal and needful protection to the lives and property of all citizens and residents thereof.

In the execution of the duties thus required of them the Commission again appeal to you through the constituted authorities of your nation to authorize some person or persons to meet and confer with them upon the subject-matter embraced in their original appointment, fully set forth and explained in communications heretofore addressed to your duly constituted authorities. To that end they request that they may be notified at an early day at what time and place and with whom such conference may be held.

Before entering upon the execution of the additional duties required of them by this act, the Commission takes this occasion to reassure the people and the government of each of the Five Civilized Tribes that the United States Government is most anxious to accomplish the results contemplated by this legislation through negotiations, and whatever changes in present conditions may be attained may be reached with the consent and co-operation of those who are to be most affected thereby, and on terms that shall be by them deemed most honorable and just. Any communication addressed to the Commissioner at Vinita will be duly acknowledged.

Respectfully,

HENRY L. DAWES, Chairman,
FRANK C. ARMSTRONG,
A. B. MONTGOMERY,
T. B. CABANISS,
A. S. MCKENNON,
Commissioners.

EXECUTIVE OFFICE, CHOCTAW NATION.
EAGLETOWN, IND. TER., Aug. 5, 1896.

Hon. H. L. DAWES,
Chairman, Vinita, I. T.

SIR: A due notice from you, dated the 1st day of July, 1896, received.

In reply I would say that this question is a matter of great importance, most explicitly so, when the rights of Choctaws, their soil and their property are at stake, which are held in common to-day, whence it is beyond my competency to act in any manner as to cause any person to take steps in contrary to their

ambition, but I can only, and will of course, lay this matter before the Choctaw Council when meet in regular term, and if council deem it necessary will appoint a Committee on conference to meet and confer with your honorable body, with a view to accomplishing a just right to which our people are so honestly entitled.

Yours respectfully,

JEFF. GARDNER,
Principal Chief, Choctaw Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

Hon. JEFFERSON GARDNER,

Governor, Choctaw Nation, Tushkahoma, I. T.

SIR: The Commission to the Five Civilized Tribes will visit Tushkahoma, I. T., Monday, July 27th, at which time and place they will be pleased to meet and confer with you, relative to the work assigned to them by act of Congress, approved June 10, 1896.

Respectfully,

FRANK C. ARMSTRONG, Acting Chairman.

(The Commission to the Five Civilized Tribes went to Tushkahoma, I. T., July 27, 1896, in pursuance to appointment, but the Governor of the Choctaw Nation failed to appear.)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

Hon. JEFFERSON GARDNER,

Governor, Choctaw Nation, Tushkahoma, I. T.

SIR: By Act of Congress, approved June 10, 1896, the Commission to the Five Civilized Tribes

"is authorized and directed to make a full report to Congress of leases, tribal and individual, with area and amount and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others."

This, as we understand, refers to all tribal property of all kinds whatsoever, and to leaseings and holdings of same by either citizens or non-citizens. We, therefore, have the honor to request, that you cause to be furnished to the Commission, as early as you may conveniently do so, any and all information within your power relative to the work so required of it, giving in detail the facts as they may be found of record, or to be otherwise obtainable.

Respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Aug. 8, 1896.

Hon. JEFFERSON GARDNER,
Governor, Choctaw Nation, Tushkahoma, I. T.

SIR: The Act of Congress, approved June 10, 1896, under which the Commission to the Five Civilized Tribes is required to act in settling citizenship in said tribes, provides—

“That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed.” And it further provides: “That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship to each of said nations to be made up from their records, and add thereto the names of citizens, whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States Court, as provided herein.

“The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs.”

The Commission, therefore, has the honor to respectfully request that you cause to be made a full and complete roll of the citizenship of your nation as the same was so confirmed by said Act, as also a roll of all freedmen entitled to citizenship in your nation, and to furnish the same to the Commission on or before the 10th day of December, 1896, that it may thereby be enabled to perform the duty so imposed upon it.

Respectfully,

HENRY L. DAWES,
A. S. MCKENNON,
T. B. CABANISS,
Commissioners.

(On the 10th day of October, 1896, no reply having been received to the three foregoing communications, copies of the latter two were forwarded to Hon. Green McCurtain, then Governor of the Choctaw Nation, for consideration.)

EXECUTIVE OFFICE, CHOCTAW NATION.
TUSHKAHOMA, I. T., Oct. 15, 1896.

Hon. FRANK C. ARMSTRONG,
Acting Chairman, Dawes Commission, Vinita, I. T.

DEAR SIR: Your letter of Oct. 10th with two enclosures, is just received, and in reply will say that I have referred that part of your letter asking for information relative to leases, etc., to the National Agent, with instructions to furnish you with the information you desire.

In reference to that part of your letter, asking that a Commission be appointed to confer with your Commission relative to certain changes which the United States desires to be brought about relative to our lands and government, I will say that I am doing all I can to have such a Commission appointed. A bill is now before Council for that purpose. I ask your Commission to indulge

us a little longer as I hope, at an early date, to communicate to you the appointment of such a Commission, and asking you to name a time and place to meet us.

Very respectfully,

GREEN MCCURTAIN, Principal Chief, C. N.

WALLACE BOND, Priv. Secty.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Oct. 25, 1896.

Hon. GREEN MCCURTAIN,
Governor, Choctaw Nation, Tushkahoma, I. T.

SIR: The Commission to the Five Civilized Tribes, appointed by the President under Section sixteen of the Act of Congress, approved March 3, 1893, and the Act amendatory thereto, approved March 2, 1895, propose to treat with the Choctaw Nation on the general lines indicated herein, to be modified as may be deemed best, after conference with any commission appointed by the Council of said nation with full authority to treat with us:

1st. That there be an equal division of all the lands of the tribe amongst all its citizens, except such town lots and mineral lands as are not susceptible of equal division, and that the United States put the citizens in possession of the land set apart to them.

2nd. That the town lots and mineral lands be disposed of in such manner as may be agreed upon, and the proceeds divided equally amongst the citizens, or used for such other purposes as they may desire.

3rd. That provision be made for laying off town sites, and the incorporation and government of towns in the nation.

4th. That the jurisdiction of the tribal courts be transferred to such United States courts as have been, or may be, established within the limits of the Territory.

5th. An equal division by the United States amongst the citizens of all invested funds not devoted to school or charitable purposes, or such other disposition of these funds as may be desired by the Choctaw Nation.

6th. The settlement of any other matters between the Choctaw Nation and the United States within the authority of this Commission.

7th. The present tribal government to continue in existence until after the lands are divided and the citizens put in possession of their lands, after which the United States may establish a government for the Territory.

Respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

EXECUTIVE OFFICE, CHOCTAW NATION.

TUSHKAHOMA, I. T., Oct. 27, 1896.

Hon. FRANK C. ARMSTRONG,

Acting Chairman, Dawes Commission, Vinita, I. T.

DEAR SIR: I enclose herewith a copy of the Act creating a Commission to ne-

gotiate with your Commission. It is our intention to meet at McAlester on November 11th, 1896, to organize and consult with the Commissioners representing the other civilized tribes as to the possibility of a unity of action in our negotiations with your Commission. And I am authorized to notify you that our Commission will meet your Commission at Fort Smith on Monday, November 16, 1896, to negotiate with you along the lines indicated in the enclosed act. I am,

Respectfully,

GREEN McCURTAIN, P. C. C. N.

WALLACE BOND, Priv. Secty.

An Act creating a Commission to negotiate with the Dawes Commission.

SEC. 1. *Be it enacted* by the General Council of the Choctaw Nation assembled, That the Principal Chief is hereby authorized, by and with the advice and consent of the Senate, to appoint a Commission composed of eight members: two members from each district, and two at large, to negotiate with the Dawes Commission. In addition to the above, the Principal Chief is hereby declared a member of said Commission, and ex-officio Chairman of the same.

SEC. 2. *Be it further enacted*, That the said Commission shall enter into negotiations with the Dawes Commission, appointed under an act of Congress approved March 3, 1893, touching the equal division of our lands, coal and mineral interests, the perpetuation of our present form of government for as long a period as possible, the right to decide our own citizenship cases, the settlement of the claims of the Choctaw Nation touching lands and moneys growing out of the treaty stipulation with the United States, and the preservation of our patent inviolate.

SEC. 3. *Be it further enacted*, That when said negotiations have been completed between the commission on the part of the Choctaw Nation and the Dawes Commission then the principal chief shall select two members of said commission to proceed with him to Washington to assist the Dawes Commission in having said agreement ratified by Congress. After such ratification said agreement shall be submitted to the Choctaw council and by the council to the people.

SEC. 4. *Be it further enacted*, The Commissioners appointed under this Act shall receive one thousand dollars (\$1,000) each for their services; and in addition thereto the two Commissioners selected by the Principal Chief to accompany him to Washington shall receive thirty-five hundred dollars (\$3,500) each; and the further sum of fifteen hundred dollars (\$1,500) is hereby given the Principal Chief to defray his expenses during the negotiations. The above amount shall be payable by requisition of the Principal Chief on the National Auditor, who shall issue his warrants, and the National Treasurer shall pay the same out of any money in the National Treasury not otherwise appropriated.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, INDIAN TERRITORY, July 1, 1896.

HONORABLE GREEN McCURTAIN,

Principal Chief, Choctaw Nation, Tushkahoma, I. T.

DEAR SIR: We are just in receipt of your letter of October 27, 1896, enclosing Act of the National Council of the Choctaw Nation, creating a Commission to negotiate with this Commission.

We note that you fix the 16th day of November 1896, as the time, and Fort Smith, Ark., as the place, at which your Commission will meet this Commission for purposes of negotiation, which is entirely agreeable to us. With very great respect, we are,

Yours, very truly,

A. S. MCKENNON, for the Commission.

(In pursuance to the above arrangement, the Commission to the Five Civilized Tribes and the Choctaw Commission met at Fort Smith, Ark., on the 16th day of November, 1896. Daily conferences were held between the two Commissions until the 12th day of December, 1896, when an adjournment was taken to meet at Muscogee, I. T., December 12, 1896, in the hope that a Commission from the Chickasaws would also meet at that place, in conjunction with the Choctaw Commission, to confer further with the United States Commission.)

Before leaving Fort Smith the Choctaw Commission addressed the following communication to the United States Commission:

PROPOSITIONS COUNTER TO THOSE SUBMITTED BY THE DAWES COMMISSION.

1. The first proposition is acceptable, except as to freedmen.
2. The second proposition is also acceptable.
3. The third proposition is approved.
4. The fourth proposition is not agreeable.
5. The fifth proposition is satisfactory.
6. The sixth proposition meets approval on the idea that the Dawes Commission has full authority to arrange for a settlement of any unsettled matters between the Choctaw Nation and the United States.
7. The seventh proposition to be modified as that the tribal government of the Choctaw Nation will continue in existence until after the lands are divided, the citizens put in possession of their lands, the agreement otherwise put into execution, and a reasonable time for the Choctaws to adjust themselves to the new lines and their changed condition, after which time the United States may create a State out of the Indian Territory.
8. An adjustment of railroad conditions as heretofore verbally outlined.
9. Payment for remainder of the leased district.
10. Specified supervision of Choctaw legislation by the President of the United States.
11. Indemnity.
12. Lands to be inalienable and non-taxable for times specified in the titles, and individual titles to be made and guaranteed by the United States before the State government begins.
13. The ninety-eighth degree (98°) of west longitude to be astronomically located.

14. Choctaw Orphan lands in Mississippi, yet unsold, to be taken by the United States at one dollar and twenty-five cents (\$1.25) per acre, and payment made.

GREEN McCURTAIN, Chairman.
 J. S. STANDLEY.
 G. N. WRIGHT.
 N. B. AINSWORTH.
 BEN HAMPTON.
 A. S. WILLIAMS.
 WESLEY ANDERSON.
 AMOS HENRY.
 D. C. GARLAND.

Accordingly, the Commission to the Five Civilized Tribes and the Choctaw Commission met at Muscogee, I. T., pursuant to adjournment, and the following agreement was entered into:

AGREEMENT BETWEEN FIVE CIVILIZED TRIBES COMMISSION AND CHOCTAWS.

This agreement, by and between the Government of the United States, of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, and Alexander B. Montgomery, duly appointed and authorized thereunto, and the governments of the Choctaw and Chickasaw tribes, or nations, of Indians, in the Indian Territory, respectively, of the second part, entered into in behalf of such Choctaw and Chickasaw governments, duly appointed and authorized thereunto, viz.: Green McCurtain, J. S. Standley, N. B. Ainsworth, E. N. Wright, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland, and A. S. Williams, on the part of the Choctaw Tribe or Nation, and on behalf of the Chickasaw Tribe, or Nation, witnesseth:

That in consideration of the mutual agreements and undertakings herein contained, it is agreed as follows:

In consequence of the common interest of the citizens of the Choctaw and Chickasaw nations in the land of said nations, and the possible contingent reversion of the same to the United States, and in order to facilitate the carrying into effect the provisions of this agreement to allot said lands in separate individual ownership among said citizens, and rendering most useful to said nations their mining operations and town sites, and for no other purpose:

It is agreed that immediately upon the final ratification of this agreement each of the principal chiefs or governors of said nations shall be, by such ratification, authorized and required to execute and deliver to the United States, in the name of his nation, a deed conveying to the United States, in trust, all the interest of said tribe or nation in the lands of the Choctaw and Chickasaw nations in the Indian Territory, which deed shall be in trust for the sole purpose, and no other, of carrying into effect the provisions of this agreement touching the division and allotment of said lands in individual holdings by the citizens of said nations, and the provisions herein required in respect to said lands; which deed shall be in form satisfactory to the Attorney-General of the United States, and shall specifically define the nature and all limitations of said trust required by this agreement and the requirements of the United States in executing the same. And the United States shall accept such conveyance in trust for the sole purpose of executing and carrying into effect the requirements of this agreement in respect to said lands; and is hereby required in so doing, by some duly authorized officer, to execute and deliver a patent to each allottee, and purchaser of a town lot, so that he may have the evidence, under the authority and seal of the United States, of a fee-simple title, subject only to the restrictions required by this agreement and specified in the instrument itself.

It is agreed that all the lands within the Indian Territory belonging to the Choctaw

and Chickasaw Indians shall be allotted to the citizens of said tribes, so as to give each citizen of these tribes (except the freedmen provided for in the treaty of 1866), so far as possible, a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

That all lands set apart for town sites, and the strip of land lying between the City of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, extending up said river to the mouth of Mill Creek; and ten acres each, to include the buildings now occupied for the capital, and for the New Hope Seminary, Jones Academy, Tushkaloosa Female Seminary, Wheelock Orphan Seminary, Spencer Academy, Tushkaloosa Academy, and Armstrong Orphan Academy, in the Choctaw Nation; and the same number of acres each for such public buildings and schools in the Chickasaw Nation, as the governor thereof shall designate, shall be excepted from division; and all minerals, including oil, coal, natural gas, and asphalt, in or under the lands allotted, shall not pass to the allottee, but the title to the same shall remain in the United States Government in trust for the sole use of the Choctaw and Chickasaw citizens, exclusive of the aforesaid freedmen; *Provided*, That where any mine is hereafter opened on land allotted to any citizen, the value of the use of the necessary surface for mining and the damage done to his other land and improvements shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee, or owner of the land, by the lessee, or party operating the same, before operations begin.

That in order to such equal division, the lands of the Choctaws and Chickasaws shall be graded and appraised so as to give each citizen, as far as possible an equal value of land: *Provided*, That if it shall be decided that the Chickasaw freedmen are not entitled to the land provided for in the treaty of 1866, and the Choctaw freedmen are, then the lands allotted to the Choctaw freedmen are to be deducted from the portion to be allotted under this agreement to the Choctaw citizens, so as to reduce the allotments to the Choctaw citizens by the value of the same and not affect the value of the allotments to the Chickasaw citizens.

That the freedmen who may be entitled to allotments of forty acres each, under the treaty of 1866, shall be entitled each to land equal in value to forty acres of the average land of the two nations.

That in the appraisement of the lands, the Choctaw and Chickasaw tribes shall, if they or either of them so desire, each have a representative, to be appointed by their respective governors, to cooperate with the Commission of the United States Government, or anyone making appraisements under its direction, in grading and appraising the lands preparatory to allotment. And the land shall be valued in the appraisement as if in its original condition, excluding the improvements thereon.

That the appraisement and allotment shall be made under the supervision of the Commission heretofore appointed under the acts of Congress, approved March 3, 1893, and March 2, 1894, or their successors, and shall begin as soon as the progress of the surveys, now being made by the United States Government will admit.

That each citizen of the Choctaw and Chickasaw nations shall, where it is possible, have the right to take his allotment on land, the improvements on which belong to him, and such improvements shall not be estimated in the value of his allotment: *Provided*, That wherever it is necessary to a just distribution of the lands, the Commission is authorized to require any allottee to take his allotment from different grades of land. In the case of minor children allotments shall be selected for them by their father, mother, guardian, or the administrator having charge of their estate, preference being given in the order named. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, to be designated by the Commission making the allotments; and said Commission shall exercise due care that all persons entitled thereto have allotments made to them.

That all lands allotted to citizens under this agreement shall be inalienable for twenty-five years, commencing with the date of the patent to the allottee, and shall not be taxed while held by the allottee, or his heirs, during that time: *Provided*, That any allottee, twenty-one years of age, may sell, for a price to be actually paid, and to include no former indebtedness or obligation, one-fourth of his land six years after, and an equal quantity twelve years after, and an equal quantity eighteen years after the date of the patent. The exact terms and con-

and paid such compensation by said nations as they may determine, under such rules and regulations as shall be prescribed by the Secretary of the Interior.

In the event that said Commission shall cease to exist, then the control and supervision of said properties of said tribes, shall be placed under the direction of three trustees, to be appointed by the President of the United States, and subject to removal by him, one of whom shall be a nonresident of the Indian Territory, one a citizen by blood of the Choctaw Nation, and the other a citizen by blood of the Chickasaw Nation, and who have never had any connection with any leases of said properties; and whose terms of office shall be for the period of six years after the first appointment, which shall be as follows: One for six, one for four, and the third of two years; and said trustees to act under such rules and regulations as shall be fixed by the Secretary of the Interior.

The compensation of said trustees shall be the sum of three thousand dollars each per annum, to be paid by the United States.

And all leases of coal mines made by the nations, or either of them, now located and being in good faith operated, and none other, shall continue until the expiration thereof, and the present lessees, and those who may hereafter lease and operate additional mines, shall have the preference in re-leasing the same in the manner herein provided. But it is distinctly agreed and understood that all leases heretofore made by citizens to coal companies, including the eleven leases in favor of the Choctaw Coal and Railway Company, and its successors or assigns, mentioned in the act of Congress, approved October 1, 1890, not now being operated, shall, on ratification of this agreement, terminate and cease: *Provided*, That the lessees whose leases are hereby terminated shall have the preference when said mines are leased, under the direction of the Secretary of the Interior as herein provided.

All coal mines, whether now developed or to be hereafter leased and developed, reserved for the benefit of said tribes, shall be operated as hereinbefore provided, and the royalties therefrom paid into the Treasury of the United States, under such rules and regulations as shall be made by the Secretary of the Interior: *Provided*, That no individual royalties shall be paid on any mines hereafter opened, and no such royalties shall be paid on mines now being operated after two years from January 1, 1897. But the agreement for the payment of individual royalties to continue for said period shall not be construed into an admission or recognition of the right of said parties to receive the same: *Provided further*, That no royalty less than one-half cent per bushel shall be paid for the benefit of the tribes by the lessees of the mines now being operated, where private royalties are paid; and up to two years from January 1, 1897, no less royalty than three-fourths of a cent per bushel shall be paid to the tribes on coal taken from mines hereafter leased and developed. After the expiration of said two years no royalty less than one-half a cent per bushel shall be paid by the lessees of any mine now developed or undeveloped.

The minerals, other than coal, herein exempted from division, shall be subject to such regulations as shall be made by the Secretary of the Interior in leasing or operating the same for the benefit of their school funds.

That whenever the citizens of the Choctaw or Chickasaw tribes shall be required to pay taxes for the support of schools, then the funds arising from such royalties shall be disposed of for the equal benefit of their citizens (freedmen excepted) as such tribes may direct.

It is further agreed that the United States courts now existing, or that may hereafter be created, in the Indian Territory, shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, possession, or use of real estate and minerals, including oil, coal, natural gas, and asphalt, in the territory occupied by the Choctaw and Chickasaw tribes; and of all persons charged with homicide, embezzlement, bribery, and embracery hereafter committed in the territory of said tribes, without reference to race or citizenship of the person or persons charged with such crime; and any citizen or officer of the Choctaw or Chickasaw nations charged with such crime shall be tried and, if convicted, punished as though he were a citizen or officer of the United States.

And sections sixteen hundred and thirty-six to sixteen hundred and forty-four, inclusive, entitled "Embezzlement," and sections seventeen hundred and eleven to seventeen hundred and eighteen, inclusive, entitled "Bribery and embracery," of Mansfield's Digest of the Laws of Arkansas, are hereby extended over and put in force in the Choctaw and Chickasaw nations; and the word

"officer," where the same appears in said laws, shall include all officers of the Choctaw or Chickasaw governments; and the fifteenth section of the act of Congress, entitled; "An act to establish United States courts in the Indian Territory, and for other purposes," approved March 1, 1889, limiting jurors to citizens of the United States, shall be held not to apply to United States courts in the Indian Territory held within the limits of the Choctaw and Chickasaw nations; and all citizens of the Choctaw and Chickasaw tribes, otherwise qualified, shall be competent jurors in said courts: *Provided*, That whenever a citizen of the Choctaw or Chickasaw nations is indicted for homicide, he may, within ten days after such indictment and his arrest thereon, and before the same is reached for trial, file with the clerk of the court in which he is indicted, his affidavit that he cannot get a fair trial in said court; and it shall thereupon be the duty of the judge of said court to order a change of venue in such case to the United States district court of the western district of Arkansas, at Fort Smith, Arkansas, or to the United States district court for the eastern district of Texas, at Paris, Texas, always selecting the court, that, in his judgment, is nearest or most convenient to the place where the crime charged in the indictment is supposed to have been committed. And in all said civil suits said courts shall have full equity powers. And whenever it shall appear to said court, at any stage in the hearing of any case, that the tribe is in any way interested in the subject matter in controversy, it shall have power to summon in said tribe and make the same a party to the suit, and proceed therein in all respects as if such tribe were an original party thereto. But in no case shall suit be instituted against the tribal government without its consent.

It is further agreed that no act, ordinance, or resolution of the council of either the Choctaw or Chickasaw tribes, in any manner affecting the land of the tribe, or of individuals, after allotment, or the moneys or other property of the tribe, or citizens thereof (except appropriations for the regular and necessary expenses of the government of the respective tribes), or the rights of any person to employ any kind of labor, or the rights of persons who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such acts, ordinances, or resolutions, passed by the council of either of said tribes, shall be approved by the governor thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their reception, approve or disapprove the same. Said acts, ordinances, or resolutions, when so approved, shall be published in at least two newspapers, having a bona fide circulation in the tribe to be affected thereby; and when disapproved, shall be returned to the council of the tribe enacting the same.

It is further agreed, in view of the modifications of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March next. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State in the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes.

That all per capita payments hereafter made to the citizens of the Choctaw and Chickasaw nations shall be paid directly to each individual citizen by a bonded officer of the United States under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to said Secretary.

It is further agreed that all claims of any kind which either the United States may have upon the Choctaw Nation or the Chickasaw Nation, or the Choctaw Nation or the Chickasaw Nation may have upon the United States, may be submitted to the Senate of the United States as a board of arbitrators for final determination, and without any unnecessary delay to make the award and provision for the payment of whatever sum shall be by them awarded.

It is further agreed that all of the funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choc-

taw and Chickasaw tribes, shall be capitalized within one year after the tribal government shall cease, so far as the same may legally be done, and be appropriated and paid by some officer of the United States, appointed for the purpose, to the Choctaws and Chickasaws (freedmen excepted) per capita, to aid and assist them in improving their homes and lands.

It is further agreed that the Choctaws and Chickasaws, when their tribal governments cease, shall become possessed of all the rights and privileges of citizens of the United States.

It is further agreed that the Choctaw orphan lands in the State of Mississippi, yet unsold, shall be taken by the United States at one dollar and twenty-five cents (\$1.25) per acre, and the proceeds placed to the credit of the Choctaw orphan fund in the Treasury of the United States, the number of acres to be determined by the General Land Office.

This agreement shall be binding on the United States when ratified by Congress, and on each tribe or nation party hereto when ratified by the constituted authorities of that tribe or nation.

In witness whereof the said Commissioners do hereunto affix their names at Muskogee, Ind. T., this the eighteenth day of December, eighteen hundred and ninety-six.

HENRY L. DAWES,
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
THOMAS B. CABANISS,
ALEXANDER B. MONTGOMERY,
Five Tribes Commission.

H. VAN SMITH,
Acting Secretary to Five Tribes Commission.
GREEN MCCURTAIN,
Principal Chief.

J. S. STANDLEY,
N. B. AINSWORTH,
BEN HAMPTON,
WESLEY ANDERSON,
AMOS HENRY,
D. C. GARLAND,
A. S. WILLIAMS,
Choctaw Commission.

EXHIBIT E.

CORRESPONDENCE BETWEEN THE COMMISSION TO THE FIVE
CIVILIZED TRIBES AND THE CHICKASAW NATION, 1896.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

HON. PALMER S. MOSELY,

Governor Chickasaw Nation, Tishomingo, Ind. Ter.

SIR: The Commission to the Five Civilized Tribes will visit Tishomingo, Thursday, July 23rd, at which time and place they will be pleased to meet and confer with you, relative to the work assigned to them by act of Congress, approved June 10, 1896.

Respectfully,

FRANK C. ARMSTRONG,
Acting Chairman, Commission.

TISHOMINGO, IND. TER., July 23, 1896.

HON. DAWES COMMISSION,
Vinita, I. T.

GENTLEMEN: I arrived here about one hour after your departure. Was very sorry, indeed, to find that you had gone, and I assure you all that it was not my intention to show you any ill-will whatever. I have been quite sick for some time. Wasn't really able to come this time, but knowing that you would be here, and thinking you would remain a day or two, I started this morning. I am very sorry that I did not meet you as I had several questions I wished to ask you, and inasmuch as I failed to see you here, if you still wish to see me I will come to Vinita, as I am more than willing to render all assistance or information that I can.

Regretting very much that I did not meet you, I am,

Very respectfully,

P. S. MOSELY, Gov. C. N.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

VINITA, IND. T., July 26, 1896.

HON. P. S. MOSELY,

Wapanucka, Ind. Ter.

SIR: Your letter of the 23rd instant, is just received. We regret exceedingly

that we failed to see you when at Tishomingo. Supposed that you would not come at all as you had not arrived at ten o'clock, after which time we left there. We are sorry to learn that you are so unwell. Are gratified to know that you will kindly render assistance to the Commission in the important work before it. We respectfully ask that you fix a date, at which it will be convenient for you to meet the Commission, at some town on the railroad most convenient to you—say Atoka, or Caddo—at as early a day as possible after next Monday.

Respectfully,

A. S. MCKENNON,
T. B. CABANISS,
Commissioners.

EXECUTIVE OFFICE.

WAPANUCKA, IND. TER., Aug. 3, 1896.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, Ind. Ter.

GENTLEMEN: Your reply of the 26th is just at hand, and in which you requested me to fix a date and place convenient to meet you at some town on the railroad most convenient. I will meet you at Atoka, I. T., on Thursday, the 6th of Aug. I will be there on the evening of the 5th (Wednesday) in order to be on hand ready for next day (Thursday). I am not so well yet and feel weak.

Very respectfully,

P. S. MOSELY, Gov. C. N.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

Hon. P. S. MOSELY,
Wapanucka, Ind. Ter.

SIR: By Act of Congress, approved June 10, 1896, the Commission to the Five Civilized Tribes

"is authorized and directed to make a full report to Congress of leases, tribal and individual, with area and amount and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others."

This, as we understand, refers to all tribal property of all kinds whatsoever, and to leasings and holdings of same by either citizens or non-citizens. We, therefore, have the honor to request, that you cause to be furnished to the Commission, as early as you may conveniently do so, any and all information within your power relative to the work so required of it, giving in detail the facts as they may be found of record, or to be otherwise obtainable.

Respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Aug. 8, 1896.

Hon. PALMER S. MOSELY,

Principal Chief, Chickasaw Nation, Tishomingo, Ind. Ter.

SIR: The Act of Congress, approved June 10, 1896, under which the Commission to the Five Civilized Tribes is required to act in settling citizenship in said tribes, provides—

"That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed." And it further provides: "That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens, whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States Court, as provided herein.

"The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs."

The Commission, therefore, has the honor to respectfully request that you cause to be made a full and complete roll of the citizenship of your nation as the same was so confirmed by said Act, as also a roll of all freedmen entitled to citizenship in your nation, and to furnish the same to the Commission on or before the 10th day of December, 1896, that it may thereby be enabled to perform the duty so imposed upon it.

Respectfully,

HENRY L. DAWES,
A. S. MCKENNON,
T. B. CABANISS,
Commissioners.

(To the above letter of August 8th, 1896, to the Governor of the Chickasaw Nation, no reply has ever been made.)

The following was received by the Commission to the Five Civilized Tribes from the Governor of the Chickasaw Nation, Oct. 14th, 1896:

"An Act to authorize and empower the Governor of the Chickasaw Nation to appoint and commission four competent persons, citizens of the Chickasaw Nation, to meet and confer with the Dawes Commission in cases of citizenship, and any other business that may come before them.

SECTION 1. *Be it enacted*, By the legislature of the Chickasaw Nation, that the Governor be, and he is hereby, authorized and empowered to commission four competent persons, citizens of the Chickasaw Nation, as attorneys to meet and confer with the Dawes Commission in all cases of citizenship, and any other business that may come before them, affecting the interest of the Chickasaw people.

SEC. 2. *Be it further enacted*, That the said attorneys, so appointed, shall have power to represent the Chickasaw people before the said Dawes Commission, or the United States district court, or any other tribunal before which any cases may be likely to come, in any way affecting the question of citizenship in the Chickasaw Nation.

SEC. 3. *Be it further enacted*, That the Governor be, and he is hereby,

authorized and empowered (in his judgment) to employ two competent attorneys, citizens of the United States, to aid and assist the attorneys on the part of the Nation in all matters that may come before the Dawes Commission and the Chickasaw Nation, or before the United States district court of the Indian Territory, in appeal from the decision of the Dawes Commission, in cases of citizenship, or any other cases that may come up.

SEC. 4. *Be it further enacted*, That the Tenure of Office bill is hereby suspended in the appointing and carrying out of the provisions of this Act.

SEC. 5. *Be it further enacted*, That the sum of twenty-five hundred dollars each be and the same is hereby appropriated out of the National Treasury to pay the said attorneys for their services; one-half to be paid immediately, and the other half as soon as the work before the Dawes Commission is completed, both by the Chickasaw attorneys and the United States attorneys employed by Governor.

SEC. 6. *Be it further enacted*, That the sum of two thousand dollars is hereby appropriated out of any money in the Treasury to be used by the attorneys so appointed for incidental expenses; such as employing a stenographer, testimony, etc., and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for the amount in favor of the attorneys authorized to receive it; and the Treasurer shall pay all such warrants out of any money in the Treasury.

SEC. 7. *Be it further enacted*, That the said attorneys so appointed shall make a full and complete report of all their official acts to the Governor of the Chickasaw Nation, and, through him, to the Legislature; and this Act take effect and be in force from and after its passage.

Approved, Sept. 12th, 1896.

R. M. HARRIS, Governor.

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 seal of office this, the 14th day of October, A. D. 1896.

[SEAL.]

L. C. BURRIS,
National Secretary, Chickasaw Nation.

(On the 13th of October, 1896, the Commission to the Five Civilized Tribes addressed a communication to Hon. R. M. Harris, Governor of the Chickasaw Nation, enclosing copies of letters to Hon. P. S. Mosely (then Governor), dated July 10th and August 8th, 1896, and the following reply was received):

THE CHICKASAW COMMISSION.

Wm. L. Byrd, W. B. Johnson, M. V. Cheadle,
Overton Love, Chairman,
Richard McLish, Secretary.

TISHOMINGO, I. T., Oct. 24, 1896.

To the Honorable COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, Indian Territory.

GENTLEMEN: Your communication addressed to Gov. R. M. Harris, of the 13th instant, enclosing copies of letters formerly written to ex-Governor P. S. Mosely, relating to the business coming under your original appointment (or negotiations with the Five Tribes); and also requesting that your Commission be furnished with all information in the possession of our Nation, relating to leases, tribal or individual, area, to whom leased, and by whom, amount paid therefor,

and to whom and by whom paid, etc., etc.,—have been received by us, through Governor Harris, with his instructions that we answer same.

Therefore, in reply thereto, we beg to say, with respect to negotiations, that inasmuch as the interest of the Choctaw Nation is identical with ours, we first wish to hold a conference with the proper authorities of said Choctaw Nation, and, with them, agree upon the plan of such negotiations, if possible; after which we shall be pleased to inform your honorable Commission of the time and place, when and where we will be ready to meet you for such purposes—assuring you that we will endeavor to bring about these conditions just as soon as we reasonably can do so. We also believe that it should be our purpose to get up a general conference with all the nations interested in the subject-matter, and embraced under your original appointment, in order that whatever should be done would be in strict harmony and accord with all; and, therefore, no cause for objection by either nation would or could be expected.

With respect to the information required as to leases, etc., we say, first, that it has always been a violation of our laws since about 1867 to lease lands for a term longer than one year, and the penalty for a violation thereof is very severe, as you will see by reference to our Statute (page 105). The approval of this law, and the date thereof, is under the revision and codification thereof at that time; but the same law existed long prior to this date. Consequently, notwithstanding this law was violated, indeed often, it was done secretly between the parties; and it was, as we found it to be, an impossibility to procure evidence sufficient to convict the parties leasing; and, although many persons were indicted by the grand jury for such violations, yet the party accused invariably beat the case before the Court. While some few convictions have been had, yet, the people having seen that it was very difficult to procure evidence sufficient to convict, have more or less disregarded the law; and, hence, the lands have been leased out promiscuously all over the country, running from two to fifteen and twenty years. Some few leases we have heard of being for lifetime of the parties. And all persons guilty of leasing lands sympathize with each other, and protect each other in every way possible. Therefore, we have no records of such leases, nor any records of any of the information so required, and, as we view the situation now, it will be an impossibility for us to procure the information; and we believe, for fear of prosecution here, the parties would certainly refuse to give any information in the premises, and we think that all of this information can only be procured best by non-citizens of this nation.

Relating to the mining laws of the nation, as found in our Statute, under which charters have been issued to companies composed of three or more of our own citizens, who then have the right to associate with them capitalists to develop said mines, etc., we have records of all such charters, which can be furnished you by the National Secretary, Mr. L. C. Burris. But we have no national records of the contracts made with such capitalists, and this can only be furnished upon application to the aforementioned chartered companies. Of all other farm and pasture leases we have no information.

We regret very much our inability to furnish you the required information, and we assure you that anything we can do to afford you information at any time, and on any matters desired, shall be done with pleasure. We desire to give you all the assistance we possibly can.

Very respectfully,

THE CHICKASAW COMMISSION,
By OVERTON LOVE, Chairman.

By R. McLISH, Sec.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, INDIAN TERRITORY, October 23, 1896.

Hon. R. M. HARRIS,

Governor, Chickasaw Nation, Tishomingo, Indian Territory.

DEAR SIR: The Commission to the Five Civilized Tribes, appointed by the President under section sixteen of the Act of Congress, approved March 3, 1893, and the Act amendatory thereto, approved March 2, 1895, propose to treat with the Chickasaw Nation on the general lines indicated herein, to be modified as may be deemed best, after conference with any commission appointed by the council of said Nation with full authority to treat with us.

1st. That there be an equal division of all of the lands of the tribe amongst all its citizens, except such town lots and mineral lands as are not susceptible of equal division, and that the United States put the citizens in possession of the land set apart to them.

2nd. That the town lots and mineral lands be disposed of in such manner as may be agreed upon, and the proceeds divided equally amongst the citizens, or used for such other purposes as they may desire.

3rd. That provision be made for laying off town sites, and the incorporation and government of towns in the nation.

4th. That the jurisdiction of the tribal courts be transferred to such United States courts as may have been, or may be, established within the limits of the Territory.

5th. An equal division by the United States amongst the citizens of all invested funds not devoted to school or charitable purposes, or such other disposition of these funds as may be desired by the Chickasaw Nation.

6th. The settlement of any other matters between the Chickasaw Nation and the United States within the authority of this Commission.

7th. The present tribal government to continue in existence until after the lands are divided and the citizens put in possession of their lands, after which the United States may establish a government for the territory.

Respectfully,

HENRY L. DAWES, Chairman,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

EXECUTIVE DEPARTMENT, CHICKASAW NATION.

TISHOMINGO, IND. TER., Oct. 26th, 1896.

Hon. DAWES COMMISSION,

Vinita, I. T.

DEAR SIR: I have the honor of acknowledging the receipt of your communication of the 23rd instant, wherein you refer to the authority of your Commission to treat with the Chickasaw people in a division of lands, disposing of town lots and mineral lands, etc., etc. In reply, I would kindly ask if you don't think that the Act of our Legislature, passed and approved Sept. 12th, 1896, authorizing the Governor of the Chickasaw Nation to appoint a Commission to confer with your honorable body, gives them the said Chickasaw Commissioners the right to treat with you on such questions as you mention in your letter above mentioned.

Yours respectfully,

R. M. HARRIS, Governor C. N.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, IND. T., Oct. 29, 1896.

Honorable R. M. HARRIS,

Governor, Chickasaw Nation, Tishomingo, I. T.

SIR: In reply to your letter of the 20th October, 1896, we have the honor to say, that while the act of the National Council of the Chickasaw Nation, approved September 12, 1896, authorizing the Governor to appoint a Commission to confer with the United States Commission to the Five Civilized Tribes, is not as specific in its terms as it might have been made, the authority to negotiate in reference to all matters with this Commission may be reasonably inferred therefrom; and as any agreement which may be arrived at between the two Commissions, will have to be referred to their respective governments for ratification or rejection, if such agreement should be so ratified, all questions as to authority reposed in your Commission would be thereby healed or settled.

With very great respect, we have the honor to be,

Respectfully yours,

A. S. MCKENNON, for the Commission.

THE CHICKASAW COMMISSION.

TISHOMINGO, I. T., Oct. 29, 1896.

To the Honorable COMMISSION TO THE FIVE CIVILIZED TRIBES,

Vinita, Indian Territory.

GENTLEMEN: As we finished our labors here, and have disposed of all the cases of which we have copies of the answers, we will leave here for our homes today or tomorrow. The Chickasaw Commission has agreed to be in Vinita, I. T., on the 16th day of November, at which time we would like to meet your honorable body, and then will give you such information as you may desire or require, of which we may be possessed, and thus probably facilitate matters. Our Commission will also wish to confer with you in regard to propositions as to changes contemplated in the government of our Nation.

Please address me at Ardmore, I. T.

Yours very truly,

RICHARD MCLISH, Secy.

THE CHICKASAW COMMISSION.

TISHOMINGO, I. T., Oct. 29, 1896.

To the Honorable COMMISSION TO THE FIVE CIVILIZED TRIBES,

Vinita, Ind. Ter.

GENTLEMEN: We send you, by this mail, answers to 83 applications for citizenship in the Chickasaw Nation. This lot finishes up all the papers of which we have copies.

Hoping that some of us will meet your honorable body in the near future, and thanking you very sincerely for your attention to our Commission and the interests of the Chickasaw people, generally, we are,

Very truly yours,

THE CHICKASAW COMMISSION.

By R. MCLISH, Secy.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Oct. 31, 1896.

HON. RICHARD MCLISH,
Ardmore, Ind. Ter.

SIR: We are just in receipt of your letters of the 29th instant, and also 83 answers to claims filed with us against the Chickasaw Nation.

We note that you name the 16th day of November as the day when your Commission will visit us at this place. We received a communication from Hon. Green McCurtain, Governor of the Choctaw Nation, a few days ago, naming the 16th day of November as the time, and Fort Smith, Ark., as the place, at which the Commission appointed by him, under the recent Act of the Choctaw Council, would meet this Commission, to which we acceded, and agreed to meet them then and there, and will be pleased if your Commission will kindly name some day after that time, and not earlier than the 18th of November, and notify us of the time so fixed by you.

We desire to congratulate you and your co-laborers on having finished your work of answering, as we have had a *small* amount of experience in the citizenship business and know what it is. You have certainly done faithful work for your people, as we shall be glad to testify.

We shall look forward to our meeting with your Commission, anticipating a pleasant time, and with the hope that we may all be able to see the right and to perform it.

Thanking you and your associates for courteous treatment and kind words, we are,

Sincerely, yours,
A. S. MCKENNON, for the Commission.

(The Chickasaw Commission visited Vinita, I. T., November 16, 1896, remaining there several days attending to citizenship cases, when they repaired to Fort Smith, Ark., to confer with the Five Tribes Commission at that place. The following letter was submitted after conference by the two Commissions):

FORT SMITH, ARK., November 25, 1896.

To the Honorable Commission to the Five Civilized Tribes: Hon. Henry L. Dawes, Hon. Frank C. Armstrong, Hon. A. S. McKennon, Hon. T. B. Cabaniss, Hon. A. B. Montgomery.

GENTLEMEN: The delegates representing the Chickasaw Nation, before departing for their respective homes, desire to express to you their sincere thanks for the many courtesies accorded to them by you. We hope that no act of ours has caused you unnecessary trouble or annoyance; that the kindly feeling you have manifested for our nation will go with you in the further discharge of your onerous duties.

We deeply regret that the language of the law under which we are acting does not confer upon us the necessary power to negotiate with you upon the important questions affecting the welfare of our people, but trust the wisdom of our legislators will direct the return to you of a commission sufficiently empowered to finally settle the destiny of a defenseless people, relying alone upon

the justice of their cause, the honor of your government, and the integrity of yourselves. In all of these we have implicit confidence.

With our best wishes to each of you, we beg leave to subscribe ourselves as your friends.

OVERTON LOVE, Chairman.
RICHARD MCLISH, Secretary.
WM. L. BYRD.
W. B. JOHNSON, Attorney.

EXECUTIVE DEPARTMENT, CHICKASAW NATION.
TISHOMINGO, I. T., Jan'y 15, 1897.

HON. DAWES COMMISSION,
Washington, D. C.

GENTLEMEN: You are hereby notified that the legislature of the Chickasaw Nation has passed an Act authorizing the Governor of the C. N. to appoint a Commission to treat with your Commission, also makes it the duty of the Governor to accompany said Commission, etc. We will be in Washington at an early day. Will you remain in Washington? If so, how long? Kindly let me hear from you at an early day.

Very respectfully,
R. M. HARRIS, Gov. C. N.

(When the above letter reached the Commission to the Five Civilized Tribes, after some delay, it was learned that the Chickasaw Commission was already on its way to Washington, and not knowing where to reach it, no reply was made.)

The following was received by the Five Tribes Commission after the arrival in Washington of the Chickasaw Commission:

To the Honorable DAWES COMMISSION:

We, the undersigned Commissioners of the Chickasaw Nation, duly appointed by the Governor of the said Nation under an Act of the Chickasaw Legislature, a copy of which is hereto attached, respectfully submit the following general outline upon which to enter into negotiations with your honorable body in regard to the local conditions in our country:

1st. As instructed by our Legislature, we cannot enter into negotiations with your honorable body or the government of the United States for any change in our system of land holding from common to severalty until the United States provides for paying our Nation all moneys due them, and for a fair and reasonable compensation for their equitable interest in that tract of country known as the balance of the leased district, including Geer county. What we mean by moneys due our people, we especially refer to the arrears of interest, amounting to five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents, to be at once paid to the Chickasaw Nation.

2nd. We are authorized to agree to an allotment of our public domain among our citizens (freedmen excepted), except such lands as are known before allotment to be more valuable for mineral than for other purposes; and should mineral of any kind be discovered upon any individual allotment after title passes

to the allottee, it shall be and remain the absolute property of such allottee; all allotment to be inalienable for at least twenty-five years, provided that such allottees may be approved by a board of Chickasaw citizens, to be created by the Chickasaw government, may sell one-fourth of his allotment at the end of six years from date of patent, and one-fourth at the end of twelve years, and one-fourth at the end of eighteen years; provided in each and every sale the consideration to be paid is a reasonably fair one for the same, which consideration is not to include any former or prior indebtedness of any kind whatsoever; and that as soon as practicable after allotment and the allottee placed in possession of his allotment, that the Governor of the Chickasaw Nation, by regular deed of conveyance under the great seal of the Chickasaw Nation, shall convey all the undivided interest of all the Chickasaw people to such allottee in his allotment; and that the Government of the United States shall, without unnecessary delay, cause a patent to be issued under the great seal of the United States and delivered to the allottee; which patent shall not only convey all interest of the United States to the allottee, but shall relinquish all reversionary interest in such allotment; and such allottee to be placed in peaceable possession of his or her allotment, and all other persons removed therefrom; and such allotment shall be exempt from taxation for and during the time restriction remains over such allotment, and while held by the allottee or his or her heirs; and should any allottee die during the existence of the tribal government, intestate and without heirs, such allotment to revert to the Chickasaw Nation, in trust, for the use and benefit of all the Chickasaw people. All expenses incurred in and about the surveying, allotting and placing the allottees in possession, and the removal of intruders and trespassers from the several allotments, shall be borne by the United States.

TOWNSITE.

We propose to have the following towns located within the limits of the Chickasaw Nation, together with the number of acres attached thereto, surveyed and platted as other towns, by the Commissioners of the United States, and a similar Commission to be appointed by the Governor of the Chickasaw Nation, to their present limits; and when so surveyed and platted, the lots to be appraised by said joint commission at their fair market money value, less the permanent improvements situated thereon; and when so appraised, leased for an annual ground rental, or sold as hereinafter provided, to-wit:

TOWNS IN TISHOMINGO COUNTY.

1, Tishomingo City; 2, Emmett; 3, Davis; 4, Daugherty.

TOWNS IN PONTOTAC COUNTY.

1, Stone Wall; 2, Center; 3, Wynwood; 4, Paola; 5, Wayne; 6, Minco; 7, Purcell.

TOWNS IN PANOLA COUNTY.

1, Calbert.

TOWNS IN PICKINS COUNTY.

1, Terrell; 2, Ryan; 3, Comanche; 4, Duncan; 5, Marlow; 6, Rush Springs; 7, Chickasha; 8, Pauls Valley; 9, Bernyn; 10, Ardmore; 11, Marrietta; 12, Thacker ville; 13, Oakland.

After the surveying and laying out of the towns in the Chickasaw Nation, and the several lots appraised by the joint commission, all Choctaw and Chickasaw citizens now residing in said towns (freedmen excepted), and who have substantial improvements upon any lot or lots, may lease the same as herein provided; or, if he or she prefer, may purchase such lot or lots at the appraised value, and upon full payment of the purchase money, title shall be conveyed to such purchaser, first, by the Governor of the Chickasaw Nation, and the United States shall cause patent to be issued and delivered to the purchaser; provided, that is any Choctaw or Chickasaw citizen who may be the possessor of any lot or lots in any town in the Chickasaw Nation, upon which there is substantial improvements, may lease or purchase the same as herein provided for Choctaw or Chickasaw citizens now residing in a town.

When ready to be let, the owner of any improvements on such lots to have the preference to lease the same; ground rental to become a lien on all improvements situate upon the lot leased, the rental to be collected by the United States and placed in the Sub-Treasury of the United States at St. Louis, Mo., for the use of the Chickasaw Nation (freedmen excepted).

And the following number of acres of the public domain, hereinafter named, shall be exempt from allotment and set aside for the Chickasaw Capital, institutions of learning or charity, also for cemetery purposes, to-wit:

| | |
|--|----------|
| For the Capitol building at Tishomingo..... | 5 acres. |
| Bloomfield Female Seminary, located in Panola Co..... | 5 acres. |
| Harley Institute, Tishomingo Co..... | 5 acres. |
| Chickasaw Orphan Home, Pickins Co..... | 5 acres. |
| Wapahnucka Institute..... | 5 acres. |
| Collins Institute..... | 5 acres. |
| And for the Cemetery or Grave Yard, located near the old Bloomfield Academy..... | 5 acres. |

REVENUES.

We propose that the United States, through its own bonded officers, shall collect the revenues of the Chickasaw Nation, arising from the royalties of all minerals, from leasing town lots, and all other revenues; or clothe the Chickasaw Nation with federal authority to make such collections. Which revenues, when collected by the United States, to be placed in the Sub-Treasury of the United States at St. Louis, Mo., to remain subject to the control of the Chickasaw authorities.

R. M. HARRIS, Chairman Com.
 WM. L. BYRD.
 R. L. BOYD.
 T. C. WALKER.
 S. B. KEMP.
 ISAAC O. LEWIS.
 RICHARD MCLISH.
 WM. M. GUY.

An Act creating a Commission to visit Washington City, D. C., to protest against the ratification by Congress of the agreement made and entered into by and between the Dawes Commission on the part of the United States, and the Choctaws, at Muscogee, I. T., on the 18th day of December, 1896.

Whereas, There was an agreement made and entered into at Muscogee, I. T., on the 18th day of December, 1896, by and between the Dawes Commission, on the part of the United States, and the Commissioners duly elected on the part of the Choctaw Nation of Indians, and the Chickasaw government is included in said articles of agreement, although they had no representatives there to take care of their interest, the agreement was duly signed, witnessed, and forwarded to the President of the United States, and

Whereas, It is a well known fact that the Chickasaws have a government of their own which they have managed and controlled many years independent of the Choctaws, and have always been respected as an independent government, not only by the Choctaws, but by the Government of the United States in making treaties, and otherwise, and the action taken by the Choctaws in such an agreement does the Chickasaw people great injustice, as they are supposed to be able to take care of themselves both mentally and financially, and should they desire to negotiate with the Dawes Commission for a cessation of their tribal government, they have the right to do so, but dislike the authority usurped by the Choctaws in signing said agreement, thereby destroying their tribal autonomy without their consent, as they are equally interested with the Choctaws in the lands and minerals, and should have the right to say what disposition should be made of their pro rata share of the country as well as the Choctaws.

Therefore—

SEC. 1. *Be it enacted*, By the legislature of the Chickasaw Nation, that there be appointed by the Governor of the Chickasaw Nation, six competent persons, Commissioners, Brown and Guy to be added (not increasing their salary) to be commissioned by the Governor, whose duty it shall be to visit Washington City, D. C., without delay, and enter a protest against the ratification by Congress of the agreement made and entered into by and between the Dawes Commission, at Muscogee, I. T., on the 18th day of December, 1896, and if possible prevent the same so far as it refers to the Chickasaw Nation.

SEC. 2. *Be it further enacted*, That the Governor accompany said Commission, and is hereby declared to be a member thereof, and ex-officio chairman of the same, and the tenure of office bill is hereby suspended during the time the services of the Commissioners will be needed.

SEC. 3. *Be it further enacted*, That the Commissioners so appointed shall have full and efficient power to negotiate with the Dawes Commission, or any other Commission on the part of the Government of the United States, for a change in the present manner of holding the land in common to the holding in severalty by the Chickasaw people: *Provided*, That the United States Government will pay over to the Chickasaw people all moneys due them in a reasonable time, and place the Chickasaw people in peaceable possession of their pro rata share of the land and remove all intruders therefrom.

SEC. 4. *Be it further enacted*, That all the lands so allotted to citizens of the Chickasaw Nation shall be inalienable and the town sites leased for a fair rental per annum, all ground rentals shall be paid by the lessee into the United States Sub-Treasury at St. Louis, Mo., subject to the disposal of the legislature of the Chickasaw Nation.

SEC. 5. *Be it further enacted*, That the revenues derived from the minerals, oil, coal, natural gas, etc., shall be used for the education of the Chickasaw children, and should it be more than necessary for that purpose, the over-plus shall be paid into the Sub-Treasury at St. Louis, Mo., subject to the disposal of the Chickasaw legislature.

SEC. 6. *Be it further enacted*, That there shall be two competent persons, citizens of the Chickasaw Nation, to act in conjunction with the Commissioners on the part of the United States Government in grading and classifying the land to be allotted to the Chickasaw people, and the pay of the said assistant Commissioners shall not exceed two thousand dollars each per annum, and their actual expenses while on duty.

SEC. 7. *Be it further enacted*, That the agreement made and entered into by the Chickasaw Commissioners and the Commissioners on the part of the United States, shall not be of any validity until it is ratified by the legislature of the Chickasaw Nation, and then submitted to the Chickasaw people for their approval or rejection.

SEC. 8. *Be it further enacted*, That the six Commissioners so appointed shall each receive as a compensation for their services the sum of fifteen hundred dollars each, and the Governor one thousand dollars to defray his expenses in going to and returning from Washington, D. C., and the Auditor of Public Accounts is hereby directed to issue his warrants on the Treasurer in favor of the Commissioners and Governor for the accounts due each one, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated.

SEC. 9. *Be it further enacted*, That in case of death, resignation, or otherwise, that there shall be a vacancy in said commission, the Governor shall appoint some competent person to fill such vacancy, and his salary and duties shall be the same while in actual service, and this act take effect from and after its passage.

Recommended by

THE COMMITTEE ON GOVERNOR'S MESSAGE.

Amended in the House by striking out the words "to be elected by joint vote of both houses," and insert in lieu thereof, "To be appointed by the Governor of the Chickasaw Nation."

Approved January 15, 1897.

R. M. HARRIS, Gov. C. N.

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

Given under my hand and seal of office this the 17th day of Jan'y, A. D. 1897.

[SEAL.]

L. C. BURRIS, National Secretary, C. N.

WASHINGTON, D. C., Feby. 2, 1897.

To the Honorable DAWES COMMISSION:

We, the undersigned Commissioners of the Chickasaw Nation, regret to say that we cannot, under the specific instructions of our government, sign the agreement entered into by your honorable body and the Choctaw Nation, in its present form. But we most respectfully submit that we will agree to an allotment of all that part of the Choctaw and Chickasaw public domain now exempt from allotment for such specific purposes as may be agreed upon; provided, that fee title of said domain remain in the two respective tribes until the allotment is completed and the allottee placed in peaceable possession and all others removed therefrom; then to have the executives of the respective nations, by joint conveyance, by regular deed under the Great Seal of the respective nations, the

terms of such deed to convey in fee to each allottee all the right, title and interest of each and every Choctaw and Chickasaw in the land of such allotment; after which the United States to cause patents to issue to each allottee not only conveying all claims whatsoever to such allotment, but relinquishing all right of reversion.

We respectfully submit this proposition in good faith with the hope that it will be accepted, and with the further hope that satisfactory agreements can be reached in all other matters. To this we most respectfully ask your answer in writing.

With great respect, we remain,

Your friends and obedient servants,

R. M. HARRIS, Chairman of the Com.

R. L. BOYD.

WM. M. GUY.

S. B. KEMP.

RICHARD MCLISH.

WM. L. BYRD.

T. C. WALKER.

ISAAC C. LEWIS.

(The Commission to the Five Civilized Tribes declined to reply to the foregoing letter, and at a conference held in Washington, February 2, 1897, the Chickasaw Commission was invited by the United States Commission to confer with it with a view to coming to an agreement along the lines of the agreement with the Choctaws. Up to this time no reply to such invitation has been received.)

EXHIBIT F.

CORRESPONDENCE BETWEEN THE COMMISSION TO THE FIVE
CIVILIZED TRIBES AND THE CHEROKEE NATION.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

HON. SAMUEL H. MAYES,

Chief Cherokee Nation, Tahlequah, I. T.

SIR: The Commission to the Five Civilized Tribes will visit Tahlequah, on Tuesday and Wednesday, July 14th and 15th, 1896, at which time and place they will be pleased to meet and confer with you, relative to the work assigned to them by act of Congress, approved June 10, 1896.

Respectfully,

FRANK C. ARMSTRONG,
Acting Chairman, Commission.

(Accordingly the Commission to the Five Civilized Tribes visited Tahlequah, I. T., and held a conference with the Principal Chief and other officers of the Cherokee Nation. The Principal Chief, on behalf of the Cherokee Nation, assured the United States Commission that he would take such action as would result in the appointment of a Commission to confer with it.)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

HON. SAMUEL H. MAYES,

Chief, Cherokee Nation, Tahlequah, I. T.

SIR: By Act of Congress, approved June 10, 1896, the Commission to the Five Civilized Tribes

“is authorized and directed to make a full report to Congress of leases, tribal and individual, with area and amount and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.”

This, as we understand, refers to all tribal property of all kinds whatsoever, and to leasings and holdings of same by either citizens or non-citizens. We, therefore, have the honor to request, that you cause to be furnished to this Com-

mission, as early as you may conveniently do so, any and all information within your power relative to the work so required of it, giving in detail the facts as they may be found of record, or to be otherwise obtainable.

Respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Aug. 7, 1896.

Hon. SAMUEL H. MAYES,

Principal Chief, Cherokee Nation, Tahlequah, I. T.

SIR: The Act of Congress, approved June 10, 1896, under which the Commission to the Five Civilized Tribes is required to act in settling citizenship in said tribes, provides—

“That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed.” And it further provides: “That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens, whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States Courts, as provided herein.

“The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs.”

The Commission, therefore, has the honor to respectfully request that you cause to be made a full and complete roll of the citizenship of your nation as the same was so confirmed by said Act, as also a roll of all freedmen entitled to citizenship in your nation, and to furnish the same to the Commission on or before the 10th day of December, 1896, that it may thereby be enabled to perform the duty so imposed upon it.

Respectfully,

HENRY L. DAWES,
A. S. MCKENNON,
T. B. CABANISS,
Commissioners.

(No reply has ever been received by the Commission to the Five Civilized Tribes to its two letters, dated July 10th and Aug. 7th, 1896.)

TAHLEQUAH, I. T., Sept. 12, 1896.

Hon. HENRY L. DAWES,

Chairman, U. S. Commission, Vinita, I. T.

SIR: I would say, in explanation of the date of the enclosed letter, that the

letter is a copy of one that was written and sent to your Commission on the 4th or 5th instant, by mail. No acknowledgment or reply having been received up to this time, I apprehend that either the letter or answer thereto might have miscarried. Hence the enclosed duplicate with enclosures.

With the highest consideration, I remain,

Respectfully yours,

D. W. BUSHYHEAD, Chairman.

OFFICE OF THE CHEROKEE COMMISSION.

TAHLEQUAH, IND. TER., Sept. 4th, 1896.

Hon. HENRY L. DAWES,

Chairman, Dawes Commission, Vinita, I. T.

SIR: I have the honor to transmit herewith a certified copy of an Act of the Cherokee National Council, approved August 22nd, 1896, authorizing the appointment of Commissioners or Public Agents on part of the Cherokee Nation, to confer with your Commission “at any convenient place within the Cherokee Nation” upon such matters as are indicated in said Act. By authority of said Act, D. W. Bushyhead, Robert B. Ross, C. V. Rogers, DeKinney Waters and Robin Pann were appointed and commissioned said Commissioners or Public Agents.

The Commission is now fully organized for the purpose of meeting and conferring with the Commission of the United States, and respectfully name this place as the place of meeting at any time that may be convenient to your Commission, as indicated in joint resolution of our National Council, copy of which find enclosed.

Respectfully,

D. W. BUSHYHEAD, Chairman.

Joint resolution to invite the Dawes Commission to sit at Tahlequah, Indian Territory, while determining claims to citizenship in the Cherokee Nation.

Be it Resolved, By the National Council, that an invitation be and is hereby extended to the Hon. Dawes Commission to sit at Tahlequah, the capital of the Cherokee Nation, while investigating claims for citizenship in this nation, and that every facility be extended to them in the accommodation of comfortable quarters and the access to the nation's records in all matters of citizenship, actions of the National Council, proceedings of the several commissions on citizenship, and their decrees relative to the same, and claims therefor.

That this place, Tahlequah, is the seat of the Cherokee Government, and every record appertaining thereto will be at the service of the Honorable Commission to aid them in what has been the custom, usage, and laws of the nation for the determination of claims for Cherokee citizenship. Not only for this reason do we respectfully extend this invitation, but for the more probable reason that more friendly and intimate relations may grow up between them and the authorities of the nation, that may result in mutual concession and satisfactory adjustment of differences.

It is the sense of this Council that nothing of an important nature can be arrived at between the Honorable Commission and the Nation without closer relations between them, or better understanding of what is asked for, and the

conditions that must naturally follow as consequences of yielding to their propositions.

It is unreasonable to suppose that much can be accomplished and as easy by the Commission in the purpose of their mission by remaining at a cool and uncompromising distance from the seat of the Cherokee Government.

Therefore, we respectfully urge upon the Honorable Commission the necessity of more intimate relations between them and the nation's authorities.

Be it further resolved, That the Principal Chief is hereby authorized, whenever, in his judgment, a more favorable understanding between him and the Commission may be accomplished, to extend this invitation from time to time.

Passed the Senate August 21st and the Council August 22nd, 1896.

A correct copy.

Attest: Seal of the Cherokee Nation.

JOHN L. ADAIR, Executive Secretary.

COMMISSION BILL.

An Act providing for the appointment of Commissioners.

Whereas, The Government of the United States has appointed and instructed a Commission, called the "Dawes Commission," to negotiate with the several Tribes of the Indian Territory, and effect, if practical, a change in their relations with the United States Government and in their way and manner of exercising their vested rights in the lands of the Nation, and,

Whereas, The Cherokee Nation has not applied for, and does not desire, and is not prepared for any radical change of relations to the United States, and requires a reasonable time to comprehend and give their consent to any propositions to effect the same, and have good cause, derived from their past experience, to apprehend great loss, degradation, and ruin, from being compelled to accept any such change before it is fully explained and understood by them—especially by the full-blood Indians of the Tribe, embracing one-half, at least, of the citizen population, and,

Whereas, The Cherokee Nation would signify to the United States their willingness and desire to assent to any beneficial alteration in their relations and condition, that they understand, and for which they are, in their judgment, prepared, therefore,

Be it enacted, By the National Council, that the Principal Chief be, and he is hereby, authorized to appoint and commission, by and with the advice and consent of the Senate, in accordance with the constitution, five (5) persons well versed in the affairs of the Cherokee Nation, to serve as Commissioners, or Public Agents, on behalf of the Cherokee Nation, for the purpose of meeting and conferring with the Commissioners of the United States, commonly termed the "Dawes Commission," at any convenient place within the Cherokee Nation. The Commissioners shall appoint a chairman from one of their number and shall elect and appoint a clerk and stenographer, who shall be present at every conference and record the proceedings in detail. The Commissioners and clerk shall each receive the sum of five dollars per day for actual service during the time and until the conferences and negotiations shall be closed between the said "Dawes Commission" and the Commission of the Cherokee Nation. The stenographer shall be paid five dollars per day for such service; and the Principal Chief is directed to draw warrants upon the general fund accordingly, upon the certifi-

cate of the Chairman of the Cherokee Commission; and an amount out of such fund sufficient for the purposes above specified is hereby appropriated.

Be it further enacted, That said Cherokee Commissioners are empowered to meet and confer with the "Dawes Commission" with respect to any matter committed to said Commission by the United States Government for negotiation with the tribes of the Indian Territory; and with respect to any matter specially committed to said Commission to negotiate, relating to the Government of the Cherokee Nation, or relating to the tenure by which the said Nation owns the Cherokee country, for the purpose and object of ascertaining for the information of the National Council and people of the Cherokee Nation, what change, or changes (if any) are desired or proposed to be effected, with the consent of the Cherokee Nation, in the jurisdiction or form of Government of said Nation, and what change (if any) is desired or proposed by the United States to be made in respect to the title made and granted to the said Nation by patent from the United States dated December 31st, 1839, and the Cherokee Commissioners are also authorized to consider and agree with the "Dawes Commission," for and on behalf of the Cherokee Nation, to such changes only, which they shall ascertain to be desired or proposed as above mentioned, which will secure and confirm the right, title and possession of the citizens of the Cherokee Nation to the lands conveyed to them by said patent, and which will vest in the said citizens equally, undisputed, permanent, and exclusive control and ownership of the whole of the country conveyed by said patent to the Cherokee Nation, not reconceded and reconveyed to the United States, or sold by authority thereof since the issuance of said patent.

Provided, That no agreement herein authorized to be made between the "Dawes Commission" and the said Cherokee Commissioners shall be binding any way or manner, or in any act or provision thereof, upon the Cherokee Nation, until the same shall be ratified and confirmed by the National Council. And

Provided further, That any agreement that may be entered into under this act, and made subject to ratification, shall have as a condition precedent to the performance of the same, or any part thereof, by the Cherokee Nation, the execution in full, on part of the United States, of the unfulfilled provisions of the agreement which reconveyed the Cherokee Outlet to the United States.

Be it further enacted, That the said Cherokee Commissioners are hereby instructed to apply, if necessary, to the "Dawes Commission" for such an extension of the time allowed to the Cherokee authorities, by the rules of the said "Dawes Commission" to make answer to claims for citizenship presented to the Dawes Commission, as will enable the said authorities to make answer, after due and sufficient investigation, to such applications.

Be it further enacted, That the said Commissioners shall report in full their proceedings had under authority of this act to the Principal Chief not later than 15th November, 1896, to be by the Principal Chief transmitted to the National Council as soon as practicable thereafter for their consideration and action.

Be it further enacted, That the office of Commissioners herein provided, shall expire when their report is made as this act provides.

Passed the Senate August 19th, 1896.

E. L. COOKSON, President Senate pro tem.

RICHARD M. WOLFE, Clerk Senate.

Passed the Council August 21st, 1896.

JOHNSON SIMMONS, Speaker of Council.

JOHN R. LEACH, Clerk of Council.

Approved August 22nd, 1896.

S. H. MAYES, Principal Chief.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Sept. 16, 1896.

HON. D. W. BUSHYHEAD,
Chairman.

SIR: We have the honor to acknowledge the receipt of your communication of the 12th instant, enclosing an Act of the Cherokee Council, providing for a Commission to confer and treat with this Commission, and enclosing also a copy of a letter which you say "was written and sent to this Commission on the 4th or 5th instant." We regret to have to say that the communication of the 4th or 5th instant, above referred to, has never reached this Commission.

We are anxious to meet and confer with your Commission at the earliest possible date, but our time will be so taken up in the discharge of our other duties as to render it very inconvenient to come to Tahlequah, and we hope that you will arrange for, at least, a preliminary meeting and conference either at this place, or at some point on the M. K. & T. R. R., or at Fort Gibson, where we can meet you with the least possible loss of time from the duties devolved upon us by the law under which we are acting.

We will be at this place continuously for the next two weeks, except the 22nd, 23rd and 24th instant, when we will be at Eufaula to meet a Commission from the Creeks.

We hope you will do us the favor of meeting us here, or indicating some point to meet us on the M. K. & T. R. R., or at Fort Gibson, at the earliest day possible.

Requesting an early reply, we are,

Very respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Sept. 16, 1896.

HON. JOHN L. ADAIR,
Executive Secretary, Tahlequah, Indian Territory.

SIR: We beg leave to acknowledge receipt of a copy, under seal of the Cherokee Nation, of a joint resolution passed by the Senate and Council of said Nation on the 21st and 22nd days of August, 1896, respectfully inviting "the Dawes Commission to sit at Tahlequah, Indian Territory, while determining the claims to citizenship in the Cherokee Nation."

For this kind invitation, and more especially for one of the reasons urged therein for our acceptance of the same, to-wit: "That more friendly and intimate relations may grow up between them (us) and the authorities of the Nation, that may result in mutual concession and satisfactory adjustment of differences"—we wish to return our grateful acknowledgment through you to your National Council, and to assure the members thereof, and the Cherokee people, that did our duties alone relate to determining questions of Cherokee citizenship and having official relations with the Cherokee authorities, we would, without hesitation, accept said invitation and make our headquarters at your capital for the

time required in the discharge of such duties. But having similar duties to perform with regard to the citizenship of the other five civilized tribes, and daily communications, personally and by mail, with the citizens thereof, we feel assured that it would be impracticable in the discharge of our varied duties to have our principal office and sit as a court at a place not accessible by railroad, and, therefore, must respectfully decline your invitation.

We have selected Vinita, a town of your nation, for the location of our principal office, but in determining many matters in relation to Cherokee citizenship it doubtless will become necessary for some, if not all, of our body to visit Tahlequah, when we hope to meet your authorities and many of your people, thereby becoming better acquainted and establishing more intimate relations with them.

Trusting that the reason for our declination will be understood and appreciated, and again assuring your Council of our high appreciation of their courtesy, we are,

Very respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

TAHLEQUAH, I. T., Sept. 18, 1896.

Hon. Henry L. Dawes, Hon. Frank C. Armstrong, Hon. A. S. McKennon, Hon. T. B. Cabaniss, and Hon. A. B. Montgomery, U. S. Commissioners.

GENTLEMEN: Your communication of the 16th instant received, in which you inform the Cherokee Commission that it will be convenient for you to meet them in "a preliminary meeting and conference" either at Vinita or at some place on the M. K. & T. R. R., or at Fort Gibson, after the 24th, the 22nd, 23rd and 24th being fixed upon by your Commission to meet a Commission from the Creeks.

In compliance with your request to meet the Cherokee Commissioners with the least possible loss of time from the duties devolved upon your Commission by the law under which you are acting, we respectfully indicate, and if convenient to yourselves, designate, Vinita as the place to have our preliminary meeting and conference, and Monday, the 28th instant, as the time.

Very respectfully, your obedient servant,

D. W. BUSHYHEAD, Chairman.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Sept. 21, 1896.

HON. D. W. BUSHYHEAD,
Chairman, Cherokee Commission, Tahlequah, Indian Territory.

SIR: We are in receipt of your favor of the 18th instant, in which you kindly fix the time of meeting this Commission the 28th inst., and the place, Vinita. We desire to express our appreciation of this courtesy on the part of your

Commission and to thank you for the same, and to add that the time fixed will be agreeable to us.

Very respectfully,

A. S. McKENNON, for the Commission.

(Accordingly the two Commissions met at Vinita, I. T., Sept. 28th, 1896, and during the joint conference the Cherokee Commission requested that it be furnished, in writing, with a list of propositions of the United States Commission upon the lines it proposed to enter into negotiations, etc., etc.)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Sept. 29, 1896.

To the Honorables, D. W. Bushyhead, C. V. Rogers, Robert Ross, Dickiney Waters, Robin Pann, Commissioners appointed by the Cherokee Council.

The Commission to the Five Civilized Tribes, appointed by the President under Section sixteen of the Act of Congress, approved March 3, 1893, and the Act amendatory thereto, approved March 2, 1895, propose to treat with the Cherokee Nation on the general lines indicated herein, to be modified as may be deemed best, after conference with any commission appointed by the Council of said nation with full authority to treat with us:

1st. That there be an equal division of all the lands of the tribe amongst all its citizens, except such town lots and mineral lands as are not susceptible of equal division, and that the United States put the citizens in possession of the land set apart to them.

2nd. That the town lots and mineral lands be disposed of in such manner as may be agreed upon, and the proceeds divided equally amongst the citizens, or used for such other purposes as they may desire.

3rd. That provision be made for laying off town sites, and the incorporation and government of towns in the nation.

4th. That the jurisdiction of the tribal courts be transferred to such United States courts as have been, or may be, established within the limits of the Territory.

5th. An equal division by the United States amongst the citizens of all invested funds not devoted to school or charitable purposes, or such other disposition of these funds as may be desired by the Cherokee Nation.

6th. The settlement of any other matters between the Cherokee Nation and the United States within the authority of this Commission.

7th. The present tribal government to continue in existence until after the lands are divided and the citizens put in possession of their lands, after which the United States may establish a government for the Territory.

Respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. McKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

(While the Commission to the Five Civilized Tribes was at Fort Smith, Ark., its chairman addressed a communication to the Cherokee Commission calling at-

tention to the fact that the time was drawing near when it was necessary to make a report to Congress of its progress in negotiating with the Five Civilized Tribes, and suggested that a date be fixed for a meeting between the two Commissions for further conference along the lines indicated in the proposition submitted Sept. 29, 1896, to which, up to this time, no reply had been made. Following is the reply:)

TABLEQUAH, I. T., December 5, 1896.

HON. HENRY L. DAWES,

Chairman, U. S. Commission, Fort Smith, Ark.

DEAR SIR: In reply to yours of the 27th ultimo, in which you intimate that your report to Congress would have to signify that the Cherokees had made no progress in the negotiations offered by your Commission, I have to say that such is not the case as the facts are considered by the Cherokees. In their report to the National Council they represented that they had been necessarily compelled, after meeting your Commission, and before acting upon matters whose arrangement would have to be general throughout the Territory, to consult the other tribes and arrive at an agreement that would do justice to all. That, consequently, the other tribes had been communicated with and the interests of all considered jointly, and that the time allotted by law to the Cherokee Commission wherein to act has been thereby exhausted, but that the Nation was now prepared to take the next step in the proposed negotiations.

The National Council, understanding the matter in the light presented, have continued the Cherokee Commission, and added thereto two members, with the Principal Chief, of which fact I now have the honor to inform you, and that the Cherokee Commission will be prepared to meet your Commission whenever arrangements satisfactory to the various Commissions concerned in the negotiations can be made for that purpose.

Very respectfully,

D. W. BUSHYHEAD, Chairman Cherokee Commission.

(An arrangement was made, in person, for a meeting between the two Commissions at Muscogee, I. T., during the week beginning Dec. 14, 1896.)

MUSCOGEE, IND. T., December 16, 1896.

Hon. Henry L. Dawes, chairman; Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. B. Montgomery, Commissioners United States.

GENTLEMEN: The undersigned Commissioners of the Cherokee Nation respectfully inform you that two of their members, with the principal chief of the nation, were, on the 4th instant, added to the Cherokee Commission, created by act of the National Council approved August 22, 1896 (copy of which has been furnished you), and that the others were reappointed with the same powers and authority as before, by act of said Council approved December 4, 1896, a copy of which is inclosed.

In reply to your communication of September 29, 1896, in which you "propose to treat with the Cherokee Nation on the general lines indicated in the com-

munication," to be modified as may be deemed best after conference with any Commission appointed by the Council of said Nation with full authority to treat with us (you), your honorable Commission is respectfully referred to the copies of the said acts of council in regard to the extent of our authority in the premises "indicated."

By virtue of the authority vested in the undersigned commissioners by said acts, we consider ourselves empowered to make an agreement with your honorable Commission upon the lines and for the objects indicated in your said communication, subject, of course, to the necessary ratifications, but embracing such modifications of your propositions as you suggest, and which a due regard for the rights of and justice to the Cherokee people shall be found and decided, after conference, to be required.

It is perhaps proper for us to repeat the information given to your Hon. Commission in a former letter, that when the Cherokee Commission took your propositions into consideration upon their return from Vinita on Sept. 30th last, the Cherokee Commission were impressed with the fact that the negotiations authorized to be had by the Act of Congress creating your Commission, as well as your propositions to negotiate presented to the Creeks and Cherokees, required the Five Tribes of the Territory to act largely in unison in negotiating with your Commission.

The representatives of the tribes were therefore called together at McAlester, and the interests of them all consulted in a joint conference. No time was lost in doing this, but it was not until Nov. 15th, when the authority of the Commission expired by limitation of law, that we were enabled to make suitable answer to your propositions. It was then too late for any definite action, even had not the time of your Commission been consumed in attending to the citizenship business, and our Commission so reported to the Cherokee National Council. The Council, without unnecessary delay, continued our services, as shown by the act enclosed, about two weeks ago.

Respectfully,

D. W. BUSHYHEAD, Chairman Cher. Com.

[Senate Bill No. 37.]

An Act to continue the labors of a Commission.

Be it enacted, By the National Council, that the Commissioners appointed by authority of the act of the National Council, approved August 22, 1896, entitled "An Act providing for the appointment of Commissioners," be, and they are hereby, reinvested with and continued in the authority conferred upon them by the said act for the purposes therein defined, which act with the provisions and requirements thereof is hereby revived and continued in full force and operation with the following amendments:

First. That the Principal Chief is authorized to appoint, by and with the advice and consent of the Senate, two additional Commissioners who shall be empowered to act with the five Commissioners heretofore appointed, in whatever conferences and negotiations may be had with the Commission of the United States, in conformity with the authority vested by said act.

Second. That the Principal Chief is hereby attached to and made a member of the Commission created by said act, and shall be ex-officio chairman thereof when present at any meeting of the same.

Third. That any agreement that may be prepared for ratification pursuant

to the provisions of said act, shall, before going into effect or becoming binding upon the Cherokee Nation in any degree or respect, be ratified and approved by the National Council, and shall then be submitted by said Council to the Cherokee people, and be by a majority of them ratified and approved.

Fourth. That the sum of eight hundred dollars, or so much thereof as shall be necessary, is hereby appropriated, out of the general fund and made immediately available, to defray the personal traveling and incidental expenses of the Cherokee Commissioners while conferring and negotiating with the United States Commission as authorized by said act.

Passed the Senate December 3, 1896.

SAMUEL SMITH, President Senate.

BROWN HITCHCOCK, Assistant Clerk Senate.

Passed the Council December 4, 1896.

JOHNSON SIMMONS, Speaker of Council.

JOHN R. LEACH, Clerk of Council.

Approved this December 4, 1896.

WASH SWIMMER, Assistant and Acting Principal Chief.

EXECUTIVE DEPARTMENT, C. N., December 9, 1896.

The above is a true and correct copy of the original as appears of the records of this office.

W. H. MAYES, Assistant Executive Secretary.

MUSCOGEE, IND. T., December 17, 1896.

To the Commission of the Cherokee Tribe appointed to confer with the United States Commission to the Five Civilized Tribes.

GENTLEMEN: The Commission to the Five Civilized Tribes acknowledges the receipt of your communication of the 16th instant indicating to them your authority to negotiate with them upon the subject of proposed changes in your tribal government and tribal property, and in reply they have to say that they are now ready, here or elsewhere, to enter into negotiations with your commission along the lines indicated in the propositions made to your government September 29, 1896, and desire an explicit answer what portion (if any) of them you accept, and what modification of any of them you desire to propose to our Commission for consideration, as also your willingness now to enter into negotiations thereon.

Respectfully,

HENRY L. DAWES,

FRANK C. ARMSTRONG,

A. S. MCKENNON,

T. B. CABANISS,

A. B. MONTGOMERY,

Commissioners.

MUSCOGEE, IND. T., December 17, 1896.

Hon. Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. B. Montgomery, United States Commissioners.

GENTLEMEN: In reply to your communication of this date, in which you in-

form the Cherokee commission that you "are ready, here or elsewhere, to enter in negotiations with our Commission along the lines indicated in the propositions made to our government September 29, 1896, and desire an explicit answer, what portion, if any, of them we accept, and what modifications of any of them we desire to propose to your Commission for consideration, as also our willingness now to enter into negotiations thereon," we have respectfully to state that this commission signified, by communication addressed yesterday to your Commission, their willingness to make an agreement along the lines referred to, subject to such modifications of your propositions as might be agreed on upon further conference and negotiations with your Commission, leaving the time when such further conference and negotiations should be made to be settled upon according to the convenience of both Commissions.

The place for such further, conference and negotiations is fixed, in one respect, by the law defining our authority, and to which you have been referred, and in answer to your solicitation that we proceed immediately to make an agreement by definitely accepting such of your propositions as we can accept, and by proposing modifications of those we cannot accept as they stand, we have to say that we are ready to begin negotiations in the way you propose when it will be mutually convenient, but only within the limits of the Cherokee Nation—say at Fort Gibson or Tahlequah, as most convenient—out of which limits, as you have been made aware, the Cherokee commission has no authority to make, or commence making, an agreement.

D. W. BUSHYHEAD,
Chairman Cherokee Commission.
C. V. ROGERS.
ROBT. B. ROSS.
ROBIN PANN.
TEKINNY WATERS.
W. P. DUNCAN.
A. L. LACIE.

MUSCOGEE, IND. T., December 17, 1896.

To the Commission of the Cherokee Tribe, appointed to confer with the United States Commission to the Five Civilized Tribes.

GENTLEMEN: We have the honor to acknowledge the receipt of your communication of this date, in which you state "we have to say that we are ready to begin negotiations in the way you propose when it will be mutually convenient, but only within the limits of the Cherokee Nation—say, at Fort Gibson or Tahlequah, as most convenient." We would respectfully ask that you kindly consent to substitute the place of Vinita as the place of meeting instead of Fort Gibson or Tahlequah, on account of the convenience as to accommodations and railroad facilities, and name Saturday, the 19th instant, as the earliest time practicable on which we can meet together to begin negotiations.

Respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

MUSCOGEE, IND. T., December 18, 1896.

The UNITED STATES COMMISSION TO THE FIVE INDIAN TRIBES.

GENTLEMEN: In regard to the time to begin negotiations, we would say that our proposal made yesterday was to meet when it will be *mutually* convenient. From information we considered reliable before we came here, we were induced to understand that after giving you an assurance that we would negotiate on the terms you have proposed, no agreement would be begun until after the holidays, and our arrangements were made accordingly. It will not therefore be convenient for us to meet your Commission tomorrow for the purpose of making an agreement with you, but we will be pleased to meet you at any time after January 1. The reason we preferred Tahlequah was because it would be much more satisfactory to our people to have the negotiations carried on there or Fort Gibson, and access could be had more easily to our national records.

Very respectfully,

D. W. BUSHYHEAD, Chairman Cherokee Commission.

MUSCOGEE, IND. T., December 18, 1896.

To the Commission of the Cherokee Tribe appointed to confer with the United States Commission of the Five Civilized Tribes.

GENTLEMEN: We have the honor to acknowledge receipt of your communication of this date, suggesting that negotiations be resumed at Tahlequah or Fort Gibson after the 1st day of January, 1897. In response thereto we beg leave to inform you that we accede to the same, and will notify you what day it will be convenient for us, after said date, to meet you at Tahlequah for the purposes named.

Respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

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EXHIBIT G.

CORRESPONDENCE BETWEEN THE COMMISSION TO THE FIVE
CIVILIZED TRIBES AND THE CREEK NATION.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

Hon. ISPARHECHER,

Principal Chief Creek Nation, Okmulgee, Ind. Tery.

SIR: The members of the Commission to the Five Civilized Tribes will visit Okmulgee, Saturday, July 18th, 1896, at which time and place they will be pleased to meet and confer with you, relative to the work assigned to them by the act of Congress, approved June 10, 1896.

Respectfully,

FRANK C. ARMSTRONG,
Acting Chairman, Commission.

EXECUTIVE OFFICE, MUSCOGEE NATION.

OKMULGEE, IND. TER., July 13, 1896.

Hon. FRANK C. ARMSTRONG,

Acting Chairman, Dawes Commission, Vinita, I. T.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant, and will say in reply that I will be pleased to meet you at Okmulgee, I. T., on July 18th, the date designated by you.

Respectfully,

ISPARHECHER, Principal Chief Creek Nation.

(On account of illness, the Principal Chief, Isparhecher, was unable to meet the United States Commission according to above agreement. A conference was held, however, with the Acting Principal Chief, Hon. Roley McIntosh, and other officials of the Creek Nation.)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

Honorable ISPARHECHER,

Principal Chief, Creek Nation, Okmulgee, Ind. Tery.

SIR: By Act of Congress, approved June 10, 1896, the Commission to the Five Civilized Tribes

"is authorized and directed to make a full report to Congress of leases, tribal and individual, with area and amount and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others."

This, as we understand, refers to all tribal property of all kinds whatsoever, and to leasings and holdings of same by either citizens or non-citizens. We, therefore, have the honor to request, that you cause to be furnished to the Commission, as early as you may conveniently do so, any and all information within your power relative to the work so required of it, giving in detail the facts as they may be found of record, or to be otherwise obtainable.

Respectfully,

HENRY L. DAWES, Chairman,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Aug. 7, 1896.

Honorable ISPARHECHER,
Principal Chief, Creek Nation, Okmulgee, Ind. Tery.

SIR: The Act of Congress, approved June 10, 1896, under which the Commission to the Five Civilized Tribes is required to act in settling citizenship in said tribes, provides—

"That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed." And it further provides: "That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens, whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States Courts, as provided herein.

"The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs."

The Commission, therefore, has the honor to respectfully request that you cause to be made a full and complete roll of the citizenship of your nation as the same was so confirmed by said Act, as also a roll of all freedmen entitled to citizenship in your nation, and to furnish the same to the Commission on or before the 10th day of December, 1896, that it may thereby be enabled to perform the duty so imposed upon it.

Respectfully,

HENRY L. DAWES,
A. S. MCKENNON,
T. B. CABANISS,
Commissioners.

(No reply has ever been received to the foregoing letters, dated July 10th and Aug. 7th, 1896.)

EXECUTIVE OFFICE, MUSCOGEE NATION.

OKMULGEE, IND. TER., Aug. 12, 1896.

Hon. H. L. DAWES,

Chairman, Commission to Five Civilized Tribes.

SIR: Several applications for admission to the rolls of the citizenship of the Muscogee Nation have been forwarded to this office, which same, I presume, have been filed with the Commission; and I desire to state that the extraordinary session of our National Council, just adjourned, appointed two persons to represent the Muscogee Nation in the matter of such cases, but on account of the lateness of their appointment, they have not yet made the needed preparation for meeting the cases before the Commission. I write, however, to inform the Commission that I expect to have the interests of the Nation fully represented in a short time.

I am, very truly,

ROLEY McINTOSH, 2nd and Acting Principal Chief, M. N.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Aug. 13, 1896.

Hon. ROLEY McINTOSH,

Acting Principal Chief, Eufaula, Ind. Tery.

SIR: In reply to your letter of the 12th instant, will say the Commission appreciates the embarrassments and delay consequent upon the meeting of your Council in extraordinary session, and the appointment of officers to care for the interests of your nation in the matter of claims filed before the Commission, and we desire to assure you that we will cheerfully extend the time for preparing defenses in all cases filed prior to the appointment of such representatives; and that it will be the pleasure of the Commission to extend all further courtesies to such officers as it may, consistent with the work before it, be able so to do.

Yours, very truly,

A. S. MCKENNON, for the Commission.

(A letter was received (which has been mislaid) from Hon. W. A. Sapulpa, August 16, 1896, informing the United States Commission of the appointment of a Creek Commission to confer with it, suggesting a date for such conference. Below is the reply to such communication.)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., August 17, 1896.

Hon. W. A. SAPULPA,

Chairman Creek Commission, Sapulpa, Ind. Tery.

SIR: I am just in receipt of your communication of the 16th instant, informing us of the appointment of the Commission, of which you are Chairman, by Act of National Council of the Muscogee Nation, to meet and confer with the Commission to the Five Civilized Tribes, and requesting a meeting at the capital of your Nation on the 29th day of August, 1896, and in response I have to

say that all members of the Commission, except myself, have, by reason of illness of themselves or families, been compelled to return to their homes, and are, at present, absent from the Territory. I will correspond with them immediately, and when I hear from them will write you.

Yours, very truly,

A. S. McKENNON, for the Commission.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., August 18th, 1896.

Hon. Wm. A. SAPULPA,
Sapulpa, Ind. Tery.

SIR: I have not yet heard from any of the absent members of the Commission, but since I wrote you last evening I have been thinking that if we meet your commission at Okmulgee, as you suggest, the other duties of the Commission would not permit us to remain there more than one or two days, which would not give sufficient time for conference and the consideration of the matters in hand, which their importance demands, and, besides, the recent illness of Judge Montgomery and Mr. Cabaniss render them poorly able to make the trip from Muscogee to Okmulgee.

I, therefore, have the honor to respectfully suggest that if you could come here and remain several days, or so long as you might deem proper, we could see and confer with each other every day, and you would have time to discuss matters among yourselves, and thus we might get to a better understanding of our work and purposes.

I will be greatly obliged if you and your associates can consent to this plan. If this should not meet your approval, would you be willing to meet us at Sapulpa or Muscogee, either of which place we could reach by rail?

Awaiting an early reply, I have the honor to be,

Yours, most respectfully,

A. S. McKENNON, for the Commission.

OKMULGEE, IND. TER., Aug. 22, 1896.

Hon. A. S. McKENNON,
Vinita, I. T.

DEAR SIR: I have the honor to acknowledge the receipt of yours of the 18th instant, and will say, in reply thereto, that if satisfactory we will meet you at Muscogee on the 1st day of September, 1896.

Yours, very respectfully,

Wm. A. SAPULPA, for the Commission.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, IND. TER., August 25, 1896.

Hon. W. A. SAPULPA,
Sapulpa, Ind. Ter.

DEAR SIR: We are in receipt of your letter of the 22nd instant, in which you say that your Commission will meet this Commission at Muscogee on the 1st day of September, 1896.

Please inform us, as early as you can conveniently do so, if it will be agreeable to you and your associates to make the date of meeting September 8th, 1896.

Very respectfully,

A. S. McKENNON, for the Commission.

OKMULGEE, IND. TER., Aug. 27, 1896.

Hon. A. S. McKENNON,
Vinita, Ind. Ter.

DEAR SIR: I am in receipt of your letter of 25th instant, and will say, in reply, that I have notified my associates, and we will meet you at Muscogee on the 8th day of September, 1896.

Very respectfully,

Wm. A. SAPULPA, for the Commission.

(Accordingly the two Commissions met at Muscogee, I. T., on the 8th day of September. After a conference, the meeting adjourned to meet at Eufaula, I. T., on the 23rd day of September, 1896.)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Sept. 14, 1896.

To the Honorable Commission appointed by the National Council of the Creek Nation.

The Commission to the Five Civilized Tribes, appointed by the President under section sixteen of the Act of Congress, approved March 3, 1893, and the Act amendatory thereto, approved March 2, 1895, propose to treat with the Creek Nation on the general lines indicated herein, to be modified as may be deemed best, after conference with any commission appointed by the council of said Nation with full authority to treat with us.

1st. That there be an equal division of all of the lands of the tribe amongst all its citizens, except such town lots and mineral lands as are not susceptible of equal division, and that the United States put the citizens in possession of the land set apart to them.

2nd. That the town lots and mineral lands be disposed of in such manner as may be agreed upon, and the proceeds divided equally amongst the citizens, or used for such other purposes as they may desire.

3rd. That provision be made for laying off town sites, and the incorporation and government of towns in the nation.

4th. That the jurisdiction of the tribal courts be transferred to such United States courts as may have been, or may be, established within the limits of the Territory.

5th. An equal division by the United States amongst the citizens of all invested funds not devoted to school or charitable purposes, or such other disposition of these funds as may be desired by the Creek Nation.

6th. The settlement of any other matters between the Creek Nation and the United States within the authority of this Commission.

7th. The present tribal government to continue in existence until after the

lands are divided and the citizens put in possession of their lands, after which the United States may establish a government for the territory.

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Sept. 26, 1896.

To the Honorable W. A. Sapulpa, John Reed, Hotulka Marthla, Rolin Brown, and Cunchart Micco, Creek Commissioners.

GENTLEMEN: We very respectfully submit the following answers to questions handed to us by your Commission at Eufaula, I. T., on the 23rd September, 1896. We wish, however, to assure you, and, through you, the Council of the Creek Nation which you represent, that all matters involved in the propositions submitted to you by us, and the aforesaid questions by you in reference thereto, and these answers, are matters of negotiation, about which we will freely confer with a Commission authorized by your Council to treat with us, which we hope your Council will appoint at an early day.

Q. Referring to proposition first, we desire to learn what you mean by an equal division of lands. Do you refer to an equal amount of land per capita? or do you refer to an equal distribution as to quantity and value of land.

A. We mean by an equal division of land, that each member of the tribe shall have an equal share in value of the tribal lands.

Q. What do you mean by the term "citizen"?

A. We mean by the term "citizen" any person who may be put on the rolls when completed by this Commission under the Act of Congress, passed June 10, 1896.

Q. Are adopted citizens of the treaty of 1866 to be included in this class?

A. Citizens adopted by the treaty of 1866 have, by the terms of said treaty, the same rights as the other Creek citizens.

Q. What length of time will be required for completing allotment and putting each citizen in possession of his land?

A. We cannot tell how long it will take to allot the lands, and put the citizens in possession. This will depend on the time for the completion of the rolls and the survey, and the time required to allot.

Q. Would you consent for the tribe to allot the lands as the members thereof may desire?

A. We could not consent to a division of the lands in any manner except to give each citizen an equal share in value, under the supervision of the United States Government?

Q. Would you agree to place the adopted freedmen of our Nation upon the same terms with the freedmen of the Choctaw Nation with reference to allotment of land?

A. We think there is no power in this Commission, or the Creek government, by agreement or otherwise, to curtail the rights of the freedmen as granted under the treaty of 1866.

Q. Referring to your second proposition, we desire to learn what disposition you think should be made of our town lots and mineral lands?

A. We think that the town lots and mineral lands ought to be set apart as indivisible, and either now or hereafter, as may be agreed on, sold and the money divided amongst the members of the tribe.

Q. Do you not think that this property can be protected and controlled by the tribal government more satisfactorily than by the United States Government?

A. We do not believe that either the United States Government or the tribal government can protect or control this property (town lots and mineral lands) satisfactorily until there is some arrangement, by treaty or congressional legislation, to secure the benefit of this property to all members of the Creek Nation.

Q. Do you not believe that an Indian would look after his own interest better than a white man would for him?

A. We believe that each Indian would look after his own interest, if his land was set apart to him, better than any one else would look after it for him.

Q. Do you not believe that the United States Government is under obligation to aid the Indians in protecting this property from intrusion as much as intrusion upon the lands belonging to them?

A. We believe that the United States Government is under obligation to protect the Indians in the possession of all their lands, but believe it can only be done, under existing conditions in this country, by putting each Indian into possession of his portion of the lands, and thereby putting the intruder out of possession of any part of the lands of the tribe.

Q. Cannot the tribal government control this property by providing municipal government over towns and by collecting ground rentals for use of town lots?

A. We do not believe the tribal government can control the towns successfully under existing conditions, unless by some treaty or Act of Congress town governments are established and property rights in the town settled.

Q. Referring to your third proposition, we desire to know how you desire town sites should be laid off in the Nation, and who should provide municipal government for them?

A. We think towns should be laid off at such places as may be agreed on, and that town governments should be provided for, so that those living in such towns shall control the governments thereof.

Q. Referring to your fourth proposition, we desire to know how a transfer of our tribal courts to U. S. courts could be made without destroying our tribal government? What would then be our status with reference to tribal authority? Would this not deny our citizens the right of being tried by a jury of their peers? Would this not destroy our right of self-government?

A. The object of the appointment of this Commission, as stated in the language of the Act creating it, was to make such treaties with the Five Civilized Tribes as would enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory. Such State, when established, will, of course, take the place of your tribal government in every respect.

Q. Referring to your fifth proposition, we have no question to ask, only to know why the U. S. government so persistently refused to let us have the \$400,000 we asked for last Congress?

A. We cannot tell why the U. S. government refused to let you have the \$400,000 you asked for last Congress.

Q. Referring to your sixth proposition, we desire to know if all claims for indemnity for property destroyed by the Civil War to all our citizens would be made by your government in the event negotiations should be effected.

A. We have no authority to say what the U. S. government will do as to claims for indemnity for property destroyed during the Civil War.

Q. Would you agree to recommend to your government a unification of the five tribes, and their admission to the Union as a State?

A. We would recommend that the entire Indian Territory, now occupied by the Five Civilized Tribes, be admitted as a State.

Q. Will you agree to recommend to Congress to allow the tribe a reasonable time to prepare for statehood?

A. We think it would take several years to complete the survey and division of the lands, and to put each member of the tribe in possession thereof, and adjust town sites, etc., and until that time the tribal government, under such conditions as should be agreed upon by treaty, ought to be continued.

Q. Replying to your seventh proposition, we desire to know what kind of a government you wish to establish over us in lieu of our present government?

A. Such government as may hereafter be found for the best interest of the Indian Territory.

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

(A letter was received from the Creek Commission, asking the U. S. Commission to fix a time to meet it at Muscogee, I. T. This letter has been mislaid. Following is a reply:)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FT. SMITH, ARK., NOV. 26, 1896.

Messrs. Pleasant Porter, Chairman, and others, Creek Commissioners, Muscogee, Ind. Tery.

GENTLEMEN: We are in receipt of yours of the 24th instant, indicating a desire that the proposed conference be held at some place within the Indian Territory rather than at this place, as heretofore indicated. This Commission has always been and will continue to be desirous of conceding, as far as in their power, the time and place of such conference to those representing the respective tribes. In the present case they regret exceedingly that the view taken in your letter had not been made known to us in the recent informal interview at this place. At that time we supposed that it was clearly understood that while we were willing to remove from Vinita to some place more convenient to all, still, as the work touching citizenship was required by law to be completed within a fixed time in the near future, it would be impossible for us to move from place to place and at the same time complete the work within the time. With these views, we

have as we supposed with your acquiescence, as well as that of all the others, at great trouble and delay of necessary work, removed our headquarters here, and are now engaged in consultation with the Choctaws, while completing the work required of us and making our report to Congress. It is necessary for us to complete these negotiations and this work before leaving here. We could, while doing it, meet and confer with you here as we supposed was understood. But if you insist that the conference must be at Muscogee we will meet you there, but for the reasons stated such meeting must be delayed until the conclusion of the present conference with the Choctaws and our other work here and our report shall have been forwarded to Congress. How long a delay will thus be caused by this change desired on your part, we cannot now tell, but will notify you hereafter. We much regret that this will prevent our making a report of the result of such conference before the subject may be taken up for action in Congress.

Truly yours,

HENRY L. DAWES, Chairman.

(The Creek Commission was advised, by telegram, that the U. S. Commission could meet it at Muscogee. Accordingly, the week beginning December 14, 1896, was fixed for such meeting at Muscogee, I. T.)

MUSCOGEE, IND. T., December 14, 1896.

The Commission to the Five Civilized Tribes met the Commission appointed by the National Council of the Muscogee Nation, Monday, December 14, 1896, 2 p. m., in the parlors of Hotel Adams, Muscogee, I. T.

All members of the Dawes Commission present.

All members of the Creek Commission present.

Hon. Henry L. Dawes, Chairman of the Five Tribes Commission, presided, and the following proceedings were had, to-wit:

Senator Dawes, on behalf of the Dawes' Commission, opened the meeting by saying that the U. S. Commission was pleased to meet a Commission from the Creek government under such favorable auspices; that the Dawes' Commission had been in the territory for a long time endeavoring to enter into negotiations with the Five Civilized Tribes and it was hoped that matters had so shaped themselves by this time that an agreement could be speedily entered into. He also stated that the Commission had presented to the Creeks a list of propositions, since which time the Creek government had responded by the appointment of a Commission, and this Commission and the Dawes' Commission had had frequent opportunities for explanation and conference in reference to the true meaning and intent of those propositions; that the Dawes' Commission was here at the request of the Creek Commission, ready to hear their final answer; that it was necessary to report at once to Congress, and it was hoped that that report would be not only gratifying to them, but would be of the highest prosperity to the Creek Nation and its people.

General Porter, on behalf of the Creek Commission, suggested that further

proceedings be deferred until the arrival of the Chief of the Creek Nation, who was, *ex-officio*, chairman of the Creek Commission.

This suggestion was agreed to.

Upon the arrival of the Chief, the remarks of Senator Dawes were interpreted to him and the meeting continued.

Senator Dawes said the Commission would be glad to receive some definite response to the propositions which the Creek Commission had had before them in order that an immediate report could be made to Washington.

The Chief responded (through interpreter) that his Commission would be glad to give answer as soon as it could be prepared. That it was a great question before his people, and he did not want to act hastily. That his Commission would retire to their office and prepare answer to the propositions submitted. That it was his wish that everything should be put in writing; that his answer would be in writing.

General Armstrong, on behalf of the Dawes Commission, stated that these propositions had been submitted to the Creek Commission some time ago; that the Dawes Commission had met them on two different occasions without coming to any understanding; that at the last meeting (Eufaula) the Creek Commission had asked for full explanation of the several propositions made by the Dawes Commission and this was immediately prepared and a copy sent to each member of the Commission (Creek).

The Chief replied (through interpreter) that the question was a very great one; that they would answer the propositions, but wanted a little time; but that they did not want to be hasty about it, but that they wanted to consider it candidly and carefully, and answer it in such manner as would be satisfactory.

Senator Dawes stated that the Five Tribes Commission had always presented the matter as a grave one; that the propositions, in fact, had been before the Creek people for three years; that the Commission understood as well as the Creek Commission that the question was a serious one, but being so serious a matter it was surprising that the Creek Commission should come here after an appointment of several months, with these propositions before them, and ask further time to consider them.

Captain McKennon, at this point, asked if the Creek Commission would be ready to report on Tuesday morning.

The Chief replied (through interpreter) that his Commissioners would answer as to whether between now and tomorrow morning would be sufficient time or not. He did not want to say tomorrow morning, for they might not be able to prepare an answer by that time.

Judge Montgomery stated that he thought it but proper that the Five Tribes Commission state candidly their situation, and suggested that General Armstrong explain that position to the Creek Commission.

General Armstrong said that the Five Tribes Commission had come to Muscogee at the request of the Creek Commission, and that the time had come when this business must be brought to some conclusion. He stated that the Commission had been called upon to make their report as to whether they could negotiate or not with the Five Tribes; that the propositions in question had been before the Creek people for three years, and these special propositions since last summer; that a Committee from the Creeks had been met on two occasions, the last time at Eufaula, at which place the Five Tribes Commission were asked certain written questions, to which reply was made in writing. Continuing, General Armstrong said:

"These gentlemen, as I understand it, reported the result of their meeting with us, with our explanations, to your Council, and on their report, and after a discussion of it, your Council then appointed the present Commission, which now meets us here today with power to negotiate. I want to say further that we are compelled to make this report one way or the other, so if you are going to negotiate we want you to say so. Our report will state distinctly whether, in our opinion, we believe that the people down here are going to negotiate, and if not, Congress will likely take the matter in hand and act at once. We shall leave here on next Saturday for Washington, and make our final report on our arrival there. What is to be done must be done between now and then. You must either accept the propositions—or so much of them as you wish—or you must reject them."

At this point the interpreter stated the Chief wanted to know if the Commission was going to make their final report in reference to their finding with the three tribes only, and leave the other two out; that he understands the Seminoles and Chickasaws will not be here.

General Armstrong, continuing, replied: "These two tribes have failed to appoint Commissioners to negotiate with us.

"If this matter had been under consideration but for a short time, and it would be suggested that we give these people another chance to negotiate, why, then it would be hasty action not to give you plenty of time. You have been aware of this question for two years, and to my certain knowledge you have had these special propositions ever since last summer. So far as drawing up the papers is concerned, it requires very little time to do that. If we fail to negotiate, Congress will take charge of this matter and likely pass some legislation on the subject before the 4th of March, next. There is every prospect of an extra session of Congress, but I think they will settle something before the 4th of March. Congress says they are waiting for us—awaiting our action—awaiting our report. It has come to this, and we cannot delay it any longer. The Secretary of the Interior called on the Freedmen Commission recently for a report. The Chairman of that Commission asked for further time, but was promptly advised by wire that no more time could be given.

We have been here three years. We have tried to get a treaty, and if we cannot get one, we want to distinctly say so in our report, and that we are satisfied that these people will not voluntarily do anything, and will therefore recommend that Congress act in this matter as they see fit."

The Chief (through interpreter) stated that he thought all talks, propositions, etc., should be reduced to writing that his people might know what was being done in these conferences. He said he remembered in his young days, back in Alabama, that the U. S. government had granted these lands to the Creeks in severalty "as long as the grass grows; as long as the waters run," and this Commission did not want to take any hasty action in regard to a change in their present tribal government, land tenure, etc. He said the U. S. government had promised that the lands would never be taken away from them, and that they would live here retaining their nationality and government.

Senator Dawes (to interpreter): You say to him that this Commission will enter into no agreement with your nation without first submitting it in writing, and after every one of you perfectly understand it; that it will not be submitted to Congress until you ratify it, and not until Congress ratifies it will it be binding on you or the United States—so there can be no mistake as to its meaning and intent.

The Chief (through interpreter) replied that he understood the U. S. govern-

ment had commissioned the Dawes' Commission to come here and enter into negotiations with his government; that his people wanted to deliberate in this matter; that they wanted everything distinctly understood, and everything reduced to writing, so there would be no mistake about what will be done.

Judge Montgomery: They seem to have an idea that we are going to wait for the Chickasaws to appoint a Commission. We propose to act independently, and do not intend to wait for any other Nation to make a treaty. We propose to ask Congress to ratify the treaty we make.

General Porter, on behalf of the Creek Commission, made the following statement:

"I shall only make this remark. We have heard your arguments. We understand precisely your position in this matter, and we will take it under consideration and answer you as soon as possible, if tomorrow morning. We do not wish to delay you any longer than is necessary, and whether we agree to your propositions or not, we wish to say to you we shall entertain the highest regard for you, and our answers will be made with reference to what we believe to be our interests and what we understand to be our interests ourselves. We will notify you as soon as we are prepared to make an answer, and will ask another conference. I make the suggestion that this joint conference now close.

Senator Dawes: The conference is adjourned until tomorrow morning at nine o'clock at this place.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSCOGEE, IND. TER., Dec. 15, 1896.

TO THE CREEK COMMISSION:

The Conference between your Commission and that of the Five Civilized Tribes was adjourned until nine o'clock this morning. The Commission on the part of the United States have been in attendance from that hour until three o'clock this afternoon without the appearance of your Commission, or any message from you explaining your absence.

Truly yours,

[Copy.]

(Signed) H. L. DAWES, Chairman.

MUSCOGEE, IND. T., December 16, 1896.

Hon. Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. B. Montgomery, Commissioners to the Five Civilized Tribes.

GENTLEMEN: Pursuant to our informal conference of this morning, in which we were given a typewritten copy of your general propositions inviting negotiations, not personally signed nor addressed specially to us, but which we gladly receive for its intended purpose, (copy hereto attached, Exhibit 1), and in which conference we were informed you would meet the Cherokees on Tuesday and the Choctaws on Thursday and leave for Washington on Saturday with or without an agreement with our people, to make final report to Congress and advise legislation, and in which conference you seemed to feel we have been inclined to be evasive in the matter of negotiation, we beg leave to submit our immediate answer:

First. We earnestly protest that we have been in no degree evasive. Our

National Legislature has in each instance heretofore replied promptly to your annual invitation to negotiate, substantially that our people did not wish to make any changes in their government or land tenure.

We believed we had the right to remain as we were, under the guarantees of our treaties with the United States, and did not understand the invitation to treat was to be considered a demand.

On June 10th, 1896, the Indian appropriation act became a law. We were astonished to see your Commission authorized to make up a roll of our citizens and a declaration that it was the duty of the United States to establish a government in the Indian Territory. This was a grave violation of the numerous treaty pledges made each of the five nations in oft-time repeated treaties.

In this declaration of the law we felt that our treaties were no longer regarded as sacred by your government, and that it was intended to coerce our people regardless of the solemn pledges of treaty on which we had happily and confidently rested in peace.

Our attention was also called to a bill which passed the House of Representatives, named the Curtis Bill, which proposed violently to disrupt our country and government, and our delegates were informed that this bill would be made a law if we did not agree to treat, and your Honorable Commission has repeatedly declared the same thing substantially.

In view of these extraordinary events, an international council was promptly called by the Chief of our Nation, to meet July 7, 1896, at Okmulgee. The Choctaws were absent, and another meeting of the International Council was called to meet July 28th at Eufaula. It was there determined to advise the five nations to treat with your Commission. Our Principal Chief immediately called, by proclamation, an extra session of Council to meet August 4th, 1896, and this Council appointed a Committee of five to confer with your Honorable Commission.

On Sept. 11, 1896, this Commission met you at Muscogee, and requested your view in writing, which you mailed them.

On Sept. 23, 1896, this Commission met you at Eufaula and requested you to answer certain inquiries in writing, which you did by mail.

On Oct. 6, 1896, it appointed a Committee of sixteen members to advise the Council by report.

On Oct. 28, 1896, upon the report of their Committee, our National Council passed an Act authorizing our Commission to negotiate with you. (Copy herewith, Exhibit 2.)

On Nov. 7, 1896, all the members of our Commission were finally confirmed, and immediately organized.

On Nov. 11, 1896, we met the Commission of the Cherokees, Choctaws, Chickasaws, and Seminoles at South McAlester, and after two days' discussion expressed our views by resolutions herewith submitted. (Exhibit 3.)

On Nov. 12, 1896, we appointed a Committee to fix a date with yours for negotiation.

On Nov. 16, 1896, this Committee met you at Fort Smith and could not arrange a date, but today was the first opportunity we have had to meet you, and we are promptly on hand.

We are not, therefore, subject to the charge of delay or evasion. On the contrary, we have not lost any time whatever, and make our reply at the earliest moment after meeting you and arranging a method of negotiation by written intercourse of views.

We are authorized to treat, and are here with the earnest intention and purpose of meeting the issues frankly and fearlessly.

First. We know that allotment unavoidably involves a change of government, and for this reason, before any allotment takes place, we insist that you agree to a complete review of our accounts and equitable dues under the treaties, which we have never had, and that payment of all sums found due us nationally and individually, be provided for.

Second. A reasonable indemnity for the enormous sacrifices demanded of us in relinquishing a government whose foundation cost us the lives of one-third of our people by exposure, in migrating to and living in a hostile frontier, a government to which we are strongly attached; in relinquishing laws, customs, habits, and social observances we love, and assuming those which will be strange, injurious, and painful to us; in assuming a condition which will cost every citizen a large sum in resetting fences, fields, houses, orchards, water supplies, etc., to conform to north, south, east, and west lines, and giving up the rights of free pasture, free fuel, etc., from our beloved public domain, not naming the giving up of the official authority we have so long enjoyed.

By the treaty of 1866 we were induced to adopt a large number of freedmen, not expecting that they would demand part of our funds and lands, and we think the Indian owners of the title should be indemnified for this charge on our property made as it was, on the demand of and for the accommodation of the government.

We shall ask you to allow us to draw certain constitutional clauses, which any future state constitution shall contain, that will protect our political and property rights under any new arrangement.

On the satisfactory adjustment of the above propositions, we will agree to your propositions provisionally as follows:

First. That the nation will allot its own land on a basis of equal value to each and every citizen alike, under the supervision of the United States.

Second. That the town lots and mineral lands be disposed of in such manner as may be hereafter agreed on between us, and the proceeds be paid to each citizen of the nation equally, or used for such other purposes as they may desire.

Third. That provisions be made for laying off town sites and the incorporation and government of towns in the nation.

Fourth. We are not ready to agree to this proposition.

Fifth. We accept this proposition and would like four hundred thousand dollars at this session of Congress to pay our public debt.

Sixth. We want the loyal Creek claim paid, and submit the following:

It is hereby agreed that there shall be made by the accounting officers of the government, accompanied by a representative of the Creek nation, a complete accounting of all the funds established by treaty, or equitably due the Muscogee or Creek Nation under the treaties, agreements or laws relating thereto by and between the United States and the Muscogee or Creek Nation for sale of lands, or due from other sources under any of such treaties, agreements or laws relating thereto, and the Muscogee Nation shall not be held by any relinquishments of such rights or equities under the treaties and agreements aforesaid further than the payments therein made may in equity require in the accounting provided for, but the whole subject-matter shall be reviewed in the true light of the treaties and history as shown by the government records and the accounting made as equity and good conscience shall determine. In the event that such accounting shall prove unsatisfactory to either party, an appeal is hereby author-

ized to be made within ninety days, after such accounting shall be declared, to the Court of Claims, and such Court is hereby authorized to hear such case upon the petition of either party within the time aforesaid, so that the rights, legal and equitable, of the United States and the Muscogee or Creek Nation shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim, and the attorney general is hereby directed to appear in behalf of the government of the United States; and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States, provided that such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence.

Seventh. Any change of government shall be to statehood alone, with a constitution containing the following irrevocable provisions, to-wit:

The state legislature shall not have power to levy state taxes for any one year to exceed in the aggregate one per cent of the assessed valuation of the property of the state for that year, and no county shall levy to exceed one-half of one per cent for all purposes, and that there shall be a right of redemption from tax sales for not less than three years. This section shall be irrevocable.

Second. That no person shall be entitled to suffrage who does not have taxable property to the extent of \$100.00 in excess of legal exemptions.

We earnestly trust the above propositions will meet with your approval, and that we may have the honor of a written response at your early convenience, to each counter proposition, with your views thereon in detail, and we beg to assure you that we will give the matter earnest and immediate consideration.

Yours very respectfully,

(Signed) PLEASANT PORTER, Chairman Creek Com.

D. M. HODGE.

G. A. ALEXANDER.

WM. A. SAPULPA.

JOSEPH MINGO.

HIS
ROLAND X BROWN.
MARK.

HIS
CONCHARTY X MICCO.
MARK.

ROBERT W. STEWART, Interpreter.

(EXHIBIT 1.)

PROPOSED NEGOTIATIONS.

1st. That there be an equal division of all the lands of the tribe amongst all its citizens, except such town lots and mineral lands as are not susceptible of equal division, and that the United States put the citizens in possession of the land set apart to them.

2nd. That the town lots and mineral lands be disposed of in such manner as may be agreed upon, and the proceeds divided equally amongst the citizens, or used for such other purposes as they may desire.

3rd. That provision be made for laying off town sites, and the incorporation and government of towns in the nation.

4th. That the jurisdiction of the tribal courts be transferred to such United States courts as have been, or may be, established within the limits of the Territory.

5th. An equal division by the United States amongst the citizens of all in-

vested funds not devoted to school or charitable purposes, or such disposition of these funds as may be desired by the Nations.

6th. The settlement of any other matters between the Nations and the United States within the authority of this Commission.

7th. The present tribal government to continue in existence until after the lands are divided and the citizens put in possession of their lands, after which the United States may establish a government for the Territory.

(Signed) HENRY L. DAWES, Chairman.
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,

Commissioners.

(EXHIBIT 2.)

Whereas, The National Council of the Muscogee Nation in regular session assembled at Okmulgee did on the 12th day of October, 1896, pass the following resolution, to-wit:

Be it resolved, By the National Council of the Muscogee Nation, That a special joint committee be and is hereby appointed, to be composed of seven members of the House of Kings, and nine members of the House of Warriors, whose duty it shall be to take into consideration the present relation our nation sustains with the government of the United States, taking into consideration the reports of our national delegates to Washington, the commission of five elected by the extraordinary session of the National Council of Aug. 4th, 1896, to confer with the Dawes Commission, and the report of our representatives in the late international council of the five civilized tribes held at Eufaula, and report by recommending such legislation as they may deem necessary at as early a date as practicable to the present session of the National Council.

Approved October 12, 1896.

(Signed) ROLEY McINTOSH, Actg. Prin'l Chief, M. N.

And Whereas, In pursuance of said resolution a special joint committee of sixteen on the state of the nation was duly appointed, who have carefully considered the report of the delegation to Washington, that of the representatives to the international council, held at Eufaula 28th of July, last, and that of the Commissioners appointed by the extraordinary session of the National Council of August 4th, 1896, as well as a communication from the Principal Chief, submitting a letter from D. W. Bushyhead, Chairman of the Cherokee Commissioners, appointed to confer with the Dawes Commission, together with such other matters as relate to the subject in hand. The probable effect and bearing of the subject matter of these several communications on the most vital interests of the Muscogee Nation, has been considered as carefully by your committee as well as their ability and the lights before them permitted; and

Whereas, The National Council of April 7, 1894, did, in answer to propositions made by the Dawes Commission, declare substantially that so radical a change in our land polity and political relations with the United States, as those proposed by the said Commission, are incompatible with the best interests of the Muscogee Nation, they being a demand that we abandon our institutions and traditions, our system of land tenure in common, in exchange for which we are called upon to take upon ourselves a territorial or State form of government, subjecting us to a complex system of laws and conditions of which we have but little acquaintance or knowledge; and

Whereas, Under a late Act of Congress, the said Dawes Commission have made further overtures in the premises aforesaid, which, if complied with will entail untold inconveniences and hardships, together with great material loss

caused by the re-arrangement of our home, farms and improvements in conformity with government surveys; and

Whereas, It is not in accord with common reason to expect our people will enter into any negotiations fraught with sacrifices of so great magnitude without first being satisfactorily assured that the government as an earnest of its oft-repeated declaration that the well being and prosperity of the Indian is the end desired to be attained in the proposed negotiations, was prepared to fully compensate them for the sacrifices they are called upon to make; and

Whereas, The change of governments and institutions we are asked to make are of most vital importance, imperatively demanding a due regard to the matter of time necessary for our people to acquaint themselves with and appreciate the new conditions proposed; and

Whereas, The negotiations proposed by the United States Commissioners do necessarily involve a settlement of all financial dues and claims against the United States government growing out of our treaties, which further emphasizes the need of time; therefore—

Be it Resolved, By the National Council of the Muscogee Nation, That there shall be a delegation or commission composed of five members and one interpreter, who shall be nominated by the principal chief and confirmed by the National Council, and who shall be selected with reference to the embracement of the confidence of the whole Muscogee people.

Be it Further Resolved, That the said commissioners or delegates herein provided for, shall co-operate with the commissioners or delegates appointed by the other Indian nations of the Indian Territory upon all matters respecting their common interests that may be proposed as subjects of negotiation by the United States Commission.

Be it Further Resolved, That the commissioners shall have power to confer with the commissioners of the other Indian Nations, and with the United States Commissioners, known as the Dawes Commission, relative to their mission to the Five Civilized Tribes, shall have power to propose and enter into such preliminary agreements with said U. S. Commissioners, as they, upon conference and agreement with the other Indian representatives, shall deem wisest in the matters and things embraced in the foregoing preamble and resolution.

Be it Further Resolved, That they may from time to time call in conference the Principal Chief on any subject, the determination of which, would, in their judgment, require his aid or advice. If from any cause he shall be unable to respond to such call, then the second chief shall represent him. But all of their acts shall be subject always to the approval and ratification of the National Council.

Be it Further Resolved, That the delegates or commissioners shall, for their services, be paid a per diem of (\$7.00) seven dollars during their terms of service as commissioners, but shall receive no mileage. They shall be provided with a fund of one hundred (\$100.00) dollars, or so much thereof as may be necessary, for incidental expenditures during their terms of service.

Adopted Oct. 27, 1896.

(Signed) G. A. ALEXANDER, Prest. H. of K.

J. H. LYNCH, Clk.

Concurred in.

(Signed) W. A. SAPULPA, Sp. H. of W.

H. P. MCKELLOP, Clk.

Approved Oct. 28, 1896.

(Signed) ROLEY McINTOSH, Actg. Prin. Chief.

M. McL., Actg. Prin. Secy.

(EXHIBIT 3.)

RESOLUTIONS ADOPTED IN CONVENTION BY THE COMMISSIONERS OF THE CHOCTAWS, CHICKASAWS, CREEKS, CHEROKEES AND SEMINOLES, IN SESSION AT SOUTH MC ALESTER ON CALL OF THE GOVERNOR OF THE CHOCTAW NATION.

Passed November 12, 1896.

Resolved, That it is the sense of this convention that the time has arrived when the repeated demands of the United States makes it imperative on the Five Civilized Nations to treat with the United States Commission.

It is of the highest importance that the Five Nations act in perfect harmony and on a definite common line of policy which is hereby solemnly pledged by each to the other. The following line of policy is regarded as essential to securing the best interests of the Five Nations under the pending conditions—and it is adopted:

POLICY.

We recognize that the proposals of the United States for disintegrating the land of our people by allotment and town-site division, mean ultimate state government, and that in dealing with the United States we must fully and clearly recognize this policy of the general government and conduct our negotiations on this basis so as to secure all of the amounts due our Nations and people with an agreement of method conserving our material and political rights, as a condition precedent to disintegration of lands and tribal governments.

If impelled to dissolve our tribal governments we wish to construct an abler government which shall protect the lives, the happiness and the property of our people and secured by the proposed negotiations.

1. We will insist first on a full payment of all claims due to each of the Nations, arising out of treaty stipulations or other relations, to be agreed on by the Commission of each Nation and the United States Commission and paid as soon as practicable and before any impairment of tribal government.

2. When division of land shall be made all the land shall be divided among the citizens of the Nations, share and share alike, except as modified by Indian law and treaty, and the patent shall remain inviolate retaining sovereignty in the Nation, until a state government containing constitutional protection as herein-after set forth shall have gone into effect.

3. Impelled by the earnest and repeated insistence of the United States demanding of our people the relinquishment of our tribal governments we feel obliged to insist on a personal compensation to each of our citizens of not less than \$500.00 apiece to be paid before our governments are destroyed, the amount to be determined by each Nation. This demand is based on the following reasons:

a. Our people must relinquish a government to which they are deeply attached. They must give up social customs, habits and observances which, observed for very many years, have become essential to their happiness.

b. They must assume new and strange duties and habits to which they are totally unaccustomed and which will prove irksome and expensive in the extreme to our individual citizens, especially to our thousands of non-English speaking people.

c. Each individual will have to build new outside fences on north and south, east and west lines, according to the lines newly surveyed by the United States.

This will cost hundreds of dollars to each quarter section, about which would be two miles of fence, at least, in every instance. This will cost money.

d. Our citizens will have to move houses, fences, corrals, etc., and change orchards, water supplies, cultivated fields, etc., and other established improvements to conform to these new lines of survey. This will require money.

e. Our citizens will lose free pasturage for cattle and every family cow that now has open range and will require the building of small pastures for such cattle and providing of necessary forage for such stock. This needs money.

f. Our people who have gotten their winter's meat and annual food from swine running on the open mast, will be compelled to bring them home and build special close pens and provide food for them. Our people will have to pay the bill.

g. Our people will be driven to abandon all their previously constructed roads and must of necessity build new roads for travel on north and south, east and west lines, build bridges, etc., which will impose a new, unavoidable and unexpected expense on our people.

h. Our people will under the new conditions be required to bear the immediate, close personal contact with numerous impecunious persons impoverished in other states who will endeavor to better their condition in the Indian country and who will subject our people to the same line of small, exasperating and aggressive trespasses that drove the Indians allotted in Kansas, as the Shawnees, Delawares, Pottawatomies and others out of that state for refuge in Indian Territory.

We are not unaware that the total involved would be large yet we are fully advised that the huge development under the new condition in opening to its full productive power our Indian domain will be of great advantage to the United States, and that the United States will be fully repaid out of the revenue that will flow therefrom.

4. We realize the great benefits our people have derived from our educational institutions, and also that many of our people will by the new conditions be reduced to destitution and being anxiously desirous of providing for the children of such citizens, we wish to set aside land out of our domain to be a permanent investment for the benefit of certain educational institutions sufficient for the education of these children. We shall further insist that the institutions we have erected for educating our people shall be sustained by the United States under their Carlisle system.

5. We will maintain our tribal governments as long as possible.

6. Before relinquishing tribal government and before the disintegration of land shall be made, we shall insist that all the conditions heretofore set up shall have been carried out.

7. We will never consent to a territorial government or to a union with Oklahoma territory.

8. When a change of government takes place we will ask that the proposed agreements provide admission as a State of the Union with constitutional provisions irrevocable, protecting the property rights and political privileges of our people, the constitution to be made by our own people, with absolute prohibition of the liquor traffic.

We represent sixty-five thousand of sober, industrious, self-supporting and god-fearing people; owners of the entire soil of Indian Territory by solemn treaty and patented titles; people who came to a wilderness driven by force and made it a cultivated land; people who have erected schools, churches and courts of justice

and governments under which they have found safety and happiness. We rely on the justice of our cause and the guidance of Divine Providence and we appeal to the moral sentiment of a great and magnanimous nation, in whose hands is our ultimate destiny and in whose honorable national life and history we have earned a decent and honorable place.

[Amended by Gov. Jno. F. Brown that it is the sense of this meeting and in our judgment we should be allowed twenty-five years before being required to assume state government.]

The above resolution was unanimously adopted without a negative voice.

CHOCTAW DELEGATION.

1. Green McCurtain, Principal Chief, Sans Bois, I. T., Ex-officio Chairman.
2. J. S. Standley, Atoka, I. T.
3. N. B. Ainsworth, McAlester, I. T.
4. Amos Henry, Red Oak, I. T.
5. A. S. Williams, Alikchi, I. T.
6. Wesley Anderson, Tuskahoma, I. T.
7. D. C. Garland, Janis, I. T.
8. E. N. Wright, Atoka, I. T.
9. Ben Hampton, Caddo, I. T.

CREEK DELEGATION.

1. Roley McIntosh, Eufaula, I. T.
2. G. W. Grayson, Eufaula, I. T.
3. P. Porter, Muskogee, I. T.
4. D. M. Hodge, Tulsa, I. T.
5. G. A. Alexander, Wetumka, I. T.
6. W. A. Sapulpa, Sapulpa, I. T.
7. Joseph Mingo, Wagoner, I. T.
8. Concharte Micco, McDermott, I. T.
9. Roland Brown, Okmulgee, I. T.
10. J. H. Lynch, Secretary, Okmulgee, I. T.
11. Robt. W. Stewart, Interpreter, Holdenville, I. T.

CHEROKEE DELEGATION.

1. S. H. Mayes, Principal Chief Cher. Na., Tahlequah, I. T.
2. D. W. Bushyhead, Chairman Cher. Com., Tahlequah, I. T.
3. C. V. Rogers, Oologah, I. T.
4. Te Kinney Waters, Braggs, I. T.
5. Robt. B. Ross, Tahlequah, I. T.
- 6.
7. Wm. Eubanks, Interpreter, Tahlequah, I. T.

SEMINOLE DELEGATION.

1. John F. Brown, Principal Chief Semi. Na., Sasakwa, I. T.
2. Nuth Cap. Harjo, Wewoka, I. T.
3. Wm. Cully, Sasakwa, I. T.
4. Nokas Fixico, Wewoka, I. T.
5. Thomas McGeisey, Maud, O. T.

CHICKASAWS.

1. M. V. Cheadle, Tishomingo, I. T.
2. R. McLish, Ardmore, I. T.

MUSCOGEE, INDIAN TERRITORY, December 15, 1896.

To the Commissioners appointed by the Creek Tribe or Nation to negotiate with the Commission to the Five Civilized Tribes in respect to changes in their tribal government, and the holding and use of their tribal property.

GENTLEMEN: The Commission acknowledges the receipt this afternoon of your answer to propositions of this Commission concerning such changes furnished your government nearly five months since.

In answer to this communication they have to say that it proposes negotiations upon terms and conditions they cannot entertain; and if these terms and conditions are insisted upon they will be compelled to report your answer to the government of the United States, with such comments as, in their judgment, the conditions and facts involved may require.

Respectfully,

(Signed)

HENRY L. DAWES,

FRANK C. ARMSTRONG,

A. S. MCKENNON,

T. B. CABANISS,

A. B. MONTGOMERY,

Commissioners.

MUSCOGEE, IND. T., December 16, 1896.

Hon. Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. B. Montgomery, Commissioners.

GENTLEMEN: We acknowledge receipt of your favor of December 15th, 1896, replying to our proffer of negotiation delivered to you between four and five p. m. of that date.

You state that our agreement to negotiate "proposes negotiations upon terms and conditions you cannot entertain."

These conditions were:

First—A method of final settlement of all claims against the United States to be provided before tribal dissolution made settlement impossible.

Second—Indemnity for sacrifices and losses, we were invited to undergo.

Third—Provisions in a future State Constitution that would save our people from oppression and injury by law.

To the first proposition we have your own endorsement, (Art. 4 of your propositions of 1894).

To the second, it is so just we do not believe you can, on consideration, refuse it your approval.

To the third, we are convinced you will gladly consent when you consider its justice and wisdom.

We entertain the highest respect for your honorable Commission, and now that your labors on the thousands of citizenship cases are ended, and you are able to consider the vital issues of the great changes contemplated—where our domestic dependent States are to be transformed into a State of the Union—and you can now give for the first time the undivided attention the magnitude and character of these issues demand, we trust you will not be wanting in patience or magnanimous consideration of our rights in the premises. We have requested

bare justice alone in the conditions above recited, and we are not willing to believe you will refuse their consideration when you shall have had time to examine them, which was hardly possible in the incredibly short time between your receipt of our propositions and your answer.

We trust you will perceive that it is not unreasonable to ask the adjustment of all unsettled matters before the dissolution of tribal governments make settlement impossible. We are unwilling to believe you propose to create a condition which will make future settlement impossible, and yet on deliberation refuse to consider a method of present settlement.

We rely on the repeated declarations made by those high in official life, including your honorable self, that the betterment of the Indian people was a chief motive in sending you to treat with us, and we hope you will not refuse to entertain a plan for referring unsettled matters to the courts of the United States, or other form of present settlement, and at the same time insist on a method that will prevent a future hearing by destroying the life of the plaintiff.

If, however, you are unable to negotiate with us, if we insist on these matters being entertained, and you need further authority, we shall be glad to have you present our views to Congress with such recommendations as your high sense of justice suggests. We doubt not Congress will authorize you fully to grant our request.

We have the utmost reliance on the American sense of justice, and confidently rely upon it to give us a hearing. The life of the Indian race is involved—a life which it has been the sentiment of the American people to cherish and raise to the highest ideal of Christian citizenship. And the disposition of such an issue invites patience and the earnest consideration of their interests even if not presented. But when these interests are presented in terms, we believe that they will be certainly entertained and given fair consideration.

The conditions we present are a necessary and essential part of any agreement that proposes to fully protect the interests of our people as we can fully establish, if permitted the opportunity.

We wish you to apprise us of any specific objection you may have to our propositions with your reasons clearly set forth so we can furnish you with its proper answer.

We have given the subject earnest attention ever since June the 10th, 1896, when we learned for the first time that the government regarded it a duty to establish a government in Indian Territory, and we are now profoundly interested in bringing this vital matter, upon which depends the life and happiness of many thousands of our people, to an honorable and propitious adjustment.

Very respectfully,

(Signed)

PLEASANT PORTER, Chairman.

D. M. HODGE,

G. A. ALEXANDER,

WM. A. SAPULPA,

JOSEPH MINGO,

HIS

ROLAND X BROWN,

MARK.

HIS

CONCHARTY X MICCO.

MARK.

Creek Commissioners.

J. H. LYNCH, Sec'y.

ROBERT W. STEWART, Int.

MUSCOGEE, IND. T., December 16, 1896.

To the Commissioners appointed by the Creek Tribe or Nation to negotiate with the Commission to the Five Civilized Tribes in respect to changes in their tribal government, and the holding and use of their tribal property.

GENTLEMEN: The Commission to the Five Civilized Tribes acknowledges the receipt, at three p. m. this afternoon, of yours of this date in reply to the letter addressed by them to you on yesterday.

This second letter from you does not purport to be a withdrawal or modification in any respect of the terms and conditions submitted in your communication of yesterday which, after due consideration, the Commission to the Five Civilized Tribes were compelled to inform you that they could not entertain. The effort in this last communication to restate those terms and conditions has not rendered them more clear and capable of being understood than the original statement of yesterday. On the contrary, that statement, with the accompanying exhibits, which you were careful to make a part of it, left nothing to be inferred as to their true intent and scope. The Commission regrets that this communication does not in any respect change the attitude which your Commission have assumed in response to the proposed changes heretofore submitted to your government, and therefore requires but a repetition of the answer therein contained, that they cannot be entertained by the Five Tribes Commission.

The Commission fails to find, in this communication, any notice of the fact of your declining to accede to one of the most important of the propositions to your government, viz.: that concerning the change of jurisdiction in your tribal courts.

They are gratified to be assured that you "have given the subject earnest attention ever since June 10, 1896," and that, therefore, there can be no question that you fully understand the character of the propositions submitted to your government, and it also removes all just cause of complaint of undue haste.

In answer to your suggestion that this Commission seek further authority from Congress, if unable to negotiate with you upon the terms and conditions set forth in your communication, they have to say that it would be idle for them to ask from Congress to be clothed with power which Congress itself does not possess.

Respectfully,

(Signed)

HENRY L. DAWES,

FRANK C. ARMSTRONG,

A. S. MCKENNON,

T. B. CABANISS,

A. B. MONTGOMERY,

Commissioners.

MUSCOGEE, I. T., Dec. 18th, 1896.

Hon. Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. B. Montgomery, Commissioners.

GENTLEMEN: Our second letter earnestly requesting your views on the counter propositions submitted by us, designated by you "terms and conditions" did not purport, of course, to be a withdrawal of such propositions without consideration, or any stated explanation or objection by you. You replied, indeed you could not entertain our propositions, but you did not make any explanations

or state any objection. It is manifestly impossible for us to answer your objections unless they are stated. Nor are we prepared to recede before unknown objections, but we are anxious to know them, and if we cannot know what they are, then at least we shall await your pleasure if you wish to decline or assign any reasons for the positions you take in these negotiations.

We were advised by you and by the Acts authorizing your honorable Commission, that you were sent to negotiate with us. We have promptly and courteously responded as directly as we knew how. You reply very briefly, and with no reason assigned, you cannot entertain our propositions. We urged you a second time to assign your objections in detail, which is not done. You reply that our first statement with exhibits is so clear that it "left nothing to be inferred as to their true intent and scope."

Our statement modified the McAlester Resolution which was on exhibit, and which was only intended as an outline of policy in the negotiations as you have fully learned from the Choctaws who signed it, and ourselves. We earnestly implore you, as the representatives of a great government, in whose history we have a personal pride, that you do be plain and frank with us and state to us what objections you have and the reasons that impel you to feel you cannot do us the honor of entertaining our views or propositions.

How can we conduct this negotiation with honor to you and to ourselves while you remain unwilling to answer our propositions.

We feel assured that you have some reason that commends itself to your judgment and to your conscience, and we are deeply desirous of knowing what it is. You state in substance that it would be idle for you to ask Congress for authority to negotiate with us on the "terms and conditions" (our propositions) set forth by us, and imply that Congress itself does not possess such power.

Our counter propositions were:

- 1st—To provide a method of stating accounts and making payment.
- 2nd—A provision for *reasonable indemnity*.
- 3rd—Protection against future State law.

You do not state which of these Congress does not possess the power to grant, but seem to think that none of them can be provided by Congress. As you are not specific we will not at present take them up in detail, but feel impelled to express our earnest conviction that Congress has full authority in the premises, and will, upon our agreement, exercise such power by confirming such agreement.

Your attention is respectfully called to the Act of Congress of March 3rd, 1893, (U. S. Stat. 27, pp. 646), giving your Commission "power to negotiate any and all such agreements as, in view of *all the circumstances affecting the subject*, shall be found *requisite* and *suitable* to such an arrangement of the *rights and interests* and *affairs* of such nations," to enable the ultimate creation of a State of the Union."

This language we think broad enough to fully cover our propositions, but as you appear not only to think so but you also think Congress itself has no power to provide what we wish, we must again urge you to assign the reasons for such position.

We are unable to conceive the ground upon which you base your conclusions.

You state that because since June 10, 1896, our people have given this matter earnest attention "all just cause of complaint of undue haste" is removed, we respond that it takes time for an unlettered and retired Indian people to learn

fully and understand the conditions referred to, that thousands of our citizens do not yet understand them, and that we will be obliged to take great pains to satisfy our people and persuade them to agree to any agreement we make with you on propositions we have submitted. Still we have not complained of undue haste, and do not expect to do so, as we know you will take a reasonable time to treat on every point involved in this important transaction which involves the property, the political and social life of every man, woman and child belonging to our people.

Again earnestly urging you to reply directly to our request, we remain, with sentiments of the highest respect.

(Signed)

PLEASANT PORTER, Chairman,
D. M. HODGE,
G. A. ALEXANDER,
WM. A. SAPULPA,
JOSEPH MINGO,
 HIS
CONCHARTY X MICCO,
 MARK.
 HIS
ROLLAND X BROWN,
 MARK.
 Creek Commission.
J. H. LYNCH, Sec'y.
ROBT. W. STEWART, Intptr.

(To the above letter the Commission to the Five Civilized Tribes replied on Saturday morning, December 19, 1896, that as the Commission had adjourned until after the holidays, a more formal reply would be made at a later date. Copy of such letter has been mislaid.)

EXHIBIT H.

CORRESPONDENCE BETWEEN THE COMMISSION TO THE FIVE
CIVILIZED TRIBES AND THE SEMINOLE NATION.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10, 1896.

Hon. JOHN F. BROWN,

Governor Seminole Nation, Wewoka, Ind. Tery.

SIR: The members of the Commission to the Five Civilized Tribes will visit Wewoka, Monday, July 20th, 1896, at which time and place they will be pleased to meet and confer with you, relative to the work assigned to them by the act of Congress, approved June 10, 1896.

Respectfully,

FRANK C. ARMSTRONG,
Acting Chairman, Commission.

(Accordingly, the Commission to the Five Civilized Tribes met the Governor of the Seminole Nation July 20, 1896.)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., July 10th, 1896.

Hon. JOHN F. BROWN,

Governor, Seminole Nation, Wewoka, Ind. Tery.

SIR: By Act of Congress, approved June 10, 1896, the Commission to the Five Civilized Tribes

"is authorized and directed to make a full report to Congress of leases, tribal and individual, with area and amount and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others."

This, as we understand, refers to all tribal property of all kinds whatsoever, and to leasings and holdings of same by either citizens or non-citizens. We, therefore, have the honor to request, that you cause to be furnished to the Com-

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mission, as early as you may conveniently do so, any and all information within your power relative to the work so required of it, giving in detail the facts as the same may be found of record, or to be otherwise obtainable.

Respectfully,

HENRY L. DAWES,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

VINITA, I. T., Aug. 8, 1896.

Hon. JOHN F. BROWN,

Governor, Seminole Nation, Wewoka, Ind. Tery.]

SIR: The Act of Congress, approved June 10, 1896, under which the Commission to the Five Civilized Tribes is required to act in settling citizenship in said tribes, provides—

“That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed.” And it further provides: “That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens, whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States Courts, as provided herein.

“The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs.”

The Commission, therefore, has the honor to respectfully request that you cause to be made a full and complete roll of the citizenship of your nation as the same was so confirmed by said Act, as also a roll of all freedmen entitled to citizenship in your nation, and to furnish the same to the Commission on or before the 10th day of December, 1896, that it may thereby be enabled to perform the duty so imposed upon it.

Respectfully,

HENRY L. DAWES,
A. S. MCKENNON,
T. B. CABANISS,
Commissioners.

SASAKWA, I. T., Sept. 5, 1896.

HENRY L. DAWES,

Chairman of the Commission, Vinita, I. T.

DEAR SIR: I have to acknowledge receipt of yours of the 8th ultimo, asking that a full and complete census of roll of all Seminole citizens of the nation be

furnished you by December 10, 1896. In reply I have to advise you that your request in this regard shall be complied with in season.

Very respectfully,

JOHN F. BROWN, Gov. S. N.

(No further correspondence has taken place between the Commission to the Five Civilized Tribes and the Seminole Nation, nor has the citizenship roll or information in regard to leases been supplied to the United States Commission.)

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Respectfully,

HENRY L. DAWES,
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