Mansfield, McMurray & Cornish

ANNUAL REPORT

OF THE

United States Indian Inspector for the Indian Territory,

TOGETHER WITH

THE REPORTS OF THE INDIAN AGENT IN CHARGE OF THE UNION AGENCY, THE SUPERINTENDENT AND SUPERVISORS OF SCHOOLS, AND REVENUE INSPECTORS IN THAT TERRITORY,

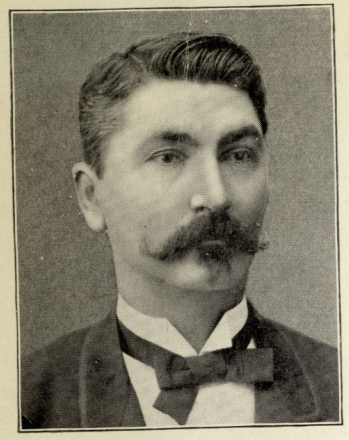
TO THE

SECRETARY OF THE INTERIOR

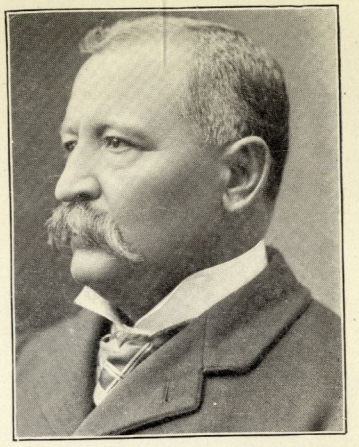
FOR THE

FISCAL YEAR ENDED JUNE 30, 1900.

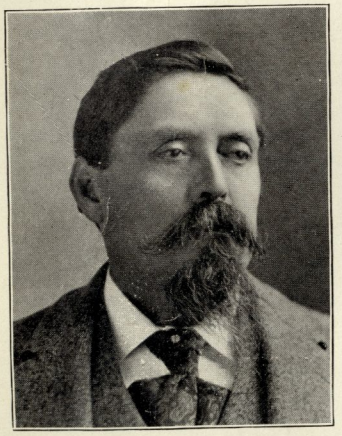
WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1900.



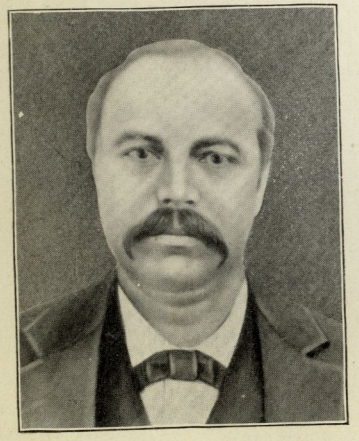
T. M. Buffington, Chief Cherokee Nation.



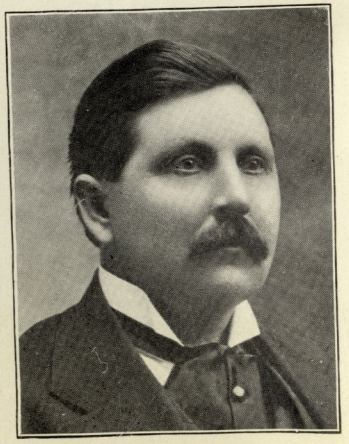
P Porter, Chief Creek Nation.



John Brown, Governor Seminole Nation.



Green McCurtain, Governor Choctaw Nation.



D. H. Johnson, Governor Chickasaw Nation.

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CONTENTS.

ANNUAL REPORT

OF THE

UNITED STATES INDIAN INSPECTOR FOR THE INDIAN TERRITORY.

MUSCOGEE, IND. T., *September 3, 1900.*

SIR: In compliance with instructions, I have the honor to submit this my second annual report, covering the work of the office of the United States Indian inspector for the Indian Territory for the fiscal year ended June 30, 1900, together with recommendations for such additional legislation by Congress as appears to me advisable from existing conditions among the Five Civilized Tribes.

The first important legislation looking to the ending of the tribal form of governments in the Indian Territory, and the common ownership of the lands of the five tribes, was embodied in the act of Congress approved June 28, 1898 (30 Stat., 495), commonly known as the "Curtis act," which provided for radical and important changes in the administration of affairs among the five tribes from those previously existing for many years.

For general information, and in order that the conditions heretofore existing in the Territory and the changes brought about by the legislation of the Curtis act may be understood, the following brief description is necessary.

The five nations or tribes of the Indian Territory comprise the Choctaw, Chickasaw, Creek, Cherokee, and Seminole. The approximate area of the lands embraced in the Indian Territory and controlled by these five tribes is 19,776,286 acres, with an estimated aggregate population of 84,750 Indians, including freedmen, as shown by the last annual report of the commission to the Five Civilized Tribes, as follows:

Tribe.	Population.	Total.	Acres.
Choctaw	16,000		
Choctaw Freedmen	4,250	20,250	
Chickasaw	6,000		a 11,338,935
Chickasaw Freedmen	4,500	10,500	
Creek	10,000		
Creek Freedmen	6,000	16,000	a 3,040,000
Cherokee	31,000		
Cherokee Freedmen	4,000	35,000	a 5,031,351
Seminole	.....	3,000	a 366,000
Total	.....	84,750	19,776,286

a About.

These lands have heretofore been held in common by the respective tribes, who have a conveyance for same from the United States, and the citizens of the respective nations, under treaties and tribal laws, have used and rented same to noncitizens, as their laws permitted.

These various nations have, for many years past, controlled their own affairs and governments, which provided for their respective governors, or principal chiefs, and other national or State officers, including legislatures or councils, enacting such laws pertaining to their lands, schools, and affairs generally, as they deemed proper, independent of the laws of the United States, and, in each of the nations, noncitizens located or residing therein for the purpose of trading or conducting other business within the limits of the nation, and for introducing cattle, mining coal, or renting lands from Indians, or for any other purpose, were required to pay to the authorities of such nations taxes for such privileges as prescribed by their various laws. It is estimated at the present time that there are approximately between 350,000 and 400,000 white people or noncitizens within the limits of the five nations.

As above stated, the Curtis act provided for radical changes in the administration of affairs among these nations, and included the ratification of an agreement entered into between a commission on behalf of the Government and the Choctaw and Chickasaw nations, which, with certain modifications, provided for the continuance of their government for a period of eight years from March 4, 1898.

It also provided for the abolishment of the tribal courts in the Creek and Cherokee nations, for the allotment of the surface of the lands by the Government to the individual members of said tribes, they having failed to enter into an agreement with the Government for the allotment of their lands in severalty. The agreements subsequently entered into with these two tribes having failed of ratification by Congress, the legislation embodied in the Curtis act still remains in force.

The Curtis act also provided that the Secretary of the Interior was authorized to locate an Indian inspector in the Indian Territory, with authority to supervise the management of the affairs of the different tribes, as required of the Secretary of the Interior, and, under date of August 17, 1898, I was assigned to such duty, and subsequently given detailed instructions fully defining my authority, and directing me to assume supervising control of all the affairs of the Indian Agency and other matters with which the Secretary was charged by law to exercise authority, except matters under control of the commission to the Five Civilized Tribes. Since my assignment to such duty I have been fully occupied in dealing with the many perplexing questions with which it has been necessary for me to cope, and in submitting reports and recommendations to the Department in reference to carrying out the provisions of this legislation.

Under the supervision and general direction of the Indian inspector located in the Indian Territory are the following offices or departments.

The United States Indian agent for the Union Agency, who is charged with the collection of all revenues to be handled by the United States Government, in accordance with existing law, and the disbursement of the funds belonging to the various tribes in the payment of their regularly incurred indebtedness, as evidenced by warrants, which are taken up and canceled, in addition to the general

duties of the Indian agent as provided by the statutes of the United States, all of which will be covered by the report of the United States Indian agent accompanying this report.

The superintendent of schools in the Indian Territory and the supervisors for each nation under his immediate direction.

The revenue inspectors for the Creek and Cherokee nations, there being one supervising inspector for each nation with district inspectors under the direct supervision of each.

The mining trustees of the Choctaw and Chickasaw nations, and, more recently, the general supervision and direction of the townsite commissions and townsite work in the various nations.

In my last annual report the details of the work for the fiscal year ended June 30, 1899, were submitted, and this report covers the work for the past year, from July 1, 1899, to June 30, 1900.

As the conditions and laws are different in each of the nations, it will be necessary to report the situation of affairs and the work performed in each of the respective nations separately.

The Seminole Nation effected an agreement with the United States which was duly ratified by both parties, and such agreement is still in force in said nation and a copy of the same is attached hereto. (Appendix No. 1, p. 111.)

The Choctaws and Chickasaws have an agreement, which was ratified by Congress in the act approved June 28, 1898, supra, and matters pertaining thereto are divided for convenience into the following subjects: Mining, education, tribal taxes, townsites, smallpox, Chickasaw incompetent fund, and Chickasaw western boundary.

The Creeks and Cherokees are under the general provisions of said act of June 28, 1898, and as such law does not apply to the Choctaw and Chickasaw nations, the affairs pertaining to the two nations first named are reported separately under the following heads: Mining, tribal taxes, education, townsites, smallpox, and constitutionality of Curtis act.

SEMINOLE NATION.

It appears by a census of the Seminole Indians recently completed by the commission to the Five Civilized Tribes, that they have a population of about 3,000 people, with 366,000 acres of land within the limits of their territory.

A recent agreement with these people provides that the lands shall be divided equally among all after appraisal, excepting such reserved for churches, schools, and other purposes, also 1 acre in each township, which may be purchased by the United States Government for schools for noncitizens. Their tribal government continues as heretofore, and consists of a principal chief, second chief, forty-two band officers, treasurer, school superintendent, two school trustees, superintendent of blacksmith shops, and police or light-horse officers and privates. The chiefs are elected by popular vote and their term of office is four years. The chief is vested with the veto power. The band officers are representatives of fourteen bands, one band chief and two lawmakers from each band, with the same term of office as the chief. These band officers constitute the national council of the Seminole Nation, which body has power to consider all matters under the jurisdiction of the nation. The other officers are elected by the council.

The agreement also provides that noncitizens can lease the allotment

of any member of the tribe for a period not exceeding six years, the same to be approved by the principal chiefs, or governor, of the nation before becoming effective.

There have been no matters in the Seminole Nation during the past year requiring the attention of the inspector, except in a few instances where white persons have gone within the limits of said nation without a lease from citizens or without other authority, for the purpose of grazing cattle or cutting hay, and in compliance with a request from the principal chief such persons have been removed by the United States Indian agent through the Indian police without friction or further trouble.

There is no Government school official in said nation, they having complete control of their educational interests.

CHOCTAW AND CHICKASAW.

Before taking up for discussion the general subjects, in the order given heretofore, I would state that the population of these two nations approximates 30,750, and that they have 11,338,935 acres of land within their territory, the Choctaws numbering about 20,250 and the Chickasaws about 10,500 people.

The agreement with these two nations provides that their lands shall be appraised and allotted by the Government, to be valued "according to the location and fertility of the soil," and allotted equally among all, after certain reservations have been made for schools, townsites, cemeteries, and other purposes.

The commission to the Five Civilized Tribes is now engaged in the work of appraising the lands of these nations preparatory to allotment.

Coal and asphalt is also reserved from allotment, and is to remain the common property of the tribes, although the surface of such land is to be allotted.

The per capita allotment of lands in these nations can not be given with any degree of accuracy until the reservations above mentioned are made, but it is estimated that the same will average about 500 acres each.

The agreement further provides that their governments shall continue for a period of 8 years from March 4, 1898, though acts of their councils and legislatures are submitted to this office and forwarded to the Secretary of the Interior for executive action by the President of the United States before becoming effective.

The act of Congress heretofore referred to, approved June 28, 1898, which embodies the agreement with the Choctaws and Chickasaws as set out in section 29 of the act, is submitted for ready reference. (Appendix No. 2, p. 113.)

MINING.

The main coal fields of the Territory are located in the Choctaw Nation and the asphaltum in the Chickasaw Nation.

The agreement provides that coal and asphalt in these nations is to be reserved and remain the common property of the members of the tribes; that leases heretofore made by the nations where mines were in actual operation on April 23, 1897 (the date of the agreement) shall be ratified and confirmed, and that other leases shall be made under

rules and regulations of the Secretary of the Interior each to cover not exceeding 960 acres, and to be for a period of 30 years.

Two mining trustees, Mr. N. B. Ainsworth, a Choctaw by blood, and Mr. L. C. Burris, a Chickasaw by blood, have been selected by their respective governments and appointed by the President of the United States to supervise the mines in operation, acting under rules and regulations of the Secretary of the Interior and the direction of this office, and performing such other duties as may be assigned to them in connection with mines leased.

Mr. Luke W. Bryan, located at South McAlester, Ind. T., is the United States mine inspector for the Territory, and has direct supervision of the operation of the mines. His annual report shows in detail the location and workings of all coal mines.

Prior to June 30,1899, the following coal leases were entered into and approved by the Secretary of the Interior:

The Choctaw, Oklahoma and Gulf Railroad Company, 30 leases of 960 acres each, approved on March 1, 1899.

This company formerly operated under national contracts with the tribal authorities, and under the provisions of the agreement such contracts were ratified and confirmed. They have at the present time mines in operation on 14 of their leases.

John F. McMurray, of South McAlester, Ind. T., 8 leases of 960 acres each, approved on April 27, 1899.

Since July 1, 1899, other coal leases have been approved, as follows:

D. Edwards & Son, 3 leases, approved August 22, 1899.
McKenna, Amos & Amos, 1 lease, approved October 24, 1899.
McAlester Coal Mining Company, 2 leases, approved February 19, 1900.
Choctaw Coal and Mining Company, 3 leases, approved May 4, 1900.
Sans Bois Coal Company, 6 leases, approved on June 25, 1900.

Messrs. McKenna, Amos & Amos, however, after several attempts to develop the coal under their lease, ascertained it was too dirty and unprofitable to work, and have requested authority to relinquish their lease.

The following-named coal companies have operated during the past year on the leases of the Choctaw, Oklahoma and Gulf Railroad Company, and subleases with such companies have been submitted but have not yet been approved by the Department:

Wilburton Coal and Mining Company, 2 leases.
Mexican Gulf Coal and Transportation Company, 5 leases.
Milby & Dow Coal and Mining Company, 2 leases.
Ola Coal and Mining Company, 2 leases.

In addition, the following-named companies have operated under national contracts:

Osage Coal and Mining Company.
Atoka Coal and Mining Company.
Kansas and Texas Coal Company.
Southwestern Coal and Improvement Company.
McAlester Coal and Mineral Company.
Ozark Coal and Railway Company.
Devlin-Wear Coal Company, successors to the Indianola Coal and Railway Company.
Hailey Coal and Mining Company.
Samples Coal and Mining Company.
Crescent Coal Company.
Archibald Coal and Mining Company, now William Busby.

St. Louis-Galveston Coal and Mining Company.
Eastern Coal and Mining Company.
Turkey Creek Coal Company.
J. B. McDougall.
M. Perona.
R. Sarlls.

A few other small operators have also taken out limited quantities of coal. A report from the mine inspector for the Indian Territory shows the total output of these operators as being 1,900,127 tons during the year, as against 1,404,442 tons for the year previous.

The agreement further provides that the Secretary of the Interior may reduce or advance the rate of royalty on coal and asphaltum when he deems it for the best interests of the Choctaws and Chickasaws to do so.

The rate of royalty on coal mined, commencing January 1, 1899, was 10 cents per ton on all coal after being screened. In February, 1900, however, the coal operators petitioned the Secretary of the Interior to reduce the rate of royalty to 6⅔ cents per ton mine run, and after due consideration of the whole subject, the rate was fixed at 8 cents per ton mine run, to take effect March 1, 1900.

The asphalt mines are located in the Chickasaw Nation, and, though covering a large area, have not yet been developed extensively, owing largely to the fact that most of this material is located some distance from railroads. The royalty has been fixed at the rate of 60 cents per ton on refined and 10 cents per ton on crude asphalt.

The following leases, of 960 acres each, for the purpose of mining asphaltum, as provided by the agreement, have been entered into and approved by the Secretary of the Interior:

Brunswick Asphalt Company, 1 lease, approved on March 20, 1900.
Caddo Asphalt Mining Company, 1 lease, approved on April 21, 1900.
Elk Asphalt Company, 1 lease, approved May 3, 1900.

In addition to these companies, the Rock Creek Natural Asphalt Company and the Moulton Asphalt Company have operated to a limited extent under tribal charters and contracts.

Besides the approved coal and asphalt leases as heretofore listed the following leases are now pending before the Department awaiting approval:

	Coal.
St. Louis-Galveston Coal and Mining Company	2
Degnan and McConnell	3
Ozark Coal and Railway Company	1
Crescent Coal Company	1
Samples Coal and Mining Company	1
Central Coal and Coke Company	1
William Busby	1

The first five named were held awaiting certain certificates required of the bond company, and the latter two have only recently been forwarded.

Under the amended regulations of the Department, as approved by the honorable Secretary on May 22, 1900, applications for all mining leases in the Choctaw and Chickasaw nations, which were formerly made to the mining trustees, are now made direct to the inspector, and there are now several applications pending, action upon which is being taken as rapidly as possible. A copy of the regulations above referred to, and blank application, form of "additional information," and leases for coal and asphalt, and bond are attached. (Appendix No. 3, p. 132; No. 4, p. 135; No. 5, p. 136; No. 6, p. 137; No. 7, p. 139; No. 8, p. 142.)

All royalties are remitted to the United States Indian agent, Union Agency, monthly, accompanied by sworn statements of operators, whose books are subject to inspection at all times. During the year ending June 30, 1900, the royalties on all minerals in these two nations have amounted to $139,589.50, against $110,145.25 for the previous year. Of this amount $137,377.82 has been for coal, $1,108.58 for asphalt, and $1,103.10 for other minerals.

A detailed statement of all royalties paid during the past twelve months will be found in the Indian agent's report.

The agreement provides for the leasing of coal, asphalt, and other minerals, while another part of the agreement provides that only coal and asphalt shall be reserved from allotment, and under directions of the Department, until May, 1900, applications for all kinds of mineral, including gold, silver, copper, lead, zinc, and stone, were received and considered.

In an opinion dated May 11, 1900, approved by the Secretary of the Interior on the same date, the Assistant Attorney-General for the Department of the Interior held:

> After a careful consideration of this matter, I am of the opinion, and advise you, that there is no authority, under the provisions of said agreement, for giving leases for the purpose of mining any substance other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral, assented to by act of Congress.

The full text of this opinion is shown by Appendix No. 9, page 142.

In view of this holding, therefore, no applications for mineral leases other than coal and asphalt in these two nations are now considered.

The Acme Cement Plaster Company, of St. Louis, Mo., recently desired to secure a lease of cement lands in the Chickasaw Nation for the purpose of manufacturing cement plaster, and submitted the question as to whether they could lease lands from individual Indians claiming such as their prospective allotments. The Department, however, concluded that there was no statute which would authorize an individual Indian to enter into such a lease at this time, the lands not having been allotted, and I was advised to notify this company that the Department was unable to aid them in securing the lease as desired.

Concerning the several contests with reference to the rights of different parties to lease the same tract of land for mining purposes, they have been taken up and investigated as required by the regulations, the most important being one covering a coal claim between the Sans Bois Coal Company and the Kansas and Indian Territory Coal Mining Company. Much testimony was taken in this case, and full reports submitted to the Department. The matter was finally submitted to the Assistant Attorney-General, who held that as it was not shown that either party was operating the mine under a valid existing national contract with the tribal governments, therefore neither company was, as a matter of law, entitled to a preference right to a lease of the lands in controversy, but that in instances of such rival applications the Secretary of the Interior must, in the exercise of a sound discretion, determine to which applicant a lease will be given.

The Sans Bois Coal Company was subsequently granted six leases and the Kansas and Indian Territory company was advised that they

could submit an application for one lease, but as yet no lease with said company has been made.

Another controversy arose in the Chickasaw Nation, in which the Davis Mining Company originally was granted a charter from the Chickasaw Nation to mine asphalt in a certain tract of country. A lease was made by this company to parties who, in turn, leased it to the Rock Creek Natural Asphalt Company, which company made a lease to other parties, from whom the Gilsonite Roofing and Paving Company obtained certain rights within the tract now operated. The Rock Creek company is engaged in operating mines on a different tract, but embraced within the charter limits of the Davis company. The Gilsonite company made application for a lease under the agreement for lands embracing improvements made by their company to which they claim rights partially under the agreement with the Rock Creek company, and it was over this application that the controversy arose as between the Rock Creek and Gilsonite companies, and the rights of both were contested by the Davis company. The Davis company claimed by reason of its tribal charter, and the other two companies by reason of certain agreements between the several contestants and by virtue of certain improvements erected by the Gilsonite company on lands which they desired to lease. This matter was also finally submitted to the Assistant Attorney-General for the Interior Department, who, in an opinion dated March 10, 1900, and approved by the Secretary of the Interior on the same date, held:

> The Choctaw and Chickasaw nations are joint owners of the lands occupied by them respectively, the Choctaws holding a three-fourths interest in the lands occupied by the Chickasaws and the Chickasaws holding a one-fourth interest in those occupied by the Choctaws. Because of this joint interest it was held that both nations should join in the agreement ratified by the act of June 28, 1898, by which a change in the tenure of their lands was to be effected. The leases or contracts ratified and confirmed by said agreement were those made by the "National agents of the Choctaw and Chickasaw nations" and not those made by the representative of one nation alone. It was not intended by that agreement to recognize any contract or lease made by one of these nations alone through its representatives. As said by the Commissioner of Indian Affairs, it is not shown or claimed that the Choctaw nation ever gave its assent to the Chickasaw act under which the Davis Mining Company claims existence. I am of the opinion that no claim based upon that act is entitled to recognition under the agreement. * * * The Davis Mining Company not having a lease that comes within the confirmatory provisions of said agreement has no preference right to a lease for the land in question.
>
> Neither of the other applicants claims to hold under a contract made directly with the national agents of the Choctaw and Chickasaw nations or either of them, and hence neither has any claim falling within the confirmatory provisions of the agreement ratified in 1898. They, in each instance, went upon the land in pursuance of and under the authority of the license to the Davis Mining Company. * * * Even if it be admitted that parties who are in possession of lands under such license or contract as those presented here, may have a right that should be recognized, the fact still remains that neither of these parties is entitled under those instruments to exclusive possession of the lands in question. * * * If these instruments are to be consulted to determine the rights of these applicants the conclusion would be that neither is entitled to a preference right as against the other to a lease by reason of possession, because neither has a right to exclusive possession of the tract in controversy between them.

In view of this opinion the whole matter was referred back to me with instructions to make an investigation and report of the facts as to possession and improvements, to determine the equities of the parties to the end that each might be given a lease to cover, if possible, the ground upon which he has in good faith made improvements.

As the opinion above referred to is important, covering many questions raised by others, a copy is submitted herewith as Appendix No. 10, page 144.

A date was recently set by me for an investigation of the facts in this case, and all parties notified, but in reply the representatives of both the Gilsonite and Rock Creek companies advised me that their clients desired the hearing to be postponed indefinitely because they could not present their matters at that time, therefore the case is still pending.

EDUCATION.

The agreement referred to with the Choctaw and Chickasaw nations provides:

> It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole. * * * The revenues from coal and asphalt, or so much as may be necessary, shall be used for the education of the children of Indian blood of the members of said tribes.
>
> All coal and asphalt mines in the two nations, whether now developed or to be hereafter developed, shall be operated and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such instructions and regulations as shall be prescribed by the Secretary of the Interior.

Under these provisions a superintendent of schools was appointed, together with a supervisor for each of the Choctaw and Chickasaw nations, whose duties are to visit and inspect the schools and orphan asylums of each nation, acting under the direction of the general superintendent, who reports to the Commissioner of Indian Affairs through this office.

Previous to the agreement the Choctaw Nation had its own school laws, and a board of education consisting of five members had entire control of educational matters.

As stated in my last annual report, while liberal appropriations had previously been made for the schools, many were found to be improperly conducted and funds not judiciously used. Politics and favoritism on the part of the tribal board of education had almost entirely governed the appointment of superintendents and teachers, without reference to their qualifications as instructors, and for that reason all schools were of a low standard of efficiency as compared with Government schools, and although these schools had been maintained for many years, no industrial training of any kind had been taught.

After promulgation of rules and regulations of the Department with reference to the management of these schools, the general superintendent, at their request, attended a meeting of the Choctaw board of education, explaining fully the rules of the Department and the policy proposed to pursue. No protest or objections were made to such plan, and until October last the Choctaw board of education did not attempt to interfere or question the authority of the Department to make appointments, and the work and plans of the Government officials received their full indorsement. Although this tribal board continued to exist, it was the purpose of the Department to act in harmony with them, without reserving the right to them to make application for teachers and appointments, notifying the board to suggest any person they desired appointed for examination.

The principal chief had expressed his opinion that the agreement authorized the Secretary of the Interior to assume control of the

schools of the nation, and that such was agreeable to him, but in October last, when the Choctaw council was convened, the right of the Secretary to control the schools was denied, and the council passed an act directing their board to cease cooperating with the Government, and to conduct their schools according to their own laws. At that time, in company with the superintendent, I visited their council and explained matters fully, assuring them that the Government desired to have their cooperation, that the only object was to improve their schools and benefit their children. Full report of the matter was submitted to the Department, and I understand new regulations were prepared, modifying the previous rules, and submitted to the officials of the nation for their approval. Such rules, however, have not yet been adopted, and the schools have continued under former regulations. The superintendent reports that satisfactory progress has been made, a material improvement noticed both in better teachers, larger attendance, that the cost of maintaining academies has been materially reduced, and that pupils have been instructed in manual training and domestic science, never previously taught in any of these schools, and which is considered one of the most important factors in Government Indian schools.

There are in the Choctaw Nation 6 boarding schools or academies, including 2 orphan academies.

During the past year these schools have been maintained nine months. There has been an enrollment of 549 pupils, an average attendance of 471, with a total cost of $63,011.04, or $140.66 per capita. One of these schools—Spencer Academy—was recently destroyed by fire, caused by sparks being blown through an open window from an engine being used for operating a steam pump. The building was erected in 1898, and cost about $7,000, but was a cheaply constructed frame building, not plastered.

There has also been maintained during the nine months of the past year 120 neighborhood or day schools in the Choctaw Nation, with an average enrollment of 2,170 pupils and an average attendance of 1,812, at a cost of $27,570.91, or $12.70 per capita, making a total of all children attending of 2,719, with an average attendance of 2,283, at a cost of $90,581.91. For general repairs, irregular labor, etc., during the year, in addition to this amount, there was expended $2,300.

The Chickasaw boarding schools, 5 in number, are maintained by contract made several years ago with the tribal authorities for a term of five years, and as they are maintained from their own funds and not those arising from royalty on coal and asphalt, the Government has as yet exercised no authority over them.

As they have not sufficient funds to meet the current expenses, these schools are being now financially embarrassed.

The reports as furnished by the superintendent show 5 boarding schools have been maintained, with an enrollment of 348 and an average attendance of 306, at a cost of $56,840, or $151 per capita; also 17 neighborhood or day schools, with an enrollment of 489 and an average attendance of 386, costing $36,115, or $93 per capita, making a total attendance of all children in the Chickasaw Nation of 837 and an average attendance of 692, at a cost aggregating $92,595.

The Chickasaw authorities thus far decline to entertain the proposition to permit the Government to exercise supervision over any of their schools, and in the meantime their proportionate share of the

royalties arising from coal and asphalt (about one-fourth) remains to their credit.

A supervisor, however, has been located in the Chickasaw Nation, but as yet, under the above circumstances, has been unable to make much improvement in these schools.

The day or neighborhood schools in both of these nations and throughout the Territory have received practically no attention or encouragement from the tribal authorities. No suitable buildings have been built and none found except where built by private subscription or donation, consequently nearly all are poorly built, with no furniture other than old benches.

The various Indian nations have expended large amounts of money in erecting and maintaining a few boarding academies, at which children of "influential citizens" have been educated, and in consequence little has heretofore been accomplished at these small schools, but it is hoped that their efficiency may be greatly increased.

TRIBAL TAXES.

Under the tribal laws noncitizens are required to pay to these nations, collectible by the proper tribal officers, certain taxes for residing or transacting various kinds of business therein, merchants in the Choctaw Nation being assessed 1½ per cent on the value of goods introduced for sale, and in the Chickasaw Nation 1 per cent of the capital employed.

In the Choctaw Nation an act of their legislature, passed March 25, 1899, and approved by the President on June 8, 1899, levies a tax of $5 against each citizen for every farmer or renter employed and $2.50 for each "hireland" employed, such permits expiring December 31, regardless of date of issue.

While this permit tax is larger than that prescribed by the Chickasaw law and the same as previous Choctaw laws, the penalty of nonpayment by a citizen is that he shall be fined not less than $25 nor more than $50, while the previous law provided as a penalty that the noncitizen farmer or renter should be reported to the principal chief as an intruder and that the citizen, for nonpayment of fine, should receive not less than 15 nor more than 39 lashes on his bare back.

There is no introduction or annual cattle tax in the Choctaw Nation, but their laws prohibit the introduction of cattle except during the months of November and December, and then only to be kept within feed pens and legal inclosures. A citizen is to be fined $5 per head for violation of this law and noncitizens to be reported to the United States authorities for prosecution under section 2117 of the Revised Statutes, or removal from the Territory.

In the Chickasaw Nation their legislature passed an act in December, 1898, approved by the President on January 19, 1899, providing for a permit and occupation tax, requiring a payment by noncitizens of $1 residence tax; live-stock tax of 5 cents per head on sheep and goats and 25 cents per head on other stock, such tax applying to noncitizens and to all stock over a specified number exempted by said act, and which is a material reduction from former requirements.

This act also provides that noncitizens refusing or neglecting to pay such tax shall be deemed intruders and reported to the United States

Indian agent (or inspector) to the Five Civilized Tribes for removal beyond the limits of the Chickasaw Nation.

As the tribal authorities of these nations handle their revenues and finances, making their own collections and disbursements without supervision of this office, I am unable to furnish any information concerning the condition of their finances or the amount of taxes due and collected. Many noncitizens, however, in both nations have recently refused to comply with such laws, claiming that they are exempt by reason of living in incorporated towns, and others that the recent agreement which provides that residents of towns can purchase lots upon which their improvements are located at 50 per cent of their appraised value recognizes their right to reside within the limits of the Indian Territory.

Much correspondence has been had with the Department on this subject, and I was advised on March 4, 1899, that the tribal laws were still in force and that noncitizens were subject to such laws so long as the governments of those nations continued, regardless of the fact that such parties lived in incorporated towns and owned lots therein.

This holding was sustained in an opinion rendered on July 13, 1900, by the Assistant Attorney-General for the Interior Department, wherein he held that noncitizens are subject to these laws after purchasing lots so long as the tribal government exists, it being a permit to do business within the limits of their nations, and that—

> The question is not directly as to the right of these people, not citizens, to occupy the property they have bought, but is as to their right to carry on a business in one of those nations without first obtaining a permit therefor, as required by the laws of the nation. The right of these nations or tribes to prescribe regulations requiring those not citizens engaging in business within the nation to pay a permit tax or license fee has been recognized by this Department and sustained by the courts. In the case of Maxey *v.* Wright, decided January 6, 1900 (54 S. W. Rep., 807), the court of appeals of Indian Territory upheld the right of the Creek Nation to require the payment of such a tax or fee and the power of this Department to take charge of the matter, collect the money and turn it over to the Indians, or, in case of refusal of anyone to pay the same, to enforce the penalty of removal, prescribed by laws of said nation. * * *
>
> The purchase of a town lot does not make the purchaser a citizen of the nation within whose boundaries such town may be located, nor does it necessarily operate to confer upon him a license to follow a pursuit in disregard of the laws of the nation requiring a noncitizen to secure a permit before engaging in such business. * * *
>
> The contention that the purchase of a town lot in one of these nations exonerates a noncitizen wishing to engage in trade or business from compliance with the laws of such nation and gives him a license to engage in business therein in defiance of such laws can not be sustained. A noncitizen has, in this respect, the same status after such purchase as he had before, and must afterwards, as before, meet the requirements of law if he desires to engage in business there. He is also subject to the same penalty for refusal to comply with the law after such purchase as he was before. If there is any hardship in the matter it does not grow out of conditions arising subsequently to his purchase, as there has been no change in the laws of any of said nations in this respect since provision was made for the sale of town lots. He voluntarily placed himself in the position he occupies and must bear the incident responsibilities. * * *
>
> As said before, the question is not as to the right of the noncitizen to reside in these towns, but is as to their right to carry on a business in the nation in violation of the laws thereof. The provisions of said section 14 do not, in my opinion, operate to relieve the inhabitants of cities or towns in these nations from the payment of the permit tax or fee prescribed by the laws of the nation in which such city or town may be located.

A complete copy of said opinion is attached hereto. (Appendix No. 11, p. 148.)

The principal chief of the Choctaw Nation has recently submitted several communications representing that noncitizens are refusing to pay taxes as required, and has submitted the names of 86 persons or firms so refusing, requesting that they be removed from the limits of the nation.

The governor of the Chickasaw Nation has also reported the names of 654 noncitizens who refuse to pay the taxes as prescribed by their laws, and requesting their removal. These communications have been forwarded to the Secretary of the Interior for consideration, but no instructions in reference to the same have yet been received.

Section 2149 of the Revised Statutes of the United States provides:

> The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians, and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

During the past year 12 noncitizens have been removed from the Choctaw Nation and one from the limits of the Chickasaw Nation, under the above provisions and orders from the Department, for noncompliance with these tribal laws.

In addition to these about 60 physicians, who had either failed or refused to take the required examination in the Choctaw Nation, and about 20 cattlemen, within the limits of the nation in violation of the tribal laws, voluntarily removed from the nation when given a specified time to comply with the tribal laws or remove.

Mr. E. C. Baker, a noncitizen, removed on June 16, 1900, from the Chickasaw Nation for refusal to pay tax, subsequently returned, and I am advised that, acting under orders from the Attorney-General, the United States attorney for the southern judicial district of the Indian Territory has instituted criminal proceedings against him under section 2148 of the Revised Statutes, which provides:

> If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

In view of the combined refusal of noncitizens to comply with these laws, as represented by the tribal authorities, and that the only remedy at present is to remove them, as above indicated, I respectfully recommend that this subject be brought to the attention of Congress and that a penalty be prescribed, the same as in the States, for seizure and sale of property sufficient to pay taxes due, or some other method be adopted to compel payment other than removal from the Territory, provided these tribal tax laws are to be in force for six years hence, during the time the governments of these nations are to continue as provided in the agreement.

TOWN SITES.

The agreement with the Choctaw and Chickasaw nations provides for the appointment of a commission for each of the two nations, consisting of two persons for each nation, one member to be appointed by the executive of each tribe and one to be appointed by the President of the United States; that each commission shall lay out and plat town sites, to be restricted as far as possible to their present limits where towns are now located, and that lands on which improvements have been made shall be valued by the commission, exclusive of

improvements, at the price a fee-simple title to the same would bring in the market at the time the valuation is made; that the owners of improvements on such lots can purchase one residence and one business lot at 50 per cent of the appraised value and the remainder of such improved property at 62½ per cent of said value, all vacant lots to be sold at public auction. The agreement also provides that after full payment for lots owners of same shall receive a patent for such lots, to be signed by the two executives of the tribes, a form of which has been prepared by the Department, a copy of which will be found accompanying the Indian agent's report. (See Exhibit N, p. 175.)

Under these provisions a commission was appointed for the Choctaw Nation, consisting of Dr. J. A. Sterrett, of Ohio, and the principal chief appointing Mr. B. S. Smiser. A commission was also appointed for the Chickasaw Nation, consisting of Mr. S. N. Johnson, of Kansas, and the governor of said nation appointing Mr. Wesley B. Burney.

About June 1, 1899, these commissions, after procuring necessary information and rules from the Department, began their work.

The Choctaw commission commenced work at the town of Sterrett May 31, 1899, completing the same August 18 of the same year. The population of this town is about 800, with an acreage of 480. The total expense of surveying, platting, and selling the property in this town was $3,235.35. The surveying force at this place was limited, and it being the first town to be taken up, occasioned some considerable delay.

At Sterrett there were 191 improved lots, which were appraised by the commission. Holders of 115 of these improved lots were permitted by law to purchase them at 50 per cent of their appraised value, making $1,593.40 to be paid, and holders of 76 were permitted to purchase at 62½ per cent, making $1,296.96 to be paid, the 191 lots aggregating $2,890.36. There were also 700 unimproved lots sold for an aggregate sum of $14,890, thereby netting the nation for this town $17,780.36. A partial payment on all lots has been made, as required by law, and full payments have been made on 42 improved and 16 unimproved lots, but as yet no patents have been issued.

The commission next visited the town of Atoka, which has a population of about 1,200 and an acreage of 273, commencing the work September 1 and completing it November 6, 1899, with a total expense of $1,768.94.

In Atoka there were 321 improved lots, which were appraised by the commission, at a total value of $42,326. Holders of 162 of these lots were permitted to purchase them at 50 per cent of their appraised value, making $10,850 to be paid, and holders of 159 lots were permitted to purchase same at 62½ per cent, making $13,011.03 to be paid, the 321 lots bringing the nation $23,861.03. Payment on 75 of these lots was defaulted, and the commission has advertised same to be sold. The unimproved lots have been advertised for sale, but not yet sold.

About the time the work was completed at Atoka, and after the plat had been approved by the Secretary of the Interior, and the appraisements had been made, and the commission had given notices of the date of the sale of unimproved property, certain residents of the town applied to Hon. William H. H. Clayton, United States judge for the central judicial district of the Indian Territory, for an injunction restraining the commission from selling the lots as advertised and against the recognition of the plat approved. After duly considering the matter the court denied the injunction, holding that the matter of

appraisement rests solely with the commission, who therefore proceeded to carry out their instructions.

Numerous complaints and petitions were made against the appraisements of improved property in this town, the residents claiming they were excessive. A committee of such residents called upon me and presented their grievances, requesting permission to file a brief of their case, which was granted, but as they failed to file such brief, and inasmuch as the law, as set forth in the agreement, provides that the townsite commissions shall appraise the property, and as there is no provision for any appeal from their appraisement when they agree, and as the first payments were being made by some, I was advised by the Department to take no further steps in connection with the matter.

Since the completion of the survey of Atoka, work was commenced at South McAlester on November 8, 1899, the largest town within the limits of the Choctaw Nation, which work is not yet completed. The population of this town is about 5,000, with an acreage of 3,200. The total expense of the commission at this town up to August 1, 1900, was $9,979.82.

The commission estimates that it will require two months to complete the survey and appraisal of the town of South McAlester, and in making report of the work at this town the commission calls attention to the character and size of the town site being surveyed, and states that it is being built on rough, rocky land embracing 3,200 acres, the larger part of which is covered with a heavy growth of timber, necessitating slow progress on account of the great amount of clearing necessary. In addition to the delays occasioned as above, the commission has encountered innumerable complications in adjusting conflicting interests of many individuals holding property rights that interfere with the proper location of streets.

Commencing March 15, 1900, while supervising the work at South McAlester, the commission took steps to establish the exterior limits of towns in the Choctaw Nation with a view to their taking advantage of the ruling allowing them to survey, at their own expense, and the boundaries of the towns of Calvin, 250 people, 160 acres; Allen, 300 people; McAlester, 1,200 people, 754 acres; Guertie, 225 people, 160 acres; Poteau, 800 people, 640 acres; Grant, 250 people, 160 acres; Howe, 1,000 people, and Kiowa, with 250 people and an acreage of 360, were established, and instructions given to the citizens of the towns relative to the manner of procedure in their surveys.

The towns of Calvin, Guertie, McAlester, Grant, Poteau, and Kiowa have taken advantage of the ruling allowing them to survey themselves, and have either completed, or have in process of completion, the plats of their towns. Three of these towns—Calvin, Guertie, and Grant—have already submitted their plats to the commission for approval.

The Chickasaw commission reached Colbert, Ind. T., on May 23, 1899, and remained there looking over the ground, consulting the wishes of the people, and procuring certain instruments, etc., until June 9, when the surveyor started the work of surveying and platting the same. The plat was approved on August 16, and from that time until August 29 the improved lots were being appraised and the vacant lots sold and records of same made. This town has a population of something over 200 and an acreage of 129.74. The total expense of surveying, platting, and selling the property at Colbert was $4,029.38. There was naturally some delay in the work at Colbert, for the reason

that it was the first town to be surveyed and platted under the supervision of this commission.

In Colbert there were 70 improved lots which were appraised by the commission. Holders of 34 of these lots were permitted by law to purchase them at 50 per cent of their appraised value, making $910 to be paid, and holders of 36 lots were permitted to purchase same at 62½ per cent, making $1,137.50 to be paid, the 70 lots aggregating $2,047.50. There were 173 unimproved lots sold for an aggregate sum of $3,128.25, making a total of $5,175.75 for the town site. Of the improved lots appraised by the commission there were four defaults.

The commission next visited Ardmore, the largest town in the Chickasaw Nation, which claims a population of between 7,500 and 8,000, commencing the work there on September 1, 1899, and the commission has ever since been engaged in the work at this place. The acreage of this town is 2,260.06. The total amount expended in the surveying and platting of Ardmore up to the present time is $11,454.65.

The work of surveying and platting Ardmore is now practically completed, and the plat will be submitted to the Department within a few days.

No work was done by this commission looking to the establishment of the exterior limits of any towns in the Chickasaw Nation under instructions given prior to the passage of the Indian appropriation bill, May 31, 1900.

These commissions formerly reported direct to the Commissioner of Indian Affairs. In order to expedite matters requiring investigation and further report, directions were issued by the Department, under date of March 26, 1900, that such commissions should be under the direction and supervision of this office.

Prior to the time these commissions were placed under the supervision of this office the question was submitted as to whether the "present limits" of towns were intended to mean incorporated limits.

The incorporated limits of the town of South McAlester had just been established by the court and embraced more territory than the townsite commission considered necessary. After conferring with Hon. William H. H. Clayton, United States judge, the incorporate limits were reestablished, and the commission proceeded to plat the town to the compromise lines.

At Ardmore the same question arose, the town having been incorporated some time and embracing considerable unimproved land which the commission did not feel warranted in including in the townsite limits.

Full report was submitted to the Department and the matter was subsequently settled by Congress in the Indian appropriation act approved May 31, 1900 (Public, 131), as follows:

> It shall not be required that the town-site limits established in the course of the platting and disposing of town lots and the corporate limits of the towns, if incorporated, shall be identical or coextensive, but such town-site limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town as the same shall appear at the times when such limits are respectively established.

An extract copy of those portions of the said Indian appropriation act which affect the Indian Territory is submitted with this report. (See Appendix No. 12, p. 150.)

The same act provides that exterior limits of all towns shall be designated and fixed at the earliest practicable date, under rules and regulations to be prescribed by the Secretary of the Interior. It provides a further modification from the agreement with the Choctaw and Chickasaw nations of the manner in which towns should be surveyed and platted, to the extent that instead of such work being done by a commission, that all towns having a population of 200 or more inhabitants should be surveyed and platted by competent surveyors under rules and regulations to be prescribed by the Secretary of the Interior, and that the work of townsite commissions should begin as to any town immediately after the approval of the survey by the Secretary of the Interior, and not before. It also authorizes the Secretary to appoint a separate townsite commission for any town where, in his judgment, the public interests will be thereby subserved; and he may also permit the authorities of any town, at the expense of the town, to survey and plat the same.

Under date of June 4, 1900, a supervising engineer, in connection with townsite surveys in the Indian Territory, was appointed by the Secretary of the Interior, to act under the directions of this office, in supervising the detail work of surveyors of the various towns and to make any necessary investigations and reports concerning any matters connected therewith, in order that the work might be expedited and all performed in a uniform manner.

Reports received from postmasters show about 44 towns in the Choctaw Nation and 57 in the Chickasaw Nation having a present population of 200 and over, while there are numerous small villages having less than that number, for which there is no provision.

As the authorities of these nations consider that this legislation by Congress is in violation of their agreement, it was proposed to detach from each of the present commissions, temporarily, the representative of the nation to accompany surveyors for the purpose of establishing the exterior limits, returning to his duties as commissioner when his services were so needed. In a conference with the governor of the Chickasaw Nation and its representative it was fully explained that such procedure was only for the purpose of expediting the work, and that the commission, as provided by the agreement, would make appraisals of the property; therefore the nations would lose nothing and the results would be the same.

Governor Johnston, of the Chicaksaw Nation, however, declined to consent to such move without conference with the principal chief of the Choctaw Nation on the subject, nor would the representatives of the nations on the commissions so act until authorized by their respective governors.

Acting, therefore, under directions from the Department, I have proceeded with this work of establishing the exterior limits of towns having 200 inhabitants, and have at present several corps of engineers in the field for that purpose, acting under the direct supervision of the supervising engineer, who has received the following instructions:

> Immediately upon receipt of this communication you will proceed to the Choctaw and Chickasaw nations for the purpose of establishing exterior limits of all towns having a population of 200 or more.
>
> Under the provisions of the act of Congress approved May 31, 1900, all towns having a population of 200 or more are to be surveyed and platted in such manner as will best subserve the then present needs and reasonable prospective growth.

The act of Congress approved June 28, 1898, also provides that the town sites shall be restricted as far as possible to their present limits.

In the establishment of exterior limits of town sites in each nation the "present needs and reasonable prospective growth of such towns" should be considered. Such limits should be carefully marked, and diagrams containing each legal subdivision forwarded to this office as soon as the town is completed.

All exterior boundaries should follow the lines of Government township survey of legal subdivisions.

It is further provided in said act of Congress approved May 31, 1900, that "It shall not be required that the town-site limits established in the course of platting and disposing of town lots, and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such town-site limits and corporate limits shall be so established as to best subserve the then present needs and reasonable prospective growth of the town, as the same shall appear at the time when such limits are respectively established."

In performing this work it is desired that it be done in such manner as to accurately locate all necessary subdivision points, putting up proper markers and notices to the public, and also observe that all houses belonging to the town proper are within such limits, if practicable.

Should the town authorities or other persons object to such limits, you will carefully consider such objections, at the same time complying strictly with instructions as above set forth, accompanying the diagram with full report in each instance, and advise the parties that they can submit any further objections to this office for consideration. Five diagrams of each town containing the legal subdivisions should be forwarded to this office immediately after establishing the limits of each town.

You will also have posted in the post-office and in other conspicuous places notices of limits of the town as established.

You will not take any Government employee with you from one town to another, except a surveyor, and you are authorized to employ such irregular assistance as may be necessary to properly aid in the establishment of the limits of each town, not exceeding, however, three irregular employees for each town site. Residents of the town of which the limits are being established should, if possible, be employed, and no irregular employee should be paid exceeding $2 per day.

When submitting your report of each town, the location of same and distance from the railroad, the number of acres contained therein, the population of the town (approximately), and the estimate of the length of time it should require the surveyor to properly survey the same into necessary streets and alleys and platting same, together with any other information which can be used in proceeding in the surveying and plattin of the town at a later date, should be fully set forth.

Included in said report you will also state whether the authorities of said town desire to proceed to have the same surveyed and platted at their own expense, as the act of Congress approved May 31, 1900, provides that "the Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances."

Where such work is to be done under supervision of this office, you will also ascertain and report whether the plat of the town incorporated can be used. In other words, it is desired that the work of each town be completed at the earliest practicable date and at the least expense possible.

You will also be guided by verbal instructions given you in connection with these matters, making report each week as to the progress of your work, and submitting for advice before proceeding any questions in connection with this work not heretofore covered.

All expenses incurred in each nation should be properly presented to the town site commission in that nation for payment, including pay of town-site surveyors and irregular employees.

These boundaries are being established to confine each town to its present limits as far as possible, irrespective of the incorporate limits.

The following communication was also addressed to the mayor of each town in reference to the surveying and platting of the same at their own expense. Thus far fourteen towns have indicated a desire to proceed as soon as the exterior limits are established.

I have to advise you that an act of Congress approved May 31, 1900, provides that the Secretary of the Interior is authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw and Chickasaw nations, Indian Territory, as may at that time have a population of 200 or more, in such manner as will best subserve the then present needs and reasonable prospective growth of such towns.

It also provides that the Secretary of the Interior, when in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

It further provides that the exterior limits of all town sites shall be designated and fixed at the earliest practicable date, under rules and regulations to be prescribed by the Secretary of the Interior.

Under these provisions of the law arrangements are now being made and surveying corps sent to the various towns in the Choctaw and Chickasaw nations having a population of 200 or more to establish the exterior limits of such towns. I am unable, however, at this time to state when your town will be reached for the purpose of establishing such limits, or when the same can subsequently be surveyed and platted.

If, however, the authorities of your town or the citizens thereof desire to lay out and plat same at their own expense, and will so advise me, I will endeavor to have the exterior limits established at an early date.

The act of Congress above referred to provides that as soon as the survey and plat of any town is completed and approved by the Secretary of the Interior a commission will be appointed for the purpose of appraising and disposing of the lots in said town.

Please advise me the population of your town and whether or not it is desired to take any action in reference to surveying and platting the same, as above indicated.

The governors of these nations have recently submitted a joint communication to the Department, protesting against the manner of surveying and platting towns as provided by the legislation contained in the appropriation act approved May 31, 1900, claiming same is in violation of their agreement, and concluding with the remarks that if, after considering the matter in the light of their argument and suggestions, the Department believes it to be its duty to proceed under the provisions of the Indian appropriation act, they will feel it their duty in the interest of their people to make a protest, and so far as they may be able, with the means available, to protect themselves against what they conceive to be an unwarranted innovation, regretting the necessity which impels them to such a course.

The agreement does not provide for the setting aside of any lands in the towns of the Choctaw and Chickasaw nations for park purposes, but after the passage of the Indian appropriation bill of May 31, 1900, the matter of setting aside parks under the provisions of the act of June 28, 1898, and said appropriation act was referred to the Department, and on July 10, 1900, the Department considered the question and advised me that while it is true that the town-site commissions are not expressly authorized to set aside parks under the terms of said agreement, yet it is not believed that it would be a violation of the agreement if the provisions of said section 15 of the act of Congress approved June 28, 1898, as amended by said Indian appropriation act, relative to the reservation of parks, be extended to the Choctaw and Chickasaw nations, and attention was invited to the provisions of said appropriation act authorizing the Secretary of the Interior to survey and plat towns in the Choctaw, Chickasaw, Creek, and Cherokee nations into town lots, streets, alleys, and parks.

The townsite commissions were therefore instructed, in cases where the towns desired and it is deemed for the interest of the town, to plat a suitable park, payment therefor to be made at the rate of $10 per acre, as provided by the act of June 28, 1898, and the Department has since held that where parks are deemed necessary 10 acres should be deemed sufficient.

SMALLPOX.

Choctaw Nation.—During the entire winter of 1899 and 1900 there was a very serious epidemic of smallpox in the Indian Territory, and especially in the Choctaw Nation. This nation being the seat of mining operations, and the disease breaking out among the miners, taking into consideration the class of people who, as a general rule, work in mines—being negroes, foreigners, etc.—it was a difficult matter to control the disease.

The attention of the Department being called to this disease, I was directed to take the necessary steps to stamp out and prevent the spread of the same. Both the United States Indian agent and myself immediately took the matter up with the authorities of the Choctaw Nation, and as a result the work of suppressing the epidemic was taken charge of by the board of health of the Choctaw Nation, under the direction of the principal chief and the supervision of the United States Indian agent and this office, and about twenty-nine pest camps were established at different localities in the nation. Owing to the winter weather it was necessary to fit these camps out in such condition that the patients could be well cared for, providing necessary medical attention and employing the necessary nurses, guards, etc., which necessitated large expenditures. The majority of the cases reported were among miners, and it was frequently necessary to quarantine whole mining camps or towns to prevent exposed parties from spreading the disease.

Nearly 1,000 cases were treated in this nation, nearly 80 per cent being United States citizens. The board vaccinated nearly 8,000 Choctaw citizens, being able to compel such vaccination under their laws, and thus keeping the disease down to a certain extent among the Indians.

The general council of the Choctaw Nation made an appropriation of $10,000 to defray the expenses of this board in the suppression of this disease among its own citizens, and an appropriation of $50,000 was made by Congress in the Indian appropration bill, approved May 31, 1900, for the suppression of the disease among United States citizens, which appropriation applies to the disease throughout the Indian Territory.

Relative to the outbreak of the disease in the other nations I would refer to my report, as it pertains to those nations.

The accounts submitted of indebtedness incurred in the several nations have been before this office, and are now undergoing investigation preparatory to being transmitted to the Department for approval, and there is no question but what the entire appropriation has been exhausted.

For a more complete report as to the details of the work relative to this smallpox outbreak, I would refer to the report of the Indian agent.

Chickasaw Nation.—The epidemic in the Chickasaw Nation was confined largely to two points, one at Colbert and vicinity, on the Missouri, Kansas and Texas Railway, at the southeastern corner of the nation, and the other at Chickasha, in the western portion, on the Chicago, Rock Island and Pacific Railway. The citizens of both these places took charge of the suppression of the disease and paid the expenses by popular subscription, neither place being incorporated or having municipal government at the time.

An investigation into the manner that the cases were being cared for and steps taken to prevent its spread was made by this office through Dr. Fite, who was then in charge of the work in the Creek Nation. The Indian agent furnished his policemen, where necessary, to assist in quarantining infected districts.

The disease was soon stamped out at the places where it appeared, and thereafter the entire matter of looking after the same was left to the Chickasaw tribal authorities, it not being serious enough to require any particular attention or the assistance of the United States Government.

Incorporated towns assumed the expense of fighting the epidemic within their own town limits.

CHICKASAW INCOMPETENT FUND.

Under the provisions of the agreement $558,520.54 were placed to the credit of the Chickasaw Nation, of which $200,000 was appropriated by their legislature and used in the payment of their outstanding indebtedness. Their legislature also passed an act providing for the payment of the remainder of this sum, to be paid out per capita by a United States official. This act was disapproved by the President of the United States, owing to a claim of the heirs of the so-called "incompetents" to a portion of this fund. The Department held that it would have no authority under the then existing law to disburse this fund per capita to the members of the Chickasaw tribe, owing to the claim of these incompetents, but Congress, in the Indian appropriation act, approved May 31, 1900, made provisions for its disbursement as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the act of June twenty-eighth, eighteen hundred and ninety-eight, and credited to the "incompetent" fund of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe, and also the amount of such fund to which they are severally entitled, their respective shares; and, second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

Under instructions from the Department claims under this provision are to be submitted to the United States Indian agent at this place, and in compliance with such instructions the following notice was issued, under date of July 23, 1900:

Notice to Chickasaw citizens.

The Indian appropriation act, approved May 31, 1900, contains the following provision:

[Here followed the quotation of the law as given heretofore on this page.]

It will be observed that it is made the duty of the claimants to satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe and that the Secretary of the Interior is authorized and directed to pay to each person who shall establish his identity the portion of the fund to which he is entitled.

Notice is therefore hereby given that evidence tending to establish the identity of claims of Chickasaw incompetents, or descendants of those incompetents who are dead, will be received at the Union Agency up to and including October 31, 1900,

and all such evidence shall be addressed to the United States Indian agent, Union Agency, Muscogee, Ind. T.

The Chickasaw Nation has a right to file evidence rebutting that filed by any particular claimant, and for that purpose shall be allowed to examine any evidence which may be submitted pertaining to any claimant.

Parties forwarding any claims should set forth in detail treaty, laws, and relationship upon which claims are based and the amount claimed. Before such claims can be considered it will be necessary for parties to satisfactorily establish their claims to such amounts independent of any payments heretorore made by the Chickasaw authorities in 1889 or at any other time.

After October 31 parties having submitted claims will be duly notified of the time when they can personally appear before the United States Indian agent for the purpose of furnishing any additional desired information or proof.

J. BLAIR SHOENFELT,
United States Indian Agent.

These notices were sent to all parties making inquiry and given due publicity, and claims are now being filed.

CHICKASAW WESTERN BOUNDARY.

The agreement with the Choctaw and Chickasaw nations provides the following:

That the United States shall survey and definitely mark and locate the ninety-eighth (98th) meridian of west longitude between Red and Canadian rivers before allotment of the lands herein provided for shall begin.

This meridian is the western boundary of the Chickasaw Nation and separates the Kiowa, Comanche, and Apache and Wichita Indian reservations from the Chickasaw Nation, and under the provisions of the legislation above quoted the Geological Survey, during the past year, reestablished said meridian, and its new location changed the boundary of the Chickasaw Nation very materially, throwing a small portion of the southwest corner of the Chickasaw Nation into the Kiowa and Comanche country, and a strip commencing at a point some 25 miles north of the southwest corner and growing in width to about 2 or 3 miles at the northwest corner of the nation was taken from the reservations named and thrown into the Chickasaw Nation.

Under date of May 23, 1900, the Department directed me to give public notice of the reestablishment of the said meridian and that the recent location of the same was the true dividing line between the said Indian reservations and the Chickasaw Nation, and allowing parties whose improvements were affected by said resurvey to make private disposal of the same to citizens of the tribe within whose reservation or nation the land so occupied was thrown. This notice was issued by me under date of June 6, 1900, and given due publicity, and I understand numerous Chickasaw citizens have made private purchases of improvements of Indians of the Kiowa, Comanche, and Wichita Agency and taken possession of their lands. A certain portion of the lands thrown into the Chickasaw Nation from the Kiowa and Comanche Reservation was covered by grazing leases made by the Department, and all parties were advised that they could not take possession of these lands so leased until the expiration of the time to which pasturage had been paid by such lessees.

CREEKS AND CHEROKEES.

The population of the Creeks aggregates about 16,000 citizens, who have 3,040,000 acres within their territory, while the Cherokees number about 35,000 persons, and the area of their domain is about

5,031,351 acres, although the census of their people has not yet been completed by the commission to the Five Civilized Tribes.

Both of these nations are under the general provisions of the act of Congress approved June 28, 1898, commonly known as the "Curtis act."

The Creeks entered into an agreement with the commission to the Five Civilized Tribes for the allotment of their lands in September, 1897, which agreement was ratified by Congress, but defeated by the majority vote of the Creek people. Subsequently another agreement was entered into and ratified by their people, but not confirmed by Congress. In March last another agreement was effected and submitted to Congress, but as yet it has not been confirmed.

The Cherokees also entered into an agreement in February, 1899, which was ratified by their people and submitted to Congress to be ratified before March 4 of the same year. Subsequently their council extended the time of ratification by Congress to July 1, 1900, but no action was taken in reference to the same. In March last another agreement was entered into and submitted to Congress, but up to this time has failed of confirmation.

The Curtis act provides that the lands in these nations heretofore held in common under tribal laws shall be equally allotted to citizens thereof, making reservations for towns, schools, cemeteries, and other purposes, and also providing that mineral lands should be reserved for allotment and leased for a term of fifteen years under regulations of the Secretary of the Interior, and further, making it a penalty for any person to hold more than his pro rata share of the lands of the tribe until finally allotted to him. The act also abolished the Indian courts of these nations, giving full jurisdiction to the United States courts and directing that all rents and royalties due the tribes should be paid into the Treasury of the United States, under rules and regulations of the Secretary of the Interior, and that all moneys due from the United States Government should not, as previously, be paid to officers of the tribe for disbursement, but that all payments should be made by an officer of the Interior Department.

MINING.

Leases or licenses for the purpose of mining have in years past been granted by the tribal authorities of these nations under authority of their laws, which contracts covered a term of years.

The agreements entered into between these nations and the commission to the Five Civilized Tribes heretofore mentioned, as also those now pending before Congress, provided that all lands should be allotted absolutely to citizens, including any mineral found thereon, and protests have been filed with the Department by the authorities of the nations against the granting of any mineral leases as provided by section 13 of the Curtis act. In compliance with departmental directions, therefore, all interested parties were advised that applications for leases under said Curtis act would only be considered for the particular 640 acres upon which actual improvements had theretofore been made, or money expended in developing and operating mines under former tribal leases.

The Cudahy Oil Company, the Cherokee Oil and Gas Company, and Mr. Benjamin D. Pennington, in August last, filed applications for 290 oil leases of 640 acres each in the two nations, but in view of the

protests of the tribal authorities against the granting of any mineral leases, the Department has not considered the same to the present time. Numerous other applications have also been made for coal, lead, and zinc in both the Creek and Cherokee nations, but, carrying out the policy of the Department, the same have not been considered, but simply placed on file in this office.

Therefore no formal mineral leases under the provisions of the act of Congress approved June 28, 1898, for a term of years, have been granted in either the Creek or Cherokee nations.

I would state, however, that the Kansas and Arkansas Valley Railway was given a permit by the Secretary of the Interior for a term of fifteen years from September 28, 1899, for the purpose of procuring gravel from the bars and bed of the Grand River in the Cherokee Nation, to be used as ballast and otherwise improving the property of the said railway. This permit provided that a royalty of 2 cents per cubic yard be paid the United States Indian agent for the benefit of the Cherokee Nation.

In the Cherokee Nation three permits have been granted, by authority of the Department, allowing parties to continue temporarily to mine coal for the purposes of shipment, where mines had formerly been operated under tribal leases. These parties were John Bullette, of Claremore, Ind. T., Taxanna Wooley, of Tulsa, Ind. T., and W. S. Edwards, of the Horsepen Coal and Mining Company, operating near Collinsville, on the line of railroad recently built to that point. The permit of Mr. Edwards, however, was afterwards revoked, by authority of the Department.

Also, under departmental authority, numerous citizens of these tribes having coal upon lands which they in good faith claim as their prospective allotments, and of which they are in actual possession, have been permitted to mine and sell same in limited quantities, for local consumption only.

In the Creek Nation, under the same circumstances as in the Cherokee Nation, a permit was granted Mr. E. H. Brown, of Dawson, Ind. T., to mine coal to ship, he having also formerly operated his mine near that place under tribal license of the Creek Nation.

A royalty, the same as prescribed in the Choctaw and Chickasaw nations, of 8 cents per ton mine run is paid to the United States Indian agent on all coal mined, and the amount so realized has been $3,856.01 for the Cherokee Nation and $3,023.27 for the Creek Nation from July 1, 1899, to June 30, 1900, which has been placed to the credit of the respective nations.

TRIBAL TAXES.

In the Cherokee Nation taxes are levied as follows:

Citizen merchants are taxed one-fourth of 1 per cent of the first cost of all merchandise as per bills of purchase.

They are also taxed 50 cents per head for all cattle introduced or purchased from noncitizens who have introduced them into the nation and 25 cents per head per annum grazing tax.

Peddlers are taxed 5 per cent of the amount of goods sold.

Noncitizens, traders in Canadian District (being that portion lying south of the Arkansas River) are not required to pay tax. This condition is the result of the operation of the treaty of 1866, under which the Southern (or Confederate) Cherokees returned to the Cherokee Nation, settled in Canadian District, and were guaranteed certain privileges and rights, without reference to the Cherokee council, the right to select traders being one of such privileges.

Itinerant venders of drugs, nostrums, etc., are taxed $50 per month.

A tax of 20 cents per ton is levied upon prairie hay cut for sale or shipment.

The Creek tribal laws provide for the following taxes: On merchants, 1 per cent of first cost of goods or merchandise offered for sale; on physicians, $25 per annum; on lawyers, $25 per annum; the various other professionals and tradesmen are taxed amounts ranging from $6 to $250 per annum.

These taxes are paid to the United States Indian agent, Union Agency, and are by him placed to the credit of the tribe in the United States Treasury.

These tribal laws are still considered in force, and the Department has held that under the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), the tribal officers were prohibited from receiving same, and it became the duty of the Secretary of the Interior, under rules and regulations to be prescribed by him, to collect the revenues due the various nations, and deposit same to the credit of the respective tribes to which they belonged; therefore such taxes are paid to the United States Indian agent and deposited as stated.

Section 16 of the Curtis act provides:

> That it shall be unlawful for any person, after the passage of this act, except as hereinafter provided, to claim, demand, or receive, for his own use or for the use of anyone else, any royalty on oil, coal, asphalt, or other mineral, or on any timber or lumber, or any other kind of property whatsoever, or any rents on any lands or property belonging to any one of said tribes or nations in said Territory, or for anyone to pay to any individual any such royalty or rents or any consideration therefor whatsoever; and all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe to which they belong: *Provided*, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him: *Provided further*, That nothing herein contained shall impair the rights of any member of a tribe to dispose of any timber contained on his, her, or their allotment.

The Department has held under this provision that the revenues due the nations should be collected by the Interior Department.

Section 2058 of the Revised Statutes of the United States also provides:

> Each Indian agent shall, within his agency, manage and superintend intercourse with the Indians agreeably to law, and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, Secretary of the Interior, Commissioner of Indian Affairs, or the Superintendent of Indian Affairs.

Noncitizens of the Creek Nation have endeavored to avoid these taxes, and collections have been made only after repeated notices that nonpayment would result in parties being liable to removal as intruders in the Indian country.

The lawyers located in this nation especially objected to the payment of this tax, claiming they were officers of the United States courts, and were exempt for the reason that, living in incorporated towns, the lands were segregated from the nation, and that the tribal laws, therefore, did not apply within such incorporated limits; also, that the

Curtis act did not authorize the Secretary of the Interior to collect such taxes.

The contention of these parties was submitted to the Department for consideration, and it was held that they were liable for the tax, and I was instructed accordingly. The attorneys, upon being advised of the decision of the Department, sought to have the inspector and Indian agent enjoined from collecting this tax, or removing them from the Territory for nonpayment. A hearing was had before Hon. John R. Thomas, judge, who held that the parties were liable, and sustained the action of the Department as to the validity of the tribal tax.

The case was appealed by the attorneys to the United States court of appeals in the Indian Territory, and the decision of the lower court was unanimously sustained (see Maxey *v.* Wright, decided January 6, 1900, 54 S. W. Rep., 807), the court holding in part that—

> The act of Congress approved June 7, 1897 (30 Stat., 83) provides:
>
> "That on and after January 1, 1898, the United States courts in the Indian Territory shall have original and exclusive jurisdiction and authority to try and determine all civil causes in law and equity thereafter instituted; * * * and the laws of the United States and the laws of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, the said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes."
>
> While it is true that this act had the effect of abolishing the courts of the Indian tribes, which of course included those of the Creek Nation, and regulating all causes of action to the United States courts for trial, yet the executive and legislative departments of the Indian governments were retained, and the treaty provisions and intercourse laws and other statutes relating to the Indian Territory remained in full force. The full control of the Indian Department over those Indian tribes as they then existed was not interfered with, nor were the Indian statutes annulled, except so far as all jurisdiction was taken from their courts and transferred to those of the United States. The power to remove intruders for the causes assigned by treaty provisions or statutory law still remains as before in the Interior Department of the Government, and the act of Congress approved June 28, 1898, entitled, "An act for the protection of the people of the Indian Territory, and for other purposes" (30 Stat., 495), commonly called the Curtis bill, from beginning to end recognizes this continued authority of the Interior Department, and in many instances enlarges it.
>
> The contention that the Creek Nation is not now an Indian reservation is not tenable. Whatever effect the Curtis bill may have had on the Creeks, it has not yet been carried into operation so far as it changes their title to their lands or their tribal relations to the United States. * * *
>
> Nor does the fact that Congress, by the provisions of the Curtis bill, has provided for the creation of cities and towns in this nation, and for the extinguishment of the Indian title to the lands embraced within the limits of such municipal corporations, alter the case, because this provision of that bill has not yet been carried into effect, and the Indian title to such lands still remains in them, and it is yet their country. * * *
>
> On the whole case we therefore hold that a lawyer who is a white man and not a citizen of the Creek Nation is, pursuant to their statute, required to pay for the privilege of remaining and practicing his profession in that nation the sum of $25; that if he refuse the payment thereof he becomes by virtue of the treaty an intruder, and that in such case the Government of the United States may remove him from the nation, and that this duty devolves upon the Interior Department. * * *
>
> We are of the opinion, however, that the Indian agent, when directed by the Secretary of the Interior, may collect this money for the Creeks. The intercourse laws (sec. 2058, R. S., U. S.) provide that:
>
> Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law, and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs."
>
> In this case the Indian agent was acting in strict accordance with directions and regulations of the Secretary of the Interior, in a matter clearly relating to intercourse with the Indians, and when it is remembered that up to the time that the United States courts were established in the Indian Territory the only remedy for the collection of this tax was by removal, that the Indian nations had no power to collect it except through the intervention of the Interior Department, it is quite clear that if in the best judgment of that Department it was deemed wise to take charge of the matter and collect this money and turn it over to the Indians, it has the power to do so under its superintending control of the Indians and the intercourse of white men with them granted by various acts of Congress; and in our opinion that power has not been taken away by any subsequent act of Congress or treaty stipulation. (Appendix No. 13, p. 152.)

An appeal was taken by these lawyers to the United States circuit court of appeals for the eighth district, but which court has not as yet rendered an opinion.

From July 1, 1898, to June 30, 1899, but few remittances were received on account of taxes in the Creek Nation, there being no means of ascertaining what payments were due, or to enforce such payments, but about July 1, 1899, the Department appointed one revenue inspector for each of the Creek and Cherokee nations, each inspector having three assistant or district inspectors, whose duties are to ascertain the names of persons or firms throughout these two nations liable to the tax, see that payments are made, and to investigate and make reports concerning illegal timber cutting, introduction of cattle, etc.

In the Creek Nation from July 1, 1898, to June 30, 1899, before the appointment of the revenue inspectors, there was remitted to the United States Indian agent $4,913.63, while from July 1, 1899, to June 30, 1900, there has been collected from all sources $26,370.19, and the expense of the revenue inspectors in this nation during that time has been $4,884.52. The sources of revenue have been as follows:

Coal royalty	$3,023.27
Merchandise and occupation tax	18,811.27
Pasture tax	4,344.65
Seized lumber	191.00
Total	26,370.19

There are within the limits of the Creek Nation thirty-four towns, villages, or trading posts where those subject to the operation of the Creek license law are engaged in business. The list of persons residing within the limits of the Creek Nation who are subject to the operation of this law includes the names of 549 individuals or firms. These figures do not include Creek citizens, noncitizen Indians, or intermarried noncitizens.

The collection of this tax requires the constant attention of the revenue inspectors, as parties decline to remit until repeatedly requested, both orally and in writing, many contending that the receipts of the business in which they are engaged do not provide sufficient for their living expenses, but they desire to remain here until the country is opened for settlement. A few have closed their places of business rather than pay the required tax. Thus far no removals have been made from the Creek Nation for nonpayment of taxes.

The license law of the Creek Nation provides a tax on each banking establishment of one-half of 1 per cent of the capital stock invested, assessment to be made on the bank on account of the shares thereof. Under this law demand was made of all banks doing business for such tax, but the national banks refused to make payment, claiming they were exempt, and the question was therefore submitted by the Department to the Assistant Attorney-General for an opinion as to whether said tax could be collected, and in case of refusal whether there was

any legal remedy to enforce the collection thereof, and under date of January 25, 1900, the Assistant-Attorney General rendered an opinion which was approved by the Secretary of the Interior on the same date, in which he held that an attempt to make the law on the Creek Nation apply to national banks would come into conflict with the laws of the United States, and that therefore said tax could not be collected.

Under the provisions of the Curtis Act, all former tribal grazing leases in the Creek Nation were made void and terminated on April 1, 1899, and citizens were, therefore, allowed to rent their pro rata shares of the lands of the tribe. Many large pastures or inclosed tracts were therefore selected by citizens who rented such shares to cattlemen, although in many instances such leases did not cover the entire pasture. In such instances, under authority of the Department, settlements were made with the cattlemen for the rent of such land not selected by any citizen, and during the past year ended June 30, 1900, $4,344.65 was so paid for the benefit of the tribe. The necessary investigation of amounts so due has required considerable labor on the part of the revenue inspector.

This work has also brought the inspectors into constant touch with many citizens and others, and has been of material assistance in the settlement of controversies constantly arising. Much time has also been required by the inspectors to make investigations concerning the unlawful cutting of timber, which is now practically under control. During the past year $191 has been paid to the Indian agent for the credit of the tribe for timber unlawfully cut and seized.

In the Cherokee Nation there was remitted from July 1, 1898, to June 30, 1899, prior to the appointment of the revenue inspectors, $3,150.87, while during the past year there has been collected from all sources $19,455.05, and the expense of the revenue inspectors in this nation during this time has been $5,833.01. The sources of revenue have been as follows:

Coal royalty	$3,856.01
Merchandise and occupation tax	5,607.65
Hay royalty	4,474.88
Gravel royalty	100.00
Ferry tax	504.19
Cattle tax	1,956.00
Town lots	74.03
Seized lumber	250.00
Permit tax	2.00
Board of teachers at academies	2,330.75
Unexpended balance school fund	299.53
Total	19,455.05

There are 450 firms of citizens located in 82 towns and villages from whom taxes have been collected, though many refuse to pay until notified repeatedly and finally given a certain time to remit or close their places of business.

In June, however, one W. C. Rogers, a mixed-blood Indian of the Cherokee Nation, and well-to-do citizen, conducting several merchandise stores in said nation, refused to pay the required tax and his place of business was closed, in compliance with Departmental instructions under date of September 22, 1899, to close the place of business of any citizen of the Cherokee Nation who refused to pay the tax due under regulations of the Department, after due notice had been given. Mr. Rogers applied to the United States court for a temporary restraining order against the officials of the Interior Department, and the same was granted, temporarily restraining them from interfering with his business. His store was therefore only actually closed three days.

The hearing on the merits of the case as to the authority of the Interior Department to close his store or collect this tax was had before Hon. Joseph A. Gill, United States judge for the northern district of the Indian Territory, at Vinita, on July 23 last, at which time the case was extensively argued and briefs filed, there appearing eight of the leading attorneys of the northern judicial district for the plaintiff, two of whom were paid attorneys for the Cherokee Nation, and United States District Attorney P. L. Soper appearing for the Government, and who made an extensive argument on the subject. Since that time the merchants generally in the Cherokee Nation have declined to make payment pending the result of this case.

On September 3, 1900, the court rendered its opinion in this case, making the injunction perpetual and holding that section 16 of the Curtis Act, authorizing the collection of "rents and royalties," did not include "taxes," and therefore the Secretary of the Interior had no authority to collect such from a Cherokee citizen.

The complete opinion is attached. (Appendix No. 14, p. 157.)

The tribal laws also provide for an introduction tax of 50 cents per head on cattle brought into the nation, with an additional annual grazing tax of 25 cents per head on all cattle so introduced.

During the past year there has been paid to the United States Indian agent $1,956 from this source.

Many questions and contentions have been made regarding the legality of this cattle tax, and prior to the passage of the Curtis Act it appears the nation collected little, if any, money from such source. It has been found by the revenue inspectors almost impracticable to ascertain the amount due or procure desired information in reference thereto, as interested parties use every means possible to avoid the payment of the tax, rendering it difficult to ascertain whether stock running at large was introduced, or native stock, upon which no tax is assessed.

The Cherokee tribal laws require the payment of 20 cents per ton on all hay shipped from the limits of the nation.

It appears prior to the passage of the Curtis Act the nation collected but little of this tax or royalty. During the year ending June 30, 1899, there was received by the Indian agent only $16.40 from this source, although much hay was shipped. After the appointment of the revenue inspectors, who gave this matter their personal attention, there was received from July 1, 1899, to June 30, 1900, $4,474.88.

Every means possible has been resorted to by noncitizens and others to avoid the payment of this tax. A noncitizen and resident of the Indian Territory was removed therefrom, under section 2149 of the Revised Statutes, for refusal to pay this hay royalty. Subsequently he returned and was arrested for so doing under section 2148 of the Revised Statutes, which provides:

> If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

This case was tried before a jury, who were instructed by the court that the only question for determination was whether he had been

removed and had returned, and as he was present during the trial, acknowledging on the witness stand that he had been removed, which fact was also corroborated by the Indian policeman who had removed him, there did not appear to be much doubt as to his guilt, but the jury could not agree. Subsequently the case against him was dismissed, and he again removed, but was permitted to return temporarily, owing to illness in his family. He has recently asked to be allowed to remain in the Indian Territory, promising a compliance with departmental regulations, and this request has been submitted to the Department for consideration.

The railroads, in compliance with a request from the Department, have issued orders to their station agents in the Cherokee Nation not to receive any hay for shipment until the royalty on same has been paid, and as a consequence payments are now promptly made by shippers.

Recently an action was also brought in the United States court before Hon. Joseph A. Gill, judge, seeking to enjoin the officers of the Department from collecting this hay tax, but no decision in the matter has yet been rendered by the court. Previously it was sought to recover hay seized by the Indian agent for nonpayment by replevin proceedings before the United States commissioner, but the matter was decided in favor of the Government, not permitting the plaintiff to procure possession of the hay.

In connection with the action of the Department in collecting the revenues of the Cherokee Nation, in December, 1899, the national council of the Cherokee Nation passed an act, which was approved by the principal chief on December 5, 1899, authorizing and requesting the Secretary of the Interior to collect all revenues due or which might become due to the Cherokee Nation under its tribal laws, and also authorizing the Secretary of the Interior to make such rules and regulations as he might deem advisable for the more certain and speedy collection of said revenues. This act, however, was disapproved by the President of the United States on January 6, 1900, for the reason that the Department held that the authority of the Secretary relative to the revenues of the Cherokee Nation is clearly defined in section 16 of the Curtis Act, and that no act of the Cherokee council could enlarge or modify the authority given by an act of Congress.

Much time of the revenue inspectors has also been spent in investigating reports and procuring evidence concerning illegal timber cutting in the Cherokee Nation.

EDUCATION.

The act of Congress approved June 28, 1898 (30 Stat., sec. 19, 495), provides:

> That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under the direction of the Secretary of the Interior, by an officer appointed by him, and per capita payments shall be made direct to each individual in lawful money of the United States, and the same shall not be liable for the payment of any previously contracted obligations.

Under this provision the Secretary of the Interior assumed supervision of the schools of the Creek and Cherokee nations, under the direction of the superintendent of schools in the Indian Territory, with a supervisor located in each nation.

The Cherokees maintain 3 boarding schools, which are large, substantial, 3-story brick buildings, built at large expense. They also have a colored high school, and the enrollment of these 4 schools during the nine months of the past year has been 438, with an average attendance of 332, costing $45,755, or $137.81 per capita. They have also maintained, seven months of the year, 124 neighborhood or day schools, with an enrollment of 3,920 and an average attendance of 2,195, at a cost of $30,380, or $13.98 per capita, making a total enrollment of 4,358 pupils, with an average attendance of 2,527, at a cost of $76,135. It is estimated that there are about 8,340 Cherokee Indian children of school age.

In the Creek Nation there has been maintained nine months during the year 9 boarding and 55 neighborhood or day schools. The boarding schools have had an enrollment of 640 pupils, with an average attendance of 506, at a cost of $52,433.65, or $113.92 per capita, while at the neighborhood schools there has been an enrollment of 1,745, with an average attendance of 1,042, costing $13,223.42, or $12.68 per capita, making a total enrollment of 2,385 pupils attending all the schools, with an average attendance of 1,548, at an aggregate cost of $65,657.07.

The schools in the Creek and Cherokee nations are conducted under the tribal laws, and under the supervision of the general superintendent of schools in the Indian Territory, and supervisors, who also hold the examinations of teachers, and see that only competent persons receive appointments to such positions.

Appropriations are made by the respective councils of the nations for the maintenance of schools, and warrants are issued by the principal chiefs in accordance with their laws in payment of services of superintendents and other employees and support of the different schools. These warrants are approved by the supervisor of schools for each nation before being circulated, and the accounts for all expenditures are also investigated and approved in like manner. Warrants are paid by the United States Indian agent semiannually, from interest on funds of the tribes held in trust by the United States Government.

The agreements with these nations now pending before Congress make ample provisions for schools and the manner of conducting the same.

TOWN SITES.

No towns have been surveyed and platted in the Cherokee Nation under the provisions of the Curtis Act.

In the Creek Nation there have been two townsite commissions appointed, one for Muscogee and one for Wagoner, each commission consisting of three persons, one appointed by the Secretary of the Interior, one to represent the tribe, and one selected by the town. Both of the above-named towns were visited with disastrous fires, and the residents therefore asked that townsite commissions be appointed to survey and plat the same according to Government survey before rebuilding. The commission for Muscogee was appointed in April, 1899, consisting of Mr. Dwight W. Tuttle, of Connecticut, chairman; Mr. John Adams, appointed on behalf of the town, and Mr. Benjamin Marshal, a Creek citizen, representing the nation, appointed by the Secretary of the Interior, the principal chief declining to make the appointment under the terms of the Curtis Act.

The plat of Muscogee has been approved by the Department, and includes 2,444.76 acres. Appraisements have also been made and approved by the Secretary of the Interior. The appraisements of lots aggregates $236,136, and the expense of the commission to August 1, 1900, has been $15,022.57.

The law requires that all vacant or unimproved lots shall be sold at public auction at not less than their appraised value, while the holders of improved lots are permitted to purchase same at one-half of their appraised value, 10 per cent of which must be paid within two months from notice, and in the event of nonpayment lots are to be sold at auction. Such notices to holders have been issued by the commission, but on August 23, 1900, the principal chief of the nation, in conjunction with a citizen holder of a lot, made application to the United States court to have the commission enjoined from advertising or selling any of the lots, alleging illegality of the Curtis Act, and claiming the nation has not yet given consent for the sale of any lots or lands of the tribe. This application for injunction was granted temporarily by Hon. John R. Thomas, United States judge, on August 25, 1900, he holding practically that the Curtis Act is unconstitutional and that no action leading to the disposition of any of the property or lands of the tribe could be taken by the United States Government or by Congress without an agreement or the consent of the nation. The Department has therefore furloughed the members of the commission indefinitely without pay.

The commission at Wagoner was appointed in August, 1899, and consists of Dr. H. C. Linn; Mr. John H. Roark, on behalf of the town, and Mr. Tony Proctor, a Creek citizen, appointed by the chief of the tribe. The plat of this town has just been completed, although the appraisements have not yet been agreed upon by the members of the commission. The area of this town as surveyed and platted is 2,700 acres, and the expense of the commission to August 1, 1900, has been $9,967.16.

SMALLPOX.

Cherokee Nation.—While smallpox was reported early in the winter in the Choctaw Nation, it was not brought to the attention of this office to any extent until in the spring of 1900 in the Cherokee Nation, when it was reported among the Indians in the rural districts, about 18 miles east of Vinita, and before the danger was recognized there were about 65 cases reported in that vicinity.

Prompt steps were taken at once to look after the disease, and the board of health of the nation was given full charge of the supervision of the disease, and several United States policemen detailed to assist them in the enforcing of their orders. The principal chief directed the board to use every possible effort to eradicate the disease, and to cooperate with the Government officials of this Department.

While the disease was of a mild form, there was no doubt as to its being smallpox, and the exceptionally warm winter without question prevented the cases from being as serious as is usually the case.

It was stated that the most serious outbreak was in the Choctaw Nation, and this is probably true, considering the class of patients treated and the difficulty in quarantining towns and camps, but viewing the matter from the standpoint of length of time the disease raged it was quite serious in the Cherokee Nation, it only commencing in April, 1900, and there being treated after that time over 800 cases.

Considerable difficulty was experienced for a time over the methods and authority of the board in their action in preventing the spread of this disease, but the people soon realized the importance of the work of the board, and the disease was gradually stamped out.

The larger per cent of the cases treated in this nation were United States citizens, and the expense incident thereto will be paid from the appropriation made by Congress in the Indian appropriation act approved May 31, 1900, while the expense incurred in the treating of Cherokee citizens will be borne by the Cherokee Nation. The accounts, as submitted by the board of health, are now undergoing investigation prior to their submission to the Department.

The Indian agent, in his report submitted herewith, goes into detail concerning the work of suppressing the smallpox in this nation, and attention is invited thereto.

Creek Nation.—Under directions of the Department, the United States Indian agent, under supervision of this office, upon the breaking out of smallpox in the Creek Nation in November, 1899, immediately took charge of suppressing the disease, and placed Dr. F. B. Fite, a physician of Muscogee, in direct charge, and camps were established and other necessary steps taken to eradicate the epidemic, such as quarantining infected districts, vaccinating, etc. Dr. Fite, therefore, continued in charge of this work until about the middle of March, 1900, when the matter was turned over to the board of health of the Creek Nation, under the direction of the principal chief, and this board continued in charge until the disease was finally stamped out.

The outbreak in the Creek Nation was principally among Indians, and for that reason it was difficult to control; but the number of cases treated was quite small compared with the Choctaw and Cherokee Nation, therefore the expense incident thereto was considerably less.

The accounts for this indebtedness, like those for the other nations, are being investigated, and will in due time, when all are prepared for submission, be transmitted for the approval of the Department.

In connection with the epidemic in the Creek Nation, it is a notable fact that in the locality where smallpox raged the winter preceding, the expenses of which were authorized and paid by the Department, there was no smallpox during the recent epidemic, the disease being confined to entirely different districts.

Considerable trouble was experienced at times to procure the services of competent physicians to make necessary investigations or attend to cases in infected districts, owing to exposure to disease and a consequent loss of their own practice.

The United States Indian agent goes fully into the treatment of the disease in his report, and I would respectfully refer to the same.

The expense of suppressing the disease in incorporated towns was assumed by the towns in both the Creek and Cherokee nations.

CONSTITUTIONALITY OF THE CURTIS ACT.

On May 15, 1900, Hon. John R. Thomas, United States judge, in the case of John McGrath *v.* Lem Aldridge et al., involving possession of Cherokee lands—the defendant having taken possession of a part of the plaintiff's land, alleging in justification thereof that the latter was in possession of more than he was allowed by the Curtis Act—handed down the following opinion, holding that the Curtis law was in conflict with the Constitution of the United States—that no person shall

be deprived of his property without due process of law—and therefore wholly inoperative to take away a portion of the citizen's holding upon the plea that he was holding more than his proportionate share of the tribal lands:

The agreed statement of acts presents the question of the right of a citizen not in possession of land in the Cherokee Nation to take possession of lands of the Cherokee Nation without reference to the fact that another party has it in his possession for the purpose of making a homestead.

This land of the Cherokee Nation was patented to them by the Government of the United States, and by virtue of the several treaties entered into between the Government of the United States and the Cherokee Nation it was provided that the Cherokee Nation should have the right of government in all domestic affairs. It is provided by the first treaty entered into between the Government of the United States and the Cherokee Nation, and the same provision has been ratified in each succeeding treaty, that no law passed by the Cherokee Nation should be in violation of the Constitution of the United States. If the Constitution of the United States of its own force does not become operative over all possessions of the United States, that matter has been disposed of by agreement, and it does not come within the same rule which is claimed to govern the island of Porto Rico on the one hand or the Philippine Islands on the other. This is a government of the people, by the people, and for the people, and the fundamental law governing a people governs every inch of their possessions.

The Constitution of the United States is put in force here. The Cherokee law provides, among other things, that citizens of the Cherokee Nation may go upon the public domain and make improvements, and that these improvements become an inheritable estate. It is provided by the constitution of the Cherokee Nation, and this is not in conflict with the Constitution of the United States, that the improvements made by a citizen of the Cherokee Nation are not subject to attachment or sale under execution. It is a vested property right. By provision of the fifth article of the amendments to the Constitution of the United States it is provided that a person shall not be deprived of life, liberty, or property without due process of law. The Supreme Court of the United States and other courts of last resort have decided that an act of Congress is not "due process of law." In order to be due process of law there must be an action brought in a court of competent jurisdiction, where the rights of the plaintiff are presented on one hand and the rights of defendant are presented by way of answer, and then the question at issue be determined judicially by the court. That has been decided to be due process of law. The Congress of the United States has endeavored in the seventeenth and eighteenth sections of the Curtis Act to say that citizens subject to the Constitution, its amenities and protection, may be deprived of property which the law of the Cherokee Nation and the Constitution of the United States authorizes them to hold and enjoy, without due process of law. This court decides that that can not legally be done.

The court further decides that one citizen can not take it upon himself to determine that another man has in his possession more than his proportionate share of the public domain of the Cherokee Nation. There is not a man alive to-day who can say what the proportionate share of a citizen of the Cherokee Nation is. That is a matter that can only be determined when allotment is made, or when the public domain has been measured—when it is known exactly how much there is of it, and when a census has been made and it is known to the single individual the number of Cherokee citizens. Then and not until then would it be possible to determine what the proportionate share of a Cherokee citizen is.

The court will not say that the Cherokee Nation, by proper process, might not proceed to condemn—if it were discovered after allotment that a man had in his possession more than his proportionate share—that the Cherokee Nation as a government and as the representative of this common property might not proceed to have this property condemned, giving compensation to the owner of the property for his improvements, and then throw it open for settlement or selection as a part of the public domain, but he can not be deprived of it without due process of law, and until it is determined that he has more than he is entitled to even the Cherokee Nation can not have him dispossessed. One citizen can not say: "Here, John Jones, you have more than you are entitled to. I have been lazy and improvident and have not tried to get a farm. You have gone to work and opened out this possession and made the improvement under the law. You have more than your share, and I am going to take it for my home." John Jones says: "You will not take it until I have been paid for my improvements."

The Curtis bill is very sweeping. It contains many provisions and is capable of many constructions. It is the first serious attempt the court has ever seen of Congress attempting to repeal an amendment of the Constitution by an act of Congress. But the court is of the opinion that the Curtis bill does not repeal the Constitution of the United States, nor any of its provisions, and is wholly inoperative, since the Cherokee Nation has not entered into a treaty authorizing the allotment of their common property.

What the condition of affairs might be if there had been a treaty entered into between the Cherokee Nation and the United States Government authorizing the allotment of their lands—disturbing the present title—is quite another thing. This land was bought and paid for by the Cherokee Indians with their own money and their own property. It was patented to them. It has been urged that Congress has the right to govern them as it sees fit; that they are wards of the Government, in other words, minors, and that the Government has the right to rule them; but it appears to me that that view would hardly be justified by law, and in fact the court thinks it could not be tolerated for a minute. These Indians were regarded as of age and able to contract when the Government bought their property from them, when they bought the Cherokee Strip and their lands in Georgia and Tennessee. The plea of infancy can only be pleaded by the infant and not by the other party. The Government can not plead that these are infants, since the Government by its own contract recognizes their right to contract.

On May 22 last I transmitted a copy of this opinion to the Department, which was referred to the Assistant Attorney-General for the Interior Department, who, under date of June 26, 1900, rendered an opinion, approved by the Department, wherein he expressed the opinion that the Department should proceed with the administration of the act, leaving the question of its constitutionality, and the authority to proceed thereunder, to be determined when it shall be raised in connection with some action taken in compliance with its requirements.

In this connection I would refer to the directions of the Department to the Muscogee town-site commission, through this office, to proceed with the sale of town lots under the provisions of the Curtis Act, and to the fact that an application for injunction was brought before Judge Thomas, and the same granted as stated in my report heretofore, referring to town sites in the Creek and Cherokee nations, the court again holding that the Curtis Act is unconstitutional.

Again on July 9, 1900, in an action brought before Judge Thomas at Muscogee, to restrain the officers of the Interior Department from interfering with the property of a Creek citizen, in a case where the Indian agent had taken steps to remove a fence from lands filed upon by another Creek citizen, a temporary order was granted, and the court virtually held that the Curtis Act was unconstitutional, and that no property of a citizen could be taken from him except by due process of law, that an act of Congress was not due process of law, and the said Curtis Act was inoperative because the Creek Nation had not entered into an agreement authorizing the allotment of their common property.

As yet, however, the case has not been heard on its merits, or the restraining order made permanent.

In this connection, and as one of the results of the decisions of Judge Thomas concerning the constitutionality of the Curtis act, I would respectfully quote herewith a copy of a newspaper item, which has been printed in a number of the local papers in the Territory, and daily papers of Kansas City and St. Louis, Mo., having circulation in this locality:

Court notes.—As the Curtis bill has been declared null and void, I hereby give notice to all Cherokee citizens that I will convene court in Claremore the first Monday in January, 1901, and all Cherokee citizens will govern themselves accordingly.—WATT STARR, *Judge, Cooweescoowee District.*

It would seem, however, that the United States Supreme Court, in the case of Stevens *v.* Cherokee Nation (174 U. S., p. 445), had practically passed upon the question of the constitutionality of the Curtis act. Although the case deals principally with the question of citizenship, the court quotes various sections of the Curtis act, and states:

* * * Conceding the constitutionality of the legislation otherwise, we need spend no time upon it.

Also:

* * * But it is "well settled that an act of Congress may supersede a prior treaty and that any questions that may arise are beyond the sphere of judicial cognizance, and must be met by the political department of the Government." (Thomas *v.* Gay, 169 U. S., 264,271, and cases cited.) * * *

The judgments in these cases were rendered before the passage of the act of June 28, 1898, commonly known as the Curtis act, and necessarily the effect of that act was not considered. As, however, the provision for an appeal to this court was made after the passage of the act, some observations upon it are required, and, indeed, the inference is not unreasonable that a principal object intended to be secured by an appeal was the testing of the constitutionality of this act, and that may have had controlling weight in inducing the granting of the right to such appeal.

The act is comprehensive and sweeping in its character, and notwithstanding the abstract of it in the statement prefixed to this opinion, we again call attention to its provisions. * * *

The twenty-sixth section provided that, after the passage of the act, "the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory;" and the twenty-eighth section, that after July 1, 1898, all tribal courts in the Indian Territory should be abolished.

The court concludes with the remark:

As we hold the entire legislation constitutional, the result is that all the judgments must be affirmed.

TRIBAL GOVERNMENTS.

Creek Nation.—The laws of this nation provide for the following officers:

Principal chief, second chief, auditor, superintendent of public instruction, private secretary to chief, janitor at capitol, and superintendents of six boarding and two orphan schools. The principal and second chief are each elected for four years by popular vote; the auditor, superintendent of public instruction, and janitor are selected by the national council; the private secretary is appointed by the principal chief, and the superintendents of boarding and orphan schools are appointed by the superintendent of public instruction.

The lawmaking body consists of a "House of Kings" (senate), with 47 members, and a "House of Warriors" (house), with 97 members, making what is known as their general council, and these members are elected by popular vote each four years, and who receive compensation of $4 per diem and 10 cents per mile.

During the past fiscal year the council of the Creek Nation met in regular session in October and November, and the appropriation made by the council for its own expenses amounted to $22,281.15. In view of the fact that the newly elected principal chief took office on the 1st of December, he immediately called a special session of the council, and the appropriation made by such council for its own expenses amounted to $7,629.60, making the total expenses for the maintenance of council alone, for its two sessions, the same being in session about forty-seven days, of $29,910.75.

The other appropriations made by these councils for the general expenses of the Creek Nation amounted to $32,377.17, making a total for the support of the tribal government of $62,287.92, in addition to the appropriation of $88,338.97 made for schools.

As provided by the act of Congress approved June 7, 1897, all the acts of the Creek and Cherokee councils are required to be submitted to the President of the United States for executive action, and therefore all these appropriation acts and other laws passed by the Creek Nation have been submitted for executive action through this office, and report thereon made to the Department.

In this connection I would state that the council of the Creek Nation during the past fiscal year passed no laws which made any changes in their government, the only acts which were passed being appropriations, with the exception of two, one providing for the taking of the census, and another defining citizenship, which were disapproved by the President for the reason that they would be in direct conflict with the United States laws providing for the taking of the census and determining of citizenship in the Creek Nation by the commission to the Five Civilized Tribes.

Cherokee Nation.—The Cherokee laws provide for the following general officers: Principal chief, assistant chief, treasurer, auditor (each four years, elected by popular vote), three executive secretaries, and three members of the board of education, appointed by the principal chief.

Their lawmaking body consists of a senate, 18 members, and a council (or lower house) of 40 members, all elected every two years, who are allowed $3 per day while in attendance at the national council.

During the fiscal year ended June 30, 1900, the council of the Cherokee Nation was in regular session during November, 1899, and inasmuch as the new principal chief went into office on the 1st of December, a special session was called during that month. The appropriations made for the expenses of the November session amounted to $14,898.50 and of the December special session to $3,450.40, making a total for the councils of $18,348.90. In addition to these appropriations, acts were passed providing for the payment of the general officers and expenses of the Cherokee Nation, amounting to $12,199.36, making a total for the general expenses of the nation, without schools, of $30,548.26. The appropriations for the support of schools made by these councils amounted to $90,637.72.

The act of Congress approved June 7, 1897, also requires the submission of all acts of the Cherokee council to the President of the United States for executive approval, and therefore all of these appropriation and other acts were submitted to the Department through this office for such action.

Few acts were passed by the sessions of the Cherokee council above mentioned except appropriations. The more important of the acts other than appropriations were the following:

An act to extend the time allowed Congress to ratify the agreement dated January 4, 1899, which was approved by the President on December 22, 1899. An act for the purpose of disposing of certain jail property belonging to the nation, approved by the President on December 22, 1899. An act repealing section 49 of the Compiled Laws of the Cherokee Nation, regulating the manner of issuing warrants and the payment of interest thereon, which was approved Jan-

uary 5, 1900. An act to make an investigation of the auditor's office, which was approved on January 13, 1900.

Choctaw Nation.—The tribal officers of the Choctaw Nation consist of the following: Principal chief, elected every two years, supreme court, national secretary, treasurer, auditor, attorney, and superintendent of public instruction. They also have a complete judiciary and police system.

Their national council is composed of a senate and house of representatives, elected by popular vote—senators for two years and representatives for one year—all of whom receive $5 per diem while the national council is in session.

Under the agreement entered into between the Choctaw and Chickasaw and the United States, as ratified in section 29 of the act of Congress approved June 28, 1898, all acts of the Choctaw and Chickasaw nations in any manner affecting the laws of the tribe or individuals or the moneys or other property of the tribe or citizens thereof, except appropriations for the regular and necessary expenses of the governments of the respective tribes, shall not be of any validity until approved by the President of the United States.

Under this provision all acts of the Choctaw council are submitted to this office for transmission to the Department for Executive action, with the exception of the appropriation acts providing for the general expenses of the Choctaw government.

During the past fiscal year the Choctaw council submitted about thirty acts, covering different subjects, all of which were transmitted with reports.

The appropriations made by the Choctaw council, as shown by an act a copy of which they have furnished for my information, but which was not required to be submitted to the President, for the support of their tribal government, shows the sum of $10,000 having been appropriated for the expenses of their national council and about $7,590 for the general officers and expenses and about $19,900 for their tribal courts.

Chickasaw Nation.—The tribal officers of the Chickasaw Nation consist of the following: Governor, elected every two years; national secretary, treasurer, auditor, sheriffs, school superintendent, and a complete judiciary—supreme, district, and county courts—and police system.

Their legislature is composed of senators and representatives, elected every two years and every year, respectively, by popular vote, who receive $4 per diem while the council is in session.

The same law, as set out in the agreement heretofore referred to, provides for the submission of all Chickasaw acts excepting those made for the regular and necessary expenses of the tribal government.

During the past year there have been submitted about twenty acts of the Chickasaw legislature, which have been reported on by me and forwarded to the Department for Executive action, as provided by law. These acts covered various subjects, but none of them materially changed their existing laws.

I have no data at hand showing the amounts appropriated for the expense of their tribal government, but from correspondence with parties who desire Chickasaw warrants paid it appears that the finances are in bad shape, doubtless caused by nonpayment of tribal taxes.

GENERAL.

The prime object of the Government, and the most important work to be accomplished in the Indian Territory, is the allotment of the lands in severalty of citizens of the Five Civilized Tribes.

The agreement with the Choctaw and Chickasaw provides that—

> The United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee.

Section 3 of the Curtis Act also provides in part as follows:

> That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January first, eighteen hundred and ninety-eight, may, as to lands not exceeding in amount one hundred and sixty acres, in defense of any action for the possession of such lands, show that he is and has been in peaceable possession of said lands, and that he has while in such possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such person should be charged the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amounts of rents exceed the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue.

For years citizens of these nations have rented or leased lands to white persons, many in violation of tribal laws and without any authority whatever, and but few, if any, of these leases have been properly executed or conditions complied with, the Indians, especially full-bloods, having received practically nothing for the use of the lands, while the person now in possession claims protection under section 3, above quoted. Therefore the only manner by which the Indian can secure possession of his land is to institute suit in the United States court. Many Indians, being absolutely without means, are unable to give bond or employ attorneys to prosecute their claim, and therefore can not in any way obtain possession of their lands.

Indians are continually appealing to the Indian agent, and where it is shown that parties holding lands have no lease or contract whatever they are removed, as authorized by the Department. In other instances, however, the agent is powerless to assist the Indian, though the contract with the noncitizen may be illegal and made with some other Indian who has moved elsewhere.

Investigation has invariably demonstrated that the person in possession has not complied with his contract, and a settlement would show in every instance considerable due the Indian.

In this connection the Department has uniformly ruled that section 3, above quoted, must be administered by the court and not by the Department.

As a matter of fact, nearly every noncitizen in possession of Indian lands claims to have made "lasting and valuable improvements thereon" and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for the improvements; and further, that he can only be removed by proceedings in court on the part of the Indian.

The United States court, by reason of crowded condition of the dockets, can not take up any of these cases for several years. In the meantime the Indian is deprived of possession of his lands.

To remedy this condition of affairs, I respectfully suggest and recommend that section 3 of the Curtis Act be modified to authorize the Secretary of the Interior to investigate such contracts, and where facts will warrant, that the noncitizen be removed, and that where he feels aggrieved with the findings he may appeal to the United States court to retain possession, giving bond therefor, thereby placing the burden upon him and not upon the Indian.

The commission to the Five Tribes, when making allotments, could, through their representatives in the field, make the necessary investigation, and where removals were desired of persons in possession "objectionable to the allottee," the same could be accomplished by the Indian agent through his police.

As it is expected that the work of allotment will begin next year in the Choctaw and Chickasaw nations, and as many citizens in the Creek Nation who have received certificates of allotment from the Commission to the Five Tribes are not able to secure possession of their lands, this matter is of the utmost importance in order that the work of allotment, and citizens placed in possession thereof, can proceed as rapidly as possible.

To enable the Indian agent to place allottees in possession and to remove unauthorized persons will require the entire aid of several policemen. The agent asks that his present force of 28 men, who receive $15 and $10 per month, be reduced to 11 members, the captain to receive $75 and 10 privates to receive $50 per month each, together with their necessary traveling expenses. As the complicated condition of affairs in the Indian Territory, compared with the ordinary duties of police on Indian reservations, will require the entire time of a limited number of police who should be men of discretion, I urgently recommend that Congress be asked to make provision for additional compensation for police, as above indicated.

Under existing laws Indians are also permitted to rent their proportionate share of tribal lands until allotments are made, and to also lease them thereafter.

A large majority of citizens are fully competent to protect their own interests in making leases or renting lands, but many of the citizens who are Indians by blood should be protected.

The vast number of improper lease contracts now in existence and the complications arising in the Indian getting possession of his lands, which will be repeated in new leases unless the Indian is protected to some extent, demonstrates the advisability of having some proper officer of the Government approve leases made by citizens of Indian blood, as is done in neighboring reservations.

The present condition of many of these Indians, who are ignorant and no few absolutely destitute, would seem to demand, as an act of humanity, that they at least receive protection from the Government in their dealings with white persons for some time to come, and which has not been accorded them in the past by their own governments. The AssistantAttorney-General has held, in a recent opinion that the Secretary of the Interior was not required by law to approve leases or contracts, and I therefore urgently recommend that Congress be asked to authorize the Secretary of the Interior to approve contracts made between Indians by blood and white persons, where found desirable, so long as it is considered necessary for their protection, and that the Indian agent be directed to approve such contracts.

WHITE PERSONS.

It is estimated that there are at least 350,000 white people, not citizens of any tribe, in the Indian Territory, who came here with the consent of the Indians. They have erected their homes here, made farms, and, in many instances, erected substantial residences and fine business blocks in many towns throughout the Territory. All are required to pay a tax where engaged in business or profession for the benefit of the nation in which they are located.

In the Choctaw and Chickasaw nations such taxes are paid to the authorized agents of the nations. In the Creek and Cherokee nations such taxes as are prescribed by their laws have been received by the Indian agent under regulations of the Department.

The Choctaw laws fix a tax of 1½ per cent upon the value of goods introduced for sale on merchants, and also 50 cents per ton on hay cut for sale or barter.

Cattle are not permitted to be introduced into the Choctaw Nation by their laws except during the months of November and December, and then only to be kept within feed pens and inclosures. A citizen is to be fined $5 per head for violation of this law, and noncitizens reported to the United States authorities for prosecution under section 2117 of the Revised Statutes or removal from the nation.

The Chickasaw laws provide for the payment of 1 per cent of capital employed on all merchants, but no tax on hay cut and disposed of. A tax of 25 cents per head is assessed on cattle introduced.

The Creek laws provide for a tax of 1 per cent of goods offered for sale, and no tax on hay cut, nor is any tax collected on cattle introduced.

The Cherokee tax their own citizens one-fourth of 1 per cent on first cost of goods where engaged in business, and also provide a royalty of 20 cents per ton on hay shipped from the nation, 50 cents per head on cattle introduced, and 25 cents per head annual grazing tax.

These taxes should be uniform throughout the Territory.

In the Choctaw and Chickasaw nations, where collections are made by tribal officers, noncitizens have combined together and nearly all refuse to pay the required tax, and the matter has been the subject of much correspondence between this office and the Department with officers of the nations and noncitizens. There have also been several removals from the limits of these nations of persons for nonpayment, and over 700 names of others refusing to pay have been submitted to the Department, although repeated notice has been given them that the Department and Assistant Attorney-General hold such taxes are valid so long as these tribal governments exist, which, under provision of their agreement, is to continue for eight years from March 4, 1898.

Nearly all of the noncitizens contend that these taxes are illegal, and are so advised by attorneys. It is also represented that the taxes are excessive, and that previous to the agreement they never were uniformly enforced, many "compromising" with collectors, and that but a small portion of amounts paid reached the treasuries of the respective nations.

In the Creek and Cherokee nations where collections are made by

the Department there has been even more opposition, and few if any remittances have been made until police officers have been instructed to close places of business. Two removals from the Cherokee Nation have been made, and the legality of the collections by the Department continually contested in the courts.

No provision is made for the education of children of these white people, except in some instances where they have themselves provided schools, and while paying taxes to the Indian nations none of the money so paid is used for the benefit of their children.

In view of all these circumstances, and as officers of the Choctaw and Chickasaw nations are unable to collect taxes due, and to avoid the continual friction between whites and Indians, I respectfully renew the recommendations made in my last annual report—that the present system and rate of taxes be changed, and that in lieu thereof a uniform system of taxation be fixed upon noncitizens and others engaged in business, introducing stock, etc., to be collected by rules and regulations of the Department and used for the common good, including improvements of roads, education of children of noncitizens, after providing for necessary wants of Indians, including such allowance as may be found advisable for expenses of their governments, and that the property be attached for nonpayment instead of removals from the Territory, the only means of enforcing the payment of taxes. I believe such system would meet with general satisfaction so long as these tribal governments exist, or until this Territory shall become a State.

It has been considered that such changes would be a violation of the existing agreement with the Choctaw and Chickasaw nations, which provides that their governments shall continue for eight years. The agreement, however, states that such provisions "shall not be construed to be in any respect an abdication of Congress of power at any time to make needful rules and regulations respecting said tribes."

While these nations would undoubtedly prefer to collect and handle their own revenues, and would protest against any change, yet if the Government is to see that collections are made such measures as may seem most desirable to accomplish that end should be adopted. As heretofore stated, the tribal authorities are unable to collect the taxes and the only penalty for nonpayment is removal.

In the Creek and Cherokee nations it is contended that the Curtis act does not authorize the Secretary of the Interior to collect revenues due such nations as prescribed by their tribal laws. The conditions are becoming more complicated in reference to this tax throughout the Territory, and certainly can not exist as at present for several years hence, and especially if the courts sustain the contention that taxes can not be collected after title passes to the noncitizen for town lots.

FINANCE.

The total amount of receipts, deposits, and disbursements made by the United States Indian agent, under supervision of this office, as shown in his more detailed report, aggregated $825,020.76 during the past fiscal year. The collections made from all sources by the agent for the Choctaw and Chickasaw nations during this time amounted to $150,728.98, and of this amount, as heretofore stated in this report under the head of "Mining in the Choctaw and Chickasaw nations," $138,486.40 was for royalty on coal and asphalt.

From the revenues on such coal and asphalt, which by the agreement are to be used only for the education of children of Indian blood, there has been paid out in connection with the schools of the Choctaw Nation during the past fiscal year the sum of $92,881.95, as shown by the report of the superintendent of schools, and of this sum $59,362.15 was disbursed by the United States Indian agent and the balance by the Department on certified vouchers. In addition to this amount, claims for expenses of Choctaw schools prior to the time they were taken charge of by the United States, and since the ratification of the agreement, have been submitted to be paid by the Department direct, amounting to $12,571.67.

The compensation and expenses of the superintendent of schools and the several supervisors are remitted them direct from the Indian Office, they being disbursing officers, and I am not advised as to the proportions of the several funds from which they are paid.

There was also paid $69,710.08, on account of outstanding indebtedness of the Choctaw Nation, from the appropriation of $75,000 made by Congress from the funds in the United States Treasury belonging to said tribe.

The total amount of collections from all sources in the Creek Nation during the year was $26,370.19.

In the Cherokee Nation there was collected from all sources the sum of $19,455.05.

There has been paid the sum of $246,673.83 in retiring outstanding Creek warrants and $152,198.50 in interest on and retiring Cherokee warrants. For suppressing smallpox in the Creek Nation in the spring of 1899 $3,964.10 was also disbursed.

The Creek and Cherokee warrants are drawn by the principal chief of each nation, and are for the purpose of maintaining their governments and schools.

In view of the fact that these warrants are to be paid by a disbursing officer of the United States, and as a record of all appropriations is kept in this office when they are transmitted to the Department for executive action, under regulations of the Secretary of the Interior, the warrants issued by these two nations are required to be submitted to this office for examination and approval before being circulated. The warrants issued for expenses of schools are approved by the supervisors for the respective nations. Warrants issued for other and general purposes are approved by the United States Indian agent.

The Creeks have but a small outstanding indebtedness at present, as the interest on their funds in the United States Treasury, together with their revenues, nearly equals their annual expenditures.

The Cherokees, however, have an outstanding indebtedness of over $800,000 in warrants, which are held in various parts of the United States, from Maine to California, and draw interest at the rate of 6 per cent, while they receive but 5 per cent and less on their invested funds from the United States, which interest does not appear to be sufficient to meet their yearly expenditures and at the same time pay the interest on their outstanding indebtedness.

The Cherokees have four separate and distinct funds, and the large amount of outstanding warrants above mentioned applies in the main to the general fund. The interest on their school, orphan, and insane funds nearly covers the expenses under those heads.

I therefore renew my previous recommendation that Congress be asked to permit a sufficient amount of the funds of the Cherokee Nation to be withdrawn from the United States Treasury with which to pay all their outstanding indebtedness.

ROADS.

Throughout the Territory there are many roads or highways used by the general public and for the carrying of the mail.

In the allotment of lands it appears that no provision is made for such, consequently roads are continually being fenced by citizens. This has been the subject of much correspondence and investigation, and I therefore renew my previous recommendation that some legislation be enacted providing for roads, and suggest that 30 feet along each side of section lines, making a 60-foot highway, be reserved throughout the Territory for necessary roads. It is desirable that such be done before allotments are made.

ESTRAYS.

I also renew the recommendation submitted in my last annual report that Congress be asked to apply the "estray" laws of Arkansas, as set forth in Mansfield's Digest, to the Indian Territory.

NEW TIMBER LEGISLATION.

Heretofore the United States and tribal laws and the regulations of the Department prohibited the cutting of timber for the purpose of sale, or for any use except that of an Indian in improving his prospective allotment, but the last session of Congress passed an act providing for the procurement of timber and stone for domestic and industrial purposes in the Indian Territory, which act was approved on June 6, 1900, and is as follows:

AN ACT to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from lands belonging to either of the Five Civilized Tribes of Indians, and to fix the full value thereof to be paid therefor, and collect the same for the benefit of said tribes; and every person who unlawfully cuts, aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, or sells or transports any of such timber or stone outside of the Indian Territory, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both in the discretion of the court trying the same.

Under the provisions of said act the Secretary of the Interior, July 14, 1900, issued regulations governing such procurement of timber and stone, and prescribed the forms of application, leases, etc. A copy of these regulations, which contains the forms mentioned, is attached. (Appendix No. 15, p. 161.)

NEW TOWN SITES.

The act of Congress approved May 31, 1900 (Indian appropriation act), provides:

That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations as may at that time have a population of two hundred or more.

As previously stated, there are in the Choctaw Nation 44, in the Chickasaw Nation 57, in the Cherokee Nation 29, and in the Creek Nation 11 towns, making an aggregate of 141 towns reported by the various postmasters as having a population of 200 people and over.

The agreement with the Choctaws and Chickasaws also provides that after present towns are surveyed and platted the remainder of the land shall be allotted equally among the citizens, and section 16 of the Curtis Act makes provision:

That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe, and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him.

The act of May 31, 1900, also provides:

Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed, or be in process of construction, in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such town site at the time. Such town sites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other town sites.

Several railroads have been granted rights of way through the Indian Territory, the St. Louis, Oklahoma and Southern Railroad being the only one at present in the course of construction, and is being built from Sapulpa, Ind. Ter., across the Creek and Chickasaw nations to Denison, Tex.

Along the line of this railroad citizens and other interested parties have upon several instances, without authority, surveyed and platted town sites at proposed stations, making arrangements with citizens claiming such land as their prospective allotments to control such tracts.

In one instance in the Chickasaw Nation two citizens surveyed and platted into streets, blocks, and lots a town site of 1,280 acres from lands in their possession, claiming same as their prospective allotments, and rented or leased the same to parties desiring to build thereon.

Such lease contracts provided for payment of from $250 to $750 per lot, and in many instances no specified time of "rental" is mentioned, being practically a sale.

Upon my request, the United States attorney for the southern district, Mr. W. B. Johnson, brought suit to restrain these parties from so laying out towns on lands of the tribe and occupied by them as a farm. Hon. Hosea Townsend, United States judge for that district, upon the hearing of the case, held that as they were permitted to rent agricultural or grazing land no limitation was placed upon them and that they could rent the same in lots and for any purpose. Under the direction of the Department, the United States attorney has appealed from the decision of the court in this case.

As directed by the Department the various roads have been requested to file plats showing the location of the proposed stations along their

line of road, in order that 160 acres can be set aside at such place for town sites as provided by law.

Much correspondence has been had on this subject, and the authorities of the various nations have protested against citizens speculating in lands of the tribes by laying out and platting towns prior to allotment. While such has been done heretofore in the building up of all towns, such action on the part of citizens now appears to be prohibited by law, as towns are to be confined to their present limits and all to be laid out and platted exclusively by the Secretary of the Interior for the benefit of the tribes.

It can not appear that if an Indian divides lands which he has in his possession into blocks, lots, alleys, parks, etc., and sells or leases the same, that it can be allotted to him as all lands are to be allotted after appraisal according to value "considering their location." Therefore a small portion of a town would doubtless exceed in value such Indian's pro rata share. Furthermore, if towns are being continually built up it must necessarily cause complication and delay in completing the allotment.

I therefore suggest the advisability of additional legislation providing that until allotment citizens may rent their proportion of "agricultural or grazing lands" for such purpose only.

CONCLUSION.

As previously stated, this Territory embraces nearly 20,000,000 acres owned in common by citizens of the various tribes, comprising Indians, negroes, and intermarried whites, aggregating about 80,000 people within the borders of which are also located some 300,000 whites or noncitizens who have no title to property and are without representation in the government of the Territory.

During the transitory period, until lands are appraised and allotted by the commission to the Five Civilized Tribes, lands in town sites disposed of, and tribal governments have become extinct, certain laws of Arkansas are extended over the Indian Territory, federal laws applied in other instances, and the Secretary of the Interior is charged by law with enforcement of rules and regulations governing other matters. Such a condition renders affairs so complicated that it is not surprising when courts and eminent lawyers differ as to the proper construction of the law, that people are frequently at a loss to determine what laws apply, or who is authorized to enforce them.

The responsible and arduous duties required of the United States Indian agent have been performed by the present incumbent, Mr. Blair Shoenfelt, in a highly satisfactory manner.

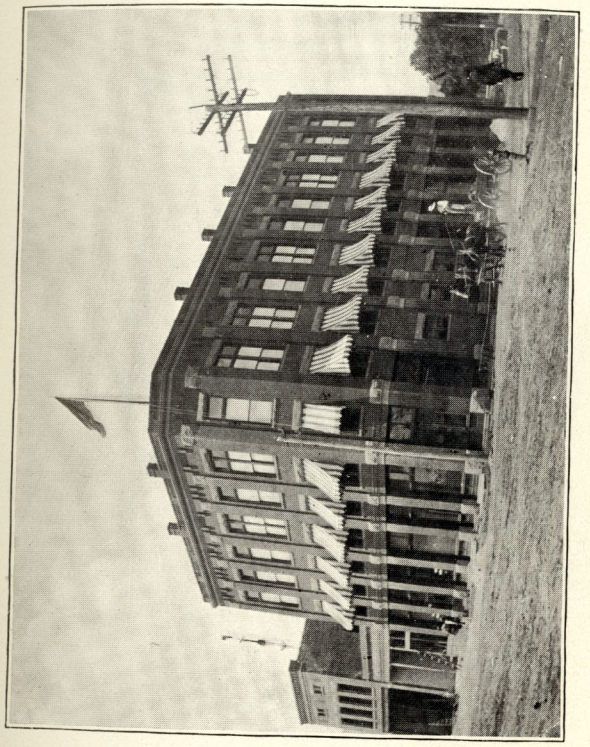
The superintendent of schools, Mr. John D. Benedict, has already proven himself amply qualified for his position in dealing with the important work of education and in bringing about needed reform and properly conducting the Indian schools throughout the Territory. He is assisted by an able corps of supervisors, one for each nation.

The annual reports of the United States Indian agent, superintendent of schools, supervisors, and revenue inspectors are herewith submitted.

Very respectfully, your obedient servant,

J. GEO. WRIGHT,
United States Indian Inspector for the Indian Territory.

The SECRETARY OF THE INTERIOR.



Report of the Indian Inspector for Indian Territory, 1900.

OFFICE BUILDING OF UNION AGENCY, MUSKOGEE, IND. T. (SECOND FLOOR.)

REPORT OF UNITED STATES INDIAN AGENT AT UNION AGENCY.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muscogee, Ind. T., August 31, 1900.

SIR: I have the honor to submit herewith my second annual report, referring to the work, progress, and events pertaining to affairs of this agency for the fiscal year ending June 30, 1900, as required by section 203, Regulations of the Indian Office, 1894.

This report aims only to give a general outline of the work accomplished during the year, and no attempt will be made to point out a way by which to "solve the Indian problem," but a brief recital of facts will be attempted, accompanied by tables giving industrial and financial statistics of general interest, with other information.

From all this it will be observed that the past year has been, to a certain extent, a prosperous one for the Indians of the Five Civilized Tribes.

LOCATION.

The agency is located at Muscogee, Ind. T., on the main line of the Missouri, Kansas and Texas Railway, about 100 miles south of the Kansas border, and 157 miles north of the State of Texas. Muscogee is a busy little town of about 6,000 population. There is also located here the commission to the Five Civilized Tribes, commonly known as the Dawes Commission. The United States court for the northern district of the Indian Territory has its headquarters here, and court is in session practically all the time. The offices of this agency, including the offices of the United States Indian inspector for the Indian Territory, the superintendent of schools for the Indian Territory, the revenue inspectors for the Creek and Cherokee nations, and the Creek school supervisor, are located on the second floor of a large three-story brick building and are rented from Mr. C. W. Turner. The Government owns no buildings at Muscogee.

CORRESPONDENCE.

There were received during the year 12,195 letters aside from those from the Department, all of which, with very few exceptions, were answered. More than 2,000 complaints were filed by citizens of the Five Tribes against noncitizens, covering almost every conceivable subject. A large majority of the complaints, however, were against white men, who in the past had intruded themselves upon the Indians and gained their confidence to a sufficient degree to secure possession of their prospective allotments, and after having secured possession refused to pay rent for the use of the land or vacate the same, thus preventing the Indian from receiving any rents or profits therefrom. Many of the Indians received no rent from their farms for the past year, as their tenants refused to pay, and when notified by this office to either vacate the premises occupied by them or show cause why they should not be removed, invariably presented as an answer to the complaint a dilapidated lead-pencil written contract, to the effect that they had leased the land for a period of years, and for the use thereof were to fence and erect improvements thereon, which, at the expiration of the contract, was to inure to the benefit of the Indian. An examination of these contracts disclosed that they were invariably in violation of tribal laws. More than seven-tenths of the noncitizens in possession of lands held by them under improvement contracts had not made the improvements agreed upon, and they had enjoyed the possession of the land for years without paying a single cent of rent either to the nation or any Indian citizen, and that the rents were far in excess of the value of the improvements made by them. Yet, despite the fact that the Indians were being imposed upon, this agency was powerless to aid them

in securing possession of their farms or allotments, on account of the provision contained in section 3 of the act of Congress, approved June 28, 1898 (30 Stat., 495), which is as follows:

"That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January first, eighteen hundred and ninety-eight, may, as to lands not exceeding in amount one hundred and sixty acres, in defence of any action for the possession of said lands show that he is and has been in peaceable possession of such lands, and that he has while in possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which persons should be charged, the court in its judgment shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceed the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue."

It will be observed that the court or jury trying or passing upon improvement contracts of noncitizens, referred to in said act of Congress, shall determine the fair and reasonable rental value of such lands for the time they shall have been occupied by such persons, and if the improvements exceed in value the amount of rents with which such persons should be charged, the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, etc.

In order for the Indian citizen to secure possession of his land, it will be necessary for him to institute suit in the United States court. Many of the Indians are poor and unable to give bond as required by law, or employ attorneys to prosecute their claims before the court, and are therefore left helpless. In order to assist indigent Indians, I would recommend that section 3, referred to above, be so modified as to vest the power in some official of the Government under the direct supervision of the Department of the Interior to investigate and pass upon the validity of the improvement contracts held by noncitizens in the Indian Territory, entered into prior to the passage of said act of Congress, and if it be found upon examination that the rents exceed in value the improvements placed upon the selection or farm of the individual Indian citizens, that this office be authorized to remove all noncitizens in unlawful possession of lands belonging to any Indian of the Five Tribes, and that the allottee be placed in unrestricted possession of his allotment.

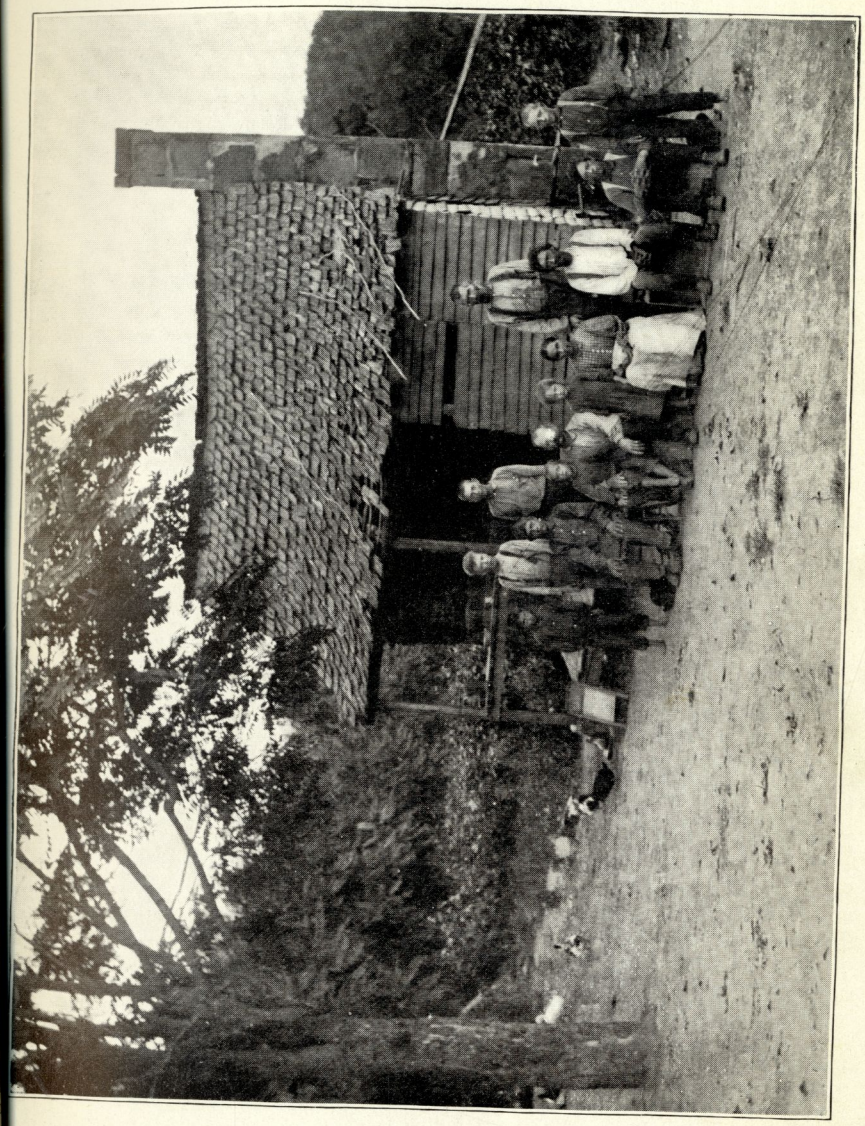
In my judgment, the only remedy to prevent a continuance of this unlawful occupation of Indian lands is for Congress to pass a rigid law to protect the Indian citizen against the encroachment of aggressive and grasping whites. Persons unlawfully in possession of Indian lands should be made to feel and understand that the Indians of the Five Civilized Tribes are still wards of the Government, and that the strong arm of the Interior Department can be evoked in order to secure them their rights—rights which have been granted to them by the Government of the United States under solemn treaties. It is of the highest importance that the lands of the Indians should be kept from further complication, at least until they shall have been allotted, and just and equitable laws should be passed governing contracts in this Territory. These contracts should be approved by a trusted agent of the Government in the Indian Territory before they shall have any force or be binding upon either parties entering thereunto.

I have dwelt upon this subject at some length for the reason that it is one of the most important matters to be considered by the Department in solving the complex problem of placing the Indian allottee in possession of his selection of land.

The agreement between the United States and the Choctaw and Chickasaw nations, commonly known as the "Atoka agreement," provides that "the United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee."

This section of the agreement is not specific, as it does not state how persons objectionable to the allottee shall be removed. Hundreds of allottees appeal to this agency urging the removal of persons occupying their prospective allotments.

The commission to the Five Civilized Tribes is about to establish a land office in the Choctaw and Chickasaw nations for the purpose of issuing certificates of selection of lands to allottees. I recommend that specific instructions be given as to the mea



FAMILY OF WHITE "INTRUDERS."

ing of that part of the "Atoka agreement" above quoted, in reference to placing the allottee in possession of his allotment.

If the allottee is forced to file suit in the United States court in order to have intruders removed from his land, it will entail upon him an expense which he is unable to pay, and will also prevent him from acquiring immediate possession of his selection of land on account of the delay, which of necessity will occur where so many suits of like character are filed. This is a question of vital importance that will have to be met within the next year, and I therefore urge that some adequate method be provided for placing allottees in the nations mentioned in possession of their allotments with as little delay and friction as possible.

POPULATION.

There has been no material increase in the Indian population of the Five Tribes during the last fiscal year, although a large immigration has been coming into all parts of the Territory, composed of noncitizen farmers, merchants, and mechanics. The coal mining camps that were temporarily affected on account of the strike by the coal miners in the coal regions of the Choctaw Nation, in the mining towns or camps of Alderson, Hartshorne, Lehigh, Krebs, and Coalgate are again filling up, and upon every hand may be seen the evidence of renewed business activity.

No census of the Indian population has been taken during the year by this agency, but careful estimates of the total population of the Territory, compiled from the records of the commission to the Five Civilized Tribes, are given herewith and are probably as nearly accurate as can be estimated without making an actual enumeration.

Tribe.	Population.	Total.	Acres.
Choctaw Indians	16,000		
Choctaw freedmen	4,250		
		20,250	
Chickasaw Indians	6,000		
Chickasaw freedmen	4,500		a 11,338,935
		10,500	
Creek Indians	10,000		
Creek freedmen	6,000		
		16,000	3,040,000
Cherokee Indians	31,000		
Cherokee freedmen	4,000		
		35,000	5,031,351
Seminoles	3,000	3,000	366,000
Total		84,750	19,776,286

a Having about.

INDIAN POLICE.

The Indian police have rendered excellent service during the past year, and are very efficient, considering the small compensation which they receive. I desire to renew my recommendation made in my first annual report, that "a smaller number be employed and their allowance be made sufficient to keep them continually in the field."

At present the force consists of 1 captain, 2 lieutenants, 3 sergeants, and 22 privates, making a total of 28. They are stationed as follows: Cherokee Nation, 6; Choctaw Nation, 9; Creek Nation, 8; Chickasaw Nation, 4; Seminole Nation, 1.

It is suggested that in view of the new and changed conditions in the tribal governments, Congress be asked to reduce the police force in the Indian Territory to not to exceed 11 members; that they be paid a salary of $50 per month and actual and necessary traveling expenses, and that the captain be allowed $75 per month and like expenses. The compensation will then be sufficient to enable them to devote their entire time to the service. During the past year the force was almost constantly employed in making investigations upon complaints made by Indian citizens against intruders, many of whom the police were obliged to remove from the Territory under orders from your office to this agency.

Attention is invited to Exhibit A, which is a letter from J. W. Ellis, the present captain of the United States Indian police of this agency, wherein he mentions the duties of the police and makes suggestions which will, in his judgment, improve their efficiency.

Early in the year the following instructions were issued for the guidance of Indian police at this agency, and the force has been held to strict account for the proper observance of the same:

General rules and regulations for the guidance of Indian policemen.

1. Every member of the police force of this agency must render prompt obedience to superiors, conform strictly to the prescribed rules and regulations, be orderly and respectful in deportment, and refrain from profane, insolent, or vulgar language.
2. Must not only perform regular duty assigned, but be ready for special service at all times.
3. Indian police have no authority to deputize any person as their proxy or assistant.
4. No member shall be allowed to be concerned, directly or indirectly, in any compromise or arrangement between a party suspected of crime and the party alleged to have been injured.
5. No member shall drink intoxicating liquor under any circumstances.
6. No member shall maltreat or use unnecessary violence toward a prisoner or other person.
7. Charges against a member of the police force must be made to the agent by the injured parties.
8. No member of the force shall sell, barter, exchange or loan, or give away any clothes, arms, etc., that may be furnished by this agency, or that may be captured by him in the exercise of his duties.
9. All weapons captured by Indian policemen must be turned over to this office with a statement showing the circumstances and reasons for the capture.
10. Any member may be removed from office for intoxication; for willful noncompliance with rules or disobedience of orders; for violent, insolent, or vulgar language or behavior; for willfully maltreating prisoners or using unnecessary violence, or for committing a crime or misdemeanor or neglect of duty.
11. On the resignation, death, or discharge of a member of the police force, all Government property, except the uniform, must be returned to this office.
12. In all cases members of the police force must act in concert, and with coolness and firmness.
13. Indian police must keep this office at all times fully informed of persons introducing cattle, cutting or removing timber or prairie hay from the public domain, or committing any other unlawful acts.
14. Policemen will be especially vigilant in detecting and arresting perpetrators for stealing timber from the reservation, setting fire to prairies, selling intoxicating liquors or having them in possession, herding or driving cattle on or through any of the nations of the Five Tribes by noncitizens without permission.
15. The members of the police force should cooperate as far as possible with the local and Federal officers consistent with Federal and local law.
16. It has been ascertained that 5 per cent of the crime in the Indian Territory is directly traceable to intoxicating liquors. Indian policemen are instructed to keep vigilant watch against the introduction of intoxicating liquors. At express or freight offices you will, on having reasonable grounds of suspicion that certain particular packages contain intoxicating liquors, open and examine such suspicious packages and if intoxicants are found you will immediately destroy the same and make full report thereof to this agency. In making these seizures of intoxicating liquors, you must make every search in the presence of the railroad or express agent, must not permit outside persons to be present under any pretext, must examine or search only such packages as there are reasonable grounds for suspecting contain intoxicants, and must handle all packages with proper care, remembering that Indian policemen are responsible for damage committed.
17. Indian police are furnished with commissions, which must be exhibited when authority is questioned.
18. While it is not expected nor desirable that Indian police should ask permission to absent themselves from their usual post-office addresses, it is expected that you will be required to report such absence to this agency for its information.
19. It is the duty of the Indian policemen to sustain the honor and good reputation of the force, and they must report any member of the force acting in such a way as to lower and degrade their credit and good standing.
20. Report also, immediately upon the receipt of this notice, what property you have belonging to the Government, as United States police shield or badge, arms, uniform, etc.
21. Acknowledge receipt of these instructions and carefully preserve them. Special instructions will be issued from time to time as occasion may require, copies of which will be furnished you.

SMALLPOX.

Cherokee Nation.—Early in the month of March last a report was received at this office, and also by the United States Indian inspector for the Indian Territory, that smallpox was raging in the Cherokee Nation, and upon request of the board of health of said nation they were given full charge to care for and treat patients afflicted with smallpox and to vaccinate all citizens of the Cherokee Nation who had been exposed and to take such other precautionary measures as they deemed advisable. Several United States Indian policemen were detailed to assist the board of health. Hon. Thomas M. Buffington, principal chief of the Cherokee Nation, issued an order to the Cherokee board of health instructing them to use all possible measures to eradicate the disease and to cooperate with the United States officials.

The first case that came to the attention of the board was that of Jeff Dick, an Indian, living 18 miles east of Vinita, and a neighbor of Dick's named Smith, both of whom afterwards died of confluent smallpox. These men contracted the disease from parties living near Joplin, Mo., and before it was recognized as smallpox large numbers were exposed, which resulted in 64 cases in that vicinity.

About this time smallpox appeared in other sections of the nation, and the Cherokee board of health, acting under directions and orders from the principal chief, called to their assistance several physicians, nurses, and guards. Mr. Frank C. Churchill, revenue inspector for the Cherokee Nation, informs me that he interviewed each member of the board of health, also numerous physicians acting under their direction, as well as others who were practicing their profession independently, and they all agreed that the eruptive disease was true smallpox beyond question, although it was disputed by other physicians residing in the nation, including some who had contracted the disease, and that all persons with whom he had talked upon the subject admitted that in most cases the disease had been of a very mild form, so mild in fact that many persons were not confined to their beds in consequence of it.

In the town of Claremore there were in all 343 cases, being double the number contracting the disease in the same area elsewhere. It appears that when the first cases were discovered, about January 1, the local board of health notified the town council, who ordered the homes of patients quarantined. This order was afterwards, however, revoked.

On the 5th of February the Cherokee board ordered the quarantines reestablished, and from the very first appearance of smallpox in the town it continued to spread, and on April 12 the national board established a quarantine camp just outside the town, where several tents were erected and a United States policeman put on guard, and most of the inhabitants of that vicinity vaccinated.

Much opposition to the action of the board of health was manifested in Claremore by a portion of the citizens, the newspapers, and some of the city officials, contending that the disease was not smallpox.

On the 19th of April I issued from this office the following letter, which was printed by the board and distributed through the town. The requests therein contained were generally respected, and from that time on the physicians in charge of the quarantine camp had no serious opposition. This notice was also issued and extensively circulated in the Creek and Chocktaw nations, where smallpox was raging at the same time.

"*To whom it may concern:*

"Whereas an epidemic of smallpox is prevailing in certain localities of the Cherokee Nation, endangering the lives of its residents and citizens; and whereas the Cherokee national board of health of the Cherokee Nation have been authorized and directed by this office to employ every means in their power to check and eradicate this disease from your nation, therefore, I hereby order and direct every person living in such infected localities, or any person who may have been exposed thereto who may not have been successfully vaccinated within the last twelve months to submit to vaccination at once; and every house wherein victims of smallpox have resided to be fumigated, or destroyed by fire where the same can not be thoroughly disinfected by fumigation. The cooperation of every person for the maintenance or support of these directions is earnestly desired, yet opposition to them by anyone by counsel, advice, or resistance by physical force will not be tolerated."

The plan adopted by the board of health in treating smallpox patients, was to remove all persons found to be infected to a quarantine station, where they were held and treated until such time that it was deemed safe to permit them to return to their homes.

The stations consisted of tents when suitable buildings could not be procured, or, where it was found more economical and effective, the patients were quarantined at

their homes, and when possible all persons who had been exposed were vaccinated, excepting in a few instances where the board was compelled to permit them to go without this important treatment, owing to the fact of the great prejudice that existed against vaccination. In some instances bloodshed was narrowly averted, so determined was the stand of certain persons against submitting to vaccination. In such cases the parties were held in quarantine until the disease had developed or that it was found that they were not afflicted by the contagion.

All infected houses and patients, with their effects, were thoroughly fumigated and disinfected. From the report of the board of health I found that 29 physicians, 6 Indian policemen, and 57 irregular employees, such as guards, nurses, cooks, etc., were employed, the entire expense of which, as reported by the secretary of the board, has been $19,454.48.

There were 817 cases of smallpox in the nation, 246 being Cherokee citizens and 571 being citizens of the United States.

Transmitted herewith and made part of this report (see Exhibit B) is a map of the Indian Territory, with points where quarantine was established indicated in colored ink.

The figures indicating the number of cases mentioned do not include those that were treated by private physicians, and the numbers refer entirely to those cases that came under the personal supervision and attendance of the Cherokee board of health.

The sentiment in the nation as to methods of procedure differed widely in the several towns when smallpox appeared, all the way from prompt action and cooperation with the board and other officials (as at Vinita, where the citizens without exception appeared to realize the importance of strict quarantine and vaccination), to points where there was open resistance, extending so far as to threaten the officials with violence should vaccination be attempted. I have no hesitancy in stating that the Cherokee medical board performed its duties faithfully under the trying circumstances.

It appears to be a well-established fact that smallpox develops and spreads more rapidly in cold than in warm weather. The past winter has been an exceptionally mild one, to which may possibly be attributed the very mild type of the disease, the death rate being only about 1 per cent of the cases reported. To what extent the fumigation of dwellings, bedding, and clothing has been effective it is impossible to determine, but I shall consider it very remarkable if persons are not contaminated thereby during the coming winter, thus causing another epidemic unless early precautions are taken.

Indifference to the proper precautions to be taken to prevent the spread of smallpox is very marked as a rule in the Cherokee Nation. Smallpox has been prevalent along the borders of the Cherokee Nation, as well as at Denison, Tex.; Coffeyville, Kans.; Joplin, Mo., and at other points.

The disease has been diagnosed as smallpox by a large number of educated and experienced physicians, and it has been clearly proven that it is highly contagious and that isolation and vaccination alone suppressed it.

Smallpox is loathsome in the extreme, many patients having suffered greatly from it, and the most zealous advocates of allowing it to spread will readily admit that it is not a disease one cares to contract.

Creek and Chickasaw nations.—Smallpox first made its appearance in the Creek Nation during the month of November, 1899. Many complaints were received at this office from various sections of the nation, and under orders from your office I placed Dr. Fite, of this town, in charge, with instructions to make a careful investigation and inform this agency whether or not smallpox existed, as reported, in the Creek Nation. The doctor visited Eufaula, Wagoner, Holdenville, and other towns and made a careful examination of the cases reported, and afterwards advised this office that there was no question as to the disease being smallpox.

I immediately issued an order to the physician to quarantine the towns and establish detention stations, which was done, and Dr. J. W. Lowe was placed in charge of the station at Holdenville, with orders to vaccinate all persons in that locality where there was any danger of the smallpox occuring and spreading. At this point we had 6 persons employed as guards. At Eufaula Dr. T. B. Benson was placed in charge of the camp established at that place and furnished with guards and policemen in order that he could enforce vaccination.

Information was received from Agent Patrick of the Sac and Fox Agency that smallpox was thought to exist near the western border of the Creek Nation, near his agency. Dr. Thompson, under directions of Dr. Fite, was at once sent to investigate the report. After a thorough investigation he returned to Muskogee and advised that no smallpox existed in that part of the Creek Nation. About this time all inmates of the jails were vaccinated.

On December 20 it was reported to this office that smallpox was raging at Colbert and other sections of the Chickasaw Nation. A committee of citizens residing at Colbert petitioned this agency for relief, and I at once sent Dr. Fite to that point, with directions to visit other sections of the Chickasaw Nation, and to take such measures as he deemed advisable to suppress it. He reported that the first case appeared at Colbert in December, about 3 miles east of the town, and in the family of one Pitman (colored), and that at the time of his arrival at Colbert there were 36 well-developed cases, and 9 deaths occurred, 8 of which were negroes and 1 white, and all afflicted were negroes, with the exception of 5 white persons.

There were 41 persons in the families of those who had the disease who had not yet developed it at the time of the doctor's visit. It was impossible to ascertain how many had been exposed outside of the families referred to. The town of Colbert is not incorporated, and having less than 200 inhabitants, could not legally do so. Its citizens had no funds for combating the disease except by public subscription. This they very magnanimously did, although the expenses were very heavy. Orders were issued requiring all persons to be vaccinated, and strict quarantine was established and other precautions necessary to stamp out the disease were taken.

At Kent, 12 miles east of Colbert, near Red River, one case was reported. This probably resulted from exposure with persons at Colbert who had the disease. At Chickasha the doctor found two well-developed cases. They were being quarantined and cared for by a committee and by public subscription. At this place the citizens of the town agreed, so far as they were concerned, to meet the expense and carry out such regulations as were necessary to combat the disease, but were powerless to enforce quarantine regulations, having no town government. In view of existing conditions I furnished them with a United States Indian policeman, who was directed to establish a strict quarantine and to hold all persons in that vicinity who had been exposed, and to compel others to submit to vaccination, and to take such other steps to prevent the spread of smallpox as were deemed necessary. This resulted in a complete stamping out of smallpox in the Chickasaw Nation so far as this office was advised.

Governor Johnston, of the Chickasaw Nation, promptly cooperated with this office, and aided very materially in stamping out this loathsome disease among his people.

On the 13th of March the work of suppressing smallpox in the Creek Nation was turned over to the board of health of the nation. Dr. Callahan, a resident member and president of the board, was placed in active charge, and reported from time to time the progress made toward controlling the disease. I have been unable to ascertain the exact date of the appearance of smallpox in the nation or just where it came from, but from the best evidence obtained it was brought here from some point in the Choctaw Nation to the town of Eufaula. From Eufaula it spread through the whole country west, where it was carried by pupils from the Eufaula High School. These pupils were allowed to go home after the fever developed, and through them it was spread throughout the country as far west as the Seminole Nation. These pupils were sent out from the Eufaula High School before it was generally known that smallpox existed at Eufaula.

The Indians have a marked fondness for visiting the sick, and it is very difficult to control them in this custom, no matter what the results may be. The suppression of smallpox in an enlightened community, where its character is understood and its direct results fully appreciated, is a task of no small magnitude, and one attended with a great many difficulties; but when undertaken among people whose intelligence is far below par, and who know but little and care still less about its loathsome character and dangerous results, and who are full of all sorts of superstition and prejudice, the undertaking is one of much greater proportion.

Dr. Callahan reports that the board of health had to fight every conceivable opposition from the beginning. The full-blood Indians and negroes are very ignorant and superstitious, and these characteristics have been so played upon by designing persons among them that in a number of cases they were armed and ready to defend themselves when any member of the medical board visited them. So prejudiced were they against vaccination and being taken to a detention camp that the physicians had to go through the country, hunt them up, and take them by force. This state of affairs necessitated an increase of help and caused an additional expense that would not have occurred under ordinary circumstances. Many of the more intelligent and influential men among the Indians themselves were opposed to our efforts toward suppressing smallpox, and these, with the number of quack doctors scattered throughout the country, caused no end of trouble. They excited and worked upon the prejudice of the people to such a degree that they threatened to massacre the entire crew at some of the quarantine stations.

The quack doctors charge that, by vaccinating the people, we were spreading the disease, and that any effort on the part of the medical board or this office to

vaccinate should be stopped at all hazards. The president of the medical boar reported 204 cases at 8 different camps, some of them of as virulent a form as coul be imagined, others mild in character. So far as I have been able to find out, ther were only 14 deaths from the disease in the Creek Nation. However, it is more tha probable that others have died of the malady, as a great number were secreted i the woods in order to prevent the board of health from finding them.

The kind and humane treatment received by those who were detained in camp has convinced them of the correctness of the methods of handling the disease, and great majority of them will be our strongest allies in another scourge of this character Many of the full bloods were found in destitute circumstances, being without cloth ing or food; and in a number of instances entire families were stricken with th disease and no one was left to wait upon the sick, all of whom came under the ca of the board of health and were well treated and fed upon good, nourishing food.

During the year 900 persons in all were vaccinated in the Creek Nation by th board of health. While the medical board was at work in the western part of th nation an outbreak of scarlet fever occurred in the Wetumka National Boardin School, and within five days after it made its appearance there were 38 cases we developed, some being very severe in character, and 4 of the pupils died. Prom action was taken and the school was quarantined and the cases isolated, thus pr venting the further spread of the disease. Considering the number of cases treate the wide scope of country over which they were scattered, and the many difficulti encountered in caring for the invalids by Dr. Fite and Dr. J. O. Callahan, preside of the board of health, I have no hesitancy in saying that they performed the duties faithfully under very trying circumstances.

Choctaw Nation.—Neither this office nor the board of health of the Choctaw Nati has been able to definitely locate the first case of smallpox, but as near as could b determined it first made its appearance at Hartshorne, a small mining town, duri the month of June, 1899, and was called or termed "chicken pox," "Cuban itch and "elephant itch." Shortly thereafter 8 cases were reported from Atoka. Up investigation by this office, there were found 8 well-developed cases of smallpox.

I immediately wired Governor McCurtain, requesting that the board of health the nation be placed in charge, and that they treat and care for all cases found a to take prompt action in suppressing the dread disease. Later I was informed by t governor that the board of health consisted of three reputable physicians; that th had no authority for doing other work than examining physicians; that there w no law creating a board of health or prescribing their duties, and that there were hospitals in the country, and on account of the peculiar condition of affairs hospit could not be built. However, later on it was decided that hospitals were not n essary, and that the few cases at Atoka could be easily taken care of, and I direct that detention camps be established and made as comfortable as possible.

In securing tents, fixtures, and food for these camps the board of health was co pelled to work upon a credit basis. There were few Choctaw citizens who had t disease, and the nation had made no provision for their care, and at that time it w undecided as to whether the Choctaw Nation or the United States Government wo take care of noncitizens. Under such circumstances, neither government hav made an appropriation, it was a difficult matter to induce merchants to supply camps with the necessary tents and subsistence. I finally succeeded in induc Wolf & Co., of South McAlester, to furnish supplies for the various camps in immediate neighborhood of South McAlester.

Early in November the Choctaw Nation made an appropriation of $10,000 for tak care of its citizens and issued national warrants. At that time I requested the bo to make an estimate, as near as they possibly could, as to how long it would tak stamp out the smallpox, and about what expense would be incurred in caring United States citizens afflicted with it. The board of health informed me that it very uncertain as to what the expense would be, but that it would not be less t $50,000. They gave as their reason for the statement that the coal-mining to were the hotbeds of the disease, and that the majority of the people of these pl were citizens of the United States.

At mine No. 2, where several thousand miners were residing, there were fo 17 cases the first day the board of health examined the town. They found that ev body in it had been exposed, and the only thing that could be done was to qua tine the entire place, and to effectively do so it was necessary to employ about 30 gu at $2 per day. The miners were nearly all negroes and were very ignorant, an order to do anything with them we were compelled to use force to keep them wi the quarantine line.

To give some idea as to the percentage of cases in these mining towns, where population is continually changing, I have to say that up to January 1, 1900, o

370 cases handled by the board of health 299 were at coal-mining camps, or were traced directly back to them. It would appear, therefore, that at least 80 per cent of the cases were found in the mining camps.

During the month of November, 1899, the Choctaw general council passed a bill creating a board of health and prescribing their duties. This bill was not approved by the President of the United States until the 18th of April, 1900, and, of course, was not effective until that date. At the same time of the passage of the bill referred to, a bill was passed compelling vaccination among the Choctaw citizens.

Immediately after the passage of these bills, the board began the vaccination of Choctaw citizens. Physicians were sent all over the country, and about 8,000 Choctaw citizens were vaccinated at the expense of the Choctaw government. At the same time there were a large number of citizens vaccinated by physicians who were not employed by the board of health; one physician alone reports over 1,000 vaccinations. As a consequence there were very few cases among the Choctaw Indians, especially the full bloods.

Dr. W. P. Hailey, secretary of the Choctaw medical board, informs me that if the board were empowered to enforce vaccination among the United States citizens without the danger of being drawn into a lawsuit, they (the medical board) would have had a smaller percentage of cases, and even those who had the disease would have had it in a modified form, as was the case in a few instances.

The number of cases treated by the board of health of the nation during the epidemic was over 1,000, of which 80 per cent were United States citizens, the death rate being about 2½ per cent.

Of the remaining cases about 20 per cent were of the confluent type, others discreet or in a very mild form. The greatest percentage of deaths at any one place was at Allen, where, out of 9 cases, there were 4 deaths.

General.—A number of the towns in the Indian Territory have been incorporated, and where smallpox appeared in such towns the municipal authorities cared for the afflicted at the expense of the municipality.

INDIANS.

I have no complaint to make against the conduct of the Indians of the Five Civilized Tribes, no depredations being committed during the year. There is every reason to believe that Indian depredations and disturbances in this country are at an end.

A few full-blood Indians in the Creek Nation, under the leadership of Chitto Harjo and Hotulka Fixico, are strenuously opposing the allotment of lands, and have banded together and refuse to appear before the commission to the Five Civilized Tribes to select their allotments. These Indians are deluded with the hope or idea that there is a possibility of their securing the consent of the Government permitting them to return to their old customs and have their tribal government restored and live apart and separate from the rest of the world. They claim that all the changes that have been required of the Creek people by the Government since the time of making their treaties were due to the connivance and work of the more intelligent class of Creeks and was not done at the instance of the United States Government, and quite a number of the more ignorant class of Indians, mostly full bloods, have been induced to believe the representations made to them, and from time to time conventions have been called to propagate this retrogressive sentiment among the Creek people.

The principal chief of the Creek Nation informs me that in the past much disturbance and violation of the peace and order among the Creek has been caused by this same element. At times they would break out in open insurrection, attended with many casualties before it could be suppressed.

The present proposed policy of the Government to distribute the lands in severalty, instead of their being held in common, and having individual instead of tribal title, and the withdrawal of all the powers of government from the Indians with a view to establishing a government over them with relations of citizenship, has been the cause of this dissenting faction among the Creek people adopting the course they have.

I find from the records of the commission to the Five Civilized Tribes that a large majority of the Creek people have actually made selections of allotment and now hold certificates for such selections, and are anxious for the consummation of a treaty or agreement which will give them titles in fee simple for their allotments. Other Indians are, as rapidly as possible, making selections of their allotments, and the only hindrance to the universal acceptance of allotment of lands in severalty by the Creek Indians is the influence exerted by the leaders of this dissenting faction, who term themselves the adherents of the "Hopothleyahola" treaty.

Early last spring this faction met in convention at Brush Hill, Ind. T., an appointed Chitto Harjo, Hotulka Fixico, and two others to go to Washington an present their protest against the changes in land tenure, and I understand that the are still in Washington, and that since their departure their followers have he numerous secret meetings and have elected a principal chief and other officers. The are now awaiting the return of the delegation from Washington. Letters receiv from the delegation at Washington by their followers have been extensively circ lated. In these letters it was stated that they (the delegation) had defeated th agreement made between the commission to the Five Civilized Tribes and the Cre delegates, and that all that was required of them now was to select their office and reestablish their old forms and customs of government, and they would then recognized by the Washington authorities.

Such exaggerated and unfounded statements are causing some disturbance amo the Creek; and even among those who have accepted the policy of the Governme and selected their lands in severalty many are disposed to give credit to the unfound representations made by this delegation now in Washington.

If these delegates representing the full bloods can be induced to make a corr report of the result of their mission, its futility, and the impossibility of stopping delaying the carrying out of the present policy of the United States Governme their visit to Washington will not have been without wholesome results.

SCHOOLS.

It is gratifying to note the steady and rapid progress that has been made dur the past year with the schools for the Indian children in the Indian Territo Much interest is being manifested, and efficient and competent teachers are be employed.

In accordance with rules and regulations of the Secretary of the Interior, th has been appointed a superintendent of schools for the Indian Territory, also su visors of schools for each nation, who are under the direction and supervision of United States Indian inspector. It is the duty of said supervisors of schools to vi from time to time, the several schools of the different tribes in the Indian Territ and to make reports as to the efficiency of the teachers employed, as often as m be desired, to the Commissioner of Indian Affairs. They are also required to re upon the location and and the condition of each school in the Territory, the meth of instruction employed, and to make recommendations concerning the same.

It will be observed, therefore, that this agency has no supervision over the sch in the Indian Territory, and that full power and authority is vested in the supe tendent of schools and the supervisors, under such rules and regulations as ma prescribed from time to time by the Secretary of the Interior.

From statistics furnished me by Superintendent Benedict, I am enabled to fur an estimate of the number of school children in the Territory between the ag 6 and 18 years. The estimate follows:

Nation.	Indians.	Negroes.	Whites.	T
Cherokee	8,340	950	10,000	
Creek	1,850	1,300	3,500	
Choctaw	4,000	1,000	16,000	
Chickasaw	1,500	1,000	25,000	
Seminole	400	400	100	
Total school population	16,090	4,650	54,600	

From which it will be observed that there are children of school age within Indian Territory as follows:

Indian	16,090
Negro	4,650
White	54,600
Total	75,340

I am advised that the various nations have never built any local schoolho except their boarding schools or academies. All the day or neighborhood scho the Territory have been erected by private donation or subscription.

I also submit the number of schools and academies in the Indian Territory which are attended by Indian pupils only:

Nation.	Academies.	Day schools.
Cherokee	4	124
Creek	9	60
Choctaw	4	124
Chickasaw	5	14
Seminole	2	2

In addition to the above there are quite a number of mission schools, established by the various religious denominations, which are not under the control or supervision of either this office or the superintendent of schools, but are either under the direct control of the tribal authorities or conducted by the religious denominations.

Education is having its natural and inevitable effect on the Indians of the Five Tribes, as shown by the great improvement in their manner and method of living, the construction of their houses, and the cultivation of the soil.

FINANCIAL.

Choctaw and Chickasaw nations.—In my last annual report reference is made to the regulations prescribed by the Secretary of the Interior governing mineral leases and other matters in the Choctaw Nation, Indian Territory. Under the provisions of the act of June 28, 1898, these regulations provided, among other things, that the Indian agent for the Union Agency, Ind. T., should receive and receipt for all loyalties paid into his hands accompanied by a sworn statement. Moneys so collected are deposited with the assistant treasurer of the United States at St. Louis, Mo., to the credit of Treasurer of the United States, for the benefit of the Choctaw and Chickasaw nations, in the proportions of three-fourths to the Choctaw and one-fourth to the Chickasaw.

The regulations have been amended so as to fix the royalty on coal mined in the Indian Territory at 8 cents per ton of 2,000 pounds of mine-run coal, or coal as it is taken from the mines, including that which is commonly called "slack," instead of 10 cents per ton for screen coal, as heretofore. On asphalt 60 cents per ton for each and every ton produced weighing 2,000 pounds of refined, and 10 cents per ton for crude asphalt, the change in the regulations taking effect March 1, 1900.

The right was reserved, however, by the Secretary of the Interior in special cases to either reduce or advance the royalty on coal and asphalt on the presentation of facts which in his opinion make it to the interest of the Choctaw and Chickasaw nations; but the advance or reduction of the royalty on coal and asphalt in a particular case shall not modify the general provisions of these regulations fixing the minimum royalty as above set out.

A recent ruling of the Department, in which it is held that, under the provisions of the agreement of April 23, 1897, between the commission to the Five Civilized Tribes and the Choctaw and Chickasaw nations, as ratified by the act of Congress of June 28, 1898, the Indian agent was only required to collect royalties on coal and asphalt, such other royalties as may be due the nations, such as taxes on merchandise introduced and exposed for sale, permit and occupation taxes, rock royalty, etc., must be collected by the tribal authorities, as had been the custom prior to the passage of the act referred to.

The funds collected by the United States Indian agent on account of royalties on coal and asphalt mined, as stated above, are first deposited with the assistant treasurer of the United States to the credit of the Treasurer of the United States for the benefit of the Choctaw and Chickasaw nations, and afterwards disbursed by the United States Indian agent in payment of salaries of school teachers, employees, and the incidental expenses in connection with the management of the schools of the Choctaw Nation. The proportionate amount of the funds collected belonging to the Chickasaw Nation are held in the Treasury and not disbursed through this office, the Chickasaw managing their own schools and paying the expenses incident thereto out of the tribal funds through their treasury.

The principal coal-mine operators of the Choctaw Nation are:

The Choctaw, Oklahoma and Gulf Railroad Company, with headquarters at Little Rock, Ark., and mines at Alderson, Hartshorne, Gowen, and Wilburton.

The Osage Coal and Mining Company and the Atoka Coal and Mining Company, with mines at Lehigh, Coalgate, and Krebs, Ind. T., and headquarters at St. Louis, Mo. The two companies just mentioned are owned and controlled by one corporation.

The Kansas and Texas Coal Company, with mines at Krebs, Cherryvale, and Carbon, Ind. T., and near Jenson, Ark., with headquarters at St. Louis, Mo.

The Southwestern Coal and Improvement Company, with mines at Lehigh and Coalgate, Ind. T., with headquarters at Parsons, Kans.

The other coal-mine operators are J. B. McDougal, D. Edwards & Son, Sample Coal and Mining Company, Hailey Coal and Mining Company, McAlester Coal and Mining Company, the Ozark Coal and Mining Company, the Crescent Coal Company, Pat Harley, Perry Brothers, M. Perona, the Capital Coal and Mining Company, the Sans Bois Coal Company, McAlester Coal and Mineral Company, Devlin-Weir Coal Company, successors to Indianola Coal and Railway Company, Archibald Coal and Mining Company, now owned by William Busby; the Eastern Coal and Mining Company, the Turkey Creek Coal Company, the St. Louis and Galveston Coal and Mining Company, and other small operators, all having mines in the Choctaw Nation.

The asphalt mines, with one exception, are located near Dougherty, Chickasaw Nation, Ind. T. The names of the operators are: The Brunswick Asphalt Company, with headquarters at St. Louis, Mo.; the Caddo Asphalt Company, with headquarters at New York; the Elk Asphalt Company, with headquarters at Kansas City; the Rock Creek Natural Asphalt Company, with headquarters at Topeka, Kans.; the Moulton Asphalt and Mining Company, with headquarters at Coalgate, Choctaw Nation, Ind. T.

Below I give a statement in reference to the royalty collected by me for the Choctaw and Chickasaw nations from July 1, 1899, to June 30, 1900:

Coal royalty	$137,377.8
Asphalt royalty	1,108.3
Stone royalty	243.7
Rock royalty	859.4
Sale of town lots	11,139.4
Total collected and deposited	150,728.8

An increase over the amount collected for the past fiscal year of $37,597.76. The appreciable increase is accounted for by the opening up of a number of new mines and the further fact that no strikes have prevailed, as during the fiscal year ending June 30, 1899.

For comparison, I give below a statement of the royalties collected by me during the fiscal year ending June 30, 1900. (See last annual report.)

Coal royalty	$107,766.
Asphalt royalty	1,295.
Rock royalty	1,083.
Miscellaneous receipts	2,985.
Total	113,131.

From the moneys collected by me on account of the royalty on coal and asphalt mined I disbursed in the payment of salaries of school-teachers employed and incidental expenses in connection with the management of schools in the Choctaw Nation during the fiscal year ended June 30, 1900, $59,362.15. There are academies in the Choctaw Nation, employing 60 persons and from 105 to 110 neighborhood school-teachers. These teachers and employees are paid for their services by this office, by means of a check drawn on the assistant treasurer of the United States at St. Louis, Mo. For further information in reference to the schools and how they are managed attention is invited to that part of my report marked "School

PAYMENT OF CHOCTAW WARRANTS.

The act of Congress approved March 3, 1899 (30 Stat., 1099), provides:

"The Secretary of the Treasury is hereby authorized and directed to pay, from the funds in the Treasury belonging to the Choctaw Nation of Indians, outstanding warrants not exceeding in amount the sum of seventy-five thousand dollars: *Provided*, That before any of the said warrants are paid the Secretary of the Interior shall cause an investigation to be made to ascertain whether such warrants have been issued and are a valid and subsisting obligation of said nation; and payment of the same shall be made by some official or employe designated for that purpose by the Secretary of the Interior."

In conformity with said act, the Secretary of the Interior caused the indebtedness of the Choctaw Nation to be investigated by Special Inspector J. W. Zevely,

after said investigation had been completed I was directed to pay certain warrants that had been favorably passed upon by the inspector, amounting to $69,710.08. The unexpended balance of this fund, amounting to $5,289.92, has been returned to the Treasury. This payment was practically completed during the second quarter of the past fiscal year, but the holders of warrants continued to present and receive payment therefor to June 30, 1900.

CHEROKEE AND CREEK NATIONS.

Under the general provisions of the act of Congress approved June 28, 1900, the Secretary of the Interior promulgated certain rules and regulations governing mineral leases, the collection and disbursement of revenues, etc., in the Cherokee and Creek nations.

Under these regulations the United States Indian agent is required to receive and receipt for all royalties, rents, taxes, and permits of whatsoever kind or nature that may be due and payable to either of said nations. These revenues, after having been collected, are deposited to the credit of the Treasurer of the United States with the assistant treasurer of the United States at St. Louis, Mo., for the benefit of the tribe to which it belongs.

As stated in my last annual report, the revenues due the Creek and Cherokee nations arises principally from the taxes imposed upon merchants and others doing business within the limits of their territories.

There are a few small coal mines in each nation. The output, however, is small and the royalty realized is proportionately so. In the Creek Nation there are 38 towns and about 600 traders; in the Cherokee Nation there are 82 towns and 454 traders. The Cherokee Nation imposes a tax of one-fourth of 1 per cent and the Creek Nation 1 per cent on all merchandise introduced and offered for sale. The Creek Nation also imposes an occupation tax per annum as follows:

Dealer in hides, peltry, furs, wool, pecans, and other country produce	$50
Hotels affording accommodation for fifty or more guests	150
Hotels affording accommodation for forty or more guests	75
Hotels affording accommodation for thirty or more guests	60
Hotels accommodating twenty or more guests	40
Hotels accommodating ten or less guests	24
Printing office	50
Grist and flouring mill	50
Mill and cotton gin combined	50
Cotton gin alone	24
Gristmill alone	24
Livery and feed stable	50
Feed stable	24
Dray or freight wagon or passenger hack other than those run by livery stables paying tax as such	12
Saddlery or harness establishment and boot and shoe shop	24
Blacksmith and wagon shop	24
Furniture, cabinet, or work shop selling its own manufacture	24
Insurance agent (life or fire)	50
Banking establishment, one-half of 1 per cent of capital stock invested, assessment to be made on the bank on account of the shares thereof.	
Physician or surgeon with certificate from the national board	25
Dentist having diploma	25
Contractor and builder	25
Contracting painter, brick or stone mason	24
Permanently established photograph gallery	50
Butcher shop selling meats only	50
Lunch stand and restaurant	24
Sawmill and planer	25
Jewelry establishment	24
Laundry	24
Barber shop, one chair	12
Each additional chair	6
Tin shop doing custom work only	24
Tailoring establishment	24
Dressmaking and millinery establishment	24
Bakery and confectionery	25
Lemonade and ice cream stand	12

Undertaking establishment	$50
Gunsmith	1
Lawyer	2
Tombstone and marble dealer	2
Milk dairy	5
Shooting gallery	1
Billiard or pool hall	5
Revolving swing and merry-go-round	2
Peddler selling musical instruments, books, and ornamental trees and shrubs, per month	
Peddler, 5 per cent of goods introduced for sale.	
Menagerie and circus combined, per day	2
Circus without menagerie, per day	1
Concert, in hall or tent, per day	
Traveling photographer, per week	

The total amount of royalty collected by me for the Creek Nation during the fisc year ending June 30, 1900, is as follows:

Coal royalty	$3,023.2
Merchandise and occupation tax	18,811.2
Pasture tax	4,344.1
Seized lumber	191.0
Total	26,370.1

as compared with $4,913.63 collected during the fiscal year 1899.

The following amounts of royalty were collected by me for the Cherokee Nati during the fiscal year 1900:

Coal royalty	$3,856.0
Merchandise tax	5,607.2
Hay royalty	4,474.4
Gravel royalty	100.1
Ferry tax	504.1
Cattle tax	1,956.2
Town lots	74.1
Seized lumber	250.0
Permit tax	2.0
Board of teachers at academies	2,330.1
Unexpended balance of school fund	299.0
Total	19,455.2

as compared with $3,150.87 collected during the fiscal year 1899. The increase the amounts collected for the two nations is due to the efforts of the respective re nue collectors, Mr. Guy P. Cobb for the Creek Nation and Mr. Frank C. Churc for the Cherokee Nation. These officers are assisted in their duties by district re nue inspectors.

GENERAL.

The total amount of money received, deposited, and disbursed by this office du the past fiscal year, as shown by the records, was $825,020.76.

As stated before, every remittance to this office must be accompanied by sw statements in duplicate. One of these statements is filed with the United St Indian inspector for the Indian Territory, and the other is forwarded to Washin with the quarterly accounts. Attached to this report, and marked "Exhibit C the form of blank used by merchants in the Cherokee Nation in transmitting re tances to this office.

A similar form, marked "Exhibit D," is used by merchants in the Creek Na The form of blank used in making remittance on account of royalty on coal i Cherokee Nation is also given as an exhibit, marked "E."

A similar form to this blank is used by persons who remit on account of coal m in the Creek Nation.

The form of blank used in connection with the payment of royalty on accou hay shipped from the Cherokee Nation is submitted as "Exhibit F."

The form of blank accompanying remittances for occupation tax due the C Nation is given, marked "Exhibit G."

All remittances are acknowledged. The form of acknowledgment of remitta

on account of the payment of the taxes due on merchandise in the Creek and Cherokee nations are shown as exhibits "H" and "I;" on hay and coal, exhibits "H 1" and "I 1," and occupation tax, "Exhibit D 1."

PAYMENT OF CREEK WARRANTS.

During the quarter ending September 30, 1899, I received for disbursement Creek funds amounting to $206,000. Out of this sum I paid and retired Creek warrants aggregating in amount $199,493.24, and $3,948.10 was used in paying expenses incurred by my predecessor, Agent Wisdom, in suppressing smallpox in the Creek Nation; the balance, $2,558.66, was returned to the Treasury.

During the quarter ending March 31, 1900, there was placed to my official credit $48,751 of Creek funds. Of this amount $47,180.59 was used in paying and retiring Creek warrants and $16 in paying an irregular employee (guard) for services rendered under direction of ex-Agent Wisdom during the smallpox epidemic which prevailed in the Creek Nation in 1899; the balance, $1,554.41, was returned to the Treasury.

From the above it will be noticed that the total amount disbursed in the payment of Creek warrants during the last fiscal year was $246,673.83, and in payment of expenses incurred in suppressing smallpox in the Creek Nation, $3,964.10.

Creek warrants are drawn by the principal chief. Those drawn against the school fund, however, must be approved by the United States school supervisor for the Creek Nation, and those drawn against the general fund must be approved by the United States Indian agent.

Checks in payment of these warrants are issued by the United States Indian agent on the Assistant Treasurer of the United States. As an exhibit to this report there is given, marked exhibits "M" and "N," facsimile of a Creek warrant and sample sheet of the Creek-warrant pay rolls.

PAYMENT OF CHEROKEE WARRANTS.

On April 28, 1900, in compliance with instructions from the Indian Office, I caused a notice to appear in the Cherokee Advocate, the official organ of the Cherokee Nation, stating that I would, at Muscogee, Ind. T., on Monday, May 16, 1900, and subsequent dates, until disbursement was completed, disburse the interest due the Cherokee Nation from the United States Government on their invested fund, amounting to $160,314.19; the said sum of $160,314.19 being applicable to warrants drawn on the respective funds as follows:

Warrants drawn on the general fund	$89,687.16
Warrants drawn on the school fund	43,470.18
Warrants drawn on the orphan-asylum fund	23,043.26
Warrants drawn on the insane-asylum fund	4,113.59
Total	160,314.19

The notice also stated that the disbursement would be made under the laws of the Cherokee Nation in so far as they were not in conflict with the laws of the United States or the rules and regulations prescribed by the Department of the Interior and of the United States Treasury for the government of disbursing officers.

Before making a payment on any warrant the indorsement of the original payee is required. If the original payee is deceased, then the indorsement must be made by the legally appointed administrator or executor of the estate; certified copies of letters of administration must be furnished; powers of attorney were not recognized.

The advertisement then gave the number of each warrant to be paid and the fund upon which it was drawn. Interest on all outstanding warrants, whether for a full year or not, by reason of a recent act of the Cherokee council, was paid up to April 28, 1900.

The owner of a warrant was also required to furnish an affidavit to the effect that he was the legal holder of the same, and that it was drawn, to the best of his knowledge and belief, for a valuable consideration rendered the Cherokee Nation. The payment was continued to June 30, 1900. The recapitulatory statement shows that I have paid and retired—

461 general-fund warrants, with interest due thereon	$48,251.44
278 school-fund warrants, with interest due thereon	41,048.36
90 orphan-fund warrants, with interest due thereon	19,431.85
43 insane-fund warrants, with interest due thereon	3,710.53
Total	112,442.18

I also paid the interest on 3,813 warrants, as follows:

51 insane-fund warrants	$229.91
387 school-fund warrants	1,736.78
3,375 general-fund warrants	37,789.63
Total	39,756.32

The total amount paid out in retiring warrants and paying interest was $152,198.50; the balance, $8,115.69, was returned to the Treasury.

All Cherokee warrants bear interest from the date of registration at the rate of 6 per cent per annum. It was found to be no small task to figure the interest on the 4,000 warrants presented for payment. There were about 4,500 warrants sent to this office at various times while the payment was in progress. Many of them, however, were not legally and technically indorsed, as is required by the regulations, and payment of interest for that reason was refused and the warrants returned to the holders.

Cherokee warrants are now held by individuals, corporations, and others at the uttermost ends of the United States. For instance, quite a number are owned by a lady living in Los Angeles, Cal.; the Municipal Savings Company, of Portland, Me., hold a number, and over $125,000 worth are held by one Wall street broker alone.

The rate of interest, 6 per cent, is considered high in the East, and for that reason and the further fact that the United States officials now disburse Cherokee moneys the value of the warrants in the open market has increased from about 90 to 98 and 99 cents, much to the gratification of school-teachers and the original holders.

No expense is necessarily attached to the collection of the interest due on the warrants, as they may be sent direct to this office, the interest figured thereon, and vouchers sent the holder for signature. When these vouchers have been returned to the agent's office, properly signed, a check drawn on the assistant treasurer of the United States at St. Louis, Mo., is sent to the owner of the warrants, and at the same time the warrants are returned to him. The amount of interest paid, however, and the date from and to which the interest is paid being first annotated on the back of the warrant or warrants, as the case may be.

During the recent payment there were filed in this office, either for the payment of the principal or the interest due thereon, over $800,000 worth of warrants. Warrants are gradually drifting into the hands of bankers and brokers in the East, and ready sale for them in the open market can be found.

A careful estimate of the outstanding indebtedness of the Cherokee Nation, after the payment referred to had been completed, shows the debt of the nation to be little over $800,000. The United States Government pays the Cherokee Nation, on account of interest on its invested funds, which are held in trust by it, at the rate of 3, 4, and 5 per cent per annum.

I recommend that Congress appropriate the sum of $800,000, or so much thereof may be necessary, to pay the outstanding warrants of the Cherokee Nation that have been legally and properly issued.

I make this recommendation for the reason that the nation only receives interest at the rate of 3, 4, and 5 per cent, while it pays on its indebtedness an annual interest at the rate of 6 per cent.

A number of the warrants issued by the Cherokee Nation have been outstanding for more than five years. The amount due from the Government annually on the Cherokee invested funds is $163,000, which amount does not seem to be sufficient to pay the yearly indebtedness incurred in conducting the affairs of the nation, and for that reason it would seem that unless the appropriation referred to is made, the Cherokees will continue to remain in debt, and on this debt pay interest at the rate stated.

Special Inspector J. W. Zevely has submitted several reports and recommendations in the matter of Cherokee warrants to the Department. He concurs in my recommendation that the entire indebtedness of the nation should be paid off. There attached as Exhibits O and P facsimile of a Cherokee warrant and sample sheet Cherokee warrant pay roll.

TOWN LOTS IN THE CHOCTAW AND CHICKASAW NATIONS.

During the fiscal year closing June 30, 1900, there has been received at this office on account of payment on town lots in the nations mentioned, $11,139.48.

Up to the present time in these two nations the plats of three towns only have been approved by the Secretary of the Interior. The towns are Colbert in the Chickasaw Nation and Sterrett and Atoka, in the Choctaw Nation.

After the plat of a town has been completed and approved, a notice of appraisement on improved lots is served upon the owners of improvements upon said lots by the town-site commission. A duplicate copy of this notice of appraisement is forwarded to this office, together with the town-site record book, and all persons are notified that they should remit for their lots to the United States Indian agent. When the remittance is received at this office, it is first entered into the cashbook and from there carried to the town-site record book.

The unimproved lots are sold at public auction to the highest bidder, who is required to pay for the same in four equal annual installments. The Department, however, has recently directed that the United States Indian agent for the Union Agency be present at the sale of unimproved lots and require the successful bidder to deposit with him 10 per cent of the purchase price, which shall be forfeited and become the property of the Choctaw and Chickasaw nations unless the purchaser shall pay the balance of the first installment in ten days from the date of sale. However, should any purchaser desire to pay the full amount of the first installment or the full purchase price at the time of the sale he is permitted to do so.

The owners of lots, either improved or unimproved, are allowed three years in which to pay for them. The first payment on improved lots must be made within sixty days from the date of the service of the notice of appraisement and the balance in three equal annual installments.

Patents for town lots in the Choctaw and Chickasaw nations are issued under joint hands of the respective executives of the Choctaw and Chickasaw nations. Before any patent can issue, it is necessary for this office to give said executives full information in reference thereto; in fact, all data in connection with the patents emanates from this office for the reason that the town-site record book is kept here and it could not be obtained from any other source. Exhibit N is a copy of the form of the patent to be used in these nations.

The form of blank used in connection with remittances to this office on account of improved and unimproved lots is shown as Exhibits O and P. The form of the acknowledgment or the receipt used is shown as Exhibit Q.

INDIAN GOVERNMENTS.

The Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indian nations, commonly called the Five Civilized Tribes, occupy the major portion of what is known as "The Indian Territory." A small part of the Territory in the extreme northeast has been set apart for the Quapaw, Miami, Peoria, and other small tribes of Indians, and is known as the Quapaw Agency.

The total area of lands embraced within the Quapaw Agency is only 212,298 acres, and the total Indian population 1,448, as compared with 19,776,148 acres and about 81,000 Indians, freedmen, and 300,000 whites in the Five Nations.

The Five Civilized Tribes have, by treaty stipulations, the right of self-government, with certain limitations and conditions. No act of any of their legislatures or councils is effective until the same shall have been approved by the President of the United States.

The act of June 28, 1898 (the Curtis bill), abolished all the tribal courts in the Cherokee and Creek nations, but in no way deprived the councils of their rights to enact laws, subject to the approval of the President. The Cherokee, Creek, Choctaw, and Chickasaw nations have printed books of their laws, which have been carefully compiled and are written both in English and the language of the nation issuing them.

Cherokee Nation.—The power of the Cherokee government is divided into three distinct departments: the legislative, executive, and judicial. The national council of the Cherokee Nation is composed of its citizens, who are elected by popular vote, and convene annually on the first Monday in October, at the capital at Tahlequah, or in case of emergency it may be called together by the principal chief. No person can be an officer of the Cherokee Nation unless he is a citizen thereof. They are paid for their services out of funds belonging to the Cherokee Nation by means of a warrant issued by the principal chief. The supreme executive power of the nation is vested in the principal chief, who is styled "the principal chief of the Cherokee Nation." His term of office is for four years. The principal chief is assisted in his duties by the assistant principal chief, who is also elected by popular vote. The other officers are treasurer, auditor, and attorney-general.

Creek Nation.—The law-making power of this nation is lodged in a council, which consists of two houses—the house of kings and the house of warriors. The members of both houses are elected. No person can be a member of either house who is not a citizen of the Creek Nation. The style of the action of the council is: "Be it enacted by the national council of the Muskogee Nation." The highest executive

power is known as the principal chief of the Muskogee Nation, who is elected for a term of four years, and has for his assistant the second chief of the Muskogee Nation, who is also elected and holds his office for the same term of years as the principal chief. The principal chief is invested with the reprieving and pardoning power, and is required to see that all laws of the nation are faithfully executed and enforced, and to make recommendations to the council that he deems necessary for the welfare of the nation. All the acts of the council are submitted to the principal chief for his approval or disapproval. The other officers of the nation are national treasurer, national interpreter, national auditor, international delegates, national translator, national license tax collector, national live stock inspector, and the national board of education. The national treasurer, national interpreter, and national translator are elected by the council for a term of four years. The other officers are nominated by the principal chief and confirmed by the national council. The council convenes annually at Okmulgee, the capital of the nation, and in case of emergency by a call from the principal chief.

Inasmuch as the act June 28, 1898, abolished the tribal courts of the Cherokee and Creek nations, no data will be given in reference to the former judicial systems of the two nations.

Choctaw Nation.—The powers of the government of the Choctaw Nation are divided into three distinct departments—legislative, executive, and judicial. The legislative power of the nation is vested in the general council, which consists of the senate and the house of representatives, and the style of their law is "Be it enacted by the general council of the Choctaw Nation assembled." No person can be a member of the council unless he is a citizen of the nation. The judicial system of the nation is vested in one supreme court, circuit, and county courts. The supreme executive power of the nation is vested in the principal chief, assisted by three subordinate district chiefs, who are elected for a term of two years. The other officers of the nation are national treasurer, national auditor, national agent, national inspector, and the national district collector.

Chickasaw Nation.—The government of the Chickasaw Nation, like that of the Choctaw Nation, is divided into three departments—the legislative, executive, and judicial. The legislative power of the nation is vested in two branches, one styled the senate and the other the house of representatives, and both together the legislature of the Chickasaw Nation. The style of the law is, "Be it enacted by the legislature of the Chickasaw Nation." The members of the legislature are elected by popular vote for a term of two years. The executive power of the nation is vested in the chief magistrate, who is styled "The governor of the Chickasaw Nation." This officer is elected for a term of two years. The judicial powers of the nation consist of one supreme court, the district and such other courts as the legislature may from time to time ordain and establish. The other officers of the nation are national secretary, district attorney, national treasurer, auditor of public accounts, and the school superintendent.

The agreement entered into between the commission to the Five Civilized Tribes and the representatives of the Choctaw and Chickasaw nations at Atoka, Ind. T., April 23, 1897, and ratified by the act of June 28, 1898, permitted the continuance of the tribal courts, somewhat modified, for a period of eight years from the 4th day of March, 1898.

Seminole Nation.—The Seminole Nation has no printed laws, and I have no data at hand with which to give any information in reference thereto. The chief executive is known as "the governor of the Seminole Nation," and is elected for a term of four years. They have a council which is convened by the governor annually, or at such other times as in his judgment it may be deemed to the best interests of his people. They also have a national treasurer and auditor, who are appointed by the governor. The capitol is at Wewoka, Ind. T.

The agreement entered into between the commission to the Five Civilized Tribes and the Seminole commission, December 16, 1897, does not state when the tribal government shall cease to exist.

The governments of all the Five Tribes are modeled after those of the States of the Union.

BIOGRAPHICAL SKETCHES, RECOMMENDATIONS AND SUGGESTIONS MADE BY THE EXECUTIVES OF THE CHOCTAW, CREEK, CHICKASAW, AND SEMINOLE NATIONS.

The present executives of the Five Civilized Tribes of the Indian Territory are men of considerable influence among their people. It is thought that it will be interesting to give a brief sketch of their lives, and at the same time to embody in this report some of the recommendations and suggestions which they have made, at my request, that will ultimately be for the good of their people.

Buffington, principal chief, Cherokee Nation.—Thomas M. Buffington was born October 19, 1855, at Cincinnati. Ark., and educated at Going Snake district schools, Cherokee Nation, Indian Territory.

In 1899 Mr. Buffington was elected to the judgeship of Delaware district, and in 1891 was called to the senate to represent the same district. He has served the nation in other capacities. In 1898 he was elected principal chief of the Cherokee Nation, which office he is now holding. Mr. Buffington is one of the tallest and best-built men in this section of the country, his height being 6 feet 7 inches. He was called to the highest position in the gift of his people at the most critical and delicate time in the history of his country.

Chief Buffington has displayed tact and firmness in the discharge of his duties. His relations with the United States officials in the Indian Territory have been exceedingly pleasant.

The chief is what may be termed a progressive Indian, and is in favor of making a treaty with the Dawes Commission with a view to winding up the affairs of the nation.

I regret to state that Chief Buffington has submitted no recommendations or suggestions that can be embodied in this report.

Brown, principal chief, Seminole Nation.—Hon. John F. Brown, known as "Governor Brown," is now and has been for the past fifteen years principal chief of the Seminole Nation. Governor Brown was born in Tahlequah, Ind. T., in the Cherokee Nation, October 23, 1843. He received a limited education in the district schools of the Cherokee Nation. During the war he served as first lieutenant in the First Creek Regiment. Immediately after the close of the war he moved to and joined his people, the Seminole. In 1865 Governor Brown was appointed a delegate to Washington, and was one of the signers of the famous 1866 treaty. The governor has also served his nation as delegate to Washington, as a member of the council, school superintendent, treasurer, and is now completing his fourth term as principal chief. The Seminole Nation, the governor says, is at the present time in a prosperous condition, satisfactory alike to the people and the Government at Washington, and that he can think of no suggestions that will improve their present or future prosperity, except to close the doors of the saloons dealing out whisky along the Seminole line bordering on Oklahoma. He recommends that his people be allowed to remain just as they are at present for as long a period as possible, and that they be given ample time for the opening up and cultivation of their lands. The governor adds that, with the establishment of the United States court, his people will necessarily become more familiar with its workings, learn to respect and appreciate its protecting influences, and that finally it will supersede and take the place of the tribal courts. The schools of the nation are in good working order and lend a powerful helping hand for good.

Porter, chief, Creek Nation.—The principal chief of the Creek Nation, Hon. Pleasant Porter, was born in the Creek Nation, Indian Territory, about fifty-two years ago. He has long been recognized as one of the foremost men of this section and an advocate of progression; is broad and liberal in his ideas, and has served the nation as a delegate to Washington some fifteen or sixteen times. The chief was one of the members of the commission to negotiate several important treaties, notably the cession of Oklahoma and the recent agreement with the Dawes Commission. He has the following suggestions to make as to the best methods to be adopted in winding up the affairs of the Creek Nation:

First. The ratification of the Creek agreement.

Second. Some definite way of putting the allottee into possession of his lands.

Third. The early setting apart of the land that will be required for the present use and prospective growth of towns that now have a population of 200 or more.

Fourth. A uniform system of taxing noncitizen traders.

Fifth. The passing of a law compelling the fencing of lands rented for grazing purposes.

In the opinion of Chief Porter, it would be unfortunate to include the nations of the Indian Territory in any State or Territorial government, as he believes this would add another factor to the already difficult problem in the division of the landed and other interests of the Five Civilized Tribes; and, further, that the sooner the allotment is completed and the landed and other interests of the Creek Nation shall have been settled, the better; that the time only adds difficulties to the situations, and new ones are continually arising which could not have been aforeseen and provided for; that a period of transition is not the one in which the people are liable to prosper, and a settled condition of property and definite laws protecting the person and property is essential to the advancement and prosperity of any people; that he urges strongly the policy of laying aside all minor difficulties, in order to secure a solution

In this connection I can not refrain from calling attention to some of the conditions prevailing, in order that the Department, and others interested, may derive an intelligent understanding of what the agents of the Government have to contend with in their efforts to carry out the Department's instructions directing the collection of tribal revenue.

Within the Indian Territory there are not less than 300,000 noncitizens who are engaged in the mercantile business and other pursuits, and who make every conceivable effort to avoid the payment of any tax. Especially is this true in regard to what is called "royalty on hay" in the Cherokee Nation. The Cherokee Nation by its laws imposes a tax of 20 cents per ton on all hay shipped from its limits. There is quite a demand for Indian Territory hay, and annually large shipments are made from the Cherokee Nation during the summer months, the royalty on which, if it were all collected, would be a source of considerable revenue. Despite all the past efforts of the Government officers of the Territory much of this royalty has not been collected for the reason that the intruder element, acting under advice of lawyers, have banded together to resist and prevent its collection. They have even gone so far as to intimidate and threaten the Indian policemen connected with this office when detailed for duty to assist the revenue inspectors. The timely removal from the Indian Territory of one of the leaders of the opposition to the payment of the hay tax has demonstrated that the tribal revenue can and will be collected, and has to a certain extent facilitated the work of collecting it and restored the confidence of the Cherokee, and leads them to believe that the Government will see that they are not deprived of this source of income and that ultimately they will receive the benefit therefrom.

Efforts have been made by hay shippers to prevent the collection of this tax or royalty by means of an injunction from the United States court, which has been invariably denied.

Last summer a number of lawyers in the northern district of the Indian Territory sought by injunction suit in the Federal courts to enjoin the agents of the Government from the collection of the occupation tax imposed upon them by the laws of the Creek Nation. In the case of Maxey et al. *v.* Wright et al., appealed to the court of appeals for the Indian Territory, it was held that the superintending control of the Interior Department over the Creek is in no wise abolished, but, on the contrary, all recent powers of the Department to remove from the Indian Territory, for the causes specified, by the treaties and the statutes, as they existed before the passage of the act, and that the bill, commonly called the "Curtis bill," from beginning to end recognizes this continued authority of the Interior Department and in many instances enlarged it.

The court further held that the Indian agent was acting in strict accordance with the directions of the Secretary of the Interior in a matter clearly relating to intercourse with the Indians, and that he had a right, under these regulations, to collect the revenue due the nation, and to remove therefrom as an intruder any person who failed to comply with the intercourse laws; and further, that the Indian statutes were not annulled, except that in so far as the jurisdiction was taken from them and transferred to the United States courts.

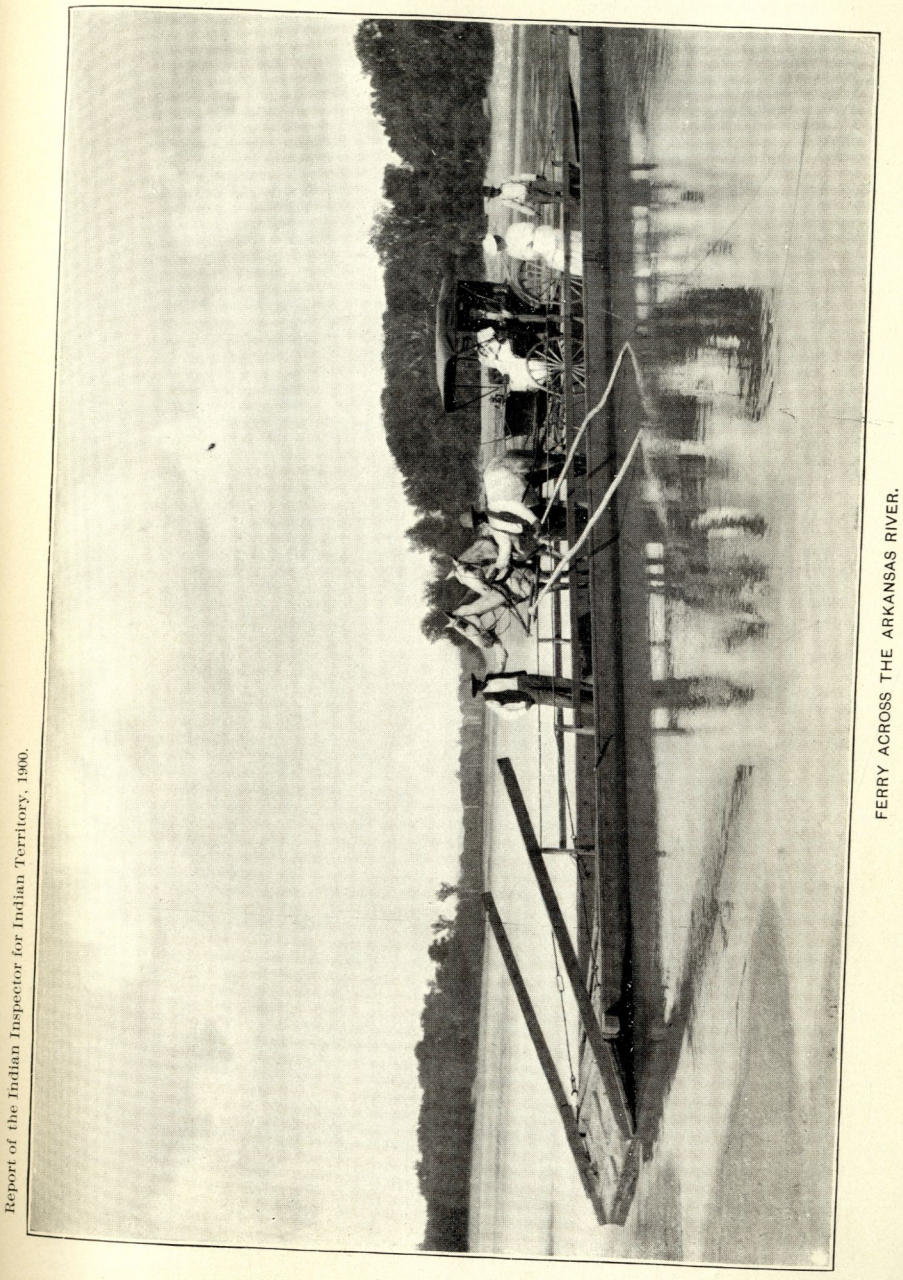
The above opinion, I understand, was concurred in by all the judges, and if this be true, the highest court of the Indian Territory has unanimously decided that the relations of the Interior Department to the Indian tribes in the Indian Territory are not only not changed by recent legislation, but its powers enlarged, then it would seem that there can be no question as to the authority of the Department to enforce the collection of the tribal tax and remove from the Territory all persons who may be there in violation of the law. Yet, in spite of this decision and others of a similar nature, the opposition to the collection of the tribal tax grows stronger, and many difficulties are encountered in attempting to collect it.

Last winter the governor of the Choctaw Nation complained that a number of noncitizens residing in his nation had failed or refused to pay the permit tax imposed by the Choctaw laws, and requested the removal of such persons from his nation.

Upon receipt of the governor's letter or complaint, the parties so complained of by the governor were then written the following letter:

"You are informed that the governor of the Choctaw Nation complains to this agency that you are a noncitizen residing in the Choctaw Nation, and that you have refused or failed to pay the permit tax as required by the Choctaw laws. The governor therefore reports you as an intruder in said nation and asks that you be removed from the limits of the same.

"You are hereby notified that the Department of the Interior holds that said tax is lawful and that said nation has the right to levy and collect the same from noncitizens residing in said nation, and all such noncitizens therein who refuse or fail to comply with the law imposing said tax upon them are subject to removal as intrud-



FERRY ACROSS THE ARKANSAS RIVER.

ers in an Indian country, under the provisions of section 2149, Revised Statutes of the United States.

"You are therefore directed to immediately pay said taxes to the authorized collectors for the Choctaw Nation, and you will inform me if you intend to comply with the said laws, and in case of your refusal to do so I will take the necessary steps to carry out the order of removal as above mentioned."

In one or two instances, no attention having been paid to the notice from this office, the persons complained of were removed from the Indian Territory. The removal of an intruder is always an unpleasant task, and was only resorted to in the last extremity.

In this connection I give below a copy of an editorial which recently appeared in the Chieftain, a paper published at Vinita, Ind. T. This editorial describes well the conditions that now exist, and the attitude of the persons who oppose and endeavor to thwart the Government officials in their efforts to collect the tribal taxes.

"Recent developments have revealed the attitude of the Government of the United States toward the Cherokee in a manner calculated to make the average Cherokee citizen open his eyes in astonishment. When the Curtis law was passed the Indians felt that their laws were abolished, their revenues cut off and their tribal existence suddenly and rudely ended; but if the Government, through the Interior Department, intends to enforce the collection of the taxes due the nation, and to protect the Indians in their land holdings and in various other ways, the future is a little bit brighter than the recent past. The fact is slowly beginning to dawn upon the Cherokee that the United States Government does not want to rob him nor to permit others to do so, but, on the other hand, proposes to see to it that he is protected as a tribe and as individuals.

"The Cherokee Nation has been the most beleaguered little government for the last quarter of a century on the globe. It has been mercilessly looted by its own citizens. Its grazing lands have been absolutely monopolized to the exclusion of the Indian settler by the cattlemen, some of them citizens by adoption and many of them white men from the States.

"These are the fellows who have opposed the Government at every step, and who are still opposing it and spending money to thwart every effort to do simple justice to the Indians. It is to be earnestly hoped the officials of the United States will not fail to take cognizance of the men who rallied around the accused in the trial that has been going on in this city this week at the United States court-house. The key to the whole situation could be found in that alone. What has prevented the allotment of land for the last decade or longer? It has unquestionably been the land monopolist, who did not want to give up the vast acreage of Indian land held and from which he was growing rich. Who is it that now boldly comes to the front and stands in the way of the Interior Department in its efforts to collect the revenue on hay? It is the same crowd of monopolists who have for many years hung upon the Indian country like a pack of hyenas. No wonder these men are ready to resist the collection of the royalty on hay. They know full well that it means the same on cattle, on merchandise, on coal, on the mineral and other products of the country, the heritage of the Cherokee Indians. The Government has at last reached the real battle ground in the settlement of affairs in the Cherokee Nation and at last come face to face with the real people who have all along stood in the way of the accomplishment of the purposes of the Government in dealing with the Indians. These fellows have hidden behind the real Indian and represented to the Government at Washington, through prepaid emissaries, that the Cherokee was opposed to allotment and every progressive movement. Who is it that is now resisting the payment of the Indian tax? Is it the Cherokee Indian? No. Although this is an Indian country (which they now deny), the Government is having no trouble with the Indians. It is the white man who has taken charge of the Indians' estate and who now disputes even with the United States Government itself as to whether he shall relinquish his hold upon it or not. The governor who a few days hence shall sit in the executive chair at Tahlequah is an Indian who comes from and who is in sympathy with the common Cherokee Indian. In him the United States officials here will find a safe ally. In him, we believe, the Interior Department will find a ready helper in unraveling the tangled skein of governmental complications in this country."

RECOMMENDATIONS.

I earnestly request that consideration be given to my recommendation in the matter of the reduction of the police force of this agency and to the increase of salary of the remaining members of the force, as outlined in this report.

I can not urge too strongly that some definite line of action be adopted in reference to putting allottees in possession of their allotments.

Congress should pass an act appropriating out of Cherokee funds a sufficie... amount to pay the indebtedness of the nation.

A law should be passed compelling the Five Civilized Tribes of Indians to adopt... uniform system of taxing noncitizens residing and doing business within the limits... their nations.

There should be established a workhouse or reformatory, to be located at some... suitable place in the Indian Territory, to be used as a place of confinement for a cer... tain class of criminals, where they could be given the rudiments of an education.

Roads are in a deplorable condition in the Indian Territory, and I find that no pro... vision has been made for the establishment of roads under the present system... allotting lands.

Many complaints were received at this agency during the year that roads were being... fenced or turned, causing great annoyance and inconvenience to the traveling pub... lic. There seems to be no law providing for the establishment of highways or public... roads, and I recommend that the commission to the Five Civilized Tribes be author... ized to withhold from allotment 20 feet on each side of the center of the section lin... to be used as a highway, and, furthermore, that allottees be required to throw open... all roads running through their selections on the section line where practicable.

In concluding this report permit me to say that I have endeavored to manage the... affairs of this agency in a way that would be satisfactory to my superiors and bene... ficial to the great number of Indians under my charge.

I also desire to add that I am indebted to the employees of this agency for faith... ful service and earnest support in my efforts in behalf of these Indians; and especially... am I indebted to Hon. J. George Wright, United States Indian inspector for the... Indian Territory, for valuable aid and assistance.

With assurances of my appreciation for favors shown by your office during the... year, I have the honor to be,

Very respectfully, your obedient servant,

J. BLAIR SHOENFELT,
United States Indian Agent.

THE COMMISSIONER OF INDIAN AFFAIRS.

SUNDAY SCHOOL INDIANS AND WHITE RENTERS.

Report of the Indian Inspector for Indian Territory, 1900.

REPORT OF SUPERINTENDENT OF SCHOOLS FOR INDIAN TERRITORY.

OFFICE OF SUPERINTENDENT OF SCHOOLS FOR INDIAN TERRITORY,
Muscogee, Ind. T., July 25, 1900.

DEAR SIR: I have the honor to submit my second annual report as Superintendent of the Schools in the Indian Territory, as follows:

PRELIMINARY.

For general information I venture a brief description of conditions as now existing in the Territory.

For the past sixty years or more the Five Civilized Tribes, viz, the Cherokee, Creek, Choctaw, Chickasaw, and Seminole, have owned all the land in the Territory, the members or citizens of each nation or tribe holding in common the tract of land conveyed by the United States to such tribe. The Indian population and total acreage are estimated about as follows:

Tribe or nation.	Population.	Acres of land.	Acres per capita.
Cherokee:			
Indians	30,000		
Freedmen	4,000		
Delaware	1,000		
Total	39,000	5,031,351	129
Creek:			
Indians	10,000		
Freedmen	6,000		
Total	16,000	3,040,000	190
Choctaw:			
Indians	16,000		
Freedmen	4,250		
Total	20,250	6,688,000	330
Chickasaw:			
Indians	6,000		
Freedmen	4,500		
Total	10,500	4,650,935	443
Seminole:			
Indians	1,500		
Freedmen	1,500		
Total	3,000	365,854	122

While the Choctaws and Chickasaws have more land per capita than the other nations, they have also a greater acreage of hilly, untillable land.

CLASSES OF INDIANS.

The Indian population may be divided into four classes, almost equal in number, viz: Full-bloods, half-breeds, freedmen, and intermarried whites, including those who possess but a small degree of Indian blood. Many of the Indians have fenced portions of the land belonging to their respective tribes, have built houses and developed farms. The greater portion of the land, however, remains undeveloped. In the work of making farms and cultivating the land, the "white" Indians, half-breeds, and negroes have been most active, while the full-bloods, as a rule, have been crowded back into the hills, where the restraints of civilization bear but lightly upon them.

FULL-BLOOD INDIANS.

In carrying on the work of education one of the most difficult tasks which confronts us is: How can we reach these full-bloods? They are to some extent nomadic in their habits of life, are governed largely by their prejudices and superstitions, and are naturally jealous of their white brethren who have steadily encroached upon their hunting grounds. They have nearly all adopted the white man's dress, but they are prone to hold tenaciously to many of the customs and modes of living of their ancestors. With some notable exceptions, they do not appreciate the need of education. A school may be started in a given neighborhood with good prospects, but before the end of the term the Indians of that vicinity may all migrate to some other settlement, leaving the teacher without pupils. Doubtless the plan now in vogue in some of the reservation day schools, of furnishing a noonday lunch to the pupils, would produce good results in some of these full-blood settlements, if we had suitable school buildings.

NEIGHBORHOOD SCHOOLS.

While the various Indian nations have expended large sums of money in erecting and maintaining a few boarding schools or academies, in which the children of favored citizens have been educated, free of charge, they have steadily and uniformly refused to build neighborhood school buildings. What is known as the "district school" in the States has received but little attention or encouragement here. There are no country or village schoolhouses in the Territory except such as have been erected by subscription or donation of funds. As a result of this policy it may well be imagined that almost every neighborhood school is conducted in a very cheaply-built, poorly-furnished house. Fully 90 per cent of these houses have no furniture, except the old-fashioned wooden benches.

CHANGING CONDITIONS.

During all these years each Indian nation has maintained its own political organization. Biennnially or quadrennially it has elected its own governor or chief, with full corps of officials. It has maintained its own legislature, composed of an upper and lower house, which has had full power to enact laws for the government of its citizens. It has maintained its own courts, vested with the authority to enforce these laws. It has maintained its own schools, with a code of laws and corps of school officials having absolute power to administer its educational affairs. For years past charges of reckless mismanagement of public affairs, corruption in office, and favoritism in the administration of public business have been so enormous and flagrant that the United States Government, by treaties and by act of Congress, finally determined to curtail the powers of these native officials. The act of June 28, 1898, commonly known as the Curtis Act, abolished their courts and substituted Federal courts in their stead. This act places the financial affairs of the various nations under the supervision of United States Government officials, places their schools under the supervision of the Secretary of the Interior, provides for individual allotment of their lands, and contains provisions tending toward an ultimate extinction of all tribal laws and governments. By reason of this act the Territory is now undergoing changes more important and far-reaching in their results than any ever before imposed upon the Indians. It may well be imagined that the natives, especially the full-bloods, are slow to understand these new requirements and hesitate to adapt their habits and modes of life to these new conditions and environments. The scope and meaning of some of the provisions of the Curtis Act are not readily grasped by the natives, while neither lawyers nor judges agree in their construction and application of these new laws. These conditions tend to create in the minds of the Indians feelings of dissatisfaction with the present state of affairs and feelings of doubt and uncertainty as to the final outcome.

The Federal officials are laboring earnestly and assiduously to protect the interests of the Indians, to fairly adjust their property rights in accordance with the new order of things, and Congress should speedily furnish whatever aid or relief is necessary to complete this enormous task. Owing to these peculiar conditions, the task of improving the educational work of the Territory is an extremely difficult one. Improvement implies change, and the Indians are, by nature, prone to resist change. Oftentimes, when we find it necessary to make certain changes, we are informed that such changes can not be effected without violating the laws of the various Indian nations. Thus our efforts to improve educational conditions are frequently opposed, especially by that class of natives who are opposed to progress and improvement. Universal education is a greater necessity now among these people than ever before.

Tribal relations are being destroyed, tribal lands are being allotted in severalty, and each individual Indian will soon be expected to look out for himself, to depend upon his own resources, to act according to his own best judgment. These new relations and environments will not be understood or appreciated, these new responsibilities will not be easily borne, unless we succeed in improving the intellectual condition of these natives. We appreciate, I believe, the great importance of the task assigned to us, and while the limited control which we have over the schools of some of these nations prevents our inaugurating many radical reforms, yet we shall labor diligently to improve educational conditions in every possible way.

IMPROVED CONDITIONS.

As a result of our past year's work we can already note some improvements. When we entered upon our duties here, more than a year ago, it was openly charged that various native school boards were selling teachers' positions at from $10 to $25 each. No such charges were made during the past year. With but few exceptions the Indian school boards have cooperated with us heartily. Teachers are manifesting a livelier degree of interest in their work and are endeavoring to improve their qualifications. Some of the poorest teachers have been dropped, not having been able to pass reasonable examinations.

OUR SUMMER NORMALS.

Several months ago I applied to the authorities at Washington for an appropriation with which to conduct summer normal schools for the teachers of the Territory, but owing to the uncertain condition of the numerous bills then pending in Congress relating to Territorial affairs we were unable to secure any financial aid. Knowing something of the great value of normals and institutes to the teachers and to the schools, and knowing that the teachers of the Territory were specially in need of some normal training, we determined to accomplish something along that line. After consultation with the school supervisors and some of the tribal school officials it was agreed that such normals should be held during the month of June in the Cherokee, Creek, and Choctaw nations. These normals were held in the large academies, and a fee of $12 was collected from each teacher in attendance for board, room, and tuition for the term of four weeks. After paying actual cost of board the balance of the funds received was distributed among the instructors who were employed to conduct the recitations. The plan of boarding the teachers, of keeping them together in isolated academies for a month, was a new one, and it was not without some feelings of doubt and anxiety that we undertook this task. We succeeded, however, beyond our expectations. The teachers realized the need of improvement and were eager for the normals. Supervisors Coppock, Ballard, and McArthur spent the entire month of June in the normals of their respective nations and rendered valuable aid to the instructors who were employed during the term. Each of these supervisors taught some classes daily and were ever ready with valuable suggestions concerning school methods and management.

The Cherokee Normal was held at the Female Seminary, Tahlequah, and was attended by about 140 teachers.

The Creek Normal was held at the Eufaula High School, and enrolled about 60 teachers.

The Choctaw Normal was held at the Tushkahoma Female Academy, with an enrollment of about 100 teachers.

Besides the above, normals were also held in the Creek and Cherokee nations for the colored teachers, and were well attended.

The instruction given in all these summer schools was of a practical character, and we feel quite sure that the teachers who attended will enter upon their next year's work with improved methods of teaching and with higher ideals of education.

CHEROKEE SCHOOLS.

The Cherokee have doubtless made more progress in educational affairs than any other nation in the Territory. Their female seminary, male seminary, and orphan asylum are magnificent three-story brick buildings, upon which large sums of money have been expended. The annual closing exercises in these academies are always attended by large crowds of their citizens and are regarded as important events. During the past year the members of their board of education have shown a considerable degree of interest in the educational work of their nation, and as a rule Supervisor Coppock's advice and suggestions have been acted upon favorably by them.

One important change effected in their schools during the past year was the abolition of their winter vacation, which, in former years extended through the months of January and February. Now they have but a short Christmas vacation, and their school year closes before the hot season begins. A comparison of the cost of maintaining these academies during the fiscal year just closed with that of the preceding year shows an average saving of more than a dollar per month for each pupil in attendance.

CREEK SCHOOLS.

The Creeks have been somewhat lavish in the expenditure of funds for school purposes, but have not advanced very rapidly from an educational standpoint. They have more boarding schools than any other nation in the Territory (nine in number), yet not one pupil in a hundred ever reaches a high-school grade. By a law of the Creeks, a boarding school superintendent is declared to be an official of the nation, and therefore none but citizens of their own nation are eligible to these positions. When they had entire control of their own schools, it was not considered necessary that a boarding school superintendent should be an educated man, and it seems difficult yet to convince them that their educational affairs can not be successfully conducted by uneducated people. We have succeeded, however, in removing some of these superintendents who were charged with drunkenness and incompetency, and a healthier educational sentiment prevails now than was apparent a year ago. Through a careful, systematic checking of superintendents' accounts, Supervisor Ballard has reduced the annual expenses of these boarding schools over $5,000, at the same time improving the condition of the schools. Mr. Ballard has gained the confidence of the Creeks, has worked in harmony with the Creek officials and teachers, and they regret to hear that he is being transferred to another nation.

CHOCTAW NATION.

The schools of the Choctaw Nation are now maintained solely by the revenues derived from royalty on coal mined in that nation, as provided by the Atoka agreement and the so-called Curtis Act. The Atoka agreement contains the following provision:

"All coal and asphalt mines in the two nations (Choctaw and Chickasaw), whether now developed or to be hereafter developed, shall be operated and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior."

Section 19 of the Curtis Act also contains the following provision:

"That no pay ment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him."

Early in the year 1899 the Secretary of the Interior ruled that as the Atoka agreement and the act of Congress approved June 28, 1898, commonly known as the Curtis Act, provided for the gradual extinction of all tribal officers and of all of their governmental machinery, and that inasmuch as the provisions above quoted placed upon him the responsibility of the proper use and expenditure of these funds, that thereafter all appointments of employees in the schools maintained by the royalty fund should be made by him or under his direction. Acting under instructions, I attended a meeting of the Choctaw board of education, presided over by their principal chief, in April, 1899, and explained to them fully the rulings of the honorable Secretary. No objection whatever was made by any member of the board to our assuming entire control of their schools. The meeting was perfectly harmonious, and from that date (April 5, 1899) until the Choctaw council met in October following their board of education did not attempt to transact any school business, nor did they at any time question our authority to make appointments. During the summer I was in constant communication with the various members of their board and our proposed plans of work received their hearty indorsement. Public examinations were held by us in various parts of the nation and about 100 of the best available teachers were put in charge of their schools on the first of September. All went well until the Choctaw council met in October, when the politicians of that body, who had been accustomed to manipulating the schools in their own personal interests, caused us some annoyance by denying the right of the Secretary of the Interior to control the schools, by ordering their board of education to cease cooperating with us, and by threatening to withdraw their pupils from the academies. Hon. J. George Wright, United States Indian inspector, and the writer visited their council and endeavored to reason with them. We assured them that every effort would be exerted to build up their schools and tried to convince them that their action would simply result in injuring the interests of their own children. After the council adjourned school matters became comparatively quiet again, and I am pleased to note that their academies have had a larger attendance during the year and better teachers were employed than ever before, yet the cost of maintaining these academies has been materially reduced. Having had entire control of the Choctaw schools during the past year, we introduced some work along the line of manual training and domestic science, although we were hampered by the lack of the necessary tools and appliances. At first the pupils were not inclined to look with favor upon this departure from their accustomed routine and declared that they did not come to school to work. Before the year closed, however, many of the boys were proud of the various articles of furniture made by their own hands, such as tables, picture frames, stools, etc., while the girls at the close of school made a very creditable exhibit of their fine needlework.

I regret to report that on the 23d of June last the main building of Spencer Academy was destroyed by fire. A fire was started in the engine, as was customary, for the purpose of operating the steam pump, with which to fill a large tank with water. Sparks from the engine were blown through an open window, from which the bedding in one of the second-story rooms was set on fire. The flames spread rapidly, and as the building was a cheaply constructed, unplastered, frame structure it was impossible to save it. This building cost about $7,000, but could probably be replaced for about $5,000. This academy was destroyed by fire about three years ago and was rebuilt in 1898. The recent fire seems to have been purely accidental, and no blame attaches to any of the employees.

CHICKASAW SCHOOLS.

The five boarding schools were let by contract two or three years ago for a term of five years each by the Chickasaw authorities, and as they are maintained out of funds over which we have no control we have not been able to exercise much supervision over them. Reports received from that nation show that their schools are gradually getting more deeply in debt, and some of the superintendents or contractors of their boarding schools are unable to collect the moneys due them. Their school warrants are not worth their face value in cash, and unless some relief is supplied I fear that their schools will soon become financially embarrassed. Some arrangement should be made by which their share of the royalty fund could be used for the support of their schools. The school funds which the Chickasaws control are not sufficient to support the schools already established by them, yet it is said that the western half of their nation is almost entirely without school privileges.

Supervisor Simpson has been ever ready to assist and advise the Chickasaws upon school matters, but our limited authority in that nation has prevented our making much improvement in conditions.

I submit herewith a brief summary of statistics pertaining to the schools over which we exercise supervision, and for further information in detail I respectfully refer to the reports of the supervisors of the various nations which are presented herewith. A comparison of these statistics with those of former years will show that in the Cherokee, Creek, and Choctaw nations the expenses of maintaining schools have been materially reduced, while our system of examinations and supervision has enabled us to get rid of some incompetent employees and to improve the character of the work in many of the schools.

CHEROKEE SCHOOLS.

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Male seminary	120	80	9	$11,390.00	$131.75	.....
Female seminary	135	105	9	15,840.00	150.84	.....
Orphan Asylum	138	124	9	15,125.00	121.95	.....
Colored High School	45	23	9	3,400.00	147.78	.....
Total	438	332	.....	45,755.00	137.81	.....
124 neighborhood schools	3,920	2,195	7	30,380.00	13.98	.....
Total	4,358	2,527	.....	76,135.00	.....	.....

CREEK SCHOOLS.

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Eufaula	100	80	9	$7,784.76	$104.81	
Creek Orphan	60	55	9	6,562.16	130.22	
Euchee	80	58	9	6,668.15	123.76	
Wetumka	100	82	9	8,614.76	112.37	
Coweta	50	38	9	4,483.55	131.15	
Wealaka	50	39	9	3,999.48	115.37	
Tullahassee (colored)	100	80	9	8,057.88	108.22	
Pecan Creek (colored)	65	50	9	4,262.73	95.25	
Colored Orphan	35	24	9	2,000.18	104.15	
Total	640	506	.....	52,433.65	113.92	
55 neighborhood schools	1,745	1,042	9	13,223.42	12.68	
Total	2,385	1,548	.....	65,657.07	.....	

CHICKASAW SCHOOLS.

Orphan Home	59	47	10	$8,500.00	$180.00	
Wahpanucka Male Institute	79	60	10	13,000.00	216.00	
Collins Female Institute	38	38	10	6,600.00	173.00	
Harley Male Institute	80	75	10	13,200.00	176.00	
Bloomfield Female Seminary	92	86	10	15,180.00	176.00	
Total	348	306	.....	56,480.00	151.00	
17 neighborhood schools	489	386	10	36,115.00	93.00	
Total	837	692	.....	92,595.00	.....	

CHOCTAW SCHOOLS.

Jones Academy	110	81	9	$12,771.54	$157.67	
Spencer Academy	105	81	9	12,345.48	152.41	
Tushkahoma Female Academy	111	98	9	12,656.99	129.15	
Armstrong Male Orphan Academy	78	78	9	10,093.96	129.41	
Wheelock Female Orphan Academy	87	78	9	9,573.97	120.18	
Atoka Baptist Academy	58	55	9	5,569.10	101.25	.....
Total	549	471	.....	63,011.04	140.66	.....
120 neighborhood schools	2,170	1,812	9	27,570.91	12.70	.....
Total	2,719	2,283	.....	90,581.95	.....	.....

NOTE.—In addition to the above cost, the sum of $2,300 was expended for repairs, hardware, supplies, and irregular labor.

SCHOOL CENSUS OF THE TERRITORY.

We have not had the necessary facilities for securing an accurate school census of the Territory, but by the aid of our supervisors and teachers I have been able to compile the following estimate of the number of children between the ages of 6 and 18 years:

Nation.	Indians.	Negroes.	Whites.	Total.
Cherokee	8,340	950	10,000	19,2
Creek	1,850	1,300	3,500	6,6
Choctaw	4,000	1,000	16,000	21,0
Chickasaw	1,500	1,000	25,000	27,5
Seminole	400	400	100	9
Total school population	16,090	4,650	54,600	75,3

INDUSTRIAL AND MANUAL TRAINING.

My past year's experience in these Indian schools has led me to see the great necessity of introducing some systematic work along the lines of industrial and manual training and domestic science.

It is high time that those who are responsible for the education of any class of children should realize that their educational training should be such as will prepare the children for the fullest enjoyment of the kind of life which they, in all human probability, are likely to lead. The purpose of the Government in educating children is to prepare them to become good citizens. It is true that one who is able to support himself and his family and is orderly in the community and obedient to the laws is a good citizen; but one who can do these things and in addition thereto can help other people to live by giving them employment, or who can add to the wealth of the world, is a still better citizen. Paupers, criminals, idlers, the sick, and the helpless are not useful citizens; but only those who are fitted for self-support, who are able to take care of money, who are able to buy and pay for the products of others, who are prepared to do a part in this commercial, industrial, mechanical world as now organized, are good citizens. To make such citizens is the aim of our best modern schools.

An education which fits for teaching, preaching, medicine, law, or for clerking in a store is good for those who follow those vocations; but all can not follow them. None of these vocations are constructive. It is only by work that all these material things that make our civilization so superior to all others have come into being. The work of the world must be done or we shall at once fall below the plane of civilization on which we are now living. It, therefore, is the function of these schools to train its pupils to work—to be able to learn how to build houses, how to furnish them, how to care for house and furniture, how to cook food so it will be both palatable and healthful as well as economical—how to make garments and how to mend them, and how to make and manage the machinery which is now so large a part of all our home and business life.

There is no difficulty in teaching these things to children and young people. There is nothing else that is so interesting to them, nor anything else in which their advancement is more marked. These matters are easily put in such form that the child or young person readily learns them. The great success of the manual-training and domestic-science schools of all places where established fully proves that these arts can be as readily taught as any other branches of our educational curricula.

That German manufactures are found in every market at this dawn of the twentieth century is the result of establishing such schools in the Fatherland.

Nor need any one fear that pure education—mental discipline—will suffer by the founding of such schools. It has been proved beyond question that our men of large affairs are our men of greatest mental power; that business gives a mental training fully equal to that of the books; that the world around us and our minds are so interrelated that for most people there is no higher mental discipline possible than the discipline that comes in the lines of the preparation of the most useful and most helpful living.

It is a true saying, "As the twig is bent, the tree is inclined." It is also true that the bent given the child in his school days determines his inclination in after life. If his schooling is entirely in books, his inclination will be toward some bookish profession; and if we wish him to follow some more active vocation we must give him a more active training. If he is to be an agriculturist, he should be trained along the lines of farming and stock raising and the like. If he is to be a builder, he should be trained along the lines of mechanics and architecture. If he is to go to the head of some great business interest, he must be trained along the lines that pertain to that business. If he is to be a mechanic, it is better to give him a training of the hand that will fit him to do his work well and easily. Manual training is hand training and hand training is brain training, for the hand can only do the things which the brain has first thought out. To get the greatest brain training the hand also must be trained. The scientist has shown us that the brain tracts which control the nerves that extend to the hand are of very great area. There is no way to cultivate these brain tracts—to develop these brain cells—but by training the hand. Other things being equal, the man having the best hand training has the highest education. Those people which are foremost in the world's affairs have the highest hand training. The preeminence of the Greeks in the highest culture of the world for the past two thousand years is due largely to their wonderful hand training as shown in their temples, their columns, and their statuary. It is only what the hand does that endures. The human voice may speak words that will move the hearers to deeds of marvelous heroism. The voice of the singer may melt to tears or raise to loftiest ecstacy, but when the orator is absent or dead, and when the singer is silent, their powers are gone forever.

But let the hand be trained so that the words of the orator may be written down, cut in marble, or printed in books, let the song of the singer be written in music, and the words of the orator may thrill thousands who live in distant lands and the notes of the singer may send their sweet echo round the world.

It is only by the hand that man can give birth to his fullest thoughts and make them immortal. Does he think a beautiful edifice? If his hand is trained he can draw it upon paper, and other men with trained hands can erect it. Does he think out a new machine? The thought is worthless unless with trained hand he can work it out in metal and in wood, as did Fulton and Watt. Do beautiful forms flit through his brain? No one else can be charmed by their beauty unless, like Michael Angelo, he can paint them on dome or canvas. "The artist sees in the wayside stone the angel form struggling to be free," but the angel will never enjoy its freedom till some one whose hands are skilled with mallet and chisel releases it from its bondage.

When it is realized how much of our health and wealth and life and happiness depend upon the skillful hands of some one, or rather of many, can any one doubt that there is need of hand training in the schools? Nor can this training wisely be delayed till later life. Unless those brain cells that connect with the delicate nerves of the hands and the fingers are used in youth they will not grow, and very early in the life of the youth it becomes impossible for them to be used. So the modern school gives the boy as well as the girl the needle and the knife to use, and later other delicate instruments that these nerve tracts may come into use, and may grow as the child grows. Boys need this training quite as much as girls. That the fingers of the average man are very much more awkward than those of the average woman is because in youth he did not receive the delicate training that she received. A baby boy's fingers are no more clumsy than a baby girl's, and if he is to be as deft as she he must have the same youthful training. Since steam and electricity have been harnessed to do the work of man, he needs a great dexterity of hand rather than great physical power.

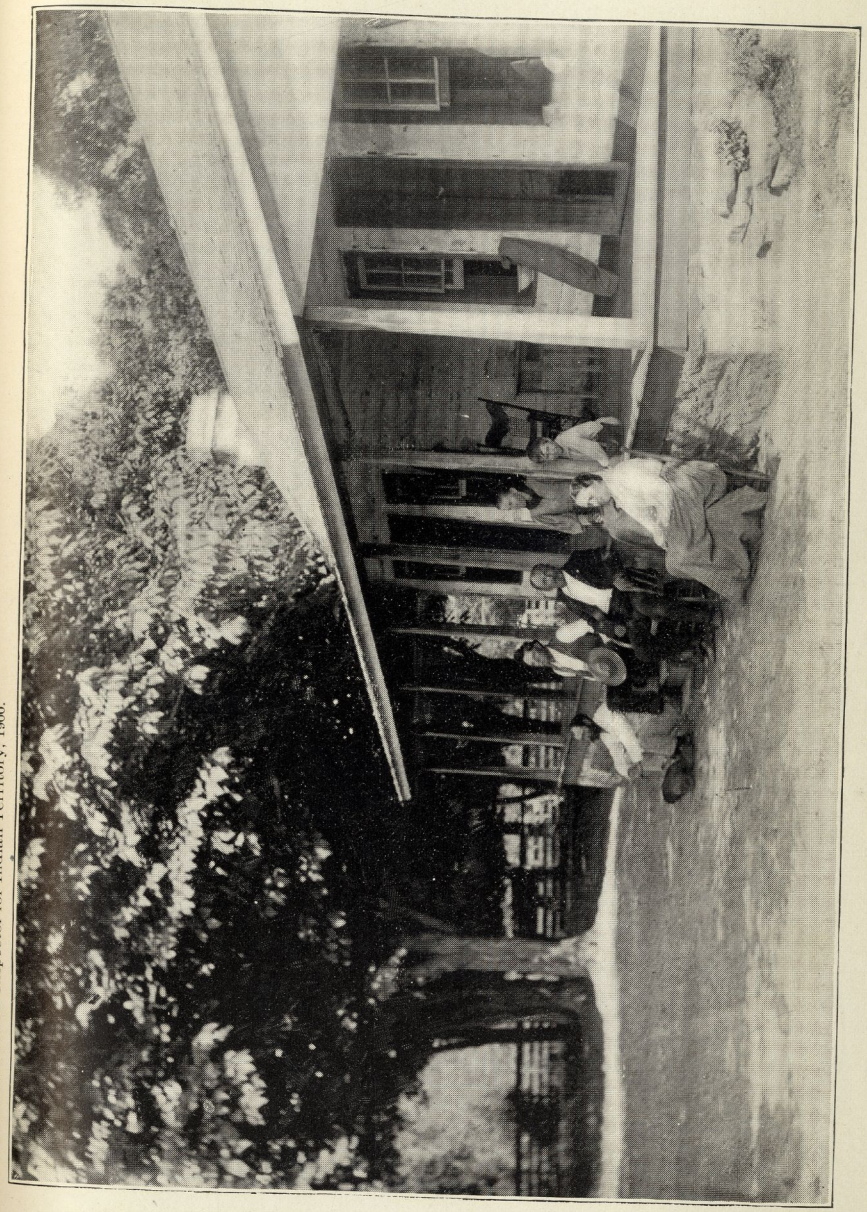
Regarding domestic science—household arts—all that needs be said is: All the world eats and nearly all the world lives in houses. Probably 90 per cent of "all the ills that human flesh is heir to" have their origin in our food or in our unsanitary homes. Very many families fail to accumulate property—are kept always in poverty—because of wastefulness in cooking and in the other household matters, or because of sickness produced by faulty cooking and unwise eating or unhealthy home surroundings. There is enough of wisdom in the world to save people from this poverty and this sickness. And this wisdom can easily be put in a teachable form, and can be presented to girls so that they take great pleasure in learning it; nor is it more expensive than any other kind of schooling. It only needs that these schools be established and then all is so simple, so easy, and of such high value that everybody will wonder why these things were not always taught.

The teaching of these industrial arts does not in any way lessen the amount of scholarship acquired along the usual scholastic lines, but on the contrary is an aid to them. The rule is that those pupils who are most proficient in their literature, languages, mathematics, and sciences are also the ablest in their industrial arts and studies.

The work of the world must be done. It were better done by skilled than by unskilled hands. The vast majority of these children must do some kind of work or business. The school should train them for their life work. As these schools have heretofore been conducted their tendency has been to train away from work rather than toward work. The result is that work and business are distasteful to our Indian pupils. It is believed that an industrial schooling will change this matter greatly, and that the lives of many can be made pleasant where otherwise they would be irksome.

SCHOOLS FOR NONCITIZENS OR WHITE CHILDREN.

I desire to renew the recommendation in my last annual report, to the effect that some provision be made for aiding the establishment of free schools for the white children of the Territory. About a dozen of the cities and villages of the Territory have attempted to establish free schools, but they are badly hampered by the facts that they can not levy tax upon any of the real estate in the Territory and have no power to issue bonds for building schoolhouses. All of the real estate is as yet vested in the Indians and is nontaxable. For this reason no land can be appropriated for school purposes. Outside of the incorporated cities there is no provision of law by which public-school districts can be organized; hence there are thousands of children scattered throughout the country and villages who are deprived of the privileges of free schools. The parents of these children are not responsible for the conditions which surround them, and until they can legally help themselves, Congress ought to be induced to furnish the necessary relief. While making commendable efforts to educate the far-away islanders of the sea, who are foreign to our civilization and who are not bound to us by any ties of race or relationship, our lawmakers should not



Report of the Indian Inspector for Indian Territory, 1900.

HOME OF EDUCATED INDIANS.

forget that here in the heart of own country are thousands of American boys and girls growing into American citizenship, who, by no fault of their parents, are deprived of the benefits of the American common school. Certainly, charity should in this, as in other instances, begin at home.

CHOCTAW AND CHICKASAW FREEDMEN.

In my last annual report I called attention to the fact that by the provisions of the act of Congress of June 28, 1898, the colored citizens of the Choctaw and Chickasaw nations are prevented from participating in school funds derived from royalties on coal and asphalt. These colored people are left without schools or school funds. Their children are growing up in ignorance. They could not legally tax themselves for the support of schools, even if they were able to bear the burden of such taxation. They are not permitted to attend any of the schools established for whites or Indians, and some provision should be made for their education.

CONCLUSION.

In closing I desire to testify to the earnestness and zeal manifested by our supervisors, whose annual reports are submitted herewith. They have encountered many difficulties and discouragements, but have at all times striven to do everything in their power to advance the educational interests of the Territory. We regret to lose Supervisor McArthur, who has recently been transferred to the reservation school at Pawhuska, Okla. His earnest, able efforts in behalf of the Choctaws justify us in assuring the authorities at Washington that he will always be found equal to any task that may be imposed upon him.

In the consideration of the many vexed questions that arise by reason of the peculiar conditions existing in the Territory, we have constantly received valuable aid from the Hon. J. George Wright, United States Indian inspector. His long experience in the Indian school service and his patient, constant devotion to duty have qualified him thoroughly for the position which he occupies.

The newspapers of the Territory must be recognized as a powerful auxiliary in the upbuilding of the educational work of the Territory. Their columns are always open to us, and almost without exception their editorials tend toward higher ideals in education.

Respectfully submitted.

JOHN D. BENEDICT,
Superintendent of Schools in Indian Territory.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

ANNUAL REPORT OF THE SCHOOL SUPERVISOR FOR THE CREEK NATION, INDIAN TERRITORY.

OFFICE OF SUPERVISOR OF SCHOOLS FOR CREEK NATION,
Muscogee, Ind. T., June 16, 1900.

SIR: I have the honor to submit herewith my annual report of the school affairs in the Creek Nation for the scholastic year ending June 30, 1900.

There are 10 boarding schools and 55 neighborhood schools in the nation, all of which except 7 of the latter were in session from September 4, 1899, till May 11, 1900. These 7 neighborhood schools were discontinued April 10 on account of smallpox being prevalent in the neighborhoods.

The schools opened under unfavorable circumstances. Conditions were unsettled, the Indians were indifferent about sending their children to school, reports were circulated that the Creek council would make no appropriations for supporting the schools, and that the schools would close at the end of the first quarter; consequently the attendance during this quarter was not good.

The council made the appropriations, the schools continued, the Indians began to have confidence in our efforts, and the attendance during the remainder of the year was comparatively good.

BOARDING SCHOOLS.

Buildings.—The buildings at all of the boarding schools are in a fairly good condition. Repairs were made during the year and some additional buildings erected at several of the schools.

Superintendents.—The superintendents at all of these schools are Creek citizens, and, with the exception of two, they have been reasonably attentive to their duties and have been prompt in complying with requests of the supervisor.

Teachers.—Nearly all of the teachers were noncitizens, all of whom proved to be fairly successful in the work.

Health.—The health at several of the schools was not good. Many of the children were troubled with sore eyes during the early part of the year. Measles, pneumonia, and scarlet fever visited some of the schools. Several deaths occurred.

NEIGHBORHOOD SCHOOLS.

Buildings.—The buildings are not very good, many of them being log huts 12 by 14 feet, rudely constructed, well ventilated, poorly lighted, containing no furniture save some old style puncheon benches. A few of the buildings are frame box buildings in fairly good condition, but without suitable furniture. No supplies, such as maps, charts, and other necessary equipments for good schools, are found in any of the neighborhood schools. The buildings are erected and owned by the patrons of the school, and are used for church purposes as well as for school.

Teachers.—Of the 55 teachers, 20 are white, 13 Indian, and 22 negro. Many of the teachers, especially the Indians and colored citizens, have had no normal training and their scholarship is very limited.

Some of the white teachers are wide awake young men and women, who seem to be very much interested in building up these schools, yet the salary they receive (from $25 to $35 per month), and the inconveniences they find at their boarding places, do not offer much inducement for them to put forth the energy they would otherwise exert if surroundings were different.

Visitation.—I have visited all of the boarding schools and nearly all of the neighborhood schools. In many instances I took charge of classes and conducted the recitations and made suggestions to the teachers on the general management of the schools.

Normals.—During the month of June we had two successful normals, one at the Colored Orphan Home, the other at the Eufaula High School. More than one hundred teachers attended these normals, and good interest was manifested throughout.

Finances.—Aside from the regular school work, I have investigated all of the expenditures for the support of the schools, examined and approved all warrants issued against the school appropriations, and have kept a record of same, showing to whom issued, for what purpose, amount, date of issue, and date of my approval.

Following is a tabulated report of the Creek schools:

EUFAULA HIGH SCHOOL.

Employees.	Position.	Salary per month.	Race.	Age.	Single or married.	Birthplace.
A. L. Posey	Superintendent	a$600	Indian	28	Married	Creek Nation.
Frank Shortall	Principal teacher	60	White	22	Single	Illinois.
Elizabeth A. Scott	Assistant teacher	45	....do	21	.....do	Cherokee Nation.
Francis Scott	.....do	40	....do	23	.....do	Do.
Stella Blake	.....do	40	....do	19	.....do	Missouri.
Mattie Fears	.....do	35	....do	20	.....do	Texas.
Mrs. A. L. Posey	Matron	40	....do	26	Married	Arkansas.
Katherine Harris	Assitant matron	20	....do	21	Single	Do.
Robert Johnson	Cook	30	Negro	50	Married	Virginia.
Joe Grayson	Laborer	20	Indian	24	Single	Arkansas.

a Per year.

Enrollment	100
Average attendance	80
Annual appropriation	$9,000.00
Amount expended	$7,784.76
Balance unexpended	$1,215.24

CREEK ORPHAN HOME.

Employees.	Position.	Salary per month.	Race.	Age.	Single or married.	Birthplace.
George W. Tiger	Superintendent	a$600	Indian	34	Married	Creek Nation.
P. A. Atkins	Principal teacher	50	White	25	Single	Kansas.
Anna Peterson	Assistant teacher	50	....do	24	.....do	Pennsylvania.
Anna Wright	.....do	50	....do	27	.....do	Virginia.
Mrs. L. B. Simpson	Seamstress	35	....do	41	Widow	Kentucky.
Hepsey Jimboy	Matron	30	Indian	26	Single	Creek Nation.
J. Porter	Cook	30	Negro	58	Married	Indian Territory.
Mose Byrde	Laborer	20	Indian	29	.....do	Creek Nation.

a Per year.

Enrollment	60
Average attendance	55
Annual appropriation	$6,666.66
Amount expended	$6,562.16
Balance unexpended	$104.50

WETUMKA BOARDING SCHOOL.

Employees.	Position.	Salary per month.	Race.	Age.	Single or married.	Birthplace.
J. S. Robison	Superintendent	a$600	Indian	42	Married	Creek Nation.
Mrs. J. S. Robison	Matron	25	....do	35	.....do	Do.
R. E. Cornelius	Principal teacher	50	White	26	.....do	Mississippi.
H. H. Bell	Assistant teacher	45	....do	20	Single	Texas.
Lena Benson	.....do	40	Indian	25	.....do	Creek Nation.
Hattie Benson	.....do	35	....do	18	.....do	Do.
Dr. A. J. Hoover	Physician	50	White	38	Married	North Carolina.
Mrs. A. J. Hoover	Music teacher	30	....do	26	.....do	Texas.
Clara Cornelius	Boys' matron	20	....do	25	.....do	Mississippi.
Adda Carr	Girls' matron	20	Indian	20	Single	Creek Nation.
J. K. Ditzler	Laborer	25	White	46	.....do	Ohio.
O. C. Ogeltree	Cook	25	....do	25	Married	Alabama.
Polly Chisholm	Laundress	10	Indian	18	Single	Creek Nation.
Milly Harper	.....do	10	....do	29	.....do	Do.

a Per year.

Enrollment	100
Average attendance	82
Annual appropriation	$9,000.00
Amount expended	$8,614.76
Balance unexpended	$385.24

EUCHEE BOARDING SCHOOL.

Employees.	Position.	Salary per month.	Race.	Age.	Single or married.	Birthplace.
W. A. Sapulpa	Superintendent	a$500	Indian	40	Widower	Creek Nation.
G. C. Hughes	Principal teacher	60	White	47	Married	Virginia.
E. B. Hughes	Assistant teacher	45	....do	25	.....do	West Virginia.
Dr. E. Keene	Physician	25	....do	29	Widow	Missouri.
Mrs. E. B. Hughes	Matron	22	....do	23	Married	Arkansas.
Lulu E. Brown	Assistant matron	17	....do	24	Single	Illinois.
Mrs. Dotson	Cook	27	....do	27	Widow	Missouri.
Mrs. M. E. Howe	Laundress	17	....do	50	.....do	Wisconsin.
Cornelia Brown	Dining matron	17	....do	34	.....do	Missouri.
Gano Lee	Laborer	20	Indian	30	Married	Creek Nation.

a Per year.

Enrollment	80
Average attendance	58
Annual appropriation	$7,200.00
Amount expended	$6,668.15
Balance unexpended	$531.85

COWETA BOARDING SCHOOL.

Employees.	Position.	Salary per month.	Race.	Age.	Single or Married.	Birthplace.
O. A. Morton	Superintendent	a$500.00	Indian	29	Married	Creek Nation.
Mrs. O. A. Morton	Principal teacher	50.00	White	28	do	Kansas.
Susanna Grimes	Assistant teacher	35.00	Indian	28	Single	Creek Nation.
S. J. Biggs	Matron	20.00	do	28	do	Do.
Emma Lynch	Assistant matron	22.50	White	29	Widow	Do.
Esther Miles	Cook	25.00	do	24	Single	Arkansas.
Alfred Olmsted	Laborer	22.50	do	31	do	Missouri.
Fannie Haynie	Laundress	22.50	do	39	Married	Washington, D. C.

a Per year.

Enrollment	50
Average attendance	38
Annual appropriation	$4,500.00
Amount expended	$4,483.55
Balance unexpended	$16.45

WEALAKA BOARDING SCHOOL.

Employees.	Position.	Salary per month.	Race.	Age.	Single or married.	Birthplace.
E. E. Hardridge	Superintendent	a$500	Indian	36	Married	Creek Nation.
George C. Kindley	Principal teacher	55	White	34	Widower	Missouri.
Mabel Hall	Assistant teacher	35	do	26	Single	Iowa.
Mollie Jefferson	Matron	20	do	32	do	Arkansas.
Mrs. E. E. Hardridge	do	20	Indian	31	Married	Creek Nation.
Lizzie Moore	do	20	do	30	Single	Do.
W. I. Ellis	Cook	25	White	39	Married	Texas.
Mrs. W. I. Ellis	Laundress	18	do	34	do	Arkansas.
Walter Esco	Laborer	20	Indian	20	Single	Texas.

a Per year.

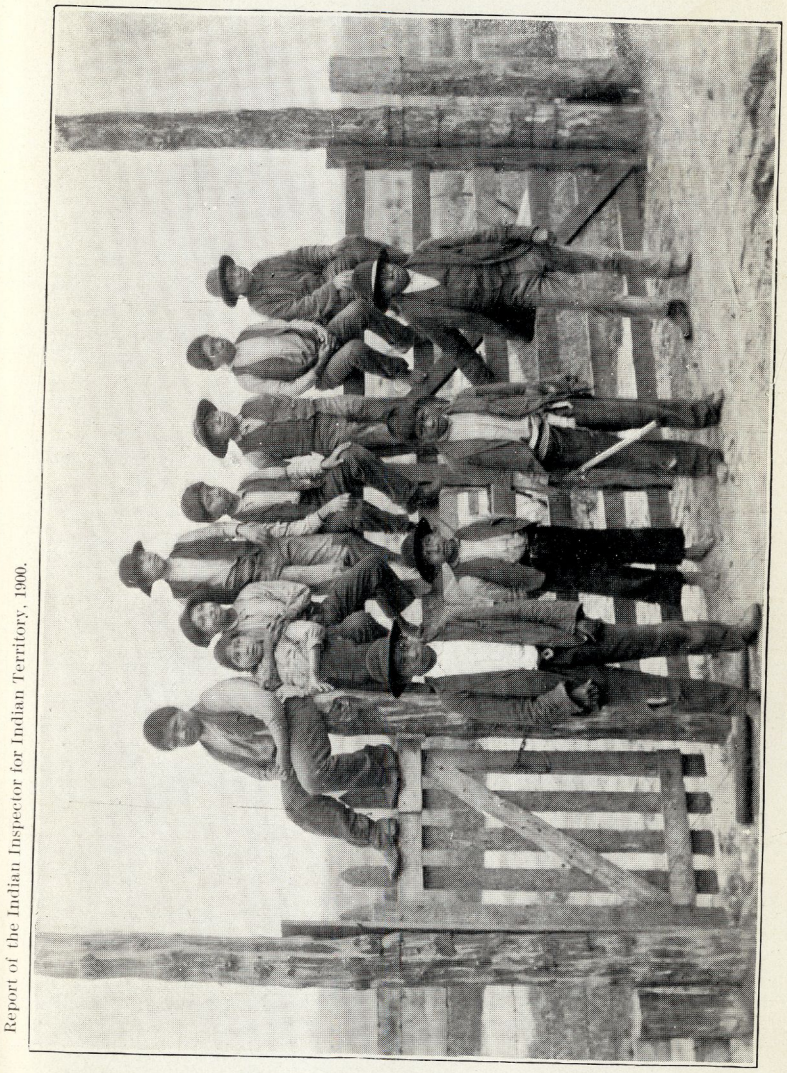
Enrollment	50
Average attendance	38
Annual appropriation	$4,500.00
Amount expended	$3,999.42
Balance unexpended	$500.59

TULLAHASSEE BOARDING SCHOOL.

Employees.	Position.	Salary per month.	Race.	Age.	Single or married.	Birthplace.
B. H. Richards	Superintendent	a$600	Negro	38	Married	Creek Nation.
L. E. Willis	Principal teacher	50	do	28	do	Arkansas.
Laura A. Jackson	Assistant teacher	45	do	26	Single	Creek Nation.
E. D. Harrison	do	40	do	22	do	Do.
Celia Roberts	do	35	do	26	do	Do.
Mrs. B. H. Richards	Matron	35	do	33	Married	Do.
Mary Manuel	Laundress	20	do	42	Widow	Do.

a Per year.

Enrollment	100
Average attendance	80
Annual appropriation	$9,000.00
Amount expended	$8,057.88
Balance unexpended	$942.12



FULL-BLOOD BOYS AT AN INDIAN BOARDING SCHOOL.

PECAN CREEK BOARDING SCHOOL.

Employees.	Position.	Salary per month.	Race.	Age.	Single or married.	Birthplace.
George H. Taylor	Superintendent	*a* $500	Negro	36	Married	Creek Nation.
W. R. Pamplin	Principal teacher	50	do	20	Single	Illinois.
Mrs. M. L. Craw	Assistant teacher	40	do	25	Married	Kansas.
Mrs. G. H. Taylor	Matron	30	do	30	do	Illinois.
Alice Tobler	Cook	15	do	22	Single	Creek Nation.
James Long	Laborer	25	do	32	Married	Do.

a Per year.

Enrollment	65
Average attendance	50
Annual appropriation	$4,500.00
Amount expended	$4,262.73
Balance unexpended	$237.27

COLORED ORPHAN HOME.

Employees.	Position.	Salary per month.	Race.	Age.	Single or married.	Birthplace.
N. W. Perryman	Superintendent	*a* $500	Negro	31	Married	Creek Nation.
Howard Jenkins	Principal teacher	50	do	28	Single	Missouri.
Jennie McIntosh	Music teacher	30	do	24	do	Creek Nation.
Mrs. N. W. Perryman	Matron	25	do	21	Married	Do.
Nettie Thompson	Cook	12	do	21	Single	Do.
Crum Island	Laborer	10	do	18	do	Do.

a Per year.

Enrollment	35
Average attendance	24
Annual appropriation	$3,333.33
Amount expended	$2,000.18
Balance unexpended	$1,333.15

SUMMARY.

School.	Appropriation.	Expenditure.	Unexpended.	Enrollment.	Average attendance.	Employees.			
						Indian.	Negro.	White.	Total.
Eufaula	$9,000.00	$7,784.76	$1,215.24	100	80	2	1	7	10
Creek Orphan Home	6,666.66⅔	6,562.16	104.50	60	55	3	1	4	8
Euchee	7,200.00	6,668.15	531.85	80	58	2	.....	8	10
Wetumka	9,000.00	8,614.76	385.24	100	82	7	.....	7	14
Coweta	4,500.00	4,483.55	16.45	50	38	3	.....	5	8
Wealaka	4,500.00	3,999.48	500.52	50	39	4	.....	5	9
Tullahassee	9,000.00	8,057.88	942.12	100	80	.....	7	.....	7
Colored Orphan	3,333.33⅓	2,000.18	1,333.15	35	24	.....	6	.....	6
Pecan Creek, colored	4,500.00	4,262.73	237,27	65	50	.....	6	.....	6
Neighborhood schools	16,842.00	13,223.42	3,618,58	1,745	1,042	13	22	20	55
Total	74,542.00	65,657.07	8,884.93	2,385	1,548	34	43	56	133

Approximate number of children in the Creek Nation between the ages of 5 and 18 years.

	Male.	Female.	Total.
Indian	700	750	1,450
Negro	600	700	1,300
White	1,300	1,450	2,750
Total	2,600	2,900	5,500

In concluding my report I desire to state that the cooperation of the Creek school superintendent and other Creek officials has been secured, and that a very harmonious feeling exists.

Very respectfully submitted.

CALVIN BALLARD,
School Supervisor Creek Nation.

Hon. JOHN D. BENEDICT,
Superintendent of Schools in Inidan Territory.

REPORT OF CHEROKEE SCHOOL SUPERVISOR.

VINITA, IND. T., *July 10, 1900.*

SIR: I have the honor to submit my second annual report on educational matters in the Cherokee Nation.

I have devoted much of the past year to visitation of the schools and a consideration of their management, condition, and needs, and the facilities at hand for increasing their efficiency.

The system of schools is by Cherokee law under the control of a board of education, which is composed of three members, who are elected by the national council. The council determines the number of schools and appropriates funds for their support. The school board is authorized to conduct examinations, employ those who are properly qualified to teach, and to issue requisitions upon the chief for warrants against the school appropriations in favor of each teacher for the amount due him. The school board appoints three directors in each neighborhood where a school is established, whose duty it is to see that a suitable house is provided, with proper furnishings and fuel for the needs of the school.

At the close of a session the teacher makes a report, upon blanks furnished, giving the aggregate enrollment, the average attendance, the number of males and females, number of each under and above 10 years of age, and the number of days taught. This report is the basis upon which rests the requisition for a warrant to pay the teacher. It is signed by at least two of the local directors and its correctness is sworn to by the teacher. The salary of all teachers is fixed by act of the national council.

There are 124 ungraded neighborhood schools, 28 of which are denominated full-blood, and 15 for the freedmen are separate from the other schools. There are 4 boarding schools, the male seminary and female seminary at Tahlequah, the colored high school near Tahlequah, and an orphan home near Pryor Creek.

The Cherokee people have had schools for more than fifty years supported by public funds, in addition to various church mission schools. The number of schools has been increased from time to time, until at present 124 primary schools are maintained. The seminaries were founded by an act of council in 1846 and opened in 1850; the orphan asylum and colored high school were opened later. My observation upon the schools, buildings, appliances, and school laws has caused me to think there have been periods of school interest, when practical educators have guided in affairs and a time of general educational interest has prevailed, out of which has come new buildings and better schools. Then other periods of neglect and general inefficiency in management of educational matters have ensued, when schools have fallen into neglect and teachers were employed to draw the salaries. Inquiries among discreet citizens confirm this view. One of the periods of greatest incompetency in managing the school affairs of the nation occurred about the time the Secretary of the Interior decided to send representatives to the Indian Territory to supervise in school matters.

Upon coming to look over the situation here I learned that two members of the board had been recently changed, and the present members were gentlemen against whom no charges had been made of gross drunkenness and malfeasance in office. They were anxious to show what they could do by way of correcting abuses and improving the schools. I thought it best to advise with the board and encourage them in administering the schools in accordance with Cherokee law. We jointly conducted the examinations for teachers, and the board appointed teachers from those who received certificates and from graduates of the seminaries.

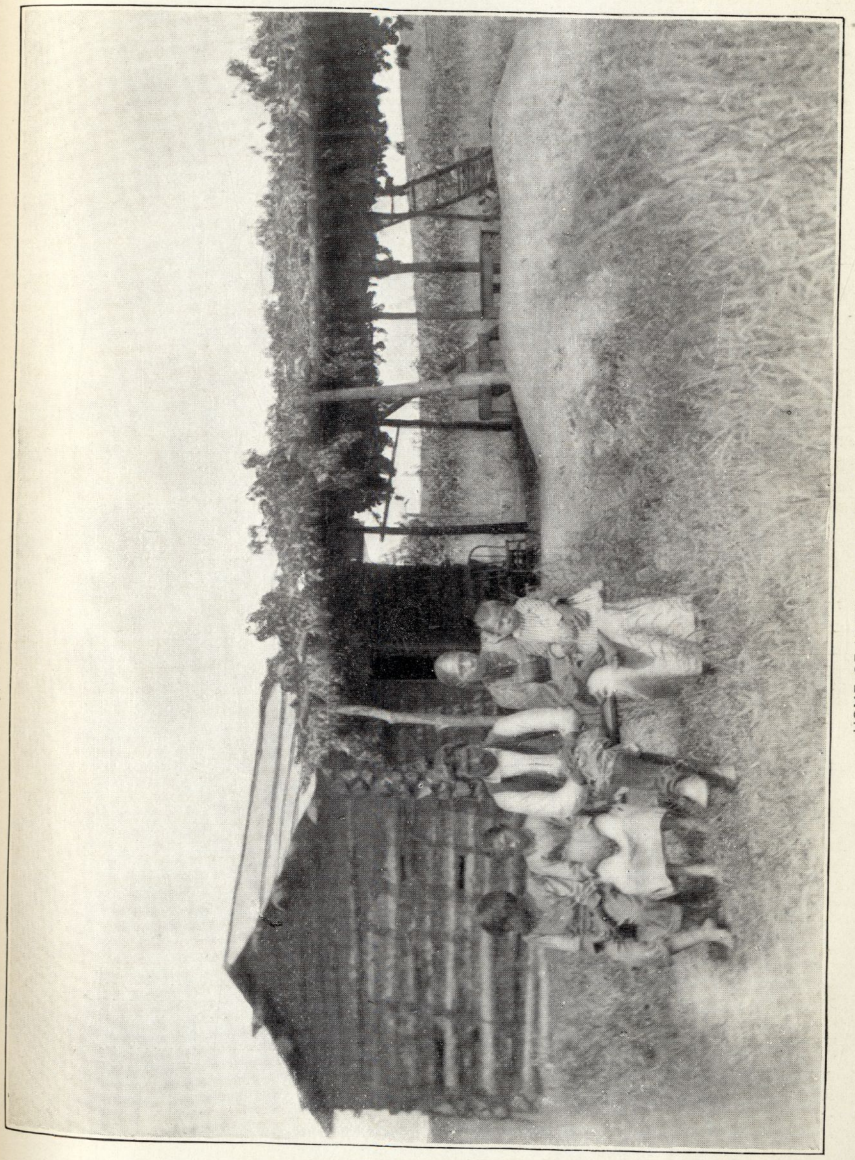
The national council in November elected two new members to the board. The present organization are Harvey W. C. Shelton, president; Thomas Carlile, secretary; Theodore Perry, member. These gentlemen have spent much time visiting schools during the term—February 2 to June 1. After a few weeks of visitation they unanimously came to the conclusion with me that one of the most urgent needs of the schools of the nation is a corps of trained teachers.

A SUMMER NORMAL.

We jointly signed a call for a summer teachers' normal, to be held at the female seminary building at Tahlequah, and at the same time a section of the colored high school for the colored teachers, from June 4 to 29, inclusive.

We agreed, in the appointments of teachers to be made, to give preference to those who should attend the normal, take the work, and pass creditably the examinations.

We employed a corps of competent instructors to aid in the normal. One hundred and forty applicants were enrolled at the seminary and 22 at the colored high school. The number in attendance and the evident benefit of the normal was



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beyond everyone's expectation, as we had encountered intense and persistent opposition to the summer school. In addition to the branches taught in the common schools, we gave a course in theory and practice of teaching; one in psychology; model class instruction in first reader, number, and desk work, using 20 small children to practically demonstrate methods and results; a course in methods of teaching English and Latin for seminary teachers, and a daily counsel of teachers for the discussion of school affairs.

SCHOOLHOUSES.

There are, perhaps, 200 schoolhouses scattered through the territory of the nation; 124 are used each term for nation schools. In many of the others subscription schools are maintained a part of the time. Some of the houses are frame of suitable dimensions, lined and ceiled, with good floors and shingle roofs, and containing from six to eight windows. Many other houses are simple box structures, some of them cleated, and some with cracks open. Such houses mostly have four windows, the whole structure costing from $50 to $100. In the wooded sections many of the houses are of logs and contain one, two, or four windows. For bad weather the log houses are much more comfortable than the box houses. A few of them are supplied with manufactured desks, blackboards, and recitation seats. A great majority are defective in structure, having poor facilities for school work, being open so as to expose the children in severe weather, deficient in lighting, heating, and seating facilities. However, a new interest seems to have awakened, and more houses have been ceiled and otherwise repaired during the last year than for several years previous thereto. This is especially noticeable in full-blood neighborhoods. Perhaps a majority of the houses are used also for Sabbath school and church purposes.

BOOKS.

Most of the schoolbooks are supplied by the nation, $3,575 having been expended for that purpose last year, when a new list of text-books was adopted and introduced. Many of the schools are only partially supplied with books.

FINANCIAL.

An act of the Cherokee council appropriating funds for the support of schools, dated December 9, 1899, and approved by the President January 5, 1900, carried—

For 124 primary schools	$30,380
For male seminary	11,125
For female seminary	15,125
For colored high school	3,050
For orphan asylum	14,525
For repairs on seminaries	1,500
For medical attendance at seminaries	935
For medical attendance at colored high school	500
For medical attendance at orphan asylum	600
For salary and expenses of school board	2,100
For deficiency appropriation for boarding schools	1,357
For appropriation for books	3,575
For education of blind	300
Total appropriation for school purposes	85,072

CHEROKEE WARRANTS.

During the year it was made my duty to register and indorse all warrants issued by the nation against the school fund and the insane fund. In prosecution of this work I have looked carefully into the character and quality of service rendered or goods furnished, and have found generally the money has been prudently expended. I have been pleased to notice the officers of the nation and teachers are willing to cooperate for the betterment of the schools. They appreciate advice, suggestion, and guidance that will enable them to show faithfulness and good results in service and to merit credit for expenditures made.

SMALLPOX.

Early in January numerous cases of smallpox were reported from various parts of the nation. As the pupils gathered to the boarding schools word passed out rapidly that children were in school who had been exposed to the contagion. The medical board removed some from each seminary and placed them under quarantine. The

effect was to have some pupils withdraw from school and many others were deterred from coming. A few of the neighborhood schools were closed on account of it. The general effect was to interfere with the enrollment and regular attendance of pupils. Nevertheless, the year's attendance and the work at the female seminary and the orphan asylum were fully up to the standard, and the male seminary and the colored high school were about the best for several years past.

One hundred and twenty-four primary schools are in session twelve weeks in the fall and sixteen weeks in the spring, or seven months in the year. The teachers are paid $35 per month of twenty days. The seminaries are in session nine months in the year.

The following statistics of general and scholastic population are the most reliable obtainable. I have made the school statistics from the term reports of the teachers. In estimating the general population, acting upon your suggestion, I addressed a blank to each of the neighborhood teachers, requesting them to furnish me a carefully prepared statement of the children in the neighborhood of school age, reporting separately male and female, Cherokee, white, and negro. I also secured the school census of Vinita and Claremore, the two largest towns in the nation. Using this data as a basis, I have estimated the remaining towns and communities of the nation and record the result of my calculations.

Cherokee primary schools for 1899–1900.

[From sworn reports of teachers.]

Number of mixed-blood schools, 109; negro, 15; total		124
Enrollment mixed-blood school		3,920
Males	2,012	
Females	1,908	
Average attendance		2,195
Attendance per cent of enrollment		56
Enrollment of boarding schools		395
Enrollment of 15 negro schools		948
Male	414	
Female	534	
Average attendance		559
Per cent of attendance		59

School children in Cherokee Nation.

Children from 6 to 8 years of Cherokee blood	8,340
Children from 6 to 18 years of negro blood	2,120
Children from 6 to 18 years of noncitizen white	9,552
Per cent of primary and boarding schools enrollment of citizen children	52
Per cent of average attendance of citizen children	30
Per cent of enrollment of negro children of whole number	45
Per cent of average attendance of negro children of whole number in Cherokee Nation	26

OTHER SCHOOLS.

Under law of Congress approved June 28, 1898, in the incorporated towns of Indian Territory, free public schools may be established and maintained under control of boards elected by the legal voters and supported by funds secured by taxation.

Vinita, Claremore, Nowata, Webbers Falls, and Muldron maintained graded schools the past year. Vinita and Claremore own their school buildings. In these towns free schools are permanently established, are equipped to do good work, are the pride of citizens, and hopefully lead in stable conditions of self-help that end in statehood. A few other towns have voted to establish free schools. A number of excellent church mission schools are maintained in the nation. Willie Halsell College, at Vinita, by the Methodist Episcopal Church South; Tahlequah Institute, by the Presbyterian Church; Cherokee Academy, by the Baptists, at Tahlequah; Chelsea Academy, at Chelsea, by the Presbyterians; and Skiatook Academy, by the Friends, at Skiatook. These institutions are positive educational forces in and near the neighborhoods where they are located. There is an academy at Pryor Creek, one at Afton, and one at Fairland, each supported by subscription, which supply certain educational needs of these growing towns.

I attended the commencement exercises of the Cherokee Orphan Asylum, the male and female seminaries, and the Colored High School. These are educational events of much importance to the Cherokees. The attendance of representative citizens was large; the exercises were creditable, and much school enthusiasm was manifested. There were four graduates from the male seminary and nine from the female seminary. I append a tabulated view of faculties, attendance, and expenses of these schools.

MALE SEMINARY.

Employees.	Position.	Salary.	Race.	Age.	Single or married.	Birthplace.	By whom appointed.
L. M. Logan	Principal teacher.	$900	White	47	Married	Tennessee	School board.
W. A. Thompson.	First assistant teacher.	675	Cherokee	32	....do...	Cherokee Nation.	Do.
R. L. Mitchell	Second assistant teacher.	450	....do....	26	Single..	.....do....	Do.
E. C. Alberty	Third assistant teacher.	450	....do....	33	Married	.....do....	Do.
Wm. P. Thorne	Fourth assistant teacher.	450	....do....	26	....do...	.....do....	Do.
J. R. Garrett	Steward	500	....do....	44	....do...	Missouri..	National council.
Dr. C. M. Ross	Medical superintendent.	465	....do....	27	....do...	Cherokee Nation.	Do.

Enrollment		120
Average attendance		80
Per cent of attendance		66
Amount paid employees		$3,890.00
Maintenance		7,500.00
Total cost		11,390.00
Cost per pupil per month		15.77

FEMALE SEMINARY.

Employees.	Position.	Salary.	Race.	Age.	Single or married.	Birthplace.	By whom appointed.
Miss A. F. Wilson.	Principal teacher.	$900	White	50	Single..	Arkansas.	School board.
Mrs. Harvey W. Shelton.	First assistant teacher.	675	Cherokee	30	Married	Cherokee Nation.	Do.
Miss Lillian Alexander.	Second assistant teacher.	450	....do....	20	Single..	.....do....	Do.
Miss Patsey Mayes.	Third assistant teacher.	450	....do....	22	....do...	.....do....	Do.
Miss A. L. Morgan.	Fourth assistant teacher.	450	....do....	21	....do...	.....do....	Do.
Miss Ella May Covel.	Fifth assistant teacher.	450	....do....	20	....do...	.....do....	Do.
E. W. Buffington.	Steward	500	....do....	45	Married	.....do....	National council.
Dr. C. M. Ross	Medical superintendent.	465	....do....	27	....do...	.....do....	Do.

Enrollment		135
Average attendance		105
Per cent of attendance		77
Amount paid employees		$4,340.00
Maintenance		11,500.00
Total cost		15,840.00
Cost per pupil per month		16.76

ORPHAN ASYLUM.

Employees.	Position.	Salary.	Race.	Age.	Single or married.	Birthplace.	By whom appointed.
Rev. J. F. Thompson.	Superintendent ..	$600	Cherokee	59	Married	Cherokee Nation.	National council.
S. F. Parks.....	Principal teacher.	720	....do	28	....do ...	Tennessee	Board of education.
G. T. Hampton...	First assistant teacher.	540	....do	23	Single ..	Cherokee Nation.	Do.
Fannie M. Browning.	Second assistant teacher.	405	....do	18	....do ...	.....do	Do.
Mrs. E. M. Thompson.	Third assistant teacher.	405	....do	36	Widow .	Texas	Do.
Dora Ward	Fourth assistant teacher.	405	....do	19	Single ..	Cherokee Nation.	Do.
Cherrie Edwardson.	Music teacher	450	....do	19	....do ...	.....do	Do.
Dr. J. L. Mitchell.	Medical superintendent.	600	....do	30	Married	.....do	National council.

Enrollment	138
Average attendance	124
Per cent of attendance	90
Amount paid employees	$4,125.00
Maintenance	11,000.00
Total cost	15,125.00
Cost per pupil per month	13.55

COLORED HIGH SCHOOL.

Employees.	Position.	Salary.	Race.	Age.	Single or married.	Birthplace.	By whom appointed.
Mrs. Fannie Lowery.	Teacher	$450	Negro ..	42	Married.	Cherokee Nation.	Board of education.
George F. Nave...	Steward	300	....do ...	28	....do ...	.....do	National council.
Dr. Ed. W. Blake..	Medical superintendent.	500	White ..	26	Single ..	Missouri ..	Do.

Enrollment	45
Average attendance	23
Per cent of attendance	51
Amount paid employees	$1,250.00
Appropriation	2,150.00
Total cost	3,400.00
Cost per pupil per month	16.42

I record with pleasure my appreciation of your assistance and support in my efforts to promote the interests of education among the Cherokee people. I have also been ably supported by the newspapers, the clergymen, the business men, and the most intelligent class of citizens throughout the nation.

Respectfully submitted.

BENJAMIN S. COPPOCK,
Supervisor of Schools, Cherokee Nation.

Hon. J. D. BENEDICT,
Superintendent of Schools in Indian Territory.

REPORT OF CHOCTAW SCHOOL SUPERVISOR.

SOUTH MCALESTER, IND. T., *June 30, 1900.*

SIR: I have the honor to submit herewith my second annual report as school supervisor for the Choctaw Nation.

There are six boarding schools and 110 neighborhood schools in the Choctaw Nation.

The schools began the first Monday in September and continued until the 31st of May. A number of schools were late in organizing in the fall, and a number were

not able to hold the pupils in school later than the beginning of April. There was much sickness in many of the neighborhoods, which interfered with the school work. Many of the children live a long distance from the school, and in bad weather are not able to attend. Considering the bad weather, the distance the children have to go in order to reach the schoolhouse, the uncomfortable buildings, and indifference upon the part of the patrons of the school, I believe that the schools in the Choctaw Nation have made as much progress as one could reasonably expect.

The boarding schools are poorly equipped. The employees in all of them worked under many difficulties, but accomplished much in the right direction.

Below is a list of the boarding schools:

WHEELOCK ACADEMY.

W. W. Appleton, Superintendent.

Employees.	Position.	Salary per month.
H. H. Sherman	Teacher	$55
Blanch Jarrell	.....do	55
H. E. Appleton	Matron	50
Ozella Byram	Seamstress	50
Sina Perdy	Cook	35
Nancy Brown	Laundress	20
James M. Land	Janitor	20

SPENCER ACADEMY.

Wallace B. Butz, Superintendent.

Cyrus H. Beery	Principal teacher	$100
Cynthia Raney	Assistant teacher	60
Gabe E. Parker	Teacher	50
Lizzie E. George	Music and primary teacher	35
Wallace W. Hibberd	Industrial teacher	50
Susan L. B. George	Matron	50
Sarah Hibberd	Seamstress	50
Kittie Hibberd	Assistant seamstress	35
Warren Butz	Engineer	50
John B. George	Cook	50
Lucinda Le Flore	Laundress	25

TUSHKAHOMA FEMALE INSTITUTE.

Charles F. Trotter, Superintendent.

Nell M. Wakefield	Principal teacher	$100
Fannie Pyle	Assistant teacher	60
B. Dayse King	.....do	60
Annie R. Brown	Seamstress	50
Hattie Trotter	Matron	50
John Waters	Laundryman	40
Rose Graham	Cook	40

JONES ACADEMY.

W. A. Caldwell, Superintendent.

Lorenzo D. Stearns	Principal teacher	$100
Kate K. Knight	Assistant teacher	60
Effie L. Jackson	.....do	60
James C. Caldwell	Industrial teacher	50
Lizzie B. Caldwell	Matron	50
Adda L. Stearns	Seamstress	50
Nellie M. Hibberd	Assistant seamstress	40
Andrew Long	Cook	50
J. B. Bucher	Engineer	50

ARMSTRONG ACADEMY.

Thomas W. Hunter, Superintendent.

Sam L. Morley	Principal teacher	$100
Suewillie Ikard	Assistant teacher	60
Carrie Hunter	Matron	50
Ida Folsom	Seamstress	40
Thomas C. Metcalf	Laundryman	35
George McBath	Cook	40

The school for orphans at Atoka is under the control of the Baptist Church.
The following is approximately correct:

Choctaw children in school	2,154
Choctaw children in nation of school age	4,000
White children in nation	10,000
Negro children in nation of school age	1,000

The above is based on reports received from the various neighborhoods and towns in the Choctaw Nation.

I am, very respectfully,

E. T. McARTHUR,
School Supervisor for the Choctaw Nation.

Hon. JOHN D. BENEDICT,
Superintendent of Schools in Indian Territory.

List of neighborhood schools in Choctaw Nation.

Name.	Position.	Salary.	School at which employed.	When opened.	When closed.	No. of pupils in attendance.	No. of pupils in neighborhood.
J. F. Yandell	Teacher	$2	South Canadian	Sept. 18	Apr. 20	8	60
S. P. Morris	do	2	McAlester	Sept. 4	do	17	43
Henry Wise	do	2	South McAlester	do	May 31	11	20
H. W. Kennon	do	25	Indianola	Oct. 2	Dec. 31	10	13
Augusta Heard	do	30	Guertie	Sept. 4	Feb. 28	15	15
Alma Nash	do	40	Savanna	do	Feb. 23	10	20
Lizzie Hatcher	do	2	Calvin	Oct. 16	Nov. 7	10	10
Lucy Hatcher	do	25	Little	Sept. 18	Feb. 2	13	13
Fannie Holmes	do	25	Atwood	do	Feb. 28	12	17
H. Clay Kingsbury	do	40	Coal Creek	do	May 18	6	29
May Featherstone	do	2	Featherstone	Oct. 2	May 31	7	9
Lewis E. Christian	do	2	Hartshorne	Sept. 4	May 18	7	12
A. Floyd	do	2	Allen	do	May 31	14	16
Robert E. Lee	do	30	Boiling Spring	Sept. 11	Mar. 31	20	21
Gus Merriman	do	40	Summerfield	Oct. 2	May 31	23	20
Anna Hollard	do	30	Springfield	Sept. 18	do	17	21
L. B. Locke	do	30	Salem	Nov. 28	do	23	28
R. W. Carter	do	45	Conser	Sept. 25	Apr. 16	22	40
D. J. Austin	do	2	Red Oak	Sept. 1	May 31	10	21
Lucy Thomas	do	35	Kulle Box	Sept. 4	do	18	18
Ellis W. Thompson	do	45	Big Lick	do	Apr. 13	8	26
Robert Windsor	do	40	Davenport	Nov. 27	Dec. 31	10	30
Lena Hallman	do	40	Hochatown	Oct. 9	May 31	16	29
Hardie Wright	do	35	Kulle Chito	Nov. 9	Apr. 6	12	20
J. P. Hallman	do	40	Stock Bridge	Sept. 11	Mar. 27	28	30
Frances M. Lyle	do	2	Lyle Institute	Sept. 4	May 31	16	30
Mary P. Hotchkin	do	30	Nunnah Takli	do	May 9	9	24
James M. White	do	2	Brooken	Dec. 13	Feb. 28	15	11
Clara E. Hagood	do	40	Cowlington	Sept. 18	May 31	21	25
Carrye Tennent	do	45	Oak Lodge	Sept. 4	May 11	14	26
M. M. Ryan	do	35	Bokoshe	Sept. 18	May 31	7	22
T. M. Wilson	do	2	Cameron	Sept. 4	May 18	11	30
May J. Lynch	do	30	Bethel	Nov. 13	May 31	11	26
Mrs. Theo. Belt	do	30	Milton	Oct. 2	do	8	28
F. W. Carney	do	25	Bennington	Sept. 4	Apr. 30	6	22
Lizzie Miller	do	40	Howe	Oct. 2	May 31	13	25
Mattie B. Hagood	do	30	Ward	Nov. 28	Mar. 19	14	15
Charles S. Christian	do	35	Tamaha	Sept. 4	Dec. 10	12	16
D. F. Jones	do	40	Little Sans Bois	do	May 31	12	12
Cora Lindsay	do	35	Lenox	do	do	22	28
James A. Lynn	do	45	Bethel	do	Jan. 12	22	28
Rufus H. Burrows	do	35	Sans Bois	Oct. 23	May 31	11	14
John B. Holleman	do	40	Stigler	Sept. 4	do	21	24
J. J. Brown	do	2	Whitefield	do	do	16	35
T. D. New	do	2	Enterprise	Nov. 20	Mar. 23	18	18
Mary A. Smith	do	25	Cedar Chapel	Nov. 15	Apr. 16	11	23
T. H. Wheat	do	40	Sans Bois	Sept. 4	Apr. 23	8	16
I. H. Windsor	do	40	Cartersville	Sept. 25	May 31	15	29
Mamie J. Johnson	do	35	Rock Creek	Sept. 24	Jan. 23	18	18
Mary Kennon	do	30	Longtown	Sept. 4	May 31	18	21
Nettie Coleman	do	2	Choate	Sept. 11	May 5	17	15
Mattie Huskey	do	35	Kan Chito	Oct. 2	Mar. 8	10	20
J. A. Kirksey	do	45	Bethel Hill	Sept. 4	May 31	19	49
L. A. Benton	do	45	Mount Zion	do	do	9	20
Clarence W. Wilcher	do	45	Kosoma	Oct. 16	May 18	14	19
Joe Dukes	do	45	Pleasant Hill	Sept. 4	Apr. 27	12	25
Loren D. Dukes	do	40	Post Oak Grove	Sept. 18	Mar. 18	14	20

List of neighborhood schools in Choctaw Nation—Continued.

Name.	Position.	Salary.	School at which employed.	When opened.	When closed.	No. of pupils in attendance.	No. of pupils in neighborhood.
G. H. Korns	Teacher	40	White Oak	Sept. 4	Dec. 21	16	20
S. A. Hamilton	do	2	Poteau	do	May 18	11	20
Laura Foster	do	25	Oak Grove	Nov. 6	Jan. 31	11	11
Callie Stalcup	do	40	Spring Chapel	Sept. 4	May 31	9	25
Elizabeth R. Alison	do	40	Cold Spring	do	do	18	25
Emma Deshazo	do	25	Goodland	Sept. 18	Apr. 25	7	19
W. E. Larecy	do	35	Sugar Creek	Sept. 11	May 31	15	31
Bella McCallum	do	2	Old Goodland	Sept. 18	do	29	29
Ida Wallace	do	30	Rock Hill	Sept. 4	May 28	7	15
Sue M. Oakes	do	40	Grant	do	May 31	10	21
Alice Deshazo	do	25	Honey Spring	Dec. 4		22	27
Fannie Wiley	do	30	Hibben	Oct. 2	May 31	18	26
Mrs. J. B. Herndon	do	30	Pleasant Cove	Sept. 4	do	18	50
Belle Hynson	do	30	Sardis	Dec. 4	do	11	19
Rose Hynson	do	30	Pine Spring	Sept. 4	do	18	45
Maggie Johns	do	30	Oske Chito	Nov. 6	do	14	15
Clara Charles	do	35	Stringtown	Sept. 7	May 18	14	18
Sister Meugene	do	2	Antlers	Sept. 4	May 31	38	38
Pitts Womack	do	2	do	do	May 18	23	23
Maude P. Berry	do	45	Chish Oktah	do	May 31	15	18
N. V. Patterson	do	45	Crowder Chapel	do	Dec. 12	18	20
Leola Russel	do	40	Bennington	do	May 31	10	23
Clyde Carter	do	2	Talihina	Oct. 2	Oct. 31	8	10
Alpha M. Saunders	do	2	do	Nov. 6	May 31	4	20
Lou J. Meroney	do	45	Mount Pleasant	Sept. 4	do	22	40
Tallilah Collier	do	30	Doaksville	do	do	15	25
Bertha Whitehead	do	45	Goodwater	do	do	31	40
Nettie Irvine	do	45	Pleasant Hill	do	do	28	29
Wilson A. Shoney	do	35	Kulli Tuklo	do	do	18	27
Ben Taylor	do	40	Water Hole	do	do	20	26
Grace Kennon	do	40	Lehigh	do	May 25	10	16
Margery Morrison	do	30	Gills	do	May 31	12	16
Emma Gill	do	40	Kiowa	do	do	20	26
B. I. Hill	do	30	Salt Creek	do	do	16	10
Jahue Hogg	do	35	Marysville	do	do	14	22
Maye Taffe	do	25	Owl	Nov. 6	Mar. 31	9	9
A. J. Bristow	do	35	Medical Spring	Sept. 4	Jan. 20	3	20
E. H. Rishel	do	2	Atoka	do	May 31	38	50
W. B. Merrell	do	40	Red Oak	Oct. 2	Mar. 31	13	20
E. C. McBride	do	40	Christian Hope	Oct. 16	May 31	15	20
Mrs. J. J. Read	do	2	Wappanucka	Oct. 30	May 18	6	25
Inez Turnbull	do	25	Mount Pleasant	Sept. 4	May 2	6	12
Florence Strickler	do	25	Bokchiyo	Sept. 18	May 31	19	28
H. D. Neely	do	2	Calvin Institute	Sept. 4	May 25	104	150
Monroe Thompson	do	2	Choctaw Training School.	Sept. —	May 19	20	100
Mae Hamilton	do	2	Caddo	Sept. 4	May 31	22	50
William P. Jones	do	2	Scipio	Dec. 11		16	16
Lillie M. Powers	do	30	Buffalo Creek	Nov. 13	May 31	12	17
J. M. Stanley	do	2	Legal	Nov. 6	May 18	9	15
Charles G. Strauss	do	2	Living Land	Oct. 2	Nov. 24	21	25
Mollie E. Ogar	do	40	Cedar	Jan. 8	Jan. 18	12	20
Lizzie Pollock	do	2	Fortrims Chapel	Jan. 2	Jan. 22	7	7
Edwin Dukes	do	30	Mountain Station	Jan. 15	May 31	18	42
Nellie Eubank	do	2	Indianola	do	do	8	15
Joseph J. Jamison	do	2	Caney	Jan. 2	Mar. 30	11	35
F. M. Abernathy	do	2	Wilburton	Jan. 15	May 31	19	34
Dan Strawn	do	2	Living Land	Jan. 27	do	21	25
H. W. Kennon	do	2	Bethlehem	Feb. 25	do	9	9
James A. Lynn	do	2	Tamaha	Jan. 15	May 18	11	16
Peter J. Hudson	do	40	Sileana	Nov. 21	do	16	39
Lee Galyean	do	40	Bethel	Jan. 15		22	28
John M. Bell	do	2	Shady Point	Jan. 2	Apr. 20	5	11
Anna L. Hudson	do	2	Blue Ridge	do	May 31	9	9
Alice Terry	do	2	Pine Hill	Mar. 12	Mar. 31	12	25
Bessie Welch	do	2	Bengal	Apr. 2	Apr. 12	8	15
S. R. Hardy	do	2	Caney	do	May 31	11	35
T. D. Mullins	do	2	Folsom	do		9	20
S. G. Payte	do	2	Nixon	do	May 31	15	17

NOTE.—Where salaries are marked $2 the teachers received $2 per month per pupil.

6488—00——7

REPORT OF CHICKASAW SCHOOL SUPERVISOR.

SULPHUR, IND. T., *June 25, 1900.*

SIR: I submit herewith my report on the condition of schools with a census of the scholastic population of the Chickasaw Nation.

CITIZEN OR INDIAN SCHOOLS.

Twenty-two citizen schools were in operation during some part of the year, 5 academies, and 17 neighborhood or primary schools, with a total enrollment of 835 pupils.

The Chickasaw schools are entirely under the control of the tribal government, operated by the direction of a superintendent, elected by the legislature, and a local trustee for each school, who constitute the school board. These trustees are appointed by the superintendent and removed at his pleasure, without the advice or consent of anyone. The present superintendent is a half-blood, about 28 years of age, with some education, but little force of character, and no experience in school work, and who is considered by many of the prominent men of his tribe to be totally unfit for the position. The local trustees are mostly full-bloods who can speak very little English, but the majority of them are members of the Chickasaw legislature, who have obtained a school for their locality through political influence.

PRIMARY SCHOOLS.

The primary schools are usually located in full-blood communities in the woods, far removed from the influences of civilization. The children in many instances speak Chickasaw entirely and hear nothing else, except during recitation, as many of the teachers address them in that language outside of the schoolroom.

The schoolhouses are mostly small frame buildings furnished with a few rough board benches, with rarely a desk for writing on or for resting the children's books upon, with no blackboards nor writing material of any sort; and many of these houses are too filthy for swine to occupy, never having been cleaned since they were built, while many of the children are in squalor and rags. The teachers of these schools have a very limited education, have never received any special preparation for their work, and are not required to pass any sort of an examination to test their fitness to teach, but are chosen solely by favoritism, preference being given to Chickasaw when the local trustee does not have a noncitizen friend who wants to teach. The books are furnished by the superintendent at $25 per year to each school—such books as were used in the States twenty-five years ago. Enrollment in 17 neighborhood schools for this scholastic year is 489, with an average attendance of 386, at an approximate cost to the nation of $36,115, or an average cost of $93.54 per pupil. the children attending these schools each being allowed $8 per month for board. This $8 per month is paid to persons who board these children in scrip or due bills on the nation. These persons being poor, are compelled to trade this scrip out at some store—usually that of a half-blood—for provisions at from 25 to 50 per cent discount, and this paper must be presented to the auditing committee of the legislature at its next annual meeting to be honored or disallowed, depending largely upon the influence of the holder, to whom warrants are then issued, to be paid in turn at some future time, whenever there is money in the treasury. Following is a tabulated report of these primary schools:

Neighborhood schools.

Name of school.	Teachers.			Amount paid teachers.	Other expenses of the schools.	Months of school.	Number of Indian pupils enrolled.			Pupils in lower grades.	Average attendance.
	Male.	Female.	Total.				Male.	Female.	Total.		
Big Springs	1	....	1	$315	$686	7	10	7	17	17	11
Burris	1	....	1	450	1,270	10	12	7	19	19	15
Double Springs	1	....	1	450	2,470	10	32	18	50	50	30
Davis	....	1	1	450	2,310	10	19	15	34	34	28
Emet	....	1	1	450	2,630	10	18	17	35	35	32
H. Colbert	....	1	1	450	2,470	10	14	18	32	32	30
Kaneys	1	....	1	450	1,990	10	19	13	32	32	24
Lewis	....	1	1	450	870	10	3	8	11	11	10
McMillan	....	1	1	270	934	6	17	12	29	29	18
Pauls Valley	....	1	1	270	790	6	8	10	18	18	15
Potts	....	1	1	450	1,030	10	11	3	14	14	12
Red Springs	1	....	1	450	2,270	10	19	16	35	35	30
Sulphur Springs	1	....	1	450	2,290	10	17	18	35	35	25
Sulphur	1	....	1	90	60	2	10	11	21	21	18
Sandy Creek	1	....	1	450	2,470	10	18	19	37	37	30
Seeleys	1	....	1	450	2,070	10	18	17	35	35	25
Yellow Springs	1	....	1	450	2,710	10	23	12	35	35	23
Total	10	7	17	6,795	29,320	.....	268	221	489	489	386

BOARDING SCHOOLS.

There are five boarding schools in operation in this nation, with an enrollment of 246 pupils, at an annual cost of $57,115, or $166.23 per pupil. These schools are let by contract on five-year terms, and only two of the five superintendents are competent to teach the common-school branches. By the terms of their contracts these superintendents receive a certain sum per year for instruction, board, medical attention, nursing, books, and laundering for a specified number of pupils, regardless of attendance, select all of their own teachers and subordinate help, employ their wives as matrons, and have unquestioned authority in the management of their schools; hence the discipline in several of the academies is very weak. The boys do pretty much as they please; besides, the sanitary conditions are almost entirely neglected. At one place I saw pigs, chickens, and boys contending for the occupancy of a recitation room, with the chances in favor of the pigs. The majority of these contractors are intermarried whites whose Indian wives are highly connected and who are of necessity men of large political influence to obtain these contracts; hence it often occurs that rumors of immorality and mismanagement of the schools are never investigated. Some of these superintendents are well-meaning men who do the best they can for the children, but others are unfit, morally and educationally, for the positions which they hold. Favoritism in the payment of warrants, I am informed, is the general practice with teachers and superintendents, many teachers being obliged to wait from one to two years to get their warrants cashed, or else sell them at a large discount, sometimes 50 per cent. Some of the superintendents of the academies tell me that they have not been able to get a cent of money on their school warrants from the Chickasaw treasurer since September 1, 1899, and have been compelled to buy provisions on time, agreeing to pay exorbitant prices therefor or else discount their warrants at the banks from 15 to 25 per cent to obtain money to pay running expenses. It is rumored that the outstanding warrants of the nation to-day amount to between $95,000 and $110,000, that the treasury is empty, and that money lenders are not anxious to buy school warrants at any price.

Stockraising on the ranges has been the principal employment in this country in the past, and very few of the people know anything else except the cowboy's trade and its attendant vices—drinking, consuming tobacco, and gambling. The ranges will be shortly all fenced up, the lands allotted, and people must turn their attention to agricultural pursuits; hence school studies and training should be shaped to that end. The prevailing idea has been, and is, to discourage all industrial work in these schools, allowing the boys to spend their leisure hours in idle sports and games of chance, and the girls in music and painting. The teachers and superintendents of these boarding schools, with one or two exceptions, know absolutely nothing of the principles of agriculture, botany, or horticulture; and at no place except the Orphans' Home are the boys taught to handle the plow or cultivator, ax or hoe, and only at this one school are the girls taught how to wash and mend their own clothes or cook a meal of victuals. The orphans are only required to labor one hour in the morning and one hour in the evening after schoolroom work is done, yet the repeal of this requirement is being strongly urged by some Chickasaw officials as being unjust and undignified. Following is a tabulated report of the academies:

ORPHANS' HOME.

Employees.	Position.	Salary.	Date of employment.	Race.	Age.	Single or married.	Birthplace.	By whom appointed.
W. S. Derrick	Superintendent	$1,500	Oct. 1, 1899	White	52	Married	Missouri	Chickasaw school board.
Cora I. Fuller	Principal teacher	600	Sept. 1, 1899	do	36	Single	Texas	Do.
Carrie Derrick	First assistant teacher	450	do	do	23	do	Arkansas	Do.
Willie B. Derrick	Music teacher	400	do	do	21	do	Indian Territory	Do.
Olla Studey	Matron	250	do	do	23	Married	Texas	
D. S. Mufby and wife	Cook	300	do	do				
Place vacant	Laundress	250	do	do				Do.
	Workhand	192	Apr. 1, 1898	White	24	Single	Tennessee	

Yearly enrollment	59
Average daily attendance	47
Per cent of attendance	80
Appropriation	$8,500.00
Amount paid employees	3,912.00
Maintenance	4,588.00
Average cost of pupil per month	9.76

BLOOMFIELD SEMINARY.

Employees.	Position.	Salary.	Date of employment.	Race.	Age.	Single or married.	Birthplace.	By whom appointed.
E. B. Hinshaw	Superintendent	$1,800	Sept. 1, 1897	White		Married	Indiana	Contract with Chickasaw school board.
G. A. Nutt	First assistant teacher		Sept. 1, 1899	do		do	Texas	Contractor.
A. E. Nutt	Second assistant teacher			do		Single	do	Do.
Libbie Bennett	Music teacher			do		do	do	Do.
Mary Dobson	Art teacher			do		do	do	Do.
Mary Crutchfield	Elocution teacher			do		do	do	Do.
Mrs. E. B. Henshaw	Matron			do		Married	Indiana	Do.

Yearly enrollment	92
Average daily attendance	86
Appropriation	$15,180
Amount paid employees (refused to give it).	
Maintenance (refused to give it).	
Average cost of pupil per month	$16.50

HARLEY INSTITUTE.

Employees.	*Position.*	Salary.	Date of employment.	Race.	Age.	Single or married.	Birthplace.	By whom employed.
S. M. White	Superintendent		Oct., 1897	White		Married		Contract with Chickesaw legislature.
P. B. H. Shearer	Principal teacher		do	do		do		By contractor.
Lulu White	First assistant teacher		Sept., 1899	do		Single		Do.
Debbie White	Second assistant teacher		do	do		do		Do.
Joehana Engboe	Music teacher		do	do		do		Do.
Mrs. G. Shearer	Elocution teacher		Oct., 1897	do		Married		Do.
Mrs. S. M. White	Matron		do	Indian		do		Do.

Yearly enrollment	80.00
Average daily attendance	75.00
Appropriation	$13,200.00
Amount paid employees (refused to give it).	
Maintenance (refused to give it).	
Average cost of pupil per month	$16.50

WAPANUCKA INSTITUTE.

Employees.	Position.	Salary.	Date of employment.	Race.	Age.	Single or married.	Birthplace.	By whom appointed.
C. A. Skean	Superintendent		Oct., 1897	White		Married	Tennessee	Contracted with Chickasaw board.
F. J. Newsome	Principal teacher		Sept., 1899	do		Single	Texas	By contractor.
B. F. Harrison	First assistant teacher		do	Indian		do	Indian Territory	Do.
Thos. Benton	Second assistant teacher		do	White		do	Tennessee	Do.
Annie Cund	Music teacher		Oct., 1897	do		do	Texas	Do.
Mrs. C. A. Skean	Matron		do	Indian		Married	Indian Territory	Do.

Yearly enrollment	79
Average daily attendance	60
Appropriation	$13,035
Amount paid employees (refused to give it).	
Maintenance (refused to give it).	
Average cost of pupil per month	$16.50

COLLINS INSTITUTE.

Employees.	Position.	Salary.	Date of employment.	Race.	Age.	Single or married.	Birthplace.	By whom appointed.
W. H. Jackson	Superintendent		Sept., 1897	White		Married	Mississippi	Contract with Chickasaw board.
Ruth Roach	Principal teacher		Sept., 1899	do		Single	Texas	Contractor.
Essie Glover	First assistant teacher		Jan., 1900	do		do	do	Do.
D. L. Swank	Music teacher		Sept., 1899	do		do	do	Do.
Mrs. W. H. Jackson	Matron		Sept., 1897	Indian		Married	Indian Territory	Do.

Yearly enrollment	38
Average daily attendance	38
Appropriation	$6,600
Amount paid employees (refused to give it).	
Maintenance (refused to give it).	
Average cost per pupil per month	$16.50

These schools were each described in detail in my report of September 16, 1899. In addition to the enrollment in the neighborhood schools and academies, the superintendent has issued certificates during the year to 175 Chickasaw children to attend noncitizen schools in this nation, each of which is entitled to receive from $8 to $14 per month, approximating $16,800; 5 academies, $57,115; 17 neighborhood schools, $36,115; total expense of schools for year 1899–1900, $110,030.

NONCITIZEN SCHOOLS.

The noncitizen population of this nation is composed largely of nomads and adventurers seeking to make a living or get wealth without hard labor. Many of them have come from Tennessee, Kentucky, and Mississippi, bringing with them a bitter prejudice against public schools, due somewhat to race distinction, but more largely to ignorance, hence the private school has been encouraged, and to-day it is almost impossible to find a village or hamlet where some bombastic individual has not been conducting a subscription school. This individual is known in the community as "The Professor." In nine cases out of ten these schools have proven a total failure because of the floating character of the population, not being able to pay the tuition of their children, and the lack of discipline and education on the part of the teacher. Failing in a few weeks in one community this would-be pedagogue moves on to a new field to repeat his failure there, while some one else hastens along to take the place vacated. With a very few exceptions the private and sectarian schools known here as colleges are doing no better work than the subscription schools. In view of this condition of uncertainty only four towns in this nation have had the courage to establish public schools. Purcell, Pauls Valley, Wynnewood, and Ardmore have elected school boards, levied a tax, and employed supervising principals and teachers; and while working under the most adverse circumstances in the way of protests from taxpayers, epidemics of scarlet fever and small-pox, have had marvelous success with their schools during the year just closed. Following is a tabulated report of these schools:

Report of noncitizen schools of the nation.

School.	Teachers employed.		Amount paid teachers.	Other expenses of school.	Months of school.	Pupils enrolled.													Average attendance.	
						White.		Indian.		Negro.		Total.	High-school grades.			Lower grades.				
	Male.	Female.				Male.	Female.	Male.	Female.	Male.	Female.		Male.	Female.	Total.	Male.	Female.	Total.	Number.	Per cent.
Public schools of Ardmore	8	12	$4,460.00	$3,850.00	6	583	652	6	5	91	98	1,435	26	38	64	614	757	1,371	890	86
Public school of Wynnewood	3	5	1,535.00	407.00	4	191	175	8	7	39	36	456	3	6	9	235	212	447	325	.....
Public school of Pauls Valley	3	4	1,720.00	1,280.00	8	185	199	8	10	.....	.....	402	14	16	30	179	193	372	321	80
Public schools of Purcell	4	9	4,030.00	9,452.00	8	300	226	15	20	40	61	662	20	43	63	335	264	599	512	.....
Total	18	30	11,745.00	14,989.00	.....	1,259	1,252	37	42	170	195	2,955	63	103	166	1,363	1,426	2,789	2,048	.....
El Meta Christian College, Minco	.....	5	1,594.00	2,690.00	9	24	22	18	18	.....	.....	82	12	17	29	30	23	53	$60\frac{5}{16}$	.....
The Drexel School, Purcell	.....	5	(a)	(b)	10	30	35	.....	65	.....	.....	130	.....	12	.....	30	88	118	65	.....
Hargrove College, Ardmore	3	5	3,420.00	180.00	9	85	80	14	10	.....	.....	189	8	10	.....	91	80	171	140	82

a Mostly charitable work being done in this school by teachers.

b Can not be estimated. Much garden stuff raised on place.

The following is an estimate of the scholastic population of this nation between 5 and 18 years of age, obtained from teachers, postmasters, and others:

	Males.	Females.	Total.
Chickasaw children enrolled in national schools	459	376	835
Indians enrolled in El Meta and Hargrove colleges	29	28	57
Whites enrolled in El Meta and Hargrove colleges	78	88	166
Estimate of whites, from teachers, postmasters, and others	11,254	11,668	22,922
Estimate of Indians	568	692	1,260
Estimate of negroes	920	818	1,738
Total population	13,308	13,670	26,978
Chickasaw children as above	459	376	835
Counting one-half estimated Indians as Chickasaw	284	346	630
Total Chickasaw children	743	722	1,465
Choctaws			630

PRIVATE SCHOOLS.

A few private schools, notably, El Meta Christian College at Minco, Draper's School at Lime, Drexel School at Purcell, Clemmon's School at Davis, have been doing good work. I would commend in a special manner the thorough business-like work being done at El Meta Christian College. Not in thorough class-room work only, but in systematic business principles in every department of the school, good discipline, order, and cleanliness. In a land where shiftlessness, dirt, and disorder reign supreme in the schoolhouse this college is like an oasis in the desert. There is a great need of some authority to compel noncitizens and others who engage in teaching in this nation to show some evidence of fitness for the positions they seek, both moral and educational. I would also recommend that Choctaw children residing in the Chickasaw Nation be allowed the same amount per month for board as those who reside in their own nation.

Respectfully,

JOHN M. SIMPSON,
Supervisor of Schools, Chickasaw Nation.

Hon. JOHN D. BENEDICT,
Superintendent of Schools in Indian Territory.

REPORT OF REVENUE INSPECTOR FOR THE CHEROKEE NATION.

UNITED STATES INDIAN INSPECTION SERVICE,
Muscogee, Ind. T., June 30, 1900.

SIR: In compliance with your request, I have the honor to submit the following report for the fiscal year ending June 30, 1900:

As revenue inspector it is my duty under your instructions to supervise the collections of the various revenues due the Cherokee Nation, as directed, and see that the same are paid into the hands of the United States Indian agent at Muscogee, Ind. T., for credit to the tribe.

Upon assuming my duties July 1, 1899, there were appointed as my assistants three district revenue inspectors, who were immediately assigned to service by districts—Nos. 1, 2, and 3. Two of these district inspectors are now in service, one having resigned April 30, 1900.

On entering upon the duties of this office, I found no precedents and that, apparently, there had been no well-defined system of collecting the tribal revenues in the past when the same were collected by the tribal authorities, and up to that time the business had been conducted very much on the "go-as-you-please" plan and, if common report be true, the matter of collections wholly neglected in some sections. Many persons from whom revenues and taxes were due expressed themselves as ignorant of the requirements, often adding they had never been required to pay revenue before, and that under the old régime only a small part of the funds collected reached the tribal treasury. I found also that almost to a man those from whom revenue and taxes were due were averse to paying the nation anything, claiming that no revenues were needed by the nation, and further that there was no way to enforce payments. In the latter view of the situation interested parties were aided by attorneys and newspapers, who held that collections were unwarranted by law and illegal in fact, thus making the problem more complex and my duties the more difficult to execute. I set about inaugurating a system for collecting by first ascertaining from whom revenues were due, and to this end made an enumeration of the merchants doing business in the nation; also of coal operators, hay shippers, and introducers of cattle, etc., so far as the information could be obtained, these being the chief sources of revenue, of which I will speak in detail under their appropriate heads.

A strong sentiment has been created against the payment of tribal revenues, principally by persons who are not financially interested, but collections have been hindered and evaded thereby.

It is contended by newspapers and a class of agitators that the Cherokee revenue laws are unjust, in that they require a royalty on one commodity, hay as an illustration, and not on another, such as wheat, and some have in their zeal gone so far in trying to prejudice the public against the laws and regulations as to claim that the officers of the Interior Department are responsible for them; but a royalty of 20 cents per ton on hay does not appeal to the average mind as excessive, especially when the great bulk of the hay shipped from the nation is cut or shipped by men who have no ownership in the soil that produces this spontaneous crop; neither does the merchandise tax of one-fourth of 1 per cent on merchandise introduced and offered for sale seem oppressive, as the merchant purchasing $10,000 per annum is only required to pay $6.25 each quarter for the privilege of conducting his business in the nation, hence it must be conceded that noninterested persons who are now opposing the collections of tribal revenues with so much persistency and bitterness are doing so for the sake of opposing the administration of affairs generally rather than that the royalties and taxes are exorbitant or oppressive.

There have been cases where, acting under the advice of overzealous friends, parties have expended more money for so-called legal advice than their revenue or tax would have amounted to for a long period, had they paid it in accordance with the regulations.

I know of no one thing that emphasizes the oft-repeated assertion that "affairs in the Indian Territory are in a chaotic condition" so much as the attitude of those from whom revenues are due, and those who aid and abet them in evading payments of the same.

HAY ROYALTY.

No department of this office has attracted so much attention and comment by persons opposing the collection of revenues as the royalty on prairie hay.

The tribal laws and regulations of the Department require a royalty of 20 cents per ton on all hay shipped out of the nation. It was the first work taken up by me, and from July of last year to the present time it has required the utmost vigilance to collect the same, even from some of the large shippers, who had made repeated promises to pay all that was due.

It has been necessary to seize and impound in the custody of the United States Indian Agency thousands of tons of hay before shippers would pay the royalty, requiring activity and much travel from one shipping point to another.

Many of the shippers are noncitizens or intruders, and almost without exception the grass, when bought standing, is obtained at a nominal price, thus making the Cherokee Nation an attractive point for the operations of hay dealers.

During a portion of the year the railroads declined to ship hay until the royalty was paid, but recently certain railroads have instructed their agents to accept hay for shipment whether royalty was paid or not, which is construed by some of the shippers to mean that the railroads issuing such instructions will aid them in evading payments, or, at least, that the railroads are indifferent in the matter.

The revenues collected during the year prior to the appointment of revenue inspectors amounted to $16.40, and for the year now closing to $4,474.88, which is perhaps as potent an illustration as I can furnish as to what has been accomplished in this line.

The books of the treasurer of the Cherokee Nation show no receipts for hay during the last year of collections by the tribe itself, ending September 30, 1898.

MERCHANDISE TAX.

There is a merchandise tax of one-fourth of 1 per cent on all merchandise introduced and offered for sale in the Cherokee Nation, excepting in that section known as the Canadian district, where noncitizen merchants (under the treaty of 1866) are not required to pay this tax.

I have recently made an enumeration of merchants, and find there are 454 firms, located in 82 villages or trading posts, nearly every one of which has been visited during the year, and many of them quarterly, by myself or district inspectors. Parties have been furnished with the necessary blanks and instructed as to executing the same. Up to June 1 remittances from merchants were coming in regularly, when, acting under your instructions to close the place of business of any merchant refusing to pay the required tax, the store of W. C. Rogers, at Talala, was closed (on that date), after he had been repeatedly notified and had refused to make any payment.

He thereafter applied to the United States court, and a temporary restraining order against officers of the Interior Department from interfering with his business was issued by the court, and a hearing set for July 23, 1900. Since that time several merchants who had previously paid to a particular date, and promised to make payments quarterly, have refused or failed to do so.

The receipts from merchandise tax by the treasurer of the Cherokee Nation for their fiscal year closing September 30, 1898, as shown by his books, when revenues were collected by the tribal authorities, amount to $1,673.82. The receipts by the United States Indian agent from same source from September 30, 1898, to June 30, 1899, were $878.68. The receipts from July 1, 1899, to June 30, 1900, the period in which the revenue inspector has been on duty, amount to $5,607.65.

COAL ROYALTY.

There is a wide coal belt in the Cherokee Nation running from the Kansas line southward where coal is mined by what is known as the "stripping" process. Heretofore the collection of coal royalty has been conducted very loosely, and during the year prior to the appointment of revenue inspectors, there was paid into the hands of the Indian agent from this source only $239.71, while for the last year $3,856.01 has been collected, and I believe a system inaugurated that will bring larger sums in the future.

There are a large number of small coal operators in the nation, who sell coal by the measure, and it has taken considerable time and correspondence to impress upon these men the importance of paying the royalty.

The books of the Cherokee treasurer for the fiscal year of 1898 show receipts from "minerals," $251.22. There being no provision for royalty on other minerals, the item is presumed to refer to royalty on coal.

CATTLE TAX.

There is an introduction tax of 50 cents per head due on all cattle introduced into the nation; also an annual grazing tax of 25 cents per head on all introduced cattle. If collected, this tax would, in my opinion, exceed in amount all other taxes and revenues combined.

For a long time prior to the appointment of revenue inspectors no money has been received by the Cherokee treasurer from these sources. During the last year the sum of $1,956 has been collected.

There are many reasons why it is next to impossible to ascertain even the amount of taxes due, as cattlemen and others in possession of information have generally refused to give information as to the names of owners of introduced cattle, and as to whether cattle found running at large were introduced or native cattle. Cattle are introduced by railroads and frequently unloaded at night and from side tracks remote from town, where it is impossible for officers to see the cattle or obtain the names of witnesses, and many are driven into the nation at points where it is not easy to detect them. In addition to this, it is openly stated that the cattlemen are organized to evade the tax and withhold information concerning one another.

A contagious disease known as "Texas fever" has lately broken out among introduced cattle, which endangers other herds, and doubtless parties will be more willing in the future to furnish information concerning the introduction of cattle.

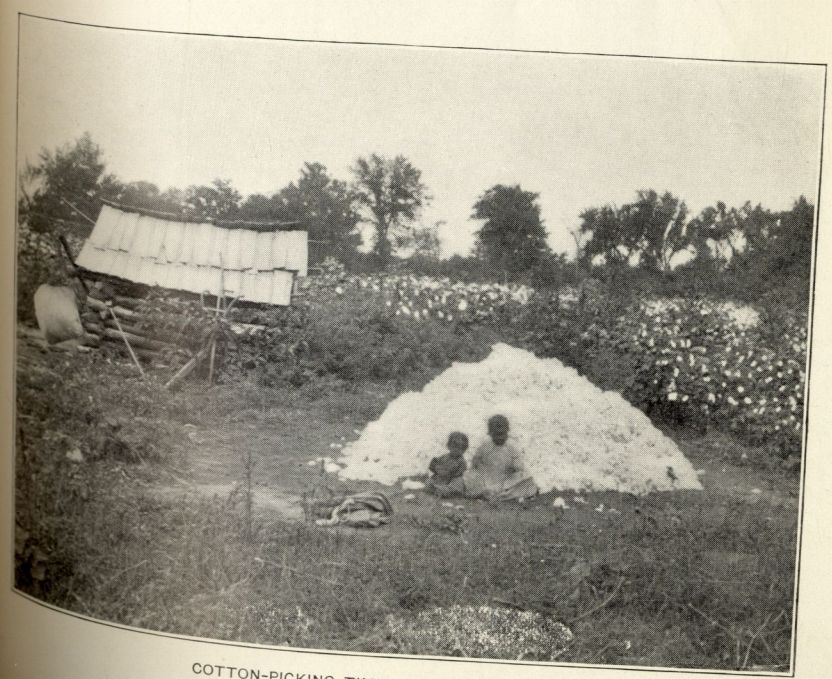
FERRY LICENSE.

License fees for ferries are required in the Cherokee Nation of $10 per annum on the Verdigris and Grand rivers and $25 on the Arkansas.

The ownership of these ferries appears to change very frequently, and I have had considerable difficulty in ascertaining the names of the operators, many of whom have been slow in making payments.

During the last year of collections by the Cherokee Nation itself, ending September 30, 1898, the Cherokee treasurer received $333. During the last fiscal year $504.19 has been collected from this source.

HOME OF CREEK FREEDMEN.



COTTON-PICKING TIME—CREEK FREEDMEN.

TIMBER DEPREDATIONS.

For years the wanton destruction of timber has been going on in the nation. During the past year numerous sawmills have been shut down, considerable lumber seized, and several persons arrested, some of whom were sent to jail and others have left the country.

At first public sentiment seemed to be against the prevention of timber cutting, it being thought that it would deprive citizens from cutting fuel, fence posts, and the like; but when it became understood that avenues were provided through your office for cutting timber for legitimate purposes, and that it was only intended to prevent the wholesale slaughter of timber by persons who had no right to it, and for commercial purposes, the action of the officers has been heartily approved by the Cherokee people at large.

Through the work performed by the revenue inspectors I believe the timber depredations are now under control, for the first time in a long period.

The following figures present the amounts collected in revenues from the sources mentioned under the three systems recently in operation:

Source.	For the year 1898, under Cherokee authority.	From September 30, 1898, to June 30, 1899.	From July 1, 1899, to June 30, 1900.
Hay		$16.40	$4,474.88
Merchandise	$1,673.82	878.68	5,607.65
Coal	251.22	239.71	3,856.01
Cattle			1,956.00
Ferries	333.00	344.71	504.19

The total receipts for the fiscal year from all sources have been $19,455.05.

I desire to acknowledge the courtesies and helpful suggestions received from you, the latter being specially valuable from your intimate knowledge of affairs in the Indian Territory. I am also indebted to the United States Indian agent and the attaches of his office and that of your own for material assistance.

It is not claimed that all of the revenues have been collected, one year being too short a time in which to bring the new system into perfect working order, but on examination of the relative figures you will observe that the receipts have been increased during the past year in a large ratio, and I believe this branch of the service is in a fair way to show better results in the future. You are fully aware of some of the difficulties which I have encountered.

In addition to my duties in the collection of revenues I have, acting under your directions, attended to numerous special investigations, which I trust have in some measure aided you in the administration of your office in this Territory, in which you are confronted with so many perplexing conditions.

Very respectfully, your obedient servant,

FRANK C. CHURCHILL,
Revenue Inspector for the Cherokee Nation.

Hon. J. GEORGE WRIGHT,
United States Indian Inspector for the Indian Territory.

REPORT OF REVENUE INSPECTOR FOR THE CREEK NATION.

UNITED STATES INDIAN INSPECTION SERVICE,
Muscogee, Ind. T., June 30, 1900.

SIR: Complying with your instructions to submit to you an annual report, showing the work done in connection with the collection of the Creek revenues by the revenue inspector and the district revenue inspectors for the Creek Nation during the year ending June 30, 1900, I have the honor to submit the following:

COLLECTION OF THE TRADER AND OCCUPATION TAX.

The collection of the tax imposed by the Creek license law was taken out of the hands of the tribal authorities by the act of June 28, 1898. During the year ending June 30, 1899, the United States Indian agent collected the sum of $3,813.43, under the provisions of the said law.

When the work was taken up by the present force, the conditions existing were about as follows: A few traders were paying their tax regularly; many considered the tax had been abolished, and some new traders had come into the nation who had no knowledge of the existence of the tax. A majority of the lawyers within the limits of the Creek Nation had never paid tax as such, having avoided payment by claiming that they were officers of the United States court and therefore exempt by law. The lawyers refused to pay the tax and advised others to refuse. As a result of this action by the lawyers it was deemed advisable to enforce the collection of the tax in their case first. They were duly served with demands for payment and threatened with removal in the event of their failure to pay, and thereupon they sought to obtain an injunction restraining the officers of the Department of the Interior from removing them from the limits of the Creek Nation. Their prayer for injunction was denied by Hon. John R. Thomas, United States judge, and the position taken by the officers of the Department of the Interior was sustained. This decision was sustained by the United States court of appeals of Indian Territory (Maxey *v.* Wright, 54 S. W. Reporter, 807) in the following language:

"On the whole case we therefore hold that a lawyer who is a white man and not a citizen of the Creek Nation is, pursuant to their statute, required to pay for the privilege of remaining and practicing his profession in that nation the sum of $25; that if he refuse the payment therefor he becomes by virtue of the treaty an intruder, and that in such a case the Government of the United States may remove him from the nation, and that this duty devolves upon the Interior Department. Whether the Interior Department or its Indian agents can be controlled by the courts by the writs of mandamus and injunction is not material in this case, because, as we hold, an attorney who refuses to pay the amount required by the statute by its very terms becomes an intruder, whom the United States promises by the terms of the treaty to remove, and therefore in such cases the officers and agents of the Interior Department would be acting clearly and properly within the scope of their powers."

An appeal from this decision has been taken to the United States circuit court of appeals, where the case is now pending.

In August, 1899, after the decision of the lower court, those subject to the tax began making payments.

The method of collecting this tax has been as follows: At the beginning of each quarter the district inspectors have in their respective districts personally served upon all parties subject to this tax a ten days' demand for payment of taxes due, making semiweekly report to me showing service of the demand, changes in the list of taxpayers, and such other information as they have been able to secure. Fifteen days later, or as soon thereafter as practicable, a second peremptory demand calling for payment within five days has been served by the district inspectors upon all who failed to respond to the first demand, semiweekly report being made to me showing reason for failure to pay, if any, and giving other information.

At the expiration of the five days, or as soon thereafter as practicable, I have visited the various towns, accompanied by a district inspector, making personal demand for immediate payment from delinquents, and threatening the traders with the closing of their places of business, and those subject to an occupation tax with removal. Following this personal demand I have again called upon the delinquents, accompanied by a district revenue inspector and a force of Indian police, and either effected a settlement or closed their places of business, reporting for removal such delinquents as could not be satisfactorily closed.

Records are kept in my office made up from the reports of the district inspectors and the duplicate statements which accompany remittances to the United States Indian agent, that are used in making up delinquent lists, etc., and that afford a check upon the office of the United States Indian agent, so far as the revenues of the Creek Nation are concerned.

During the year ending June 30, 1900, the sum of $18,811.27 has been received by the United States Indian agent from those subject to this tax. Two places of business within the limits of the Creek Nation have been closed with the assistance of the Indian police, and a few business men have voluntarily closed their places of business rather than pay the taxes prescribed. No removals have been made on account of nonpayment of this tax.

The collection of this tax is opposed by nearly all who are subject thereto. At all times during the present year the taxpayers have expected relief from this tax, either by treaty, act of Congress, or decision of the court, and even now the lawyers represent that they are confident that they will secure a decision from the United States circuit court of appeals relieving them from the payment of this tax. As a result of this feeling the taxpayers have in many instances devoted their entire energy and ability to devising and inventing excuses for delay in paying their taxes, and there are some taxpayers who are in arrears at present.

In some localities within the limits of the Creek Nation various lines of business are overcrowded by people who are not at present making their living expenses, but who are striving to remain within the limits of the Creek Nation in order to take advantage of the opening up of this section of the country when the opening comes.

A large part of the business carried on within the limits of the Creek Nation is transacted by Creek citizens, noncitizen Indians, and intermarried noncitizens who have not been compelled to pay taxes.

COLLECTION OF RENTALS FROM CATTLEMEN AND OTHERS.

Leases from the Creek Nation on border pastures and other grazing land were terminated or abolished by the act of June 28, 1898. When work was commenced among the cattlemen it was found that many of the old pastures inclosed under the border pasture law contained tracts of land of inferior quality, owing to its roughness or to the fact that it was partially wooded, which remained unselected and which could not be leased by the cattlemen from individual citizens. Rent to the amount of $4,344.65 has been paid to the United States Indian agent during the year ending June 30, 1900, for the use of such land. The plan followed in outlining the settlements with cattlemen has been, first, to ascertain whether or not the pasture was all leased from individual citizens; if not found to be all leased, then to plat the pasture, check the plat with the leases submitted and the records of the commission of the Five Civilized Tribes, and base the settlement outlined on behalf of the Creek Nation on the amount of land not selected and not leased and the quality of the land covered by settlement, actual investigation as to the quality of the land being made by me when deemed necessary. The work has resulted in the collection of a considerable revenue for the Creek Nation, and settlements are outlined that should bring in $2,000 more for the use of lands during the season of 1899.

The work done along these lines has also been of material assistance in hastening the selection of land by Creek citizens, and has also assisted a large number of Creek citizens in collecting rents from their selections who, unassisted, would have failed to collect their rents. The cattle business, properly conducted, is, in my opinion, of great benefit to the Creek Nation. The cattle convert the grass into money, and while it is true that much of the resources so converted go to the benefit of outside parties, a considerable portion reaches the Indian citizens in the form of rent; another considerable portion reaches the agricultural farmer in the form of payment for corn, hay, etc., raised by him, and still another considerable portion goes to pay for help employed, and for the purpose of making improvements. Indirectly the merchants of the various towns are greatly benefited by the circulation of large sums of money which, without the cattle industry, they would not have.

Much of the land contained within the limits of the Creek Nation is unfit for any purpose other than that of grazing. This land will be to a large extent unselected after each individual citizen has made a selection of 160 acres. Under existing conditions the principal part of the grass growing on such lands is allowed to go to waste or is burned in the autumn. With proper legislation and regulations these lands could be made to yield a very considerable revenue to the Creek Nation.

At all times during the past year there have been limited numbers of cattle and horses running at large on the public domain of the Creek Nation. Many of these are owned by Creek citizens or intermarried noncitizens, or are native cattle owned by noncitizens, and cases which could not be reached under section 2117, Revised Statutes of the United States.

Numerous complaints have been received from citizens who have made selections, stating that others were grazing cattle on their selections without contract and without paying the citizen for the use of the grass. Under existing conditions it would seem that their proper remedy was through the United States courts, but owing to the poverty of the citizens and their inability to meet the expenses incident to litigation they have been afforded little relief.

WORK DONE IN CONNECTION WITH TIMBER.

This work has consisted, not in the collection of royalty, but in preventing the destruction of the timber assets of the Creek Nation. At the beginning of the year there were 13 sawmills, with a combined capacity of between 25,000 and 30,000 feet of lumber per day, operating on native timber, within the limits of the Creek Nation, sawing both for domestic and export purposes, and using walnut, cottonwood, and oak logs. Illegal timber cutting within the limits of the Creek Nation has been practically stopped, and at present little, if any, timber is being sawed except in accordance with the instructions of the Department of the Interior, and no lumber or timber

is being exported. The only revenue derived from this source during the year ending June 30, 1900, consists of $191 paid to the United States Indian agent for lumber and timber seized at Bristow, Catoosa, and Sapulpa.

ROYALTIES ON COAL.

This work has included the collection of royalty on coal and the prevention of illegal coal mining: The amount of revenue derived from this source for the year ending June 30, 1899, was $3. For the year ending June 30, 1900, the revenue has amounted to $3,023.27, and no coal is now being exported contrary to instructions.

In addition to the regular work outlined above, much has been done in preventing the cutting of hay on public domain. Various investigations and reports have been made, covering a large variety of cases arising within the limits of the Creek Nation, but not directly yielding revenues, such as smallpox investigations, investigating the infringement of property rights along the St. Louis, Oklahoma and Southern Railroad, etc.

The total revenues collected for the year ending June 30, 1899, for the benefit of the Creek Nation amounted to $4,913.63; the total revenues for the year ending June 30, 1900, amounted to $26,370.19. The total expense for salary, per diem, and traveling expenses for the revenue inspector and three district revenue inspectors for the year ending June 30, 1900, amounted to $4,884.52, leaving the net revenues for the year ending June 30, 1900, $21,485.67, showing an increase in the net revenues for the year ending June 30, 1900, over the net revenues for the year ending June 30, 1899, of $16,572.04.

There are within the limits of the Creek Nation 34 towns, villages, or trading posts where those subject to the operation of the Creek license law are engaged in business. The list of persons residing within the limits of the Creek Nation who are subject to the operation of this law includes the names of 549 individuals or firms. These figures do not include Creek citizens, noncitizen Indians, or intermarried noncitizens.

The work done by the revenue inspector and district revenue inspectors has brought them in personal contact with a majority of the people of all classes in the Creek Nation, and has enabled them to be of much service in explaining existing conditions to citizens and others, and in keeping the Department of the Interior in close touch with all classes of people in the Creek Nation.

Uncertainty in the minds of the people as to existing law, and as to authority for the enforcement of existing laws, has greatly impeded the work.

The three district revenue inspectors, W. A. Porter, A. E. McKellop, and James H. Alexander, have made report to the revenue inspector. Their knowledge of the Creek language and their wide acquaintance with the residents of the Creek Nation have been of great service, and their work as a whole is deserving of commendation. In my opinion, based on one year's work with them, it would have been very difficult to have improved upon the selection made at the time of their appointment.

Very respectfully, your obedient servant,

GUY P. COBB,
Revenue Inspector.

HON. J. GEORGE WRIGHT,
United States Indian Inspector for the Indian Territory.

APPENDIX NO. 1.

AGREEMENT BETWEEN THE COMMISSION TO THE FIVE CIVILIZED TRIBES AND THE SEMINOLE COMMISSION.

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, Tams Bixby, Frank C. Armstrong, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Government of the Seminole nation in Indian Territory, of the second part, entered into on behalf of said Government by its commission, duly appointed and authorized thereunto, viz: John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West, and Thomas Factor.

Witnesseth, that in consideration of the mutual undertakings herein contained, it is agreed as follows:

All lands belonging to the Seminole tribe of Indians shall be divided into three classes, designated as first, second, and third class, the first class to be appraised at five dollars, the second class at two dollars and fifty cents, and the third class at one dollar and twenty-five cents per acre, and the same shall be divided among the members of the tribe so that each shall have an equal share thereof in value, so far as may be, the location and fertility of the soil considered; giving to each the right to select his allotment so as to include any improvements thereon, owned by him at the time, and each allottee shall have the sole right of occupancy of the land so allotted to him, during the existence of the present tribal government, and until the members of said tribe shall have become citizens of the United States. Such allotments shall be made under the direction and supervision of the Commission to the Five Civilized Tribes in connection with a representative appointed by the tribal government, and the chairman of said commission shall execute and deliver to each allottee a certificate describing therein the land allotted to him.

All contracts for sale, disposition, or encumbrance of any part of any allotment made prior to date of patent shall be void.

Any allottee may lease his allotment for any period not exceeding six years, the contract therefor to be executed in triplicate upon printed blanks provided by the tribal government, and before the same shall become effective it shall be approved by the principal chief and a copy filed in the office of the clerk of the United States court at Wewoka.

No lease of any coal, mineral, coal oil, or natural gas within said nation shall be valid unless made with the tribal government by and with the consent of the allottee and approved by the Secretary of the Interior.

Should there be discovered on any allotment any coal, mineral, coal oil, or natural gas, and the same should be operated so as to produce royalty, one-half of such royalty shall be paid to such allottee and the remaining half into the tribal treasury until extinguishment of tribal government, and the latter shall be used for the purpose of equalizing the value of allotments; and if the same be insufficient therefor, any other funds belonging to the tribe upon extinguishment of tribal government may be used for such purpose, so that each allotment may be made equal in value as aforesaid.

The town site of Wewoka shall be controlled and disposed of according to the provisions of an act of the general council of the Seminole Nation, approved April 23, 1897, relative thereto; and on extinguishment of the tribal government, deeds of conveyance shall issue to owners of lots as herein provided for allottees, and all lots remaining unsold at that time, may be sold in such manner as may be prescribed by the Secretary of the Interior.

Five hundred thousand dollars ($500,000) of the funds belonging to the Seminoles, now held by the United States, shall be set apart as a permanent school fund for the education of children of the members of said tribe, and shall be held by the United States at five per cent interest, or invested so as to produce such amount of interest, which shall be, after extinguishment of tribal government, applied by the Secretary of the Interior to the support of Mekasuky and Emahaka academies, and the district

schools of the Seminole people; and there shall be selected and excepted from allotment three hundred and twenty acres of land for each of said academies and eighty acres each for eight district schools in the Seminole country.

There shall also be excepted from allotment one-half acre for the use and occupancy of each of twenty-four churches, including those already existing and such others as may hereafter be established in the Seminole country, by and with consent of the general council of the nation; but should any part of same at any time cease to be used for church purposes, such part shall at once revert to the Seminole people and be added to the lands set apart for the use of said district schools.

One acre in each township shall be excepted from allotment, and the same may be purchased by the United States upon which to establish schools for the education of children of noncitizens when deemed expedient.

When the tribal government shall cease to exist, the principal chief last elected by said tribe shall execute, under his hand and the seal of the nation, and deliver to each allottee, a deed conveying to him all the right, title, and interest of the said nation and the members thereof in and to the lands so allotted to him, and the Secretary of the Interior shall approve such deed, and the same shall thereupon operate as a relinquishment of the right, title, and interest of the United States in and to the land embraced in said conveyance, and as a guaranty by the United States of the title of said lands to the allottee; and the acceptance of such deed by the allottee shall be a relinquishment of his title to and interest in all other lands belonging to the tribe, except such as may have been excepted from allotment and held in common for other purposes. Each allottee shall designate one tract of forty acres, which shall, by the terms of the deed, be made inalienable and nontaxable as a homestead in perpetuity.

All moneys belonging to the Seminole remaining after equalizing the value of allotments as herein provided and reserving said sum of five hundred thousand dollars for school fund, shall be paid per capita to the members of said tribe in three equal installments, the first to be made as soon as convenient after allotment and extinguishment of tribal government, and the others at one and two years, respectively. Such payments shall be made by a person appointed by the Secretary of the Interior, who shall prescribe the amount of and approve the bond to be given by such person, and strict account shall be given to the Secretary of the Interior for such disbursements.

The "Loyal Seminole claim" shall be submitted to the United States Senate, which shall make final determination of same, and, if sustained, shall provfde for payment thereof within two years from date hereof.

There shall hereafter be held, at the town of Wewoka, the present capital of the Seminole Nation, regular terms of the United States court as at other points in the judicial district of which the Seminole Nation is a part.

The United States agrees to maintain strict laws in the Seminole country against the introduction, sale, barter, or giving away of intoxicants of any kind or quality.

This agreement shall in no wise affect the provisions of existing treaties between the Seminole Nation and the United States except in so far as it is inconsistent therewith.

The United States courts now existing or that may hereafter be created in Indian Territory shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate owned by the Seminoles and to try all persons charged with homicide, embezzlement, bribery, and embracery hereafter committed in the Seminole country, without reference to race or citizenship of the persons charged with such crime, and any citizen or officer of said nation charged with any such crime, if convicted, shall be punished as if he were a citizen or officer of the United States; and the courts of said nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

When this agreement is ratified by the Seminole Nation and the United States, the same shall serve to repeal all the provisions of the act of Congress approved June 7, 1897, in any manner affecting the proceedings of the general council of the Seminole Nation.

It being known that the Seminole Reservation is insufficient for allotments for the use of the Seminole people, upon which they, as citizens, holding in severalty, may reasonably and adequately maintain their families, the United States will make effort to purchase from the Creek Nation, at one dollar and twenty-five cents per acre, two hundred thousand acres of land, immediately adjoining the eastern boundary of the Seminole Reservation and lying between the North Fork and South Fork of the Canadian River, in trust for, and to be conveyed by proper patent by the United States to, the Seminole Indians, upon said sum of one dollar and twenty-five cents per acre being reimbursed to the United States by said Seminole Indians; the same to be allotted as herein provided for lands now owned by the Seminoles.

This agreement shall be binding on the United States when ratified by Congress, and on the Seminole people when ratified by the general council of the Seminole Nation.

In witness whereof the said commissioners have hereunto affixed their names at Muskogee, Indian Territory, this sixteenth day of December, A. D. 1897.

TAMS BIXBY,
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES,
Commission to the Five Civilized Tribes.

ALLISON L. AYLESWORTH,
Secretary.

JOHN F. BROWN,
OKCHAN HARJO,
WILLIAM CULLY,
K. N. KINKEHEE,
THOMAS WEST,
THOMAS FACTOR,
Seminole Commission.

A. J. BROWN,
Secretary.

APPENDIX NO. 2.

[PUBLIC—No. 162.]

AN ACT For the protection of the people of the Indian Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all criminal prosecutions in the Indian Territory against officials for embezzlement, bribery, and embracery the word "officer," when the same appears in the criminal laws heretofore extended over and put in force in said Territory, shall include all officers of the several tribes or nations of Indians in said Territory.

SEC. 2. That when in the progress of any civil suit, either in law or equity, pending in the United States court in any district in said Territory, it shall appear to the court that the property of any tribe is in any way affected by the issues being heard, said court is hereby authorized and required to make said tribe a party to said suit by service upon the chief or governor of the tribe, and the suit shall thereafter be conducted and determined as if said tribe had been an original party to said action.

SEC. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the commission to the Five Tribes, or the United States court, and the judgment has become final, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same: *Provided always*, That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January first, eighteen hundred and ninety-eight, may, as to lands not exceeding in amount one hundred and sixty acres, in defense of any action for the possession of said lands show that he is and has been in peaceable possession of such lands, and that he has while in such possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such persons should be charged the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceed the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue.

SEC. 4. That all persons who have heretofore made improvements on lands belonging to any one of the said tribes of Indians, claiming rights of citizenship, whose claims have been decided adversely under the Act of Congress approved June tenth, eighteen hundred and ninety-six, shall have possession thereof until and including

December thirty-first, eighteen hundred and ninety-eight; and may, prior to that time, sell or dispose of the same to any member of the tribe owning the land who desires to take the same in his allotment: *Provided*, That this section shall not apply to improvements which have been appraised and paid for, or payment tendered by the Cherokee Nation under the agreement with the United States approved by Congress March third, eighteen hundred and ninety-three.

SEC. 5. That before any action by any tribe or person shall be commenced under section three of this Act it shall be the duty of the party bringing the same to notify the adverse party to leave the premises for the possession of which the action is about to be brought, which notice shall be served at least thirty days before commencing the action by leaving a written copy with the defendant, or, if he can not be found, by leaving the same at his last known place of residence or business with any person occupying the premises over the age of twelve years, or, if his residence or business address can not be ascertained, by leaving the same with any person over the age of twelve years upon the premises sought to be recovered and described in said notice; and if there be no person with whom said notice can be left, then by posting same on the premises.

SEC. 6. That the summons shall not issue in such action until the chief or governor of the tribe, or person or persons bringing suit in his own behalf, shall have filed a sworn complaint, on behalf of the tribe or himself, with the court, which shall, as near as practicable, describe the premises so detained, and shall set forth a detention without the consent of the person bringing said suit or the tribe, by one whose membership is denied by it: *Provided*, That if the chief or governor refuse or fail to bring suit in behalf of the tribe then any member of the tribe may make complaint and bring said suit.

SEC. 7. That the court in granting a continuance of any case, particularly under section three, may, in its discretion, require the party applying therefor to give an undertaking to the adverse party, with good and sufficient securities, to be approved by the judge of the court, conditioned for the payment of all damages and costs and defraying the rent which may accrue if judgment be rendered against him.

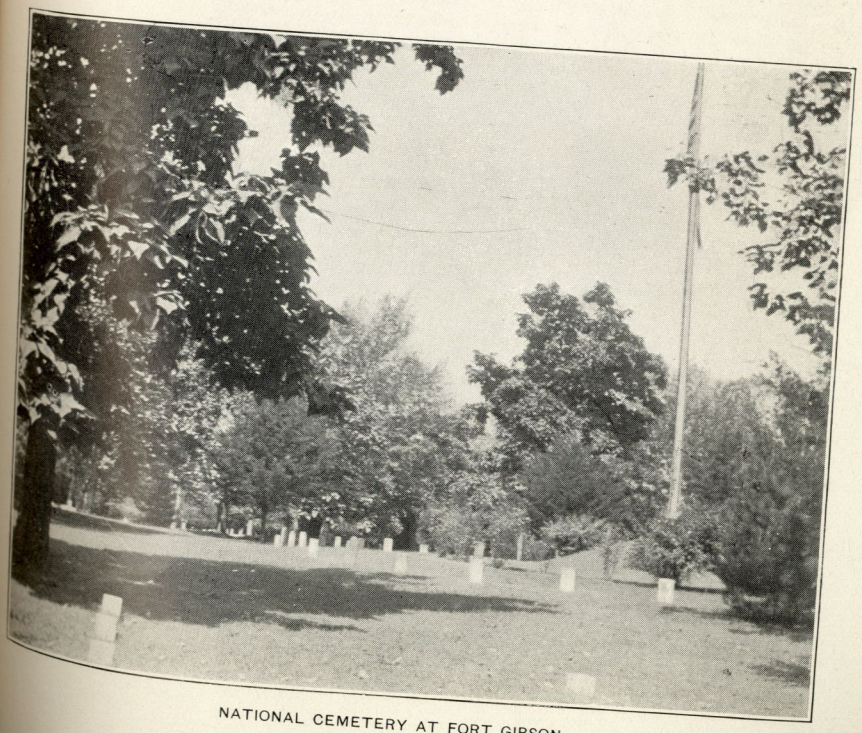
SEC. 8. That when a judgment for restitution shall be entered by the court the clerk shall, at the request of the plaintiff or his attorney, issue a writ of execution thereon, which shall command the proper officer of the court to cause the defendant or defendants to be forthwith removed and ejected from the premises and the plaintiff given complete and undisturbed possession of the same. The writ shall also command the said officer to levy upon the property of the defendant or defendants subject to execution, and also collect therefrom the costs of the action and all accruing costs in the service of the writ. Said writ shall be executed within thirty days.

SEC. 9. That the jurisdiction of the court and municipal authority of the city of Fort Smith for police purposes in the State of Arkansas is hereby extended over all that strip of land in the Indian Territory lying and being situate between the corporate limits of the said city of Fort Smith and the Arkansas and Poteau rivers, and extending up the said Poteau River to the mouth of Mill Creek; and all the laws and ordinances for the preservation of the peace and health of said city, as far as the same are applicable, are hereby put in force therein: *Provided*, That no charge or tax shall ever be made or levied by said city against said land or the tribe or nation to whom it belongs.

SEC. 10. That all actions for restitution of possession of real property under this Act must be commenced by the service of a summons within two years after the passage of this Act, where the wrongful detention or possession began prior to the date of its passage; and all actions which shall be commenced hereafter, based upon wrongful detention or possession committed since the passage of this Act must be commenced within two years after the cause of action accrued. And nothing in this Act shall take away the right to maintain an action for unlawful and forcible entry and detainer given by the Act of Congress passed May second, eighteen hundred and ninety (Twenty-sixth United States Statutes, page ninety-five).

SEC. 11. That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the "Dawes Commission," shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; but all oil, coal, asphalt, and mineral deposits in the lands of any tribe are reserved to such tribe, and no allotment of such lands shall carry the title to such oil, coal, asphalt, or mineral deposits; and all town sites shall also be reserved to the several tribes, and shall be set apart by the commission hereto-

THE FIRST CHURCH IN INDIAN TERRITORY, BUILT BY COLONEL BELKNAP AT THE MILITARY POST OF FORT GIBSON ABOUT 1845.



NATIONAL CEMETERY AT FORT GIBSON.

fore mentioned as incapable of allotment. There shall also be reserved from allotment a sufficient amount of lands now occupied by churches, schools, parsonages, charitable institutions, and other public buildings for their present actual and necessary use, and no more, not to exceed five acres for each school and one acre for each church and each parsonage, and for such new schools as may be needed; also sufficient land for burial grounds where necessary. When such allotment of the lands of any tribe has been by them completed, said commission shall make full report thereof to the Secretary of the Interior for his approval: *Provided*, That nothing herein contained shall in any way affect any vested legal rights which may have been heretofore granted by Act of Congress, nor be so construed as to confer any additional rights upon any parties claiming under any such Act of Congress: *Provided further*, That whenever it shall appear that any member of a tribe is in possession of lands, his allotment may be made out of the lands in his possession, including his home if the holder so desires: *Provided further*, That if the person to whom an allotment shall have been made shall be declared, upon appeal as herein provided for, by any of the courts of the United States in or for the aforesaid Territory, to have been illegally accorded rights of citizenship, and for that or any other reason declared to be not entitled to any allotment, he shall be ousted and ejected from said lands; that all persons known as intruders who have been paid for their improvements under existing laws and have not surrendered possession thereof who may be found under the provisions of this Act to be entitled to citizenship shall, within ninety days thereafter, refund the amount so paid them, with six per centum interest, to the tribe entitled thereto; and upon their failure so to do said amount shall become a lien upon all improvements owned by such person in such Territory, and may be enforced by such tribe; and unless such person makes such restitution no allotments shall be made to him: *Provided further*, That the lands allotted shall be nontransferable until after full title is acquired and shall be liable for no obligations contracted prior thereto by the allottee, and shall be nontaxable while so held: *Provided further*, That all towns and cities heretofore incorporated or incorporated under the provisions of this Act are hereby authorized to secure, by condemnation or otherwise, all the lands actually necessary for public improvements, regardless of tribal lines; and when the same can not be secured otherwise than by condemnation, then the same may be acquired as provided in sections nine hundred and seven and nine hundred and twelve, inclusive, of Mansfield's Digest of the Statutes of Arkansas.

SEC. 12. That when report of allotments of lands of any tribe shall be made to the Secretary of the Interior, as hereinbefore provided, he shall make a record thereof, and when he shall confirm such allotments the allottees shall remain in peaceable and undisturbed possession thereof, subject to the provisions of this Act.

SEC. 13. That the Secretary of the Interior is hereby authorized and directed from time to time to provide rules and regulations in regard to the leasing of oil, coal, asphalt, and other minerals in said Territory, and all such leases shall be made by the Secretary of the Interior; and any lease for any such minerals otherwise made shall be absolutely void. No lease shall be made or renewed for a longer period than fifteen years, nor cover the mineral in more than six hundred and forty acres of land, which shall conform as nearly as possible to the surveys. Lessees shall pay on each oil, coal, asphalt, or other mineral claim at the rate of one hundred dollars per annum in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years, and five hundred dollars, in advance, for each succeeding year thereafter, as advanced royalty on the mine or claim on which they are made. All such payments shall be a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments; and all lessees must pay said annual advanced payments on each claim, whether developed or undeveloped; and should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance shall then become and be the money and property of the tribe. Where any oil, coal, asphalt, or other mineral is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the 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: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties as herein provided, when such leases are not operated, to the rate of royalty on coal mined, and

the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases: *And provided further*, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits, by lessees or their assigns, which have resulted in the production of oil, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases of the leasing or renewal of leases of oil, coal, asphalt, and other mineral deposits preference shall be given to parties in possession who have made improvements. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior.

SEC. 14. That the inhabitants of any city or town in said Territory having two hundred or more residents therein may proceed, by petition to the United States court in the district in which such city or town is located, to have the same incorporated as provided in chapter twenty-nine of Mansfield's Digest of the Statutes of Arkansas, if not already incorporated thereunder; and the clerk of said court shall record all papers and perform all the acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, necessary for the incorporation of any city or town, as provided in Mansfield's Digest, and such city or town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar municipalities in said State of Arkansas. All male inhabitants of such cities and towns over the age of twenty-one years, who are citizens of the United States or of either of said tribes, who have resided therein more than six months next before any election held under this Act, shall be qualified voters at such election. That mayors of such cities and towns, in addition to their other powers, shall have the same jurisdiction in all civil and criminal cases arising within the corporate limits of such cities and towns as, and coextensive with, United States commissioners in the Indian Territory, and may charge, collect, and retain the same fees as such commissioners now collect and account for to the United States; and the marshal or other executive officer of such city or town may execute all processes issued in the exercise of the jurisdiction hereby conferred, and charge and collect the same fees for similar services, as are allowed to constables under the laws now in force in said Territory.

All elections shall be conducted under the provisions of chapter fifty-six of said digest, entitled "Elections," so far as the same may be applicable; and all inhabitants of such cities and towns, without regard to race, shall be subject to all laws and ordinances of such city or town governments, and shall have equal rights, privileges, and protection therein. Such city or town governments shall in no case have any authority to impose upon or levy any tax against any lands in said cities or towns until after title is secured from the tribe; but all other property, including all improvements on town lots, which for the purposes of this Act shall be deemed and considered personal property, together with all occupations and privileges, shall be subject to taxation. And the councils of such cities and towns, for the support of the same and for schools and other public purposes, may provide by ordinance for the assessment, levy, and collection annually of a tax upon such property, not to exceed in the aggregate two per centum of the assessed value thereof, in manner provided in chapter one hundred and twenty-nine of said digest, entitled "Revenue," and for such purposes may also impose a tax upon occupations and privileges.

Such councils may also establish and maintain free schools in such cities and towns, under the provisions of sections sixty-two hundred and fifty-eight to sixty-two hundred and seventy-six, inclusive, of said digest, and may exercise all the powers conferred upon special school districts in cities and towns in the State of Arkansas by the laws of said State when the same are not in conflict with the provisions of this Act.

For the purposes of this section all the laws of said State of Arkansas herein referred to, so far as applicable, are hereby put in force in said Territory; and the United States court therein shall have jurisdiction to enforce the same, and to punish any violation thereof, and the city or town councils shall pass such ordinances as may be necessary for the purpose of making the laws extended over them applicable to them and for carrying the same into effect: *Provided*, That nothing in this Act, or in the laws of the State of Arkansas, shall authorize or permit the sale, or exposure for sale, of any intoxicating liquor in said Territory, or the introduction thereof into said Territory; and it shall be the duty of the district attorneys in said Territory and the officers of such municipalities to prosecute all violators of the laws of the United States relating to the introduction of intoxicating liquors into said Territory, or to their sale, or exposure for sale, therein: *Provided further*, That owners and holders of leases or improvements in any city or town shall be privileged to transfer the same.

SEC. 15. That there shall be a commission in each town for each one of the Chickasaw, Choctaw, Creek, and Cherokee tribes, to consist of one member to be appointed by the executive of the tribe, who shall not be interested in town property, other than his home; one person to be appointed by the Secretary of the Interior, and one member to be selected by the town. And if the executive of the tribe or the town fail to select members as aforesaid, they may be selected and appointed by the Secretary of the Interior.

Said commissions shall cause to be surveyed and laid out town sites where towns with a present population of two hundred or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys, and public grounds, including parks and cemeteries, giving to each town such territory as may be required for its present needs and reasonable prospective growth; and shall prepare correct plats thereof, and file one with the Secretary of the Interior, one with the clerk of the United States court, one with the authorities of the tribe, and one with the town authorities. And all town lots shall be appraised by said commission at their true value, excluding improvements; and separate appraisements shall be made of all improvements thereon; and no such appraisements shall be effective until approved by the Secretary of the Interior, and in case of disagreement by the members of such commission as to the value of any lot, said Secretary may fix the value thereof.

The owner of the improvements upon any town lot, other than fencing, tillage, or temporary buildings, may deposit in the United States Treasury, Saint Louis, Missouri, one-half of such appraised value; ten per centum within two months and fifteen per centum more within six months after notice of appraisement, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment, and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot.

If the owner of such improvements on any lot fails to make deposit of the purchase money as aforesaid, then such lot may be sold in the manner herein provided for the sale of unimproved lots; and when the purchaser thereof has complied with the requirements herein for the purchase of improved lots he may, by petition, apply to the United States court within whose jurisdiction the town is located for condemnation and appraisement of such improvements, and petitioner shall, after judgment, deposit the value so fixed with the clerk of the court; and thereupon the defendant shall be required to accept same in full payment for his improvements or remove same from the lot within such time as may be fixed by the court.

All town lots not improved as aforesaid shall belong to the tribe, and shall be in like manner appraised, and, after approval by the Secretary of the Interior, and due notice, sold to the highest bidder at public auction by said commission, but not for less than their appraised value, unless ordered by the Secretary of the Interior; and purchasers may in like manner make deposits of the purchase money with like effect, as in case of improved lots.

The inhabitants of any town may, within one year after the completion of the survey thereof, make such deposit of ten dollars per acre for parks, cemeteries, and other public grounds laid out by said commission with like effect as for improved lots; and such parks and public grounds shall not be used for any purpose until such deposits are made.

The person authorized by the tribe or tribes may execute or deliver to any such purchaser, without expense to him, a deed conveying to him the title to such lands or town lots; and thereafter the purchase money shall become the property of the tribe; and all such moneys shall, when titles to all the lots in the towns belonging to any tribe have been thus perfected, be paid per capita to the members of the tribe: *Provided, however*, That in those town sites designated and laid out under the provisions of this Act where coal leases are now being operated and coal is being mined there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then, and in that event, the lots of land so reserved shall be disposed of as provided for in this Act.

SEC. 16. That it shall be unlawful for any person, after the passage of this Act, except as hereinafter provided, to claim, demand, or receive, for his own use or for the use of anyone else, any royalty on oil, coal, asphalt, or other mineral, or on any timber or lumber, or any other kind of property whatsoever, or any rents on any lands or property belonging to any one of said tribes or nations in said Territory, or for anyone to pay to any individual any such royalty or rents or any consideration therefor whatsoever; and all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe to which they belong: *Provided*, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him: *Provided further*, That nothing herein contained shall impair the rights of any member of a tribe to dispose of any timber contained on his, her, or their allotment.

SEC. 17. That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this Act, shall be deemed guilty of a misdemeanor.

SEC. 18. That any person convicted of violating any of the provisions of sections sixteen and seventeen of this Act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one hundred dollars, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. And the United States district attorneys in said Territory are required to see that the provisions of said sections are strictly enforced and they shall at once proceed to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same.

SEC. 19. That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and per capita payments shall be made direct to each individual in lawful money of the United States, and the same shall not be liable to the payment of any previously contracted obligation.

SEC. 20. That the commission hereinbefore named shall have authority to employ, with approval of the Secretary of the Interior, all assistance necessary for the prompt and efficient performance of all duties herein imposed, including competent surveyors to make allotments, and to do any other needed work, and the Secretary of the Interior may detail competent clerks to aid them in the performance of their duties.

SEC. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six.

Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

It shall make a correct roll of all Choctaw freedmen entitled to citizenship under the treaties and laws of the Choctaw Nation, and all their descendants born to them since the date of the treaty.

It shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in eighteen hundred and sixty-six between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty and forty acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined in such manner as shall be hereafter provided by Congress.

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: *Provided, however*, That nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States court in Indian Territory shall have jurisdiction to compel the officers of the tribal governments and custodians of such rolls and records to deliver same to said commission, and on their refusal or failure to do so to punish them as for contempt; as also to require all citizens of said tribes, and persons who should be so enrolled, to appear before said commission for enrollment, at such times and places as may be fixed by said commission, and to enforce obedience of all others concerned, so far as the same may be necessary, to enable said commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work.

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

SEC. 22. That where members of one tribe, under intercourse laws, usages, or customs, have made homes within the limits and on the lands of another tribe they may retain and take allotment, embracing same under such agreement as may be made between such tribes respecting such settlers; but if no such agreement be made the improvements so made shall be appraised, and the value thereof, including all

damages incurred by such settler incident to enforced removal, shall be paid to him immediately upon removal, out of any funds belonging to the tribe, or such settler, if he so desire, may make private sale of his improvements to any citizen of the tribe owning the lands: *Provided*, That he shall not be paid for improvements made on lands in excess of that to which he, his wife, and minor children are entitled to under this Act.

SEC. 23. That all leases of agricultural or grazing land belonging to any tribe made after the first day of January, eighteen hundred and ninety-eight, by the tribe or any member thereof shall be absolutely void, and all such grazing leases made prior to said date shall terminate on the first day of April, eighteen hundred and ninety-nine, and all such agricultural leases shall terminate on January first, nineteen hundred; but this shall not prevent individuals from leasing their allotments when made to them as provided in this Act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made.

SEC. 24. That all moneys paid into the United States Treasury at Saint Louis, Missouri, under provisions of this Act shall be placed to the credit of the tribe to which they belong; and the assistant United States treasurer shall give triplicate receipts therefor to the depositor.

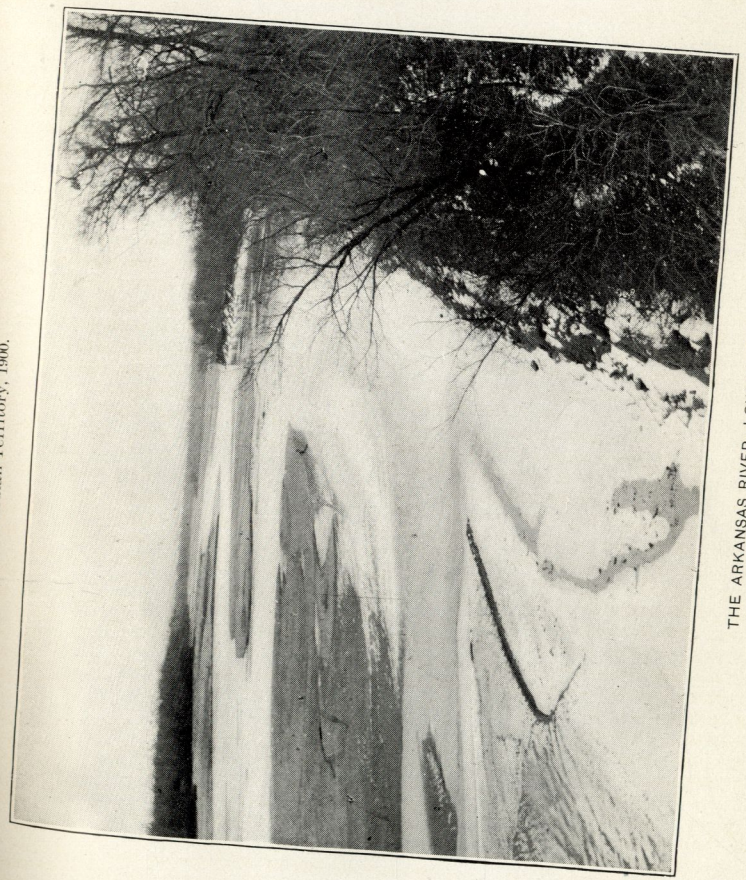
SEC. 25. That before any allotment shall be made of lands in the Cherokee Nation, there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the one hundred and fifty-seven thousand six hundred acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April eighth, eighteen hundred and sixty-seven, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement. That the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the Court of Claims of the United States, within sixty days after the passage of this Act, against the Cherokee Nation, for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation dated April eighth, eighteen hundred and sixty-seven; or the Cherokee Nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the Supreme Court of the United States.

SEC. 26. That on and after the passage of this Act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory.

SEC. 27. That the Secretary of the Interior is authorized to locate one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law, relating to affairs therein.

SEC. 28. That on the first day of July, eighteen hundred and ninety-eight, all tribal courts in Indian Territory shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit: *Provided*, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes or nations until the first day of October, eighteen hundred and ninety-eight.

SEC. 29. That the agreement made by the Commission to the Five Civilized Tribes with commissions representing the Choctaw and Chickasaw tribes of Indians on the twenty-third day of April, eighteen hundred and ninety-seven, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the first day of December, eighteen hundred and ninety-eight, by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose; and the executives of said tribes are hereby authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, or at any special election to be called by such executives for the purpose of voting on said agreement; and at the election held for such purpose all male members of each of said tribes qualified to vote under his tribal laws shall have the right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not: *Provided*, That no person whose right to citizenship in either of said tribes or nations is now contested in original or appellate proceedings before any United States court shall be permitted to vote at said election: *Provided further*, That the votes cast in both said tribes or nations shall be forthwith returned duly certified by the precinct officers to the national secretaries of said tribes or nations, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and national



Report of the Indian Inspector for Indian Territory, 1900.

THE ARKANSAS RIVER, LOW WATER.

secretary of the Choctaw Nation, the governor and national secretary of the Chickasaw Nation, and a member of the Commission to the Five Civilized Tribes, to be designated by the chairman of said commission; and said board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes and make proclamation of the result; and if said agreement as amended be so ratified, the provisions of this Act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section fourteen of this Act, which said amended agreement is as follows:

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, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland, and A. S. Williams, in behalf of the Choctaw Tribe or Nation, and R. M. Harris, I. O. Lewis, Holmes Colbert, P. S. Mosely, M. V. Cheadle, R. L. Murray, William Perry, A. H. Colbert, and R. L. Boyd, in behalf of the Chickasaw Tribe or Nation.

ALLOTMENT OF LANDS.

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

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes 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 the 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 six hundred and forty acres each, to include the buildings now occupied by the Jones Academy, Tushkahoma Female Seminary, Wheelock Orphan Seminary, and Armstrong Orphan Academy, and ten acres for the capitol building of the Choctaw Nation; one hundred and sixty acres each, immediately contiguous to and including the buildings known as Bloomfield Academy, Lebanon Orphan Home, Harley Institute, Rock Academy, and Collins Institute, and five acres for the capitol building in the Chickasaw Nation, and the use of one acre of land for each church house now erected outside of the towns, and eighty acres of land each for J. S. Murrow, H. R. Schermerhorn, and the widow of R. S. Bell, who have been laboring as missionaries in the Choctaw and Chickasaw nations since the year eighteen hundred and sixty-six, with the same conditions and limitations as apply to lands allotted to the members of the Choctaw and Chickasaw nations, and to be located on lands not occupied by a Choctaw or a Chickasaw, and a reasonable amount of land, to be determined by the town-site commission, to include all court-houses and jails and other public buildings not hereinbefore provided for, shall be exempted from division. And all coal and asphalt in or under the lands allotted and reserved from allotment shall be reserved for the sole use of the members of the Choctaw and Chickasaw tribes, exclusive of freedmen: *Provided*, That where any coal or asphalt is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the 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 to each member, so far as possible, an equal value of the land: *Provided further*, That the Commission to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in eighteen hundred and sixty-six between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and forty acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined, in such manner as shall hereafter be provided by act of Congress.

That the lands allotted to the Choctaw and Chickasaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw

and Chickasaw tribe so as to reduce the allotment to the Choctaws and Chickasaws by the value of the same.

That the said Choctaw and Chickasaw freedmen who may be entitled to allotments of forty acres each 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 to be allotted the Choctaw and Chickasaw tribes shall each have a representative, to be appointed by their respective executives, to cooperate with the commission to the Five Civilized Tribes, or any one making appraisements under the direction of the Secretary of the Interior 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 direction of the Secretary of the Interior, and shall begin as soon as the progress of the surveys, now being made by the United States Government, will admit.

That each member of the Choctaw and Chickasaw tribes, including Choctaw and Chickasaw freedmen, 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. 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, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and due care taken that all persons entitled thereto have allotments made to them.

All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee shall select from his allotment a homestead of one hundred and sixty acres, for which he shall have a separate patent, and which shall be inalienable for twenty-one years from date of patent. This provision shall also apply to the Choctaw and Chickasaw freedman to the extent of his allotment. Selections for homesteads for minors to be made as provided herein in case of allotment, and the remainder of the lands allotted to said members shall be alienable for a price to be actually paid, and to include no former indebtedness or obligation—one-fourth of said remainder in one year, one-fourth in three years, and the balance of said alienable lands in five years from the date of the patent.

That all contracts looking to the sale or incumbrance in any way of the land of an allottee, except the sale hereinbefore provided, shall be null and void. No allottee shall lease his allotment, or any portion thereof, for a longer period than five years, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States court for the district in which the land is located, within three months after the date of its execution, shall be void, and the purchaser or lessee shall acquire no rights whatever by an entry or holding thereunder. And no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable compensation for the lands sold or leased.

That all controversies arising between the members of said tribes as to their right to have certain lands allotted to them shall be settled by the commission making the allotments.

That the United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee.

That the United States shall survey and definitely mark and locate the ninety-eighth (98th) meridian of west longitude between Red and Canadian rivers before allotment of the lands herein provided for shall begin.

MEMBERS' TITLES TO LANDS.

That as soon as practicable, after the completion of said allotments, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall jointly execute, under their hands and the seals of the respective nations, and deliver to each of the said allottees patents conveying to him all the right, title, and interest of the Choctaws and Chickasaws in and to the land which shall have been allotted to him in conformity with the requirements of this agreement, excepting all coal and asphalt in or under said land. Said patents shall be framed in accordance with the provisions of this agreement, and shall embrace the land allotted to such patentee and no other land, and the acceptance of his patents by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the lands of the Choctaws and Chickasaws in accordance with the provisions of this agreement, and as a relinquishment of all his right, title, and interest in and to any and all parts thereof,

except the land embraced in said patents, except also his interest in the proceeds of all lands, coal, and asphalt herein excepted from allotment.

That the United States shall provide by law for proper records of land titles in the territory occupied by the Choctaw and Chickasaw tribes.

RAILROADS.

The rights of way for railroads through the Choctaw and Chickasaw nations to be surveyed and set apart and platted to conform to the respective acts of Congress granting the same in cases where said rights of way are defined by such acts of Congress, but in cases where the acts of Congress do not define the same then Congress is memorialized to definitely fix the width of said rights of way for station grounds and between stations, so that railroads now constructed through said nations shall have, as near as possible, uniform rights of way; and Congress is also requested to fix uniform rates of fare and freight for all railroads through the Choctaw and Chickasaw nations; branch railroads now constructed and not built according to acts of Congress to pay the same rates for rights of way and station grounds as main lines.

TOWN SITES.

It is further agreed that there shall be appointed a commission for each of the two nations. Each commission shall consist of one member, to be appointed by the executive of the tribe for which said commission is to act, who shall not be interested in town property other than his home, and one to be appointed by the President of the United States. Each of said commissions shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located in the nation for which said commission is appointed. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, and one with the principal chief or governor of the nation in which the town is located, and one with the Secretary of the Interior, which shall be approved by him before the same shall take effect. When said towns are so laid out, each lot on which permanent, substantial, and valuable improvements, other than fences, tillage, and temporary houses, have been made, shall be valued by the commission provided for the nation in which the town is located at the price a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon. The owner of the improvements on each lot shall have the right to buy one residence and one business lot at fifty per centum of the appraised value of such improved property, and the remainder of such improved property at sixty-two and one-half per centum of the said market value within sixty days from date of notice served on him that such lot is for sale, and if he purchases the same he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price, and the balance in three equal annual installments, and when the entire sum is paid shall be entitled to a patent for the same. In case the two members of the commission fail to agree as to the market value of any lot, or the limit or extent of said town, either of said commissioners may report any such disagreement to the judge of the district in which such town is located, who shall appoint a third member to act with said commission, who is not interested in town lots, who shall act with them to determine said value.

If such owner of the improvements on any lot fails within sixty days to purchase and make the first payment on same, such lot, with the improvements thereon, shall be sold at public auction to the highest bidder, under the direction of the aforesaid commission, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot shall be sold, less sixty-two and one-half per cent of said appraised value of the lot, and shall pay the sixty-two and one-half per cent of said appraised value into United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. The commission shall have the right to reject any bid on such lot which they consider below its value.

All lots not so appraised shall be sold from time to time at public auction (after proper advertisement) by the commission for the nation in which the town is located, as may seem for the best interest of the nations and the proper development of each town, the purchase price to be paid in four installments as hereinbefore provided for improved lots. The commission shall have the right to reject any bid for such lots which they consider below its value.

All the payments herein provided for shall be made under the direction of the Secretary of the Interior into the United States Treasury, a failure of sixty days to

make any one payment to be a forfeiture of all payments made and all rights under the contract: *Provided*, That the purchaser of any lot shall have the option of paying the entire price of the lot before the same is due.

No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold, as herein provided, shall constitute a lien on same till the purchase price thereof has been fully paid to the nation.

The money paid into the United States Treasury for the sale of all town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof.

That no law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the laws of the United States in force in said Territory, and all persons in such towns shall be subject to said laws, and the United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw tribes against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

That said commission shall be authorized to locate, within a suitable distance from each town site, not to exceed five acres to be used as a cemetery, and when any town has paid into the United States Treasury, to be part of the fund arising from the sale of town lots, ten dollars per acre therefor, such town shall be entitled to a patent for the same as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes, the proceeds derived from such sales to be applied by the town government to the proper improvement and care of said cemetery.

That no charge or claim shall be made against the Choctaw or Chickasaw tribes by the United States for the expenses of surveying and platting the lands and town sites, or for grading, appraising, and allotting the lands, or for appraising and disposing of the town lots as herein provided.

That the land adjacent to Fort Smith and lands for court-houses, jails, and other public purposes, excepted from allotment shall be disposed of in the same manner and for the same purposes as provided for town lots herein, but not till the Choctaw and Chickasaw councils shall direct such disposition to be made thereof, and said land adjacent thereto shall be placed under the jurisdiction of the city of Fort Smith, Arkansas, for police purposes.

There shall be set apart and exempted from appraisement and sale in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed fifty feet front and one hundred feet deep for each church or parsonage: *Provided*, That such lots shall only be used for churches and parsonages, and when they ceased to be used shall revert to the members of the tribes to be disposed of as other town lots: *Provided further*, That these lots may be sold by the churches for which they are set apart if the purchase money therefor is invested in other lot or lots in the same town, to be used for the same purpose and with the same conditions and limitations.

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole; and no patent provided for in this agreement shall convey any title thereto. The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. Such coal and asphalt mines as are now in operation, and all others which may hereafter be leased and operated, shall be under the supervision and control of two trustees, who shall be appointed by the President of the United States, one on the recommendation of the Principal Chief of the Choctaw Nation, who shall be a Choctaw by blood, whose term shall be for four years, and one on the recommendation of the Governor of the Chickasaw Nation, who shall be a Chickasaw by blood, whose term shall be for two years; after which the term of appointees shall be four years. Said trustees, or either of them, may, at any time, be removed by the President of the United States for good cause shown. They shall each give bond for the faithful performance of their duties, under such rules as may be prescribed by the Secretary of the Interior. Their salaries shall be fixed and paid by their respective nations, each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of said Secretary.

All coal and asphalt mines in the two nations, whether now developed, or to be hereafter developed, shall be operated, and the royalties therefrom paid into the

Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

All contracts made by the National Agents of the Choctaw and Chickasaw Nations for operating coal and asphalt, with any person or corporation, which were, on April twenty-third, eighteen hundred and ninety-seven, being operated in good faith are hereby ratified and confirmed, and the lessee shall have the right to renew the same when they expire, subject to all the provisions of this Act.

All agreements heretofore made by any person or corporation with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain such member or members' permission to operate coal or asphalt, are hereby declared void: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described therein, by application to the trustees within six months after the ratification of this agreement, subject, however, to payment of advance royalties herein provided for.

All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under nine hundred and sixty acres, which shall be in a square as nearly as possible, and shall be for thirty years. The royalty on coal shall be fifteen cents per ton of two thousand pounds on all coal mined, payable on the 25th day of the month next succeeding that in which it is mined. Royalty on asphalt shall be sixty cents per ton, payable same as coal: *Provided*, That the Secretary of the Interior may reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so. No royalties shall be paid except into the United States Treasury as herein provided.

All lessees shall pay on each coal or asphalt claim at the rate of one hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years; and five hundred dollars for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine or claim on which they are made, and shall be a credit as royalty when each said mine is developed and operated, and its production is in excess of such guaranteed annual advance payments, and all persons having coal leases must pay said annual advance payments on each claim whether developed or undeveloped: *Provided, however*, That should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance thereon shall then become and be the money and property of the Choctaw and Chickasaw nations.

In surface, the use of which is reserved to present coal operators, shall be included such lots in towns as are occupied by lessees' houses—either occupied by said lessees' employees, or as offices or warehouses: *Provided, however*, That in those town sites designated and laid out under the provision of this agreement where coal leases are now being operated and coal is being mined, there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the town-site board of appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines, and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then and in that event the lots of land so reserved shall be disposed of by the coal trustees for the benefit of the Choctaw and Chickasaw tribes.

That whenever the members of the Choctaw and Chickasaw tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit of their members (freedmen excepted) in such manner as the 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 titles, ownership, occupation, possession, or use of real estate, coal, and asphalt in the territory occupied by the Choctaw and Chickasaw tribes; and of all persons charged with homicide, embezzlement, bribery, and embracery, breaches, or disturbances of the peace, and carrying weapons, 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 and 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 first, eighteen hundred and eighty-nine, limiting jurors to citizens of the United States, shall be held not to apply to the United States courts in the Indian Territory held within the limits of the Choctaw and Chickasaw nations; and all members of the Choctaw and Chickasaw tribes, otherwise qualified, shall be competent jurors in said courts: *Provided*, That whenever a member of the Choctaw and Chickasaw nations is indicted for homicide, he may, within thirty 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 can not get a fair trial in said court; and it thereupon shall be the duty of the judge of said court to order a change of venue in such case to the United States district court for 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, which courts shall have jurisdiction to try the case; 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 the 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 persons to employ any kind of labor, or the rights of any 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 tribe enacting the same.

It is further agreed, in view of the modification 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, eighteen hundred and ninety-eight. 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 to 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 members of the Choctaw or Chickasaw nations shall be paid directly to each individual member 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.

That the following sum be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely:

For arrears of interest, at five per centum per annum, from December thirty-first, eighteen hundred and forty, to June thirtieth, eighteen hundred and eighty-nine, on one hundred and eighty-four thousand one hundred and forty-three dollars and nine cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December thirty-first, eighteen hundred and forty, and

restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, and for arrears of interest at five per centum per annum, from March eleventh, eighteen hundred and fifty, to March third, eighteen hundred and ninety, on fifty-six thousand and twenty-one dollars and forty-nine cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March eleventh, eighteen hundred and fifty, and restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents, to be placed to the credit of the Chickasaw Nation with the fund to which it properly belongs: *Provided*, That if there be any attorneys' fees to be paid out of same, on contract heretofore made and duly approved by the Secretary of the Interior, the same is authorized to be paid by him.

It is further agreed that the final decision of the courts of the United States in the case of the Choctaw Nation and the Chickasaw Nation against the United States and the Wichita and affiliated bands of Indians, now pending, when made, shall be conclusive as the basis of settlement as between the United States and said Choctaw and Chickasaw nations for the remaining lands in what is known as the "Leased District," namely, the land lying between the ninety-eighth and one hundredth degrees of west longitude and between the Red and Canadian rivers, leased to the United States by the treaty of eighteen hundred and fifty-five, except that portion called the Cheyenne and Arapahoe country, heretofore acquired by the United States, and all final judgments rendered against said nations in any of the courts of the United States in favor of the United States or any citizen thereof shall first be paid out of any sum hereafter found due said Indians for any interest they may have in the so-called leased district.

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 Choctaw and Chickasaw tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may be legally 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.

ORPHAN LANDS.

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.

In witness whereof the said commissioners do hereunto affix their names at Atoka, Indian Territory, this the twenty-third day of April, eighteen hundred and ninety-seven.

GREEN MCCURTAIN,
Principal Chief.
J. S. STANDLEY,
N. B. AINSWORTH,
BEN HAMPTON,
WESLEY ANDERSON,
AMOS HENRY,
D. C. GARLAND,
Choctaw Commission.

R. M. HARRIS,
Governor.
ISAAC O. LEWIS,
HOLMES COLBERT,
ROBERT L. MURRAY,
WILLIAM PERRY,
R. L. BOYD,
Chickasaw Commission.

FRANK C. ARMSTRONG,
Acting Chairman.
ARCHIBALD S. MCKENNON,
THOMAS B. CABANISS,
ALEXANDER B. MONTGOMERY,
Commission to the Five Civilized Tribes.
H. M. JACOWAY, Jr.,
Secretary, Five Tribes Commission.

SEC. 30. That the agreement made by the Commission to the Five Civilized Tribes with the commission representing the Muscogee (or Creek) tribe of Indians on the

twenty-seventh day of September, eighteen hundred and ninety-seven, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the first day of December, eighteen hundred and ninety-eight, by a majority of the votes cast by the members of said tribe at an election to be held for that purpose; and the executive of said tribe is authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, to be called by such executive for the purpose of voting on said agreement; and if said agreement as amended be so ratified, the provisions of this Act shall then only apply to said tribe where the same do not conflict with the provisions of said agreement; but the provision of said agreement, if so ratified, shall not in any manner affect the provisions of section fourteen of this Act, which said amended agreement is as follows:

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, Alexander B. Montgomery, and Tams Bixby, duly appointed and authorized thereunto, and the government of the Muscogee or Creek Nation in the Indian Territory of the second part, entered into in behalf of such Muscogee or Creek government, by its commission, duly appointed and authorized thereunto, viz, Pleasant Porter, Joseph Mingo, David N. Hodge, George A. Alexander, Roland Brown, William A. Sapulpa, and Conchartie Micco,

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

GENERAL ALLOTMENT OF LAND.

1. There shall be allotted out of the lands owned by the Muscogee or Creek Indians in the Indian Territory to each citizen of said nation one hundred and sixty acres of land. Each citizen shall have the right, so far as possible, to take his one hundred and sixty acres so as to include the improvements which belong to him, but such improvements shall not be estimated in the value fixed on his allotment, provided any citizen may take any land not already selected by another; but if such land, under actual cultivation, has on it any lawful improvements, he shall pay the owner of said improvements for same, the value to be fixed by the commission appraising the land. In the case of a minor child, allotment shall be selected for him by his father, mother, guardian, or the administrator having charge of his estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and due care shall be taken that all persons entitled thereto shall have allotments made to them.

2. Each allotment shall be appraised at what would be its present value, if unimproved, considering the fertility of the soil and its location, but excluding the improvements, and each allottee shall be charged with the value of his allotment in the future distribution of any funds of the nation arising from any source whatever, so that each member of the nation shall be made equal in the distribution of the lands and moneys belonging to the nation, provided that the minimum valuation to be placed upon any land in the said nation shall be one dollar and twenty-five cents ($1.25) per acre.

3. In the appraisement of the said allotment, said nation may have a representative to cooperate with a commission, or a United States officer, designated by the President of the United States, to make the appraisement. Appraisements and allotments shall be made under the direction of the Secretary of the Interior, and begin as soon as an authenticated roll of the citizens of the said nation has been made. All citizens of said nation, from and after the passage of this Act, shall be entitled to select from the lands of said nation an amount equal to one hundred and sixty acres, and use and occupy the same until the allotments therein provided are made.

4. All controversies arising between the members of said nation as to their rights to have certain lands allotted to them shall be settled by the commission making allotments.

5. The United States shall put each allottee in unrestricted possession of his allotment and remove therefrom all persons objectionable to the allottee.

6. The excess of lands after allotment is completed, all funds derived from town sites, and all other funds accruing under the provisions of this agreement shall be used for the purpose of equalizing allotments, valued as herein provided, and if the same be found insufficient for such purpose, the deficiency shall be supplied from other funds of the nation upon dissolution of its tribal relations with the United States, in accordance with the purposes and intent of this agreement.

7. The residue of the lands, with the improvements thereon, if any there be, shall be appraised separately, under the direction of the Secretary of the Interior, and said lands and improvements sold in tracts of not to exceed one hundred and sixty acres to one person, to the highest bidder, at public auction, for not less than the appraised value per acre of land; and after deducting the appraised value of the lands, the remainder of the purchase money shall be paid to the owners of the improvement.

8. Patents to all lands sold shall be issued in the same manner as to allottees.

SPECIAL ALLOTMENTS.

9. There shall be allotted and patented one hundred and sixty acres each to Mrs. A. E. W. Robertson and Mrs. H. F. Buckner (nee Grayson) as special recognition of their services as missionaries among the people of the Creek Nation.

10. Harrell Institute, Henry Kendall College, and Nazareth Institute, in Muscogee, and Baptist University, near Muscogee, shall have free of charge, to be allotted and patented to said institutions or to the churches to which they belong, the grounds they now occupy, to be used for school purposes only and not to exceed ten acres each.

RESERVATIONS.

11. The following lands shall be reserved from the general allotment hereinbefore provided:

All lands hereinafter set apart for town sites; all lands which shall be selected for town cemeteries by the town-site commission as hereinafter provided; all lands that may be occupied at the time allotment begins by railroad companies duly authorized by Congress as railroad rights of way; one hundred sixty acres at Okmulgee, to be laid off as a town, one acre of which, now occupied by the capitol building, being especially reserved for said public building; one acre for each church now located and used for purposes of worship outside of the towns, and sufficient land for burial purposes, where neighborhood burial grounds are now located; one hundred sixty acres each, to include the building sites now occupied, for the following educational institutions: Eufaula High School, Wealaka Mission, New Yaka Mission, Wetumpka Mission, Euchee Institute, Coweta Mission, Creek Orphan Home, Tallahassee Mission (colored), Pecan Creek Mission (colored), and Colored Orphan Home. Also four acres each for the six court-houses now established.

TITLES.

12. As soon as practicable after the completion of said allotments the principa chief of the Muscogee or Creek Nation shall execute under his hand and the seal of said nation, and deliver to each of said allottees, a patent, conveying to him all the right, title, and interest of the said nation in and to the land which shall have been allotted to him in conformity with the requirements of this agreement. Said patents shall be framed in accordance with the provisions of this agreement and shall embrace the land allotted to such patentee and no other land. The acceptance of his patent by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the land of the said nation in accordance with the provisions of this agreement, and as a relinquishment of all his rights, title, and interest in and to any and all parts thereof, except the land embraced in said patent; except, also, his interest in the proceeds of all lands herein excepted from allotment.

13. The United States shall provide by law for proper record of land titles in the territory occupied by the said nation.

TOWN SITES.

14. There shall be appointed a commission, which shall consist of one member appointed by the executive of the Muscogee or Creek Nation, who shall not be interested in town property other than his home, and one member who shall be appointed by the President of the United States. Said commission shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located. Each town laid out and platted by said commission shall cover more than four square miles of territory.

15. When said towns are laid out, each lot on which substantial and valuable improvements have been made shall be valued by the commission at the price a feesimple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon.

16. In appraising the value of town lots, the number of inhabitants, the location and surrounding advantages of the town shall be considered.

17. The owner of the improvements on any lot shall have the right to buy the same at fifty per centum of the value within sixty days from the date of notice served on him that such lot is for sale, and if he purchase the same he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price and the balance in three equal annual payments, and when the entire sum is paid he shall be entitled to a patent for the same, to be made as herein provided for patents to allottees.

18. In any case where the two members of the commission fail to agree as to the value of any lot they shall select a third person, who shall be a citizen of said nation and who is not interested in town lots, who shall act with them to determine said value.

19. If the owner of the improvements on any lot fail within sixty days to purchase and make the first payment on the same, such lot, with the improvements thereon (said lot and the improvements thereon having been theretofore properly appraised), shall be sold at public auction to the highest bidder, under the direction of said commission, at a price not less than the value of the lot and improvements, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot and the improvements thereon shall be sold, less fifty per centum of the said appraised value of the lot, and shall pay fifty per centum of said appraised value of the lot into the United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. Said commission shall have the right to reject a bid on any lot and the improvements thereon which it may consider below the real value.

20. All lots not having improvements thereon and not so appraised shall be sold by the commission from time to time at public auction, after proper advertisement, as may seem for the best interest of the said nation and the proper development of each town, the purchase price to be paid in four installments, as hereinbefore provided for improved lots.

21. All citizens or persons who have purchased the right of occupancy from parties in legal possession prior to the date of signing this agreement, holding lots or tracts of ground in towns, shall have the first right to purchase said lots or tracts upon the same terms and conditions as is provided for improved lots, provided said lots or tracts shall have been theretofore properly appraised, as hereinbefore provided for improved lots.

22. Said commission shall have the right to reject any bid for such lots or tracts which is considered by said commission below the fair value of the same.

23. Failure to make any one of the payments as heretofore provided for a period of sixty days shall work a forfeiture of all payments made and all rights under the contract; provided that the purchaser of any lot may pay full price before the same is due.

24. No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold as herein provided shall constitute a lien on the same until the purchase price thereof has been fully paid.

25. No law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the constitution or laws of the United States, or in conflict with this agreement, and all persons in such towns shall be subject to such laws.

26. Said commission shall be authorized to locate a cemetery within a suitable distance from each town site, not to exceed twenty acres; and when any town shall have paid into the United States Treasury for the benefit of the said nation ten dollars per acre therefor, such town shall be entitled to a patent for the same, as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes; the proceeds derived therefrom to be applied by the town government to the proper improvement and care of said cemetery.

27. No charge or claim shall be made against the Muscogee or Creek Nation by the United States for the expenses of surveying and platting the lands and town site, or for grading, appraising and allotting the land, or for appraising and disposing of the town lots as herein provided.

28. There shall be set apart and exempted from appraisement and sale, in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed fifty feet front and one hundred and fifty feet deep for each church and parsonage. Such lots shall be used only for churches and parsonages, and when they cease to be so used, shall revert to the members of the nation, to be disposed of as other town lots.

29. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in

which the town is located, one with the executive of the nation, and one with the Secretary of the Interior, to be approved by him before the same shall take effect.

30. A settlement numbering at least three hundred inhabitants, living within a radius of one-half mile at the time of the signing of this agreement, shall constitute a town within the meaning of this agreement. Congress may by law provide for the government of the said towns.

CLAIMS.

31. All claims, of whatever nature, including the "Loyal Creek Claim" made under article 4 of the treaty of 1866, and the "Self Emigration Claim," under article 12 of the treaty of 1832, which the Muscogee or Creek Nation, or individuals thereof, may have against the United States, or any claim which the United States may have against the said nation, shall be submitted to the Senate of the United States as a board of arbitration; and all such claims against the United States shall be presented within one year from the date hereof, and within two years from the date hereof the Senate of the United States shall make final determination of said claim; and in the event that any moneys are awarded to the Muscogee or Creek Nation, or individuals thereof, by the United States, provision shall be made for the immediate payment of the same by the United States.

JURISDICTION OF COURTS.

32. 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, or use of real estate in the territory occupied by the Muscogee or Creek Nation, and to try all persons charged with homicide, embezzlement, bribery and embracery hereafter committed in the territory of said Nation, without reference to race or citizenship of the person or persons charged with any such crime; and any citizen or officer of said nation charged with any such crime shall be tried and, if convicted, punished as though he were a citizen or officer of the United States; and the courts of said nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

ENACTMENTS OF NATIONAL COUNCIL.

33. No act, ordinance, or resolution of the council of the Muscogee or Creek Nation in any manner affecting the land of the nation, or of individuals, after allotment, or the moneys or other property of the nation, or citizens thereof (except appropriations for the regular and necessary expenses of the government of the said nation), or the rights of any person to employ any kind of labor, or the rights of any 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 act, ordinance, or resolution passed by the council of said nation shall be approved by the executive thereof, it shall then be the duty of the national secretary of said nation to forward same to the President of the United States, duly certified and sealed, who shall, within thirty days after receipt thereof, approve or disapprove the same, and said act, ordinance, or resolution, when so approved, shall be published in at least two newspapers having a bona fide circulation throughout the territory occupied by said nation, and when disapproved shall be returned to the executive of said nation

MISCELLANEOUS.

34. Neither the town lots nor the allotment of land of any citizen of the Muscogee or Creek Nation shall be subjected to any debt contracted by him prior to the date of his patent.

35. All payments herein provided for shall be made, under the direction of the Secretary of the Interior, into the United States Treasury, and shall be for the benefit of the citizens of the Muscogee or Creek Nation. All payments hereafter to be made to the members of the said nation shall be paid directly to each individual member 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 the Secretary.

36. The United States agrees to maintain strict laws in the territory of said nation against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

37. All citizens of said nation, when the tribal government shall cease, shall become possessed of all the rights and privileges of citizens of the United States.

38. This agreement shall in no wise affect the provisions of existing treaties between the Muscogee or Creek Nation and the United States, except in so far as it is inconsistent therewith.

In witness whereof, the said Commissioners do hereunto affix their names at Muscogee, Indian Territory, this the twenty-seventh day of September, eighteen hundred and ninety-seven.

HENRY L. DAWES,
Chairman.

TAMS BIXBY,
Acting Chairman.
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
A. B. MONTGOMERY,
Commission to the Five Civilized Tribes.
ALLISON L. AYLESWORTH,
Acting Secretary.

PLEASANT PORTER,
Chairman.

JOSEPH MINGO,
DAVID M. HODGE,
GEORGE A. ALEXANDER,
ROLAND (his x mark) BROWN,
WILLIAM A. SAPULPA,
CONCHARTY (his x mark) MICCO,
Muscogee or Creek Commission.
J. H. LYNCH,
Secretary.

Approved, June 28, 1898.

APPENDIX NO. 3.

REGULATIONS PRESCRIBED BY THE SECRETARY OF THE INTERIOR TO GOVERN MINERAL LEASES IN THE CHOCTAW AND CHICKASAW NATIONS, INDIAN TERRITORY, UNDER THE PROVISIONS OF THE AGREEMENT OF APRIL 23, 1897, BETWEEN THE COMMISSION TO THE FIVE CIVILIZED TRIBES AND THE SAID CHOCTAW AND CHICKASAW NATIONS, AS RATIFIED BY ACT OF CONGRESS OF JUNE 28, 1898. (30 STAT., 495.)

MINERAL LEASES.

1. The agreement with the Choctaw and Chickasaw nations set out in section 29 of the act of Congress entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898 (30 Stat., 495–510), which was duly ratified on August 24, 1898, provides that the leasing and operating of coal and asphalt lands in said nations shall be under the control of two trustees appointed by the President of the United States upon the recommendation of the executives of said nations, each of whom shall be an Indian by blood of the respective nation for which he may be appointed.

2. Each trustee to be appointed under the provisions of said agreement shall be required to file a bond, with two good and sufficient sureties or an approved trust or surety company, with the Secretary of the Interior in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties under said agreement as prescribed therein, and in accordance with these regulations. Said bonds shall be approved by the Secretary of the Interior before said trustees shall be permitted to enter upon their duties.

3. All applications must be made under oath, by parties desiring leases, to the United States Indian inspector located in the Indian Territory, upon blanks to be furnished by the inspector. Each party will be required to state that the application is not made for speculation, but in good faith for mining the mineral or minerals specified. A map must be filed with each application, showing the amount of land on each legal subdivision supposed to be underlaid with mineral and the quantity of mineral that can properly be mined. Applicants must furnish in detail any other information desired by the inspector regarding their prospective operations. All applications received by the inspector will, if satisfactory to him, be transmitted to said trustees for an immediate report to him of facts, and when they are returned he will transmit them to the Department, through the Commissioner of Indian Affairs, with his recommendations. Applications by parties who do not themselves intend to operate mines upon the land applied for will be rejected by the inspector, subject to appeal, as provided hereafter in cases of controversies between applicants. Leases will not be transferable or negotiable, except with the consent of the Secretary, and any instrument with that purpose in view must be approved by him before it will become valid. No application will be received for any other mineral than coal and asphalt.

Should parties whose applications have been approved, and who have been so advised, fail to execute leases in accordance with these regulations within thirty days from notice, or to give good reason for such failure, the land applied for will be subject to lease by other parties. They should be so informed at time of notice of approval.

Said trustees shall at all times be under the direction and supervision of the inspector, and shall also make an examination from time to time, as often as it shall be deemed expedient, and at least once in every month, into the operations of all persons, corporations, or companies operating mines within said nations, with a view of ascertaining the quantity of mineral produced by each, the amount of royalty, if any, due and unpaid by each, and all other information necessary for the protection of the interests of the Choctaw and Chickasaw nations in the premises; and for this purpose all persons, corporations, or companies operating mines within the Choctaw and Chickasaw nations shall give said trustees access to any and all of their books and records necessary or required by them to be examined, and within fifteen days after the last day of each quarter said trustees shall make a joint report to the Secretary of the Interior, through the inspector, of all their acts under said agreement and these regulations.

4. All indentures of lease made by the trustees, as above provided, shall be in quadruplicate and shall contain a clear and full description by legal subdivisions of the tract or tracts of land covered thereby, not to exceed 960 acres, which legal subdivisions must be contiguous to each other. Said indentures of lease so executed shall be transmitted through the United States Indian inspector stationed in the Indian Territory to the Commissioner of Indian Affairs for submission to the Secretary of the Interior, for his approval, and no lease shall be valid until the same shall have been approved by the Secretary of the Interior.

5. Royalties shall be required of all lessees as follows, viz:

On coal, 8 cents per ton of 2,000 pounds on mine run, or coal as it is taken from the mines, including that which is commonly called "slack," which rate went into force and effect on and after March 1, 1900.

On asphalt, 60 cents per ton for each and every ton produced weighing 2,000 pounds, of refined, and 10 cents per ton on crude asphalt.

The right is reserved, however, by the Secretary of the Interior in special cases to either reduce or advance the royalty on coal and asphalt on the presentation of facts which, in his opinion, make it to the interest of the Choctaw and Chickasaw nations, but the advancement or reduction of royalty on coal and asphalt in a particular case shall not operate in any way to modify the general provisions of this regulation fixing the minimum royalty as above set out.

Provided, That all lessees shall be required to pay advanced royalties, as provided in said agreement, on all mines or claims, whether developed or not, to be "a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments," as follows, viz: One hundred dollars per annum in advance for the first and second years, two hundred dollars per annum in advance for the third and fourth years, and five hundred dollars in advance for each succeeding year thereafter; and that, should any lessee neglect or refuse to pay such advanced royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and all royalties paid in advance shall be forfeited and become the money and property of the Choctaw and Chickasaw nations.

All advanced royalties as above defined shall apply from date of approval of each lease, and when any mine on a tract leased is operated royalty due shall be paid monthly as required until the total amount paid equals the first annual advanced payment, after which royalty due shall be credited on such payments; and the lessee shall operate and produce coal from each and every lease in not less than the following quantities: Three thousand tons during the first year from date of approval of lease, four thousand tons the second year, seven thousand tons the third year, eight thousand tons the fourth year, and fifteen thousand tons the fifth and each succeeding year thereafter.

6. All lessees of coal and asphalt on land allotted, sold, or reserved shall be required, before the commencement of operations, to pay to the individual owner the value of

the use of the necessary surface for prospecting and mining, including the right of way for necessary railways and the damage done to the lands and improvements; and in case of disagreement, for the purpose of the ascertainment of the fair value of the use of the land and the actual damage done, the owner of the land and the lessee shall each select an arbitrator, who, together with such person as shall be appointed or designated by the inspector located in the Indian Territory, shall constitute a board to consider and ascertain the amount that shall be paid by the lessee on account of use of the land and damage done, and the award of such board shall be final and conclusive, unless the award be impeached for fraud. All timber and other materials taken by the lessee from land allotted, sold, or reserved for use in the erection of buildings thereon, and in the mine or mines operated by him thereon, as for shoring levels in coal mines, and so forth, shall be paid for by the lessee at the usual rates.

7. Persons, corporations, and companies who, under the customs and laws of the Choctaw and Chickasaw nations, have made leases with the national agents of said nations of lands therein for the purpose of mining coal or asphalt, and who, prior to April 23, 1897, had taken possession of and were operating in good faith any mine of coal or asphalt in said nation, shall be protected in their right to continue the operation of such mines for the period and on the terms contained in the lease made to said persons, corporations, or companies by such national agents, and shall have the right, at the expiration of said term, to renew the lease of such mines, subject, however, to all the provisions of the said agreement and of these regulations: *Provided*, That such persons, corporations, or companies shall, within sixty days after the expiration of their leases with the national agents of the Choctaw and Chickasaw nations, apply to the said trustees for a renewal of their leases under said agreement.

8. All leases made prior to April 23, 1897, by any person or corporation with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain the permission of such member or members to operate coal or asphalt mines within the said nations, are declared void by said agreement, and no person, corporation, or company occupying any lands within either of said nations, under such individual leases, or operating coal or asphalt mines on such lands, under color of such leases, shall be deemed to have any right or preference in the making of any lease or leases for mining purposes embracing the lands covered by such personal leases, by reason thereof; but parties in possession of such land who have made improvements thereon for the purpose of mining coal or asphalt shall have a preference right to lease the land upon which said improvements have been made, under the provisions of said agreement and these regulations.

9. Where two or more persons, corporations, or companies shall make application for the leasing of the same tract of land for mining purposes, and a controversy arises between such persons, corporations, or companies as to the right of each to obtain the lease of such land, it shall be the duty of the United States Indian inspector stationed in the Indian Territory to investigate into the rights of the parties and determine as to which shall be given the right to lease the lands in controversy, subject to appeal to the Commissioner of Indian Affairs, and from him to the Secretary of the Interior.

Twenty days from notice of any decision by the United States inspector, or the Commissioner of Indian Affairs, not interlocutory, will be allowed for appeal and service of the same upon the opposite party, whether notice of the decision is given by mail or personally. When notice is given by the inspector by mail it should be by registered letter.

In cases pending on appeal before the Commissioner of Indian Affairs, or the Department, argument may be filed at any time before the same is reached in order for examination, and copy of the same shall be served upon the opposite party, and he shall be allowed ten days for reply and to serve the same.

Proof of personal service of appeal or argument shall be the written acknowledgment of the person served or the affidavit of the person who served the same attached thereto, stating the time, place, and manner of service. All notices shall be served upon the attorneys of record.

Proof of service by registered letter shall be the affidavit of the person mailing the letter, attached to a copy of the post-office receipt.

No leases will be executed where a conflict exists, until the matter has been finally adjudicated by the Department, in case of appeal.

10. All lessees will be required to keep a full and correct account of all their operations under leases entered into under said agreement and these regulations, and their books shall be open at all times to the examination of said trustees, of the United States Indian inspector stationed in the Indian Territory, and such other officer or officers of the Indian department as shall be instructed by the Secretary of the Interior or the Commissioner of Indian Affairs to make such examination; but, except as to the said trustees and the United States Indian inspector located in the Indian Territory, no lessee will be held to have violated this regulation for refusing to permit an examination of his books by any person unless such person shall produce written instructions from the Secretary of the Interior or from the Commissioner of Indian Affairs requiring him to make such an examination, and said lessees shall make all their reports to said United States Indian inspector, and they shall be subject to any instructions given by him.

11. All royalties, including advanced royalties, as provided for in said agreement and in these regulations, shall be payable in lawful money of the United States, or exchange issued by a national bank in the United States, to the United States Indian agent at the Union Agency in the Indian Territory, who shall be at all times under the direction and supervision of the United States Indian inspector for the Indian Territory. The advanced royalties are payable one hundred dollars on the filing of the application, which may be made by a certified check on any national bank of the United States payable to the order of the United States Indian agent, which check shall be retained by the United States Indian inspector until the application is approved; one hundred dollars in one year thereafter; two hundred dollars in two years thereafter; two hundred dollars in three years thereafter, and five hundred dollars on the fourth and each succeeding year until the end of the term thereof. All monthly royalties shall be accompanied by a sworn statement in duplicate by the person, corporation, or company making the same as to the output of the mine of such person, corporation, or company for the month for which royalties may be tendered. One part of said sworn statement shall be filed with the United States Indian agent, to be transmitted to the Commissioner of Indian Affairs, and the other part thereof shall be filed with the United States Indian inspector located in the Indian Territory.

12. The said United States Indian agent shall receive and receipt for all royalties paid into his hands when accompanied by a sworn statement as above provided, but not otherwise; and all royalties received by him shall be, as soon as practicable, deposited with the United States subtreasurer at St. Louis, in like manner as are deposited moneys known in the regulations of the Indian Office as miscellaneous receipts, Class III, with a statement showing the proportionate shares of each of the Choctaw and Chickasaw nations.

13. All royalties collected and deposited by the United States Indian agent, as above set forth, shall be held to the credit of the Choctaw and Chickasaw nations in their respective proportions, and shall be subject to disbursement by the Secretary of the Interior for the support of the schools of the Choctaw and Chickasaw nations in accordance with said agreement.

14. All lessees under said agreement and these regulations will be required to give bond, with two good and sufficient sureties or an approved surety company, for the faithful discharge of their obligations under their leases in such penalty as shall be prescribed in each case by the Secretary of the Interior, and until such bond is filed by the lessee and approved and accepted by the Secretary of the Interior no rights or interests under any lease shall accrue to such lessee.

15. The right to alter or amend these regulations is reserved.

E. A. HITCHCOCK,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 22, 1900.

APPENDIX NO. 4.

APPLICATION FOR MINERAL LEASE.

[May 22, 1900.]

To the United States Indian Inspector located in the Indian Territory:

——— ———, desiring to avail ——— of the provisions of section twenty-nine of the act of Congress of June 28, 1898 (30 Stat., 495), entitled "An act for the protection of the people of the Indian Territory, and for other purposes," hereby make——— application to lease, for the purpose of mining ———, the following tract of land, to-wit: ——— section ———, in township ———, of range ———, in the ——— Nation,

containing ——— acres, more or less, the attached map showing the amount of land on each legal subdivision supposed to be underlaid with ———, and the quantity that can probably be mined; and ——— solemnly ——— that this application is made in good faith, and with no other object than that of mining the mineral specified.

——— ———.

Sworn to and subscribed before me this —— day of ———, 190—.

——— ———.

——— ———.

Washington, D. C., ———, 190—.

Approved:

——— ———,

Secretary.

APPENDIX NO. 5.

ADDITIONAL INFORMATION TO ACCOMPANY APPLICATION FOR MINING LEASE IN THE CHOCTAW AND CHICKASAW NATIONS, INDIAN TERRITORY.

——— ———, of ———, makes the following statements, under oath, to accompany his application attached hereto, dated ———, for the purpose of mining ——— in the ——— Nation, covering the following-described land: ———.

1. The applicant has filed ——— other applications for leases to mine ——— in addition to the one herein asked, and is interested in ——— other ——— leases in the Indian Territory, known as the ———.

2. That he does not intend to sell or transfer this application or the lease arising therefrom; that there is no agreement, open or secret, whereby the applicant is to sell, assign, transfer to, or consolidate this application or the lease arising therefrom with any other person or corporation whatsoever, but that the applicant proposes to operate the mines covered by his application for himself, or in case of a company or corporation for said company or corporation.

3. Applicant has heretofore had ——— national contract with the Choctaw and Chickasaw nations covering the land herein described. Under same, mines have been operated by the applicant on this tract for ——— years, such operations having been commenced on or about ——— by sinking a shaft or slope ——— feet, and has taken therefrom about ——— tons of ———, and has expended $——— in improvements on said tract, comprising: ———.

4. That the applicant will, within ——— months after formal lease is duly approved and delivered to him, commence active operations; that the applicant has ——— dollars now on hand for such operations, and that the applicant has good reasons to believe that he or it will produce from said mine ——— tons of ——— during the first year from the date of the approval of the lease; that he or it will produce ——— tons during the second year, and ——— tons during the third year, and that there is embraced within the tract applied for, from the best obtainable information, ——— tons of workable ———, and, in case of coal applications, there are ——— veins of coal on said tract, each vein ——— inches in thickness, with a pitch about ——— degrees; applicant further states that ——— acres of the tract applied for are underlaid with ———, as shown by the plat.

5. That the applicant will exercise no rights or privileges whatever under the application herein described, nor commence operations, until the lease shall have been duly approved and delivered to him.

6. That the applicant is a resident of ——— and engaged in the business of ———, and has had ——— years' experience in coal (or ———) business in company with ——— at ———, and that there are ——— other persons interested in this application or lease if granted, their names and post-office addresses as follows: ———. If the applicant is a corporation, the members interested in or composing the same are as follows: ———.

7. There is submitted herewith in connection with said application a certified check for $100, payable to the United States Indian agent, the same to be applied as advanced royalty on the lease applied for as required by the regulations of the Secretary of the Interior.

(When the applicant is a corporation, the following should be filled out.)

8. Applicant is a corporation organized under the laws of the State of ———, with a capital stock of ——— dollars; that there has been subscribed and paid into the treasury of the corporation, and now held subject to bona fide mining operations, the sum of ——— dollars thereof.

The applicant's post-offlce is ———.

——— ———.

——— ———.

Subscribed and sworn to before me this —— day of ———, 190—. ——— ———.

NOTE.—When the applicant is a corporation, the application and this affidavit must be signed by the proper officer thereof.

Plat accompanying should show land applied for, by legal subdivisions, according to United States surveys, amount underlaid with mineral, veins of coal, etc., and any improvements, railroads, etc. that may be on the land.

If applicant has not heretofore operated under national contract, the word "No" should be inserted, in the first line of section 3, and the latter clause of said section should be stricken out. If so operated, the word "shaft" or "slope" should be stricken out, as the case may be, unless mines have been operated by both, in which event the depth of each should be stated.

Each applicantion should be confined to tracts underlaid with mineral so far as possible, and not exceed 960 acres in area. A less number of acres, however, will be considered.

APPENDIX NO. 6.

[Transferable and negotiable only with the consent of the Secretary of the Interior.]

[Write all names and addresses in full.]

[June 15, 1900.]

INDIAN TERRITORY COAL MINING LEASE (CHOCTAW AND CHICKASAW NATIONS).

Indenture of lease, made and entered into in quadruplicate, on this —— day of ———, A. D. 190—, by and between ——— and ——— as mining trustees of the Choctaw and Chickasaw nations, parties of the first part, and ———, of ———, county of ———, State of ———, part— of the second part, under and in pursuance of the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), the agreement set out in section twenty-nine thereof, duly ratified on August 24, 1898, and the rules and regulations prescribed by the Secretary of the Interior on May 22, 1900, relative to mining leases in the Choctaw and Chickasaw nations.

Now, therefore, this indenture witnesseth that the parties of the first part, for and in consideration of the royalties, covenants, stipulations, and conditions hereinafter contained and hereby agreed to be paid, observed, and performed by the part— of the second part, ——— executors, administrators, or assigns, do hereby demise, grant, and let unto the part— of the second part, ——— executors, administrators, or assigns, the following-described tract of land, lying and being within the ——— Nation, and within the Indian Territory, to wit: The ———, of section ———, of township [1] ———, of range [2] ———, of the Indian meridian, and containing ——— acres, more or less, for the full term of ——— years from the date hereof, for the sole purpose of prospecting for and mining coal ———.

In consideration of the premises the part— of the second part hereby agree— and bind ——— executors, administrators, or assigns, to pay or cause to be paid to the United States Indian agent for the Union Agency, Indian Territory, as royalty, the sums of money as follows, to wit:

On the production of all mines developed and operated under this lease the sum of ——— cents per ton of 2,000 pounds on mine-run, or coal as it is taken from the mines, including that which is commonly called "slack."

And all said royalties accruing for any month shall be due and payable on or before the twenty-fifth day of the month succeeding.

And the part— of the second part further agree— not to hold the land described for speculative purposes, but in good faith for mining the mineral specified.

And the part— of the second part further agree— and bind ——— executors, administrators, or assignees to pay or cause to be paid to the United States Indian agent for the Union Agency, Indian Territory, as advanced royalty on each and every mine or claim within the tract of land covered by this lease, the sums of money as follows, to wit: One hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years;

[1] State whether north or south. [2] State whether east or west.

and five hundred dollars per annum, in advance, for the fifth and each succeeding year thereafter of the term for which the lease is to run, it being understood and agreed that said sums of money to be paid as aforesaid shall be a credit on royalty should the part— of the second part develop and operate a mine or mines on the lands leased by this indenture, and the production of such mine or mines exceed such sums paid as advanced royalty as above set forth; and further, that all advanced royalties as above defined shall apply from date of approval of each lease, and when any mine is operated royalty due shall be paid monthly as required until the total amount paid equals the first annual advanced payment, after which royalty due shall be credited on such payments; and the part— of the second part agree— and bind ——— executors, administrators, or assigns to operate and produce coal from each and every lease of not less than the following quantities: Three thousand tons during the first year from date of approval of lease; four thousand tons the second year; seven thousand tons the third year; eight thousand tones the fourth year; and fifteen thousand tons the fifth and each succeeding year thereafter; and it is further agreed that should the part— of the second part neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable under this lease, then this lease shall be null and void, and all royalties paid in advance shall become the money and property of the Choctaw and Chickasaw tribes of Indians, subject to the regulations of the Secretary of the Interior aforesaid.

The part— of the second part further covenant— and agree— to exercise diligence in the conduct of the prospecting and mining operations, and to open mines and operate the same in a workmanlike manner to the fullest possible extent on the above-described tract of land; to commit no waste upon said land or upon the mines that may be thereon, and to suffer no waste to be committed thereon; to take good care of the same, and to surrender and return the premises at the expiration of this lease to the parties of the first part in as good condition as when received, ordinary wear and tear in the proper use of the same for the purposes hereinbefore indicated, and unavoidable accidents, excepted, and not to remove therefrom any buildings or improvements erected thereon during said term by ——— the part— of the second part, but said buildings and improvements shall remain a part of said land and become the property of the owner of the land as a part of the consideration for this lease, in addition to the other considerations herein specified—except engines, tools, and machinery, which shall remain the property of the said part— of the second part; that ——— will not permit any nuisance to be maintained on the premises, nor allow any intoxicating liquors to be sold or given away to be used for any purposes on the premises, and that ——— will not use the premises for any other purpose than that authorized in this lease, nor allow them to be used for any other purpose; that ——— will not, at any time during the term hereby granted, assign, transfer, or sublet ——— estate, interest, or term in said premises and land or the appurtenances thereto to any person or persons whomsoever without the written consent thereto of the parties of the first part being first obtained, subject to the approval of the Secretary of the Interior.

And the said part— of the second part further covenant— and agree— that ——— will keep an accurate account of all mining operations, showing the whole amount of coal mined or removed, and that there shall be a lien on all implements, tools, movable machinery, and other personal chattels used in said prospecting and mining operations, and upon all such coal obtained from the land herein leased, as security for the monthly payment of said royalties.

And the part— of the second part agree— that this indenture of lease shall be subject in all respects to the rules and regulations heretofore or that may be hereafter prescribed, under the said act of June 28, 1898, by the Secretary of the Interior relative to mineral leases in the Choctaw and Chickasaw nations; and said part— of the second part expressly agree— to pay to said United States Indian agent any additional rate of royalty that may be required by the Secretary of the Interior during the term this lease shall be in force and effect; and further, that should the part— of the second part, ——— executors, administrators, or assigns, violate any of the covenants, stipulations, or provisions of this lease, or fail for the period of thirty days to pay the stipulated monthly royalties provided for herein, then the Secretary of the Interior shall be at liberty, in his discretion, to avoid this indenture of lease, and cause the same to be annulled, when all the rights, franchises, and privileges of the part— of the second part, ——— executors, administrators, or assigns, hereunder shall cease and end, without further proceedings.

The part— of the second part ——— firmly bound for the faithful compliance with the stipulations of this indenture by and under the bond made and executed by the part— of the second part as principal— and ——— as suret— entered into the ——— day of ———, and which is on file in the Indian Office.

In witness whereof, the said parties of the first and second parts have hereunto set their hands and affixed their seals the day and year first above mentioned.

[1] Witnesses:

——— ——— as to ——— ———, [SEAL.] [2]

Trustee for Choctaw Nation.

——— ——— as to ——— ———, [SEAL.]

Trustee for Chickasaw Nation.

——— ——— } as to ——— ———. [SEAL.]

——— ——— } as to ——— ———. [SEAL.]

——— ——— } as to ——— ———. [SEAL.]

——— ——— } as to ——— ———. [SEAL.]

——— ——— } as to ——— ———. [SEAL.]

No. ———.
Department of the Interior,
Washington, D. C.

COAL LEASE.

Mining Trustees.

TO

———

OF

———

Sec. ———, Tp. ———, Range ———,
in the ——— Nation, Indian Territory.
Dated ———, 190—.
Expires ———, 19—.

DEPARTMENT OF THE INTERIOR,
U. S. INDIAN SERVICE, UNION AGENCY,
Muscogee, Ind. T., ———, *190—*.

Respectfully forwarded to the Commissioner of Indian Affairs for consideration with my report of even date.

———,
Indian Inspector.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., ———, *190—*.

Respectfully submitted to the Secretary of the Interior with favorable recommendation.

———,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., ———, *190—*.

Approved:

———,
Secretary of the Interior.

APPENDIX NO. 7.

[Transferable and negotiable only with the consent of the Secretary of the Interior.]

[Write all names and addresses in full.]

[June 15, 1900.]

INDIAN TERRITORY ASPHALT MINING LEASE (CHOCTAW AND CHICKASAW NATIONS).

Indenture of lease, made and entered into in quadruplicate, on this —— day of ———, A. D. 190—, by and between ——— and ——— as mining trustees of the Choctaw and Chickasaw nations, parties of the first part, and ———, of ———, county of ———, State of ———, part— of the second part, under and in pursuance of the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), the agreement set out in section twenty-nine thereof duly ratified on August 24, 1898, and the rules and regulations prescribed by the Secretary of the Interior on May 22, 1900, relative to mining leases in the Choctaw and Chickasaw nations.

Now, therefore, this indenture witnesseth, that the parties of the first part, for and in consideration of the royalties, covenants, stipulations, and conditions hereinafter contained and hereby agreed to be paid, observed, and performed by the part— of the second part, ——— executors, administrators, or assigns, do hereby demise, grant, and let unto the part— of the second part, ——— executors, administrators, or assigns, the following-described tract of land, lying and being within the ——— Nation, and within the Indian Territory, to wit: The ———, of section ———, of township [3] ———,

[1] Two witnesses to each signature, including signatures of trustees.

[2] Stamps are required by the act of June 13, 1898, to be placed on leases as follows, viz: Leases for one year, 25 cents; for more than one year and not exceeding three years, 50 cents; and for more than three years, $1. Lessees must furnish stamps for all leases.

[3] State whether north or south.

of range [1] ———, of the Indian meridian, and containing ——— acres, more or less, for the full term of ——— years from the date hereof for the sole purpose of prospecting for and mining asphalt ———.

In consideration of the premises the part— of the second part hereby agree— and bind ——— executors, administrators, or assigns to pay or cause to be paid to the United States Indian agent for the Union Agency, Indian Territory, as royalty, the sums of money as follows, to wit: ——— cents per ton for each and every ton of asphalt produced weighing 2,000 pounds of refined, and ——— cents per ton on crude asphalt.

And all said royalties accruing for any month shall be due and payable on or before the twenty-fifth day of the month succeeding.

And the part— of the second part further agree— not to hold the land described for speculative purposes, but in good faith for mining the mineral specified.

And the part— of the second part further agree— and bind ——— executors, administrators, or assigns to pay or cause to be paid to the United States Indian agent for the Union Agency, Indian Territory, as advanced royalty on each and every mine or claim within the tract of land covered by this lease the sums of money as follows, to wit: One hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years; and five hundred dollars per annum, in advance, for the fifth and each succeeding year thereafter, of the term for which this lease is to run, it being understood and agreed that said sums of money to be paid as aforesaid shall be a credit on royalty should the part— of the second part develop and operate a mine or mines on the lands leased by this indenture, and the production of such mine or mines exceed such sums paid as advanced royalty as above set forth; and further, that all advanced royalties as above defined shall apply from date of approval of each lease, and when any mine is operated royalty due shall be paid monthly as required until the total amount paid equals the first annual advanced payment, after which royalty due shall be credited on such payments; and further, that should the part— of the second part neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable under this lease, then this lease shall be null and void, and all royalties paid in advance shall become the money and property of the Choctaw and Chickasaw tribes of Indians, subject to the regulations of the Secretary of the Interior aforesaid.

The part— of the second part further covenant— and agree— to exercise diligence in the conduct of the prospecting and mining operations, and to open mines and operate the same in a workmanlike manner to the fullest possible extent on the above-described tract of land; to commit no waste upon said land or upon the mines that may be thereon, and to suffer no waste to be committed thereon; to take good care of the same, and to surrender and return the premises at the expiration of this lease to the parties of the first part in as good condition as when received, ordinary wear and tear in the proper use of the same for the purposes hereinbefore indicated, and unavoidable accidents, excepted, and not to remove therefrom any buildings or improvements erected thereon during said term by ———, the part— of the second part, but said buildings and improvements shall remain a part of said land and become the property of the owner of the land as a part of the consideration for this lease, in addition to the other considerations herein specified—except engines, tools, and machinery, which shall remain the property of the said part— of the second part; that ——— will not permit any nuisance to be maintained on the premises, nor allow any intoxicating liquors to be sold or given away to be used for any purposes on the premises, and that ——— will not use the premises for any other purpose than that authorized in this lease, nor allow them to be used for any other purpose; that ——— will not, at any time during the term hereby granted, assign, transfer, or sublet ——— estate, interest, or term in said premises and land or the appurtenances thereto to any person or persons whomsoever without the written consent thereto of the parties of the first part being first obtained, subject to the approval of the Secretary of the Interior.

And the said part— of the second part further covenant— and agree— that ——— will keep an accurate account of all mining operations, showing the whole amount of asphalt mined or removed, and that there shall be a lien on all implements, tools, movable machinery, and other personal chattels used in said prospecting and mining operations, and upon all such asphalt obtained from the land herein leased, as security for the monthly payment of said royalties.

And the part— of the second part agree— that this indenture of lease shall be subject in all respects to the rules and regulations heretofore or that may be hereafter

[1] State whether east or west.

prescribed, under the said act of June 28, 1898, by the Secretary of the Interior relative to mineral leases in the Choctaw and Chickasaw nations; and said part— of the second part expressly agree— to pay to said United States Indian agent any additional rate of royalty that may be required by the Secretary of the Interior during the term this lease shall be in force and effect; and further, that should the part— of the second part, ——— executors, administrators, or assigns, violate any of the covenants, stipulations, or provisions of this lease, or fail for the period of thirty days to pay the stipulated monthly royalties provided for herein, then the Secretary of the Interior shall be at liberty, in his discretion, to avoid this indenture of lease and cause the same to be annulled, when all the rights, franchises, and privileges of the part— of the second part, ——— executors, administrators, or assigns hereunder shall cease and end without further proceedings.

The part— of the second part ——— firmly bound for the faithful compliance with the stipulations of this indenture by and under the bond made and executed by the part— of the second part as principal— and ——— as suret— entered into the ——— day of ———, and which is on file in the Indian Office.

In witness whereof, the said parties of the first and second parts have hereunto set their hands and affixed their seals the day and year first above mentioned.

[1] Witnesses:

——— ——— as to ———, ———, [SEAL.][2]
Trustee for Choctaw Nation.

——— ——— as to ———, ———, [SEAL.]
Trustee for Chickasaw Nation.

——— ——— } as to ———, ———. [SEAL.]
——— ——— }

——— ——— } as to ———, ———. [SEAL.]
——— ——— }

——— ——— } as to ———, ———. [SEAL.]
——— ——— }

——— ——— } as to ———, ———. [SEAL.]
——— ——— }

——— ——— } as to ———, ———. [SEAL.]
——— ——— }

Department of the Interior,
Washington, D. C.

No. ———

ASPHALT LEASE.

———
Mining Trustees,
TO
———
———
OF
———

Sec. ———, Tp. ———, R. ———, in the ——— Nation, Indian Territory.
Dated ———, 190—.
Expires ———, 19—.

DEPARTMENT OF THE INTERIOR,
U. S. INDIAN SERVICE, UNION AGENCY,
Muskogee, Ind. T., ——— 190—.
Respectfully forwarded to the Commissioner of Indian Affairs for consideration with my report of even date.
——— ———,
Indian Inspector.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., ——— 190—.
Respectfully submitted to the Secretary of the Interior with favorable recommendation.
——— ———,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., ———, 190—
Approved:
———,
Secretary of the Interior.

[1] Two witnesses to each signature, including signatures of trustees.
[2] Stamps are required by the act of June 13, 1898, to be placed on leases as follows, viz: Leases for one year, 25 cents; for more than one year and not exceeding three years, 50 cents; and for more than three years, $1. Lessees must furnish stamps for all leases.

APPENDIX NO. 8.

BOND.

[May 22, 1900.]

Know all men by these presents, that[1] ———, of ———, as principal—, and ———, of ———, as surety, are held and firmly bound unto the United States of America in the sum of ——— dollars, lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, and each of us, our heirs, successors, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated —— day of ———.

The condition of this obligation is such, that whereas the above-bounden ——— as principal—, entered into —— certain indenture— of lease, dated ——— with ——— and ——— mining trustees of the Choctaw and Chickasaw nations, for the lease of a certain tract of land located in the ——— Nation, Indian Territory, for the purpose of prospecting for and mining ——— for the period of ——— years.

Now, if the above-bounden ——— shall faithfully carry out and observe all the obligations assumed in said indenture— of lease by ———, and shall observe all the laws of the United States, and regulations made or which shall be made thereunder, for the government of trade and intercourse with Indian tribes, and all the rules and regulations that have been or may be prescribed by the Secretary of the Interior, under the act of June 28, 1898 (30 Stat., 495), relative to mining leases in the Choctaw and Chickasaw nations, in the Indian Territory, then this obligation shall be null and void; otherwise, to remain in full force and effect.

Signed and sealed in the presence of[2]—

_____ _____	_____ _____.	[L. S.][3]
_____ _____	_____ _____.	[L. S.]
_____ _____	_____ _____.	[L. S.]
_____ _____	_____ _____.	[L. S.]
_____ _____	_____ _____.	[L. S.]
_____ _____	_____ _____.	[L. S.]

Department of the Interior,
Washington, D. C.

BOND

OF

_____

_____

_____

_____ Lessee— of _____

_____ in the _____

Nation, Ind. T., for mining purposes.
Washington, D. C., ———, 190—.
Approved:

_____,
Secretary.

APPENDIX NO. 9.

MINERAL LEASES, CHOCTAW AND CHICKASAW NATIONS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, May 11, 1900.

The SECRETARY OF THE INTERIOR.

SIR: I am in receipt of your request for an opinion as to whether the Secretary of the Interior has power, under the agreement between the United States and the Choctaw and Chickasaw tribes, approved by act of June 28, 1898 (30 Stat., 495), to authorize the leasing of lands for mining substances other than coal and asphalt.

Said agreement provides that the lands of those tribes shall be allotted to the members thereof; that "all coal and asphalt" shall be reserved for the sole use of the members of such tribes; that patents shall issue conveying to the allottees all the interest of the Choctaw and Chickasaw in and to the allotted land, "excepting all coal and asphalt" in and under said land, and that the acceptance of such patent shall operate as a relinquishment by the allottee of all his right in all the lands of the Choctaw and Chickasaw except that embraced in his patent and "except his interest in the proceeds of the lands, coal and asphalt, herein excepted from allotment."

In the paragraph relating to leases it is provided that "all coal and asphalt" shall remain and be the common property of the members of the tribes; that the revenue from "coal and asphalt" shall be used for the education of children of the members of said tribes; that such "coal and asphalt mines as are now in operation, and all others which may hereafter be leased and operated, shall be under the supervision and control of two trustees;" that "all coal and asphalt mines in the two nations" shall be operated and the royalties therefrom paid into the Treasury of the United States and drawn therefrom under rules and regulations prescribed by the Secretary of the Interior; and that all contracts made by the national agents for operating "coal and asphalt" which were being operated in good faith April 23, 1897, be ratified and confirmed.

It is there provided as follows:

"All agreements heretofore made by any person or corporation with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain such member's or members' permission to operate coal or asphalt, are hereby declared void: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described therein by application to the trustees within six months after the ratification of this agreement, subject, however, to payment of advance royalties herein provided for.

"All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may, in or under nine hundred and sixty acres, which shall be in a square form as nearly as possible, and shall be for thirty years."

The agreement then fixes the royalty to be paid on coal and asphalt, with the proviso that the Secretary of the Interior may reduce or advance the royalties on "coal and asphalt" when he deems it to the best interest of the Indians to do so.

The fact that no substance except coal and asphalt is mentioned in connection with the allotment of lands to individuals and the patent to the allottees shows clearly that it was not intended to retain as the property of the tribe or to except from the conveyance to the allottee any substance other than coal and asphalt that might be in or under the land allotted. The care exercised to specifically mention "coal and asphalt" in every declaration as to reservations for the common benefit of the members of the tribes, and to omit therefrom the mention, specifically or generally, by the use of the phrase "other mineral," of any other substance is significant, and clearly demonstrates an intention to limit such reservations to the substances specifically mentioned—that is, coal and asphalt.

To make productive the property or things thus declared to be, and reserved from allotment as, the common property of the members of the tribes, provision was made for granting privileges or leases for mining these substances. All these provisions except two mention specifically and only "coal and asphalt." Nothing in said agreement was to impair "the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt or mineral, which have been assented to by act of Congress," and such interests were to be "assured by new leases from such trustees of coal or asphalt claims described therein." This provision does not apply generally, but is limited to the class of leases described; that is, those which had been assented to by act of Congress, so that there is yet no general provision as to any substances other than coal or asphalt. Immediately following the provision last referred to is the statement:

"All leases under this agreement shall include the coal or asphaltum or other mineral, as the case may be, in or under nine hundred and sixty acres, which shall be in a square form as nearly as possible, and shall be for thirty years."

This is the first and only time the word "mineral" appears in said agreement in connection with any general provision relating to leases for mining purposes, and if there is any authority for giving a lease for mining any substance other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral

[1] The Christian names and residences of principals.
[2] There must be at least two witnesses to all signatures, though the same two persons may witness all.
[3] A seal must be attached by some adhesive substance to the signatures of principals and sureties.

assented to by act of Congress, it rests upon the phrase "other mineral," injected into this clause defining the extent of the territory to be covered by a lease for mining purposes. It being possible that some leasehold interests had been theretofore assented to by Congress involving the right to mine other mineral, and it being deemed advisable to avoid any misunderstanding as to claims of that class, the phrase "other mineral" was inserted where it is found. It was certainly never intended by the insertion of this phrase in the sentence defining the extent of leases to enlarge all the provisions preceding it and to authorize leases for mining substances which it is clearly intended shall go with the title to the land to the respective allottees.

After a careful consideration of this matter, I am of opinion, and advise you, that there is no authority, under the provisions of said agreement, for giving leases for the purpose of mining any substance other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral, assented to by act of Congress.

Very respectfully,

WILLIS VAN DEVANTER,
Assistant Attorney-General.

Approved, May 11, 1900.
E. A. HITCHCOCK, *Secretary.*

APPENDIX NO. 10.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, March 10, 1900.

The SECRETARY OF THE INTERIOR.

SIR: You have submitted for my "opinion in the matter therein dealt with" a letter of the Commissioner of Indian Affairs of July 22, 1899, in which he discusses certain questions propounded by the United States Indian inspector for the Indian Territory relative to mining leases in said Territory.

These questions arise under the act of June 28, 1898 (30 Stat., 495, 505), and the agreement with the Choctaw and Chickasaw nations therein recited and thereby ratified.

This agreement made provision for the allotment of land in severalty to the members of said nations, and the conveyance to the individual of all the title of the nations in the land allotted "excepting all coal and asphalt in or under said land." All coal and asphalt were to "remain and be the common property of the members of the Choctaw and Chickasaw tribes."

Further provisions of the agreement necessary to be noticed here are as follows:

"Such coal and asphalt mines as are now in operation and all others which may hereafter be leased and operated shall be under the supervision and control of two trustees * * * each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of the Secretary of the Interior.

"All coal and asphalt mines of the two nations, whether now developed or to be hereafter developed, shall be operated and the royalty therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

"All contracts made by the national agents of the Choctaw and Chickasaw nations for operating coal and asphalt, with any person or corporation, which were on April twenty-third, eighteen hundred and ninety-seven, being operated in good faith are hereby ratified and confirmed, and the lessee shall have the right to renew the same when they expire, subject to all the provisions of this act.

"All agreements heretofore made by any person or corporation with any member or members of the Choctaw and Chickasaw nations the object of which was to obtain such member's or members' permission to operate coal and asphalt are hereby declared void. * * *

"All leases under this agreement shall include the coal or asphaltum, or other mineral as the case may be, in or under nine hundred and sixty acres, which shall be in a square as nearly as possible and shall be for thirty years. * * * No royalties shall be paid except into the United States Treasury as herein provided."

Under these provisions three different companies applied for asphalt leases of certain lands in the Chickasaw Nation, and upon examination it was found that in several instances the same tracts were embraced in two of the applications and that one tract, the SE. ¼ of sec. 21, T. 1 S., R. 3 E., was included in all three of them.

The Davis Mining Company is composed of Chickasaw citizens who obtained a charter, better spoken of as a license, from the Chickasaw Nation March 4, 1895, authorizing them, for a period of twenty years, to prospect for, mine, and sell all minerals, gases, oil, coal, and asphaltum within a certain territory described by metes and bounds which embraced the individual claims of the persons comprising said company, which was a copartnership and not a corporation. This company never conducted any active mining operations, but September 12, 1895, leased to W. A. Dennis and associates "all the asphaltum and petroleum under and upon the private claim and improvements" of the parties comprising said Davis Mining Company, naming them, "situated within the boundary lines of the Davis Mining Company charter" for the life of said charter. September 16, 1895, Dennis and his associates transferred to the Rock Creek Natural Asphalt Company, a corporation organized under the laws of Kansas, all rights, titles, and privileges granted them by the lease from the Davis Mining Company.

June 14, 1897, the Rock Creek Natural Asphalt Company, the Davis Mining Company assenting thereto, granted and leased to C. O. Baxter and his associates "all the lime rock asphaltum situated under and upon the territory" described in the lease from the Davis Mining Company to Dennis, for a period of ten years. June 28, 1898, Baxter transferred all his rights under that lease to the Gilsonite Roofing and Paving Company, a corporation organized under the laws of Missouri.

The Indian inspector made a statement of the facts in the controversy between these three parties, and said:

"The question is now submitted as to whether the application of the Davis Mining Company to this whole tract should be considered and a lease granted them in view of the fact that they had obtained the original charter and leased it to these parties, although never putting any improvements on the lands themselves.

"Second, whether the Rock Creek Natural Asphalt Company should be granted a lease, inasmuch as they had gone upon the lands described, although not upon that portion covered by mine No. 4, which they subleased to the Gilsonite people; or,

"Whether the Rock Creek Natural Asphalt Company should be given a lease upon the tracts where they have placed their improvements, and the Gilsonite Roofing and Paving Company a lease covering their improvements, as shown by the applications of each."

The Commissioner of Indian Affairs discusses the questions upon the assumption that the facts are as set forth in the report of the Indian inspector. He points out that the divisional line between the Choctaw and Chickasaw nations is political merely and does not divide the interests of the respective nations in the lands they own in common; that the Choctaw Nation owns an undivided three-fourths interest in lands within the political boundaries of the Chickasaw Nation, and the Chickasaw Nation owns an undivided one-fourth interest in the lands within the political boundaries of the Choctaw Nation; that it is not claimed that the Choctaw Nation gave its assent to the Chickasaw act, under which the Davis Mining Company received its license, and concludes that it was not competent for the Chickasaw Nation alone to authorize citizens of that nation to engage in mining operations within that nation, and that companies organized under said law of the Chickasaw Nation had no authority to enter upon said lands for the purpose of mining without the consent of the Choctaw Nation. He holds that the license of the Davis Mining Company, not being a lease from individual citizens and not being a contract with national agents of the Choctaw and Chickasaw nations—the Chickasaw Nation not having assented to or become a party thereto—was neither confirmed nor nullified by the agreement with these nations, set forth in the act of June 28, 1898, supra, but was invalid from the beginning. As a result of this conclusion he holds that "the rights of the parties must be determined according to their equities under the regulations or dependent upon the improvements on the land, the party occupying and improving the land being entitled to the benefit thereof."

After the matter reached this Department some of the parties asked to be allowed to present oral argument, but afterwards it was agreed by all interests that the case should be submitted upon printed briefs, and the Rock Creek Asphalt Company and the Gilsonite Roofing and Paving Company have filed briefs.

The charter or license upon which the Davis Mining Company bases its claim was obtained under the provisions of an act of the Chickasaw legislature approved December 21, 1885, and the amendment thereto of September 24, 1887. (Constitution, Laws, and Treaties of the Chickasaw Nation, 1899, p. 188.)

The act of 1886 authorized resident citizens to form corporate companies to engage in developing coal mines, and to transport, ship, or sell coal beyond the limits of the nation. They were to first file a written application for a charter, designating the place of operations with the name of the company, and what they wished to develop

and work, and file a bond for the faithful observance of the laws of the nation and the payment of the tax on all coal mines. Such companies were authorized "to contract with capitalists, to prospect for, develop, and work coal mines as provided for in this act, and to maintain and to operate the same." They were required to pay to the Chickasaw Nation monthly one-half cent per bushel on all coal mined. The amendment of 1887 made the act include petroleum, natural gas, and asphaltum, making the royalty thereon 2 per cent on all gross sales of such products.

As pointed out by the Commissioner of Indian Affairs, the Choctaw and Chickasaw nations are joint owners of the lands occupied by them respectively, the Choctaw holding a three-fourths interest in the lands occupied by the Chickasaw and the Chickasaw holding a one-fourth interest in those occupied by the Choctaw. Because of this joint interest it was held that both nations should join in the agreement ratified by the act of June 28, 1898, by which a change in the tenure of their lands was to be effected. The leases or contracts ratified and confirmed by said agreement were those made by the "national agents of the Choctaw and Chickasaw nations," and not those made by the representative of one nation alone. It was not intended by that agreement to recognize any contract or lease made by one of these nations alone through its representatives. As said by the Commissioner of Indian Affairs, it is not shown or claimed that the Choctaw Nation ever gave its assent to the Chickasaw act under which the Davis Mining Company claims existence. I am of opinion that no claim based upon that act is entitled to recognition under the agreement. If a charter or license granted under that act is affected by said agreement it is not by way of ratification or confirmation, and hence no claim to a preference right to a lease of ground covered by a charter issued under said Chickasaw law can be successfully asserted by virtue of any provision of said agreement. The matter of leasing mineral lands is fully covered by the provisions of said agreement, and unless an applicant claiming a preference right to a lease can bring himself within its provisions and the regulations issued thereunder his claim must fall. The Davis Mining Company, not having a lease that comes within the confirmatory provisions of said agreement, has no preference right to a lease for the land in question.

Neither of the other applicants claims to hold under a contract made directly with the national agents of the Choctaw and Chickasaw nations or either of them, and hence neither has any claim falling within the confirmatory provisions of the agreement ratified in 1898. They, in each instance, went upon the land in pursuance of and under the authority of the license to the Davis Mining Company. That license being given without authority, conferred no right upon the Davis Mining Company, and that company could not grant any right which it never had.

Even if it be admitted that parties who are in possession of lands under such license, lease, or contract as those presented here may have a right that should be recognized, the fact still remains that neither of these parties is entitled under those instruments to exclusive possession of the lands in question. The license to the Davis Mining Company was to mine "all minerals, gases, oils, coal, and asphaltum, or all minerals known to the law." The lease to Dennis, transferred by him to the Rock Creek Natural Asphalt Company, was of "all the asphaltum and petroleum" under and upon the same land, and the lease to Baxter, transferred to the Gilsonite Roofing and Paving Company, was of "all the lime rock asphaltum" under and upon said land. In this instrument a right was reserved to the Rock Creek Company "to use any and all lime rock asphalt for its own use and to do its own mining." If these instruments are to be consulted to determine the rights of these applicants the conclusion would be that neither is entitled to a preference right as against the other to a lease by reason of possession, because neither has a right to the exclusive possession of the tract in controversy between them. In no phase of the case can either of these applicants successfully assert a preference right to a lease of said lands by reason of the instruments under which they went upon it. I concur in the conclusion reached by the Indian Office that these parties are upon the land in question without any right to be there recognized by the law, and that neither of them can as a matter of legal right demand a lease thereof.

In paragraph 9 of the regulations governing mineral leases in the Choctaw and Chickasaw nations it is provided that persons or corporations who have under the customs and laws of the Choctaw and Chickasaw nations made leases with the national agents for mining coal, asphalt, or other minerals, and who, prior to April 23, 1897, had taken possession of and were operating any such mine in good faith, should be protected in the right to continue the operation thereof and have the right to renew the same. A further provision of said paragraph is as follows:

"* * * and all corporations which, under charters obtained in accordance with the laws of the Chickasaw Nation, had entered upon and improved, and were occupying and operating, any mine of coal, asphalt, or other mineral, within said Chickasaw Nation, shall have a preference right to lease the mines occupied and operated by such corporations, subject to all the general provisions of said agreement

and of these regulations: *Provided*, That should there arise a controversy between two or more of such corporations, the respective rights of each shall be determined after an investigation by the inspector located in the Indian Territory, subject to appeal to the Commissioner of Indian Affairs, and from him to the Secretary of the Interior."

In paragraph 10 of said regulations it is pointed out that all leases made prior to April 23, 1897, by individual members of said nation were, according to the agreement, declared void, and hence that no preference right could be asserted by reason of such a lease and then it is said "but parties in possession of mineral lands who have made improvements thereon for the purpose of mining shall have a perference right to lease the land upon which said improvements have been made, under the provisions of said agreement and these regulations."

While these provisions of the regulations as to claims not based upon a lease ratified by said agreement are not specifically authorized by any provision of the law, yet the Department having charge of the matter of mineral leases had the authority to adopt the plan to the end that parties who had in good faith expended money in the development of mining claims might secure the benefit of such expenditures. These applicants, not having any claim to the land which is confirmed and ratified by said agreement, the granting of a lease rests in the sound discretion of the mineral trustees acting under and in conformity with the regulations and subject to the approval of the Secretary of the Interior. There being a controversy as to a part of the land, the right to a lease of the tract thus in controversy or to the different subdivisions thereof, should be considered and determined in the mode prescribed by the regulations, and in accordance therewith. If, upon the investigation by the inspector, as provided in the regulations, no reason is disclosed for refusing a lease to either of these parties for land not claimed by the other, the application should be allowed to that extent, and as to the land about which there is a controversy, the facts as to possession and improvements should be ascertained to determine the equities of the parties, to the end that each may be given a lease to cover, if possible, the ground upon which he has in good faith made improvements.

In the same letter the inspector says:

"I am requested to submit the following questions for consideration:

"First. Does the act of Congress and the treaty referred to abrogate and nullify the charters granted by the Chickasaw Nation where the charter members had not up to April 23, 1897, taken actual possession of and developed the mines?

"Second. In cases where these chartered companies had leased the mines claimed to other parties who took possession under such leases and developed the mines and were in possession of the mines, operating the same in good faith, on April 23, 1897, which has the preference right to make the lease from the mining trustees?

"Third. In cases where the Indian chartered company leased to so-called capitalists and the capitalists in turn subleased the mining claims to other parties, who took possession under such leases, developed the mines, and were operating the same in good faith on April 23, 1897, which is entitled to obtain the lease?

"Fourth. Is any person or corporation entitled under the Curtis bill and the treaty to the preference right to a lease who had not developed a mine and was not in actual possession and in good faith operating the same on April 23, 1897?

"Fifth. Is it lawful for any person or corporation under any of the leases above referred to entered into before the adoption of the treaty to pay royalty to the lessors?"

He does not say who made the request, nor does he state that the questions are involved in any matter pending for adjudication. In so far as those questions, except the last, are not answered in the discussion herein of the specific case submitted, the answer would, as pointed out by the inspector, depend in large degree upon the facts in each individual case. Under these circumstances I would respectfully suggest that no specific answer be given to these hypothetical questions thus submitted.

As to the last question, there can be but one answer, and that is found in the agreement. All coal and asphalt is to remain and be the common property of the members of the tribe; the royalties from all coal and asphalt mines are to be paid into the treasury of the United States, and finally it is specifically said: "No royalties shall be paid except into the United States Treasury as herein provided."

In view of these provisions it is not lawful for any person or corporation to pay royalty under any lease to any one, except to the proper officer of the United States.

The papers submitted are herewith returned.

Very respectfully,

WILLIS VAN DEVANTER,
Assistant Attorney-General.

Department of the Interior, March 10, 1900.

Approved:

E. A. HITCHCOCK, *Secretary.*

APPENDIX NO. 11.

FIVE CIVILIZED TRIBES—PERMIT TAX.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, July 13, 1900.

The SECRETARY OF THE INTERIOR.

SIR: I am in receipt by your reference, with request for an opinion upon the legal matters presented therein, of a letter from the Indian inspector assigned to the Indian Territory, setting forth that certain parties doing business in towns in the Indian Territory have refused to pay the permit tax or license fee imposed by the laws of the several nations, this refusal being based upon the claim that they have purchased town lots and by such purchase have acquired the right to reside within the limits of the nation in which such lots are situated, and upon the further claim that section 14 of the act of June 28, 1898, confers or recognizes such a right of residence within the limits of incorporated cities and towns in the Territory.

The question is not directly as to the right of these people, not citizens, to occupy the property they have bought, but is as to their right to carry on a business in one of those nations without first obtaining a permit therefor as required by the laws of the nation. The right of these nations or tribes to prescribe regulations requiring those not citizens engaging in business within the nation to pay a permit tax or license fee has been recognized by this Department and sustained by the courts. In the case of Maxey *v.* Wright, decided January 6, 1900 (54 S. W. Rep., 807), the court of appeals of Indian Territory upheld the right of the Creek Nation to require the payment of such a tax or fee and the power of this Department to take charge of the matter, collect the money and turn it over to the Indians or in case of refusal of any one to pay the same to enforce the penalty of removal prescribed by laws of the nation.

It seems that many persons engaged in business in these nations, especially in the Choctaw and Chickasaw nations, have become purchasers of town lots at sales made under the provisions of the act of June 28, 1898 (30 Stat., 495), and now refuse to pay the tax or fee imposed by the laws of the nations upon noncitizens carrying on business there. Their position is not clearly set forth in the papers submitted, but it seems to be that a lot so purchased is no longer the property of the tribe and that the owner may conduct upon such lot any business that he may see fit to engage in. The purchase of a town lot does not make the purchaser a citizen of the nation within whose boundaries such town may be located, nor does it necessarily operate to confer upon him a license to follow a pursuit in disregard of the laws of the nation requiring a noncitizen to secure a permit before engaging in such business. In the case of Maxey *v.* Wright, supra, the court declared it unnecessary then to decide as to the effect of the law of June 28, 1898, authorizing the sale of lands in cities and towns, upon this question saying:

"Nor does the fact that Congress by the provisions of the Curtis bill has provided for the creation of cities and towns in this nation and the extinguishment of the Indian title to the lands embraced within the limits of such municipal corporations alter the case because this provision of that bill has not been carried into effect. The Indian title to such lands still remains in them and it is yet their country. What effect the provision of this statute relating to cities and towns, when fully consummated, may have we do not now decide."

Important changes have been made both as to the conduct of the internal affairs of these nations and as to their relations with the outside world. These changes are largely the result of the law of June 28, 1898, supra, which, among other things, provides a plan by which lands in cities and towns may be sold to others than citizens of the nation. As said before, a purchase of such lands does not, however, give the purchaser any special privilege or benefit in the matter of engaging in business in such nation. Such a purchaser bought the property with a knowledge of the provisions of the tribal law and the conditions imposed thereby upon anyone wishing to engage in business in such nation, and that he could remain within the boundaries of such nation and occupy the property thus purchased only in conformity to and compliance with the laws of that nation.

The contention that the purchase of a town lot in one of these nations exonerates a noncitizen, wishing to engage in trade or business, from compliance with the laws of such nation and gives him a license to engage in business there in defiance of such laws can not be sustained. A noncitizen has in this respect the same status after such purchase as he had before, and must afterwards, as before, meet the requirements of law if he desires to engage in business there. He is also subject to the same penalty for refusal to comply with the law after such purchase as he was before. If there is any hardship in the matter, it does not grow out of conditions arising subsequently to his purchase, as there has been no change in the laws of any of said nations in this respect since provision was made for the sale of town lots. He voluntarily placed himself in the position he occupies and must bear the incident responsibilities. The question as to the powers and duties of this Department in the premises is necessarily presented. Relative to that question the court, in the case of Maxey *v.* Wright, supra, used the following language:

"On the whole case we therefore hold that a lawyer who is a white man, and not a citizen of the Creek Nation is, pursuant to their statute, required to pay for the privilege of remaining and practicing his profession in that nation the sum of $25; that if he refuse the payment thereof, he becomes by virture of the treaty an intruder, and that in such case the Government of the United States may remove him from the nation; and that this duty devolves upon the Interior Department. Whether the Interior Department or its Indian agents can be controlled by the courts by the writs of mandamus and injunction is not material in this case, because as we hold, an attorney who refuses to pay the amount required by the statute by its very terms becomes an intruder, whom the United States promises by the terms of the treaty to remove, and therefore in such cases the officers and agents of the Interior Department would be acting clearly and properly within the scope of their powers."

At another place the court said:

"We are of the opinion, however, that the Indian agent, when directed by the Secretary of the Interior, may collect this money for the Creeks. * * * In this case the Indian agent was acting in strict accordance with the directions and regulations of the Secretary of the Interior in a matter clearly relating to intercourse with the Indians. And when it is remembered that up to the time that the United States courts were established in the Indian Territory the only remedy for the collection of this tax was by removal, and that the Indian nations had no power to collect it except through the intervention of the Interior Department, it is quite clear that if in the best judgment of that Department it was deemed wise to take charge of the matter, and collect this money, and turn it over to the Indians, it had the power to do so, under the superintending control of the Indians and the intercourse of white men with them granted by various acts of Congress; and in our opinion that power has not been taken away by any subsequent act of Congress or treaty stipulation."

The powers and duties of this Department in the premises are so fairly set forth and defined by this language as to justify its adoption by the Department as a correct statement thereof. The statements are as applicable now as when that decision was rendered, and are as true of all the nations as of the Creek.

Section 14 of the act of June 28, 1898, authorizes the incorporation of cities and towns in the Indian Territory, making the provisions of Mansfield's Digest of the Statutes of Arkansas applicable, and further provides as follows:

"All elections shall be conducted under the provisions of chapter fifty-six of said digest entitled 'Elections,' so far as the same may be applicable; and all inhabitants of such cities and towns, without regard to race, shall be subject to all laws and ordinances of such city or town governments, and shall have equal rights, privileges, and protection therein. Such city or town governments shall in no case have any authority to impose upon or levy any tax against any lands in said cities or towns until after title is secured from the tribe; but all other property, including all improvements on town lots, which for the purposes of this act shall be deemed and considered personal property, together with all occupations and privileges, shall be subject to taxation. And the councils of such cities and towns, for the support of the same and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection annually of a tax upon such property, not to exceed in the aggregate two per centum of the assessed value thereof, in manner provided in chapter one hundred and twenty-nine of said digest, entitled 'Revenue,' and for such purposes may also impose a tax upon occupations and privileges."

These are provisions for establishing and maintaining municipal governments enacted to meet the changed conditions in the Territory, and while they recognize the right of persons not citizens of the tribe or nation to reside in such towns, to participate in such governments, to enjoy the benefits and protection thereof, and also their liability to contribute by payment of taxes to the expenses of such government, they do not relieve such persons from observance of and compliance with the laws of the nation. The payment of a license fee imposed by a municipal government upon a certain occupation would not relieve one of the obligation to pay a like fee imposed by the State government. While the relations between these municipal governments and the Indian Nation are perhaps not precisely the same as those ordinarily existing between a city and the State, yet they are so similar that the same rule

obtains. As said before, the question is not as to the right of noncitizens to reside in these towns, but is as to their right to carry on a business in the nation in violation of the laws thereof. The provisions of said section 14 do not, in my opinion, operate to relieve inhabitants of cities and towns in these nations from the payment of the permit tax or fee prescribed by the laws of the nation in which such city or town may be located.

The papers submitted are herewith returned.

Very respectfully,

WILLIS VAN DEVANTER,
Assistant Attorney-General.

Approved:

THOS. RYAN, *Acting Secretary.*

JULY 13, 1900.

APPENDIX NO. 12.

[Extract of Indian appropriation act for the fiscal year 1901, approved May 31, 1900, as far as it pertains to legislation concerning Indian Territory.]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

For salaries of four commissioners, appointed under acts of Congress approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners, and necessary expenses of employees, and three dollars per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, five hundred thousand dollars, to be immediately available; for contingent expenses of the commission, four thousand dollars; in all, five hundred and twenty-four thousand dollars: *Provided further*, That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by statute.

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: *Provided*, That any Mississippi Choctaw duly identified as such by the United States commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void.

TOWN SITES.

To pay all expenses incident to the survey, platting, and appraisement of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections fifteen and twenty-nine of an act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, for the balance of the current year and for the year ending June thirtieth, nineteen hundred and one, the same to be immediately available, sixty-seven thousand dollars, or so much as may be necessary: *Provided*, That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the commission to the Five Civilized Tribes, and one with the town authorities, if there be such. When in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the act of June twenty-eighth, eighteen hundred and ninety-eight, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior, and not before.

The Secretary of the Interior may, in his discretion, appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that nation. Every such local commission shall be appointed in the manner provided in the act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An act for the protection of the people of the Indian Territory."

The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior, for good cause shown, shall expressly direct otherwise.

The Secretary of the Interior may, for good cause, remove any member of any town-site commission, tribal or local, in any of said nations, and may fill the vacancy thereby made, or any vacancy otherwise occurring, in like manner as the place was originally filled.

It shall not be required that the town-site limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such town-site limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: *Provided, further*, That the exterior limits of all town sites shall be designated and fixed at the earliest practicable time, under rules and regulations prescribed by the Secretary of the Interior.

Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such town site at the time. Such town sites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the

manner herein prescribed for other town sites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said act of June twenty-eighth, eighteen hundred and ninety-eight, in the way of surveying, laying out, or platting of town sites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof.

* * * * * * *

CHICKASAW INCOMPETENT FUND.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the act of June twenty-eighth, eighteen hundred and ninety-eight, and credited to the "incompetent fund" of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe and also the amount of such fund to which they are severally entitled, their respective shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

APPENDIX NO. 13.

In the United States court of appeals in the Indian Territory.

N. B. MAXEY, ET AL., APPELLANTS,
v.
J. GEO. WRIGHT, UNITED STATES INDIAN INSPECTOR, ET AL., APPELLEES. } No. 267.

Appeal from the United States court for the northern district of the Indian Territory, at Muscogee, Hon. John R. Thomas, judge presiding.

William T. Hutchings, for appellants; P. L. Soper, United States attorney, and L. F. Parker, jr., assistant United States attorney, for appellees.

OPINION.

CLAYTON, J.

This is an action brought in equity in the United States court at Muscogee, Ind. T., to enjoin J. George Wright, United States Indian inspector for the Indian Territory, and J. Blair Shoenfelt, United States Indian agent for the Five Civilized Tribes, from collecting from plaintiffs, who are all noncitizens of the Creek Nation and attorneys at law, residing in the Creek Nation, and practicing law in said court, an occupation tax imposed on them by virtue of the laws of the Creek Nation, which, among other things, provides that a tax of $25 per annum shall be collected from each lawyer residing and practicing their profession in the Creek Nation who is not a citizen of the Creek or Seminole Nation. To the complaint the following demurrer was filed:

"Comes now the said defendants, by Pliny L. Soper, United States attorney for the northern district of the Indian Territory, and demurs to the complaint of plaintiffs, and for ground therefor states:

"First. That the court has no jurisdiction of the subject-matter of the action.

"Second. That the complaint does not state facts sufficient to constitute a cause of action against these defendants, or for which any equitable relief may be granted."

The court below sustained this demurrer, and, plaintiffs refusing to plead further, the cause was dismissed. Exception to the sustaining of the demurrer and dismissal of the complaint were duly saved and the cause regularly appealed to this court.

It is contended by the appellants: First, that the Creek Nation has no power to enforce this tax on a citizen of the United States residing in that nation, because it is claimed that the Creek Nation is not possessed of such sovereign powers as would permit it to levy a tax upon the person or occupation of any other than its own citizens, and to support this contention we are cited to the opinion of Attorney-General Wirt on the right of the Cherokee Nation to impose a tax on traders (1 Opns. Att. Gen., 645). This opinion was rendered in 1824, at which time, by virtue of the treaties then existing between the Cherokee Nation and the United States, the Cherokee Nation had relinquished that right. That opinion is based exclusively on the treaty of 1785. The Attorney-General says:

"The time has passed away in which it would be tolerated to treat these people as we please, because we are Christians and they are heathens. If the tax is to be resisted we must find some solid ground for that resistance which law and reason will support, and which we can justify both toward God and man. If, by the treaties into which they have entered with us, they have debarred themselves from imposing this tax, they can not justly complain if we insist on the fulfillment of these treaties and the withdrawal of the tax as far as it shall be found in conflict with their own stipulations. * * *

"Now, the stipulation of the treaty of 1785 is that 'the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.' The right thus conferred on the United States is sole and exclusive; consequently neither the Cherokee nor any other nation had the right thereafter to touch the subject which was thus solely and exclusively given to the United States. What was the right thus solely and exclusively given to the United States? The right of regulating the trade with the Indians. What does this mean? The right of regulating the conduct of the citizens of the United States in carrying on this trade? This can not be the meaning, because this right the United States had before, and it required no treaty to give it to them. The treaty meant to give a right which did not exist before, and this could only be the right to prescribe the whole system of regulations, on both sides, under which the trade should be carried on. * * *

"But if it were conceded that the Cherokee Nation might prohibit this trade altogether it would not follow that they might, under these treaties, tolerate it under such regulations as they might institute, for, whether the power of the entire prohibition has been given to Congress or not, the sole and exclusive power of regulation has been given to them; and so long as these treaties remain in force it seems manifest that the Indians have no power to interfere with those regulations, either by addition or subtraction. And what is a tax upon persons authorized by Congress to trade without it but a new and distinct regulation superinduced upon the regulations provided by Congress?"

It is clear that the Attorney-General founds his opinion upon the fact, as he finds it, that the Cherokee Nation had "debarred themselves from imposing this tax."

But no such stipulation and abrogation of rights can be found in any treaty between the United States and the Creeks; but, upon the contrary, in all of their treaties with the Government, and more especially by the treaty of 1856 (Revision of Indian Treaties, 111), they have carefully guarded their sovereignty and their right to admit, and consequently to exclude, all white persons, except such as are named in the treaty. Article 15 of the treaty reads as follows:

"ARTICLE 15. So far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof regulating trade and intercourse with the Indian tribes, the Creek and Seminole shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits, excepting, however, all white persons, with their property, who are not by adoption or otherwise members of either the Creek or Seminole tribe, and all persons not being members of either tribe found within their limits shall be considered intruders and be removed from and kept out of the same by the United States agents for said tribes, respectively (assisted, if necessary, by the military), with the following exceptions, viz: Such individuals, with their families, as may be in the employment of the Government of the United States; all persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authorities of the United States, and such persons as may be permitted by the Creek and Seminole, with the assent of the proper authorities of the United States, to reside within their respective limits without becoming members of either of said tribes."

The last clause of the article of the treaty above set out clearly confers upon the Creek Nation the power of admitting into their territory, with the consent of the proper authorities of the United States, such "other persons" than those named by

it, and if it has that power, it is equally clear that it may prescribe all reasonable terms upon the compliance of which such persons may be admitted or excluded; more especially so when it is remembered that by the provision of the same treaty it is provided that "So far as compatible with the Constitution of the United States, and the laws made in pursuance thereof regulating trade and intercourse with the Indian tribes, the Creek * * * shall be secure in the unrestricted right of self-government," and, further, that all such persons as may be in the Creek Nation without the consent of that nation are deemed to be intruders, and pledges itself to remove them.

Attorneys practicing in the United States courts are not persons who come within the exceptions, for they are not "in the employment of the Government of the United States," or "persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authority of the United States."

Article 7 of the treaty between the United States and the Choctaw and Chickasaw nations (11 Stat. L., 613) is, upon the question here involved, identical with article 15 of the Creek treaty. And the question as to whether these nations had the power to enforce their permit laws was passed upon by Attorney-General Wayne McVeagh in 1881. He says:

"The validity of such permits is recognized by the concluding clause of article 7 of the treaty of June 22, 1831, which is not inconsistent with the terms of the later treaty." (17 Op. Atty. Gen., 134.)

Upon the same subject Attorney-General Phillips, in 1884, says:

"In absence of treaty of statutory provision to the contrary, the Choctaw and Chickasaw nations have power to regulate their own rights of occupancy, and to say who shall participate, and upon what conditions, and hence may require permits to reside in the nations from citizens of the United States and levy a pecuniary exaction therefor.

"The clear result of all the cases, as restated in 95 U. S., 526, is 'the right of the Indians to their occupancy is as sacred as that of the United States to the fee.'

"I add, that so far as the United States recognize political organizations among Indians, the right of occupancy is a right in the tribe or nation. It is, of course, competent for the United States to disregard such organizations and treat Indians individually, but their policy has generally been otherwise. In such cases presumptively they remit all questions of individual right to the definition of the nation as being purely domestic in character. The practical importance here of this proposition is that in the absence of express contradictory provisions by treaty, or by statutes of the United States, the nation (and not a citizen) is to declare who shall come within the boundaries of its occupancy and under what regulations and conditions. * * *

"(a) Article 7, 1855, secured to the Choctaw and Chickasaw, among other things, 'the unrestricted right of self-government and free jurisdiction over persons and property within their respective limits, excepting, however, all persons or their property who are not by birth, adoption or otherwise, citizens or members of either tribe,' etc.

"I submit that whatever this may mean it does not limit the right of these tribes to pass upon the question who (of persons indifferent to the United States, i. e., neither employees nor objectionable) shall share their occupancy and upon what terms. That is a question which all private persons are allowed to decide for themselves; and even with animals, not men, have a certain respect paid to the instinct which in this respect they share with man. The serious words 'jurisdiction' and 'self-government' are scarcely appropriate to the right of a hotel keeper to prescribe rules and charges for persons who become his fellow-occupants. It is, therefore, improbable that the above proposition in the treaty of 1855 has any relation to this plain natural right and natural instinct of an Indian nation." (18 Op. Atty. Gen., 36–37.)

We fully agree with these opinions, and hold, therefore, that unless since the ratification of the treaty of 1856 there has been a treaty entered into or an act of Congress passed repealing it, that the Creek Nation had the power to impose this condition or occupation tax, if it may be so called, upon attorneys at law, white men, residing and practicing their profession in the Indian Territory. And, inasmuch as the Government of the United States, in the treaty, had declared that all persons not authorized by its terms to reside in the Creek Nation should be deemed to be intruders, and had obligated itself to remove all such persons from the Creek Nation, the remedy to enforce this provision of the treaty was a removal by the United States from the Creek Nation of the delinquent as an intruder. Whether the Creek Nation, since the establishment of the courts in the Indian Territory and of the passage of the so-called Curtis bill, could recover the amount specified by the Creek statute by

a proper action in the courts is not necessarily now a question for us to decide, because the treaty provides a remedy, and whether this remedy is exclusive of the courts or only cumulative is not material. The superintending control of the Interior Department over the Creeks is nowhere abolished, but on the contrary all recent legislation has confirmed and even enlarged it, leaving all of the powers of that Department of the Government to remove from the Indian Territory for the causes specified by the treaties and the statutes as they existed before that time.

The act of Congress approved June 7, 1897 (30 Stat. L., 83), provides:

"That on and after January 1, 1898, the United States courts in the Indian Territory shall have original and exclusive jurisdiction and authority to try and determine all civil causes in law and equity thereafter instituted, * * * ; and the laws of the United States and the laws of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, the said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes."

While it is true that this act had the effect of abolishing the courts of the Indian tribes, which of course included those of the Creek Nation, and of relegating all causes of action to the United States courts for trial, yet the executive and legislative departments of the Indian governments were retained, and the treaty provisions and intercourse laws and other statutes relating to the Indian Territory remained in full force. The full control of the Indian Department over these Indian tribes as they then existed was not interfered with, nor were the Indian statutes annulled, except in so far as that all jurisdiction was taken from their courts and transferred to those of the United States. The power to remove intruders for the causes assigned by treaty provisions or statutory law still remains, as before, in the Interior Department of the Government; and the act of Congress approved June 28, 1898, entitled, "An act for the protection of the people in the Indian Territory, and for other purposes" (30 Stat. L., 495), commonly called the Curtis bill, from beginning to end, recognizes this authority of the Interior Department, and in many instances enlarges it.

The contention that the Creek Nation is not now an Indian reservation is not tenable. Whatever effect the Curtis bill may have upon the Creek, it has not yet been carried into operation so far as it changes their title to their lands or their tribal relations to the United States. The mere fact that the Creek are, at some future time, to hold their lands in severalty, instead of in the name of the nation, or in common, is not incompatible with and does not change the legislation which gives to them the exclusive right of occupancy of their country; nor can it be successfully maintained that because the United States at one time bought from the tribe of Indians who first occupied that country, thereby extinguishing the then Indian title to this land, and afterwards sold it to the Creek, giving to them a fee simple title thereto, that therefore it is not in possession of the Creek as an Indian reservation. When the Government, in 1825, bought the lands from the Osage, who occupied them under the "original Indian title," they became a part of the public domain, subject to be appropriated by the Government and set aside for Indian reservations, or for any other purpose which it might designate. And by the act of Congress of May 28, 1830 (4 Stat. L., 411), Congress authorized the President to set it apart for the reception of such tribes of Indians as might be willing to exchange for it the lands where they then resided and remove upon them. The statute is as follows:

"That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States west of the river Mississippi not included in any State or organized Territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks as to be easily distinguished from every other."

Clearly this is a reservation of so much of the lands as the President might thereafter designate for the purpose set forth in the statute, and pursuant to the statute the change was afterwards made by which the Creek surrendered their right of occupancy of the lands they then held in Alabama for those which they now possess. The land was conveyed to them with the limitation that they should not alienate it without the consent of the United States. By numerous treaties, the statutes, including the intercourse laws, their right to the exclusive occupancy of the country was assured to them. No white men, except such as were allowed to go upon other Indian reservations, were permitted to enter the Creek Nation. By the most solemn pledges they were to be protected from the intrusion of white men.

But, whether strictly an Indian reservation or not, the Creek nation is so far clothed with sovereign powers as that the treaties made between it and the United States, until abrogated, are binding, and, as already shown, the treaty provides that,

as to all but the classes of persons therein designated, the Creek nation is clothed with the power to admit white men or not, at its option, which, as we hold, gave it the right to impose conditions. Nor does the fact that Congress, by the provision of the Curtis bill, has provided for the creation of cities and towns in this nation and the extinguishment of the Indian title to the lands embraced within the limits of such municipal corporations alter the case, because this provision of that bill has not yet been carried into effect. The Indian title to such lands still remains in them and it is yet their country. What effect the provision of this statute relating to cities and towns, when fully consummated, may have we do not now decide.

But it is claimed that because Congress has enacted a statute establishing United States courts in the Creek Nation, and as attorneys practicing in such courts are officers thereof, therefore they are excluded from the provisions of the treaty.

First, because they are officers; and,

Second, because as courts can not perform their duties without the aid of attorneys, they are therefore a necessary and constituent part of it; and if taxed, they might refuse to pay and leave the country, or be removed therefrom by the agent, and as every man charged with crime is entitled to be heard in the courts by counsel, he would thus be deprived of this constitutional right.

In Ex parte Yale (25 Cal., 241) the Supreme Court says:

"An officer, as defined by Webster, is 'a person who performs any public duty.' An attorney at law is not such an officer. And in our opinion he is not an officer in the constitutional sense of the term and does not hold a public trust. On this point we agree with Justice Crocker and Norton in Cohen *v.* Wright (22 Cal., 293).

Mr. Justice Platt, in a case relating to the oath of an attorney (20 Johns, 492), says:

"The point is simply whether an attorney or counselor holds an office of public trust in the sense of the Constitution. * * * In my judgment an attorney and counselor does not hold an office, but exercises a privilege or franchise. As attorneys or counselors they perform no duties in behalf of the Government—they execute no public trust."

Cooley on Taxation (576) says:

"Practitioners of law and medicine are not uncommonly taxed a specific sum upon the privilege of pursuing their calling for a year or other specified time. Such a tax is not a poll tax, and may therefore be levied when poll taxes are forbidden. Sometimes the tax is graded by the supposed value of the privilege. The right to impose an occupation tax on practitioners of law has been much contested, as being in effect a tax on the privilege of seeking justice in the courts; but it has, nevertheless, been sustained without only faint dissent."

To the same effect see Longville *v.* State, 4 Tex. App., 312; Simmons *v.* State, 12 Mo., 271; State *v.* Hubbard, 3 O., 63; Young *v.* Thomas, 17 Fla. 170; Cousins *v.* State, 50 Ala., 115; Wright *v.* Atlanta, 54 Ga., 645; Stuart *v.* Potts, 49 Miss., 749; Tiedeman on Police Powers, 84-101; Weeks on Attorneys, 41, 2d ed.

In Ex parte Williams (31 Tex. Crim. Reports, 262) the court says:

"But, conceding them to be officers, still that would be no ground for exemption from taxation. * * * But in the second place, the contention that the legislature may cripple or destroy the judicial department is more plausible than sound. * * * The objection goes to the existence of the power, rather than to any probability of its exercise. It is, indeed, an objection that could be urged against any exercise of the taxing power. Thus, the legislature ought not to have the power to tax land, for fear it might confiscate; nor personal property, because the tax imposed might exceed its value; nor any occupation, business, or pursuit, because they could be taxed out of existence, and the livelihood of many be destroyed. * * * There is certainly no force in the proposition that by the imposition of this tax some defendant may be deprived of counsel. The presumption is absolute, says Judge Dederick in the Tennessee 'Lawyers Tax Cases,' that all good citizens will obey their State's laws, and pay the taxes imposed. There will always be lawyers who obey the law and pay their occupation tax. The person accused of crime will always be within reach of lawyers in a position to defend him by reason of having paid their tax. Until the criminal can show that he has actually been deprived of legal counsel by reason of this occupation tax, the lawyer can not interpose this plea, that can only inure to the benefit of the defendant. It is a defense peculiarly personal, and this court would not declare the occupation tax law unconstitutional on the ground that some criminal might be deprived of counsel by reason of the law, although no such case arose, or ever will arise. This contention is utterly without foundation, for the reason that this provision was put in the bill of rights not to operate under contingencies but upon actual occurrences; and we have none such here. Many reasons could be urged against this position, but it is deemed so frail that it is not necessary to deal with it further than to draw a plain parallel. We might with equal propriety charge the legislature with murder because some person gets snake bitten and can get no whisky to drink for it and dies, on account of the legislature imposing an occupation tax on liquor dealers, as to say that a criminal is deprived of the right of appearing by counsel on account of the legislature placing an occupation tax on lawyers, or might with some propriety accuse the legislature with murder because some person dies on account of a tax on traveling physicians. The cases are about on a par."

We agree with the authorities and hold that attorneys at law are not relieved from the payment of the amount required by the Creek statute for the privilege of remaining and practicing their profession in the Creek Nation because of the fact that they are lawyers.

On the whole case, we therefore hold that a lawyer who is a white man and not a citizen of the Creek Nation is, pursuant to their statute, required to pay for the privilege of remaining and practicing his profession in that nation the sum of $25; that if he refuse the payment thereof he becomes, by virtue of the treaty, an intruder, and that in such a case the Government of the United States may remove him from the nation, and that this duty devolves upon the Interior Department.

Whether the Interior Department or its Indian agents can be controlled by the courts by the writs of mandamus and injunction is not material in this case, because, as we hold, an attorney who refuses to pay the amount required by the statute by its very terms becomes an intruder, whom the United States promises by the terms of the treaty to remove, and therefore in such cases the officers and agents of the Interior Department would be acting clearly and properly within the scope of their powers.

The complaint challenges the right of the Indian agent to collect this tax, but at the hearing before us this point was waived by appellants in open court, because, as stated by their counsel, the object of the suit was to get a judicial determination of the question as to whether under the law they were liable at all.

We are of the opinion, however, that the Indian agent, when directed by the Secretary of the Interior, may collect this money for the Creeks. The Intercourse Laws (sec. 2058, R. S. U. S.) provide that:

"Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians agreeably to law, and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or Superintendent of Indian Affairs."

In this case the Indian agent was acting in strict accordance with directions and regulations of the Secretary of the Interior, in a matter clearly relating to intercourse with the Indians, and when it is remembered that up to the time that the United States courts were established in the Indian Territory, the only remedy for collection of this tax was by removal, that the Indian nations had no power to collect it except through the intervention of the Interior Department, it is quite clear that if in the best judgment of that Department it was deemed wise to take charge of the matter and collect this money and turn it over to the Indians, it had power to do so under its superintending control of the Indians, and the intercourse of white men with them, granted by various acts of Congress; and in our opinion that power has not been taken away by any subsequent act of Congress or treaty stipulation.

The decree of the court below, sustaining the demurrer to the complaint and dismissing the case, is affirmed.

APPENDIX NO. 14.

Opinion of Judge Gill.

In the United States court in the Indian Territory, northern district, sitting at Vinita.

W. C. Rogers, plaintiff,
v.
Frank Churchill, J. George Wright, and J. Blair Shoenfelt,
Defendants.

Statement of case.

This is a complaint in equity in which the plaintiff, W. C. Rogers, seeks to enjoin the defendants, Frank C. Churchill, J. George Wright, and J. Blair Shoenfelt, from collecting the tax claimed to be due the Cherokee Nation from the plaintiff as a merchant.

The facts in the case, as shown by the pleadings and the evidence, briefly stated, are substantially as follows: The plaintiff, W. C. Rogers, is a Cherokee citizen by birth, and is a merchant and trader in the Cherokee Nation, having a business at three different points therein, namely, one at Talala, carrying a general stock of merchandise of about $20,000; one at Vera and one Skiatook, each carrying a stock of about $8,000. Said stocks of merchandise consist of fruits, groceries, dry goods, clothing, hats, caps, etc.

That the defendant, Frank C. Churchill, is an employee of the Interior Department of the United States. Defendant J. George Wright is the duly appointed, qualified, and acting United States Indian inspector for the Indian Territory, and defendant J. Blair Shoenfelt is the duly appointed, qualified, and acting Indian agent for the Union Agency in the Indian Territory, and that as such officers and employees they perform such acts and services as may be directed by the said Department of the Interior and the laws of the United States.

The tax in controversy arises under article 2, "Trade and intercourse," and is found in the Compiled Laws of the Cherokee Nation, 1892, sections 582 to 589, inclusive.

The evidence taken shows that the defendants, acting as officers and employees of the Un ted States, served notice upon the plaintiff, W. C. Rogers, that he would be required to pay the tax due the Cherokee Nation to them, in accordance with certain rules and regulations adopted by the Secretary of the Interior in reference to the collection of taxes due the Cherokee Nation, and the plaintiff was repeatedly notified by said officers to pay said tax; that plaintiff failed to pay any attention to these notices, and failed to report, pay, or tender any part of the tax.

That on or about the 1st day of June, 1900, the defendants, acting in their official capacity, and acting through the Indian police, closed up the store of the plaintiff at Talala and held possession of the same for a period of five days, during which time the plaintiff was unable to trade or do business therein.

It is also in evidence that the Secretary of the Interior, acting under the general provisions of the act of Congress approved June 28, 1898, commonly known as the "Curtis bill," under the head of "Royalties, rents, etc.," in paragraph 13, provided:

"That the United States Indian agent shall receive and receipt for all royalties paid into his hands when accompanied by the sworn statement as provided in the proceeding regulation, but not otherwise, and it shall also be his duty to collect, under the supervision and direction of the United States Indian inspector for the Indian Territory, all rents, permits, revenues, and taxes, of whatsoever kind or nature that may be due and payable to any Indian tribe or tribes to which these regulations may apply, as provided for by the laws of such tribe or tribes."

And further provided in paragraph 14, as follows:

"The rents and permits, taxes, and revenues provided for by the foregoing regulation to be collected by the United States Indian agent shall be due and payable to him in lawful money of the United States at the time when such rents, permits, taxes, and revenues would, under the laws of the particular nations, have been due and payable to the authorities of said nations had not the act of June 28, 1898, and especially section 16 thereof, been passed."

Upon the closing of said store the plaintiff brought his action to this court for the purpose of restraining defendants, or any of them, or anyone acting under them, from interfering with or attempting to interfere with the possession of said stock of goods, and praying that this order be made perpetual. A temporary injunction issued in pursuance of said bill and prayer, and this case came on to be heard on the pleadings and evidence on July 23, 1900, with the understanding that the submission of the case should be final as to this court.

OPINION.

The case at bar presents some very peculiar features, and the law applicable thereto is in an unsatisfactory condition. The matter, reduced from the lengthy argument and presentation on either side, resolves itself into two principal questions:

First. Is there a traders' tax authorized by law to be assessed against and collected from a Cherokee citizen, doing a general merchandise business in the Cherokee Nation in the Indian Territory, since the adoption of the Curtis Act on June 28, 1898?

Second. If such a tax is authorized and collectible, does the law authorize the Interior Department to collect it?

I.

An examination of the Cherokee laws, article 2, entitled "Trade and intercourse," shows that such trade and intercourse and such law applied only to the Indian citizen, and the only penalty for the infraction of such law was punishment by a fine or by a fine and imprisonment, as the same should be found by the Cherokee courts. No provision was made in said article for the enforcement of the collection of the taxes other than by fine or by fine and imprisonment, to be imposed in the Cherokee courts, and in those alone.

Section 28 of the Curtis bill abolished all the tribal courts in the Indian Territory and prohibited any officers of said courts from performing any act theretofore authorized by any law in connection with said courts. If the said article 2 of the Cherokee laws is to stand at all, as being not annulled and a valid law, it is one which provides punishment for its infraction merely by a fine, or by a fine and imprisonment, and by this means alone, except that where a party fails to obtain a receipt for a tax and post it in his place of business, as provided by section 589 of said article, the sheriff of the district is to close his store and report such offender, that he may be proceeded against criminally. A careful examination of said article does not reveal any method whereby the offender's goods may be reached, or whereby any lien whatever is created or attaches to the goods, or whereby any punishment can be inflicted upon the offending party except in the Cherokee courts.

It is a rule well established that all statutes imposing taxes are to be followed strictly; that the manner of laying the tax, the time and manner of collection, and all the means pointed out toward effecting the object to be attained, namely, the collection of the tax, are to be followed with exactitude, and a failure to follow the law, either in the assessment or as to the means to be used to collect it, may upon resistance avoid the tax.

It may be safely stated in a brief way that the United States, by acts of Congress and treaties with the Cherokees, gave to the Cherokee the right to regulate internal affairs of the Cherokee Nation in respect to trade as to its own citizens, and that acting under the treaties and statutes the act above referred to as article 2, "Trade and intercourse," Compiled Laws of the Cherokee Nation, was in all respects legal and in conformity with the rights of the nation in reference to taxing its own citizens doing business within its boundaries. It may also be stated without question that the United States have the authority at any time, by statute, to alter and change the laws of the Cherokee Nation—in fact, Congress has often exercised this right, although at times its power to do so has been questioned. It may also be safely stated that the Secretary of the Interior, and the Commissioner of Indian Affairs, and the President, by various acts of Congress, have been authorized to exercise at times a wide discretion in the control of Indian affairs, and this has at all times been exercised for the good of the Indians themselves; and where the Secretary of the Interior or the Commissioner of Indian Affairs are given, under a statute, discretion with reference to carrying out its provisions they are the sole judges of the use or abuse of that discretion; but the Secretary of the Interior and the Commissioner of Indian Affairs must in their action have behind them some substantive law of Congress upon which to base their action.

By the act of June 28, 1898, Congress took away the right of the Cherokee Nation, as well as the right of the other tribes with whom agreements were not consummated, to exercise judicial functions through their tribal courts, and consequently took away from the Cherokee Nation all power to impose the penalties prescribed in article 2, "Trade and intercourse," with reference to the enforcing of the collection of said revenues, and said nation is at this time impotent to enforce in any way the collection of said traders' tax. It might be said that, in view of this state of affairs, it was the moral duty of Congress to prescribe some method whereby these revenues could be collected, inasmuch as they had rendered the nation powerless to collect them; but with the question of morals this court has nothing to do, nor has it anything to do with the policy of the Government in relation to controlling the Indian affairs. By said Curtis bill Congress provided that this Cherokee statute could not be enforced at law or in equity in the United States courts. By said act it authorized and directed, as to rents and royalties on the leasing of oil, coal, asphalt, and other mineral lands in said Territory, that the Secretary should make rules and regulations and collect all moneys due, and provided that anybody else undertaking to collect such royalties should be guilty of a misdemeanor, but nowhere in said statute did it specifically authorize the Secretary of the Interior to collect the taxes due under the laws of the several nations.

II.

Prior to the enactment of the Curtis bill there was no statute authorizing the Secretary of the Interior to enter the Cherokee Nation and collect the taxes due by Cherokee statutes, and if there be any statute of the United States authorizing the Secretary of the Interior or the Commissioner of Indian Affairs, or any of their officers, to enter the Cherokee Nation and collect such tax, it has not been cited to the court, nor is the court itself aware of such law. It is, however, claimed that section 2058, Revised Statutes of the United States, confers such authority upon the

Indian agent. That statute says that the "Indian agent shall within his agency manage and superintend the intercourse with the Indians agreeably to law, and perform such regulations and duties not inconsistent with law as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs." In the opinion of the court this section relates to intercourse with the Indians; that is, intercourse of the tribe with noncitizens of the tribe, and has no bearing upon intercourse among citizens of a tribe, and therefore does not apply to the case at bar.

Does the statute of the United States giving the Secretary of the Interior certain discretion—viz, section 2058, Revised Statutes of the United States—authorize him to prescribe how the laws of the Cherokee Nation shall be carried into force and effect by rules and regulations, when such laws themselves prescribe a different method of procedure? In other words, can the Secretary of the Interior make rules and regulations to carry into force and effect a Cherokee law in a different manner and by a process different from that prescribed by the law under which he undertakes to act? Or, to put it more strongly, can the Secretary of the Interior, by rules and regulations, amend the Cherokee statute by prescribing the mode of its enforcement, and in that way assume to exercise the powers of Congress in that regard? It is the opinion of the court that this power does not rest in the Secretary of the Interior. That the Secretary of the Interior may make rules and regulations not inconsistent with laws, in relation to the control and regulation of the Indians and Indian affairs with noncitizens of a tribe, can not be disputed; but he is not authorized to make law. If the Secretary, without a substantive statute to that end, may come into the Cherokee Nation and, acting upon a Cherokee statute, seek to control the effect of that statute by assuming the duties of the Cherokee officers under that statute, all that he could do would be to proceed in the manner prescribed by the statute, which would require him, if he found an Indian doing business and trading within the limits of the Cherokee Nation without the license prescribed by law, to close his business and report him to the tribal court in the district in which he was doing business for his failure to comply with the law, which tribal court no longer has any existence and can perform no duties in reference thereto. To hold that the Secretary can collect this tax or close the business of an Indian trading in the Cherokee Nation is to hold that he has absolute, unqualified, undisputed, autocratic sway over the interior trade of the nation by its citizens. This court does not believe that such power vests in the Secretary of the Interior as the law now stands, as to the Cherokee Nation.

In 1890, by the act of Congress of that year, the Constitution of the United States was put in force and effect in the Cherokee and other Indian nations of the Five Civilized Tribes. This was reiterated in the act of June, 1897, and the courts of the United States given absolute jurisdiction both in law and equity over all citizens, irrespective of race, color, or previous condition, and the laws of the United States were extended over the Cherokee Nation. The Constitution of the United States provides in specific terms (article 5, amendments to the Constitution), "That no person shall be deprived of life, liberty, or property without due process of law," and this right has, since 1890, been given to the Indians of this nation. By "due process of law" is meant the right to contest any attempt to deprive a person of his life, liberty, or property in the courts having jurisdiction. By reason of the act of June 28, 1898, it would seem that the right to contest the collecting of this tax, by trial in any court, has been taken absolutely away from Indians trading in the Cherokee Nation; consequently there is no legal method by which the tax imposed by a Cherokee statute can be enforced. Certainly the term "by due process of law" does not include any other method than the method pointed out by the law itself. The Secretary of the Interior is authorized to make rules and regulations within the law, and not inconsistent with the law, but he can not make the law, nor change it, nor alter its force or effect, nor can he take from or add to the law, and, except this law be changed in some way, it can not at this time be enforced as the law itself prescribes. Had Congress designed that the Secretary of the Interior should collect the tribal taxes, it would have said so in specific terms—in terms as specific and clear as are used in authorizing the Secretary of the Interior to collect rents and royalties. It can not be successfully contended that the terms "royalties and rents" include the term "tax," as those terms have a meaning separate and distinct from the terms "tax" and "revenue."

The court holds that the temporary injunction heretofore granted restraining the defendants from interfering with the store and business of the plaintiff in Talala shall be, and the same is hereby, made perpetual.

There having been no attempt on the part of these defendants to close or interfere with the business of plaintiff at Vera and Skiatook, or to remove the plaintiff from the Territory, that part of the prayer of the bill is refused.

To which judgment of the court defendants except.

In the United States court for the Indian Territory, northern district, at Vinita.

W. C. ROGERS, plaintiff,
v.
J. GEORGE WRIGHT, J. BLAIR SHOENFELT, AND FRANK CHURCHILL, defendants.

ORDER.

On this 8th day of June, A. D. 1900, in open court at Vinita, is presented the complaint of the plaintiff, duly verified, praying for an injunction restraining the defendants, their servants, agents, and employees, from in any manner undertaking to collect of the plaintiff any tribal tax, and from interfering with the plaintiff in his business at Talala, Cherokee Nation, at Vera, Cherokee Nation, and at Skiatook, Cherokee Nation, and from undertaking to remove the plaintiff from the Cherokee Nation as a means of forcing the payment by him of tribal taxes claimed by defendants to be owing by him to the Cherokee Nation, said complaint having been heretofore filed in this court; and also comes the plaintiff, by J. S. Davenport, L. F. Parker, jr., and William Mollette and W. H. Kornegay, his attorneys, and files a motion asking the court to set a day for the hearing in this on the application for a temporary restraining order, and also asking that defendants be restrained pending the hearing as asked for in the complaint, and the matters and things set forth being by the court seen and heard; and, it appearing therefrom that plaintiff is entitled to equitable relief by way of injunction, it is considered and ordered that defendants J. George Wright, J. Blair Shoenfelt, and Frank Churchill, and each of them, their servants, agents, and employees, be restrained from in any manner interfering with the plaintiff's business as a merchant at Talala, Ind. T., at Vera, Ind. T., and at Skiatook, Ind. T., and that they and each of them be restrained from in any manner endeavoring to collect tribal taxes of the plaintiff by reason of such mercantile business, and that they and each of them be restrained from removing the plaintiff from the Cherokee Nation by reason of the nonpayment of said tribal taxes, claimed to be due the Cherokee Nation as set forth in the complaint; and that this order shall become effectual upon the execution of a good and sufficient bond by the plaintiff in the sum of $2,000, payable to the defendants, to answer for the damages that may accrue to them by reason of the injunction herein, and that the injunction herein be subject to the further order of the court. It is further ordered that each of the defendants show cause at the United States court room at Vinita, at 10 o'clock a. m. of July 7, A. D. 1900, why the injunction herein should not be made perpetual. And thereupon comes the plaintiff herein and files a bond as required, with William Little and James C. Hall as sureties, and said bond is adjudged good and sufficient, and it is ordered that the injunction do now become effectual.

JOSEPH A. GILL, *Judge Presiding.*

UNITED STATES OF AMERICA, *Indian Territory, Northern District, ss*:

I, Charles A. Davidson, clerk of the United States court for the northern district of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said court on the 8th day of June, 1900, as appears from the records now on file in my office.

Witness my hand and seal of said court at Vinita this the 8th day of June, 1900.

CHARLES A. DAVIDSON, *Clerk.*
By T. A. CHANDLER, *Deputy.*

APPENDIX NO. 15.

REGULATIONS GOVERNING THE PROCUREMENT OF TIMBER AND STONE FOR DOMESTIC AND INDUSTRIAL PURPOSES IN THE INDIAN TERRITORY, AS PROVIDED IN THE ACT OF JUNE 6, 1900 (PUBLIC NO. 174).

1. The United States Indian agent for the Union Agency is hereby authorized and directed to enter into a contract or contracts, upon applications made in the form of affidavits, upon blanks prescribed, when approved by the Secretary of the Interior, with any responsible person, persons, or corporation for the purchase of timber or stone from any of the public lands belonging to any of the Five Civilized Tribes, and to collect, on or before the end of each month, the full value of such

timber or stone as the Secretary of the Interior shall hereafter determine should be paid; and the timber and stone so procured under such contracts may be used for "domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways," within the limits of the Indian Territory only.

Applications must be presented to the United States Indian inspector located in the Indian Territory and by him forwarded, with his recommendation, through the Commissioner of Indian Affairs, to the Department.

Applicants must state the quality and quantity of timber or stone proposed to be cut or quarried, the purpose or purposes for which and the place or places where said timber and stone are to be used, as the case may be, the amount considered just and reasonable to be paid by them, and their reasons for such conclusion. Each application must be accompanied by the affidavits of two disinterested persons, corroborating specifically all the statements of the applicant; and the inspector is hereby authorized to require any other information as to the value of the timber or stone, or to show the good faith of the applicant.

2. Before any timber shall be cut or any stone taken from any of the lands belonging to any of the Five Civilized Tribes, the person, persons, or corporation desiring to secure such timber or stone shall enter into a contract or contracts with said Indian agent, in accordance with the form hereto attached, which contract, however, shall not be of force until the Secretary of the Interior shall have indorsed his approval thereon: *Provided*, That each such person, persons, or corporation shall give bond (form attached hereto) in a sufficient sum, to be fixed by the Secretary of the Interior, with two good and sufficient sureties, or an approved surety company, as surety, conditioned for the faithful performance of the stipulations of the contract or contracts, and also conditioned for the faithful observance of all of the laws of the United States now in force or that may hereafter be enacted, and the regulations now prescribed or that may hereafter be prescribed by the Secretary of the Interior relative to any and all matters pertaining to the affairs of any of the Five Civilized Tribes.

3. The moneys so collected shall be placed to the credit of the tribe or tribes to which the land belongs from which such timber or stone was procured, as miscellaneous receipts, class three, "not the result of the labor of any member of such tribe;" but no timber or stone shall be taken from any land selected by any citizen of any of the Five Civilized Tribes as his prospective allotment without his consent, and only from such land being cleared, or to be cleared, for cultivation, and not until a contract shall have been entered into by the said United States Indian agent and the person, persons, or corporation desiring to procure such timber or stone, and the same shall have been approved.

The price to be paid under such contract shall be satisfactory to such prospective allottee, and shall be held by the Indian agent and paid to said allottee after final allotment to him shall have been made: *Provided*, That the provisions of this section shall apply to all tracts now in possession of any citizens of any of the Five Civilized Tribes who intend to include such tracts in their prospective allotments, and the money derived from the sale of timber or stone taken from any such tracts shall be held by the Indian agent until such time as allotment of the tract or tracts from which such timber or stone was taken shall have been made, at which time the money so held shall be paid by the Indian agent to the citizen taking such tract or tracts as his allotment: *And provided further*, That the Indian agent shall be required to keep an accurate list, by legal subdivision, of the land from which such timber or stone was taken, and also an accurate list of the amount of money derived from the sale of timber or stone taken from each such legal subdivision. Value of timber and stone taken from unappraised selected lands must be added to the appraisement when made.

4. The contract or contracts entered into by said Indian agent with any person, persons, or corporation shall describe the land from which the timber or stone is to be taken by legal subdivisions, and if any contractor shall take timber or stone from any land other than that covered by his contract he shall be liable to forcible removal from the Indian Territory and suit on his bond, and such unlawful taking of timber and stone shall work also a forfeiture of his contract.

5. The act of Congress under which these rules are promulgated provides that "every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, or sells or transports any of such timber or stone outside the Indian Territory, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than five hundred dollars, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same."

The Indian agent for the Union Agency shall see that any person, persons, or corporation who procures timber or stone from any of the lands belonging to any of the Five Civilized Tribes, under and in accordance with the provisions of the act of Congress approved June 6, 1900 (Public No. 174), and these regulations, employs Indians in the cutting and removal of said timber and in the quarrying and removal of said stone whenever practicable on the same terms as other labor, Indians to have the preference over white men.

The Department reserves the right to amend these regulations and to advance the price to be paid for timber or stone to be taken under any contract if it be shown that the amount stipulated in the contract is less than the "full value," or to cancel any contract for failure to pay promptly the amounts due, or for any other good and sufficient cause, after due notice to the party or parties in interest, giving the right to show cause, within ten days from service of such notice, why this action should not be taken.

W. A. JONES,
Commissioner of Indian Affairs.

WASHINGTON, D. C., *July 14, 1900.*

Approved:
THOS. RYAN, *Acting Secretary.*

FORM OF APPLICATION.

——— ———,
———, 1900.

I hereby apply for permission to enter into a contract with the United States Indian agent at Muscogee, Indian Territory, for the purchase of (1) ——— located on the (2) ———.

Such timber or stone is to be used at ———.

I consider that the timber is worth on the stump the following prices, to wit: ———, and that the stone is worth the following price per cubic yard, to wit: ———.

I base my opinion as to the values above stated upon the following facts: (3) ———.

Subscribed and sworn to before me, ——— ———, this ——— day of ———, 19—.

——— ———,
———.

——— ——— and ——— ———, being by me first duly sworn, upon their oaths state, each for himself, that he is well acquainted with the land above described and with the quantity and quality of the timber and stone thereon, and with the place or places where it is proposed to use the above-mentioned material, and also with the values and prices of stone and timber in the vicinity of the place from which it is proposed to take and where it is proposed to use such material, and with the cost of removing and transporting timber and stone, and with all the facts stated by the applicant above named, and knows that the facts stated by him are true and correct in every particular.

——— ———.
——— ———.

Subscribed and sworn to before me, a ——— for the ———, at my office in ———, this ——— day of ———, ——.

——— ———,
———.

FORM OF INDIAN TERRITORY TIMBER AND STONE CONTRACT.

——— Nation.

[Write all names and addresses in full.]

This agreement, made and entered into in quadruplicate at the Union Agency, Muscogee, Indian Territory, this ——— day of ———, 19—, by and between ——— ———, United States Indian agent for the Union Agency, party of the first part, and ——— ———, of ———, part— of the second part, under and in pursuance of the provisions of the act of Congress approved June 6, 1900 (Public No. 174), and the rules and regulations prescribed by the Secretary of the Interior on July 14, 1900, relative to the procurement of timber and stone from any of the lands belonging to

---

[1] Insert amount, kind, and character of timber or stone, or both, desired.
[2] Insert description of land.
[3] State distance from place where material is to be procured to place where it is to be used, cost of transportation, etc., market price of material where it is to be used, and any other facts which may be of aid in arriving at a conclusion.

any of the Five Civilized Tribes, and the timber or stone procured under the provisions of this contract and the rules and regulations heretofore or that may hereafter be prescribed by the Secretary of the Interior;

Witnesseth, that the said party of the first part agrees to sell to said part— of the second part timber or stone of the kind or kinds hereinafter specified, standing, fallen, lying, or being on lands within the limits of the ——— Nation, which said lands are described as follows, to wit: The ——— of section ———, of township [1] ———, of range [2] ———, of the Indian meridian, and containing ——— acres, more or less.

The part— of the second part agree— to cut and remove the timber or quarry and remove the stone hereinafter mentioned from within the above-described limits, and agree— to employ Indian labor in the cutting and removal of the timber and the quarrying and removal of the stone in preference to other labor on equal terms, whenever suitable Indian labor can be obtained.

For and in consideration of the foregoing, the said part— of the second part also agree— to pay to the United States Indian agent for the Union Agency, for the benefit of the ——— tribe of Indians, for all such timber cut and stone quarried on said described lands, at the following rates, to wit:

Merchantable saw timber, i. e., timber capable of being manufactured into lumber, as follows:

For walnut timber, ——— per thousand feet; for cypress timber, ——— per thousand feet; for ash timber, ——— per thousand feet; for oak timber, ——— per thousand feet; for pine timber, ——— per thousand feet; for cottonwood timber, ——— per thousand feet, and for ——— timber, ——— per thousand feet.

Telegraph poles.

Cedar, four to five inch top, eight to ten inch bottom, ——— feet long, ——— cents each.
Cedar, six-inch top, twelve-inch bottom, ——— feet long, ——— cents each.
Cedar, ——— inch top, ——— inch bottom, ——— feet long, ——— cents each.
Oak, four to five inch top, eight to ten inch bottom, ——— feet long, ——— cents each.
Oak, six-inch top, twelve-inch bottom, ——— feet long, ——— cents each.
Oak, ——— inch top, ——— inch bottom, ——— feet long, ——— cents each.

Piling.

Cedar, ——— cents per foot; oak, ——— cents per foot, running measure.

Railroad cross-ties (bridge, hewn, or sawed).

Oak (post, bur, white, red, and black), ——— cents each.
Pine, ——— cents each.
Cedar, bois d'arc, walnut, mulberry, sassafras, and red or slippery elm, ——— cents each.
Black locust and coffee bean, ——— cents each.

Railroad switch ties.

Oak (post, white, bur, red, and black), ——— cents each.
Pine, ——— cents each.

Fence posts.

——— cents each.

Cord wood.

——— dollar— per cord.

Stone.

——— dollar— per cubic yard.

It is agreed that full payment shall be made for said timber or stone before any of it is removed from the land hereinbefore described, and title to said timber or stone shall not vest in the part— of the second part until full payment shall have been made therefor.

[1] State whether north or south. [2] State whether east or west.

It is further agreed that said timber shall be cut and removed and that said stone shall be quarried and removed from said land as soon as practicable after the date of this contract, so that no depreciation in value or waste may accrue to said party of the first part by reason of unnecessary delay in the removal of said timber or stone, provided that the terms of this contract shall not extend beyond the period of one year from the date hereof, and the timber or stone procured under this contract may be used within the limits of the Indian Territory only for "domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways."

It is further understood and agreed by the part— of the second part that this agreement is void and of no effect unless approved by the Secretary of the Interior.

The part— of the second part further agree— that this agreement shall in all respects be subject to the rules and regulations heretofore or that may hereafter be prescribed under the said act of June 6, 1900, by the Secretary of the Interior relative to the procurement of timber and stone from any of the lands belonging to any of the Five Civilized Tribes, and to pay to the United States Indian agent for the Union Agency the full value of the timber or stone hereinbefore mentioned, in accordance with the provisions hereof.

The part— of the second part ——— firmly bound for the faithful compliance with the stipulations of this agreement by and under the bond made and executed by the part— of the second part as principal— and ——— ———, as suret— entered into the ——— day of ———, and which is on file in the office of the Commissioner of Indian Affairs.

In witness whereof, the said parties of the first and second parts have hereunto set their hands and affixed their seals the day and year first above written.

Witnesses: [1]

——— ———
——— ——— } as to ——— ———, [SEAL.] [2]

U. S. Indian Agent.

——— ———
——— ——— } as to ——— ———. [SEAL.]

——— ———
——— ——— } as to ——— ———. [SEAL.]

——— ———
——— ——— } as to ——— ———. [SEAL.]

[1] Two witnesses to each signature, including signature of agent.
[2] Stamps are required by the act of June 13, 1898. Party of second part must furnish stamps.

[Indorsement on contract.]

No. ———.

Department of the Interior,
Washington, D. C.
——— agreement.
———, U. S. Indian agent,
with
———,
———, of ———.
Sec. ———, Tp. ———, Range ———,
in the ——— Nation, Indian Territory.
Dated ———, 19—.
Expires ———, 19—.

———

Department of the Interior,
U. S. Indian Service,
Union Agency,
Muscogee, Ind. T., ———, *19—*.
Respectfully forwarded to the Commissioner of Indian Affairs for consideration with my report of even date.

———, ———,
U. S. Indian Agent.

Department of the Interior,
Office of Indian Affairs,
Washington, D. C., ———, *19—*.
Respectfully submitted to the Secretary of the Interior with favorable recommendation.

———, ———,
Commissioner.

Department of the Interior,
Washington, D. C., ———, *19—*.
Approved:

———, ———,
Secretary of the Interior.

FORM OF BOND.

Know all men by these presents, That we,[1] ——— ———, of ———, as principals, and ——— ———, of ———, and ——— ———, of ———, as sureties, are held and firmly bound unto the United States of America in the sum of ——— dollars, lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, successors, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the ——— day of ———, 19—.

The condition of this obligation is such, That whereas the above-bounden ——— ———, as principal—, ——— entered into a certain agreement dated ———, 19—, with the United States Indian agent for the Union Agency, for the purchase of ———, to be procured from[2] the ———, said ——— to be used in the Indian Territory only for "domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways."

Now, if the above-bounden ——— ——— shall faithfully carry out and observe all the obligations assumed in said agreement by ——— ———, and shall observe all the laws of the United States and regulations made or which shall be made thereunder for the government of trade and intercourse with the Indian tribes, and the rules and regulations that have been or may be prescribed by the Secretary of the Interior under the act of Congress approved June 6, 1900 (Public—No. 174), relative to the procurement of timber and stone from lands belonging to any of the Five Civilized Tribes in the Indian Territory, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed and sealed in the presence of[3]

——— ———. ——— ———. [L. S.][4]
——— ———. ——— ———. [L. S.]
——— ———. ——— ———. [L. S.]
——— ———. ——— ———. [L. S.]

[1] The Christian names and residences of principals, and of the sureties, where personal sureties are given, of whom there must be two.
[2] Give description of land.
[3] There must be at least two witnesses to all signatures, though the same two persons may witness all.
[4] A seal must be attached by some adhesive substance to the signatures of principals and sureties.

[Indorsement on bond.]

Department of the Interior,
Washington, D. C.

BOND

of ——— ———, covering the purchase
of ———, in the ——— Nation, Indian
Territory.
Dated ———, 19—.

Approved: ——— ———,
Secretary.

EXHIBIT A.

UNITED STATES INDIAN SERVICE,
South McAlester, Ind. T., August 5, 1900.

SIR: Having been captain of the United States Indian police for the Indian Territory for a number of years, and prior to that time having served as a private policeman for some seven or eight years, I believe myself to be thoroughly familiar with the duties and work required of policemen.

In my capacity as an Indian policeman I have of necessity traveled over a great portion of the Indian Territory.

In my judgment, the salaries paid the Indian policemen in the Indian Territory are not commensurate with the duties imposed upon them, and I recommend that the force be reduced to the following number and that they be stationed as follows: One captain of police, 2 privates in the Chickasaw Nation, 2 privates in the Choctaw Nation, 2 privates in the Cherokee Nation, 2 privates in the Creek Nation, and 1 private in the Seminole Nation.

I would further recommend that the captain be allowed a salary of $75 per month and expenses and that the privates be allowed $50 per month and expenses.

By reducing the number of policemen at this agency and increasing the salary as suggested the total expenses incident to the police service would not be materially increased, and the increase of salaries would enable the policemen to devote their entire time and attention to their work.

The Indian police of the Indian Territory, in my opinion, have done much for civilization and have aided materially in the protection of life and property. Owing to the peculiar conditions existing they have, to a large extent, been deprived of much of the credit of this work. An explanation offered, it is thought, will show why this is so. An Indian policeman will often arrest or capture whisky from a whisky peddler; after the arrest he turns the prisoner over to a deputy United States marshal, and the marshal's office naturally gets the credit for the work that is done.

Recently Private Policeman C. W. Plummer reported that he had arrested and delivered to the United States marshals in the past twelve months many criminals, including eighteen or twenty whisky peddlers. These men, as a rule, are dangerous and desperate characters, and any attempt made to arrest them often results fatally.

It may not be improper to add that since I have been a member of the police force I have spilled as high as 100 gallons of whisky in one day.

Policeman Ward, of Coalgate, Ind. T., reports that he has spilled several gallons of alcohol in the last thirty days, as well as large quantities of bitters labeled by different names and used by drug companies in lieu of whisky pure.

Policeman Sage recently arrested three desperate characters who had robbed the Kansas City, Pittsburg and Gulf Railroad, who have since been tried and convicted for the crime. Policemen receive no extra compensation whatever for work of this character.

The game in the Indian Territory is being slaughtered by hunters, trappers, etc., and I have been informed by the business men of the southern part of the Territory that the shipment of quails from that section of the country is enormous. Last January I confiscated and released 114 dozen live quails at Purcell, Ind. Ter., and at other times have confiscated and released other birds that had been captured and were ready for shipment. These quails were crated and billed to New Zealand. During the winter we captured several hunters and trappers and confiscated their traps, dogs, guns, pelts, etc.

I receive numerous complaints from all sections of the Territory against hunters and trappers, but am powerless to render aid or direct the Indian policemen to cover the country, for the reason that their salary is so small that it will not enable them to incur the expense incident to the journey.

As you are aware, the Indian police, acting under your orders, have frequently to remove from the Indian Territory intruders and persons who have violated the tribal laws. This is often an arduous as well as an unpleasant task, and for which no extra compensation is received. For this reason an Indian policeman will often take up other work in order to increase his earnings, his salary of $10 per month not being sufficient to support himself and family.

I have been informally advised that at other Indian agencies in the United States the police are allowed the same compensation that we are, but that in addition they receive rations, etc., and, again, some of them draw annuities as well as their salaries.

The work of Indian policemen at this agency is not at all like that required of Indian policemen of a reservation where blanket Indians reside.

I appreciate the many kindnesses shown me by yourself and the United States Indian inspector. I await your further commands.

Very respectfully, your obedient servant,

J. W. ELLIS,
Captain United States Indian Police for Indian Territory.

Hon. J. BLAIR SHOENFELT,
United States Indian Agent, Muscogee, Ind. T.

EXHIBIT C.

The delivery of this blank is intended as a demand for payment of all taxes due.

Make statement in duplicate.

Taxes should be paid to periods ending March 31, June 30, September 30, and December 31.

Department of the Interier, United States Indian Service.

To J. BLAIR SHOENFELT,
United States Indian Agent, Muscogee, Indian Territory:

1. My name is John R. McIntosh.
2. I am a member of the firm of Milam and McIntosh Hdwe. and Imp. Co.
3. Kind of business, hardware and implements.
4. Place of business, Chelsea.
5. Commenced business 1895.
6. Taxes are paid with this remittance from Oct. 1, 1899, to Dec. 31, 1899.
7. Amount of merchandise received and offered for sale by said firm during such time, $1,302.46.
8. On which the tax of one-fourth of one per cent amounts to $3.35.

JOHN R. MCINTOSH,
Member of the Firm.

I, John R. McIntosh, of Chelsea, I. T., solemnly swear that the sum of three and $\frac{25}{100}$ dollars ($3.25), forwarded herewith in accordance with the foregoing statement, is the correct and entire amount due from Oct. 1, 1899, to Dec. 31, 1899, to the Cherokee Nation, Indian Territory, as a tax on merchandise, and the same is full and complete payment of all taxes so due to the date last above mentioned, and that no goods or merchandise have been received or offered for sale by us, either directly or indirectly, during the period from Oct. 1, 1899, to Dec. 31, 1899, except as set forth above.

JOHN R. MCINTOSH.

Subscribed and sworn to before me this Jan. 10, 1900.

[NOTARY SEAL.] JOHN D. SCOTT, *Notary Public.*

(Indorsed:) Cherokee Nation. Merchandise tax. Sworn statement accompanying remittance of Milam and McIntosh, at Chelsea, I. T., for period commencing Oct. 1, 1899, and ending Dec. 31, 1899. $3.25. Duplicate sworn statement forwarded to U. S. Indian inspector ———, 190—. No. 243. Received Jan. 16, 1900. Office of U. S. Indian agent, Muscogee, Ind. Ter.

R. S. U. S., section 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

Section 5393. Every person who procures another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

EXHIBIT D.

Make statement in duplicate.

Taxes should be paid to periods ending March 31, June 30, September 30, and December 31.

Deparment of the Interior, United States Indian Service.

To J. BLAIR SHOENFELT,
United States Indian Agent, Muscogee, Indian Territory:

1. My name is C. G. Moore.
2. I am a member of the firm C. G. Moore.
3. Kind of business, drugs.
4. Place of business, Eufaula.
5. Commenced business Dec. 20, 1897.
6. Date from and to which taxes are now paid, Jan. 1, 1900, to March 31, 1900.
7. Original cost of merchandise offered for sale by said firm during such time, $2,020.
8. On which the tax of one per cent amounts to ($20.20) twenty and $\frac{20}{100}$ dollars.

C. G. MOORE, *Member of the Firm.*

I, C. G. Moore, of Eufaula, I. T., solemnly swear that the sum of twenty and $\frac{20}{100}$ dollars ($20.20), forwarded herewith in accordance with the foregoing statement, is the correct and entire amount due from me to the Creek Nation, Indian Territory, as a tax on merchandise, and the same is full and complete payment of all taxes so due to the date last above mentioned, and that no goods or merchandise have been received or offered for sale by me, either directly or indirectly, during the period from Jan. 1, 1900, to March 31, 1900, except as set forth above.

C. G. MOORE.

Subscribed and sworn to before me this 21st day of May, 1900.

[NOTARY SEAL.] R. L. SIMPSON, *Notary Public.*

(Indorsed:) Creek Nation. Merchandise tax. Sworn statement accompanying remittance of C. G. Moore, at Eufaula, I. T., for period commencing Jan. 1, 1900, and ending Mch. 31, 1900. $20.20. Duplicate sworn statement forwarded to U. S. Indian inspector ———, 190—. No. 535. Received Jan. 16, 1900. Office of U. S. Indian agent, Muscogee, Ind. Ter.

R. S. U. S., section 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, wilfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

Section 5393. Every person who procures another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

EXHIBIT D 1.

All remittances should be made to U. S. Indian agent, accompanied by statements in duplicate.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
OFFICE OF UNITED STATES INDIAN AGENT,
Union Agency, Muscogee, Indian Territory, May 23, 1900.

WILLIAM T. HUTCHINGS,
Muscogee, Indian Territory.

SIR: I acknowledge receipt from you of check for $6.25, the same being in payment of your occupation tax as a lawyer, doing business at Muscogee, Creek Nation, from April 1, 1900, to June 30, 1900, as per statement accompanying remittance.

Very respectfully,

J. BLAIR SHOENFELT, *U. S. Indian Agent.*

EXHIBIT E.

To comply with conditions of permit royalties should be made promptly.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Dawson, I. T., May 31, 1900.

Bullette and Heffelfinger, of Dawson, solemnly swear that we have mined 425 tons of coal from the Cherokee Nation, Indian Territory, at Dawson, during the period

commencing May 16, 1900, and ending May 31, 1900, subject to a tax of ten cents per ton, and amounting to thirty-four dollars, which amount is herewith enclosed. And I further state the above quantity of coal is all that I have mined, directly or indirectly, within the limits of the Cherokee Nation during the period stated, and that the same was mined in accordance with a permit granted to ———, under date of ———, 190—.

J. W. CORWIN, *Weigher.*

Sworn to and subscribed before me this 31 day of May, 1900.

[NOTARY SEAL.] WM. P. MOORE, *Notary Public.*

The above statement must be filled out in duplicate and sworn to before an officer authorized to administer oaths.

Remit direct to U. S. Indian agent.

(Indorsed:) Cherokee Nation. Coal tax. Sworn statement accompanying remittance of Bullette and Heffelfinger, Dawson, for period May 16, 1900, and ending May 31, 1900. $34.00. Duplicate sworn statement forwarded to U. S. Indian inspector ———, 190—. No. 773. Received June 11, 1900. Office of the U. S. Indian agent, Muscogee, Ind. Ter.

EXHIBIT F.

Remittances must be accompanied by sworn statements in duplicate.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Vinita, Ind. Ter., Jan. 15, 1900.

D. T. Hall, of Vinita, solemnly swear that I have shipped 117 tons of hay from the Cherokee Nation, Indian Territory, from Vinita station during the period commencing Jan. 10, 1900, and ending Jan. 15, 1900, subject to a tax of twenty cents per ton, and amounting to 23.40 dollars, which amount is herewith enclosed. And I further state that the above quantity of hay is all that I have purchased, cut, or shipped directly or indirectly from the limits of the Cherokee Nation since July 1, 1898, to this date, on which the royalty is unpaid.

D. T. HALL.

Subscribed and sworn to before me this 15 day of Jan., 1900.

[NOTARY SEAL.] W. L. CHAPMAN, *Notary Public.*

Hay shipped in cars numbered M. K. T., 32170; M. K. T., 11123; M. K. T., 7292; K. C. and L., 1621; C. O. and G., 33167; P. M. and O., 1121.

(Indorsed:) Cherokee Nation. Hay tax. Sworn statement accompanying remittance of D. T. Hall, Vinita, for period Jan. 10, 1900, and ending Jan. 15, 1900. $23.40. Duplicate sworn statement forwarded to U. S. Indian inspector ——— 190—. No. 275. Received Jan. 18, 1900, office U. S. Indian agent, Muscogee, Ind. Ter.

EXHIBIT G.

Quarters end March 31, June 30, September 30, and December 31.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Muskogee, I. T., May 1, 1900.

I do hereby certify that I have been or will be engaged in the occupation of attorney at law at my regular place of business, at Muskogee, I. T., Creek Nation, Indian Territory, during the period commencing April 1, 1900, and ending June 30, 1900, and that I have paid J. Blair Shoenfelt, U. S. Indian agent, according to the laws of the Creek Nation, the sum of ($6.25) six and $\frac{25}{100}$ dollars, in payment of the tax for the above-mentioned period.

WM. T. HUTCHINGS.

Make all checks and drafts payable to U. S. Indian agent.

(Indorsed:) Creek Nation. Occupation tax. Sworn statement accompanying remittance of Wm. T. Hutchings, Muskogee, for period commencing April 1, 1900, and ending June 30, 1900. $6.25. Duplicate sworn statement forwarded to U. S. Indian inspector ———, 190—. No. 321. Received May 23, 1900. Office of U. S. Indian agent, Muscogee, Ind. Ter.

EXHIBIT H.

All remittances should be made to U. S. Indian agent, accompanied by statements in duplicate.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
OFFICE OF UNITED STATES INDIAN AGENT,
Union Agency, Muskogee, Indian Territory, May 23, 1900.

C. G. MOORE, *Eufaula, Indian Territory.*

SIR: I acknowledge receipt from you of check for $20.20, the same being in payment of tax on merchandise offered for sale by you in the Creek Nation from January 1st, 1900, to March 31, 1900, as per sworn statements accompanying remittance.

Very respectfully,

J. BLAIR SHOENFELT, *U. S. Indian Agent.*

EXHIBIT H 1.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Union Agency, Muskogee, Indian Territory, January 18, 1900.

D. T. HALL, *Vinita, I. T.*

SIR: I acknowledge the receipt from you of Saint Louis exchange for $23.40, the same being tendered in payment of the royalty on hay shipped from the Cherokee Nation by you from January 10th to 15th, 1900, as per sworn statements accompanying the remittance.

Very respectfully,

J. BLAIR SHOENFELT,
U. S. Indian Agent.

EXHIBIT I.

All remittances should be made to U. S. Indian agent, accompanied by statements in duplicate.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
OFFICE OF UNITED STATES INDIAN AGENT,
Union Agency, Muskogee, Indian Territory, Jan. 16, 1900.

MILAM & MCINTOSH, *Chelsea, I. T.*

GENTLEMEN: I acknowledge receipt from you of St. Louis exchange for $3.25, the same being in payment of tax on merchandise offered for sale by you in the Cherokee Nation from October 1st to December 31st, 1899, as per sworn statements accompanying remittance.

Very respectfully,

J. BLAIR SHOENFELT,
U. S. Indian Agent.

EXHIBIT I 1.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Indian Territory, June 11, 1900.

BULLETTE AND HEFFLEFINGER,
Claremore, Indian Territory.

SIRS: I acknowledge the receipt from you of Saint Louis exchange for $34.00, the same being tendered in payment of royalty on coal mined by you in the Cherokee Nation from May 16th to 31st, 1900, as per sworn statements accompanying the remittance.

Very respectfully,
(Signed)

J. BLAIR SHOENFELT,
U. S. Indian Agent.

EXHIBIT Q.

THE CHOCTAW AND CHICKASAW NATIONS, INDIAN TERRITORY.

To all to whom these presents come, greeting:

Whereas a certain commission, heretofore appointed and acting under authority of section twenty-nine of the act of Congress approved June 28, 1898 (30 Stat., 495), surveyed and platted the town of ———, ——— Nation, Indian Territory; and

Whereas the plat of said town was approved by the Secretary of the Interior, on the —— day of ———, and was duly placed on file; and

Whereas the said commission has awarded the real estate described hereinbelow to ———, who has deposited ——— dollars, the full amount of the purchase price, with the United States Indian agent, at ———, Indian Territory, and is, therefore, entitled to a patent:

Now, therefore, we, the undersigned, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, do, by virtue of the power and authority vested in us by the aforesaid twenty-ninth section of said act of Congress of the United States, hereby grant, sell, and convey unto the said ——— ———, —— heirs and assigns forever, all the right, title, and interest of the Choctaw and Chickasaw nations, aforesaid, in and to lot— numbered ———, in block— numbered ———, in the town of ———, ——— Nation, Indian Territory, and according to the plat thereof on file as aforesaid, saving and excepting from this conveyance, however, all coal and asphalt.

In witness whereof, we, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, have hereunto set our hands and caused the great seal of our respective nations to be affixed at the dates hereinafter shown.

Date: ———, 190—.
[SEAL.]

———— ————,
Principal Chief of the Choctaw Nation.

Date: ———, 190—.
[SEAL.]

———— ————,
Governor of the Chickasaw Nation.

(Indorsed:) Patent. Choctaw and Chickasaw nations to ———, lot— No. ——, block— No.——, town of ———, Indian Ter., ——— Nation. Filed for record at request of ———, book ——, page ——, on the —— day of ———, 190—, at —— o'clock — m.

EXHIBIT R.

This statement must be forwarded in duplicate with remittance.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Atoka, Indian Territory, May 24th, 1900.

J. BLAIR SHOENFELT,
United States Indian Agent, Muskogee, Indian Territory.

SIR: I do hereby certify that the following-described lots, situated in the town of Atoka, Choctaw Nation, Indian Territory, having been appraised by the Choct town-site commission, and the value of the lots having been fixed by said commiss at figures named:

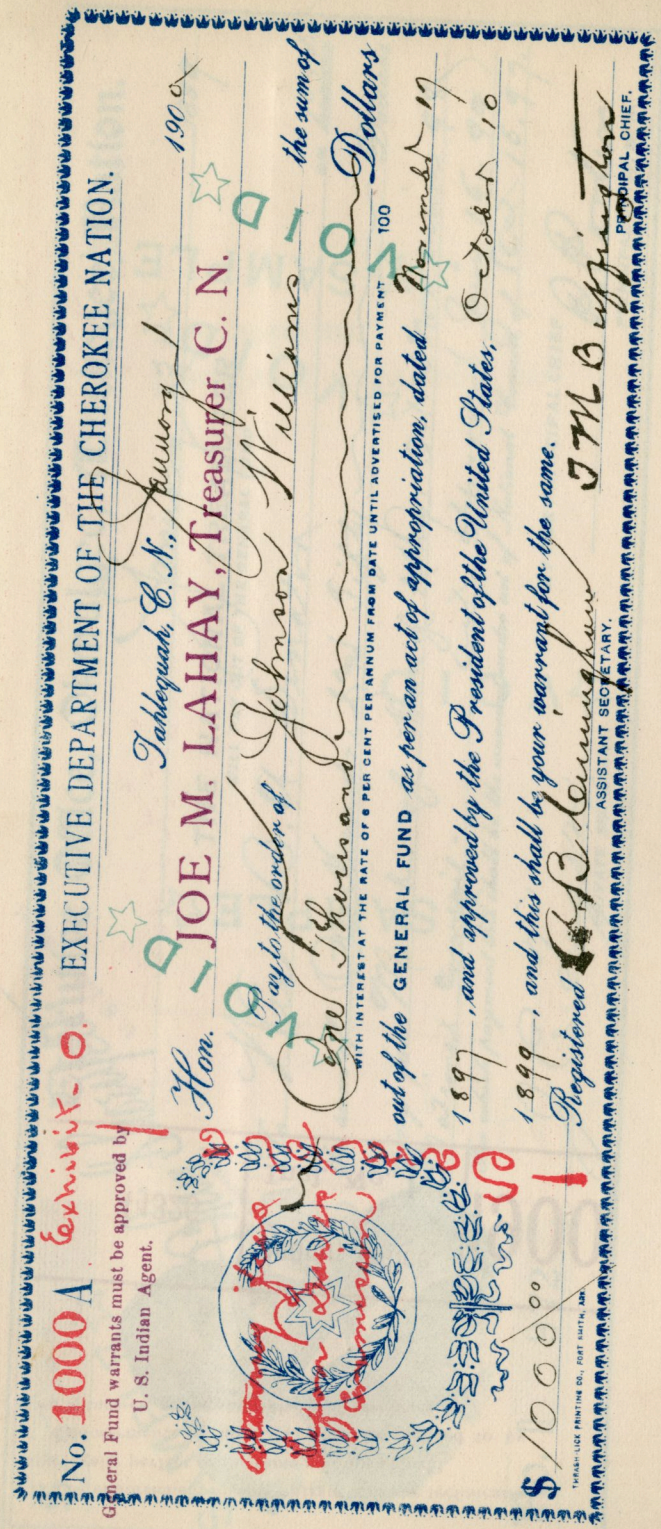
Lot No.	Block No.	Appraised value.	Per cent. (50 per cent or 62½ per cent).	Which amounts to—	Amou this p mer
4					
5	40	$200.00	62½	$125.00	$62.50
8	40	225.00	50	112.50	56.25
	40	175.00	62½	109.38	54.69
Total					173.44

I do hereby tender to you the sum of $173.44, the same being 1st and 2nd payment thereon in accordance with said appraisement by said town-site commission.

Very respectfully,

JULIUS C. FOLSOM.

My post-office address is Atoka, I. T.



The endorsement on this warrant must be technically and legally perfect or the same will not be paid.
Endorsements by mark (x) must be certified to by two witnesses, giving their places of residence.

Indian Office.	1900
44326	Incl. No. 10

$150.00

Executive Office, Okmulgee, Muskogee Nation.

Exhibit "M"

January 31 1899

THE NATIONAL TREASURER
WILL PAY OUT OF THE GENERAL FUND

To Wm. B. A. Senator or Order

the sum of One Hundred and Fifty Dollars

being for Member of House of Kings Oct & Nov session 98 National Council. Act approved Jany 15 99

For which payment this shall be the warrant under act of National Council of Oct 15. 97.

No. D 972

J. E. Tiger
PRIVATE SECRETARY.

BY THE PRINCIPAL CHIEF
P. Porter
PRINCIPAL CHIEF, M. N.

SAMPLE SAMPLE VOID SAMPLE

The endorsement on this warrant must be technically and legally perfect or the same will not be paid.

Endorsements by mark (x) must be certified to by two witnesses, giving their places of residence.

44326	Indian Office. Incl. No. 11	1900

Received Payment on this warrant.

Remittances must be made to the United States Indian agent by postal or express money order or St. Louis exchange.

The signature should correspond with name given on notice of appraisement.

(Indorsed:) Improved town lots, Choctaw and Chickasaw nations, Indian Territory. Statement accompanying remittance of Julius C. Folsom, P. O. address at Atoka, Ind. Ter., the same being 1st and 2nd payment on appraised value of town lots in Atoka, Ind. Ter. $173.44. Duplicate statement forwarded to U. S. Indian Inspector ———, 1900. No. 594. Received May 25, 1900. Office of U. S. Indian Agent, Muscogee, Ind. Ter.

This statement must be forwarded in duplicate with remittance.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Sterrett, Indian Territory, Oct. 1st, 1900.

J. BLAIR SHOENFELT,
United States Indian Agent, Muskogee, Indian Territory.

SIR: I do hereby certify that the following-described lots, situated in the town of Sterrett, Choctaw Nation, Indian Territory, having been sold to me by the Choctaw town-site commission at prices named:

Lot No.	Block No.	Sold for—	Amt. of this payment.
1	125	25.00	6.2
2	125	25.00	6.2
3 (fractional)	125	20.00	5.0
4	125	25.00	6.2
5	125	25.00	6.25
6	125	25.00	6.25
Total		145.00	36.25

I do hereby tender to you the sum of $36.25, the same being the first payment thereon in accordance with said sale by said town-site commission.

Very respectfully, EVERETT E. TAYLOR.

My post-office address is Sterrett, I. T.

Remittances must be made to the United States Indian agent by postal or express money order or St. Louis exchange.

The signature should correspond with name given to town-site commission when lots were originally purchased.

(Indorsed:) Unimproved town lots. Choctaw and Chickasaw nations, Indian Territory. Statement accompanying remittance of Everett E. Taylor, P. O. address at Sterrett, Ind. Ter., the same being first payment on sale value of town lot in Sterrett, Ind. Ter. $36.25. Duplicate statement forwarded to U. S. Indian inspector ———, 1900. No. 50. Received Oct. 2, 1899. Office of U. S. Indian agent, Muscogee, Ind. Ter.

EXHIBIT S.

All remittances should be made to U. S. Indian agent, accompanied by statements in duplicate.

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,
OFFICE OF UNITED STATES INDIAN AGENT,
Union Agency, Muskogee, Indian Territory, May 25, 1900.

JULIUS C. FOLSOM,
Atoka, Indian Territory:

I acknowledge receipt from you of postal money order for $173.44, the same being the first and second payments on lot 4, block 40; lot 5, block 40; lot 8, block 40, Atoka, Choctaw Nation, Indian Territory, as per statements accompanying remittance.

Very respectfully, J. BLAIR SHOENFELT, *U. S. Indian Agent.*

CREEK WARRANT PAY-ROLL.

Exhibit "N."

We, the undersigned holders and owners of the warrants drawn on the Treasury of the Creek Nation, hereinbelow described, hereby severally acknowledge to have received of J. BLAIR SHOENFELT, United States Indian Agent, payment of said warrants in full in the amounts and upon the dates set opposite our respective signatures:

NO. OF WARRANT.	DATE OF ISSUE.	ORIGINAL PAYEE.	FOR WHAT ISSUED	FUND UPON WHICH DRAWN	AMOUNT.	TOTAL AMOUNT PAID.	NO. OF CHECK.	TO WHOM PAID. SIGNATURES	WITNESSES.		DATE OF PAYMENT.		REMARKS.
N 335	Aug 8 99	Isparhecher	Expense of Executive office	General	2500	2500	173528	Isparhecher his mark	J.R. Taylor Jr.	J.F. Wisdom	Sept 9 1899	82	
N 239	July 14 99	Amos Gray	additional appropriation to his salary	General	5000	5000	173529	T.E. Proctor	J.R. Taylor Jr.	J.F. Wisdom	Sept 9 1899	83	
C 2206	May 4 99	W.J. Harper	Teacher Primary School	School	4375								
N 29	" 24 "	Edward A Harrison	" " " "	"	7525	11900	173533	George N. Williams	J.R. Taylor Jr.	J.F. Wisdom	Sept 9 1899	84	
C 2711	Mch 6 98	Amos Gray	Salary as Janitor Capitol Building 1st qr 97-8	General	3750								
" 2878	Sept 6 "	Amos Gray	" " " " " 3d " "	"	3750								
" 2894	" 8 "	Lewis McHenry	Light Horse Council 3d " "	"	25								
" 2934	Oct 14 "	Jackson Knights	" " Dep Ferry " " " "	"	6870								
" 2713	Mch 5 "	David Harry	" " Okmulgee " 1st " "	"	75								
" 2894	Sept 8 "	Sandy Tobler	" " " " 3d " "	"	6875								
" 2892	" " "	David Harry	" " " " " " "	"	6555								
" 2893	" " "	David Harry	" " " " " " "	"	945	38745	173532	J.M. Davis	J.R. Taylor Jr.	J.F. Wisdom	Sept 9 1899	85	
C 2263	Nov 11 97	Tamma Co Stomp	Indigent Orphans Town	General	1500								
N 57	June 6 99	N.M. Mayo	Private Secy Part of 2d qr 98-9	"	9								
" 334	Aug 4 "	Wm Perryman	Member House of Warriors Jany Session 98	"	28								
" 333	" " "	Joseph Mingo	" " " Kings " " "	"	2720								
C 2138	Dec 10 97	Roth Starr	" " " " Extra "	"	21								
" 2643	Mch 4 98	Ollie Jacobs	Teacher Primary School	School	75								
" 2841	June 8 "	Wm Robison	Support Returned School 4th qr	"	50								
" 2590	Feb 17 "	E.E. Nordridge	" Mislaid " 2d	"	2760	2528 0	173534	J.M. Davis	J.R. Taylor Jr.	J.F. Wisdom	Sept 12 1899	86	
N 136	Aug 9 99	Lucinda Crossland	Laundress Council School 98-9	School	2000	2000	173566	C.W. Turner	J.R. Taylor Jr.	J.F. Wisdom	Sept 22 1899	87	
C 2226	May 4 99	Thomas Hesley	Teacher Primary School	School	7500	7500	173541	W.N. Patterson	J.R. Taylor Jr.	J.F. Wisdom	Sept 14 1899	88	
C 2094	May 16 99	American Book Co	Books furnished Creek orphan Asylum	School	4128	4128	173536	J.B. Sloger	J.R. Taylor Jr.	J.F. Wisdom	Sept 13 1899	89	
C 2304	May 17 99	J.O. Co 8 Z	Drugs furnished Tallahassee School	School	3605	3605	173537	H.C. Cobb	J.R. Taylor Jr.	J.F. Wisdom	Sept 13 1899	90	

Exhibit "P"

CHEROKEE WARRANT AND INTEREST PAY ROLL.

We, the undersigned holders and owners of the warrants drawn on the Treasury of the Cherokee Nation, hereinbelow described, hereby severally acknowledge to have received of J. BLAIR SHOENFELT, United States Indian Agent, pavment of said warrants in full and the interest due thereon in the amounts and upon the dates set opposite our respective signatures:

Payment made as per advertisement of April 28, 1900.

School Fund Warrants.

NO. OF WARRANT.	DATE OF ISSUE.	ORIGINAL PAYEE.	DATE OF REGISTRY.	Sub-Voucher No.	Fund Upon Which Drawn.	PRINCIPAL.	INTEREST.	TOTAL.	AMOUNT PAID.	NO. OF CHECK.	NAME OF AND SIGNATURE OF HOLDER.	WITNESS TO SIGNATURES.		DATE OF PAYMENT AND CHECK.	REMARKS.
A. 69	April 11 99	R. H. Adair	April 15 99		School.	17955 99	111 86	19074 5							
A. 70	" 11 99	J. M. French.	" 15 99		"	24819 33	154 61	26365 4	45439 99	189051	R. H. Adair.	J. B. Taylor Jr.	J. F. Wisdom.	May 8 1900	
H. 614	Jan. 10 99	J. B. Harris.	Jany. 10 99		"	10500 00	818	11318							
H. 612	" 10 99	Mrs. S. C. Taylor.	" 10 99		"	10500 00	818	11318	22636	189052	B. A. Randle.	J. B. Taylor Jr.	J. F. Wisdom.	May 9 1900	
H. 414	June 8 98	Laura Fields	June 9 98		"	14000 00	1585	15585							
H. 611	Jan. 10 99	Laura Fields.	Jany 21 99		"	10500 00	799	11299	26884	189054	D. N. Fink	J. B. Taylor Jr	J. F. Wisdom.	May 9 1900	
H. 596	Jan. 10 99	Richard Nero.	Jany. 19 99		"	10500 00	802	11302							
H. 600	" 10 99	Gertrude Rogers.	" 10 99		"	10500 00	818	11318							
H. 603	" 10 99	A. L. Nero.	" 19 99		"	10500 00	802	11302							
A. 8	Mch. 1 99	Turner Hardware Co.	Mch. 28 99		"	14500 00	946	15446	49368	189053	Geo. H. Williams.	J. B. Taylor Jr.	J. F. Wisdom.	May 9 1900	
H. 647	Aug. 16 99	Bessie Shutt.	Aug. 16 99			14000 00	588	14508	14588	189055	Bessie Shutt.	J. B. Taylor Jr.	J. F. Wisdom.	May 10 1900	
A. 31	Mch 1 99	R. H. Adair	March 14 99		"	209083	14125	223205							
A. 42	" 1 99	J. M. French	" 21 99		"	340763	22630	363398	58603	189056	B. A. Randle.	J. B. Taylor Jr.	J. F. Wisdom.	May 10 1900	
H. 527	Dec. 12 98	Elizabeth Freeman	Dec. 17 98		"	10500	859	11359							
H. 529	" 12 98	Maggie Fletcher	" 17 98		"	10500	859	11359							
H. 530	" 12 98	Narcissa Taylor.	" 17 98		"	10500	859	11359							
H. 586	" 22 98	William Gott	Jany 14 99		"	10500	810	11310							
H. 656	Aug. 29 99	Wm Gott.	Aug. 29 99		"	14000	559	14559	59946	189057	S. J. Starr	J. B. Taylor Jr.	J. F. Wisdom.	May 10 1900	
H. 588	Dec. 22 98	W. H. Fields	Dec. 23 98		"	10500	849	11349	11349	189060	W. H. Fields.	J. B. Taylor Jr.	J. F. Wisdom.	May 11 1900	
A 21	Mch 1 99	American Book Co.	May 15 99		"	12303	703	13006							
A. 39	" 1 99	American Book Co.	" 15 99		"	112167	6415	118582	131588	189066	J. B. Blagar.	J. B. Taylor Jr.	J. F. Wisdom.	May 21 1900	