

SUPERINTENDENT  
FOR  
FIVE CIVILIZED  
TRIBES

CHEROKEE

VOL. 13

FOREMAN  
TRANSCRIPTS

Copies of

M A N U S C R I P T S

In the Office of the

SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA

Cherokee - Ferry  
Cherokee - Foreign Relations  
Cherokee - Hay  
Cherokee - Intruders  
Cherokee - Land Division  
Cherokee - Minerals  
Cherokee - Schools  
Cherokee - Townsites  
Cherokee - Traders

Compiled from original records  
selected by

GRANT FOREMAN



CHEROKEE - FERRY



Muskogee, Indian Territory, August 25, 1881.

Owner of the Ferry at Webbers Falls

Dear Sir:

I do not know your name, but that does not matter. If you will reply to this proposition, you can let me know what it is. I have got two trades for you. First, I want to trade you my wagon and team and harness for dried apples. I will take one hundred bushels for the whole outfit. With the privilege of halling the apples here so I can ship them, and the next proposition is to rent the Ferry from you so I can run it this fall and winter. I will pay you as much for it as any body can afford to, and I will live on the Bank of the river, so I can be there at any time to do justice to the ferry and travelers. And besides, if you will furnish the lumber, I will repair the Boat and build a small boat to cross footmen in. You will find me to make a good ferry man, as I have considerable experience in running boats, so you may consider these propositions in a trade like manner; and reply by writing soon, or coming to see me, for I mean business.

Address.

John W. Byrd

Muscogee,

Ind. Territory.



*Treas?*

Texas Department Cherokee Nation

October 1st, 1881

Be it known that I D. W. Lipe Treas. of the Cherokee Nation have this day issued this a license to G. B. & Edward Foreman to run a ferry at the mouth of the Illinois River across the Arkansas River for the period of Six months, they having complied with all the requirements of the law.

This license expires on the 31st day of March 1882.

Given from under my hand officially the day and date above written.

D. W. Lipe

Treas. Cher. Nation.



Union Agency,  
Muscogee, I. T.,  
April 12th, 1899.

Mr. W. S. Andrain,  
Fairland, I. T.

Dear Sir:-

I send you herewith ferry license authorizing you to operate a public ferry on the Grand River, at the junction of the Spring and Neosha rivers, which expires Feb. 25th, 1900.

In this connection please fill out the enclosed blanks and return same to this office.

Very respectfully,

D. M. Wisdom.

U. S. Indian Agent.

Approved:

J. Geo. Wright,  
U. S. Indian Inspector.



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

May 15, 1899.

I do hereby certify that I have been engaged in the occupation of a ferryman at my regular place of business, on Grand river Cherokee Nation, Indian Territory during the period commencing May 7th, 1899, and ending May 7th, 1900 and that I owe, according to the laws of the Cherokee Nation the sum of (\$10.00) ten dollars, in payment of the tax for the above mentioned period.

A.W. Harlan

Sworn to and subscribed before me this 15 day of May 1899.

C.G. James

Notary Public.

(Endorsed) Union Agency No. 86 FERRY TAX Sworn statement accompanying remittance of W.A. Harlan Fairland, I.T. for period commencing May 7, 1899, and ending May 7 1900. amount \$10.00--received May 16, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. ----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Muscogee, I.T.  
March 21, 1899.

I do hereby certify that I have been engaged in the occupation of running a ferry at my regular place of business, at Patricks ferry Arkansas River, Cherokee Nation, Indian Territory, during the period commencing May 1898 and ending May 1899, and that I owe, according to the laws of the Cherokee Nation the sum of (\$25.00) twenty five dollars, in payment of the tax for the above mentioned period.

M.C.Smith.

Sworn to and subscribed before me this 21st day of March 1899.

D.M.Wisdom.

U.S.Indian Agent.

(Endorsed) Union Agency No.260 FERRY TAX Sworn statement accompanying remittance of M.C.Smith Braggs, I.T. for period commencing May 1898 and ending May 1899. amount \$25.00. Received March 22, 1899 Office of U.S.Indian Agent, Muscogee, Ind.Ter.----



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DEPARTMENT OF THE INTERIOR,  
United States Indian Service

Grove, I.T. May 23, 1899.

We do hereby certify that we have been engaged in the occupation of ferrymen at our regular place of business, on Grand River, Cherokee Nation, Indian Territory, during the period commencing May 18th, 1899, and ending ----and that we owe, according to the laws of the Cherokee Nation the sum of (\$10.00) ten----dollars, in payment of the tax for the above mentioned period.

Carey Wells Ferry Co.

By C.J. Wells, Agent

Sworn to and subscribed by C.J. Wells agent before me this 23rd day of May 1899.

J.C. Starr

Notary Public.

Northern Dist, I.T.

My com. expires May 26, 1902.

(Endorsed) Union Agency No. 99 Received May 24, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. FERRY TAX Sworn statement accompanying remittance of Carey Wells Ferry Co Grove, I.T. for period commencing May 18, 1899 and ending May 18, 1899. amount \$10.00----



**CHEROKEE - FOREIGN RELATIONS**



St. Louis, Mo., Nov. 20, 1897.

To DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES. Hon. Tams Bixby, Chairman,  
Gentlemen:

The undersigned duly constituted representatives of the Delaware Indians, residents in the Cherokee Nation, would respectfully call the attention of your Department to the condition of things existing at present in the Cherokee Nation, and other events which have recently taken place, all of which materially and detrimentally affect the rights and interest of the Delaware people; and we desire the earnest co-operation of your Department in every proper way in the protection of our rights, and in securing justice in our cause.

Under the Treaty of 1866, made by the United States with the Cherokees, the Delaware Indians entered into an agreement, of date, April 8th, 1867, whereby they purchased 157,600 acres of land to be selected from the public domain of the Cherokee Nation, lying east of the 96th degree, and at the same time contributed as their share of the National fund \$121,824.28. This latter sum was contributed under the following provisions of Article 15 of the Treaty of 1866.

"And the said tribe thus settled shall also pay into the National fund a sum of money, to be agreed on by the respective parties, not greater in proportion to the whole existing National fund, and the probable proceeds of the lands herein cede or authorized to be ceded or sold than their numbers bear to the whole number of Cherokees then residing in said country, and thence afterwards they shall enjoy all the rights of the native Cherokees."

It is manifest, therefore, that the Delawares acquired a vested right to a certain portion of the vested fund of the Cherokee



Nation, and 160 acres of land in any event, and in case of allotment whatever additional a native Cherokee might be entitled thereto. Their rights to share in such additional lands and payment was, however, denied and bitterly fought by the Cherokees, until the highest court in the land settled the question forever in their favor. (Cherokee Nation vs. Journeyoaks, 150 U.S. p. 96.) When the Delawares entered into their agreement with the Cherokees, there was over 400 acres of land per capita in said Nation, without including what is known as the Neutral Strip. And the Cherokees then residing in the Cherokee Nation were small compared with the enormous rolls, which fraudulent courts and disgraceful Commissions have contrived and fixed up in utter disregard of our rights.

When the Delawares bought their pro rata share in the invested funds in the Cherokee Nation, based according to the Treaty upon the number of Cherokees then residing in the Cherokee Nation, they had a right for all future time, to that pro rata share against all persons in the world except the Cherokees then residing in the Cherokee Nation, and their descendants. The Freedmen roll of 1880, contains but 1,974 names. There was some dissatisfaction with that roll and the Interior Department of the Government sent agent Wallace to the Cherokee Nation to investigate its correctness, and see what names had been improperly left off it. The Cherokees sent back to their Sovereign rights and refused to take any part in the revision of that roll, or assist the agent in making a correct and proper one. The making of the roll was therefore, largely ex parte and naturally a large number of names got on it which had no place there, and which never would have been placed there, had any efforts been made to get at the truth of their claims. When the court of claims decided that the



Freedmen of the Cherokee Nation were entitled to equal rights with the native Cherokees, said Wallace roll was adopted as a basis of distribution of the money involved in that controversy. But the head men of the Cherokee Nation was not content with that. They entered into an agreement with the attorney for the Freedmen that a new roll might be made by a Commission of three, composed of one person selected by the Freedmen, one selected by the Cherokee Nation, and the third to be designated by the Secretary of the Interior. Then follows an incident, to be followed by others, amazing to all honest and honorable men.

The Freedmen on their part, by and with the consent of the Officers and agents of the Cherokee Nation, selected as their Commissioner their leading attorney, Robert H. Kerns, of St. Louis, Mo.

This Wallace roll, which it was claimed on all hands, was rotten and fraudulent, was to be purged by this Commission and an honest and clean roll of recognized and proper citizens--Freedmen--to be made in lieu thereof, and with what result? The roll was made by them, and now designated as the Clifton roll, contained 4552 names, and it is certainly fair to assume that the Delawares, with little or no say in the affairs of the Nation, have been proportionately robbed by that roll containing more than one thousand names of fraudulent and bogus Cherokee Freedmen. But the combination did not stop there: The same schemers that put said Kern upon the Commission to make a roll, whereby every citizen added to it, added money to his pocket, concocted the scheme of having the Cherokee Council appropriate \$400,000 to equalize the Freedmen's share in the per capita distribution of the Cherokee Strip fund, in order that they might appropriate to their own pockets



the sum of \$126,000, Attorney's fees out of it. That \$126,000 being divided between the Attorney for the Freedmen, the attorneys and agents for the Cherokee Nation, and other prominent Cherokees, whose influence was used in the consummation of this outrage. This is no idle talk, for we have in our possession, whenever desired, indisputable proof of every statement in this protest.

Again since 1870, the Cherokee Council has been constantly readmitting Cherokees who had remained east, and thereby forfeited their rights, many of whom have been paid by the Government for all their interests they ever had in the Cherokee Nation, and none of whom resided in the Cherokee Nation, when the Delaware agreement was made.

In 1871, for the political purposes, in which the Delawares could possibly have no interests, and from which they could receive no benefits, a large number of North Carolina Cherokees were invited to come to the Nation and were admitted without the usual and proper formality of the law in such cases provided. Not content with this and in order to fill the pockets of leading Cherokee Attorneys with fat fees, Commission after Commission was established before whom applications for citizenship from all over the United States were invited to come and by proof of any quantum of Cherokee blood, or a certain degree of wealth, were admitted and placed upon the roll in fraud of the rights of the Delawares.

Again, the Commission under the law and by direction of the Interior Department, has issued its circulars preparatory to a revision of the Freedmen and other rolls, and directing how all such rolls may be purged of fraudulent names. Certainly the Delawares can expect little assistance to be rendered the Commission by the Cherokees in this worthy and much needed undertaking,



especially as regards the Freedmen roll, when, as we have shown, its highest officials and most prominent citizens were implicated in the disgraceful deal which resulted in the enormous increase of names. The Delawares earnestly protest against such rolls and all additions thereto as depriving them of their vested rights of property at the time they were incorporated in the Cherokee Nation, the Nation with what money the Delawares paid into the Treasuery (Sic) was financially in good condition. Its present outstanding indebtedness is over half a million, most of which has been squandered recklessly.

The Delaware rights in the Cherokee Nation is exactly like that of stock-holders in a corporation holding property under certain constitutions and by-laws, the Cherokees as a corporation composed of 13,575 persons, purchased a large tract of land and invested money otherwise for mutual protection and communal benefit, and in 1867, they find that they need more funds for certain purposes and sold a communal interest in lands, money and everything the company possessed to the Delaware Indians 985 in number for \$121,824.28 who also became stock-holders, Finding that this was not sufficient funds for the purpose, they sold to these same Delawares for their individual selection 157,600 acres of land for the additional sum of \$157,600. The Delawares being in minority, not having controlling stock, and therefore not having the management of the affairs, became more and more imposed upon by the Company or corporation which in the last few years had become almost intolerable: for example, they admitted more than three times as many members to the corporation or syndicate as the entire membership originally without any compensation or benefit to the charter members, and especially the pur-

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chasing members or the Delawares, and when they had collected certain rents belonging to all members of said syndicate equally and dividends were declared and the profits paid to the members of such syndicate or company. The Delawares or purchasing members who had furnished them the money at the time they were greatly embarrassed, and who had paid an equal pro rata of the investment were excluded from such dividends or profits, but many thousand other members, who had been admitted, without any consideration were allowed to participate in the profits. Finally a sale of some of the lands belonging to the Joint Stock Company, was agreed upon, but the Delawares were again denied the rights of participating in the proceeds of this Joint interest until the United States Congress and the Supreme Court of the United States compelled the rest of the corporation to deliver to them their pro rata of the proceeds of the sale. We find also that the Officials in control of this said Company have greatly embarrassed the credit of the company by accumulating a large indebtedness of over half a million dollars and by Compromises and trades to the detriment of the members and to their own private gains.

Unfortunately, the Delawares find that while they are in the United States, where every man is supposed to obtain justice and they having been assured that they were under the direct protection of that great Government, and although they are intelligent people, competent and able to take care of thier (Sic) own affairs yet, they find that there is no place that they can look to for justice and protection of their personal and communal rights. They find that other corporations syndicates, or companies, organized in the United States, that the members thereof are protected by the United States or individual states, and that cor-



porations or their Officials cannot squander the interest of the stock-holders, or run up unjustifiable indebtedness, without even the humblest member having the right to call for a receiver and have a satisfactory adjustment of the matter or have the property divided. We would further ask you if it is the desire of the United States Government that we be protected and if it is your mission to see that all Indians have their just rights meted out to ~~them~~: why could you not recommend, that the United States Congress take the place of the court of equity and segregate the Delawares interest both individual and communal from the syndicate or corporation who is so wantonly squandering the same, and in justice to the Delawares give them all they bought at the time they invested their money in the undertaking, and that the members who added to the corporation who have received profits and interest without any consideration by made to pay to the Delawares or all charter members of said syndicate or company a just compensation for the rights and privilege they have received. This appears to be more reasonable because of the position already taken by Congress curtailing authority of the corporation aforesaid of administering the laws of that organization.

Your association with the Cherokees and your acquaintance with the condition of the Delawares and familiarity with the facts just related render you as high and competent witnesses in our behalf and we would respectfully request that you do all you can in upholding our protest against any further inroad on the rights and property of the Delawares and securing to them the property and money which are legally theirs and bringing about an agreement

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on the part of the United States for the taken of their lands immediately in severalty.

We remain,

Your obedient servants,

R. C. Adams.  
Delaware Indian Representative.

(Endorsed) # 137, Commission to Five Tribes, Muskogee, Oklahoma  
Received Nov. 22, 1897. Adams R. C. St. Louis, Nov. 20, 1897.  
Relative to treatment received by the Delaware Tribe of Indians  
which he claims to be unjust.



r T. Logan.  
es M. Demond.  
E. Harby.

Law Offices of  
LOGAN, DEMOND, & HARBY,  
27 William Street,

New York, December 14, 1898.

To the Dawes Commission,  
Muscogee, Indian Territory.

Gentlemen:--

We are attorneys for the Delaware Indians in their controversy with the Cherokees and appear for them in their suit in the Court of Claims.

We learn that the Cherokees are about to enter into negotiations with your Commission relative to the division and distribution of their lands in severalty, etc.

The Delawares have interests that are entirely distinct from the Cherokees and as to which they are engaged in active controversy with the Cherokees. We ask that we, as the representatives of the Delawares, may be advised as to any steps that are taken by the Cherokees in the matter and that the Delawares may be allowed to be represented either formally or informally in these negotiations.

We shall take pleasure in appearing before you at any time in relation to the matter.

We forwarded to you sometime ago a copy of our petition in the Court of Claims in the suit of the Delawares v. The Cherokees. Issue has now been joined in the suit and testimony is being taken. As soon as the testimony is in, we shall ask for a hearing. The Act under which the suit is brought -- the Twenty-fifth Section



of the Curtis Bill -- is comprehensive enough and our petition is broad enough so that all the matters in controversy between the Delawares and the Cherokees can be litigated and determined in that suit. Among the matters in controversy is the right of the Delawares to 157,600 acres of land which your Commission are instructed to segregate and set off, our right to share in the distribution of the remaining lands of the Cherokee Nation, the proportionate amount of funds which are to go to the Delawares -- and to determine this the rolls of the citizenship of the Delawares and the Cherokees are involved and we claim that there have been large attempted additions to the Cherokee roll which had no warrant or authority in law - the waste and misapplication of certain funds of the Nation in which the Delawares claim an interest, and any other question as to which there may be controversy between the Delawares and the Cherokees.

As we understand the composition of the committee appointed by the Cherokees to negotiate with your Commission, they are hostile to the Delawares and prejudiced against the claims made by the Delawares.

We assume, of course, that your Commission will not, in advance of the decision of the Court of Claims, take any action which would or might in any way prejudice the rights of the Delawares involved in that suit.

Very respectfully yours,

Logan Demond & Harby.

(Endorsed) Union Agency No. 1685 Commission to Five Tribes. Recd. Dec. 17, 1898 Logan Demond & Harby, New York 12/14/98----Asks that due consideration be given Del. claims in any argument that may be made with the Cherokees.-----



UNION AGENCY,  
Muscogee, I.T., Feb. 27th, 1899.

Mr. Daniel Rogers,  
Chelsea, I.T.

Dear Sir:-

Yours received. You are respectfully informed that the papers in regard to your claim as lawful heir of Hannah Ann Chick, a Shawnee orphan, were burned in the late fire at Muscogee.

If you have a letter in reference to this matter from the Department, please send it to me so that I can take proper steps to investigate this matter. I have no papers now in my office by which I can proceed intelligently in the matter, and I presume all the evidence heretofore taken will have to be supplied or taken over again.

Very respectfully,

D.M. Wisdom.

U.S. Indian Agent.

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book, # 1,  
Letter # 40.



Union Agency,  
Muscogee, I. T.  
April 28th, 1899.

Mr. J. S. Davenport,  
Vinita, I. T.

Dear Sir:-

Replying to yours of the 26th instant, in which you ask if any action has been taken in the matter of the claim of Daneil Rogers through Hannah Ann Chick for Shawnee Orphan money, I have to inform you that the papers in said matter were forwarded to the Honorable Commissioner of Indian Affairs, Washington, D. C., from whom I have as yet not heard concerning said claim.

Very respectfully,

D. M. Wisdom.

U. S. Indian Agent.

Approved;

J. Geo. Wright.

U. S. Indian Inspector.



## Union Agency

Muscogee, I.T., March 4, 1899.

W. T. Walker, Esq.,

U.S. Indian Agent.

Anadarko, O.T.

Dear Sir:-

Yours received in which you state that Edgar H. Half Moon, a Delaware Indian, who holds the position of Government Blacksmith on your Reservation, is very anxious to know the status of the Delawares with reference to the division of their lands, and in what way the division is to be made etc.

You are respectfully informed that at this time there is a suit pending before the Court of Claims at Washington, D. C., which is to determine the status of the Delewares in the Cherokee Nation, and of course on such determination the amount of land to which each Delaware will be entitled in the Cherokee Nation, will be settled.

This suit is brought under Section 25 of what is known as the "Curtis Bill", or in other words, "An Act for the protection of the people of the Indian Territory, and for other purposes." That section provides-

"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 8, 1867."

P.B. # 1, L. # 99.



Of course all the rights of the Delaware Indians who purchased into the Cherokee Nation under said agreement, and the rights of their descendants, will be determined by the suit now pending before the Court of Claims, and until the determination of such suit, it will be impossible for me to tell exactly what rights the Delawares have in the Cherokee Nation. It is not necessary for Mr. Half Moon to come here at this time to see me in reference to the matter--I could give him no speical information if he did come, and it is not likely that the allotment of the Cherokee lands will take place for some time yet; certainly not until a census of the whole tribe, including the Delawares, shall have been taken by the Dawes Commission, which is specially empowered to do such work.

Very respectfully,

D.M.Wisdom.

U.S.Indian Agent.

Approved:

J.Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book # 1,  
Letter # 100.



Union Agency,  
Muscogee, I. T.  
March 18, 1899.

Mr. George E. Denton,  
Evansville, Ark.

Dear Sir:-

Yours received in which you state that you have writs for three Cherokee Indians for hog stealing and that the hogs were stolen in the state of Arkansas and driven to the nation, and that the parties who stole the hogs live in the Territory. You ask me how you will proceed to get the thieves.

You are informed that you should present this matter to the Governor of your State and let him make a requisition upon Hon. Wm. M. Springer, Judge of the Northern District for the Indian Territory, for the return of the thieves to the jurisdiction of the state of Arkansas.

I have no doubt if such requisition is made upon Judge Springer, a warrant will be issued for the arrest of the thieves, or if you should come here with such requisition and arrest the thieves, it will be allright.

Very respectfully,

D. M. Wisdom,

U. S. Indian Agent.

Approved;

J. Geo. Wright,

U. S. Indian Inspector.

(Endorsed) Union Agency-Muskogee, Oklahoma. Press book no. 1---  
letter 272.



Union Agency,  
Muscogee, I.T., April 28th, 1899.

Mr. Jasper Exendine,  
Colony, O.T.

Dear Sir:-

Yours received. I regret to inform you that the Deleware rolls belonging to this agency, were destroyed by fire on the morning of Feb. 23rd last, and therefore I cannot refer to them in order to make out a certificate as to yourself and family.

I know of course that you were a recognized Deleware when you left the Cherokee nation, and I might make a certificate to that effect, but I do not know whether the names of your children appear upon the rolls or not. I would advise you to send the enclosed papers, which I return to you, with my letter, to the Honorable Commissioner of Indian Affairs, Washington, D.C., and let him give you a certificate that your names appear upon the Deleware rolls in his office, or let him make any other order in the matter which will bring it up properly before the Dawes Commission and before the U.S. Indian Agent at Anadarko. I think, therefore, that you had better correspond direct with the department in regard to it.

Very respectfully,

D.M. Wisdom,

U.S. Indian Agent.

Approved;

J. Geo. Wright,

U.S. Indian Inspector.

(Endorsed) Union Agency Press Book No. 2. Letter 230. Muskogee, Okla.



## DEPARTMENT OF THE INTERIOR.

Washington.

January 13, 1900.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of the act of Congress approved June 7, 1897 (30 Stat., 62-84), Senate Bill Number Four of the National Council of the Cherokee Nation, entitled:

"An Act Making an Appropriation to pay for the employment of attorneys to defend the interests of the Cherokee Nation in all suits authorized to be brought under section 25 of an act of congress of the United States entitled, 'An Act for the protection of the People of the Indian Territory and for other purposes,' approved June 28th, 1898."

Said act appropriates out of the General Fund the sum of \$7,500 to pay William T. Hutchings and John J. Hemphill, attorneys employed to defend the interests of the Cherokee Nation in all suits authorized to be brought under section 25 of said act of June 28, 1898; and an additional sum of \$500 to pay the court costs and costs of necessary printing, and authorizes the Principal Chief to draw his warrants accordingly in favor of said attorneys upon their requisition and the presentation of proper vouchers for the amounts appropriated for printing and court costs, with a proviso that said sum shall be paid to said Hutchings and Hemphill as follows: one-half immediately upon the approval of this act by the President of the United States, and the other half upon the final adjudication of said Delaware case



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in the courts of the United States. Said act was approved by the principal Chief on December 15, 1899.

The United States Indian Inspector for the Indian Territory on December 30, 1899, reporting upon said act, enclosed therewith letter from Mr. Hutchings relative to the same, and a copy of a letter from the Secretary of the Interior, concurred in by the Commissioner of Indian Affairs, addressed to Mr. Hemphill, dated January 18, 1899, relative to a former act passed by the Cherokee Council for the same purpose; also, an extract from departmental letter submitting said previous act to the President with the recommendation that the same be disapproved, "for the reason that the Act then appeared to be an appropriation for services to be rendered in the future, and there was nothing to prevent said attorneys obtaining said payment in advance of any services being rendered by them." The United States Indian Inspector makes no recommendation, but submits the act for such consideration as the Department may deem proper.

The Commissioner of Indian Affairs, by letter dated the 10th instant reporting upon said bill, quotes from the letter of Mr. Hutchings, and also from the letter of the Secretary of the Interior dated January 18, 1899, in which it is stated that "It will be agreeable to the Department, therefore, that you appear in the case as such attorneys, and that your reasonable compensation may be determined, the Cherokee Nation consenting, by the court having jurisdiction of the suit, or by the Secretary of the Interior or by act of Congress;" and states that he sees no reason to change his opinion,



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"that the attorneys should wait until the said suit between the Delaware and Cherokee Indians is finally adjudicated before collecting their fee," and he recommends that the act be not approved.

The suggestion of the Commissioner of Indian Affairs appears to be proper, and I have, therefore, to recommend that said act be disapproved.

The letter of the United States Indian Inspector and copy of the report of the Commissioner of Indian Affairs are enclosed herewith.

Respectfully,

E. A. Hitchcock,  
Secretary.

Ind.Ter.Div.  
159-1900.  
3 enclosures.

(Endorsed) Union Agency No. 565. Received Jan. 23, 1900. Office of U. S. Indian Inspector for Indian Territory. Washington, Jan. 17, 1900. Secretary. Cherokee Act to employ attorneys in Delaware case DISAPPROVED.



## D E P A R T M E N T   O F   T H E   I N T E R I O R.

I.T.D.                      Washington.  
405-1196-1405-1902.  
SPECIAL.

March 11, 1902.

The President.

Sir:

I have the honor to submit for executive action under the provisions of the Act of Congress approved March 1, 1901, (31 Stat., 861), an act of the National Council of the Cherokee Nation, approved by the Principal Chief on December 5, 1901, entitled "An Act to provide for the payment of attorneys fees and Court costs and expenses, in the suit pending in the Court of claims of the United States by the Delaware Indians residing in the Cherokee Nation against the Cherokee Nation."

The preamble to said act refers to the act of June 28, 1898 (30 Stat., 495), authorizing the Delaware Indians residing in the Cherokee Nation to bring suit in the Court of Claims, for the purpose of determining their rights under the agreement with the Cherokee Nation, entered into April 8, 1867, which suit was duly instituted and Messrs. John J. Hemphill and William T. Hutchings, were employed to represent the Cherokee Nation with the consent of the Secretary of the Interior; that the testimony for both parties has been taken and the records completed and printed and the case set for trial, and it is expected that it will be decided by the Court of Claims within the next ninety days.



The Act appropriates the sum of \$7,500.00 out of any money belonging to the general fund of said Nation to pay said Hemphill and Hutchings their fees, with the proviso that no part of the sum shall be paid until the case is decided by the Court of Claims, when one-half of the sum shall be paid, and if no appeal be taken, the other half shall then be paid, and if an appeal be taken, then the remaining one-half shall be paid when the final decree is entered and a final disposition of the case is made.

The act authorizes the Principal Chief to draw his warrants for said amount.

It is further stated that said Hutchings has paid the costs for taking the depositions on the part of the Cherokee Nation and the printing of the record, and all of his traveling expenses, and also recites that it will be necessary for the brief on the part of the Cherokee Nation to be printed, and the act provides \$500.00, or so much thereof as may be necessary, out of the general fund of said Nation, to pay said Hutchings for said expenses and the cost of printing the brief and record, and requires said Hutchings to present an itemized and sworn statement thereof upon the issuance of any warrant for the same, which statement must be attached to the warrant for the approval of the Indian Agent of the Five Civilized Tribes, and authorizes the Principal Chief to draw his warrants for the amount.

Said act is recommended for approval by the United



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States Indian Inspector for the Indian Territory, whose recommendation is concurred in by the Commissioner of Indian Affairs.

Since it appears that the services of said attorneys were necessary in the prosecution of said suit, and there appearing to be no legal or other objection to said act, I have therefore, to recommend that it be approved.

The report of the United States Indian Inspector for the Indian Territory, and a copy of the report of the Commissioner of Indian Affairs, is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

3 Inclosures.

(Endorsed) Union Agency No. 3733. Received. Mar. 21, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, Mar. 14, 1902. Secretary----Act of Cherokee Council providing for payment of attorneys' fees and costs in suit of Delaware Indians against Cherokee Nation, approved by President Feb. 12, 1902.



DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

JAN.19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith a letter of the Acting Inspector for the Indian Territory of the 9th instant transmitting an act of the National Council of the Cherokee Nation, approved by the Principal Chief December 6, 1902, entitled, "An act making an appropriation to pay the per diem and expenses of the representatives of the Cherokee Nation at the conference of the Five Civilized Tribes held at Eufaula, Indian Territory, on the 28th day of November, 1902."

This act appropriates the sum of \$134.95 to pay the expenses of the representatives of the Cherokee Nation at a conference of the Five Civilized Tribes held as stated, the amount due each person being set out. This convention was held for the purpose of discussing the statehood question and other matters which were deemed to be of importance to the nation.

Mr. Shoenfelt says that as the tribe now desires to pay the expenses of the delegates he believes it should receive favorable consideration and recommends its approval.



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I believe this to be a proper expense of the nation, and therefore concur in the recommendation of the Acting Inspector.

Very respectfully,

W.A. Jones,

Commissioner.

E.B.H.(S).

(Endorsed) Union Agency # 5657 Received Feb. 2, 1903, Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 27, 1903. Secretary. Cherokee Act in favor of delegates to convention at Eufaula, I.T., approved by President Jan. 23, 1903.



Land.  
67823-1903.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington,  
Oct. 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

The office is in receipt of Department letter of October 20, 1903, (I.T.D.7130), transmitting for report a communication from William Nairn, of Coody's Bluff, Indian Territory, dated September 29, in which he accuses Mr. Leo Bennett, Mr. W. M. Wisdom, and others, of defrauding the Delaware Indians. This office has no information concerning the complaint of Mr. Nairn, and his communication is returned herewith with the recommendation that it be sent to the United States Inspector for the Indian Territory for report and recommendation.

Very respectfully,

W. A. Jones,

Commissioner.

G. A. W.-L. C.

(Endorsed) Union Agency No. 7849 Received Nov. 7, 1903 Office of U. S. Indian Inspector for Indian Territory. Washington, Oct. 31, 1903. Secy.-----Refers letter of Wm. Nairn, of Coody's Bluff, I. t. accusing Leo Bennett and D. M. Wisdom, in connection with certain members of the tribe, of defrauding the Delaware Indians out of \$60,000, for report.-----



## DEPARTMENT OF THE INTERIOR,

Washington.

ITD.1314-1904.

7130-1903.

February 18, 1904.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

On February 11, 1904, the Acting Commissioner of Indian Affairs forwarded your report of December 23, 1903, upon a letter from William Nairn, of Coodys Bluff, I.T., dated September 29, 1903, accusing D.M.Wisdom and Leo E. Bennett of defrauding Delaware Indians.

It appears from the report of the Acting Commissioner that an investigation has heretofore been made of the matters referred to by Mr.Nairn, and I therefore concur in the view of the Acting Commissioner that a further investigation of the matter would not be productive of good. A copy of his report has been transmitted to Nairn.

Respectfully,

Thos.Ryan

Acting Secretary.

(Endorsed) Union Agency No.8865 Received Feb.27,1904 Office of U.S.Indian Inspector for Indian Territory.Washington, Feb.18,1904. Secretary.-----Relative to report on letter of Wm.Nairn, accusing D.M.Wisdom, Leo Bennett and others, of defrauding Delaware Indians.-----



Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,

Land.

80352-1903.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

December 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is inclosed herewith a report from Inspector Wright, dated December 10, 1903, transmitting a resolution of the National Council of the Cherokee Nation, approved by the Principal Chief December 1, 1903. The Inspector transmitted two copies of the resolution. It is as follows:

"WHEREAS, By an act of the United States Congress approved July 1st, 1902, and ratified by the legal voters of the Cherokee Nation on August 7th, 1902, the Commission to the Five Civilized Tribes were authorized to make a segregation of One hundred and fifty-seven thousand, six hundred (157,600) acres of land, including lands which have been selected and occupied by Delawares in conforming to the provisions of their agreement with the Cherokees dated April 7th, 1867, such lands, so remain, subject to disposition according to such judgment as may be rendered in said cause "and

"WHEREAS, The segregation of the said land for the Delaware Indians has been made by the Commission to the Five Civilized Tribes and in making the said segre



-2-

"gation it is of current report, and, it is also a matter  
 "of record in the office of the Commission to the Five  
 "Civilized Tribes that in making the said segregation  
 "there is a great amount of land owned and occupied by  
 "citizens of the Cherokee Nation, not Delawares, wrong-  
 "fully embraced in the said segregation, therefore -

"BE IT RESOLVED By the National Council: That  
 "we earnestly ask the Commission to the Five Civilized Tribes  
 "to use their best efforts to release from the said  
 "Delaware segregation all lands of citizens of the Cher-  
 "okee Nation wrongfully embraced therein."

The Inspector says that he is not familiar with the  
 matters mentioned in the resolution; that he submits the  
 same for consideration, and that it seems that the reso-  
 lution does not require executive action.

It is not believed by the office that said resolu-  
 tion requires executive action, and inasmuch as the Com-  
 mission to the Five Civilized Tribes has been fully in-  
 structed concerning the subject, the office does not be-  
 lieve that the resolution should receive executive or  
 departmental sanction, as it is to be presumed that the  
 Commission will perform its duty in accordance with law.

Very respectfully,

W. A. Jones,

GAW-0.

Commissioner.

(Endorsed) Union Agency No. 8321. Received Jan. 12, 1904  
 Office of U. S. Indian Inspector for Indian Territory.  
 Washington, Jan. 5, 1904. Secretary----Cherokee act requesting  
 Dawes Commission to release from Delaware segregations all lands  
 wrongfully embraced therein, filed in Indian Office, executive  
 action not being necessary.



DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS

Washington, March 22, 1905.

Accounts,  
1212, 18963-1905.  
2 enclosures.

U.S. Indian Agent,

Union Agency I. T.

Sir:

The Indian Appropriation Act of April 21, 1904 (33 Stats., 222), contains the following provision:

"The Secretary of the Treasury is authorized and directed to pay to the Delaware tribe of Indians residing in the Cherokee Nation, as said tribe shall in council direct, the sum of one hundred and fifty thousand dollars in full of all claims and demands of said tribe against the United States, and the same is hereby appropriated and made immediately available: Provided, That said sum shall be paid only after the tribal authorities, thereunto duly and specifically authorized by the tribe, shall have signed a writing stating that such payment is in full of all claims and demands of every name and nature of said Delaware Indians against the United States, which writing shall be subject to the approval of the President of the United States and shall have provided for the discontinuance of all actions pending in all courts wherein said Delaware Indians are plaintiff and the United States defendants."

All of the conditions prescribed in the foregoing having been complied with, and the sum of \$37,200 having been disbursed

11380



-2-

for attorneys' fees by authority of the tribal council, it only remains now to pay over the balance, amounting to \$112,800, to the tribe in the manner directed by said council.

On October 13, 1904, the Delaware Indians in council adopted a resolution, which has been approved by the President, as required by law, and of which the following is a part:

"And we do hereby authorize and empower the United States Indian Agent, for the Union Agency, to make a roll of the Delaware Indians residing in the Cherokee Nation, with aid and assistance of the various departments of the government, and to pay to the Delaware Indians per capita the full amount of the money appropriated by the Act of Congress aforesaid, provided that the Delaware Business Committee of the Delaware Council shall have a right to inspect said roll before payment is made."

In accordance with this resolution, the duty of preparing a roll and distributing the money to the Indians per capita is hereby devolved upon you. As to who are entitled to share in the payment, the Comptroller of the Treasury, in a decision rendered on the 1st instant, says:

"From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and became citizens of the United States are not legally entitled

11380



-3-

to be enrolled for participation in the distribution of said sum."

The Comptroller then goes on to say that the New York Indians who were enrolled with the Delaware tribe that removed from Kansas to the Indian Territory as a part of said tribe, although not members thereof by blood or adoption, do not come within the provisions of the act above quoted, and concludes his opinion in the following language:

"I therefore have the honor to advise you that the Delaware Tribe of Indians residing the Cherokee Nation' within the meaning of the last named act, consists only of the members of the Delaware tribe by blood or adoption who, under the treaty of July 4, 1866, elected to preserve their tribal relations and who entered into and carried out the agreement with the Cherokees of April 8, 1867, and their descendants."

I enclose, for your information, a copy of the aforesaid opinion of the Comptroller, and also a copy of a decision rendered by the United States Attorney General on December 31, 1904, touching the various questions of law involved in the execution of the act. With these papers as a guide, you are directed to prepare a roll containing the name and a brief description of each Indian entitled to share in the payment, and submit the same for examination by this Office and the approval of the Department.



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Said roll must be based upon the records of the Five Civilized Tribes Commission, and inspected by the Delaware Business Committee as provided for in the resolution adopted by the tribal council. As evidence that the roll has been inspected as stated, it should contain a certificate signed by two or more duly authorized members of the Business Committee, to that effect.

When your roll has been received and approved it will be returned to you and the money will be placed to your credit. You will then proceed with the disbursement under the rules prescribed for regular annuity payments in articles 7 to 24, section 324 of Office Regulations, except that the shares of orphan minors and any persons who may die between the closing of the roll and the payment will be paid to guardians and administrators appointed by a court of competent jurisdiction. The letters of guardianship and administration in these cases, or certified copies thereof, must be filed with the voucher as evidence of proper payment.

Very respectfully,

C. F. Larrabee,  
ACTING COMMISSIONER.

Approved March 27, 1905.  
E.A. Hitchcock.  
Secretary of the Interior.  
TKK L.R.S. (23580-05.)

Endorsed) Union Agency # 11380 Received April 11, 1905. Office of U.S. Indian Inspector for Indian Territory. Washington, April 3, 1905. Secretary. Relative to letter of Thomas & Foreman, in matter of removal of restrictions upon alienation of land allotted to freedmen who died prior to date of issuance of patent. Department has not rendered decision.



Accounts  
25394-5/1905

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

April 5, 1905.

U.S. Indian Inspector

for the Indian Territory.

Sir:

I am in receipt by your reference of two letters from the Agent at Union Agency, Indian Territory, concerning the pending \$150,000 payment to the Cherokee Delaware Indians, and have noted the recommendation contained in your indorsements thereon, that such payments be hereafter made by a special disbursing officer instead of by the Agent at Union Agency. You state as a reason for your recommendation that "the present payments are expensive and unsatisfactory in my judgment, by reason of too many clerks being employed, and the Agent not able on account of his many duties to be personally in charge, or to visit same except at infrequent intervals, and the clerks 'in charge' are not under bond."

In reply, I would state that the act authorizing the pending Delaware payment provides that it shall be made "as said tribe shall in council direct," and the tribal council has by resolution adopted October 13, 1904, and approved by the President, authorized the Agent at Union Agency to prepare the roll and make the payment. For this reason the Delaware payment must of necessity be made by such agent, and the duty of so doing was devolved upon him in the letter of instructions dated 22nd ultimo, which



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was approved by the Hon. Secretary of the Interior on the 27th and forwarded to the agent on the 30th of last month. Your recommendation cannot be complied with in the present instance, but it will be given due consideration in connection with any other special payments that may be made hereafter.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

TKK

(End orsed) Union Agency No. 11361 Received Apr. 8, 1905 Office of U.S. Indian Inspector for Indian Territory. Washington, April 5, 1905. Commissioner.-----Indian Agent must make payment to Delaware Indians; matter of special disbursing officer to make large payments in future will be considered.-----



Accounts,  
26318-1905.  
1 enclosure.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,  
Washington.

April 8, 1905.

U.S. Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

Replying to your letter of the 4th instant, I have to inform you that a letter of instructions for the per capita payment of \$112,800 to the Cherokee Delaware Indians was addressed to the Agent at Union Agency, Indian Territory, March 22, approved by the Hon. Secretary of the Interior March 27, and forwarded to the former on March 30, 1905. Through an inadvertence on the part of this office it was mailed directly to the agent instead of through you, and I therefore enclose a copy for your information. It is the desire of the office to keep you in touch with all such matters, and more care will be exercised hereafter to see that every communication of importance to the agent is addressed to him through you.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

TKK

(Endorsed) Union Agency No. 11385 Received Apr. 11, 1905 Office of U.S. Indian Inspector for Indian Territory, Washington, April 8, 1905. Commissioner.-----Encloses copy of letter of instructions to Indian Agent in matter of making payment to Delaware Indians.-----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON

I.T.D. 6986-1905.

June 12, 1905.

Mr. Dana H. Kelsey,  
Muskogee, Indian Territory.

Sir:

The Act of March 3, 1905 (Public 212, page 27) provides:

"That Delaware-Cherokee citizens who have made improvements or were in rightful possession of such improvements upon lands in the Cherokee Nation on April twenty-first, nineteen hundred and four to which there is no valid adverse claim, shall have the right within six months from the date of the approval of this Act to dispose of such improvements to other citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the President for that purpose and the amount for which said improvements are disposed of, if sold according to the provisions of this Act, shall be a lien upon the rents and profits of the land until paid, and such lien may be enforced by the vendor in any court of competent jurisdiction: Provided, That the right of any Delaware-Cherokee citizen to dispose of such improvements shall, before the valuation at which the improvements may be sold, be determined under such regulations as the Secretary of the Interior may prescribe."

You are hereby designated to perform the duties prescribed by said provision of law relating to the appraisal of the valuation at which the improvements of Delaware-Cherokee citizens upon their surplus holdings of land may be disposed of. You



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are authorized to suspend work in this matter during the last week in June, the work to be renewed July 1st, 1905, after you have taken the oath of office as United States Indian Agent at the Union Agency.

Instructions as to the particular duties that will be imposed upon you by this designation will be given you by the Secretary of the Interior.

T. ROOSEVELT

(Endorsed) Union Agency # 11762 Received Jun. 15, 1905. Office of U.S. Indian Inspector for Indian Territory. Washington, June 12, 1905. Secretary. Encloses letter to Dana H. Kelsey, forwarding him letter from the President designating him to appraise Delaware improvements.



CHEROKEE - HAY



(Copy).

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## DEPARTMENT OF THE INTERIOR,

Washington,

September 28, 1899.

Commissioner

of Indian Affairs.

Sir:

The Department is in receipt of a telegram from the United States Indian Inspector for the Indian Territory, at Muscogee, addressed to you, as follows:

"Muscogee, I. T., Sept. 27-99.

Commissioner Indian Affairs,

Washington, D. C.

Authority desired to remove from Territory under section twenty-one forty-nine D. T. Hall and F. M. Smith, hay dealers, both noncitizens, for refusal to pay royalty on hay in cars for shipment from Cherokee Nation which I have seized. Hall an agitator absolutely refused. Smith also recently shipped fourteen cars, royalty not paid. I have seized one car and hold for all royalty; have also two cars loaded by Hall estimate twenty thousand tons will be shipped yet and parties watching outcome in this case. See letter to Secretary twenty-third instant delivered you by Clerk Kelsey. Prompt action in these cases is necessary, will settle matter and have desired effect; one removal of physician in Choctaw Nation refusing to pay settled all trouble there. Wire answer to-day important. Hay seized is advertised and will be sold this evening or unloaded from cars.

Wright, Inspector."

Said telegram was forwarded by the Acting Commissioner on the 27th instant, with the following endorsement :

"Respectfully forwarded to the Secretary of the Interior, with recommendation that authority be granted for the removal of Hall and Smith as requested."

On the same day the Department answered said telegram, as follows:

"Telegram to Commissioner of Indian Affairs received. The Acting Commissioner recommends that authority be granted for the removal from the Cherokee Nation, Indian Territory, of D. T. Hall and F. M. Smith, hay dealers, both noncitizens, for refusing to pay royalty due said nation. The recommendation of the Acting Commissioner is approved and the authority is hereby granted to



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remove said parties as requested. Kelsey has arrived with your letter of the twenty-third and report thereon will be made by the Commissioner of Indian Affairs immediately, and the matter will be promptly considered by the Department."

Respectfully,

Thos. Ryan,

Acting Secretary.

Ind. Ter. Div.  
2791-1899



Refer in reply to the following:

Land  
Authority  
62766

DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs,  
Washington, October 2, 1899.

J. George Wright, Esq.,  
U. S. Indian Inspector,  
Muskogee, I. T.

Sir:

Your telegram of September 27, 1899, asking for authority to remove D. T. Hall and F. M. Smith, hay dealers, from the Cherokee Nation, was forwarded by this office with favorable recommendation to the Secretary by endorsement and you were telegraphed by the Department on the same date the necessary authority for the removal of these parties.

The Department by letter of September 28, 1899, copy enclosed herewith, has advised this office of the granting of the authority you desire.

Very respectfully,  
A. C. Tonner,  
Acting Commissioner.

K.S.M. (L'e)

(Endorsed) Union Agency No. 350. Received Oct. 5, 1899. Office of U. S. Indian Inspector for Indian Territory. Department, Oct. 2, 1899, Commissioner. Confirms authority to remove D. T. Hall and F. M. Smith from Cherokee Nation.



54737

Vinita, Ind. Ter., Nov.10th.,1899.

Honorable E. A. Hitchcock,  
Secretary of the Interior,  
Washington, D. C.

Sir: No doubt your attention, ere this, has been called to the case of Mr. F.M.Smith, of Vinita, Indian Territory, in which Mr. Smith has been twice put out of the Territory. And I trust that the letters of recommendation accompanying this statement of Mr. Smith's case, stating the reputation of myself, will be sufficient for me to gain your attention.

Twice, within the last six weeks, Mr. Smith has been put out of the Territory by the orders of J. George Wright, U.S. Indian Inspector for the Indian Territory, presumably under the charge of not paying the royalty on hay shipped out of the Cherokee Nation. But no specific charges have ever been preferred against him.

The first charge under which he was arrested recited at some length that he was a person detrimental to the peace and welfare of the Indians. The second charge, somewhat shorter, in substance alleged that he was a nuisance to the Indians and the Indian Government.

No charges could be more untrue against any person than these charges against Mr. Smith. Mr. Smith came to the Territory about ten years ago from the state of Kansas, to Vinita, where he has since resided. He is a lawyer of excellent standing, and is also engaged in the loan business, and in storing and shipping hay. I am his law partner, and have been in the practice with him now going on two years and know whereof I speak.

The Indians, to whom he is charged with being so detrimental, come in the office everyday and wonder why Mr. Smith was put out. A great many of them say, "Why, Smith's been the best friend we've had!"



(2)

"We can't get along without him!" The most prominent business and professional men of the town give vent to similar expressions, and deplore the peculiar state of affairs by which he is kept away from his family and his business.

Mr. Smith has been successful, both as a lawyer and as a financier, but there is not a more quiet, unassuming man in the Indian Territory THAN HE; none more peaceable and law-abiding. He is not the law-breaker and promoter of misrule and disturbance that these charges would make represent on their face. He has an interesting and charming family. He is a pillar in the Baptist church here, and is charitable and kind to a high degree. He has accumulated property and made an elegant home here with the anticipation of permanently living here. Yet, twice, without the show of a trial, and without decent leave of his family, he has been bodily transported out of the Territory into Kansas, where he is now quietly waiting until his friends can procure his peaceable return without farther (Sic) friction with the Indian Inspector.

It might occur to you why his friends have not been more active in asking for his return. At first they were afraid to, as any active participation in his favor was threatened with the penalty Mr. Smith received. One of the editors here was advised by either Mr. Wright or one of his agents, to be careful how he criticized the Agent's actions.

This letter is intended to sum up, briefly, the situation in Mr. Smith's case. Any of the statements in it can be easily ascertained as true. Send it to any prominent citizen of Vinita, or a nearby town, and see how many will endorse it. As I remarked at the start, I depended upon the recommendation accompanying this statement to secure your attention. I trust that this letter may have some



(3)

influence to induce you to consider, at once, Mr. Smith's case, and to order his speedy return to his family, his friends and his business.

Very respectfully,

Geo. E. McCulloch

Vinita, Ind. Ter.



DEPARTMENT OF THE INTERIOR,  
Washington.

November 14, 1899.

54737

United States Indian Inspector

For the Indian Territory,

Sir:

There is enclosed herewith, for early consideration and report, a communication from Mr. George E. McCulloch, dated Vinita, Indian Territory, November 10, 1899, in regard to the removal from the Territory of Mr. F. M. Smith.

Very respectfully,

Webster Davis

Acting Secretary.

Ind.Ter.Div.

3308-1899.

I Inclosure.

(Endorsed) Union Agency No. 416. Received Nov. 20, 1899. Office of U. S. Indian Inspector for Indian Territory. For Washington, Nov. 14, 1899, Secretary---Transmits letter from Mr. Geo. E. McCulloch, Vinita, I. T. rel. to removal of F. M. Smith, for early report.



## D E P A R T M E N T O F T H E I N T E R I O R,

Washington.

December 12, 1899.

United States Indian Inspector

For the Indian Territory,

Sir:

I am in receipt of your communication of the 1st instant, acknowledging the receipt of departmental letter of the 14th ultimo, inclosing for your early consideration and report, a letter from Mr. George C. McCulloch, dated Vinita, Ind. Ter., November 10, 1899, in regard to the removal from said Territory of one F. M. Smith. You state "that authority for the removal of Mr. F. M. Smith was requested and he was removed from the limits of the Indian Territory for his persistent refusal to pay royalty on hay exported from the limits of the Cherokee Nation as provided for by Cherokee laws"; that after you had procured authority to remove Mr. Smith he refused you "personally" to pay the royalty on several car loads of hay which you had seized for non-payment, and which hay was being shipped in his name, the ownership of which was claimed by Mr. Smith; that after the removal of Mr. Smith, he returned to the Territory in violation of law, when he was arrested and tried by a jury in the United States Court, which "jury disagreed violating the instructions of the presiding Judge". You also report that after the said trial the case against Mr. Smith dismissed, and upon procure-



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ment of authority from the Department he was subsequently removed from said Territory, for the reason that his presence was considered "detrimental to the peace and welfare of the Indians"; that a short time afterwards Mr. Smith telegraphed you from Kansas, requesting permission to return to Vinita, Cherokee Nation, on account of the serious illness of a member of his family; that permission was granted for him to return temporarily, with the express understanding that Mr. Smith should immediately leave as soon as said member of his family was better. You also state that Mr. Smith did not comply with said understanding, but has returned to Vinita, and asked the Department to allow him to continue to remain there, and you ask that on account of his actions, as described by you, the request of Mr. Smith "be not granted at this time".

The Commissioner of Indian Affairs, in forwarding your said report, incorrectly states that Mr. Smith was removed from the Indian Territory "because of his refusal to pay royalty on hay exported by him from within the limits of the Choctaw Nation" (should be Cherokee). The Commissioner states that, although Mr. McCulloch commends Mr. Smith highly, he does not consider him, under the circumstances, "a law abiding citizen", and he recommends "that Mr. McCulloch and the petitioner be advised that permission to return will not be granted at this time", and he suggests that Mr. Smith "should not be permitted to return



-3-

to the Indian Territory permanently until such time as he shall pay the proper officers the full amount of royalty that he owes the Choctaw (Cherokee) Nation by reason of his having exported hay therefrom."

Your request is approved, and the recommendation of the Commissioner of Indian Affairs is also concurred in, and you will advise Mr. McCullock and Mr. Smith accordingly.

A copy of the report of the Commissioner, the petition of Mr. Smith, and the letter of Mr. McCullock are enclosed herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
3605-1899  
3 Inclosures.

(Endorsed) Union Agency No. 460. Received Dec. 18, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, Dec. 12, 1899. Secretary-----Relative to request of F. M. Smith to be allowed to return to Territory; denied.



DEPARTMENT OF THE INTERIOR.  
Washington,

August 31, 1900.

United States Indian Inspector

for the Indian Territory,

Muscogee, I. T.

Sir:

With your letter of August 20, 1900, you transmitted a letter dated at Chetopa, Kansas, August 11th, addressed to you by Mr. F. M. Smith, of Vinita, Indian Territory, requesting that the order which caused his removal from the Indian Territory be revoked, and promising that every regulation of the Department, so far as it may apply to him, will hereafter be obeyed; that all his possessions are at Vinita, and on that account and on account of the poor health of his wife he desires to return permanently to the Territory, and requests permission of the Department to do so.

You recommend that his request be granted.

The Commissioner of Indian Affairs on August 28, 1900, in transmitting your communication concurred in your recommendation.

Under the circumstances the Department hereby grants authority for Mr. Smith to return to the Territory.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind. Ter. Div.  
2875-1900.

1 Inclosure.

(Endorsed) Union Agency # 1089 Received Sep. 7, 1900. Office of U. S. Indian Inspector for I. T. Washington, Aug. 31, 1900. Secretary.  
Authority for F. M. Smith to return to Territory.



## DEPARTMENT OF THE INTERIOR.

Washington.

December 26, 1899.

United States Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

Enclosed herewith you will find the letters of Mr.L.F. Parker, dated December 14th and 23rd, 1899, and a carbon copy of a letter addressed to Mr.Parker of even date herewith. You will also find a printed brief submitted by Mr.Parker, and your attention is invited to the following statement on pages 6 and 7.:

"It will be noted that the inhibition of this Cherokee law is against shipping, or selling to non-citizens, prairie hay only. It is a fact well known to this Department that in 1889, the date of the passage of this act, a large portion of the Cherokee Nation, in which this hay belt is located, was un-enclosed prairie land, and it is evident that it was not the intention of the Cherokee Nation to prohibit those who were raising or cutting hay from lands covered by improvements, - in other words, enclosed lands - from selling or shipping such hay, because the word prairie hay would not describe the product of such enclosed lands, and for the further reason that by the last provision of 376, all persons were prohibited from cutting hay within a quarter of a mile of the legal improvements of any citizen, thus showing that the hay in respect of which this enactment was made and this tax assessed was hay cut outside of the legal improvements of any citizen and more than a quarter of a mile therefrom.

This is the construction that has been put upon the act in the Cherokee Nation, ever since its passage."

You are requested to advise the Department what the custom of the Cherokee Nation has been under sections 374, 375 and 376 of the Cherokee Laws, quoted on page 2 of said brief.



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You are also requested to ascertain and inform the Department as soon as practicable when decisions will be reached in the pending cases in the United States court against persons for bringing cattle into the Cherokee Nation in violation of section 2117 of the Revised Statutes.

You will also return the brief that is enclosed herewith, with your report.

Respectfully,

Tho.R.Ryan

Acting Secretary.

Ind.Ter.Div.  
3783,3670-1899.  
4 enclosures.

(Endorsed) Union Agency No.493 Received Jan 5,1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Dec. 26, 1899. Secretary.----Submits brief of Gen.Solicitor Parker, Frisco R.R., for report.

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## DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington,

August 23, 1900.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated August 14, 1900, from Inspector Wright, with which he transmits a communication, dated August 1, 1900, addressed to the Secretary of the Interior, by Clifford Jackson, General Attorney for the Missouri, Kansas and Texas Railway System, also a communication of the same date from the same party addressed to the Inspector, and a communication of August 7, 1900, addressed to the Acting Secretary of the Interior, by Mr. L. F. Parker, General Solicitor of the St. Louis and San Francisco Railroad Company, all of which communications relate to the shipment of hay by the railroad companies, upon which royalty has not been paid. In each of said communications it is stated that the agents of the roads for which these gentlemen are attorneys will be directed not to ship hay, upon which the royalty has not been paid, provided the other road in each instance will do likewise.

With reference to this matter the Inspector states that upon receipt of the communications enclosed herewith he wired each stating the conditions upon which the other road would decline to receive hay for shipment, and that he has since received telegrams from both stating that the necessary instructions would be issued to the agents of their respective roads. The Inspector further states that in view of the fact that these railroad companies have complied with the Department's request, he does not anticipate any trouble for the present



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in the collection of royalty on hay shipped from the Cherokee Nation  
by these railroad companies.

Yours respectfully,  
Your obedient servant,

A. C. Tonner,

(G.A.W.) P.

Acting Commissioner.

(Endorsed) Union Agency # 1076 received Sept. 4, 1900. Office of U.S.  
Indian Inspector for I. T. Washington, Aug. 29, 1900. Secretary.  
Advise M. K. & T. and Frisco Railroads Department appreciates their  
action regarding hay in Cherokee Nation.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD 7072-1903.

October 6, 1903.

The U.S. Indian Inspector  
for Indian Territory, Muskogee.

Sir:

The Department acknowledges receipt of your report of September 11, 1903, concerning revenue inspection work for the month of August, 1903, in which you state that the new Revenue Inspector, Stephen H. Taylor, had just resumed his duties after a serious illness which lasted most of the month, and that the work of his office has been receiving your personal attention. Concerning the collection of hay royalty in the Cherokee Nation, you state that the railroad companies issued orders to their station agents not to accept hay for shipment until satisfied that the tribal royalty thereon had been paid.

The Commissioner of Indian Affairs in transmitting your report, October 2nd, recommends that it be approved. The Department concurs and your report is approved as submitted.

Respectfully,

Thos. Ryan.  
Acting Secretary.



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(Endorsed) Union Agency # 7584 Received Oct. 16, 1903. office of U.S. Indian Inspector for Indian Territory. Washington, Oct. 6, 1903. Secretary. Approves report concerning work of Revenue Inspector for August.



Land.  
74,445-1903.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,  
Dec.1,1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a communication from the U.S.Indian Inspector for Indian Territory, dated November 12, 1903, with which the Inspector forwards a communication dated November 10, 1903, from the U.S.Attorney for the Northern District of the Indian Territory, in the matter of a recent decision of Mr.W.S.Stanfield, U.S.Commissioner at Vinita, I.T., in a case before him where suit for damages was brought against the Missouri, Kansas and Texas Railway Company for refusing to ship a car of hay upon which the royalty had not been paid, as provided by the regulations of the Department approved July 6, 1903. This letter of the U.S.Attorney is transmitted by the Inspector for the information of the Department, with the suggestion that if there is any further development in the matter of the collection of hay royalty, the Department will be promptly advised of the same.

It appears from this letter of the U.S.Attorney and a newspaper clipping attached thereto that Mr.Stanfield held that there was no law for the collection of royalty on hay. It further appears that the railroad company's attorney thinks said decision is correct. It further appears that as the litigation concerning this hay royalty is between parties



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interested and the railroad company only, neither the government nor any of its officials are made parties thereto, and the United States attorney holds that neither the government nor any of its officials have any duty to perform therein.

Very respectfully,

W.A.Jones,

Commissioner.

(W.C.B.)P.

(Endorsed) Union Agency No.8105 Received Dec.14,1903,Office of U.S.Indian Inspector, for Indian Territory.Washington, Dec.7, 1903.Secretary.----Received letter rel. to decision of U.S. Com'r Stanfield, concerning Cherokee hay royalty.----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD 9118-1903.

January 4, 1904.

The President.

Sir:

I have the honor to transmit herewith for executive action, in accordance with the provisions of the Act of March 3, 1901 (31 Stat., 1058-1083), an act of the National Council of the Cherokee Nation, entitled:

"An Act for the repeal of all laws providing for the collection of tax on prairie hay."

which act was approved by the Principal Chief of said nation on November 19, 1903.

There are also inclosed herewith the report of the Indian Inspector for Indian Territory and a copy of the report of the Commissioner of Indian Affairs, wherein they recommend that this act be approved for the reasons stated by them.

I have considered the provisions of the act, and, finding no objection thereto, recommend that it be approved.

Respectfully,

E.A. Hitchcock.

Secretary.

3 Inclosures.  
(Endorsed) Union Agency # 8334 Received Jan. 15, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 7, 1904. Secretary. Cherokee act repealing laws relating to collection of tax on hay approved by President Jan. 4, 1904.



CHEROKEE - INTRUDERS



(Copy)

Refer in reply to the following:

Land. DEPARTMENT OF THE INTERIOR,  
61,283-1899. Office of Indian Affairs,

Washington,

December 30, 1899.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, an act passed by the Cherokee National Council at its regular 1899 session, approved by the Principal Chief December 9, 1899, entitled:

"An Act making an appropriation for the benefit of certain parties herein named".

The Act is as follows: "That there be and is hereby appropriated the sum of \$842 out of any money belonging to the general fund, not otherwise appropriated, to pay the following named persons for their services in locating and reporting intruders improvements in their respective districts which have not been sold, and the Principal Chief is authorized and directed to draw warrants for said persons for said services as follows: C.J. James, \$247; Dave J. Faulkner, \$140; W.W. Harnage, \$140, John Coody, \$262.50, and W.F. Sanders, \$52.50".

The Committee on Claims in a report attached to the Bill states that it has examined the reports of the parties named in the Bill for services rendered in locating intruders improvements,



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and believe that the charges are reasonable and recommend that an appropriation be made to pay the same.

Inspector Wright reports that he understands that the services were rendered in the matter of notifying intruders in the nation to vacate places held by them preliminary to bringing action under section five of the Act of Congress approved June 28, 1898, which provides: "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 beginning the same to notify the adverse party to leave the premises for the possession of which the action is about to be brought", and he recommends that the Bill receive favorable action.

It appears that the tribe desires to bring actions under section three for the purpose of obtaining possession of certain real estate held, as it was believed, by intruders, and that in order to comply with the terms of section five of the Act mentioned the persons named in the Bill were employed to first locate intruders and secondly to serve notice as required by section five.

The action seems to have been proper and the services, so far as this office is informed, have been charged for at reasonable rates. It is therefore respectfully recommended that the Bill be submitted for executive action with recommendation that it be approved.

Very respectfully,  
your obedient servant,

(W.C.V.)

W. A. Jones,  
Commissioner.

P.

(Endorsed) Union Agency No. 535. Received Jan. 16, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 10, 1900. Secretary---Cherokee Act to pay person for locating intruder improvements APPROVED.



Refer in reply to the following:

67

Land  
49550-1900.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, October 15, 1900.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report dated October 4, 1900, from Inspector Wright, enclosing a communication of Sept. 24, 1900, from Agent Shoenfelt; also letters from Messrs. Davenport & Thompson, attorneys, of Vinita, Indian Territory, dated Sept. 3 and Oct. 1, 1900, respectively, relative to intruders in the Cherokee Nation. In their communication of Sept. 3, 1900, Messrs. Davenport & Thompson state that there are many cases in the Cherokee Nation where the intruders' places were not sued for on or before June 28, 1900, in accordance with the provisions of section 10 of the Curtis act; that the question has therefore arisen, What will be the proper remedy of the Cherokee Nation in order to obtain possession of such improvements without additional legislation? that in some instances the improvements are of considerable value, while in others the lands are valuable and the improvements of inferior quality; and that as attorneys for the Cherokee Nation they request to be advised by the Indian Agent whether he thinks that the Interior Department, as the statute of limitations has expired, would take steps to obtain possession of the improvements occupied by persons not citizens residing in the Cherokee Nation.



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They further state that there are about 70 places for the possession of which suits have not been instituted; that the Cherokee Nation has had no appropriation available to pay the costs in such suits; that it was impossible to get suits started by the 28th of June, 1900; and that they have talked the matter over with Hon. T. M. Buffington, Principal Chief of the Cherokee Nation, who suggested that they communicate with the Department and, if possible, obtain its views in the premises.

Under date of Sept. 24, 1900, Agent Shoenfelt transmitted said communication to Inspector Wright and requested to be advised relative to the advisability of recognizing Messrs. Davenport & Thompson as attorneys for the Cherokee Nation before answering the communication.

The Inspector, on the 28th of September, 1900, addressed a letter to Messrs. Davenport & Thompson, advising them of the reference of their letter and requesting to be advised whether or not the council of the Cherokee Nation had passed an act which had been properly approved authorizing their employment as attorneys to represent said nation and if not, under what authority they were acting.

Under date of October 1, 1900, Messrs. Davenport & Thompson replied to the Inspector's communication and stated that there was no act of the national council authorizing the employment of them as attorneys for the Cherokee Nation, but "as heretofore followed



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out by the Departments as well as by the Chief of the Cherokee Nation, we have a contract with the Principal Chief of the Cherokee Nation to do the Nation's business which comes before the courts in the Indian Territory," and that, in accordance with the provisions of said contract, they have, since December 1, 1899, represented the interests of the Cherokee Nation in suits pending in courts in the Cherokee Nation, Indian Territory, to the number of about 40.

The Inspector, in transmitting said communications, invites attention to the act of the Cherokee Council making an appropriation in favor of Messrs. Hutchings & West and for other purposes for services rendered prior to the passage of the act, which said act was approved by the Principal Chief of the Cherokee Nation December 9, 1899, and by the President January 11, 1900, and also to Department letter of January 11, 1900, transmitting said act for Executive action, in which it was stated that the "Department held, on July 1, 1899, that in reference to the contracts representing the Choctaw Nation, in the Indian Territory, in citizenship cases before the United States Courts, the contracts does not come within the purview of said section 2103 of the Revised Statutes," and states that it would appear that Messrs. Davenport & Thompson could be similarly recognized as the attorneys for the Cherokee Nation. The Inspector quotes section 10 of the act of June 28, 1898, which declares:



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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).

and requests to be advised of the views of the Department in the premises.

It would seem from their statements that Messrs. Davenport & Thompson have been recognized by the United States courts in the Indian Territory as attorneys for the Cherokee Nation and the office knows of no particular objection to recognizing them as such, unless it be the fact that they have not, so far as the office is advised, an approved contract with said nation. Their contract may be of such character as not to bring it within the provisions of section 2103 of the Revised Statutes, but it is thought that it should be submitted for the inspection of the Department. It is probably true that the Cherokee Nation in the matter of suits for the possession of lands improved by non-citizens of the Cherokee nation requires the services of attorneys, but it would seem that they should be required to comply with the law relative to contracts with attorneys. If the contract is submitted and it is found that it does not come within the provisions of the section



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above mentioned and the Department considers the services of attorneys necessary to protect the interests of the Cherokee Nation, the office sees no objection to their being paid hereafter as suggested by the Inspector, as were Messrs. Hutchings & West.

However, the real question seems to be what position the Department will take relative to obtaining possession of the lands improved by intruders for which suit had not been instituted prior to the expiration of the time limit as fixed by section 10 of the act of June 28, 1898. This office doubts the advisability of the Department's making any ruling in the premises until such time as a case shall have actually arisen. While the office is not in possession of any information relative to the facts in any particular case, it would seem that each case would have to be considered on its merits, as the facts in one case may differ from those in any other. It is therefore respectfully recommended that the Inspector be directed to advise Messrs. Davenport & Thompson that when a case actually arises and is presented to the Department for consideration, such orders will be given as shall at the time be deemed proper in the premises.

Very respectfully,  
Your obedient servant,

G. A. W. (L'e)

W. A. Jones.  
Commissioner.

(Endorsed) Union Agency No. 1238. Received Oct. 25, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Oct. 19, 1900. Secretary---Desires contract of Davenport & Thompson, attorneys for Cherokee Nation, be submitted, before replying to their inquiries concerning intruder places.



CHES-TU-NOI

CAPITOL SQUARE GROCERY

R. H. Smith \_\_\_\_\_

South McAlester, I. T.  
Jan. 28, 1901

The Honorable Secretary of the Interior  
Washington, D. C.

Sir:

About a year ago I had some correspondence with your office relative to the removal of trespassers from my farm in the Cherokee Nation. Allow me to make the following statement and request. April 2, 1900, Agent Sheenfelt issued an order for the removal of trespassers; trespassers gulled the agent (who was most willing to be gulled) with a bogus contract with another citizen, who thereby withdrew his order, and leaving trespassers in possession. Later in the summer attorneys for the Cherokee Nation took up the matter; parties admitted the illegality of their claims to the place and agreed to vacate 31st of December last. They have not done so; but are there plowing up our fields and their cattle tramping over and ruining our pastures.

I have again written the Agent.

Please take the matter up again and secure for my family and myself possession of this tract of land in time for us to make a crop this year. We have no other land while trespassers have robbed us of the crops grown on the said land for three years now, amounting in all to about 3500 bushels of wheat, 1000 bushels of corn and 2000 tons of hay, besides a personal



damage of near \$1000 in our having to move back and forth without a place to make a home, until within the last two months we have tried to build this little store in the Choctaw Nation.

Allow me to inform your office that one of these trespassers and the head investigator is one of the employes of the Government Indian Service, namely, T. W. Potter of the Salem Indian School. This man has a bunch of cattle on my land which have done irreparable damage to the pasture by tramping it down day after day. Potter is further a violator of an order of the U. S. Court, forbidding him to go on this place - he is still there.

In confirmation of all that I have said, I would be glad to meet any inspector or Special Agent direct from your office who is authorized to investigate this matter, and to that end I sincerely request a special investigation by your office at this place.

Very Respectfully

(Signed) R. H. Smith

A. L. S.  
No. 1720

Endorsement: Requests a special investigation with a view to the removal of trespassers on land claimed by him. Alleges that Agent Shoenfelt has been "gulled" by the trespassers, etc.



Mr. Potter, a brother-in-law of R. H. Smith, purchased the farm in controversy, with the understanding that Smith was to hold it in trust until Mrs. Potter's citizenship was established; Potter giving Smith one farm for holding the other; afterwards Mr. Potter rented the farm to William Phillips, and after Mrs. Potter (who is Smith's sister) had failed to establish her citizenship, Smith claimed the place and instituted suit in the United States Court for the possession of the place against Phillips. The Court ordered that Mr. & Mrs. Potter be made co-defendants with Phillips, and held that the title was not in either the plaintiff or the defendant in the case, but in the Cherokee Nation.

Mr. & Mrs. Potter sold their improvements on said place to one Dodge, giving bill of sale, who afterwards assigned said bill of sale to a Mrs. Reed, a citizen of the Cherokee Nation. Mrs. Reed made a contract with Phillips to farm said place for her.

I have written Smith several times that this controversy was one that did not come under the jurisdiction of this Agency and must finally be determined by the Commission to the Five Civilized tribes when the lands of the Cherokees are allotted.

(Typewritten letter unsigned)  
Attached to N. 1720



CHEROKEE - LAND DIVISION



Knox Mo.

Jan. 2nd, 1899.

Hon. Sec. of Int.

Kind Sir:

I see a piece published in the "Globe Democrat" that a part of the Cherokee lands are to become "public Domain" on March 28, 1899; as I do not understand it I would like to ask you for information. I will be very grateful to you for such information. I will send the piece.

Yours very respectfully,

Wm. S. Atkinson.

Knox City Mo.

(Endorsed) Union Agency No. 2107. Commission to Five Tribes. Recd. Jan. 20, 1899. Knox, Mo. Jany. 2/99 Wm. S. Atkinson----Transmits newspaper clipping rel. to lands of the Cher. to become public domain and requests information relative thereto.----



Muscogee, I.T.

December 24, 1899

CHEROKEE LANDS

Excess Holdings Over Eighty Acres to Become Public Domain  
on March 28.

Muscogee, I.T., December 24--Regarding the disposition of excessive holdings of lands in the Cherokee Nation the Dawes commission has issued the following letter:

In reply to your questions we beg leave to say that in accordance with the provisions of the rules and regulations promulgated by the Secretary of the Interior, it is proper for each individual Cherokee to file upon not to exceed eighty acres of land. All excess of holdings over this amount will become public domain upon March 28, 1899, and citizens have the right to sell their improvements prior to that time.

In the matter of the selections, the Secretary has made no distinctions relative to the different grades of values of lands. Citizens having bought the improvements of intruders or tendered the money therefor will be entitled to possession thereof, whether voluntarily given or not by the intruder, upon January 1, 1899. It will not be the duty of the commission at that time to place citizens in possession of lands upon which the title is in dispute.



## Department of the Interior

## UNITED STATES GEOLOGICAL SURVEY. 77

## Section of Indian Territory Surveys.

Denison, Tex., Jan. 3, 1899

Hon. Tams Bixby,

Commissioner, to Five Civilized Tribes,

Muskogee, I.T.

Dear Sir:-

In accordance with your verbal request, I send you herewith the area of the Cherokee Nation, as furnished to the Governor of the same, as follows:- Land area, 4,419,548.44; water area, 26,975.04; total area, 4,446,523.58.

Very respectfully,

C. H. Fitch

Topographer in Charge.

(Endorsed) # 1916, Received Jan. 4, '99. Commission to Five Tribes, Muskogee, I.T. C. H. Fitch, Denison, Texas, 1/3/98 Gives area of the Cherokee Nation.



Union Agency,  
Muscogee, I. T.  
March 15, 1899.

Mr. Jesse L. Hoover,  
Wright, Iowa.

Dear Sir:-

Yours received. At this time the Cherokee Indians are under the Curtis Bill, or in other words, the Curtis Bill is in force over said Nation, but it may be that an agreement will be made with the Cherokees before final allotment of their lands is made, and if so then allotment will be made according to the terms of the agreement, and it would depend entirely upon the terms of said agreement, whether the Indians could give deeds for their lands or not, or in other words pass a fee simple title to a purchaser.

I send you herewith a copy of the Curtis Bill, to which you can refer for full information.

Very respectfully,  
D. M. Wisdom,  
U. S. Indian Agent.

Approved;

J. Geo. Wright,

U.S.Indian Inspector.

(Endorsed) Union Agency - Muskogee, Oklahoma. Press book no. 1---  
letter 240.



Union Agency,  
Muscogee, I.T., March 19, 1899.

Mr. R. L. Adair,  
Coldwater, Ky.

Dear Sir:-

Enclosed herewith I send you a book in reference to the allotment and selection of lands in the Indian Territory.

I know of no chief or ex-chief residing in the Cherokee Nation by the name of Adair, but there are several families of that name living in the Territory. If you will write to Thos. Adair, Tahlequah, I.T., you can obtain all the information you want in reference to the Adair family. I know but little of its history, except I think it was originally a Scotch family and many members of it intermarried into the Cherokee tribe of Indians.

Very respectfully,

D. M. Wisdom.  
U.S. Indian Agent.

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book, # 1  
Letter # 173.



ADAIR, Ind. Ter.  
May 30, 1899.

Mr. J. G. Wright

Dear Sir:

I write you today in regard to a matter that concerns me closely. I am a cherokee citizen by blood. I have selected land for my allotment and want to know if it is necessary for me to remain in the Territory to hold my farm. Work is scarce here and I can get work in the state, but don't know whether I dare to leave here or not.

Would like to hear from you at an early date. Enclose stamp for reply.

Yours respectfully,  
John R. Archer

Adair, Ind. Ter. Box 22-

(Endorsed) Union Agency # 1163 Received May 31, 1899. Office at Muskogee, Ind. Ter. Indian Inspector. Adair, I.T. 5/30/99 John R. Archer. Box 22. Asks if he can hold his rights as a Cherokee while employed in state.



Union Agency,  
Muscogee, I. T., May 31, 1899.

Nancy Chisholm,  
Turley, I.T.

Madam:-

You are informed that I issued the order requiring you to vacate the place claimed by J. K. Crutchfield, or show cause why you should not do so. Of course you have a right to file your answer and you should do so.

I go out of office today and my successor takes my place, but at the time I issued the order to you, I was still acting agent and as such had a perfect right to issue the order. My Successor is Mr. J. Blair Shoenfelt, and his address is Muscogee, I.T., to whom you must send your answer, and not to me.

Very respectfully,

D. M. Wisdom,  
U.S.Indian Agent.

Approved:

J.Geo.Wright,  
U.S.Indian Inspector.



Union Agency,  
Muscogee, I.T., June 15th, 1899.

Mr. C. R. Rider,  
U.S.I.P.,  
Pryor Creek, I.T.

Dear Sir:-

The enclosed letter was written to one F. R. Joy, Adair, Ind. Ter., by Inspector J. George Wright, but the same was returned unclaimed. Mr. Joy makes complaint against one James Conley for having removed a corner post placed by the surveyors to mark a corner in his vicinity.

If you know Mr. Joy, hand him this letter, and also interview him as to the matter. If you do not know him and cannot find him, make some investigation of the facts and report same fully to this office for appropriate action.

Very respectfully,  
J. Blair Shoenfelt  
U.S. Indian Agent.

Approved:

J. Geo. Wright,  
U.S. Indian Inspector.

(Endorsed) Union Agency Press Book No. 3 Letter 128. Muskogee, Okla.



DEPARTMENT OF THE INTERIOR,  
Office of U. S. Indian Inspector,  
for  
Indian Territory.

Muscogee, Ind.T., June 9, 1900.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to return herewith a communication from Messrs. A. D. Knapp, et al, of Collinsville, Indian Territory, forwarded to me by Departmental reference for consideration, report and recommendation under date of the 23rd ultimo.

This communication appears to be an appeal from a decision of the United States Indian Agent, in the matter of the possession of a building formerly used as a school house in the Cherokee Nation, and investigation develops the fact that this building was erected several years ago by subscription among the people of that locality (most of whom were non-citizens), and that the building was used for church and school purposes. It further appears that while this building was not in use for school purposes, the clerk and treasurer of the so-called "school district" sold the same to a citizen by the name of McAnaly, who is now occupying the building, and claims the same is located upon lands which he expects to take as his final allotment. The matter was investigated by the United States Indian Agent, and  
press book no. 4-letter 2.



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after considering all facts he advised the complaining parties that he had no jurisdiction to remove Mr. McAnaly, and that the matter was a case for action by the courts and not the Interior Department.

I would respectfully submit that in view of all the facts it would appear that this is a litigated case, and one where certain non-citizens claim an invested right in improvements now occupied by an Indian, and the proper course for the complaining parties to pursue appears to me to be to institute suit in the United States Court for possession.

Very respectfully,

Your obedient servant,

U.S. Indian Inspector,  
for the Indian Territory.

D.H.K. (Mc)



S.B.S.  
10585-1900.

## DEPARTMENT OF JUSTICE,

Washington, D. C.

July 23, 1900.

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith, for investigation by agents of your Department, if you conclude that such action is advisable, a copy of a letter of the 11th instant, from P. L. Soper, U. S. Attorney, at Vinita, I. T., relating to the complaint, copy herewith, made by J. H. Dixon that John Galispie, living near Coffeyville, Ks., is endeavoring to induce the people to oppose the allotment of lands under what is known as the Curtis Act.

Mr. Soper suggests that the complaint be investigated and the evidence so collected presented to him for prosecution, if such action is warranted.

Very respectfully,

John G. Thompson,

Acting Attorney-General.

(Endorsed) Union Agency # 951 received Jul. 21, 1900 office of U.S. Indian Inspector for I. T. Washington, July 25, 1900. Secretary. Encloses letter from Atty. General and one from Soper, rel. to enforcement of Curtis<sup>a</sup> bill.



OFFICE OF UNITED STATES ATTORNEY,  
NORTHERN DISTRICT OF INDIAN TERRITORY.

VINITA, I. T., July 11, 1900.

The Attorney General,

Washington, D. C.

Sir:-

I enclose herewith a letter from Mr. J. H. Dixon, of Big Cabin, Indian Territory, stating that one John Galispie, living nine miles south of Coffeyville, Kansas, should be prosecuted under the Curtis Law.

I respectfully request that this communication be referred to Honorable Secretary of Interior and that the proper authorities in the Indian Territory and in the Northern District thereof be instructed to investigate the matter and present the same to me with all evidence which they can obtain with a view to the enforcement of the Curtis Law upon this subject.

Respectfully,

P. L. Soper,

United States Attorney.



Vinita, I.T.,

March 4, 1901.

Hon. Tams Bixby,

Acting Chairman, Dawes Commission,

Muskogee, I.T.

Sir:-

At the last session of the United States Grand Jury held at Vinita I indicted one James Batty, or James L. Batty, for violation of section 16 and 17 of the Curtis act.

His property lies about six miles northwest of Talala. The names of the tenants who are upon his place are as follows:

R.B.Ward, Tom Henderson and W. J. Dunn, all of Talala, I.T. post-office.

I should like to have the premises occupied by him, and also what is known as the Adam Batty farm and pasture which is enclosed, and the holding of each of these tenants separately surveyed and appraised and the results and names of parties doing this sent me as soon as convenient.

In appraising this land I would appreciate it if you would send some man who is acquainted with the general character of the land in the Cherokee Nation.

Respectfully,

P.L.Soper

United States Attorney.



Odagah, Ind.Ter.

May 20,1901

Report of Elmer Smith, Inspector May 20,1901 James Batty, resides in the SW 1/4 of NW 1/4 of S. 9 T. 24 N. R. 15 E. The land he is holding lies mostly in T. 24. N. R. 15. E. Sections 4 ,5, 8,9, 16 and 17 and T. 25 N R 15 E S. 33.

The Batty pasture is included in the above named sections. Three in family length of holding about 20 years.

This information received from the aforesaid James Batty whose post-office is Talala, Ind.Ter.

Elmer Smith,

Inspector.



MEMORANDA

for

HON. P. L. SOPER.

-----

UNITED STATES vs. JAMES L. BEATTY.

James L. Beatty, Postoffice, Talada, Indian Territory.

Residence, SW/4 of NW/4 Sec. 9, Tp. 24 N.R. 15 E.

Three in family.

Witnesses: Mrs. W. T. Dunn, W. T. Henderson, Mrs. J.

V. McClintic, Henry Oliver, Fred Morgan, Milt Davey,

Thos. Berthoff, Frank Stine, Wm. Rogers, all of Talala, I.T.

Lands claimed by Beatty as shown from sub-division survey  
plats (see map).

In tp. 25 N., R. 15 E.,

Part of NE/4 Sec. 31, Part of NW/4 Sec. 31, Part of SW/4 Sec.31,	
All of SE/4 Sec.31.. .. .	516 acres
Part of N/2 Sec.32, All of S/2 Sec. 32.....	600 "
Part of S/2 Sec. 33.....	254 "

In tp. 24 N., R. 15 E.

Part of NE/4 Sec. 4, All of NW/4 Sec.4, Part of S/2 Sec.4...	425 "
All of Sec. 5.....	644.48 "
Part of E 3/4 of Sec. 6.....	384 "
All of Sec. 8.....	640 "
Part of E/2 Sec.9, Part of W/2 Sec. 9.....	338 "
Part of W/2 of Sec. 16.....	99 "
Part of E/2 of Sec. 7.....	190.40 "
Part of S/2 Sec. 17, Part of N2 Sec.17.....	81 "



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Part of NE/4 of Sec. 18..... 1.20 acres  
 Total.....4173.08 "

## N O T E.

Beatty and Burrows hold 222 acres in Sec. 17, T. 24 N., R.  
 15 E., not included in total of James Beatty's holdings.



## COMMISSIONERS:

TAMS BIXBY.

HENRY L. DAWES.

THOMAS B. NEEDLES.

C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
Secretary.

Address only the  
commission to the Five Civilized Tribes.

Muskogee, Indian Territory,

September 23, 1901.

To the Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In pursuance of instructions issued to me under date of September 20th relative to inspecting the excessive holdings of one Thomas Berthold, I have the honor to submit the following report:

On September 21, 1901, 6 miles east of Checotah, in the Cherokee Nation I find Thomas Bertholf holding about 1200 acres of land, in violation of Secs. 16 and 17 of the Curtis Act, all fenced in. He has no wife or children. His dead brother's wife and six children are living with him but I understand that they have allotted land in the Creek Nation. Her name is Amanda Bertholf.

James Brown whose post-office address is Checotah, Indian Territory claims and lives on the W. 1/2 of the N.W. Quarter of sec. 32, the N.E. Quarter of Sec. 31, all in Township 12 N. R. 18 E. The Brown land is part of the 1200 acres claimed and fenced in by the said Bertholf. Brown came there two years ago last spring at 150.



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Bertholf's request, and farmed the land one year, but for the last two years Bertholf would not let Brown farm it. He still has him locked out of the land, and says it is his, and will hold it regardless of Brown's claims.

Mr. Brown claims the land but can not get possession of Bertholf's improvements and claims. Brown knows all about the matter and will come before the Commission at any time that he is requested.

I also found that one, J.C. Barnes of Braggs, Indian Territory offered to buy part of Bertholf's improvements but he positively refused to sell any part of them. This land is all good prairie land.

In addition to the above, I find 6 miles east of Checotah, adjoining the Bertholf land on the south, one, Jake Warwick, whose post office address is Checotah, Indian Territory. He has 5 children but no wife, six members of the family in all. Is holding over 800 acres all fenced in, and will not let any one locate on it.

John Kilpatrick whose post-office address is Checotah lives on the Warwick farm and knows all about the facts in this case. This is also all good prairie land.

Yours truly,

Isaac N. Ury---Inspector.

(Endorsed) Union Agency No.150 Received Dec.11,1901 Commission to the Five Tribes. Ury, I.N. Vinita, I.T. Dec.10,1901----Rel. Enc.report on excessive holdings and investigation of same in Cherokee Nation.-----



Vinita, I.T.

Dec. 10, 1901

Com. to the Five Civilized Tribes

Muskogee, I.T.

Gentlemen:

Enclosed please find report on John W. Breedlove's excessive holdings near Muldrow, I.T. I reported this case to the U.S. Dist. Atty. Hon. P. L. Soper, I will start today to look up Mr. Trott and Gov. Buffington. We have finished our trip in the rough part of the mountain country.

Very respt. yours,

I. N. Ury Inspector in Chief.



Muskogee, Indian Territory

Dec. 26, 1901

Hon. P. L. Soper,

U.S. District Attorney,

Vinita, Indian Territory.

Dear Sir:-

In compliance with your personal request recently made at this office the following data is furnished you regarding the land held by Marion Holderman in the Cherokee Nation.

Marion Holderman has five members in his family and his post office is Chetopa, Kansas. The following named persons are reported as competent witnesses to testify regarding land claimed by him:-

W. H. Mayfield, Thos. J. Fields Jr., Wm. Fields, G. W. Brown, Mrs. G. W. Brown, Wm. C. Payfield, Walter Duncan, all of Chetopa, Kansas.

His renters are John Biddle, Dock Funk, S. R. Roads, C. T. Davis, W. A. Wade, Riley Rupert, E. S. Willis, J. M. Courtney, J. N. Stone, Sam Mohler, B. C. Headley, S. J. Headley, C. F. Heart, E.H. Dove, A. M. Cooper, all of Chetopa, Kansas, and L. Adams of Dawson, Indian Territory.

On the section protractor diagrams made by the subdivision surveyors, the following described tracts of land are shown to be held or claimed by Mr. Holderman:

Section 14----- 50.50 Acres

Section 15----- 570.00 "



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Section 16-----	570.00 acres
Section 17-----	570.00 "
In Section 18-----	562.00 "
In Section 19-----	524.00 "
In Section 20-----	607.00 "
In Section 21-----	559.00 "
In Section 22-----	569.00 "
In Section 23-----	53.50 "
In Section 27-----	5.00 "
In Section 29-----	72.00 "
In Section 30-----	
Total acreage in township----	4835.00 "

In Township 29 North, Range 19 East

Section 16-----	232.00 "
Section 17-----	569.00 "
Section 18-----	302.00 "
Section 19-----	35.00 "
Section 20-----	291.00 "
Section 21-----	22.00 "
Section 24-----	25.00 "

Total acreage in township----- 1476.00

In township 20 North, Range 13 East

Section 23-----	158.00 acres
Section 24-----	20.00 "
Section 25-----	54.00 "
Section 26-----	157.00 "

Total acreage in township

389.00 "



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Acreage in 3 townships----- 6700.00 acres

The Geological Survey plats of the Cherokee Nation show the total acreage to be 4,416,217.65 acres. An estimate of the land occupied by railroads in the Cherokee Nation not subject to allotment, is 7268 acres. This estimate is based on data in this office and is subject to change when acreage is finally computed. An estimate of the land occupied by townsites in the Cherokee Nation not subject to allotment is 7260 acres, as at present determined by data furnished this office. This acreage may be increased by the addition of other townsites. The total acreage as shown above is 14528. The value per acre of these lands as appraised by Mr. Ury at \$10.00 per acre is \$145,280.00. Deducting the railroad lands and the land occupied as townsites from the total acreage of the Cherokee Nation there are 4,401,689. acres remaining subject to allotment.

The average value of land per acre in the Cherokee Nation as estimated by Mr. I. N. Ury, Inspector detailed from this office to examine these lands under your instructions, is \$6.02, which makes the total value of land according to the foregoing in this nation, subject to allotment \$26,498,167.78. The number of persons entitled to citizenship in the Cherokee Nation as shown by the roll of 1896 is 33,008. The value of each allotment as determined by the foregoing data is \$802.71. Mr. Ury estimates the value of the lands claimed and controlled by Marion Holderman at \$10.00 per acre, which makes the total value of his holdings as shown above \$67,000.00.

The value of allotments to which Mr. Holderman and family are entitled, on the above basis, is \$4013.55. The value of land 150.



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held in excess by Mr. Holderman is \$62,986.45.

In the following table the average and description are computed from the reports of the appraising parties of this Commission. They are presumably correct but have not yet been finally passed upon and approved. The classes and values are as determined by Mr. I. N. Ury, Inspector detailed from this office and acting under your instructions.

Class	Schedule	Acres	Value per A.	Total Value.
1st	Natural open bottom land	11646.57	\$30.00	349397.10
2nd	Best black prairie land	1623.36	20.00	32467.20
3rd	Bottom land covered with timber and thickets.	143788.75	20.00	2875775.00
4th	Best prairie land other than black	230986.67	12.50	2887333.37
5th	Bottom land subject overflow	204752.78	12.50	2559409.75
6th	Prairie land smooth and tillable	901893.76	10.00	9017837.60
7th	Rolling land free from rocks	639386.72	6.50	4156013.68
8th	Sandy prairie land	5633.75	5.00	29168.75
9th	Rough land free from rocks	322936.58	4.50	1453214.61
10th	Swamp land	15650.27	4.00	62601.08
11th	Rocky prairie land	413782.62	3.00	1241347.86
12th	Mountain pasture land	159194.27	3.00	477582.81
13th	Alkali prairie land	5784.05	2.50	14460.12
14th	Hilly and rocky land	616279.57	1.50	924419.35
15th	Mountain land, sandy loam	12062.87	1.00	12062.87
16th	Mountain land silicious	41142.81	.75	30857.11
17th	Rough rocky mountain land	206101.95	.75	154576.47
18th	Flint hills	483570.30	.75	362677.73
		<u>4416217.65</u>		<u>\$26641302.56</u>

14528 acres @ \$10.00 per acre, \$145280.00 Railroad lands and townsites.



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4401689.65 acres                      26496022.56 Subject to allotment  
Average value per acre \$6.02    Average value allotment \$802.71

The average value per acre figures six dollars, one cent and  
51/1000 mills, \$6.02 being used as above, which shows a total  
value of \$26,498,167.78.    Fractional cents and acreage of totals  
not figured.

Yours truly,

Commissioner in charge.



## M E M O R A N D U M

for

H O N. P. L.-S O P E R

-----  
U N I T E D S T A T E S vs. Marion Holderman.

Marion Holderman Postoffice, Chetopa, Kansas.

Five in family.

Witnesses: W. H. Mayfield, Thos. J. Fields, Jr.,  
William Fields, G. W. Brown, Mrs. G. W. Brown,  
Wm. C. Payfield, Walter Duncan, Chetopa, Kansas.Renters: John Biddle, Dock Funk, C. R. Roads,  
C. T. Davis, W. A. Wade, Riley Rupert, E. S.  
Willis, J. M. Courtney, J. N. Stone, Sam Mohler,  
B. C. Headley, S. J. Headley, C. F. Heart,  
E. H. Dove, A. M. Cooper, Chetopa, Kansas.  
L. Adams, Dawson, I. T.

Inspectors, I. N. Ury and C. W. Bingham

Lands claimed by Holderman as shown from sub-division survey  
plats (see map).



## A P P R O X I M A T E E S T I M A T E

Based on Schedule of

I N S P E C T O R I. N. U R Y.

Class	Acres	Value per A.	Total value	Schedule
1st	11646.57	\$30.00	349397.10	-One-Natural open bottom land.
2d	1623.36	20.00	32467.20	-Two-Best black prairie land.
3d	143788.75	20.00	2875775.00	-3A -Bottom land covered with timber and thickets.
4th	230986.57	12.50	2887333.37	-Best prairie land other than black.-3B
5th	204752.78	12.50	2359409.75	-Bottom land subject to overflow. 4A
6th	301893.76	10.00	9018937.60	-Prairie land, smooth and tillable.4B-
7th	639386.72	6.50	4156013.68	-Rolling land free from rocks.-5B
8th	5633.75	5.00	28168.75	-Sandy prairie land-6B
9th	322936.58	4.50	1454314.61	-Rough land free from rocks. -5A
10th	15650.27	4.00	62601.08	-Swamp land. -8A
11th	413782.62	3.00	1241347.86	-Rocky prairie land. 6A
12th	159194.27	3.00	477582.81	-Mountain prairie land.8B
13th	5784.05	2.50	14460.12	-Alkali prairie land. 7A
14th	616279.57	1.50	924419.35	-Hilly and rocky land. 7B
15th	12062.87	1.00	12062.87	-Mountain land. sandy loam. 9A
16th	41142.81	.75	30857.11	-Mountain land, silicious. 9B.-
17th	206101.95	.75	154576.47	-Rough rocky mountain land. 10A.
18th	483570.30	.75	362677.73	-Flint hills. 10B.-



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	Acres	Value per A.	Total Value	Schedule
	4416217.65		20641302.56	
R. R.	14528.00	10.00	245260.00	Railroad lands and townsites
	4401689.65		26496022.56	Subject to allotment.
Average value per acre \$6.02.      Average value allotment \$802.71				
(Fraction of Cents not computed.)				

Total acreage in Cherokee Nation	4416217 Acres
Railroad lands not subject to allotment	72680      14528      "
Townsite lands not subject to allotment	<u>7260</u>
Total No. acres subject to allotment	<u>4401689</u> "
Value as per Ury schedule, average \$6.02 per A.	\$2649816778
Citizens of Cherokee Nation as per roll 1896	33008
Value of allotment due each citizen	\$802.71
Value of allotments due Marion Holderman (Five in family)	4013.55
Acres held by Holderman	6700.00
Value as per Ury schedule	\$67000.00
Less value of five allotments	<u>4013.55</u>
Value of lands held by Holderman in excess of approximate amount of five allotments	\$ 62986.45



## M E M O R A N D U M.

Total acreage in Cherokee Nation	4416217.00 Acres
R.R.Lands not subject to allotment 7268 acres	
Townsites not subject to allotment 7260 .....	<u>14528.00 "</u>
Total subject to allotment	4401689.00
Value as per Ury schedule, average \$6.02 per A	\$26498167.78
No. citizens cherokee Nation per roll 1896,33008	
Value of each allotment	802.71
Value due J.L.Beatty, (three in family)	\$2408.13
Acre held by Beatty	4173.08
Value as per Ury report at \$10 per acre	\$41730.80
Less value due	\$2408.13
Value of lands held by Beatty in excess of share	\$39321.67



Muskogee, Indian Territory,

August 19, 1902.

TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

The following named gentlemen: Thomas M. Buffington, L. B. Bell, Dr. Oliver Bagby, James H. Huckelberry, J. C. Starr, L. F. Parker and Edgar Smith, having this day called upon the Commission to the Five Civilized Tribes, at their offices in Muskogee, for the purpose of presenting some suggestions as to the necessity for the location of a land office in the Cherokee Nation, immediately, and the advantages of the town of Vinita, Indian Territory, in this regard, and, finding the Commission absent, desire to respectfully submit to the Commission the following suggestions:

Since the ratification of the Cherokee treaty there are many reasons why the immediate location of a land office in the Cherokee Nation is a practicable necessity. There may be mentioned the provision of the treaty found at Section seventy-two, which is in part as follows:

"Cherokee citizens may rent their allotments, when selected, for a term not to exceed one year for grazing purposes only, and for a period not to exceed five years for agricultural purposes, etc."

It should be noted in the definition of terms employed in the Act, in paragraph six, that the word "selected" has been given a technical meaning, and that as used in the bill, this word as applied to allotment, is held to mean the formal



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application at the land office. Therefore, under section seventy-two, it would appear that no valid lease or rental contract for land in the Cherokee Nation can be made by any citizen thereof, until there is a land office in said nation at which a formal application may be filed. During the remainder of the year 1902 the farmers, many of whom do not themselves work their farms, as well as persons living in towns, who rent farms, would be unable to make a proper contract.

At least seventy-five per cent of the rented and leased land of the Cherokee Nation will be found to be in that portion of the Cherokee Nation which is tributary to the town of Vinita.

Vinita is situated in the most densely populated portion of the Cherokee Nation, the town itself lying partially in the Cooweescoowee District, and partially in the Delaware District. The Cooweescoowee District and the Delaware District, together with the smaller district, Salina, gave a total vote on the treaty just voted on, of 3487 nineteen votes more than the total majority in favor of the treaty, and a majority for the treaty of 1983 votes. The total vote of Talequah, Flint, Illinois and Going Snake districts on the treaty was 2487; the vote of Canadian and Sequoyah districts was 860. The Canadian District, accessible to the M. K. & T. railway, and the Sequoyah District, which is that district beginning at (Sic) the Arkansas river, opposite Fort Smith, is much more conveniently situated to Vinita than to Talequah. As a matter of fact Talequah District, together with Flint and Going Snake and a



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and a part of Illinois would be the only territory in the entire Cherokee Nation which is at all accessible to Talequah.

Vinita is the largest town in the Cherokee Nation, and therefore better adapted to accomodate the traveling public; there are nine hotels in the town, with 310 rooms, besides numerous restaurants. There are, in addition, three hotels for colored persons. The Cobb Hotel has been in fact renovated; it was recently purchased by Mr. W. E. Halsell and Dr. E. B. Frazier, and is now as good a hotel as there is in the Indian Territory, with the possible exception of Muskogee. In this connection it may be well to state that the question of providing for lady employes of the Commission has been considered, and that they will have an opportunity to select suitable boarding places with private families who will meet this situation at some sacrifice upon their part to accomodate all persons who may be connected with the work of the Commission.

Vinita has the M. K. & T. and Frisco railway systems; the one is a direct north and south road, and the other an east and west road, and there are twelve regular passenger trains daily, aside from the locals. Vinita can be reached from any portion of the Cherokee Nation within a day, and with only one change of cars. An inspection of the Leader maps is invited as these show, not only the means of reaching Vinita from all portions of the Cherokee Nation by travel directly upon the M. K. & T. and Frisco lines, but the various connections with the Missouri Pacific traversing the Cherokee Nation from the Arkansas river on the south to Coffeyville, Kansas, and to Kansas City, and south from Stillwell to Neosha, Missouri, and west to



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to the Frisco, and various ramifications of this character.

Vinita is the home office of the Indian Territory Telephone Company, a corporation with a capital stock of \$50,000.00. and furnishing long distance telephone communications with practically every important point in the Cherokee Nation.

Vinita is the town wherein the records of the Northern District of the Indian Territory are kept, and where the various officers of the government, for the Northern District, including the Judge, the United States attorney and Marshall for that district live, and as there is of necessity more or less business relation between the different departments of the government, this is mentioned.

The time has arrived when the establishment of a land office in the Cherokee Nation will soon be imperative, and in the establishment of this office at Vinita, the Commission would find itself surrounded by a sentiment which is in accord with its policies, as has been shown in various ways. The work done by and from Vinita in the matter of the ratification of the recent treaty is but a guarantee of the sentiment of the entire section of the country, and should be taken as evidence of the fact that the work of the Commission would be assisted and not retarded by the establishment of a land office in this section of the country.

Vinita, being the largest town in the Cherokee Nation, is better able to provide for the necessities of the Commission in conducting the land office. Without any delay whatever there can be furnished the Commission a three-story brick building, heated by steam and lighted by electricity.



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It may be added that provision is being made for the digging of an artesian well on the lot on which this building is situated, and that it will doubtless be completed, and that when the well is completed, the building will be supplied with water therefrom. This building is four blocks from the central portion of the business section of the town, and is surrounded by ample grounds; this building has several exceptionally large rooms, and large enough for the purposes of the Commission. A vault or vaults can be placed therein very quickly. This building can be put in readiness for the Commission within thirty days from this time, if so desired. A rough or pencil sketch of the floor space of said building is herewith submitted and made a part hereof.

It may be added that there is ample fire protection in Vinita for the preservation of records.

In ~~conclusion~~ we respectfully submit that it is our desire to say nothing except to offer such suggestions as prove that the selection of Vinita as the location of this land office would be the greatest good to the greatest number, and of that there can be no question. We invite further investigation upon this point if the Commission is not **satisfied**. But we do most earnestly insist that since the ratification of the recent Cherokee  
(Sic)  
treaty, the people there are entitled to an immediate establishment of a land office.

(Endorsed) Union Agency # 148. Suggestions of T. M. Buffington et al, relative to location of Land Office at Vinita.



Refer in reply to the following:  
Land  
53927-1902.

1234-0

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DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

Sept. 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on August 25, 1902, by the Commission to the Five Civilized Tribes, submitting for Departmental action a schedule of appraisements of the lands in the Cherokee Nation, Indian Territory. The Commission has divided the lands into ten classes as follows:

Class 1,	Natural open bottom land.
Class 2,	Best black prairie land.
Class 3 (a),	Bottom land covered with timber and thickets.
Class 3 (b),	Best prairie land other than black.
class4 (a),	Bottom land subject to overflow.
Class 4 (b),	Prairie land, smooth and tillable.
Class 5 (a),	Rough land free from rocks.
Class 5 (b),	Rolling land free from rocks.
Class 6 (a),	Rocky prairie land.
Class 6 (b),	Sandy prairie land.
Class 7 (a),	Alkali prairie land.
Class 7 (b),	Hilly and rocky land.
Class 8 (a),	Swamp land.
Class 8 (b),	Mountain pasture land.
Class 9 (a),	Mountain land, sandy loam.
Class 9 (b),	Mountain land, Silicious.
Class 10(a),	Rough and rocky mountain land.
Class 10(b),	Flint hills.

The number of acres in each class being given as follows:

Class 1,	.....	11,646.57
Class 2,	.....	1,623.36
Class 3 (a),	.....	143,836.03
Class 3 (b),	.....	231,990.78
Class 4 (a),	.....	213,903.87
Class 4 (b),	.....	899,207.05
Class 5 (a),	.....	322,555.68
Class 5 (b),	.....	634.948.27



Class 6 (a).....	414,899.83
Class 6 (b).....	5,673.75
Class 7 (a).....	7,700.34
Class 7 (b).....	614,362.08
Class 8 (a).....	15,450.27
Class 8 (b).....	159,394.27
Class 9 (a).....	12,062.87
Class 10(a).....	220,341.43
Class 10(b).....	469,330.87
Total.....	4,420,070.13 acres.

and it recommends that the appraisement according to the classification be as follows:

Class. :	Acres	Per Acre. :	Amount.
1 :	11,646.57	\$6.50 :	\$ 75,702.71
2 :	1,623.36	6.50 :	10,551.84
3 (a) :	143,836.03	6.50 :	934,934.19
3 (b) :	231,990.78	5.00 :	1,159,953.90
4 (a) :	213,903.87	4.00 :	855,615.48
4 (b) :	899,207.05	4.00 :	3,596,828.20
5 (a) :	322,555.68	3.00 :	967,667.04
5 (b) :	634,948.27	4.00 :	2,539,793.08
6 (a) :	414,899.83	2.50 :	1,037,249.57
6 (b) :	5,673.75	3.00 :	17,021.25
7 (a) :	7,700.34	3.00 :	23,101.02
7 (b) :	614,362.08	2.00 :	1,228,724.16
8 (a) :	15,450.27	2.50 :	38,625.67
8 (b) :	159,394.27	1.50 :	239,091.40
9 (a) :	12,062.87	1.50 :	18,094.31
9 (b) :	41,142.81	1.00 :	41,142.81
10(a) :	220,341.43	.50 :	110,170.71
10(b) :	469,330.87	.50 :	234,665.43
Total :	4420,070.13	:	\$13,128,932.77

and states that after making the deductions as follows:

Railroads.....	9,874.79 acres at \$3.00...	\$29,624.37
Townsites.....	8,317.52 acres at 5.00...	41,587.60
Other reservations	574.00 acres at 5.00...	2,870.00
Total.....	18,766.31 acres	\$74,081.97

there will be left to be allotted 4,401,303.82 acres, the appraised value of which will be \$13,054,850.80; and that the



average value of one acre of allottable land will be \$2.96, and of an allotment \$325.60, and it gives the number of acres which an allottee will receive under the different classes of appraisement as follows:

Land appraised at \$6.50 per acre.....	50 acres
Land appraised at \$5.00 per acre.....	65 acres.
Land appraised at \$4.00 per acre.....	81 acres.
Land appraised at \$3.00 per acre.....	108 acres.
Land appraised at \$2.50 per acre.....	130 acres.
Land appraised at \$2.00 per acre.....	162 acres.
Land appraised at \$1.50 per acre.....	217 acres.
Land appraised at \$1.00 per acre.....	325 acres.
Land appraised at \$ .50 per acre.....	651 acres.

and states that the early establishment of a land office or offices in the Cherokee Nation is contingent upon the appraisement of the lands that the recommendations should be given early attention in order that the appraisements may be completed as early as possible.

This office sees no objection to the scheme of classification and appraisement suggested by the Commission but deems it as clear and simple as could be adopted, and respectfully recommends that the Commission's report be approved.

Very respectfully,  
Your obedient servant,

W. A. Jones,  
Commissioner.

W.C.V.(S)

(Endorsed) Union Agency No.15317.Commission to Five Tribes.Received Sep.20,1902.Department,Ryan,Washington,D.C.,Sept.17,1902.Approves the Commission's schedule of appraisement of the lands of the Cherokee Nation.



Tahlequah, Cherokee Nation.  
April 25, 1903.

To the Honorable Commission to the Five Civilized Tribes,  
Muskogee, Ind.Terr.

Gentlemen:-

It is rumored that there is an effort to have the Land Office remain in Vinita and we desire to state that it would work great injury to the fullblood citizen not to have it in Tahlequah where there is plenty of wood and water for the camping of the poorer class of our citizens, and sufficient other accommodations for all others.

Hoping that this will not be ignored and that we can have the office here as agreed upon, the first day of May, 1903.

We are, respectfully,

Gidion Morgan.	-----Senator.
A.S.Wyly.	Sec. Bd. of Ed.
Thos.Carlile.	Supt. Female Seminary.
A.B.Cunningham.	Mayor.
W.S.Whitmire.	
J.R.Garrett.	
M.A.Wallis.	
Dr.M.Thompson.	
Ross Daniel.	
Dennis Hendricks.	
J.F.Prrris.	
John Ketchee.	
Wm.Crowder.	
Waddie Hudson,	Editor Tahlequah Arrow.
Robt.W.Fields.	
A.W.Wright.	
W.H.Balentine Sr.	
John Ross.	
Joe Carson.	
G.W.Benge, Atty at Law.	
Ed.W.Blake, M.D.	
B.P.Resums.	
Burt Van Leuven, Atty.at Law.	
Rich'd.M.Wolfe.	
A.L.Lacie.	
R.A.Walters, D.D.S.	
Will McKee.	



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Thomas Kirk.  
 R.C.Dannenberg.  
 R.C.Fuller, Pres.Cher. Board.  
 Jno.Manns.  
 Riley Keyes.  
 Wm.Ballard.  
 C.H.Taylor.  
 Walter Bigby.  
 W.H.Martin.  
 John Sanders, Mem.Cher.Council.  
 E.Proctor, Jr.  
 E.M.Landrum, Recorder (Town of Tahl.)  
 J.T.Parks, Executive Secretary, Cher.Nat.  
 N.L.Parris.  
 J.N. Conn.  
 G.T.Thompson, Pastor Presbyterian Church.  
 C.D.Markham.  
 W.G.Jackson.  
 Wm.Thompson.  
 J.L.Walker.  
 F.L.Walker.  
 Henry Pack.  
 Clombus Lasley.  
 Ambrose Lowery.  
 Herbert Brown.  
 M.F.Willis.  
 Lake Fields.  
 James W.Duncan, Surveyor.  
 W.T.Harnage.  
 Jas.D.Guinn.  
 R.W.Foster.  
 M.G.Payne.  
 Virgil Holland.  
 Jack Mengin.  
 J.H.Covil.  
 Lige Stephens.  
 A.C.Alburty.  
 R.W.King.  
 Henderson Stevens.  
 William Battie.  
 J.S.Stapler, Pres.First Nat.Bank of Tahlequah.  
 L.C.Ross, Cashier First Natl.Bank Tahlequah.  
 T.F.Wagnor.  
 Frank P.Park.  
 Sam Starr.  
 A.D.Vann.  
 M.A.McSpadden.  
 Daniel Redbird, (x his mark) witness  
 -L.C.Ross.  
 Gidion Morgan.  
 W.H.Foreman.  
 L.T.Ross.  
 H.M.Morgan.  
 B.F.Meigs.  
 B.C.King.  
 S.W.Ross.



S.D.Clark.  
Lewis Beamer.  
Joe Hawkins.  
Wm.Orange.  
James P.Thompson.  
C.M.Ross, M.D.  
Ed.Parris.  
Ben Johnson, member Cherokee Legislator.  
W.R.Quarey.  
M.O.Ghomeley.  
R.L.Taylor.  
Don Ghomeley.  
Wm.Ghomeley.  
Mike Ghomeley.  
A.H.Dykes.  
George O.Butler, Editor Cherokee Advocate.  
I.F.Thompson, Minister M.E.C.S.  
J.C.Dannenberg, Insurance.  
I.L.Guinn.  
J.D.Wilson.  
The Tahlequah Herald pr A.W.Webster, Publisher.  
Ed.D.Weicks.  
Anderson Sanders.  
Charley Clark.  
V.J.Luther.  
J.R.Roads.  
Walter Lasier.  
Wm.Carlile.  
S.R.Sanders.  
W.M.Young.  
Arch Spears.  
W.R.Sartain.  
Carl Latta.  
Steve Spears.  
Tom Nave.  
P.T.Tyner.  
L.S.Felix.  
T.M.Capps.  
I.T.Jones.  
T.M.Lutz.  
W.L.Trapp.  
D.W.Smith.  
O.W.Wilson.  
Houston B.Tehee.  
F.G.French.  
James A.King.  
A.D.Brown.  
H.C.Sousing.  
T.F.Long.  
M.A.Miller.  
Crew Bros.  
R.L.Wyly.  
W.L.Knight.  
W.A.Thompson.  
T.J.Adams, Merchant.  
Jesse Sixkiller.



Volney R. Boon.  
J. R. Hargis.  
O. Z. Crumpler.  
J. L. Adair.  
J. A. Doaper.  
E. M. Cooper.  
O. L. Wyley.  
J. W. Wallace.  
S. A. Bengé.  
G. G. McDaniel.  
Martin Tehee.  
Claude Fields.  
J. B. Lindsey.  
J. L. Degroot.  
H. H. Green.  
W. H. Pack.  
C. O. Redman.  
J. L. Worthington.  
Ed. Shannon.  
Stick Ross.  
Frank Harnage.  
J. A. Halbbrook.  
A. Parson.  
T. F. French.  
H. Draper.  
Stuard Digus.  
John Abbott.  
Von French.  
S. J. Cunningham.  
Lawrence Wyly Co., Merch.  
J. R. Miller.  
J. Walker.  
H. C. Wilson.  
Wm. B. Wyly.  
A. Smith.  
J. D. Wilson.  
William Brook.  
W. I. Simpler.  
I. M. Feland.  
J. L. Edrington.  
W. A. Vanderson.  
J. W. Pendergraft.  
W. A. Moore.  
James Buchanan.  
Henry Parris.  
Rufus Robt. Goodwin.  
A. G. Land.  
Wm. Morris.  
Jno. Tayler.  
Austin Ross.  
Yeager & Co.  
P. J. Groger.  
R. E. Brown.  
F. W. Palmtag.



Myers Hdw & Cor.  
Louis Myers.  
G.E.Young.  
O.H.Harlis.  
John Commingdier, Salesman.  
Stephens Merc.Co.  
Robt.A.Stephens.  
R.J.Parris.  
I.B.Tehee Jr.  
E.P.Parris.  
W.T.Richards.  
Arthur Farmer.  
J.W.McSpadden.  
Richards & McSpadden.  
B.T.Wilson.  
O.U.Goddard.  
Robt.J.Thompson.  
W.V.Kent.  
W.T.Kelley.  
R.V.Fuller.  
J.R.Howard.  
A.A.LaTollette.  
Wm.M.Cravens.  
W.J.Pack.  
J.E.Sanders.  
J.C.Allen.  
Chas.Starr.  
B.M.Draper.  
Geo.Weeks.  
W.J.Dush.  
Jess Smith.  
N.Bitting.  
R.N.Montague.  
Ray & Percy.  
T.J.Parris.  
B.W.Foreman.  
T.J.Brewer, Clerk.  
Wattie Foreman.  
Luster Bros.  
Roy Luster.  
C.O.Luster.  
Otis Luster.  
William Bates.  
R.F.Kellum.  
S.Willis.  
S.H.Winden.  
A.G.Sand.  
C.J.Hoghind.  
S.Z.Latta.  
F.H.Summers.  
S.T.Stokes.  
Will Bean.  
Will Lasley.  
J.N.Pullam.  
Sam Bates.  
J.T.Attebery.



R.K.McCollum.  
E.E.Starr.  
Walter Young.  
Jack Cross.  
Tom Cross.  
Bill Cross.  
Chas.Cross.  
John Cross.  
B.F.Coffee.  
D.E.Ward.  
C.J.Harris Jr.  
C.M.Roberts.  
Jno.B.Stapler.  
Geo.W.Tate.  
H.M.Morris.  
T.F.Morris.  
W.G.Blake, M.D.  
Tom Trent.  
M.R.Brown.  
Hick Miller.  
G.M.Fulton.

(Endorsed) Union Agency No. 149 Relative----Petition for removal  
of Cherokee Land Office to Tahlequah.----



## COMMISSIONERS:

TAMS BIXBY,  
THOMAS B. NEEDLES,  
C.R. BRECKINRIDGE,  
W.E. STANLEY.

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Allison L. Aylesworth,  
Secretary.

Address only the  
commission to the Five Civilized Tribes.

Tahlequah, Indian Territory,  
September 30, 1903.

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

Gentlemen:

I find that resolution 3, reported to this office August 27th, retards the work of allotment and works a hardship upon the full blood Cherokees.

It is as follows:

"(3). Resolved that until further ordered no allotments shall be made to full blood Indians taken to the Cherokee Land Office by Agents or non-citizens."

Presumably the best place for a full blood Indian to take his allotment, apart from his homestead, is among the good lands from which he can derive a revenue. These lands are generally distant from his place of residence. Often he has no knowledge of them and no money with which to take a trip and inspect them. If some one will advance him the necessary funds, and rent the land as provided by law, the service done him is a good service. Of course, the money advanced is without security other than the personal willingness of the Indian to pay. This, however, is the only credit he has; and, if he is without either



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money or credit, his condition is well nigh hopeless. This is the condition we reduce him to by this rule.

It is a reasonable presumption that when the full blood is brought to the Land Office he has incurred some unsecured obligation to the man who brings him. Certain it is that he has the full legal right to rent his allotment "when selected XXX for a period not to exceed five years for agricultural purposes, XXX". All agreements contrary to law are "absolutely void." The determination of these matters are vested in the U.S. Court and not in this Commission. There is every obligation to do all within our power to protect the full blood Indian and every other citizen of the tribes; but it is also possible for us to go so far out of our way in curtailing the functions and duties of other branches of the Government as to block our own work and positively injure the man we would help; and this is an instance in point.

I think the best thing we can do is to go ahead as expeditiously as possible and do what the law clearly contemplates we should do. The nature of the Indian was as well understood by Congress when it passed the law as it is understood by us now. All knew then as we know now that the full blood Indian is shiftless. He has "five years" in which to repent of and throw off any bad bargains, not to speak of unlawful ones; and we see in the Creek Nation that some of them are learning how to do it. But if we exceed the protective provisions deliberately provided by law we but retard the work ordered to be done and deny the Indian the liberty expressly extended to him by the law.

I have thus set forth my reasons to accompany the enclosed order to which I respectfully request the assent of the Commissioners.



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Yours truly,

C.R.Breckinridge.

Commissioner in Charge  
Cherokee Land Office.

Ordered that the resolution that "until further ordered no allotments shall be made to full blood Indians taken to the Cherokee Land Office by Agents or non-citizens" be recinded.

C.R.Breckinridge.

Commissioner.

(Endorsed) Union Agency No.12 and 153. Received Sep.30,1903  
Cherokee Land Office, Breckinridge,Tahlequah,I.T.Sept.10,1903----  
States resolution 3, reported-August 27th, retards work of allot-  
ment and works a hardship upon the full blood Cherokees.Gives  
reason for said statement.-----



Claremore, I. T. May, 9" - 1904.

The President, Executive Manson,  
Washington, D. C.

Dear Sir:-

I have just returned from the opening of the land office at Tahlequah, I. T. where I have been to file on the allotment for myself and family, under the provision of the Cherokee agreement ratified, August, 7th, 1902, the allotment of land in the Cherokee Nation was provided for in the following language:

There shall be allotted by the commission to the Five Civilized Tribes, to each citizen of the Five Civilized Tribes, as soon as practical after the approval by the Secretary of the Interior of his enrollment, as herein provided, land equal in value to one hundred and ten acres of the average allottable land of the Cherokee Nation, to conform as nearly as may be to the areas and boundaries established by the government survey, which land may be selected by each allottee, so as to include his improvements."

After remaining there four days I was unable to get into the land office on account of so many returned numbers, who have heretofore made their filings, and wished to complete their filings. Myself and family were duly enrolled by the Dawes Commission, and said enrollment was approved by the Secretary of the Interior on August 21st, 1903.

So, for the protection of myself and family, and all other citizens of the Cherokee Nation, whose enrollments have been duly made by the Dawes Commission and approved by the Secretary of the Interior. I wish to file a protest against the approval of the Secretary of the Interior of any oil or mineral lease, whose



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application has been made to him for the approval of the same, and whose enrollment has not yet been approved by him, as provided for in the Cherokee treaty. There is an idea prevailing among men, who wish to come and invest their money in oil and other valuable lands in the Cherokee Nation; that under the late act of congress, approved by you April, 21st, 1904, which reads as follows:

"And all the restrictions upon the alienation of land of all allottees of either of the Five Civilized Tribes of Indians, who are not of Indian blood, except minors, are, except as to home-steads, hereby removed.

Since the opening of the land office at Tahlequah, on May 2nd, there has been several hundred white citizens and several colored freedman citizen of the Cherokee Nation made application to file upon their allotments that they may sell or lease all but their home-steads, as provided for under the late act of congress. So, under the act of congress, passed, I think it absolutely necessary under the Cherokee treaty that those citizens who claim citizenship under the laws of adopted citizens and the Cherokee Freedmen under the treaty of 1866, their enrollment should first be approved by the Secretary of the Interior as provided for in the Cherokee Treaty before they be allowed to select or allot any lands, as citizens not of Indian blood, as provided for by the late act of Congress.

A Cherokee Indian by blood is amply protected under the law and under the treaty, and we hope that the Secretary of the Interior will instruct the Dawes Commission and the United States Indian Agent to see that the Cherokee Indian by blood gets his allotment, as provided for in the Cherokee Treaty.

I have this day mailed a copy of this letter to you, to the  
3579 Secretary of the Interior.



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With best wishes to you and that you will be renominated as President and re-elected, I remain,

Your obedient servant,

John M. Taylor Jr.,

A citizen of the Cherokee Nation,  
by blood.

(Endorsed) Union Agency No. 9579. Received May 20, 1904. Office of U. S. Indian Inspector for Indian Territory. Washington, May 17, 1904. Secretary----Refers for appro. action letter of John M. Taylor, Jr., of Claremore, I.T., protesting against claimants to citizenship being allowed to file on land or lease land, before their applications for enrollment are approved.



Tahlequah, I.T.  
December 8, 1904.

To the Hon. Secretary of the Interior:

Washington, D.C.

Sir:

It is to be sincerely hoped that you will not see sufficient merit in the act recently passed by the Cherokee Council, relating to the disposal of lands and other Cherokee property, to advise the ratification of same. It is nothing but another move in line with the scheme of grafters to make themselves richer out of the property of the people. In fact, apparently, the grafters are rapidly getting possession of all the most valuable parts of the Indian's lands. Around the land office at Tahlequah, as I have seen them, they swarm like bees, having many of our own people cooperating with them, and asserting them in making deals with the Indians in form of purchases, leases, administrators, guardianships, and getting Indians to even make wills bequeathing their lands to them.

Very respectfully,

W.A.Duncan.

(Endorsed) Union Agency No. 10752 Received Dec. 27, 1904 Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 15, 1904. Refers for appro. action letter of W.A. Duncan, of Tahlequah, I.T., protesting against app. of Cherokee act providing for disposal of land and other tribal property.-----



List of Cherokee Homestead and allotment deeds which have been executed by the Principal Chief, approved by the Secretary of the Interior and recorded, for which cancellation has been requested by the Cherokee Land Office.

Homestead and Allotment Deeds Nos.	
135	Zora C. Lannom
520	Benjamin F. Large
709	Eliza Work
740	Paul W. Green
1966	William E. Thomas
2794	Augusta Rinehardt
3123	Daniel C. Price
3222	Ernest C. Ellis
3394	Mary Smith
3600	Nancy C. Sager
4077	Mary C. Spencer
4779	Lizzie Wilson
4944	James Crittenden
5978	Mollie R. Gourd
6143	Annie Redbird

Applications to relinquish a part or all of the land covered by the above homestead and allotment patents have been approved.

Homestead and Allotment Deeds Nos.	
140	William Clarence Garland
820	Peyton A. Adair
3906	Mattie England
3925	Arch Canoe
4049	Richard B. Martin
4174	Archie Scraper
4463	Aginni Doctor
4647	Julia Going Wolfe
4686	Lizzie Johnson
4693	William Bread

Proof of death of the above allottees, prior to execution of homestead and allotment deeds, on file with the Cherokee Land Office.

Homestead and Allotment Deeds Nos.	
395	Paul Russell
786	James O. Stewart
2336	Charles S. McCombs
2440	Phoebe Crotzer



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Cancellation for the above patents is requested by the Cherokee Land Office for the reason that clerical errors have been discovered in the patents.

Homestead and Allotment Deeds Nos.	3990 Alex Downing
" " " " "	4236 Viola C. Layne

Part of the land covered by the above patents has, since the execution and recording thereof, been awarded in contest proceedings adversely to the allottees.

Homestead and Allotment Deeds Nos.	6272 Stephen C. Bell
------------------------------------	----------------------

Part of the land included in these patents was lost to the allottee by reason of its having been included in the lawful surplus holdings of Richard C. Adams.

Procedure to reach cancellation of deeds and patents of the status above indicated has not yet been decided upon.

(Endorsed) Union Agency No. 863. CANCELLATION OF DEEDS AND PATENTS.  
 ----Where a deed or patent has been executed, approved by the Secretary of the Interior, and recorded, and it becomes necessary to cancel the deed or patent, will it be necessary  
 1st. To transmit the deed or patent to the Secretary of the Interior for the purpose of obtaining his authority for the cancellation thereof by the chief executives.  
 2nd. Will the Department cancel the deed or patent without the execution thereof having first been cancelled by the chief executives.  
 (See Commissioner's letter to Department of November 15, 1905, in reference to cancellation of allotment deed to Belle Frost relative to Millcreek townsite matter.)



CC-41767-06

July 28, 1906.

Mrs. Ada G. Smith, nee Eaton,  
Moody, I. T.

Madam:

I have your letter of the 13th instant, in which you enclose your allotment certificate and complain that W.W.Hastings has cheated you out of your land, and you ask that this office take steps to protect you.

I beg to advise you that Mr.Hastings called at this office and has talked with me in person about this matter. He claims that he paid you \$100 at the time you made the deed; that he has since paid you sums aggregating \$415, making a total of \$515 for the 8.65 acres which he bought of you. In addition to this he states that he paid to one Adair \$39 in order to give you the right to file upon this land.

In case Mr. Hastings has paid you this money as he stated to me, it would seem that you have received a fair price for your land.

In case you can show that there has been any fraud or mis representation practiced upon you, I would suggest that you state under oath all of the facts of the case, furnishing me with the names and addresses of any of the witnesses to the transaction. Immediately upon receipt of this information, the matter will be further investigated.

Very respectfully,

United States Indian Agent.



CC-73386  
41767

DEPARTMENT OF THE INTERIOR,  
United States Indian Service,  
Union Agency,

Muskogee, Ind.T.,  
December 18, 1906.

U.S. Indian Inspector,

Muskogee, I.T.

Dear Sir:

In accordance with your request, I enclose herewith two letters from Mrs. Ada G. Smith, of Moody, I. T., in which she complains that W. W. Hastings, National Attorney for the Cherokee Nation, has cheated her out of her allotment.

Mr. Hastings called at this office, and, when interviewed in regard to the matter, stated that he had paid Mrs. Smith \$100.00 at the time she made the deed, that he had since paid her sums aggregating \$415.00, making a total of \$515.00 for the 8.65 acres of land which he had bought from her. In addition he stated that he had paid to one Adair \$39.00 in order to obtain for her the right to file upon this land.

The two letters of Mrs. Smith, accompanied by affidavits as to this transaction with Mr. Hastings, and her certificates of allotment, are transmitted herewith for such action as you may deem appropriate.

Respectfully,

Dana H. Kelsey,  
U.S. Indian Agent.

(Endorsed) Union Agency No. 60595 Received Dec. 20, 1906 Office of  
U.S. Indian Inspector for Indian Territory. Muskogee, I.T. Dec. 18, 1906.  
Dana H. Kelsey, U.S. Ind. Agent. --- Enclosing two letters from Mrs.  
Ada G. Smith of Moody, I.T. complaining that W.W. Hastings, Natl.  
Atty. for Cherokee N., has cheated her out of her allotment. ---



February 5, 1907.

Hon. Dana H. Kelsey,

United States Indian Agent,

Muskogee, Indian Territory.

Sir:

I have the honor to report that, according to your instructions, I visited Eliza Sunday, nee ~~Six~~killer, a full blood citizen of the CHEROKEE Nation, residing near the town of Pryor Creek, Indian Territory, and interviewed her regarding certain charges made on her behalf through one, Lafayette Teel, against W. T. Whitaker and J. E. Burr, both of Pryor Creek, Indian Territory, in connection with the sale and disposal of the surplus land and other property belonging to her without her knowledge or consent.

Eliza Sunday stated she had traded with W. T. Whitaker up to the time of the Strip Payment in 1894, when she settled up and had no further transactions with him until sometime about November 1905, that at about that time, when she was very sick and the house of one, Jack Downing, Ed D. Crawford called upon her with a letter from W. T. Whitaker, which stated that said Whitaker had been appointed her guardian by the U.S. Indian Agent, and believing this statement to be true, she was induced by said Whitaker to go and live in a house belonging to him in the town of Pryor Creek.

She also stated that at that time her only indebtedness was \$25.00, borrowed from the First National Bank, and about \$15.00



-2-

due to T. H. Hayden. She further stated that she had never signed by mark either the chattel mortgage or note for \$185.00, both dated November 7, 1905, (affixed thereto) and she had no knowledge of the existence of same until August 11, 1906, when she was requested by the First National Bank to endorse check for \$190.00, drawn by W. T. Whitaker, in payment of principal and accrued interest, and she was not aware of what had become of the proceeds of the note, with the exception of \$25.00 paid to the Bank and \$15.00 to T. H. Hayden, but she had been informed that the balance of the money had been taken by J.E. Burr.

This check for \$190.00 appears in the account against Eliza Sunday in the books of W.T. Whitaker.

She further stated that she had never, knowingly, signed by mark, or acknowledged having done so before a notary public, any warranty deed, lease, or deed of conveyance, and that if any such deeds were in existence, they either had been obtained by fraud or during her sickness, when she was not in condition to know what she was doing.

She further stated that she had never knowingly made any application for the removal of her restrictions, and had never authorized anyone to do so in her behalf, and that she had never appeared before Mr. Cusey, or any other party, to answer questions regarding the removal of same.

The following is a list of the deeds and affidavits supposed to have been signed by mark and acknowledged by Eliza



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Sunday, all of which are witnessed by John Harrison, and Windy Staller, and acknowledged by E. L. Crawford, as notary public, namely:

1905.  
November 7,

Chattel Mortgage for \$185.00, given to First National Bank, and secured by note signed by Eliza Sunday, T. H. Hayden and J. E. Burr.

November 8,

Deed of conveyance to W. T. Whitaker, conveying 60 acres of her surplus land and the dead claim of one, Red Row, consideration \$1040.00.

November 8,

Affidavit for the removal of her restrictions.

1906  
January 25.

Warranty deed to the Pryor Creek Real Estate Company conveying the above land to W. A. Graham for a consideration of \$440.00.

I find that the Pryor Creek Real Estate Company is not incorporated, and consists of J.E. Whitaker and W. J. Whitaker, the Secretary and Treasurer, who are respectfully the brother and son of W.T. Whitaker.

I also inspected the accounts with Eliza Sunday, as appearing on the books of the Pryor Creek Real Estate Company, W. T. Whitaker, and the First National Bank, and I now give a short summary of each, showing what has become of the money realized by the sale of her land, and advanced on chattel mortgage, namely;



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Eliza Sunday,

In account with Pryor Creek Real Estate Company.

1906.		1906.	
Jan. 25	To cash paid J.E.Burr \$ 50.00	Jan 25,	by cash, sale of land
" 25	" " " Mdse. 59.85	" 25,	" " rent of \$425.00
" 25	" " W.T.Whitaker 365.15		homestead..... 50.00
	<u>475.00</u>		<u>\$475.00</u>

Eliza Sunday,

In account with W. T. Whitaker.

1906.		1906.	
Aud.11,	To Cash, Mtg. & Int. \$190.00	Jan.25,	By Cash, P.C.R.E.Co. \$365.10
Aug.11,	" " Mdse.& c. 257.30	Mar.31,	" " E.Sunday 10.00
		1907.	
		Feb.4,	" " Bal due
			W.T.Whitaker... 72.10
	<u>\$447.30</u>		<u>\$447.30</u>

Eliza Sunday,

In account with First National Bank.

1905.		1905.	
May 13,	to cash, E.Sunday Note \$28.00	Nov.7,	By Cash, Note \$185.00
Nov.11,	" " J.E.BurrNote 51.00		
" 11,	" " " " 26.00		
" 11	" " " " 10.00		
" 11	" " " " 31.00		
" 11	" " " Int. 1.00		
" 11	" Int.on \$185.00 11.60		
	<u>\$185.00</u>		<u>\$185.00</u>

The principal and accrued interest of this note was paid by check of W.T.Whitaker, for \$190.00 on August 11, 1906.

The above accounts show that \$485.00 has been received, and \$557.15 expended, on account of Eliza Sunday since November 1905, out of which J.E. Burr appears to have received \$180.48,



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T.H. Hayden \$15.00, expended on merchandise &c., for Eliza Sunday \$317.15, taking up note of Eliza Sunday at Bank \$28.00, and interest on note for \$185.00, \$16.60, leaving a balance due W.T. Whitaker of \$72.15.

Upon interviewing W.T. Whitaker he expressed the great care and interest that he had always taken in the Indians, but he showed little inclination to go into the particulars of this case or make any definite statements on the subject, and seemed content to abuse the different parties who, he thought, had given information against him.

With regard to the removal of the restrictions of Eliza Sunday, he stated that he had no recollection of what had taken place regarding same, and referred me to the records on file at the U.S. Indian Agency on the subject, whereas the records show that he made a personal application for the removal of same.

E.L. Crawford, notary public, stated that he distinctly recollected Eliza Sunday appearing before him on each occasion when she acknowledged the signing of the above deeds, but his mind was a perfect blank with regard to the taking of interrogatories by him in connection with the removal of her restrictions.

I also interviewed P.W. Samuel, Cashier of the First National Bank, W. A. Graham, Merchant, and Mr. Campbell of Campbell & Keys, Attorneys, all of whom spoke of Eliza Sunday as a respectable and reliable Indian, who at one time was in good circumstances, and they further stated that in their opinion the transactions of W.T. Whitaker and J.E. Burr, with the full blood Indians living around Pryor Creek, demanded a thorough investigation.

13806.



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I may add that Susie Coats, niece of Eliza Sunday, has not yet been interviewed, and I am given to understand that she will be able to give important additional evidence in the case.

I am satisfied that the statements made by Eliza Sunday are mainly true, and that the transactions made by W.T. Whitaker and J.E. Burr, in connection with the sale of her surplus land, the removal of her restrictions, and the chattel mortgage have been carried out on their part by misrepresentation and fraud.

Very respectfully,

Clerk.

FAK (WK)



CHEROKEE - MINERALS



## OFFICE OF UNITED STATES INDIAN INSPECTOR FOR INDIAN TERRITORY

Muscogee, Ind. Ter., Feb. 25,  
1899

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

I have the honor to be advised whether or not applications for leases of mineral rights in the Cherokee Nation shall now be received and considered by this office - in view of the expressed desire of the people of that tribe (in their treaty recently negotiated here) to allot all their lands among the members thereof equally, including any and all minerals which may be on or in the land.

Very respectfully

Your obedient servant

(Signed) J. Geo. Wright

U. S. Indian Inspector

For Indian Territory

(Through the Commissioner  
of Indian Affairs)

L.S.

No. 562 inclosed with No. 44

Endorsement: Asks to be advised whether or not applications for mineral leases in Cherokee Nation shall be received and considered.

Copied GBD  
3/28/34



DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

Washington  
March 3, 1899

The Honorable

The Secretary of the Interior

Sir:

Enclosed herewith is a report of February 25, 1899, from Inspector Wright, asking to be advised whether or not applications for leases of mineral lands in the Cherokee Nation shall now be received and considered in this office, in view of the express desire of the people of that Nation to allot all their lands among the members thereof equally, including any and all minerals.

The expression of desire to which Inspector Wright refers appears to have been contained in their agreement recently completed with the Dawes Commission and now pending action of Congress.

With respect to this agreement, the office received the impression although there is no official information on the subject, that the joint committee of the two Houses of Congress, to which the agreement was referred for consideration, declined to recommend the same for ratification, or even to report it back to Congress.

The question of whether or not the Department will proceed with the execution of the Curtis Act relating to the leasing of mineral lands in the Cherokee Nation, in view of the agreement referred to by Mr. Wright, is one of policy only and must



depend upon the decision of the Department as to the expediency of carrying out this provision of the law in view of the subsequent action taken by the Nation. The office has no information as to the probable value or extent of the mineral deposits if there are any in the Cherokee Nation. The only applications that have been received for leases under the mining clause of the general provisions of the Curtis Act have related to the gravel deposit located near Fort Gibson. If the Department should think that there is any probability that Congress will reject the agreement presented for its consideration, I can see no reason why there should be any delay in carrying out these provisions so far as they relate to the leasing of lands for mineral purposes.

Inspector Wright does not make any recommendations in the premises and as the office is not so well informed as to the real feeling of the people in regard to this matter, it is unable to recommend to the Department what, in its judgement, should be the instructions to Inspector Wright in this matter.

Very respectfully

Your obedient servant

A. C. Tonner, Acting Commissioner



## DEPARTMENT OF THE INTERIOR

22

WASHINGTON

March 14, 1899

Mr. J. George Wright,

U. S. Indian Inspector for Ind. Ter.

Muscogee, I. T.

Sir:

I am in receipt of your letter of February 25, last, requesting to be advised "whether or not applications for leasing mineral lands in the Cherokee Nation shall now be received" and considered by this office, in view of the expressed desire "of the people of that tribe (in their treaty recently negotiated here) to allot all their lands among the members thereof equally including any and all minerals which may be in or on the land."

The Commissioner of Indian Affairs, in transmitting your said communication under date of the 3rd instant states "the question of whether or not the Department will proceed with the execution of the Curtis Act relating to the leasing of mineral lands in the Cherokee Nation, in view of the agreement referred to by Mr. Wright, is one of policy only and must depend upon the decision of the Department as to the expediency of carrying out the law, in view of the action taken by the Nation x x x The only applications that have been received for leases under the mining clauses of the general provisions of the Curtis Act, have related to the gravel deposits near Fort Gibson."

The Commissioner also further states, if there is any pro-



bability that the agreement recently made with said Nation shall be rejected by Congress, he sees "no reason why there should be "any delay in carrying out these provisions so far as they relate "to the leasing of lands for mineral purposes."

Attention is also called to the fact that you have not made "any recommendation in the premises, and as the Office is not "so well informed of the real feeling of the people in regard "to this matter, it is unable to recommend to the Department, "what, in its judgment, should be the instructions of Inspector "Wright."

The said agreement with the Cherokee Nation, by its own terms becomes null and void on the failure of Congress to ratify the same on or before its adjournment on the 4th instant. Delegates of said Nation have requested the Department to take no action looking to the enforcement of the provisions relative to mineral leases contained in Section 13 of the Act of Congress approved June 28, 1898 (30 Stat., 495), for the reason that they hoped to make another agreement which might be more acceptable to Congress and be duly ratified.

In view of the fact that no recommendation has been made by you in the premises, the Department desires you to make a report upon the matter whether, in your judgment, applications should be received under the general provisions of said Section 13, relative to the leasing of mineral lands in the Cherokee Nation.



A copy of said report of the Commissioner is enclosed  
herewith.

Respectfully

(Signed) Tho. R. Ryan

AActing Secretary

Ind. Ty. Div.

562-'99

1 enclos.

Through the commissioner of Indian Affairs

Endorsement: Wash. 3-14-99 Secretary  
Desires a recommendation as to advisability of enforcing Curtis  
law in Cherokee Nation.

No. 44

L.S.

GBD 3/28/34



M.M.Edmiston,

Attorney at Law.  
and Notary.

Practice in  
Federal and Indian Courts.

Vinita, Ind.Ter.,  
2/19/99

Hon. D. M. Wisdom,  
Indian Agent,  
Muskogee, I.T.

Dear Sir:

I have just received your letter stating that you are advised that I am selling coal in Vinita without license &c, and wish to know if I have license and to whom I pay the royalties &c.

I have the honor to state, that I am paying Mrs. Jennie Walker, a full blood Cherokee citizen, \$2.50 per week for the privilege or royalty. I am also a Cherokee citizen by blood, and was advised that coal could be mined and sold from these small strip veins until the lands were declared to be mineral lands and so designated by the Department. I have suspended, and will not resume until advised by you. I am,

Very truly,

Arch Casey

By M.M.E.

(Endorsed) Union Agency 769 Received April 20, 1899. Office of U.S. Indian Inspector for Indian Territory. Arch Casey, Vinita, I.T. 4/19/99. Relative to a coallease. Respectfully referred to J.Geo. Wright, U.S. Ind. Inspector for appropriate action. D.M. Wisdom. U.S. Indian Agent.



DEPARTMENT OF THE INTERIOR.  
Washington.

March 22, 1899.

J. George Wright,

U. S. Indian Inspector for the Indian Territory,  
Muscogee, Indian Territory,

Sir:

Inclosed herewith you will find copy of a letter addressed by the Department on the 20th instant to George H. Turnbull, et ux., Care of Swift & Co., Kansas City, Mo., relative to the application of the Cherokee Oil & Gas Co. that said sub-license "be brought up and placed in proper form in accordance with the 'Curtis Act'."

The Department has received other applications from persons and corporations claiming to have mineral leases or licenses made by the tribal authorities of the Creek and Cherokee Nations, but no action has been taken thereon except as indicated in the letter to Mr. Turnbull. In order, however, for the Department to act intelligently upon the matter, a report is desired from you as to the number and character of the mineral leases made by the authorities of said Nations, the length of time they have to run under their tribal laws or customs; the amount of royalty agreed to be paid, and also whether the lessees are operating the mines under their leases or licenses, and also whether they have made valuable improvements upon the lands leased and the extent of the same.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind. Ter. Div.

637-1899

1 inclosure.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 66, received Mar. 27, 1899, office of U. S. Indian Inspector for Indian Territory. Washington, March 22, 1899. Secretary. Requests report relative to tribal mineral leases, etc., Creek & Cherokee Nations.



March 20th, 1899.

Mr. George H. Turnbull, et ux.,

Care of Swift & Company

Kansas City, Mo.

Sir:

The Department is in receipt of your communication, one without date, and the other dated January 1st, 1899, by reference from Honorable Assistant Secretary Davis, in which you inclose a "sub-license of Felix Nelloms and others to Cherokee Oil and Gas Company", executed October 20, 1896. Said sub-license states:

"That we, the undersigned bona fide citizens of Coo-wee-skoo-wee district, Indian Territory, to whom the Hon. Robt. B. Ross as Treasurer of the said Cherokee Nation did on the ninth day of August 1890, in due form of law execute and deliver to us a license to prospect for an engage in the mining of petroleum oil in said Coo-wee-skoo-wee district on the lands and real estate in said license described", naming the tracts by metes and bounds."

Said sub-license recites that for and in consideration of one dollar paid by the Cherokee Oil and Gas Company, of Paragould, Arkansas, and for other valuable considerations thereafter named, each one of said citizens assigns and sub-leases to said company, their successors and assigns, the lands described in said original lease for and during its unexpired term. The amount of royalty agreed to be paid "to the said original licensees collectively and individually" in said license named is fixed at "the sum of 5 cents for each and every barrel of 40 gallons of heavy or lubricating oil produced on public domain and sold by said Cherokee Oil and Gas Company from said real estate". Said company also agreed to pay to said tribal authorities all royalties due under the laws thereof, and also agrees to pay to the citizens of said Nation "any royalty due them or either (Sic.) citizens for oil collected and taken from any well bored upon the inclosures of any such citizen.



Accompany (Sic.) said sub-license is the certificate of the Treasurer of said nation approving said assignment and sub-lease. There is also submitted a copy of the original mineral license issued under the provisions of Art. 19, Chap. 12, p-336, of the Compiled Laws of the Cherokee Nation, to Felix Nelloms and thirty-six others, "being bona fide citizens of the Cherokee Nation", describing the land by metes and bounds. The original license is dated August 9, 1899, and the period is "for the term of ten years from this date".

In your said letter you request that the said "Lease" is "brought up and placed in proper form in accordance with the Curtis Act.

The Act of Congress approved June 28, 1898 (30 Stat., 495), commonly called the "Curtis Act", in section 13 thereof makes provision for the leasing of oil, coal and asphalt and other minerals in said Territory, and requires the Secretary of the Interior "to provide rules and regulations" to carry out the provisions of said section. Regulations were issued in accordance with said provision on November 4, 1898, a copy of which is inclosed herewith, and your attention is specially invited to sections 7 and 10 thereof.

Under the proviso to Sec. 15 of said Act is it declared, "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."

In the recent agreement made by the Commission to the Five Civilized Tribes with the commission on the part of the Cherokee Nation no provision is made for the Leasing of mineral lands in said nation, but said agreement in order to become effective required the ratification thereof by Congress prior to March 4th, 1898, which was not done.



The delegates of said Nation have filed in the Department a request that no action should be taken at present until said Sec. 15 and until the proper authorities of said nation may conclude another agreement with the Commission to the Five Civilized Tribes, which shall meet with the approval of Congress.

If no such agreement is made, then under the provisions of said section 15, parties in possession who have valuable improvements upon mineral claims will be entitled to preference in making leases under the proviso above quoted.

In any event, the application will have to be made to the U. S, Indian Inspector for the Indian Territory, at Muscogee, who will be duly advised in the promises of the action which the Department will take concerning the leasing of mineral lands in the Cherokee Nation. Said sub-license and certificate of Treasurer are herewith returned.

Respectfully,

Thos. R. Ryan

Acting Secretary.

Ind. Ter. Div.  
537-1898.  
3 inclosures.



United States of America,  
Indian Territory  
Northern District SS

This day personally appeared before me the Undersigned  
Notary Public within and for the Northern District of the Indian  
Territory, duly commissioned and acting at Vinita I. T.  
E. S. Southerland and S. W. Bond to me personally well known as  
the persons they represent themselves to be and who being by me  
first duly sworn according to law upon their oaths depose and  
sayeth each for his self.

We have mined and sold stone coal at our mines in the  
Cherokee Nation as follows.

in the month of January 1899-----	19 Tons
in the month of February 1899-----	92 Tons
In the month of March 1899-----	52 Tons
Total-----	163 Tons.

Amount of revenue due on this 163 tons of stone coal at ten cents  
per ton amounts to-----\$16.30

Further deponents sayeth not:

E. S. Southerland

S. W. Bond

Subscribed and sworn to before me this 3rd day of April 1899.

J. C. Starr.

Notary Public.

(Endorsed) Union Agency No.13 Received Apr.5,1899 Office of  
U.S.Indian Agent, Muscogee,Ind.Ter.Sworn Statement accompanying  
remittance of Southerland and Bond Vinita, I.T.for month  
of Jany, Febry, Mar.1899 Amount \$16.30----



EXECUTIVE DEPARTMENT.  
Cherokee Nation.

TAHLEQUAH, I.T. April 6th, 1899.

Hon. J. Geo. Wright,  
U.S. Indian Inspector,  
For Indian Territory,  
Muscogee, Ind. Ter.

Sir:-

In reply to your inquiry of date March 22nd 1899 calling attention to the failure of the ratification by Congress of the recent agreement entered into by and between the representatives of the Cherokee Nation and the United States Commission which leaves the act of June 28th 1898 known as the "Curtis Bill" in force and asking the advisability of now considering applications for mineral leases within the Cherokee Nation under said act of Congress I will say that a very large majority of our people are desirous of a change in our method of land tenure as well as in our political status and in the discussion of this question it seems to be almost the unanimous sentiment of the Cherokee people that when a change is made that a fee simple title shall be given each individual owner. During the discussion since the passage of the "Curtis Bill" before the making of an agreement strong objections were made against the sections of said act permitting the leasing for mineral purposes a mile square of the public domain of the Cherokee Nation for a period of fifteen years or any length(Sic) of time whatever. In case leases are granted titles could only be



-2-

subsequently given subject to the encumbrances contained in the lease. The agreement recently entered into was not ratified by Congress principally for the reason as I am informed because the time was too short for the proper committee to take the agreement up and give it the proper careful consideration and perhaps make some few amendments. Our election returns were delayed and did not reach Washington until about three weeks before the adjournment of Congress. The majority of our people for the agreement was far in excess of its most sanguine advocates. Our people are still anxious for this change. The United States Government has returned the Dawes Commission to us with all its former authority of making a agreement and I do not hesitate to say that it is the ardent hope of a vast majority of our people to ascertain some speedy way to settle conditions in the Cherokee Nation by dividing up our common property on an equitable basis. The granting of mineral leases for a period of fifteen years would certainly embarrass the progressive class of our people. Again, we have no mineral of any consequence from which any considerable revenue would be derived. The settlement of the legal questions involved in case leases were granted would require quite a length of time and judgment from the opinion of Judge W. H. H. Clayton such legislation is of doubtful constitutionality. At least the contesting of this point in the courts might delay the expressed wishes of a vast majority of the Cherokee people. Thanking you for the consideration



-3-

and courtesy shown my suggestions with reference to this matter in the past I beg permission to suggest that in case the Department of the Interior feels justified under the circumstances that it suspend the operation of these provisions of the act of Congress for a short time and thereby greatly assist our people in the speedy and amicable solution of the grave questions confronting them.

Yours very truly,

S. H. Mayes  
Principal Chief, Cherokee Nation.

(Endorsed) Union Agency # 632 Received April 10, 1899. Office of U.S. Indian Inspector for Indian Territory. S. H. Mayes Principal Chief Cherokee Nation Tahlequah, I.T. April 6, 1899. Recommends suspension of Curtis Act as to leasing mineral lands in that nation.



EXECUTIVE DEPARTMENT  
OF THE  
CHEROKEE NATION

Tahlequah, I.T. 4/25 1899

Hon. J. George Wright  
U.S. Indian Inspector  
Muskogee, Ind. Tery.

Sir:-

I am in receipt of your letter of the 13th inst. in which you ask my opinion with reference to leases for minerals in the Cherokee Nation heretofore made with the National authorities and when operators have commenced work, made improvements and expended considerable money, should be permitted to continue operations under present law, and in reply to same I will state that the Cherokee people are opposed to separating the minerals of this Nation from the lands, for the reason that the developments heretofore made are not sufficient to authorize the leasing of minerals as provided for in the "Curtis Act" of Congress. In my opinion, the amount of money that has been expended in developing minerals in this Nation is very small, and whatever the amount is, the citizen, who is the original lessee, could take a part of his allotment covering such lease and thereby not be worsted. As I have heretofore said to you, and the Secretary of the Interior, I trust the United States



Government will not lease our minerals under the Curtis law until it is seen that our people will not make an agreement. They have expressed themselves on this point in the recent agreement, and I am confident that the citizen leasor under Cherokee law is not clamoring for a renewal of his lease under the "Curtis Law" but is willing to await his allotment and protect himself by taking part of his allotment to cover his lease.

The royalty coming into the Treasury (Sic) of the Nation from mineral leases has been small, and I believe it not best now to grant leases which will more complicate our affairs when the time comes to make an other agreement with the Government.

Very respectfully,

S.H.Mayes.

Principal Chief of the  
Cherokee Nation.



DEPARTMENT OF THE INTERIOR.

Washington.

June 3, 1899.

United States Indian Inspector  
For the Indian Territory,  
Muscogee, Indian Territory.

Sir:

The Department is in receipt of a communication from the Principal Chief of the Cherokee Nation, dated the 25th ultimo, acknowledging the receipt of your letter of April 13th, relative to leases for minerals in said Nation, theretofore made with the national authorities, and where lessees have commenced work, made improvements and expended considerable money, and stating his objections to allowing said parties to make leases under the Act of Congress approved June 28, 1898, (30 Stats., 495), and the rules and regulations of the Department prescribed thereunder.

Said communication contains an endorsement by you, dated the 22nd ultimo, in which you state that you are "still of the opinion that leases should be granted to parties who have expended considerable money in developing mines under contracts with the National authorities and received little benefit therefrom."

The Acting Commissioner of Indian Affairs, in transmitting said communication on the 29th ultimo, considers the objections of the Principal Chief, the first of which is, the desire of the Cherokee Nation that each allottee shall receive the whole title to his allotment, including all minerals in his lands, and, second, that parties who have



heretofore had contracts with the national authorities for mining in said Nation have not expended money for improvements under their said contracts or licenses in sufficient amount to authorize the Department to make leases with them under said Act.

The Acting Commissioner finds that the first objection is not valid, and can be obviated by following the instructions heretofore given to you, in the inserting in each lease of a provision for its termination on the completion of allotments to the Indians, and the patenting of the same. He also finds that the second objection is one of fact which must be determined under said instructions given you on the 22nd ultimo, relative to applications made by parties claiming to have made improvements on mineral lands under contracts, or in accordance with the laws and customs of the Nations.

The whole subject-matter has been carefully considered by the Department, and there does not appear to be any reason for changing the conclusions heretofore arrived at.

A copy of the report of the Acting Commissioner is enclosed herewith, together with said communication from the Principal Chief of said Nation.

Respectfully,

Ind. Ter. Div.  
1585-99.

Tho. R. Ryan,  
Acting Secretary.

2 enclosures.  
Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 192 Received Jun. 9, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, June 3, 1899. Secretary.-----Relative to letter of Prin. Chief Mayes concerning mineral leases.-----



Union Agency,  
Muscogee, I. T.

April 7th, 1899.

Mr. Joseph Lindsey,  
Sallisaw, I. T.

Dear Sir:-

Yours received. If you will make out a sworn statement of your complaint against parties who you charge with taking rock and selling the same off of your improvement, I will investigate the matter. You should support your statement by affidavits of two or three disinterested parties and I would be obliged to you if you reduce your complaint to typewriting or have it written out in a legible hand, as your letter to me is about as decipherable as Egyptian Hieroglyphics.

Very respectfully,

D. M. Wisdom

U. S. Indian Agent

Approved:

J. Geo. Wright,

U. S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma. Press book No. 2-  
Letter 17.



S T A N D A R D D R U G C O M P A N Y.  
P U R E D R U G S, P A T E N T M E D I C I N E S, P E R F U M E  
T O I L E T A R T I C L E S, E T C\*\*\*\*\*

ADAIR. IND.TER. May 24, 1899

Indian Agent:

My Dear Sir:

We are having some trouble here in regard to "rights" and we want your decision in regard to the matter.

We are erecting a stone building here to be used as a Drug Store. We have been getting our rock from a hill about  $2\frac{1}{4}$  miles or 3 miles from this town. The hill is good for nothing but the rock and they are taken off the top of the ground, no quarrying about the getting of them.

The man who has been getting the rock has been stopped by the citizen, saying he will have him fined for taking any more. There is no one claiming the land from where the rock is taken. Our building will cost us in the neighborhood of \$2500. and will be a good thing for the town. It is partially completed but we have not enough rock to finish it.

Now what we want to know is this, can we secure the rock, when it is surface rock with out permission from the Cherokees or any one else? Or will it be necessary to pay a royalty?

May we hear tomorrow morning (return mail) in regard to the matter as our work must stand until we hear from you.



-2-

Eight men are at work upon the house so we cannot afford to have them stop very long.

Respectfully yours,

C. L. Seabright (M.D.)

(Endorsed) Union Agency # 1121 Received May 25, 1899 Office of U.S. Indian Inspector for Indian Territory. Adair, I.T. May 24, 1899. C. L. Seabright. Wants information concerning the taking out of stone for building purposes.



Land.  
26,514-1899.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, June 13, 1899.

The Honorable

The Secretary of the Interior.

Sir:

The office is in receipt of a letter of June 5, 1899, from the Department, stating that in accordance with your direction there is enclosed for its information a letter addressed through the office to the U.S. Indian Inspector for the Indian Territory, denying the supplemental application of the Cherokee Oil and Gas Company for leases embracing 148 tracts of land in the Cherokee Nation, aggregating 94,720 acres, and directing this office to forward the same.

This supplemental application of the Cherokee Oil and Gas Company was received in this office with a report dated May 19, 1899, from the Acting U.S. Indian Inspector for the Indian Territory, and was the subject of a report, dated May 27, 1899, which concluded with the following paragraph:

"I deem it expedient, in conclusion, to suggest to the Department that the last proviso of section 13 appears not to refer exclusively to the laws of the Indian nations, but to all laws existing and prevailing in the Indian Territory relating to the leasing of land prior to the passage of the Curtis Act, and that it may become necessary on the receipt of applications for leases in the Cherokee Nation to consider the question of whether the parties claiming a preference right in said Territory under the law of the Cherokee nation is entitled thereto under the provisions of said section 13 if that law is in conflict with a



law of the United States prevailing at the time in the Indian Territory, and also whether an alleged custom in the Cherokee Nation relating to the question can vary or set aside an existing written statute of the nation or its constitution or a law of the United States applicable to the subject".

In the letter to the U.S. Indian Inspector referred to in the communication of the Department, on page 3, last paragraph, the following construction of the paragraph of office report above quoted, appears:

"With reference to the suggestion at the close of the report of the Acting Commissioner concerning the effect of said Act of Congress approved June 28, 1898, 'if that law is in conflict with a law of the United States prevailing at the time in the Indian Territory', it may be remarked that if it be true that said section 13 'is in conflict with a law of the United States prevailing at the time in the Indian Territory', then said subsequent section 13 must prevail, and if said section 13 allows certain rights 'under the customs and laws heretofore existing and prevailing in the Indian Territory' then it is not 'the custom of the Cherokee Nation' that varies or sets aside any 'existing written statute of the nation or its constitution or a law of the United States applicable to the subject,' but it is the subsequent Act of Congress which must be held to repeal any prior statute of the United States or any prior statute of the United States or any law of the Indian Nation in conflict therewith".

This interpretation of the intention of the office in its remarks is so at variance with what the office did intend, and in fact so misrepresents the office, that the letter to the U.S. Indian Inspector has not been forwarded, but is returned, herewith.

It was not the intention of the office, nor was it supposed that such intention could be inferred from the language used, to suggest any conflict between section 13 of the Curtis Act referred to, and a law of the United States prevailing at the time in the Indian Territory, but simply to suggest that if the parties claimed a right to a preference in the leasing of



-3-

land under said section 13 under a law of the Cherokee Nation, which law of the Cherokee Nation was in direct conflict with the law of the United States existing at the time in the Indian Territory, it might become necessary for the Department to determine whether the law of the Cherokee Nation under which the occupancy right of a tract desired to be leased is claimed is in fact a law and that the occupancy is a legal one which would entitle the parties to make a lease under section 13 of the Curtis Act, and the ruling of the Department of May 22, 1899.

This office of course understands that if a prior law of the United States conflicted with section 13 so that the two could not be executed together, the prior law must give way to section 13. The office never intended to bring in question the validity or constitutionality of section 13 of the Curtis Act, and is surprised that the language used in its report has been given that construction.

The right of the Cherokee Nation to make laws was given by article 5 of the treaty of 1835, (7 Stats., 481), which grants to the Cherokee people the right by their national councils "to make "and carry into effect all such laws as they may deem necessary for "the government and protection of the persons and property within "their own country belonging to their people or such persons as have "connected themselves with them; provided, always, that they shall not "be inconsistent with the constitution of the United States and "such acts of Congress as have been or may be passed to regulate "trade and



intercourse with Indians, and also that they shall not "be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission "according to the laws and regulations established by the government "of the same".

This limited the power of the Cherokee Nation to make laws and any law made by the Cherokee Nation or any act passed by the national council of the Cherokee Nation conflicting with a law of the United States would be invalid and not a law, and no right claimed under such invalid act could be maintained. That part of the paragraph referring to a custom was intended simply to suggest to the Department that it might be claimed as a custom in the Cherokee Nation that certain kinds of leases were permitted, and as custom is a law making function of the people a custom can only be allowed when it is not in conflict with a rule of written law or a statute and has been in force "for a time beyond which the memory of man runneth not to the contrary". If, therefore, a claim for a lease under custom is submitted and that custom is contrary to a valid law or constitutional provision of the Cherokee Nation, that question might be brought up for consideration of the Department whether or not the Curtis Act intended to refer or by the term "custom" to mean a mere practice which is in violation of a written statute or constitutional provision. It might also become a question in the consideration of rights under an invalid act of the Cherokee Nation whether the Curtis Act in the use of the term "law" intended to confirm rights under an invalid act of the Cherokee Nation, the act being invalid because of the fact that it is one which the nation had no power to pass under article 5 of the



-5-

treaty of 1835.

The foregoing was what the office intended to suggest to the Department and not the question of the invalidity of section 13 of the Curtis Act, the office recognizing the fact that it is not a part of its duty or function to pass upon the constitutionality of acts already adopted by Congress and in the execution of which it is required to assist.

Very respectfully,  
Your obedient servant,

A.C.Tonner,  
Acting Commissioner.

(K.S.M.)  
P.

(Endorsed) Union Agency No. 217 Received Jun.24, 1899 Office of U.S.Indian Inspector for Indian Territory. Washington, June 16, 1899. Secretary.-----Denies application of Cherokee Oil & Gas Company.-----



C.D.EVANS,

Miner and Shipper of coal.

Red Peacock

Black Oolagah.

Oolagah, Ind.Ter.

189.

June 23,99.

Coal report of coal mines by C.D.Evans since June 23,98  
one thousand two hundred sixty four tons (1264) of screened coal.,  
up to date.

(signed) C.D.Evans.

Subscribed and sworn to before me this 26th day of June 1899.

(signed) James M. Hall,

Notary Public.

My commission expires May 25,1903.

Note by Agent: \$80.00 remitted. See copy of letter attached.

(Endorsed) Union Agency No.29 Received Jun.29,1899 Office of U.S.  
Indian Agent,Muscogee,Ind.Ter.Sworn statement accompanying remit-  
tance of C.D.Evans, Oolagah,I.T. for to June 23,1899 amount  
\$80.00----



## DEPARTMENT OF THE INTERIOR.

Washington. July 15, 1899.

United States Indian Inspector

for the Indian Territory.

Sir:

With a letter of the Commissioner of Indian Affairs of July 8, 1899, there was transmitted your report dated June 22, 1899, in regard to the supplemental applications of the Cherokee Oil and Gas Company, the Cudahy Oil Company and Benjamin D. Pennington for the leasing of certain mineral lands in the Creek and Cherokee Nations.

In Departmental instructions of May 22, 1899, it was stated:

"It is not and will not be the policy of the Department to allow single individuals or corporations to include immense tracts of land in a large number of separate leases, although said parties may be willing to pay the advance royalty as prescribed for each individual lease. On the other hand it is not the purpose of the Department to deprive any person or corporation of the benefits to which such person may be entitled where the person has in good faith entered upon land under the tribal customs and laws, and invested money in improvements and in the development of the mineral resources, and where the efforts of such person or corporation have resulted in the production of oil, coal, asphalt, or other minerals in commercial quantities. No fixed rule, however, can be established, but each case must rest upon its own individual merits,"

and

"In view of the earnest protests made by the authorities of the Creek and Cherokee Nations, no applications for mineral leases will be received from parties who have not entered upon the lands and made improvements thereon for the purpose of developing the mineral in said lands under the tribal usages or customs, or under the provisions of said Act of June 28, 1898, and said regulations of November 4, 1898."

The Commissioner of Indian Affairs states, and it is so found, that the present application of the Cherokee Oil and Gas Company is a mere renewal of its former application for a lease not allowed by the Department, "and covers not only the land on which the company has made improvements, but all the land covered by its alleged tribal contracts with the Cherokee authorities, made prior to the passage of the Curtis Act."



It is stated by him that the company claims to have sunk eighteen wells at a cost of \$28,000, yet its application is for about 94,400 acres.

The present application of the Cudahy Oil Company covers about 71,500 acres; it has located four wells thereon and expended \$36,711.96.

Mr. Pennington's application covers about 16,000 acres, and he has expended thereon \$800 in developing coal mines.

Said Act provides: "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."

The Commissioner transmitted a protest in this matter by R. C. Adams, who claims that the Cherokee Oil and Gas Company have seven of their eighteen wells located on lands occupied by him as a home, and that all are within an area of ten acres. Apparently this would entitle the company, should no other objection exist, to one lease only.

In none of these applications has there been made any attempt to comply with the regulations of May 22, 1899, after due notice thereof. They cannot be allowed, and, in accordance with the recommendation of the Commissioner of Indian Affairs, you are directed to advise the parties that unless they comply with these regulations the Department will decline to give their applications any consideration, and that any delay is at their own risk.

The Commissioner of Indian Affairs has been advised of your request to have certain applications returned to you.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind. Ter. Div.  
1974-1899.

(Endorsed) Union Agency # 273, received Jul. 21, 1899 office of U.S. Indian Insp. for I.T. Wash. July 15, 1899. Secretary, again denies applications for Cudahy Oil Co., Cherokee Oil & Gas. Co. & Pennington.



DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
Washington, July 8, 1899.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 22, 1899, and office report of May 27, 1899, there is transmitted herewith, a report dated June 22, 1899, from Inspector Wright, relative to the applications of the Cherokee Oil and Gas Company, the Cudahy Oil Company and Benjamin D. Pennington, each of whom submits supplemental applications for the leasing of certain mineral lands in the Creek and Cherokee Nations. Mr. Wright states that in compliance with the instructions contained in Department letter of May 22, 1899, "under date of June 1, 1899, I (he) promulgated the said amendments by the issuance of a circular which was distributed among all interested parties and furnished to the newspapers of the Territory, a copy of which circular is enclosed herewith." He further states that he addressed a letter, enclosing a copy of the circular, to each person or corporation who had prior thereto, filed an application for a mineral lease; that in response to the circular and letter, the Cherokee Oil & Gas Company, filed a "second supplemental application" for leases in the Cherokee Nation.

The "second supplemental" application of the Cherokee Oil & Gas Company, is simply a renewal of its request for a lease, and covers not only the land on which the company has made improvements, but all the land covered by its alleged tribal contracts with the Cherokee authorities, made prior to the passage of the Curtis Act. The attention of the Department is invited to the following statement in its application:



The undersigned applicant, in conformity with the recent supplemental rules and regulations of the Department, files herewith a map or plat showing the land for which leases are hereby desired, but your petitioner states that the recent survey of the Territory was made long since the boring of the wells and the erection of the machinery thereon by your applicant, and it is impossible for your applicant to describe the location of each particular well with reference to the section without going upon the ground and spending a much greater period of time in making measurements and surveying locations than the thirty day period of time allowed in the recent regulations for the filing of this supplemental application.

x                      x                      x                      x                      x                      x

Your petitioner further states that it cannot now give the value of each improvement separately, because the expenditures and time were not kept in that way, but states the aggregate value and expenditure made by it to be, as set forth in its former supplemental application herein, namely, the sum of Twenty-eight thousand (\$28,000) Dollars. Your petitioner would state that if this sum were distributed to each of the eighteen wells or improvements so made upon the leased territory, it would approximately represent the value of each of said improvements.

The office observes that this company only claims to have sunk eighteen wells, as to the location of which no information is furnished, at a cost of about \$28,000, yet in its application it embraces an aggregate area of about 94,400 acres.

The supplemental application of the Cudahy Oil Company covers about 71,520 acres, upon which they state they have located four wells at an expense of \$36,711.96. They state their application:

Your petitioner would beg to call the attention of the Department to the fact that it would be a peculiar hardship upon it, and ~~fact~~ upon all companies for similar privileges at this time, to



limit it in the obtainment of leases to those sections only upon which improvements have been made and wells sunk, for the reason that in the prospecting for oil, the oil bearing rock must be first located and its trend determined, and this must always be done at considerable expense; and when so determined, the probable location of oil at other points in the vicinity can with some degree of accuracy be estimated. To deprive the original explorer of the benefits of this find and give the benefits thereof to a stranger who had made no investment, would be a peculiar hardship.

The application of Mr. Benjamin D. Pennington, covers an aggregate area of about 16,000 acres, on which he states he has expended \$800.00 in developing certain coal mines in the Cherokee Nation.

The Department by its letter of June 5, 1899, disapproved the first supplementary application of the Cherokee Oil and Gas Company on the ground that the application did not come within the rule established in Department letter of May 22, 1899, The present application of this company is objectionable for the same reason. The excuse given for not making application in accordance with Departmental instructions is that the wells were sunk before the lands of the Cherokee Nation had been surveyed, and that the applicant did not have time, in the thirty days allowed to make the necessary investigation, to properly describe the tracts that have been improved by the sinking of their wells. This excuse cannot be accepted. It is trifling and absurd. The company has stated that it has but eighteen wells. The officers of the company certainly know where these wells are, and no considerable time would be required to ascertain by legal subdivisions the description of the tracts on which these wells are located.

Mr. R. C. Adams, whose letter of protest is enclosed, states that seven of the wells, claimed by the Cherokee Oil and Gas Company



are located on the tract occupied by him, as his home, and that all are within an area of ten acres. This bunch of seven wells, would most likely fall within one legal subdivision and entitle the applicant company to one lease only if its occupancy is of such legal effect as to bring it within the law providing for a lease.

In view of the rule laid down by the Department in its letter of May 22, 1899, the failure of the applicants, whose applications are the subject of this report; and the evident attempt to insist on action contrary to the conclusions heretofore reached by the Department in the premises, as shown by the transparent, filmsy excuse of one of the applying companies, I have the honor to recommend that the enclosed applications be denied, and that Inspector Wright be instructed to advise the parties that unless they intend to, and bring themselves within the rule established by the Department to govern in such matters, no consideration whatever will be given their further applications.

In connection with this matter there is enclosed in addition to the other papers, a letter of June 20, 1899, from Mr. Frank J. Boudinot protesting against leasing lands of the Cherokee Nation for mineral purposes.

Very respectfully,

Your obedient servant,

W.A. Jones

Commissioner.

G.A.W.  
L.



Refer in reply to the following:

Land.  
61,281-1899.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, December 30, 1899.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, a joint resolution passed by the Cherokee National Council at its regular 1899 session, approved by the Principal Chief November 15, 1899, and entitled:

"A Joint Resolution requesting the Secretary of the Interior to withhold his approval of mineral and other leases in the Cherokee Nation".

The Preamble recites that whereas the agreement made and entered into by and between the duly authorized commissioners of the Cherokee Nation and the duly authorized commissioners of the United States on the 14th day of January, 1899, failed to receive the final action of Congress for want of time to consider the same, and whereas the Cherokee people are desirous of settling the disturbed and unnatural condition of public affairs in the Cherokee Nation.

The Resolution requests the Secretary of the Interior to withhold his approval of any lease or occupancy of the lands of the Cherokee Nation whether for the mining, of minerals, coal, oil, natural gas, agricultural purposes or for any other purpose whatsoever until Congress shall take final action upon the Said agreement



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or other action which will more definitely settle the action of the individual citizen, of the Cherokee Nation, and the Resolution directs the Principal Chief to certify a copy thereof to the Secretary of the Interior.

It does not appear that this resolution requires any action on the part of this office. It seems to be merely an expression of the desire of the Cherokee people in the matters mentioned.

Very respectfully,  
Your obedient servant,

W. A. Jones,

Commissioner.

W.C.V.)

P.

(Endorsed) Union Agency No. 552. Received Jan.22,1900/ Office of U. S. Indian Inspector for Indian Territory. Washington, Jan. 5, 1900. Secretary. Joint Resolution Cherokee Nation relative to mineral leases not submitted to President.

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## DEPARTMENT OF THE INTERIOR.

Washington.

April 12, 1900.

United States Indian Inspector

for the Indian Territory,

Muscogee, Indian Territory.

Sir:

I am in receipt of your communication of December 1st last, submitting therewith the original application and papers pertaining to the request of the Salisaw(Sic) Marble Company for the leasing of certain lands for the mining of marble in the Cherokee Nation.

You state that said company formerly had a lease with the Cherokee Nation and it now asks for two leases for 640 acres each covering the same tract heretofore leased by the nation; that the president of said company, Hon. W. H. H. Clayton, Judge of the Central District of the Indian Territory, has forwarded two drafts of \$100 each for said applications, and states that the company had a great deal of machinery and had made considerable improvements, and that **everything** at present was at a stand still pending the result of said applications.

You further state that you caused an examination to be made by United States Revenue Inspector Churchill, whose report you also enclose, and he states that the amount of improvements as represented is reasonable and conservative, and that "the Company has several blocks of marble quarried ready for shipment, and that marble seems to be very abundant and can be cheaply quarried."

Said Revenue Inspector also reports that said company has expended a large sum of money in development work and that the land is of but little value for other purposes.



You recommend that no formal lease be made to said company at this time, but that you be directed to communicate with the authorities of the Cherokee Nation, and if there be no objection on their part, that you be allowed to grant said company a temporary permit to procure marble in quantities desired by paying the required royalties, provided they do not infringe upon improvements of any recognized citizen of the Cherokee Nation.

The Commissioner of Indian Affairs in forwarding your said communication under date of December 7th last, concurs in your said recommendation.

The Department approves the recommendation made by you, and you are hereby authorized to issue a temporary permit to said company as recommended.

The letter of the president of said company and the report of the Revenue Inspector are returned herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
3569-1899.  
2 enclosures.

(Endorsed) Union Agency # 723 received Apr.23,1900 Office of Indian Inspector(U.S.) for I. T. Washington, April 12, 1900. Secretary. Authority to issue temporary permit to Sallisaw Marble Company, if not objectionable to Cherokee authorities.



## EXECUTIVE DEPARTMENT

CHEROKEE NATION.

TAHLEQUAH, Ind. Ter. April 30, 1900

Hon. J. George Wright

U. S. Indian Inspector, Indian Territory.

Muscogee, I. T.

Sir;

Your letter of 23d inst, received in reference to two application (Sic) being filed in your office on August 19, 1899 by Wm. H. H. Clayton, as President of the Sallisaw Marble Company, for leases of 640 acres each of land for the purpose of quarrying marble in the Cherokee Nation, near the station of Marble on the Kansas City, Pittsburg & Gulf Railroad, and stating that you were inclined to grant this company a temporary permit as it was reported that said company had expended a large sum of money in developing the work, provided, however that the authorities of this nation had no objections. If this company's tribal license was given for 640 acres, said license was given prior to December 8, 1894, as a law of that date amends the prvious(Sic) law so that no person, corporation or company can obtain a lease for more than one acre. From the information at hand those old leases have lapsed on account of the non compliance of the law under which they were issued, so now, no person or company can legally claim the right to operate under them, nor have they tenable grounds to ask the U. S. authorities to grant license covering the same tracts formerly leased to them by the nation, basing their right to a license on account of the tribal leases. This Department has serious objections to granting, even a temporary permit, to any person or persons whomsever(Sic), for the purpose of mining minerals or quarrying rock or stone or operating mines of any



kind or character, in this nation. The Cherokee Agreement is now pending, which proposes to settle the affairs of this country, and the most satisfactory provision therein is the individual fee simple title, which gives the allottee everything above and below the surface of the land. This is the prime desire of the Cherokee people, and should a permit be now given to mine minerals or quarry rock, pending this Agreement it would operate to defeat it when submitted to the people for ratification. For these and other reasons I ask you not to grant, to this or any other company, a permit to operate in the mining of minerals or quarrying rock or stone of any kind in the Cherokee Nation. When at Washington recently, the Cherokee Delegation and myself had a conference with and also addressed a letter to the Secretary of the Interior concerning this very matter, and were assured that no mineral license would be issued pending the ratification of the Agreement.

Respectfully,

T. M. Buffington,

Principal Chief C.N.



## U. S. INDIAN INSPECTION SERVICE.

Muscogee, Ind. Ter. May 28th, 1899.

Hon. J. Geo. Wright

U. S. Indian Inspector

Sir:

Your office having first informed Wm. H. H. Clayton of my coming I visited Sallisaw on Aug. 23, 24th 1899, to inspect the marble quarries described in two petitions for leases signed by Wm. H. H. Clayton and others representing the Sallisaw Marble Co. as requested in your letter of Aug. 19.

I was disappointed in not meeting a representative of the petitions but secured a guide and drove 17 miles through the forest to the property in question, which seems to be well known to the inhabitants of the vicinity. The marble openings have been made in six or eight places, the nearest to a railroad being about two miles from a side track of the P. & G. R. R. at a point shown on maps as Marble, and continuing from the opening or "prospect" for a distance of some five miles.

On the property I found John Sisson a caretaker who lives in one of the Company's houses, who told me he was the custodian of the property. He accompanied me over the property and I am prepared to report that in my judgement (Sic) the claims for improvements tools, machinery and buildings as set forth in the Petitioners' schedules are reasonable and conservative, as to the amounts expended and labor performed.

On trees about the property I saw notices posted against trespass or signed by "Kansas City-Cherokee Marble Co." indicating that the Sallisaw Marble Co. may have sublet the premises or reorganized their company.



The Company has several blocks of marble quarried ready for shipment and near this Chaunelling machine is a "marble yard" where I saw two men at work cutting cemetery mounments, and several pieces of finished work.

I also noticed in one of the buildings a quantity of barrel staves and heads, and was told the company contemplates the manufacture of lime in connection with their other business.

Marble appears to be very abundant, and it can be cheaply quarried.

Inasmuch as this Company has expended a large sum of money in development work and that the land is of but little value for other purposes I recommend that the Leases be executed in accordance with the petitions.

Respectfully,

Frank C. Churchill

Revenue Inspector.



## DEPARTMENT OF THE INTERIOR.

Washington.

August 31, 1900.

United States Indian Inspector  
for the Indian Territory,  
Muscogee, I. T.

Sir:

On August 21, 1900, through the Indian Office, you returned a communication dated August 9th from Mr. Charles H. Aldrich, of Chicago, Illinois, addressed to the Department, and received by you by departmental reference of August 14th.

Mr. Aldrich states that in the spring of 1899 he deposited as advanced royalty on applications for oil leases in the Indian Territory the following amounts:

B. D. Pennington,	\$2500
Cherokee Oil and Gas Company,	14800
Total,	<u>\$17300.</u>

He states that if, for any reason, the Department wishes to postpone its decision in the matter, and his clients can be permitted to withdraw the money without in any way prejudicing their rights, he requests the Department to direct its repayment to him; that it is not the desire of his clients, however, to in any way abandon their applications or release their rights in the premises, and they do not wish to "take down the money" if such would be the construction of their act in so doing; that these clients are amply responsible and able upon notice



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of allowance to at once deposit the amount necessary.

You state that Mr. Aelrich, on behalf of the Cherokee Oil and Gas Company, the Cudahy Oil Company, and B. D. Pennington, in the spring of 1899, filed some 290 applications for oil leases in the Creek and Cherokee Nations, and deposited with you as advanced royalty several checks amounting in the aggregate to nearly \$29,000; that these applications were in due time submitted to the Department, but owing to its decision in regard to mineral leases in the Creek and Cherokee Nations no action has been taken relative to such applications.

You state further that Mr. Aldrich only requests in his letter of August 9th the return of advanced royalty deposited by Pennington and the Cherokee Oil and Gas Company, but you are in receipt of a letter from him under date of August 16th, wherein he requests the return of the advanced royalty deposited for the "three companies; "that in view of the fact that you understand these applications are still pending before the Department, and that no action is desired to be taken on them, you recommend that you be permitted to return to Mr. Aldrich the money on deposit as stated, with the understanding that should the Department at any future date desire to consider these applications the parties will at once deposit the amounts required by law and the regulations.

The Acting Commissioner of Indian Affairs in his letter of



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August 28, 1900, transmitting your report, states that there appears to be no objection to the request made by Mr. Aldrich, and as there appears to be no probability that oil leases will be granted in the Creek and Cherokee Nations in the near future, he recommends that you be directed to instruct the Indian Agent of the Union Agency to return the amounts to Mr. Aldrich.

Under the circumstances, you are directed to have the deposits made by Mr. Aldrich, as stated by you, returned to him. Mr. Aldrich has been advised of these instructions to you.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.  
2902-1900.  
1 inclosure.

(Endorsed) Union Agency No. 1086. Received Sep. 7, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 31, 1900. Secretary---Instructions to return advanced royalty of Cudahy Oil Co., etc.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

I.T.D.,  
1468-1899,  
File 1338, 1899.

May 12, 1902 .

United States Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

Upon full consideration of the several applications of the Cherokee Oil and Gas Company, an Arkansas corporation, for leases under the act of June 28, 1898 (30 Stat., 495), of certain claimed oil lands in the Cherokee Nation in the Indian Territory, embracing approximately 94,000 acres, and especially upon full consideration of the supplemental applications filed by said company March 29, 1901, and the showings made in support of and against said applications, in pursuance of the opportunity therefor given in departmental letter of July 11th last to the Commissioner of Indian Affairs, and of the report made by you in that connection in pursuance of departmental letter of the same date to you, I have today approved and herewith transmit the said company's supplemental applications for leases under said act of section 1, township 23 north, range 16 east, sections 25 and 36, township 24 north, range 16 east, sections 4, 5 and 6, township 23 north, range 17 east, and sections 28, 29, 30, 31, 32 and 33, township 24 north, range 17 east. You will advise the company that it may enter into separate leases for these separate sections according to the existing rules and regulations prescribed under



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said act, and that it will be required to furnish a bond in the sum of \$50,000.00 for the faithful performance on its part of the covenants in said leases. The company will also be required to again tender the advance royalty required by the statute and existing regulations. When these leases shall have been properly executed, with the accompanying bond, and the requisite advance royalty shall have been paid, the leases will be transmitted to the Department for approval by me. The several applications of said company for leases of other lands are severally and collectively rejected and denied, save that the company may at any time within sixty days present further proof in support of its application for a lease of section 12, in township 24 north, range 16 east, in which section the company claims to have sunk a well at a cost of \$5,000.00. The company's claim in this respect is not supported by the reports of any of the inspectors, and for that reason is denied, so far as the present showing is concerned. In the event of a further showing you will make an examination of the section and make a full report upon the situation disclosed by such examination. The leases hereby authorized will be granted under section 13 of the act aforesaid, in pursuance of the preference right given by that section to those who, or whose grantors, have under the customs and laws heretofore existing and prevailing in the Cherokee nation, obtained leases of lands containing oil and have taken possession thereunder, made improvements thereon, and developed and produced oil in commercial quantities.



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Each of said leases must contain an appropriate clause fully providing with respect to the lands leased that in the event that the use of the necessary surface for mining or the mining operations infringe upon or injure the possession or improvements of any Indian, the company will pay to such Indian the value of such possessory right or such improvements to the extent that the same are so infringed upon or injured, the amount of compensation so to be paid to be ascertained and fixed under the direction of the Secretary of the Interior and to be paid within thirty days after notice of its ascertainment. This stipulation is in addition to the one contained in the statute respecting allotted land.

Very respectfully,

E. A. Hitchcock.

Secretary.

(Endorsed) Union Agency # 4106 received May 23, 1902. office of U.S. Indian Inspector for I.T. Washington, May 12, 1902. Secretary. Approves certain applications of Cherokee Oil and Gas Co., for oil leases in Cherokee Nation; instructions relative to executing leases; other applications of the company rejected, except they may present further proof concerning sec 12, twp 24 n, r. 16E.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

I.T.D. 4092-1902.  
File 1338-1899.

July 10, 1902.

The United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T.

Sir:

June 25, 1902, you transmitted twelve indentures of leases (in quadruplicate), entered into June 7, 1902, with the Cherokee Oil and Gas Company, covering oil deposits and natural gas in or under twelve sections of land in the Cherokee Nation, each lease being for one section or not more than 640 acres. Twelve applications of this company for the land described in these leases were approved May 12, 1902. You also transmitted a bond executed by the Company, in the sum of \$50,000, bearing date June 7, 1902.

The Acting Commissioner of Indian Affairs reporting in the matter July 5, 1902, concurs in your recommendation that the leases and bond be approved. The land described in the leases is given in the Acting Commissioner's letter, of which a copy is inclosed.

Concurring in your recommendation, the leases and bond have been approved, and three parts of each lease are returned herewith.

Respectfully,

E. A. Hitchcock,  
Secretary.

37 Inclosures.



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(Endorsed( Union Agency No.4417.Received.Jul.17,1902.Office of U.S.  
Indian Inspector for Indian Territory.Washington,July, 10,1902.  
Secretary.----Leases and bond of the CHEROKEE OIL AND GAS COMPANY,  
for lands in the Cherokee Nation, Indian Territory,APPROVED.



## DEPARTMENT OF THE INTERIOR.

Washington.

ITD.6876-1902.

November 7, 1902.

United States Indian Inspector

for Indian Territory, Muskogee, I. T.

Sir:

The Department is in receipt of a telegram from Acting Inspector Zevely, in which he states:

"See my letter thirtieth ultimo relative Cudahy Oil lease, Cherokee Nation. Indian citizen who claims remainder of land in section twelve as his allotment outside of Bartlesville townsite states he is informed oil company purpose sinking well upon his premises. He asks information as to his rights inasmuch as Cherokee agreement will give him absolute title to land when allotment is made. Please instruct what advice should be given him."

The Department has not received the letter referred to and said telegram was referred to the Commissioner of Indian Affairs to be considered in his report upon the Acting Inspector's letter of the 30th ultimo.

The rights of the Cudahy Oil Company are determined by the lease, a copy of which is on file in your office, and the second paragraph on page two provides for payment to the Indian for any injury to his possessory right or improvements. Inasmuch as the land office will not be established at Vinita until January 1st next, it is not perceived why it was necessary to wire the Department for the advice to be given to the Indian.



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Upon receipt of the letter of the 30th ultimo, with report of the Commissioner thereon, you will be further advised in the matter, should it then be found necessary.

Respectfully,

F. L. Camphill,

Acting Secretary.

(Endorsed) Union Agency No. 5149. Received Nov. 17, 1902. Office of U.S.

Indian Inspector for Indian Territory. Washington, Nov. 7, 1902.  
Secretary.-----Relative to Cudahy Oil Co., sinking well upon  
prospective allotment of an Indian citizen; will advise further.



Refer in reply to the following:

Land.

52360-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, August 20th, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit the report of the United States Indian Inspector for the Indian Territory of the 11th instant, returning communication dated June 2nd from William H. Ludwig, of St. Louis, in the matter of the Kansas & Texas Oil Company drilling oil wells upon certain lands in the Cherokee Nation, which letter was sent to the Inspector's office for consideration, report and recommendation by Departmental reference of June 17th, 1903, (I.T.D.5595-1903).

Mr. Wright caused this matter to be investigated by an employee of the Agent's office, and transmits report from Mr. W. W. Bennett, the employee referred to, dated June 23rd, who visited Bartlesville and vicinity. Mr. Bennett reports that the Kansas & Texas Oil, Gas and Pipeline Company was at that time drilling for oil and gas upon the allotment of Mrs. Josephine Rider, an insane person, which tract of land was selected by her guardian, Mr. William P. Ross; that such well has been drilled to a depth of 1300 feet, there being about 600 feet of oil in the well at that time. Mr. Bennett finds that a lease was made by the Kansas & Texas Oil, Gas & Pipeline Company and Mr. Ross, as guardian for said



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Josephine Rider, under date of May 6th, 1903, and that the well was commenced on May 20th. It is further reported that the Oil company paid to Mr. Ross, guardian of Josephine Rider, the sum of \$6500.00 in the amounts and upon dates stated. Mr. Ross and the Manager of the Oil Company were both notified by Mr. Bennett that their procedure in drilling wells before the lease was approved was illegal. He also refers in same communication to two other matters concerning which separate reports have heretofore been made to the Department.

On the same date that Mr. Bennett made his report, the vice-president of the Kansas & Texas Oil, Gas & Pipeline Company went to Muskogee, and was personally notified by Mr. Wright that the Company would not be permitted to operate any oil or gas wells, or drill for either, until it had procured leases with the allottees duly approved by the Department as required by law, and he now transmits a communication from the oil company, dated June 23rd, in which the notice issued by him in accordance with the instructions of the Department is quoted, and it is stated that the Company has secured leases from the allottees in the Cherokee Nation covering the lands of the family of Mr. William P. Ross; that acting as they supposed within the rights of these leases and at the instance of the allottee and with his full knowledge and consent, they drilled a well at a point shown upon the sketch enclosed; that this well was completed about June 20th; that the purpose of



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drilling was to protect the allottee from the encroachment of an oil company operating on land abutting on the west in the Osage Nation; that the well will drain the adjacent land within a radius of 500 to 1000 feet; consequently it is safe to presume that much of the product of the company operating upon the land of the Osage Nation is drawn from under Cherokee land; that therefore it was with view to protecting the oil on the Cherokee side that this well was drilled at the instance of the allottee; and that all operations on the Cherokee side will be suspended immediately under instruction given by the Inspector.

The Company asks if it cannot be permitted to continue the development work pending the approval of leases, and also asks if they will be approved before the expiration of the nine months period allowed for contests on allotments or prior to the issuance of deed.

In addition to verbally advising the vice-president of this company that operations must cease until they had secured an approved lease, Mr. Wright addressed him a letter on June 23rd, acknowledging receipt of his communication, and stating that the matter would be presented to the Department; also informing him that he would not be permitted to prospect for oil or gas, or drill, or operate any wells at this time.

Mr. Wright encloses a second communication from this Company dated June 24th, in which they give the names of the officers and stockholders of their Company, in which it is stated that leases from Mr. Ross's family



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were taken on the regularly prescribed forms, and that the rate of royalty as provided therein governs as to the consideration of the allottee, also that no bonus was paid. In this connection the Inspector invites attention to the report of Mr. Bennett, which shows that Mr. Ross has been paid the sum of \$6500.00 as admitted by Mr. Ross himself, the amounts and dates having been secured from him.

Concerning this matter Mr. Wright invites attention to his report of even date submitting a communication from the United States Indian Agent at Union Agency, showing the result of an investigation made concerning the matter of the allotments of Mr. Ross, in which the Inspector recommends that the commission to the Five Civilized Tribes be instructed to further investigate the matter. The Kansas & Texas Oil, Gas & Pipeline Company having ceased operations, and the matter of the allotments of Mr. Ross having been submitted for consideration, the Inspector recommends that no further action be taken upon the letter of Mr. Ludwig at this time.

From the matter set out in this report of the Inspector it is evident he has accomplished everything that is necessary to be done at this time, and I concur in his recommendation with reference to the disposition of the matter at present.

Very respectfully,  
W. A. Jones,  
Commissioner.

E.B.H.-L.C.

(Endorsed) Union Agency No. 7373. Received. Sep. 21, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Sept. 16, 1903. Secretary. --- Approves report on letter of Wm. H. Ludwig relative to operations of Kansas & Texas Oil Gas & Pipe Line Co.



DEPARTMENT OF THE INTERIOR.  
Washington.

ITD 5760-1903.

September 22, 1903.

United States Indian Inspector,  
for Indian Territory, Muskogee, I.T.

Sir:-

Replying to a letter from W.C.VanHoy, Bartlesville, I.T., dated April 13, 1903, inquiring as to the right of an Indian citizen to drill for oil on his allotment, the Department on September 16, 1903, advised Mr. VanHoy that the Department concurred in the views expressed in the Acting Commissioner of Indian Affairs report of April 28, 1903,

"That Cherokee Indian allottees may, with the consent of the Department, develop their lands for oil purposes, such allottees to be required to show, before permission granted, that they have sufficient capital to develop the land, and that the permission is not sought for the purpose of evading or lessening in any manner the Department's jurisdiction in the premises."

On June 29, 1903, the U.S. Indian Agent, Union Agency, transmitted a letter of June 19, from H.D.Lannom, Bartlesville, I.T., which reads in part, as follows:

"One of my children has an allotment adjoining the Osage line and an Osage Company has drilled a producing well within fifteen feet of our farm. I would, also beg you to allow me to protect my farm by drilling near my west line, to prevent the Osage company from draining our land. My family are Cherokees



and we have filed on this land at the land office.

I am able to hire a few wells drilled and do not have to lease it out to get it developed and hope the Government will not refuse to let us protect and develop our allotments. I have owned these improved lands for a number of years and there are no grounds existing for a contest by another citizen."

The Agent requested that reply to Mr.Lannom be made through him. The Commissioner of Indian Affairs forwarded the papers July 21, and called attention to his report of April 28, 1903, above referred to.

You are requested to advise Mr.Lannom in accordance with departmental letter to Mr.VanHoy, of September 16, above mentioned.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos.Ryan,

Acting Secretary.

(Endorsed) Union Agency No.58598 Received Oct.1,1903 Office of U.S. Indian Agent,Muscogee,Ind.Ter.Department of the Interior,Muskogee, Ind.T., Sept.29,1903.J.Geo.Wright,U.S.Indian Inspector for I.T.---- Encloses copy of letter from H.D.Lannom to drill oil wells upon lands allotted to members of his family.----



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
for  
Indian Territory,

Muskogee, Ind. T.,  
Sept. 29, 1903.

D 7419-  
D 7420-1903.

Mr. J. Blair Shoenfelt,  
U.S. Indian Agent.

Sir:-

Referring to your report dated June 29, 1903, upon a letter of Mr. H. D. Lannom, of Bartlesville, I. T., in the matter of his desire to drill oil wells upon lands allotted to members of his family, I have to state the Department has considered the question of the right of Cherokee allottees to mine coal or bore for oil upon lands allotted to them, and in a letter dated September 22nd, addressed to me, states that Cherokee Indian allottees may, with the consent of the Department, develop their lands for oil purposes, such allottees to be required to show before permission is granted that they have sufficient capital to develop the land and that the permission is not sought for the purpose of evading or lessening in any manner the jurisdiction of the Department in the premises.

Mr. Lannom has this day been accordingly advised, with the information if he desires to drill oil wells upon the allotments of himself or members of his family, he should make application to the Department for proper permission.



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By separate Departmental letter of September 22nd, this ruling has also been made applicable to Creek and Cherokee citizens who desire to mine coal upon their own allotments.

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector,

for Indian Territory.



(COPY) FHE.

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I.T.D.  
5432#1903.

DEPARTMENT OF THE INTERIOR.

J.R.W.  
S.V.P.  
W.C.P.

Office of the Assistant Attorney-General.

Washington,

September 30, 1903.

The Secretary of the Interior.

Sir:

I am in receipt by reference of September 1, 1903, of the letter of July 3, 1902 (Land 40024-1903), of the Commissioner of Indian Affairs, and accompanying papers, relative to the ownership of royalties payable under mineral leases made by the Secretary of the Interior of lands in the Cherokee Nation, under section 13 of the act of June 28, 1898 (30 Stat., 495, 598), with request for my opinion upon the question presented.

The Commission to the Five Civilized Tribes, June 23, 1903, answering departmental inquiry of May 21, 1903 (I.T.D. 4839, 1903), reports that in the appraisal of the particular lands therein referred to, for purposes of allotment, no consideration was given to the mineral deposits for the reason that the commission was without tangible evidence that the land was of mineral character, and that the commission is of opinion that: the allottees upon receiving their certificates of allotment are entitled to receive the royalties payable under leases made by the Secretary of the Interior under section 13 of the Curtis Act. In adopting this view the Commission does not assume to determine whether such leases are voidable by the



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allottee upon his receiving his allotment.

The opinion of the Indian Office, based upon the nine months contest period against allotments, provided by section 69 of the act of July 1, 1902 (32 Stat., 716, 726), was that from--

the expiration of said nine months the allottee is entitled to receive the royalties payable under leases made by the Secretary of the Interior under section 13 of the Curtis Act for said section 58 specifically provides that all the right, title and interest of the Cherokee Nation and of all other citizens shall pass to the allottee when he receives a patent for his land, and this right should evidently date back to the date when his allotment has become so ascertained and fixed that title should be conveyed to him.

The commission and the Indian Office concur in the main proposition that the allottee is entitled to accruing royalties upon mineral leases, and differ only as to the time from which such right passes to him, viz; whether from the date of the allotment or not until the contest period is passed and the right to an allotment patent is complete.

By section 73 of the act of July 1, 1902, no provision of the act of July 28, 1898, inconsistent with the later act, continues in force except sections 14 and 27. These sections do not relate to the ownership or beneficial interest in minerals found in allotted lands. By section 11 of the former act (30 Stat., 497), the rights of the allottee were restricted



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to the exclusive use and occupancy of the surface of his allotted land, and all mineral deposits were to remain the property of the tribe. The later act ratifying the Cherokee agreement for allotment of their public lands in severalty, by section 58 (32 Stat., 725), provided that:

When any citizen receives his allotment of land, or when any allotment has been so ascertained and fixed that title should under the provisions of this act be conveyed, the principal chief shall thereupon proceed to execute and deliver to him a patent conveying all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

Sections 69 and 21 provide that:

Sec. 69. After the expiration of nine months after the date of the original selection of an allotment by or for any citizen of the Cherokee Tribe as provided in this act, no contest shall be instituted against such selection, and as early thereafter as practicable patent shall issue therefor.

Sec. 21. Allotment certificates issued by the Dawes Commission shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian Agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application



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of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and shall remove therefrom all persons objectionable to him, and the acts of the Indian Agent hereunder, shall not be controlled by the writ or process of the court.

It thus appears that the right of the allottee is one of present possession from the date of his certificate with a presumptive right to a patent when the nine months, limited for initiation of contest by one claiming adversely, shall have elapsed. Such right is strictly analogous to that of a purchaser of public lands who has made purchase and payment, and to that of an entryman under the settlement laws who has made final proof and received final certificate. In equity the land is his subject to the contingency that his equitable title may be defeated by a contest if initiated within the time limited. The universal holding of all courts is that one possessed of such equitable title is entitled to claim and receive not only the possession, but the rents, issues, and profits as fully and completely as though seized of the complete legal title. When adverse right is asserted against such an equitable title, the rents and profits may be sequestered and conserved for the benefit of such one of the claimants as shall establish the better right, but until controversy is mooted the holder of



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equitable title with present right of possession is entitled to the rents and profits.

I therefore concur in the opinion of the Commission to the Five Civilized Tribes that the right to royalties under such leases vests in the allottee from date of his allotment certificate.

Very respectfully,

F.L. Campbell,

Assistant Attorney-General.

Approved: September 30, 1903.

Thos. Ryan.

Acting Secretary.

(Endorsed) Union Agency # 7554 Received Oct. 12, 1903.  
Office of U.S. Indian Inspector for Indian Territory.  
Washington, Oct. 3, 1903. Secretary.  
Encloses copy of opinion of Asst. Attorney General relative  
to ownership of royalties arising from mineral leases in Cherokee  
Nation.



## DEPARTMENT OF THE INTERIOR.

Washington.

ITD 6590,7758-1903.

November 4, 1903.

The U. S. Indian Inspector  
for Indian Territory, Muskogee.

Sir:

The Department is in receipt of your report dated October 12, 1903, pursuant to directions of the Department, dated September 11, same year (ITD 6590), for you to make further report as to the rate of royalty provided in four leases entered into by the Beaumont Marble and Supply Company with certain Indian allottees in the Cherokee Nation, Indian Territory, for the purpose of mining marble and other stone.

You report that it is for the best interests of the Indians to have the royalty determined by certain per cent of the gross value of the material removed, rather than by a certain rate per cubic yard, for the reason that the value of the material will increase as the quarries are opened.

You further report "that the rate of royalty offered by the Beaumont Marble and Supply Company, as set out in the leases now being considered by the Department, should be increased, and that such royalty, for the present, should be fixed at four per centum of the gross value of the material removed, instead of two per centum, and if the Department approves such rate of four per centum it should be subject to change at the discretion of the Secretary of the Interior, at any time he deems it to the best interests of the allottees to make such change."



You further recommend that if the suggestions made by you meet the approval of the Department, that you be authorized by wire to procure and forward an agreement between the parties interested, fixing the royalty at four per centum of the gross value of the material as taken from the quarry, subject to change at the discretion of the Secretary of the Interior.

The Commissioner of Indian Affairs forwarded your said report on October 29, 1903, and concurs in your recommendation relative to the per cent of royalty to be paid by said company if the leases are approved. He calls attention to the provision of section twenty-three of the Cherokee agreement, requiring the segregation of Delaware lands in the Cherokee Nation, which has not been completed, and expresses a doubt as to the advisability of approving said leases until after the segregation of the Delaware lands shall have been finally determined.

The Department concurs in your recommendation relative to the royalty and has advised you by wire to instruct the Indian Agent not to accept or forward any leases until the final segregation of the Delaware lands.

You will advise the company relative to the rate of royalty that will be required and the condition concerning the change in the rate of royalty at the discretion of the Secretary of the Interior, as recommended by you, and after the final segregation of the Delaware lands shall have been made, that leases entered into providing for the payment of a royalty of four per centum of the gross value of the material taken, subject to be changed by the Secretary of the Interior, will be considered by the Department.



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A copy of the report of the Commissioner of Indian Affairs, dated October 29, 1903, is inclosed herewith, and the papers transmitted with your report dated August 28, 1903, are returned to be re-transmitted with any leases or agreements that may be made by said company with said allottees, after the segregation of the Delaware lands above referred to.

Respectfully,

Thos. Ryan,

17 inclosures.

Acting Secretary.

(Endorsed) Union Agency No. 7887. Received Nov. 11, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, Nov. 4, 1903. Secretary----Returns leases of Beaumont Marble & Supply Co., with certain Cherokee allottees, approving recommendation as to rate of royalty, should be re-transmitted after Delaware segregations are completed.



## DEPARTMENT OF THE INTERIOR,

Washington. January 28, 1904.

The U.S. Indian Inspector  
for Indian Territory, Muskogee

Sir:

The Department is in receipt of your recommendation dated the 6th instant, reporting upon a letter from the Cherokee Oil and Gas Company, dated December 29th last, concerning the laying of a pipe line through the Cherokee Nation, Indian Territory.

A copy of the Acting Commissioner of Indian Affairs' communication of the 23d instant, transmitting your report, is inclosed, in which he recommends that you be advised that a bill is now pending in the Congress, which, if enacted into law, will authorize the granting of rights of way through Indian lands for the construction of pipe lines for oil and gas.

The Department concurs in that recommendation and you are advised accordingly.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 8627 Received Feb. 4, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, Jan. 28, 1904. Secretary.-----States bill is pending in Congress to provide for laying of pipe lines in Ind. Ter.-----



COPY.

Agency of the  
INDIAN RIGHTS ASSOCIATION,  
Washington, D. C.

March 11, 1904.

Hon. Secretary of the Interior.

Sir:-

A special matter in the Indian Territory seems to demand careful and speedy attention at the hands of your Department.

One A. D. Morton, at one time clerk in the office of the Director of Geological Survey, some years ago married a Cherokee Indian girl, a daughter of an intermarried white man who is a merchant of considerable influence, of Bartlesville, George B. Keller by name.

Since Morton's marriage about the year 1898 he has resided at Ramona, Indian Territory, about twenty miles south of Bartlesville and at other points, and has been engaged in the mercantile business and the practice of his profession as a surveyor and civil engineer. Because of his superior knowledge and intelligence and because of the position held by him and his father-in-law, and his extensive knowledge of legal conditions existing in the Northern District, which happens to be in the oil and gas belt, his acquaintance and knowledge of the people and of land surveying, has placed him in such an enviable position that he has been employed, as I am informed, by the Standard Oil Company, or its allied branches, to secure oil and gas leases from the Cherokee Indians.



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Mr. Morton has been appointed guardian of the persons and estates of considerably more than 100 Cherokee children, nearly all of whose allotments of lands average 110 acres each, lying in the oil and gas fields, and I am perfectly satisfied that investigation will develop the fact that in almost every instance on his list, he agreed to lease his minors' lands to some oil operator for a fixed bonus and that usually the lease has been made to the Standard Oil Company.

The United States District Court for the Northern District of Indian Territory requires a guardian's bond in the sum of \$650.00 for each minor when there is no other property other than the allotment.

Mr. Herbert C. Smith, United States Deputy Clerk of the Tahlequah branch of said Court, is agent and attorney-in-fact for the American Surety Company of New York, and as such attorney-in-fact he has bonded Mr. Morton in, I believe, nearly all these cases. There seems to be no reason to doubt the soundness of the bonds, and perhaps Mr. Smith's action is entirely justifiable in issuing so many bonds to one person, but I seriously doubt if the action of Mr. Smith in making vacation appointments and the Court confirming them for one man as guardian for so many children, and where he is immediately after appointed, as in this case, constantly making oil leases, is justifiable.



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In numerous cases Mr. Morton has been appointed guardian of a minor, his appointment confirmed and an oil and gas mining lease ordered and made all on one day. The lands leased by Mr. Morton as above stated, can always be disposed of at a royalty of 10 per cent of the oil and a bonus varying in each case according to the location of the lands, some cases perhaps \$1.00 an acre, in others as high as \$10.00.

I do not know anything about his disposition of bonus or whether he contemplates reporting the same to the court in his annual settlement, but assume that he does. I am strongly of the opinion that a person acting in a fiduciary capacity as guardian or trustee, should not lease the lands of his cestuy que trust to his employed, and especially when he has been employed for the sole and only purpose of securing leases.

The hands of a guardian should be clean, he should not be subjected to the influence of his employed. If lands are for sale or lease he should be free to go on the open market and receive the largest prices possible; he should not be permitted to hasten into Court and apply for permission to lease to his employer, and secure the immediate confirmation of his lease all in one or two days and without giving the world a chance to compete with his employer.

Mr. Morten has not made all of his leases to the Standard Oil Company, or to its allied branches, but is believed to have sold some to other persons, for instance to Mr. Calvin S. Matson, Mr. Myron Matson, Mr. C. P. Collins, all of



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Bradford, Pennsylvania, and Mr. Murray B. Chidester of Bowling Green, Ohio, have gotten leases of minors' lands in cases where Mr. Morton is the guardian.

This fact can be ascertained by examination of the records of the United States Court of Tahlequah and Sallisaw and quite possibly some cases may be found at other branches of the Court.

Would it not be well for you to dispatch an examiner to Tahlequah and Sallisaw to investigate and report to you? If such action is had, I confidently believe that all appointments of Mr. Morton as guardian will be revoked, and that he will be removed and that the orders to lease heretofore made will be set aside.

Very respectfully,

S. M. Brosius.

Agent, Indian Rights Association.

(Endorsed) Union Agency # 9171 Received Mar. 27, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, Mar. 21, 1904. Secretary. Refers for report letter of S. M. Brosius, relative to one A. D. Morton who has been appointed guardian of more than 100 Cherokee minors, is leasing their land to Standard Oil Company.



## D E P A R T M E N T O F T H E I N T E R I O R.

WASHINGTON.

ITD. 2073 &  
3668-1904.

May 6, 1904.

United States Indian Inspector

for Indian Territory, Muskogee, I. T.

Sir:

The Department is in receipt of your report of April 20, 1904, upon a letter of March 11, 1904, from Mr. S. M. Brosius, Agent of Indian Rights Association, relative to the appointment of one A. D. Morton as guardian for more than 100 Cherokee children and the leasing of their lands to the Standard Oil Company, in which you state that apparently no action can be taken concerning the leases which, it is alleged, are being made by Mr. Morton, until they are submitted for the approval of the Department.

Forwarding your report May 3 the Acting Commissioner of Indian Affairs states that he knows of no action that can be taken at this time.

Mr. Brosius has been this day advised that the Department concurs in the views expressed in your said report.

Respectfully,

Thos. Ryan,

Acting Secretary.

(Endorsed) Union Agency No. 9506. Received. May 13, 1904. Office of Indian (U.S.) for Indian Territory. Washington, May 6, 1904. Secretary---Approves report on letter of S.M. Brosius, in matter of A.D. Morton being appointed guardian for Cherokee minors and leasing their land for oil purposes.



OFFICE OF UNITED STATES ATTORNEY.

Northern District of Indian Territory.  
Vinita

October 29th, 1904.

Hon. J. George Wright,

United States Indian Inspector,

Muskogee, Indian Territory.

Dear Sir:-

Replying to your favor of October 27th I beg to advise that my instructions went no further than to investigate and give the number of leases, etc. I do not know what companies Mr. Morton is agent for but the court requires every guardian to make oath as to the amount received for a bonus and to account for it.

I made no investigation as to the questions contained on the second page of your letter, understanding that the matter had also been referred to your department or that of the agent at Muskogee which has exclusive charge concerning leases.

My own impression is that Morton has been simply a broker and in any case in which he is appointed as a guardian you could require him to make an oath or affidavit as to what connection he had and what he received as to each and every lease. If there is any other way that I could aid you I would gladly do so.

Respectfully,

P. L. Soper.  
United States Attorney.



J.W.T.  
33264.

DEPARTMENT OF JUSTICE,

Washington, D. C., June 25, 1904.

The Secretary of the Interior.

Sir:

I have your letter of April 25th, inclosing an instrument executed on the 9th of July, 1901, by William W. Nicholas, a Delaware Indian, purporting to lease to Richard C. Adams and John Bullette a certain tract of land in the Indian Territory. You state that this and seventy-two similar instruments were filed in your Department by Mr. Adams, for approval; that, on September 17th, 1903, each of said instruments was disapproved; and that your Department has now been asked to reconsider its action and to give the instruments approval. You request my opinion upon the following questions:

"1. Whether this instrument became and was valid and effective as a lease upon executive thereof in the manner and form made?"

"2. Whether this Department having disapproved said instrument, has authority without the consent of both parties to set aside such action and now approve?"

"3. Whether approval of this instrument at this time would render it valid and effective as a lease?"

"4. Whether, without the assent of both parties, a qualified approval may be given changing the terms of the instrument both as to quantity and description of land and as to the time the instrument shall run?"

"5. Should the party of the first part hereafter duly select as his allotment any part of the land described in this instrument, will it be competent for the Secretary of the Interior, after such selection, to approve the instrument as to such allotment without the assent of both parties, and thereby render the instrument a valid and effective lease as to the allotment thus selected?"



I have also received your letter of May 11th, inclosing further papers with reference to this matter.

At the time when the instrument above mentioned was executed by Mr. Nicholas, the exclusive power to make mineral leases of Cherokee lands was vested in the Secretary of the Interior (Act of June 28, 1898, sections 13, 16: 30 Stat. 495; Hitchcock v. Cherokee Nation, 187 U.S. 294). The attempted lease by Mr. Nicholas was therefore void at its inception.

Since the passage of the act of July 1, 1902, providing for the allotment of lands of the Cherokee Nation (32 Stat. 716), Cherokee citizens have the power to lease their allotments, when selected, for mineral purposes, with the approval of the Secretary of the Interior (section 72). The Secretary is without authority to make such leases (section 73). It is therefore impossible for you now to give validity, either in whole or in part, to the void instrument executed by Mr. Nicholas, since such an act would be the making and not the approving of a lease.

Your first, third, fourth, and fifth questions are accordingly answered in the negative, while I do not consider it necessary to express an opinion upon the second question, as to the power of your Department to reconsider its previous disapproval.

Respectfully,

M. D. Purdy,

Inclosure No. 106.

Acting Attorney General.

(Endorsed) Union Agency No. 9847. Received Jul. 9, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C., July 1, 1904. Secretary---Encloses opinion of Assistant Attorney General on the disapproval of oil and gas lease of Richard C. Adams and John Bullett with certain Delaware Indians.



## DEPARTMENT OF THE INTERIOR,

WASHINGTON.

ITD 1959-1903.

July 1, 1904.

The U. S. Indian Inspector  
for Indian Territory, Muskogee.

Sir:

On September 17, 1903, the Acting Secretary disapproved certain leases from various Delaware Indians as lessors, to Richard C. Adams and John Bullette as lessees, for the purpose of mining coal and petroleum, etc., on certain lands in the Cherokee Nation, Indian Territory. Subsequently, application was made to have said action reconsidered and the matter was referred to the Attorney General for his opinion relative to the authority of the Department in the premises.

On June 25, 1904, Acting Attorney General Purdy rendered his opinion, holding that said leases were void.

A copy of said opinion is inclosed herewith for your information.

Respectfully,

M. W. Miller,

Acting Secretary.

1 inclosure.



Aug. 23, 1904.

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## R E G U L A T I O N S

prescribed by the Secretary of the Interior  
permitting individual citizens of the Cherokee Nation,  
Indian Territory,  
to extract minerals from their allotments.

-----000o000-----

Citizens of the Cherokee Nation desiring to develop their allotments for the purpose of extracting oil or gas, or mining coal or other minerals upon said lands, without entering into leases with other persons for such purposes, are required to first procure authority from the Secretary of the Interior in the following manner:

1. Applications of citizens under these regulations must be made to the United States Indian Agent at Union Agency, Muskogee, Indian Territory, for transmittal, through the customary channels, to the Secretary of the Interior for his consideration. Only applications which are of date subsequent to the issuance of certificate of allotment by the Commission to the Five Civilized Tribes to the allottee, will be received.
2. Such applications must be made under oath, and give full name of the citizen, the date and number of allotment deed or certificate of selection, together with the description of the land, and the date of the delivery of the allotment certificate, and must also state fully the purpose, extent, manner and character of the proposed operations, the amount of capital or resources at hand to develop the property, with information in full showing ability to operate same, and that the application is made in good faith to enable the applicant to operate said property, and not for the purpose of evading or lessening in any manner the jurisdiction of the Department of the Interior in the



-2-

premises.

3. The applicant must further show that no lease or arrangement has been or will be made with other persons to carry on operations in his or her name.

4. No operations shall be commenced or money expended looking to the development of the land for such mining purposes until such application is approved and authority granted by the Secretary of the Interior.

5. Any permit may be revoked at any time by the Secretary of the Interior if investigation demonstrates that **any** of the conditions under which such permit was granted, have been or are being or are about to be violated by the allottee himself, or by him through his agents, attorneys or employes.

6. The United States Indian Agent shall make report and recommendation upon each application submitted, and shall state specifically whether in his opinion the applicant is able financially and otherwise competent to carry on the proposed operations, with his reasons for such opinion.

7. These regulations are not intended, however, to prevent Indian citizens from obtaining coal from lands allotted to them for their own use or for disposing of the same in small quantities for local consumption.

Department of the Interior,  
Washington, D.C.  
August 23, 1904.

Approved:  
Thos. Ryan,  
Acting Secretary.

(Endorsed) Union Agency # 9 Regulations--Cherokee Nation.  
Allottees extracting minerals from their own allotments.



DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D. 13166-1905,  
8764-1904.

October 25, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

On September 27, 1905, you forwarded a report of September 26th from the office of the Indian Agent, Union Agency, I.T., transmitting a coal and asphalt lease dated May 2, 1905, for the term of fifteen years, between John Bullette, a Cherokee citizen, as lessor, and The Canadian Coal Company, of Oklahoma City, O.T., covering the N/2 of SW/4 of SW/4, less 6.16 acres St.L. & S.F.R.R. right of way, of Section 27, the West 8.61 acres of SW/4 of SE/4 of SW/4 of Section 27, and the W/2 of NE/4 of NW/4 of Section 34, T.20 N., R. 13 E., Cherokee Nation, I.T., 42.45 acres.

The Agent's office reports that -

"The land embraced in this lease has been inspected by an employe of this office, who reports that The Canadian Coal Company has stripped and shipped about 10,000 tons of coal from said land; that the coal is found at a depth of from 9 feet to 19 feet, and that the vein is about 30 inches thick. The development work, whereby the 10,000 tons of coal has been stripped from this land, has been done by the lessee company by virtue of a personal permit running to the lessor and approved by the Honorable Secretary of the Interior on October 5, 1904."



You have endorsed on the report of the Agent's office -

"Respectfully forwarded recommending approval. Previous permit duly authorized."

The records of the Department show that on October 5, 1904, it approved the application of John Bullette for permission to mine coal on the land selected as follows: SW/4 of NW/4 of NW/4, and the W/2 of SW/4 of NW/4 of Section 21, and the SE/4 of NE/4 of NE/4, less 1.57 acres K.O.C. & S. R. R. right of way, and the NE/4 of SE/4 of NE/4, less 1.52 acres K. O. C. & S. R. R. right of way, of Section 20, T. 22 N., R. 14 E. It also appears that Mr. Bullette stated in his application that he intended to do the mining himself; that he intended to take out coal sufficient to supply the local demand; that he had ample means to do the work without the assistance of anyone; and that he had made no arrangement with any person or company to mine the coal.

It will be noted that the application of Mr. Bullette, which was approved on October 5, 1904, does not include the land which he now desires to lease to The Canadian Coal Company.

You are requested to investigate and report to the Department by what authority The Canadian Coal Company "has stripped and shipped about 10,000 tons of coal" from the land which it now desires to lease, and if such work was done without due authority of the Department, you will cause said company to cease operations on said land at once.

Respectively,

E.A. Hitchcock.  
Secretary.

Through the  
Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 12707 Received Oct. 30, 1905 Office of U.S. Indian Inspector for Ind. Terry. Washington, Oct. 25, 1905. Secy. --- requesting that investigation and report be made to dept. in ref. to



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coal and asphalt lease made between John Bullette and The Canadian Coal Co. of Oklahoma City.----



DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.4986-1906.

March 29, 1906.

The United States Indian Inspector  
for Indian Territory.

Sir:

The Department is in receipt of a communication from the Acting Attorney General, Hoyt, dated the 24th inst., acknowledging receipt of departmental letter of the 22d inst., relative to improper acts of certain notaries public and a United States Commissioner in the Indian Territory in connection with the making of oil and gas leases for land in the Cherokee Nation.

The Acting Attorney General stated that the papers have been referred to the United States Attorney for the northwestern district of that Territory with instructions to take steps to secure the removal of the parties involved, and if the facts warrant to prosecute them criminally.

Respectfully,

Thos. Ryan,

Acting Secretary.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 13785 Received Apr. 4, 1906 Office of U.S. Indian Inspector for Indian Territory, Washington, March 29, 1906. Secretary.-----States that papers rel. to improper acts of certain notaries public in connection with making oil and gas leases have been referred to the U.S. Attorney for the Northern District, I.T.-----



DEPARTMENT OF THE INTERIOR,  
Washington.

Direct.

I.T.D. 6094-1906.

April 12, 1906.

The United States Indian Inspector  
for the Indian Territory, Washington, D.C.

Sir:

Your report, dated March 16, 1906, transmitting a communication, dated March 9, 1906, from the United States Indian Agent for the Union Agency in the Indian Territory, relative to an alleged combination of interests of various oil lessees in the Indian Territory, was forwarded by the Indian Office (Land. 23602) on March 19, 1906.

On March 23, 1906, said reports were referred to the Assistant Attorney General, together with a copy of the regulations governing the leasing of lands in the Cherokee Nation, Indian Territory, and requesting him to advise the Department -- what changes, if any, should be made in said regulations or said forms, in order to prevent, if possible, the acquirement of any interests by any person or corporation in lands leased for the purpose of mining for oil and gas in excess of 4800 acres of land in the aggregate.

On April 11, 1906, the Assistant Attorney General rendered his opinion, which was duly approved the same day, making some suggestions relative to the changes which might be made in said regulations, and also stating that --

Having no practical knowledge as to the workings of the present regulations, and not having been brought into direct contact with the work in the field, this office is not in

14122



position to offer suggestions with any very fixed conviction that they will prove practically beneficial.

A copy of said opinion is inclosed and you are requested to report whether the changes suggested should be made and also whether any other changes or modifications of the regulations, not mentioned by the Assistant Attorney General, ought to be incorporated in the regulations.

It is desired that you will make immediate report upon the matter through the Commissioner of Indian Affairs in the usual manner.

Respectfully,

E.A.Hitchcock.

Secretary.

1 inclosure.

(Endorsed) Union Agency No.14122 Received May 18,1906 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C. April 12,1906. Secretary.-----Encloses copy of opinion of Asst.Atty General for REPORT and recommendation relative regulations governing leasing of lands in Cherokee Nation, I.T. Also enclosed copy Agent's report Mar 9, and Commissioner's report Mar.19, together with copies of Department letters to and from T. N. Barnsdall and Guffey & Galey relative oil and gas leases in I. T.-----



May 9, 1906.

To Hon. E. H. Hitchcock

Sec. of Interior, Washington, D. C.

Sir:

I beg to suggest the name of "The Kansas National Gas and Oil Company" of Independence, Kansas, should be included in your investigation of Indian Territory oil and gas leases. (This company which is part of the Standard Oil Company, same as Barnsdalle) had a year ago, at one time, 26 men, in the Cherokee nation taking leases. One of those men took leases for five members of the company, four of whose names were Mr. McDoul--Mr. Horten--Mr. Evans--Mr. Snider. All were par. people, and got the limit (Sic) in law 4800 acres each. Leases were taken a year ago, but the Indians, a good many of them, never were take before the Commissioner, until now, in the last 2 months. Three weeks before the rulling (Sic) came that minor leases had to be advetised(Sic) one of the field men got this notice from the Independence office. "Don't spent eny(Sic) more money hunting up minors, we soon will have the golden egg in our basket. Than after came the order in regard to minor leases, to be advertised. They had a man, "Mr. H. Downs, apointed (Sic) a notary for Nowata, I.T. But he never did have office in Nowata, I.T. nor eny (Sic) other place, nor did he ever lived in Nowata, nor eny (Sic) other Territory town. When asked where all of this "advance information" came from, it always brings the same answer. Oh the Standard has a good man in Washington



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to look after things, and also at Muskogee, we get it from Muskogee here. Some of the leases taken were send in trough (Sic) the Independence office and some through the "Barnsdalle" at Bartlesville, T.T.

Those big companies have leased up all the land in sight, and sort it out at leasure, and that which is not of (Sic) eny (Sic) value let go by default, but keep all good locations. Your work sir, is now in the right direction. Keep at it, and give the little fellow some show.

Enclosed you will find a copy of a receipt (Sic) as used by the Kansas Nat. Gas Co., and the Barnsdalle (Sic) Oil Co. Those receipt (Sic) were used for Indian and Freedman leases.

Respt. Yours,

John Doe.

14127



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

I.T.D. 14008-1906.

August 21, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On July 26, 1906, you transmitted a report relative to the location of the oil and gas fields in the Cherokee Nation, and in reference to applications for the removal of restrictions upon the alienation of surplus lands of Cherokee Allottees. In connection with said report you forwarded a map, upon which, with the aid of Special Agent Shepard, whose report in the matter you inclosed, you have endeavored to locate the present development of the oil and gas resources of the Cherokee Nation.

You recommend that the east line of range 17 be considered the east line of the Cherokee oil fields. West of this line you have also located a certain area which you designate as a "dry section." You state that though there are a number of approved oil leases in this section, no great amount of work has been done in developing the lands. There are only one or two gas wells which you are unable to locate and a 30-barrel oil well, the location of which you have shown by the map. You also call attention to recent development of oil-producing territory.

15069



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ritory near Wewoka, in the Seminole Nation.

Referring to your telegram of July 24, 1906, you suggest that if it is not the intention of the Department to approve applications for the removal of restrictions in the known oil territory and upon the lands of those allottees who have given oil leases covering their lands, that it will save considerable time and expense and permit the Agent's force to examine and pass upon other applications more readily if the Agent is authorized to refuse to consider such applications where lands are located within the known oil fields or where lands have been leased for oil and gas purposes.

Reporting August 11, 1906 (Land 64743), the Indian Office recommends that the Cherokee oil field be defined as all land west of the east line of range 17 east. A copy of its letter is inclosed.

In view of this investigation, you are directed to advise the Agent that he will receive, as heretofore, all applications properly submitted by Cherokee citizens for the removal of restrictions upon the alienation of their surplus lands. Such of these applications which by reason of your report or a future investigation are determined to cover land within oil territory or which has been leased for oil and gas purposes or which appears to be susceptible of future oil development will be held by the Agent until he is further instructed. In passing upon all other applications the Agent will set forth in his report the fact that the land involved is not within oil territory or



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territory which apperas (Sic) to be capable of future oil development.

Respectfully,

Thos. Ryan.  
ACTING SECRETARY.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

(Endor sed) Union Agency # 15069 Received August 27, 1906.  
Office of U.S. Indian Inspector for Indian Territory. Washington  
August 21, 1906. Secretary. Ack receipt of may showing location  
of oil fields in Cherokee Nation. Agent should hold all applica-  
tions for removal of restrictions in such area until further in-  
structions are given.



## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.13114-1906.  
10507-1906.  
10925-1906.

September, 1, 1906.

Direct.

United States Indian Inspector

for Indian Territory,

Muskogee, Ind. T.

Sir:

With his undated communication which bears your office stamp of May 12, 1906, the Indian Agent, Union Agency, Ind.T., who was also Acting Inspector at the time, forwarded two conflicting oil and gas mining leases executed by Charlie Bushyhead, a Cherokee citizen, one in favor of The Southwestern Oil, Gas, and Coal Company, and the other to Harry F. Sinclair.

In an approved opinion dated July 31, 1906, a copy of which is inclosed, the Assistant Attorney-General for this Department finds that the lease to The Southwestern Oil, Gas, and Coal Company has no standing, and that the only lease before the Department for approval is that of Harry F. Sinclair.

There is inclosed a motion by James K. Jones, attorney for The Southwestern Oil, Gas, and Coal Company, requesting that said company be allowed forty days in which to collect proof of certain acts and declarations, of which it has heretofore been in ignorance, which were an affirmance of the lease of Bushyhead to said company.



In his reply to said motion, Harry F. Sinclair by his attorney, Clark J. Tisdell, says that he has no objection to granting of time within which to offer such proof, but urges that if such proof be offered, it should be so offered as to enable his counsel to be present and cross examine witnesses, and, if he so desires, to offer evidence in rebuttal.

You are requested to grant a hearing in the matter at as early a date as practicable, notifying all parties in interest of the time and place, and allowing them ample time within which to arrange to be present.

Respectfully,

Thos. Ryan

Acting Secretary.

3 inclosures.

(Endorsed) Union Agency No.15169 Received Sep.5,1906 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C.Sept.1,1906.Secretary.-----Encloses approved opinion of July 31,1906, Asst.Atty.Gen.holding lease from Charlie Bushyhead to S.W.Oil, Gas and Coal Co. has no standing; lease to Harry F.Sinclair only to be considered; encloses other papers concerning conflicting leases and directs hearing in the matter.-----



September 12, 1906.

Hon. Dana H. Kelsey,  
U.S. Indian Agent,  
Muskogee, I. T.

Sir:

In pursuance of your instructions, directing me to attend, at the town of Stilwell, I.T., and to inquire into certain complaints of full bloods and other Indians in regard to the manner in which Oil and Gas leases, and agricultural deeds, were procured, you will find below the names of the parties interviewed, with reference to these and other matters, together with their statements made in person to me:

ALEX BUNCH, STILWELL, I.T., states that he signed deed to the Guardian Trust Co., of Tahlequah, on December 7, 1904, selling fifty acres of his surplus allotment for \$300.00 receiving \$25.00 in cash and the balance to be paid in instalments of \$10.00 each every sixty days thereafter, until fully paid. Has received six instalments up to December 7, 1905, since which nothing has been paid. Requests possession of land. Also granted Oil lease to same Company in September, 1903, James McComas, acting as Agent, but has heard nothing of same. Requests same cancelled.

WILLIAM TAYLOR, STILWELL, I.T., states that he made an agricultural lease to J.H. Middleton, in March, 1905, but knows nothing about Oil lease, No. 1275, given to Theodore N. Barnsdall, which has been approved; has never knowingly signed said lease, and has not acknowledged same before a United States Commissioner, or any one else, and strongly objects to



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the approval of same.

LIZZIE HOGNER, STILWELL, I.T., acknowledges signing oil lease (No. 6, 391), and making affidavit before the United States Commissioner, approving same. Did not receive bonus of \$35.00 at the time of signing, but check was sent for same afterwards by S. F. Williamson to Henry Dick, who cashed same, and she never received a penny (see cancelled check handed to Mr. Cusey), objects to approval of lease.

JOHN SAM, STILWELL, I.T., objects to approval of oil lease No. 5359, on the ground that he was not of age at the time of signing, July 5, 1905, having been born on January 12, 1885. His father Alec Sam, confirmed the truth of his statement, but no further proof was produced. Requests that lease be cancelled.

NATHANIEL & MARY REDBIRD, STILWELL, I.T., state that they were informed at the U.S. Indian Agency, in December, 1905, that the two oil leases, granted by them to the Delaware Oil & Gas Co., on June 1, 1904, were then up to the Department for approval, since which they have not heard anything of same. Object to the approval of these leases on the ground that 2 years and 3 months have expired since signing, and if they had known it would have taken that length of time to get same approved, they would never have executed same.

JOHN HITCHER, STILWELL, I.T., states that he made an oil lease to J. H. Middleton on June 7, 1904, who promised that same would be approved within 9 months. Objects to approval on same ground as preceding case.



SARAH STAYATHOME, STILWELL, I.T., states that on September 12, 1904, she made a verbal agreement for an agricultural lease with the Guardian Trust Co., of Tahlequah, for five years, covering 80 acres, in Sec. 21, T. 25 N., R. 14 E., at an annual rental of \$12.00. She has not received any rent, and now wishes to collect same, and obtain possession of land.

JOHN & JENNIE NOISYWATER, STILWELL, I.T., state that they made an agricultural lease with Charles Crowder, and another man, in April, 1905, for a term of five years, conveying 160 acres, at an annual rent of \$40.00, receiving \$25.00 on account. Land is near Talala, I.T., Now wishes to obtain balance of rent due ( \$55.00) or possession of land.

LIZZIE SWIMMER, STILWELL, I.T., states that she is dissatisfied with John Feguson, who is the guardian of her children, Levi Duck, Mary Sanders, and Akie Daugherty. Their allotments are rented, but they receive no money, and nothing is done to assist them, and she requests that enquiries should be made of the Probate Commissioner, at Tahlequah, with regard to the reports filed by John Ferguson.

WILLIAM TAYLOR, STILWELL, I.T., states that he is the father of Jennie, Eliza, and William Taylor, Jr., minors, who own 140 acres of land near Vinita, which is now/<sup>in</sup>the possession of J. D. Heady, address unknown. Requests to know if guardian has been appointed for children, and if not, wishes to obtain rent due, or possession of land.

SAKIE HUMANSTRIKER, STILWELL, I. T., is now satisfied with the two oil leases, Nos. 6301 and 6354, granted by her. She recollects nothing more than what she told Mr. Cusey with regard to the supposed sale of her surplus allotment to Robert L.



Owen, and requests that the note for \$500.00, signed by him and handed by her to Mr. Cusey, be returned to her.

The following is a list of full blood and other Indians, who appeared before me, stating that they have given consent to the approval of their Oil leases, either before a U.S. Commissioner, or myself, and requested that the Hon. Secretary of the Interior would approve same without any further delay, as many of them were in a destitute condition, and in great need of the money due them on advanced annual royalties, namely-

Name.	Address	No. or date of lease.
Beanstick, Peggy,	Stilwell, I.T.	Sept. 6, 1904. 1467
Beanstick, Dicie	"	April, 1905. 4235
Bird, Sarah,	"	February, 1906. 2432
Bunch, Rebecca,	"	Sept., 1904. 1470
Bunch, Ollie,	"	No. 1996
Coon, Sarah,	"	No. 6445
Cochran, George, Sr.	"	August, 1905. 3581
Cochran, George, Jr.	"	No. 5826
Cochran, Ada,	"	Sept. 1905. 6560
Cochran, Eva,	"	April 1904, 4227
Doublehead, Peter,	"	Aug. 1904. 2379
Duncan, Taylor,	"	June, 1904. 2437
Duncan, Lydia,	"	June, 1904. 2436
Eli, Annie,	Evansville, Ark.	No. 1983
Eli, Taylor,	"	Oct., 1905. 6435
Eli, Liddy,	"	No. 1982.
Eli, Tom,	"	August, 1905. 1981
Eli, Eli,	"	Sept., 1904. 1476
53426		



Name	Address	No. or date of lease.
England, William,	Stillwell, I.T.	July 1, 1905, 4600
Feather, Sallie,	"	Feby., 1906. 2433
French, Naked,	"	Sept., 1905. 6720
French, Sallie,	"	Sept., 1905. none on file
Frogg, Thompson	"	May 18, 1905. 5273
Hogner, Mary,	"	Nov., 1903. 2261
Hogner, Aggie,	"	Nov., 1903. 2262
Hogner, Joseph,	"	No. 5929.
Humanstriker, Mary, Evansville, Ark.		No. 5901.
Jones, Rose,	Stillwell, I.T.	August, 1905. 2223
Jones, Cobb,	"	July, 1903. 4234
Jones, Smith,	"	July, 1905. 5401
Johnson, Jennie,	"	No. 8451
Liver, Emma B.,	"	Oct. 7, 1904. 2789
Liver, John, Jr.	"	Aug. 11, 1904. non on file
Liver, Jackson,	"	February 6, 1905.
Liver, Katie,	"	Nov., 1904. none on file.
Leach, Oniwaki,	"	No. 2198.
Leach, Thomas,	"	Sept. 14, 1904. 2797
Locust, Ida,	"	April, 1904.
Mankiller, Williams,	"	No. 1929.
McLemore, William,	"	No. 1487.
Muskrat, Joe,	Evansville, Ark.	Sept., 1904. 1930
Nelson, Annie, (or Leach)	Wauhilla, I.T.	Dec., 1905. none on file.
Noisywater, John,	Stilwell, I.T.	Jan. 1906. 8331
Noisywater, Jennie,	"	Jan. 1906. 8333
Proctor, George,	"	June 1904. 5268
Proctor, Sallie,	"	June 1904. 5270



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Name	Address	No. or date of lease.
Sawney, Alec.,	Stilwell, I.T.	Aug. 1904. 1355
Sellers, Chickaleelee,	" Evansivlle, Ark.	Sept. 1904. 1962
Sellers, Peggie,	"	No. 1949.
Soap, Bob,	Stilwell, I.T.	No. 4245
Starr, Lizzie,	"	Nos. 1356 & 2531.
Starr, Jack,	"	No. 1357
Starr, Fannie,	"	No. 2438.
Starr, Katie,	"	Aug. 1, 1905. 4784
White, Thomas,	"	No. 1589.

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The following statement gives the names, acreage and amount of rent owing up to date, to the undermentioned Indians, all of whom have executed agricultural leases for terms of five years, at an annual rent of 25 cents per acre, to ANDREW CLARK, of TALALA, I. T., namely:-

Name	Acreage	Date when Due,	Amount.
Cochran, George, Jr.	40 A.	one years rent due in April, 1906.	\$10.00
Cochran, Stacy,	10 A.	" "	5.00
Cochran, Jack, Minor,	80 A.	" "	20.00
Cochran, Curtis, "	80 A.	" "	20.00
Cochran, Ollie, (Minors and children)	70 A.	4 years rent due in April, 1906.	72.50
Cochran, Josie (of)	30 A.	" "	42.50
Cochran, Sallie (Rufus)	80 A.	" "	50.00
Cochran, Dora (Cochran)	20 A.	" "	80.00
Cochran, Henry, (	80 A.	1 years rent due in April, 1906.	20.00
Daughterty, Sam,	40 A.	1 years rend due on May 5, 1906.	10.00
Daugherty, Nancy,	80 A.	" "	20.00



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Name	Acreage.	Date when due.	Amount.
Daugherty, Minor,	80 A.	1 years rent due to May 5, 1906.	\$20.00
Jones, Johnson,	80 A.	4 years rent due to Aug. 1906, less \$30 paid on account.	50.00
Liver, John & Children	350 A.	1 years rent due on May 5, 1906.	87.50
Matcy, Lewis,	80 A.	1 years rent due in April, 1906.	20.00
Matcy, Maggie, Minor,	80 A.	" "	20.00
Matcy, Sarah,	80 A.	" "	20.00
Sam, John,	80 A.	" "	20.00
Sam, Alec,	50 A.	" "	15.00
Sam, Liddy, Dec'd.	60 A.	" "	10.00
Shell, Lucy,	80 A.	3 years rent due up to July, 1906.	60.00
	<u>1670 Acres.</u>		<u>\$707.50</u>

The above parties live near Stilwell, I.T., and none of them possess a duplicate of any of the above leases.

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The following parties request that guardians shall be appointed for minor children belonging to them, as they are unable to get anyone to act in that capacity, namely:-

Sarah Bird,	Rose Jones,	Jack Starr,
Henry Cochran,	Ida Locust,	William Taylor.

The following old and infirm Indians request that the U.S Indian Agent obtain permission to sell the surplus allotments belonging to them, as they are in a destitute condition, and the money thus realized would enable them to live comfortably for the remainder of their lives, namely:-

Susan Walkingstick, aged 89 years, blind and perfectly helpless.



Johnson Spade, aged 80, unable to rent land, owing to his inability to get about and attend to same.

George Cochran, Sr., age 72.

The following parties request that their certificates of allotment shall be returned to them, namely;-

ALEC BUNCH, certificate handed to the Guardian Trust Co., of Tahlequah, I.T., and never returned.

WILLIAM MANKILLER, certificate given to J. L. Springton, of Vann, I.T., who has refused to return same.

WATSON SPADE, given to James Huckleberry, of Chelsea, I. T., who states that he handed same over to the U.S. Indian Agent, at Muskogee, I.T.

The following parties wish to know whether the approved leases, executed by them, have been relinquished by the lessees, as they have been so informed, namely:-

LIZZIE SWIMMER, Stilwell, I.T.	Lease No. 3528
BETSY JOHNSON, " "	" 3527
CHULEO LIVER, " "	" Dated Sept., 1904.
WILLIAM McLEMORE AND NANCY SWIMMER, "	Request information, as

to the proper steps to be taken in order for them to sell the allotments belonging to their deceased children.

CHARLOTTE HOGAN AND ROSE JONES, both of Stilwell, I.T. wish to know whether there are any gas and oil leases in their names, on file at the U.S. Agency.

JACK SAWNEY, of Stilwell, I.T., requests to be notified of the decision in his case, Lease No. 1335, heard before Special Agent, C. O. Shepard, at Sallisaw, on May 21, 1906.

CRAWLER PROCTOR AND ELLEN KILLER, of Stilwell, I.T.

Request to be informed if the Prosecuting Attorney has made



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his report, as promised in the case against C. M. McClellan, of Ardmore, investigated before the U.S. Grand Jury, in April term of Court, 1906, regarding agricultural leases taken by him from various Indians living around Stilwell. Wishes to know, as McClellan has not paid any rents for the current year.

RICHARD COON, Stilwell, I. T. Leases Nos. 1110 and 4563, both approved, states that he had only made one Oil and Gas lease to Waldo A. Hardison, in June, 1904, and has never appeared before a U.S. Commissioner or anyone else, and gives his approval to above leases. Does not understand letter herewith attached, and asks for further information.

JOHN HITCHER, Stilwell, I.T., states that he made an Oil lease to John Hayden, in November, 1905, covering 161 acres of land, belonging to the estate of his father and mother, David and Betsy Hitcher, to which he is the sole heir. Has not taken out any letters of administration. Requests to know if he had legal right to execute this lease, and if so, whether he has signed same properly.

The following parties did not appear before me, viz:

William Cornsilk,	Turkey Hooper,	Mr. James Starr,
James Feathers,	Julia Miller,	Betsy Vann,
Becky Hawks,	Betsy Muskrat,	Scott Vann.
Anna Hooper,	Celia Sawney,	Alcy Vann.

Respectfully,

Frank A Kemp.

MLG. Clerk.

(Endorsed) Union Agency # 53426 Received Sep. 14, 1906. Office of U.S. Indian Agent, Muskogee, Ind. Ter. Frank A. Kemp, Cler, Muskogee, I.T. Report in the matter of certain complaints of full bloods and other Indians in regard to the manner in which oil & gas leases and agricultural deeds, were procured.



DEPARTMENT OF THE INTERIOR.  
Washington.

I.T.D. 18892-1906.  
10765-

October 10, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On September 25, 1906 (Land 78977), the Indian Office transmitted the Acting Inspector's report of September 8, 1906, relative to a communication from Mr. Richard C. Adams in which he stated that the agent's office is from sixty to ninety days behind with royalties due his children.

In accordance with the Acting Inspector's recommendation, Mr. Adams has this day been advised that these royalty matters are handled as expeditiously as it is possible to handle them with the available force at the Agent's command, and that there is no unavoidable delay; also that his suggestion that the oil should be sold and the royalty credited each week will receive careful and prompt attention.

Respectfully,

Thos. Ryan.  
First Assistant Secretary.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 15722 Received October 17, 1906. Office of U. s. Indian Inspector for Ind.Ter. Washington, D.C. October 10, 1906. Secretary. Advises In accordance with recommendation of Insp. Richard C. Adams has been advised relative payment royalties due his children there is no unavoidable delay; also concerning sale of oil and credit of royalty each week.



## D E P A R T M E N T   O F   T H E   I N T E R I O R .

## U N I T E D   S T A T E S   I N D I A N   S E R V I C E .

## U N I O N   A G E N C Y .

Lease.

MUSKOGEE, IND. T.,

November 12, 1906.

I am in receipt of your letter of September 25, 1906, (D 15403-1906) transmitting a communication from Messrs. Veasey and Rowland, addressed to the Department under date of September 17, 1906, accompanied by a communication from William Pl and Maude W. Ross, asking that the oil and gas mining leases given by them to the Kansas and Texas Oil Company be cancelled because no operations have been commenced. You ask to have this matter investigated and to furnish report in reference thereto at a date as early as practical with the return of the enclosure.

In reply you are advised that the complaints of the Ross family have heretofore been filed at this office in the form of a petition to compel the Kansas and Texas Oil Company to begin immediate development of their lands for the reason that they were suffering financial loss because of operations for oil and gas in close proximity to their lands. It is stated that the regulations requiring lessees to pay an annual rental of \$1.00 per acre in addition to the annual stipulated royalties are insufficient under the circumstances, to repair the loss to which they have been subjected.



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The matter was placed in the hands of a representative of this Office for investigation and report. In pursuance to my directions he visited the lands in question and by personal inspection located all the wells that have been drilled in that vicinity. From his reports, which are attached hereto, it will be seen that three wells have been drilled upon the Kate Moore allotment, on the west of the Ross tracts, at a distance of 150 feet from the dividing line. In the Township north a well has been drilled at a distance of about 400 feet of the dividing line. Other wells drilled in the vicinity of the Ross allotments are at distances of the dividing lines, ranging from 300 to 1400 feet. The number of wells drilled on lands adjoining the Ross tracts is twenty. From the report it does not appear that any of these wells are in dangerous proximity of the Ross tracts.

Bonds upon all of the leases mentioned have now been approved a little more than twelve months, so that it is now necessary under the regulations for the Department for the lessee company to pay an annual additional rental of \$1.00 per acre, in addition to the advanced annual royalties stipulated in the lease. The company has, however, sixty days, under the regulations, in which to meet the royalty payments. If the advanced royalties are not paid the bonding company is of course liable, and if the advanced annual rental is not paid the leases may be cancelled in the discretion of the Honorable Secretary of the Interior. This matter will be taken up in the regular course of business, and if occasion arises further report will



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be made.

In view of all of the circumstances I would respectfully suggest that if the lessee company does not pay the additional rental mentioned above the leases be cancelled, but that such action be not taken until the company shall have had time to make the payment, or until this office shall have had time to properly present the matter and to make formal request that the amount be paid.

Respectfully,

Danna H. Kelsey  
UNITED STATES INDIAN AGENT.

(Endorsed) Union Agency # 59872 received Nov. 18, 1906. Office of U.S. Indian Inspector for Indian Territory. Union Agency, Muskogee, I.T., Nov., 12, 1906. Dana H. Kelsey United States Indian Agent. Transmits report in the matter of complaint of William P. and Maude W. Ross against the Kansas and Texas Oil Co.



CHEROKEE - SCHOOLS



An Act to authorize the purchase of Cherokee books therein named

Be it enacted by the National Council:

That the sum of Two hundred dollars be appropriated out of any money in the Treasury belonging to the School fund not otherwise appropriated for the purchase of the Cherokee Pictorial Book compiled and translated by Rev. A. N. Chamberlain in 1888 and that the same be placed in the hands of the Board of Education for distribution among schools speaking in the Cherokee language, and the warrant for said fund shall be drawn in favor of the Secretary of the Board of Education who shall report the manner in which said books have been distributed to the National Council in his next annual report.

Passed the Senate Dec. 26 1889

A. H. Norwood

L. B. Bell

Clerk of Senate

President of Senate

Concurred in by the Council Dec. 26 1889

Wm. P. Thompson

B. F. Lamar

Clerk of Council

Speaker of Council pro tem

Approved Dec. 26th 1889

J. B. Mayes

Prin. Chief.

Copied from page 87 Cherokee bound volume No. 295  
in the vault of the Okla. His. Society.



1.

## DEPARTMENT OF THE INTERIOR

OFFICE OF SCHOOL SUPERVISOR FOR CHEROKEE NATION.

Tahlequah, Ind. T. November 9, 1904.

Superintendent John D. Benedict,

Muskogee, I. T.

Sir:

In reply to your letter of the 29th ult. asking for a description and estimate of values of the Boarding Institutions of the Cherokee Nation I have the honor to report as follows. There are five boarding institutions in the Cherokee nation. Three belong to the school fund, one belongs to the orphan fund, and one belongs to the insane fund.

I will report upon each one separately. The newest, largest and best building is the Female Seminary at Tahlequah. It is on forty acres of land which is within the corporate limits of Tahlequah. The part nearest town is quite valuable as it can be used for town lots, the part farther back is not so good. I think an average value of \$125.00 per acre or \$5,000. for the land a fair valuation. The Seminary building is 320 feet in length and of varying width as there are two L's one of which gives a depth of 150 feet. Most of the building is three stories in height. It is a well constructed brick building, heated by steam, lighted by electricity, supplied with water from tanks into which water is pumped from an excellent spring on the premises by steam power.



2.

On the first floor are the chapel, used also for a study and recitation hall, recitation rooms, dining room, kitchen, parlor, music rooms and superintendent's office. On the second floor are the library, music rooms, and rooms for the teachers and students. On the third floor are rooms for the sick, for teachers, for students and some large rooms or dormitories for the primaries. There are 102 available rooms in the building. Its original cost was \$80,000 and it was first occupied by the school in September 1889. The building was originally provided with sewerage, wash basins, \* bath tubs and water closets. Year by year the wash basins, water connections, and plumbing have been broken and disconnected, and for some time bath rooms and wash rooms have been nailed and locked up. What were expensive modern house conveniences when put in are now practically useless. After fifteen years use and with some repairs and the erection of a few minor buildings, I think 75% of cost or \$60,000 a fair valuation.

The Male Seminary has forty acres of land one mile from Tahlequah, some of which is good farming land. I would value this land at \$50.00 an acre or the tract at \$2,000.00.

The building which is an imposing structure stands on an elevated piece of ground with perfect natural drainage. The act of council providing for this school was passed Nov. 26th 1846, and the school was opened May 7th, 1850. It was interrupted by the civil war, but after the war a large addition



3.

was made to the building with some necessary repairs.

The aggregate appropriations for the building made and used in those early times was \$120,000. The old building is well and substantially built of brick two stories high. The new part is three stories high of brick, and a basement of stone. arranged on the first floor of the building are the chapel, recitation rooms, library, laboratory, dining room, kitchen, family rooms for the superintendent and a parlor. Upon the second floor are rooms for the teachers, students, nurse and sick rooms. Upon the third floor are students rooms and dormitories. The building affords eighty-five available rooms. In length it is 185 feet and 109 feet in width. The chapel is 54 by 40 feet, the dining room is 45 by 38 feet. The building accommodates 160 pupils with the necessary officers and teachers. The building is heated by fireplaces and stoves, the fuel used is wood, and it is lighted by electricity.

This is an old building and might be valued at \$45,000.

The Colored High School is six miles northwest of Tahlequah on 40 acres of land which I would value at \$25.00 an acre or \$1000.00. The building is of brick 50 by 70 feet and three stories high. On the first floor is the kitchen, pantry, dining room, school room, an office-parlor and two bed-rooms. On the second floor are seven rooms and on the third floor are



4.

eight rooms used for students and employes. It is heated by wood stoves and lighted by coal oil lamps.

I would value the building at \$7,000.00.

The orphan asylum property at Salina has 120 acres of land with orchard, some small buildings and the remains from the large brick building since the fire. I value the land with improvements at \$75.00 an acre or \$9000. Value of debris from the fire,,mostly valuable brick, \$6000. or for the place \$15,000.

The Insane Asylum reservation five miles south of Tahlequah, now used as an Orphanage is composed of 40 acres worth \$25.00 an acre of \$1,000.

The building is of brick three stories high 40 by 148 feet. On the first floor is the kitchen, dining room, an assembly room, a sitting room for boys, one for girls and a store room. On the second floor there are eight large and four small rooms, on the third floor eight large and five small rooms. In all the building contains 31 rooms and accommodates officers, employes and eighty orphan children. On this place we have erected two small school buildings, a small laundry and a stable at a total cost of \$1,500. And we have expended \$2,500 on repairs and painting on the main building. I estimate the value of this building at \$20,000.

The insane asylum is now in the National Jail located in the town of Tahlequah. This is a two story and basement stone



5.

building of four rooms to the story or a twelve room building. These are old buildings and have about served their purpose. There is a stable and lot across the street from the main property and all of the lots are valuable on account of their location. I would value the stable and lot at \$500.00, the main lot at \$3,000. and the buildings at \$5,000.00.

In my estimates of values on buildings I am guided somewhat by the insurance adjustment value of the recently burined orphanage at Salina, and values of lands by sales of lands by Cherokee freedmen to Cherokees since allotment and partly by values of town lots.

# Summary.

Male Seminary Buildings	\$45,000.00
" " Lands	2,000.00
Female Seminary Buildings	60.000.00
" " Lands	5,000.00
Colored High School Buildings	7,000.00
" " " Lands	<u>1,000.00</u>
On School Fund Account - - - - -	-\$120,000.00



6.

Orphan Asylum (Salina) debris - - - - -	- \$6,000.00	
" " " land - - - - -	- 9,000.00	
" "(near Tahlequah) Building - - - - -	20,000.00	
" " small buildings - - - - -	1,500.00	
" " land	<u>1,000.00</u>	

On Orphan Fund Account

\$37,500.00

Insane Asylum, Tahlequah building	\$5,000.00	
" " two lots	<u>3,500.00</u>	<u>8,500.00</u>
Total valuation		\$166,000.00

Very respectfully,

Benj. S. Coppock

School Supervisor

for the Cherokee Nation.

L. S.

Copied by M. P. B. March 28, 1934.



1.

DEPARTMENT OF THE INTERIOR  
OFFICE OF SCHOOL SUPERINTENDENT FOR CHEROKEE NATION.

Tahlequah, Ind. T. November 26th, 1904.

Superintendent J. D. Benedict,  
Muskogee, I. T.

Dear Sir:

Mr. Wyly and I were at the Female Seminary all day yesterday. We went over the work and methods and management of the entire institution with Supt. and Mrs. Allen and then with Principal and Miss Allen. I think feel settled and encouraged by our visit. We smoothed out the few wrinkles gave some instructions and left with a word of good cheer and encouragement. The school in its parts and as a whole is in good working condition. The management of the domestic affairs and the laundry was never better. The Principal has shown good judgment and has the girls under control and the faculty is quite harmonious. Instruction in sewing, in which all the girls are concerned, is proving generally satisfactory as well as the mending. Although it took us from morning to five P. M. we feel a confidence and rest about the school and its work. Good reports are going out from it all over the nation and word from parents is reassuring.

This morning we went out to the Male Seminary. We went and came with a feeling of sadness. As we drove up we saw



the boys loading in the dray five trunks. The boys were going home to stay. We learned 8 boys were leaving today. Perhaps 40 had gone home over Thanksgiving, and only 55 boys reported at chapel this morning. We were at dinner. I looked about and but few boys were there. Mr. Elwood says the boys will be back after Thanksgiving but others say most of them will not come back. We have questioned boys, teachers and parents to know what the difficulty is and can as yet learn but two things -- doing no good, disgust at the Principal. We hear no complaint about his wife or daughter or any of the teachers. Everything centers on the Supt. and they say it is because he lets them do as they please, excuses too much from chapel, from school or classes; lets them come to town, go home, go hunting, play sick. They say he is "dead easy" and they can work him. Result they have no respect for him, hissed him in chapel yesterday. I gave him a kindly but very plain talk, told him all of these things and gave him best advice at hand. Mr. Wyly approved and confirmed my talk. We told him all complaint centered in him, not to give excuses, to see personally that every boy was at chapel, study hour, class room, dining room every time; to take nothing for granted, nothing on honor but to be personally on hand and hold them all down by day and night right there on the premises until they "squealed" and the members of council and attenders of Dawes Commission when they go home will say that we have taken hold and he is "not easy" and cannot be worked. We will have to personally watch this case next week and until there is some respect for the school management. For unfortunately the



3.

faculty are fully discouraged and have for the moment lost  
faith in <sup>i</sup>has doing anything to support them or do his own work.  
The faculty is competent, experienced, and willing. But  
the best of them are way down in discouragement. This condi-  
tion calls for our close **constant** personal supervision. I  
have faith and courage and ought to be able to impart it. Hope  
we will be able to hold the rest of the boys, though no one  
knows just how many there are. Several boys have been suspended  
and sent home for playing cards lately and the word has gone  
out that card playing and gambling is quite the industry out  
there. Mr. Elwood took our instructions in a very nice way  
and said he take hold of the matter with vigor at once. It  
is up to him to prove equal to the occasion and at once with  
our strong support. There is one week more of council and  
four of school. If school is to do anything like its proper  
work we must turn the tide and get word out that will bring  
back pupils for next term. We ought to be able to do it as  
we have a good teaching faculty and something strong to rally  
about. This matter will receive my immediate careful atten-  
tion.

All of our teachers will appreciate any hastening of the payment of September claims. However a large number of warrants are held here awaiting the Chief's signature.

Very respectfully,  
Ben S. Coppock,

Copied by M. P. B. March      School Supervisor, Cherokee Nation.  
28, 1934.



**CHEROKEE - TOWNSITES**



DEPARTMENT OF THE INTERIOR.  
Washington.

I.T.D. 17526-1905.

December 21, 1905.

United States Indian Inspector

For Indian Territory, Muskogee, I. T.

Sir:

December 8, 1905, you transmitted for departmental approval, patent number 4, to the Town of Big Cabin, executed by the Principal Chief of the Cherokee Nation, conveying certain land for cemetery purposes in the town of Big Cabin, Cherokee Nation, I.T.

Attached to said patent is the statement of the U.S. Indian Agent, Union Agency, showing that full payment for the land conveyed has been made.

Reporting December 16, 1905, the Indian Office recommends that said patent be approved. A copy of its letter is inclosed.

The patent has been approved this day and sent to the Commissioner to the Five Civilized Tribes for appropriate disposition.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

1 enclosure.  
(Endorsed) Union Agency # 13056 Received Dec. 30, 1905. Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 21. 1905. Secretary. Advises of approval of conveyance No. 4, by Principal Chief, Cherokee Nation, conveying certain land in town of Big Cabin, I.T., for cemetery purposes.



DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.4098-1906.

March 14, 1906.

The United States Indian Inspector  
for Indian Territory, Muskogee, Ind.T.

Sir:

The Department is in receipt of your letter of February 26, 1906, relative to certain correspondence between your office and Mr. Robert L. Owen, of Muskogee, concerning a number of lots purchased by him from the Cherokee Nation at the town of Nowata.

The Indian Office, submitting your letter March 8, 1906 (Land 19411-06), stated that an examination of the law leads to the conclusion that Mr. Owen, under the circumstances, is entitled to no relief because of his investment in the lots to which he refers.

The Department concurs in such view, and you are requested to advise Mr. Owen accordingly. His letters to you in the matter, and the letter of the National Attorney for the Cherokee Nation, are returned herewith.

Respectfully,

Thos. Ryan  
First Assistant Secretary.

4 inclosures.  
Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency No.13662 Received Mar.19,1906 Office of  
U.S.Indian Inspector for Indian Territory.Washington, March 14,  
1906.Secretary.-----Advises Robt.L.Owen is entitled to no relief  
because of his investment in certain lots in Nowata, Cherokee  
Nation.-----



C O M P I L E D   L A W S

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## ARTICLE 111.

## INCORPORATING THE TOWN OF FORT GIBSON AND DOWINGVILLE.

SECTION 591. The town reservation of Fort Gibson, as defined by law, and the country thereto adjacent for a distance not to exceed one mile from the boundary thereof, for the purposes of this act, are hereby declared to be within the corporate limits of the town of Fort Gibson, and the inhabitants, citizens of the Cherokee Nation, residing within the limits aforesaid of said town, be, and they are hereby constituted a body politic and corporate, by the name of "Mayor and Town Council of the town of Fort Gibson," by which name they and their successors may sue and be sued, defend, and be defended, in all courts of law, in all matters and actions whatsoever, and may grant, purchase, receive, and hold property of any description, within the limits proper of said town, and may have, sell, and dispose of the same for the benefit of the town, and may do all other acts the same as natural persons, not contrary to the constitution of the Cherokee Nation.

SECTION 592. The corporate powers and duties of said town shall invest in one mayor and five members of the council, to be selected annually on the first Monday in December of each year, and to continue in office till their successors are elected and qualified, according to this act; and the said mayor and members of the council shall take an oath, before entering into office, to faithfully discharge their duties; and all qualified electors of the Cherokee Nation, residing within the corporate limits of said

P. B. # 1, Laws, Ft. Gibson.



town of Fort Gibson, shall be entitled to vote in the election of the mayor and council, and a majority of the votes thus cast at an election shall be necessary to a choice of such officers, and no person shall be chosen mayor, or member of the council of the town of Fort Gibson, who shall not be of lawful age, and an inhabitant of said town.

SEC. 593. The mayor, or any member of the council that may be designated as such in the absence of the mayor, shall preside at the meetings of the town council, which shall be regulated by ordinance. He shall be the executive power of the said town of Fort Gibson and conservator of the peace within the corporate limits thereof, and shall have full power and authority to do, and perform, all things which may be lawfully done by a judge of the district in criminal matters, in accordance with the powers and authority herein conferred upon him.

SEC. 594. He shall be vested with full powers to enforce all ordinances passed by the council and approved by the mayor, or by the unanimous vote thereof, in case of his failure to approve the same within three days after the passage thereof and its presentation to him; to assess all fines for a violation of said ordinances, not exceeding the sum of fifty dollars, and to issue executions for the collection of the same. In case of murder, the mayor may cause the arrest of the perpetrator, and cause him to be turned over to the sheriff of the district for trial by any court having jurisdiction thereof; but, in all other offenses, misdemeanors, and crimes, the mayor and town council may have authority to arraign, hear, and punish the same,



as may be prescribed by the laws of the Cherokee Nation, or the ordinances of said town; Provided, that they shall not have the power to inflict, without trial by jury, punishment by stripes, or restrain a person of his liberty longer than two months. The said mayor and town council shall also have jurisdiction in determining rights to property, or the collection of debts, where the amount involved shall not exceed the sum of twenty-five dollars.

SEC. 595. Any three members of the town council shall constitute a quorum to transact business, but a less number may adjourn, from time to time, and compel the attendance of absent members in such manner as the council may prescribe. The members of the town council shall judge of the election, qualifications and returns of the mayor, and their own members, and determine rules for their own proceedings, which shall be recorded by the clerk of the town council in a journal to be kept for that purpose.

SEC. 596. The town council of Fort Gibson, shall have full power and authority to pass by-laws and ordinances to prevent, define and remove nuisances, to restrain and prohibit all disorderly houses and gaming, the introduction and vending of intoxicating drinks; to establish and regulate a market; to cause the streets to be opened, repaired, and paved by the inhabitants and non-resident owners of houses, lots, and property in said town; Provided, the tax imposed on non-residents, for said purpose, be in exact proportion to an ad valorem tax imposed on all property belonging to residents in, and situated within the incorporated limits of said town of Fort Gibson; to provide for the



prevention and extinguishment of fires; to dig wells and erect pumps for the convenience of the inhabitants; to restrain all violence, obscenity, and disorderly conduct, within the limits of the town; to assess and collect fines for a violation of the ordinances, and to collect a tax for defraying the expenses of the town and the improvements thereof; and generally, to pass such by-laws and ordinances for the regulation of the town as they may deem necessary, not contrary to the provisions of this act, or to the constitution of the Cherokee Nation. No tax shall be imposed by the town council of Fort Gibson, in any one year, on property within the town, at a higher rate than one-half of one per centum on the assessment value of the same, unless two-thirds of the persons therein interested shall, by vote taken for that purpose, authorize the same to be done.

SEC. 597. In order to carry into effect the provisions of this act, the town council of Fort Gibson shall have authority to provide by ordinance for the appointment or election of one clerk, one constable, one assessor and collector of taxes, and such other officers as may be necessary; prescribe their duties, fix their compensation, and remove them from office. It shall also have authority to select, lay off, enclose, hold, and regulate by purchase or otherwise, twenty acres as a cemetery, and may prohibit the interment of bodies anywhere within the limits of said town.

SEC. 598. The clerk of the town council shall attend the mayor's courts, issue all writs and summons and other necessary papers, keep a true, full, and correct record of all arrests and trials, and of all town lots and ownership of the same.  
# 1-Ft. Gibson Corporation Law.



SEC. 599. The mayor and town council of the town of Fort Gibson, shall cause to be made a re-survey of all that part of the original town not embraced within the military reserve. They shall in such re-survey retrace, as nigh as may be, the original streets and alleys, cause the streets to be re-opened, all obstructions to be removed therefrom, and all blocks and lots to be staked with stone, iron, or dourable timber, and to be lettered and numbered according to range and number; in consideration of which, every odd lot, the property of the Nation in such town reserve, shall be the property of the corporation of Fort Gibson, to be used for the benefit of such corporation.

SEC. 600. All other lots, the property of the Nation, may be sold, from time to time, by order of the mayor, and for the benefit of the general fund of the Nation, in such manner as shall be ordered by the Principal Chief; one-third the price bid for lots so sold, shall be paid at the time of sale, and the residue in two equal annual installments.

SEC. 601. Upon final payment for any lot, the mayor shall issue a receipt in full to the purchaser, upon the presentation of which the Principal Chief shall execute the necessary conveyance to the owner. Lots not paid for, as herein provided, shall revert to the Nation, without recourse for payments previously made thereon.

SEC. 602. Writs for the arrest of persons, charged with a violation of the ordinances of the town corporation, may be served by any sheriff into whose district the person accused may have fled; and such sheriff, so arresting, shall safely deliver the prisoner to the constable of the town, to be dealt with ac-



cordingly to the ordinances of the same.

SEC. 603. "The town of Downingville is likewise incorporated under the same conditions, with the same rights, privileges and restrictions, as provided in the above act, incorporating the town of Fort Gibson."--(November 27, 1873.)

SEC. 604. "The towns of Chelsea, Chouteau and Claremore are hereby incorporated under the same rights, provisions and restrictions as are provided in the--

Pages 300 -305 Inclusive--COMPILES LAWS. Art. 111. Fort Gibson.



## O F F I C E   O F   C I T Y   C L E R K

CITY OF FORT GIBSON  
STATE OF OKLAHOMA

March 19th, 1934.

City Council:

Q. B. Boydstun  
Robert Langston  
W. A. ThomasDepartment of Interior,  
Indian Agency,  
Muskogee, Oklahoma

Gentlemen:

I wish you would please advise me if you have any records showing when the Town of Fort Gibson was first incorporated as a Town, either under the Cherokee Nation or under the Arkansas Law.

If you have any such record, I would appreciate it if you would please advise me as to the date of incorporation.

Thanking you for your courtesy in these matters, I wish to remain,

Yours very truly,

(Signed) Q. B. Boydston

President, Board of Trustees.  
(Endorsed) Press Book-Decisions & Instructions of Department  
and Opinions of Attorney General, Muskogee, Oklahoma. Photo-  
static copies of laws concerning incorporation of town of  
Fort Gibson, # 1.



Afton, I.T.

Feb. 2, 1899

To the Dawes Commission,

Muskogee, I.T.

Gentlemen:

There are good grounds to believe that the census of our town, Afton has been incorrectly enumerated and incorrectly recorded. Therefore, we ask that no action be taken on the report of the Census of Afton, I.T. till the people have time to rectify the error.

At present, we know not from where the authority emanated, to take such census, or in what way or how your Commission will determine the towns that have a population of five hundred inhabitants as mentioned in the treaty.

This letter will be followed with affidavits and names of persons who were wrongfully left off the rolls, or wrongfully relected after enrollment.

Respectfully,

W.W.England.

(Endorsed) Union Agency No. 2278 Recd. Feb. 4, 1899 W.W.England.  
Afton, I.T. Feb. 2, 1899----Rel. to the census of Afton.----



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Union Agency,  
Muscogee, I.T.

March 21, 1899.

Mr. R.L.Farrar,  
Talala, I.T.

Dear Sir:-

Yours received in which you ask me if a citizen's property is taxable in an incorporated town in the Cherokee nation, when said town is incorporated under the Arkansas law. You are informed that it is, and the citizens must pay such tax as is imposed by the municipal government under which he lives.

That portion of your letter in regard to allotment I have referred to the Dawes Commission for answer direct to you.

Very respectfully,  
D.M.Wisdom,  
U.S.Indian Agent.

Approved;

J.Geo.Wright,  
U.S.Indian Inspector.



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Webbers Falls, I.T. May 16, 1899.

Inspector Wright

Muskogee, Ind. Ter.

Dear Sir:

We wish to know if the ex-clerk of the Cherokee Court<sup>house</sup> of this Canadian District, Cherokee Nation, has the authority to rent the Cherokee Court building in this town, and collect the same? Does not yourself or the U.S. Indian Agent alone have the control of all public buildings belonging to the Cherokee Nation and the collecting of rents for same? This town has been recently incorporated, and officered, and we wish to get possession of the building to use as a court house, or town hall, until such time as we can buy it from the proper person, or build one suitable for the purpose.

We obligate ourselves to take good care of it and add such repairs to it as will be necessary to protect it from weather, or fire, ect.

Please assist us in getting the use of it and oblige.

Respectfully,

D.H. Burk, MD

Alderman

W.M. Gibson

"

Geo. Pollard

"

(Endorsed) Union Agency No. 1045 Received May 17, 1899 Office of U.S. Indian Inspector for Indian Territory. Webbers Falls, I.T., May 15, 1899. D.H. Burk, and others. ---- Want to rent Cherokee Court house for town hall. ----



## EXECUTIVE DEPARTMENT

Cherokee Nation

Tahlequah, I.T. June 8th, 1899

Hon. J. Geo. Wright,  
United States Indian Agent,  
Muskogee, Ind. Terry.

Dear Sir:

I have the honor to acknowledge the receipt of yours of the 2nd, inst, handing me a communication from J.T. Walrond, attorney for the Incorporated town of Miami, Indian Territory, in the matter of the application of said town for a license from the Cherokee authorities to open the Cherokee Nation and the Quapaw reservation, and in reply thereto, in as much as two of our citizens (Williams and Audrain) have a license issued through the offices of the Indian Agent to operate a ferry boat at the place designated in the application of the town of Miami, and the Cherokee Law disallows the opening of a new ferry within less than half a mile of any ferry established agreeably to law, I do not feel, in the face of said law, that I could advise or direct the issuance of a license to the said parties.

I regret that I can not comply with your recommendation,

Very respectfully,

S.H. Mayes

Principal Chief.

(Endorsed) Union Agency No. 1283 Recd. Jun. 10, 1899 Office of U.S. Ind. Insp. for I.T. Tahlequah, I.T., June 8, 1899. S.H. Mayes Prin. Chief.  
-----Relative to granting license for ferry at Miami.-----



Hon. J. Geo. Wright,  
United States Indian Inspector,  
Muscogee, I.T.

Dear Sir:

I have the honor to acknowledge the receipt of yours of the 2nd instant handing me a communication from Z.T. Walrond, attorney for the Incorporated town of Miami, Indian Territory, in the matter of the application of said town for a license from the Cherokee authorities to operate a free ferry boat between the Cherokee Nation and the Quapaw reservation, and in reply thereto, inasmuch as two of our citizens (Williams and Audrain) have a license issued through the office of the Indian Agent to operate a ferry-boat at the place designated in the application of the town of Miami, and the Cherokee law disallows the operating of a new ferry within less than half a mile of any ferry established agreeably to law, I do not feel, in the face of said law, that I could advise or direct the issuance of a license to the said parties.

I regret that I can not comply with your recommendation.

Very respectfully,

S. H. Mayes,  
Principal Chief.



## DEPARTMENT OF THE INTERIOR,

Washington.

June 23, 1899.

The United States Indian Inspector

For the Indian Territory,

Sir:

The Department is in receipt of your communication of the 12th instant, transmitting letter from the Principal Chief of the Cherokee Nation, dated the 8th instant, acknowledging the receipt of your letter of the 2nd instant, transmitting a communication from Z.T. Walrond, Esq., of Muscogee, who represents himself as an attorney for the incorporated town of Miami, Quapaw Agency, I.T., in the matter of the application of said town for a license from the Cherokee authorities to operate a ferry boat between the Cherokee Nation and the Quapaw reservation, in which the Principal Chief states that, inasmuch as two citizens of the Cherokee Nation, Messrs. Williams and Audrain, have a license issued through the office of the Indian Agent at the Union Agency, to operate a ferry boat at the place designated in the application of the town of Miami, and the Cherokee law disallows the opening of a new ferry within less than one-half mile of any ferry established in accordance with law, he could not advise or direct the issuance of a license to said parties.

You express the opinion that if such a license has been granted by the Cherokee authorities, as stated by the Chief, it is worthless as an exclusive privilege, and can only be taken



as an assent on the part of the Cherokee Nation to the operation of such a ferry, because the stream over which it is operated is the boundary line between the Cherokee Nation and the Quapaw Indian reservation, and that, so far as concerns the Cherokee Nation, it is an international boundary, and the tribal authorities of the Cherokee Nation have no jurisdiction over the same.

You further suggest that, as said river is the boundary line between two Indian reservations, the Department of the Interior might be authorized to control and manage such privileges, and if not, then the only authority to do so rests in the Congress of the United States.

The Commissioner of Indian Affairs on the 20th instant, forwarded your said communication and calls attention to the report of the Indian Office to the Department on April 29, 1899, and to the letter of the Department of May 5, same year, concurring in the view of the Indian Office, in which the conclusion is reached that the Department has no authority to grant license for the erection of a bridge or the establishment of a ferry over the Neosho river at Miami. That communication was addressed to Mr. H. H. Butler, Miami, Indian Territory, in which he asked, "Can the Department grant the Town of Miami right I. T. to build a bridge or ferry over the river." Mr. Butler's communication was referred to the Commissioner of Indian Affairs on April 29, 1899, and on the 29th of the same month, the Acting Commissioner returned the same, and reported as follows:

"this Department has no authority to grant any privilege or right in any of the lands of the Cherokee Nation, and that



-3-

the right to occupy any of said lands can only be obtained either under Act of Congress or by permission of the Cherokee Nation itself under an act either existing in general form or a special act passed by the legislative authority in the usual manner, and approved by the President of the United States, in accordance with existing law."

Mr. Butler was advised that the Department concurred in said report and "that it has no authority to grant any franchise or privilege not authorized by law to be granted in or connected with the lands of the Cherokee Nation."

The Department sees no reason for changing its views as expressed in said letter.

A copy of the Commissioner's report is enclosed herewith, and the letters transmitted by you are also returned.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.  
1759-99.  
3 enclosures.  
1159, 1323-99.

Through the  
Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 227 Received Jul. 1, 1899 Office of  
U.S. Indian Inspector for Indian Territory. Washington, June  
23, 1899. Secretary.-----Relative to ferry at Miami.-----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

November 15, 1899.

United States Indian Inspector  
for the Indian Territory,

Sir:

The Department is in receipt of your letter of October 31, 1899, transmitting a communication from Mr. John H. French to the Hon. S. H. Mayes, Principal Chief of the Cherokee Nation, and by him referred to you, in regard to the platting and laying out of a town about three-fourths of a mile from Collinsville, in said nation, on a "new railroad" by the Santa Fe Railroad Company, with a view to having the government interfere in the matter.

It appears from Mr. French's letter and from a report made, at your request, by Revenue Inspector Churchill, to whom the Principal Chief's letter was referred, that the "townsite" has been made by Thod M. Morris and Mattie Newman, alleged to be citizens of said nation, under some understanding with a company from Oklahoma and Kansas, which has, so Mr. French states, "obtained the right" from the parties, who, apparently, and are claiming the land as prospective allotments.

You state that while the Act of June 28, 1898 (30 Stat., 495), provides that any citizen in possession of the amount of land to which he and his family would be entitled may continue to use the same and receive rents therefor until allotment has been made it does not appear that this would warrant his laying out a town upon such lands and disposing of town lots, and you submit the matter for instructions. With your views the Commissioner of Indian Affairs agrees.



Section 15 of said Act provides for commissioners to survey and lay out towns in the Cherokee Nation, and the Department will not recognize any surveys except those made by the duly authorized commission under said section.

As section 11 of said Act provides that all townsites shall be reserved to the several tribes, and shall be set apart by the Commission to the Five Civilized Tribes, in making allotments, as "incapable of allotment", it is plain that any Indian permitting the use for townsite purposes of land held by him for allotment would jeopardize his rights, and, as said section also provides that allotted lands "shall be liable for no obligations contracted prior thereto by the allottee, " that any agreement to convey the lots after allotment would be null and void; that parties entering on land under such circumstances, for townsite purposes, do so at their own risk.

The Department has ruled that in the disposition of lands under the provisions of said Act every claimant must show good faith in all his actions, and if any violation of law by anyone in connection with this, or any other townsite, shall come to your notice you will ascertain the facts and make such recommendations as you deem best in the premises.

Very respectfully,

Webster Davis

Acting Secretary.

Ind.Ter.Div.

3264-1899.

1 Inclosure.

(Endorsed) Union Agency # 418, received Nov. 21, 1899, office Of U. S. Indian Inspector for I.T. Washington, Nov. 15, 1899. Secretary. Relative to alleged townsite near Collinsville.



DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs

268

Washington. December 30, 1899.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, a Joint Resolution of the National Council of the Cherokee Nation, approved by the Principal Chief on December 5, 1899. The Resolution which is without a title except "Joint Resolution No. 5", directs that the Principal Chief call upon R. M. Walker, C. L. Bouden, William Balentine and Harry Sisson for a full and complete accounting of the amount of money received by them, or either of them, as custodians, or otherwise, or rents for the use of the military reservation at Fort Gibson, Indian Territory, together with all buildings thereon except the cemetery buildings from the year 1892 to the present time. The resolution recites the fact that it cannot be ascertained from the records in the executive office whether or not settlement has ever been made, and that large sums of money have been paid by parties occupying buildings and grounds on the reservation during the time that Walker and Bouden who were custodians of said property of the Cherokee Nation were in authority.

If this Resolution requires executive approval it should, in my opinion, be submitted to the President with recommendation that it be approved.

Very respectfully,  
Your obedient servant,

W. A. Jones,  
Commissioner.

(W.C.V.) P.



DEPARTMENT OF THE INTERIOR.  
Washington.

269

January 5, 1900.

The President,

Sir:

I have the honor to submit herewith, for executive action, under the provisions of the Act of Congress approved June 7, 1897 (30 Stat., 62, 84), Joint Resolution No. 5 of the Cherokee Nation.

Said resolution requests the Principal Chief to call upon R. M. Walker, C. L. Bowden, William Ballentine and Harry Sisson for a full and complete accounting of the amount of money received by them, or either of them, as custodians, or otherwise, in connection with building, the property of the Cherokee Nation, situated upon the old military reservation of Fort Gibson, in said Nation, and make a complete report thereon.

The United States Indian Inspector for the Indian Territory states that since the Cherokee authorities desire to have a proper accounting of all funds derived from the rents of said buildings and believe that the same has not hitherto been made, he recommends the approval of said resolution. The Commissioner of Indian Affairs concurs in said recommendation, if it be necessary that the same shall receive executive approval in order to become effective. The exception to the provision in said Act of June 7, 1897, relative to executive approval is contained in the proviso, which states:

"That this act shall not apply to resolutions for adjournment or any acts or resolutions or ordinances in relation to negotiations with the commission heretofore appointed to treat with said tribes".

It appears that this resolution is not of the character mentioned in said proviso, and I have, therefore, to recommend that



the same be approved.

The letter of the United States Indian Inspector and a copy of the report of the Commissioner of Indian Affairs are herewith inclosed.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
39-1900.  
3 Inclosures.



DEPARTMENT OF THE INTERIOR.  
Washington.

January 10, 1900.

United States Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

Joint Resolution No. 5 of the Cherokee Nation was approved by the President January 5, 1900, and the same has been transmitted to the Commissioner of Indian Affairs for the files of his office.

You will duly notify the Executive Secretary of said nation of the action taken.

The letter of transmittal to the President and copy of the report of the Commissioner are enclosed herewith.

Respectfully,

Tho. R. Ryan  
Acting Secretary.

Ind.Ter.Div.  
39-1900.  
2 enclosures.

(Endorsed) Union Agency # 527 received Jan. 16, 1900 Office of U. S. Indian Inspector for I. T. Washington, Jan. 10, 1900. Secretary. Cherokee resolutions about Ft. Gibson buildings APPROVED.



Land  
9621-1900

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington, March 9, 1900.

The Honorable

The Secretary of the Interior.

Sir:

The office is in receipt, by Department reference of February 21, 1900, for consideration, report and recommendation, of a copy of a report dated January 13, 1900, from Inspector Wright, relative to the laying out of the new town of Collinsville, Cherokee Nation, Indian Territory.

Inspector Wright refers to Department letter of November 15, 1899, in which it was held that by the provisions of Section 11 of the Act approved June 28, 1898 (30 Stats., 495), "any Indian permitting the use for townsite purposes of land held by him for allotment would jeopardize his rights," and "that any agreement to convey the lots after allotment would be null and void; that parties entering on land under such circumstances, for townsite purposes, do so at their own risk."

This matter briefly stated seems to be as follows: Mr. T.M. Morris and Mrs. Mattie Newman claim to have chosen certain Cherokee lands as their prospective allotment; that a new line of railroad, known as the Kansas, Oklahoma Central and Southwestern Railway, passes through said land; that said Morris entered into an agreement, dated July 17, 1899 (copy enclosed), with G. Edwin Brown, of Collinsville, Indian Territory, and



S.M.Porter, of Caney, Kansas, who are non-citizens, by the terms of which they agreed "to promote and form a townsite "company on the lands herein mentioned, (being part of the NE/4 of Sec.29, T 22 N, R 14 E), and which said first party has selected as his, for allotment purposes, and which he, said first "party, agrees to put in for the purpose aforesaid." And said parties further agreed to share equally in the net proceeds arising from "such sales or rights of possession, use and occupancy to the lots in the town established on said selected allotment." (See exhibit D).

It seems that said parties have received in cash, notes, trade, and other valuable considerations, an aggregate sum of \$2152 from the sale of "the full and immediate right of possession and occupancy" to lots in said town. (See exhibits C and D).

Mr.John H.French, an intermarried citizen of the Cherokee Nation, seems to have engaged in an enterprise of the same character, and it appears that he has received an aggregate sum of about \$425 from the sale of lots in his part of said town, which, from Inspector Wright's report seems to be located on his selected allotment, or that of his daughter.

There is also enclosed herewith a letter dated January 30, 1900, addressed to Inspector Wright by Mr.Porter, in which the position taken by him, briefly stated, is that a Cherokee citizen has a right to lease his prospective allotment to one person for one year, and that he (Porter) can see no reason why a citizen should not be permitted to dispose of his allotment to a greater



number of persons in the same manner. In said letter it is stated, -

"I said to you in a confidential and professional relation, what my real purpose was in becoming a party to the contract with Mr. Morris and Mr. G. Edwin Brown, and I herewith attach a copy of that contract; but as I told you particularly, the real purpose of my being a party to that contract is not expressed on its face, as I had no other purpose or object in becoming a party to that contract than to subserve the interest of the Horse Pen Coal & Mining Company for which I was acting as attorney."

The attention of the Department is invited to office report of January 12, 1900, transmitting certain correspondence relative to this same subject, in which the office recommended that Inspector Wright "be directed to notify his correspondents "that the Department declines to pass upon a question of this "character until it is before it for adjudication, and that when "an actual case arises, the Department will, if the matter comes "within its jurisdiction, make a ruling, but that as cases of "this character are liable to be settled by the Federal Courts "having jurisdiction over the Indian Territory, it is not deemed "expedient at this time to attempt to make a general ruling which "will cover all cases." And also to Department letter of January 16, 1900, in which said recommendation was approved.

This office does not think that the case has yet arisen, and furthermore it would seem that it may not arise until such time as the Dawes Commission shall have commenced to allot Cherokee lands, and the Cherokee citizens interested in the sale of lots in said town shall have presented themselves to said Commission, for the purpose of being allotted their pro rata share of the lands of the Cherokee Nation.



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By the provisions of the "Curtis Act" the United States undertakes to divide the common lands of the Cherokee Nation, among the individual members thereof, in severalty.

In order to make such division it was necessary to first make rolls of the citizens and also to do various other things, all of which are but incidents, and which look to the one object, the division of the lands.

The duty of the Government, its rights and obligations were not changed or in any wise modified by the approval of the Curtis Act so far as relates to its dealing with the Cherokee Indians, as a tribe is concerned. The Government is still bound to protect the Indians from unlawful intrusion, whenever the Indians demand such protection, and it still has the power to give such protection. However, it is not thought that the Department will interfere, until such time as a case has been made out against a party of whom complaint is made.

In the case under consideration no one has complained and no one appears to have been injured. On the other hand it would seem that the Cherokee Nation as a whole may be benefited by the establishment of a new town within its borders.

The persons who purchase occupancy rights do so with full knowledge of their legal rights in the premises, and the allottee it seems should know that he may lose his right to select land as his allotment other than that he now represents he has chosen and from which he is now receiving the benefit, while the



-4-

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authorities of the nation realize that the value of the tribal lands is being enhanced by the establishment of said town.

Considering the subject in this light and remembering that all the towns in the Indian Territory have been established on the same foundation practically, and that no one thought of preventing or attempting to prevent the promoters from taking such action, and further bearing in mind that the wealth of the territory depends, in a large part on, and consists of, town property, it would seem that no effort should be made to prevent the establishment of new towns in the Cherokee Nation or of any of the other nations.

However, if the Department should take the other view of this matter, it will be seen that for a certain sum "in full consideration for the improvements, possession and right of occupancy" these townsite promoters purport to grant to the purchaser "the full and immediate right of possession and occupancy" to a certain lot or lots of a certain block in a town laid out and established by them.

From the receipt issued by Mr. Morris (copy enclosed), it will be seen that he presumes to grant the purchaser of a lot the improvements he is, according to his receipt, supposed to have on the lot. This office is informally advised by Inspector Wright that the improvements in said town referred to in said receipt, consist of the survey and one or two wells. Section 780 of the Cherokee Laws classes wells as improvements, but as



there seems to be not exceeding two wells in Collinsville that were dug or bored by these townsite promoters, it would seem that a large majority of lots in said town were, at the time they sold the so-called occupancy right, devoid of improvements of this character. It would, therefore, appear that the only improvements of any character on a majority of the lots at the time the occupancy right was sold, was the survey, if that can be termed an improvement.

Section 2 of article 1 of the Cherokee Constitution provides:

"The lands of the Cherokee Nation shall remain common property; but the improvements made thereon, and in the possession of the citizens of the Nation, are the exclusive and indefeasible property of the citizens respectively who made, or may rightfully be in possession of them; provided, that the citizens of the Nation possessing exclusive and indefeasible right to their improvements, as expressed in this article, shall possess no right or power to dispose of their improvements, in any manner whatever, to the United States, individual states, or to individual citizens thereof;"

and Section 706 of the Laws of said Nation is as follows:

"It shall not be lawful for any citizen of the Cherokee Nation to sell any farm, or other improvement in said Nation to any person other than a 'bona fide' citizen thereof; .....  
.....and every person who shall offend herein shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall suffer punishment by fine, in any sum not less than ten dollars, nor exceeding five hundred dollars, or in default of payment, by imprisonment for any term not exceeding one year."

It would seem, therefore, that a citizen of the Cherokee Nation has no right, under the laws of that nation, to sell his improvements to a non-citizen.

Section 16 of the Act approved June 28, 1898 (30 Stats., 495), is as follows:



"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 therefore 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."

It is observed that said section makes it unlawful "for anyone to pay any individual any royalty or rent, or any consideration whatsoever, and it also provides that all royalties and rents payable to the tribe shall be paid under such rules and regulations as the Secretary of the Interior may prescribe. This section also permits a citizen in possession of his pro rata share of the "agricultural or grazing lands" of the Nation of which he is a citizen to rent the same. Mr. Morris does not seem to claim that he is renting his land for agricultural or grazing purposes; neither does he appear to claim that any one individual non-citizen has possession of a sufficient quantity of the land claimed by him in said town to enable such non-citizen to use it for either of said purposes.

From the fact that the law specifically mentions the kind of land a citizen may hold possession of and rent, it would seem



that it was the intention of the law makers to prevent citizens from renting it for any purposes other than those mentioned in the act defining the kind of land they would be permitted to hold, viz: agricultural or grazing lands.

The office considers this question of considerable importance. If citizens of the Cherokee Nation are to be permitted to engage in the promotion of townsites, it would seem that they purport to sell a thing they do not own, and that the Department could, if it should so desire, cause the removal of the purchaser of the so-called occupancy right at any time under and in accordance with the provisions of Section 2149 of the Revised Statutes, and it would also seem that the non-citizens would be amenable under Section 2118 of the Revised Statutes.

However, this office is in doubt as to whether or not there is any provision of law under which a citizen of the Cherokee Nation, who establishes a town site on his pro rata share of the lands of that nation, of which he is in possession, can be reached. Should the Department know of any way of preventing Indian citizens from engaging in enterprises of this character the office will be pleased to be advised of the law under which it can be done, as it favors preventing Indian citizens from engaging in such enterprises, at least until such time as final allotments shall have been made.

Messrs. Porter and Brown, partners of Mr. Morris in the Collinsville townsite matter, can be removed from the limits of the Cherokee Nation, under the provisions of Section 2149 of the



Revised Statutes, and it would also seem that they are liable under Section 2118 of said Statutes, which is as follows:

"Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as may judge necessary to remove any such person from the lands."

In connection with this matter, the attention of the Department is invited to Departmental letter of August 10, 1898, in which it was stated that -

"You will accordingly instruct the Indian Agent to advise all parties seeking information on that point that 'lot jumping' will not be tolerated by the Department, and when the town lots are disposed of under said Act, all persons who have not acted in good faith will not be permitted to secure title to town lots."

In the "Statement of Residents of the New Town of Collinsville," which is enclosed herewith, it is stated that -

"We fully understood that we were only purchasing the improvements and expenses of locating until such times as the Townsite Commission were appointed and appraised the lots when we would have to purchase the same from the Cherokee Nation in order to get any title to the lands or rights to hold the same."

From this it would appear that these people are aware that they are occupying the land upon which said town is located, without authority of law, and the office does not think they can be considered as having "acted in good faith."

It is suggested that if the Department shall decide to prevent the establishment of new towns in the Cherokee Nation, that Inspector Wright, or Agent Shoenfelt be directed to remove G. Edwin Brown, who resides at Collinsville, Cherokee Nation, Indian Territory, from the limits of said nation, under and in ac-



cordance with the provisions of Section 2149 of the Revised Statutes, and also to do likewise with S.M.Porter should he enter the limits of said Nation, and it is further suggested that Inspector Wright be instructed to advise all who contemplate settling in new towns, that the Department will cause the removal of all non-citizens who take up a residence in any new town located on lands belonging to the Cherokee Nation, not already occupied by established towns.

In said report Inspector Wright also invites the attention of the Department to the fact that his action in granting Mr.W.S.Edwards, a Cherokee citizen, a temporary permit to mine and ship coal from the Cherokee Nation, was approved by the Department December 12, 1899.

It seems that Mr.Edwards is President of the Horsepen Coal and Mining Company: that Mr.S.M.Porter acted as attorney for said Coal and Mining Company, and that he was at the same time attorney for the townsite partnership above mentioned, and also for the Kansas, Oklahoma Central and Southwestern Railway Company. It also appears that Mr.Edwards furnished coal to the Railway Company above mentioned, and that Mr.Porter as the representative of Mr.Edwards personally complained to Inspector Wright that Mr.French was erecting houses and laying out a town site on the land from which Mr.Edwards desired to mine coal; that Inspector Wright showed him (Porter) a copy of the letter he had written to Mr.Morris relative to the laying out of a town site, and advised him (Porter) that he (Wright) would inform Mr.



French that he had no right to lay out a town site. It further appears that at the time of said conversation Mr.Porter was acting as attorney for Mr.Morris in their partnership townsite matters, and probably advising Mr.Morris to do the very thing he complained of Mr.French doing.

In Inspector Wright's report it is stated that he has advised Mr.Porter that the temporary permission granted the Horsepen Coal and Mining Company, or Mr.Edwards through him (Porter), has been revoked, and he concludes his report with the suggestion that the "Horsepen Mining Company not be permitted to mine coal further in the Creek Nation, other than to take coal which they have already stripped."

In view of the fact that Mr.Porter is attorney for, and a partner of, Mr.Morris in the townsite transaction, attorney for the coal company, and also for the railway company, and that he did not advise Inspector Wright of the business relations existing between him and Mr.Morris when he complained of Mr. French's action, it would seem that he has acted in bad faith. Therefore, this office concurs in Inspector Wright's suggestion, and recommends that the temporary permission heretofore granted Mr.Edwards, or the Horsepen Coal and Mining Company, to take coal from certain Cherokee lands, be revoked.

Very respectfully,

Your obedient servant,

W.A.Jones,

Commissioner.

G.A.W.(G)



(Endorsed) Union Agency No.680 Received Apr.6, 1899 Office of  
U.S.Indian Inspector for Indian Territory. Washington, March  
30,1900, Secretary.-----Directs to call attention of U.S.  
Attorney to unlawful speculative proceedings in platting -  
selling town lots at Collinsville.



Land  
39767-1900

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,  
Washington,

August 16, 1900.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on August 11, 1900, by J. George Wright, U.S. Indian Inspector for the Indian Territory, forwarding a communication from Mr. Ben J. Scoville, who states that he is mayor of the town of Nowata, Indian Territory.

On August 1 Mr. Scoville wrote to the Secretary stating that the authorities of Nowata desired to take advantage of the provision of the Indian appropriation act for the year 1901 and lay out and plat the town; that Nowata is an incorporated town with a plat on file with the clerk of the district court for the northern district of the Indian Territory; that the streets are laid out "100-80 feet wide;" that the lots are 50 x 150 feet for business lots and 150 x 150 feet for dwelling lots; that the plat of the town is the same as was originally made by the authority of the Cherokee Nation; that the buildings conform to the street lines; and that every person resident in the town is perfectly satisfied and anxious to have the matter settled as soon as possible.

This communication was forwarded to the Inspector by the Department on August 8, 1900, for consideration and answer. The Inspector, in returning the communication, states "that no action is being taken at this time looking towards the surveying and plat-



ting of townsites in either the Creek or Cherokee Nations."

This office understands it to be the intention of the Department to proceed with the execution of the provisions of the act of June 23, 1898. This being true, it sees no objection to permitting the authorities of the town of Nowata to make a plat of the town and submit it for consideration. A statement of the mayor seems to indicate that a plat can be made with but little work and that the residents of the town earnestly desire to have the same platted.

If no objection thereto exists, and if the Department shall deem it best, I respectfully recommend that the Inspector be directed to advise the mayor that upon a proper application made by the mayor and council of the town of Nowata for permission to survey and plat the said town, the same will receive prompt consideration. The application should be accompanied with evidence that the persons who described themselves as town authorities are in fact such authorities.

Very respectfully,  
Your obedient servant,

W.A.Jones.

Commissioner.

W.C.V.(L'e)

(Endorsed) Union Agency No.1040 Received Aug.25,1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Aug.20, 1900. Secretary.----Relative to permitting Nowata to survey and plat at its own expense.----



DEPARTMENT OF THE INTERIOR,  
Washington.

February 20, 1901.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, I.T.

Sir:

The Department is in receipt of your communication dated February 11th, reporting upon a letter from R.E.Doan, dated January 29, 1901, in which he reports that he is attorney for H.H.McClure and others, of Miami, Indian Territory, and files statements objecting to the amendment to a bill pending in Congress to put in force in Indian Territory the corporation laws of the State of Arkansas, and to complete a bridge across the Neosho river at the expense of the town of Miami.

You correctly state that the Department has already recommended the passage of the bill referred to, and you recommend that Mr.Doan be advised of the action taken by the Department in the matter.

The Commissioner of Indian Affairs forwarded your communication on February 14, 1901, and approved said recommendation.

The Department concurs in your recommendation and has this day advised Mr.Doan accordingly.

Respectfully,

Thos.Ryan

Acting Secretary.

Ind.Ter.Div.  
394-686-1901.



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(Endorsed) Union Agency No.1821 Received Feb.27,1901 Office of U.S.Indian Inspector for Indian Territory.Washington, Feb.20, 1901, Secretary.-----Has advised R.E.Doan of action of Department rel.to bill in Congress providing for bridge over Neosho River at Miami, I.T., etc.-----



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DEPARTMENT OF THE INTERIOR, W.C.P.

Ind.Ter.Div.  
2691-1901.

Office of the Asst. Attorney General,

Washington, July 19, 1901.

The Secretary of the Interior,

Sir:

In his letter of June 20, 1901, forwarding the plat of the townsite of Nowata, in the Cherokee Nation, the United States Indian Inspector for Indian Territory asks instructions as follows:

That I be instructed as to whether or not the townsite areas of towns originally laid out by authority of the Cherokee Nation should be kept down to the minimum, the same as other townsites, the exterior limits of which have been established under the act of May 31, 1900; or whether it is deemed more advisable to allow these national townsites the original areas granted them by the Cherokee Nation.

The matter has been submitted to me with request for an opinion.

Section fifteen of the act of June 28, 1898 (30 Stat. 495,500), provided for a commission in each town for each one of the Chickasaw, Choctaw, Creek and Cherokee tribes, whose duty was prescribed in part as follows:

Said commissions shall cause to be surveyed and laid out townsites 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.

The act of May 31, 1900 (31 Stat., 221,238-238), contains further provisions as to townsites in the Five Civilized Tribes which, so far as they need be referred to in the present discussion, are as follows:

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.

\* \* \* \* \*

It shall not be required that the townsite 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 co-extensive, but such townsite 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 twonsites (Sic) shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

Under these statutes the criterion by which to determine



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the limits to be given to each townsite is the present needs and the reasonable prospective growth of the town.

In the application of this rule the original areas accorded townsites by the tribal authorities are important only in so far as the present and prospective development of the town may be affected thereby. Whatever conditions exist by which the present needs and prospective growth of the town may be determined, such as the present population, trade and business, and those matter whereby the growth of such population, trade and business can be reasonably anticipated, so far as that is practicable, should be taken into consideration in fixing the limits of the townsite.

The papers submitted are herewith returned.

Very respectfully,

WILLIS VAN DEVANTER,

Assistant Attorney General.

Approved July 19, 1901:

THOS. RYAN,

Acting Secretary.

(Endorsed) Union Agency No. 2499 Received Aug. 9, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, July 26, 1901. Secretary. ---- Exterior limits of Nowata, Cherokee Nation, approved. Encloses opinion Asst. Atty. Genl. relative Cherokee townsites. ----



## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.2691-1901.

July 26,1901

U.S.Indian Inspector

for the Indian Territory,

Muskogee,I.T.

Sir:

The Department is in receipt of your report of June 20,1901, forwarding a blue print plat of the town of Nowata, Cherokee Nation, showing the exterior limits as established under your supervision, in accordance with the provisions of the act of March 31,1900 (31 Stat.,221).

The town is incorporated with an area of 640 acres, and there are included within its limits, as established, including the cemetery, 360 acres, described in the Commissioner's letter of July 1, 1901, reporting in the matter. The total area excluding the cemetery is 340 acres.

The surveyor who made the survey states that he found that the incorporated area of the town embraced a large tract of vacant territory and that certain parts of the vacant territory were excluded from the limits of the town; that he believes that there is sufficient vacant land within the limits as established to accomodate a much larger population than the town now has.

The mayor of the town, on January 4, 1901, stated that the people of the town seemed to be in favor of accepting



the townsite as laid out.

As to your desire for information as to "national townsites," you will find inclosed a copy of the opinion of the Assistant Attorney General in the matter, of July 10, 1901, approved by the Department the same day.

In view of said opinion, and as the Department finds no objection to the limits as established, the survey is approved. Four copies of the approved plat, with papers attached, are returned herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

5 inclosures.



## DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D.  
266-1902.  
File 169-1898.

January 15, 1902.

The President.

Sir:

I have the honor to submit herewith, for executive action, under the provisions of the act of March 3, 1901 (31 Stat., 1058), an act of the Cherokee National Council, approved by the Principal Chief December 11, 1901, entitled; "An Act providing for a Townsite Commissioner to survey, plat, and sell, a certain part of the land heretofore included in the military reservation at Fort Gibson, Indian Territory, together with the buildings thereon."

The object of said act is to authorize the Principal Chief to appoint a Townsite Commissioner to cause to be surveyed, platted, appraised and sold not exceeding 320 acres of land included within the old Fort Gibson military reservation and contiguous to the town of Fort Gibson, Indian Territory.

The United States Indian Inspector reports relative to said act that, while it might be desirable to dispose of the buildings belonging to the old Fort Gibson military post, yet, in his judgment, the act under consideration would be in conflict with section 15 of the act of Congress approved June 28, 1898, and he recommends that it be disapproved.



The Commissioner of Indian Affairs, in his letter of January 13, 1902, forwarding the Inspector's report, concurs in his recommendation. He also calls attention to the fact that the report of the committee appointed by the National Council to examine into the matter shows that there are only eighteen buildings belonging to said military post, and states that he believes that such a small number of buildings would hardly justify the surveying, platting and selling of the land as a townsite, but that question can be determined when action is taken under the provisions of said act of June 28, 1898.

The objections urged by the Inspector and the Commissioner appear to be valid, and I have, therefore, to recommend that said act be disapproved.

A copy of the Commissioner's letter and the report of the Inspector are inclosed herewith.

Respectfully,

E.A.Hitchcock.

Secretary.

3 inclosures.

(Endorsed) Union Agency No.3410 Received Jan.27,1902 Office of U.S.Indian Inspector, for Indian Territory.Washington,Jan.18, 1902,Secretary.-----CHEROKEE ACT to appoint Townsite Commission to survey, plat and sell part of military reservation at Ft.Gibson, etc., DISAPPROVED, Jan.16,1902.-----



## THE CLAREMORE MESSENGER

A Weekly Newspaper Devoted to the Interests  
of the People of the Indian Territory.....

---

T. A. Latta, Editor.

---

Hon. E. A. Hitchcock, Sec. Interior,  
Washington, D. C.

Sir:

Regarding the holding of town property in the incorporated town of Claremore, Cherokee Nation, I. T.

In 1883 the Cherokee Nation by act of the National Council established the townsite of Claremore one mile square, and caused same to be surveyed and laid off into lots, blocks and streets, Under the same act of the National Council these lots were sold by a townsite commission appointed by the principle Chief, by and with the consent of the senate, to the highest bidder, said bidder being required to be a citizen of the Cherokee Nation. Upon the payment of the purchase price into the treasury of the Nation, said Nation issued to the payee a deed for the lot so purchased, conveying all title of said Nation whatsoever in and to said lot unto said purchaser. In this way the entire townsite was sold, bringing to the Nation for the 640 acres embraced therein the sum of \$13,857,70. Since that time many, many transfers have been made on the original deed. In many of these cases the lots have been transfered to non-citizens, that is parties who are not Cherokees, who have improved the lots, building residences, or business rooms. In all cases valuable considerations are shown.

It is understood that any person being in "rightful posession"  
(Sic)



-2-

of a town lot at the time of appraisement, and having thereon permanent improvement other than tillage and fencing, will, on the payment of the appraisement assessed against such property by the appraising board receive deed thereto, If this is a correct premise, will the line of title up, from the Cherokee deed to the present holder be an essential in establishing this rightful possession? (Sic) In other words, if a holder of a piece of town property, having thereon permanent improvements, who can show that same has been acquired in regular order for a valuable consideration from A, B, C, and D, D, representing the Cherokee deed, will have established rightful possession to his property and be entitled to the issuance of deed on the payment of the appraisement affixed against the property?

These questions are based on the operation of the Curtis law, and the proposed treaties that have from time to time been pending between the Nation and the government.

I have been much sought for information on this point, as a very great number of people are deeply interested from a financial standpoint. It is fairly well understood that possession (Sic) at time of appraisement does not constitute "rightful possession", (Sic) but lot jumping is being threatened and practiced in some towns in the Nation on this hypotheosis. It is to be able to state for the general information of our readers wheather (Sic) or not such practice can be construed to constitute rightful possession (Sic) that this letter is written.

I will greatly appreciate a reply covering the points raised.

Very sincerely,

Thos. A. Latta, Editor.

(Endorsed) Union Agency No. 3483. Received. Feb. 3, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 30, 1902. Secretary. Refers for appropriate action letter of Thos. A. Latta, of Claremore, I.T., asking information relative to holding property in that town.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

I.T.D.2365-1902.

April 19, 1902.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, I.T.

Sir:

April 9, 1902, the Commissioner of Indian Affairs transmitted your report of March 28, 1902, submitting the plat of the town of Nowata, Cherokee Nation.

It appears that there is dissatisfaction in this and other towns in the Cherokee Nation because of the fact that various lots which were originally sold by the Cherokee authorities have not been taken within the boundaries of the towns as now laid out; that the limits of Nowata as established left quite a number of buildings out of the town; that these improvements were of so little value and so widely scattered that it was not thought that they would warrant almost doubling the area to take them in. This town, it is stated, was originally laid out by the Cherokee authorities; that the original plan of subdivision has been followed as far as practicable; that there are no lots of such excessive size as to require special mention. The majority of the residence lots are 75 feet front and business lots 25 feet front.

Attention is called by you to your report of March 13, 1902, concerning the communication from Messrs. Logan and Murchison of January 13, 1902, in the matter of the claim of the Delaware Indians to certain lands in the Cherokee Nation. It appears that a



-2-

portion or the originally incorporated area of Nowata was claimed by such Indians. You say that, however, as towns are at present built upon the lands claimed by the Delawares, it is necessary to survey and plat the same regardless of the fact whether or not they are claimed by such Indians, and the question of the determination of the funds arising therefrom is one for future consideration upon the final determination of the Delaware suit pending in the court of Claims, in which conclusion of the Commissioner of Indian Affairs concurs, and he recommends the approval of the plat.

The Department has carefully considered the matter, and the plat has been approved and returned to the Indian Office in order that photolithographic copies may be made. A copy of the Commissioner's letter and the surveyor's schedule are inclosed.

Respectfully,

Thos. Ryan.  
Acting Secretary.

2 inclosures.

(Endorsed) Union Agency # 3947 received Apr. 25, 1902. Office of U.S. Indian Inspector for I.T. Washington, April 19, 1902. Secretary Approves plat of NOWATA, Cherokee Nation. Relative to claims of Delaware Indians.



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,

Moody Springs  
5-17-02.

Hon. J. Geo. Wright,  
U. S. Indian Inspector,  
Muskogee, I. T.

Sir:

Referring to the attached sketch and report of investigation for Moody Springs.

1st W. T. Williams owns residence at No. 2 on plat, also store building and stock of general merchandise at No. 1. He is a non-citizen holding under a three year lease which he says has just begun. At the expiration lease all improvements put on land by said Wilson, revert to and become the property of R. Wofford (citizen and prospective allottee).

2nd Residence building at No. 3 is property of W. Burns (non-citizen) who pays ground rent by the year to Thomas Tucker (citizen) without any contract as to disposition of improvements or for renewing of lease.

3rd At No. 4 is Gin and Corn Mill and at No. 5 is Blacksmith Shop, all the property of Burns and Neal, who pay rent to Indian by the year with permission to more improvements of land at any time.

4th I find surrounding Moody Springs a fertile valley very well improved and at the springs an abundance good water for



domestic as well as for use in running mills or other machinery.

The residents of this place claim that the Moodys post office which is 1 1/4 miles south of the springs, is soon to be moved to this place. It is 10 miles from Moody Springs to Tahlequah, therefore while after investigation I do not believe any of the present non-citizens property owners will be in serious danger of suffering financial loss at the hands of Indians claiming lands upon which such property is located as their prospective allotments; I believe this section of country is in need of a more substantial trading point and this seems to be their desire.

Respectfully,

Henry M.Tinker,

Transitman.

(Endorsed) Union Agency No.21985 Received May 21,1902 Office of U.S.Indian Inspector, for Indian Territory.Moody Springs,I.T., May 17, 1902. Henry M.Tinker, Townsite Transitman.-----Report relative to conditions at the town of Moody Springs, Cherokee Nation, Indian Territory.-----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,

Muldrow, I.T.  
June 19, 1902

Hon. J. Geo. Wright  
U.S. Indian Inspector,  
Muskogee, I.T.

Sir:-

Concerning Akins, Cherokee Nation, reported herein, there is a Post Office kept at Geo. Blairs' house a small store and cotton gin about 1/8 of a mile west. The improvements are owned by both citizens and non-citizens the greater portion by the former, the latter are promised ample protection by the prospective allottees and do not desire a townsite at present.

Very respectfully,

E.E. Colby,

Surveyor.

(Endorsed) Union Agency No. 22946 Received Jun. 21, 1902 Office of U.S. Indian Inspector, for Indian Territory. Muldrow, I.T., June 19, 1902. E.E. Colby, Townsite Surveyor. ---- Report relative to conditions at the town of AKINS, Cherokee Nation, Indian Territory. ----



## DEPARTMENT OF THE INTERIOR,

United States Indian Service,  
Supervising Engineer, Indian Terry Townsites,

Vinita, Ind.Ter. June 21, 1902.

Hon J. Geo. Wright,

U.S.Indian Inspector,

Muskogee ,I.T.

Dear Sir:

I inclose in this my report of the town of Echo, I.T. This place is surrounded by a fine country. The site for a small town is good. Its distance from other towns would make it a trading point, but as there are but two residences here owned by non-citizens, I could not recommend the locating of a townsite at this point. It is believed by the residents that the Railroad will be extended from Grove on the East along the present survey crossing the river at this place. They think that for purposes of business they should have a small townsite.

Very Respectfully,

Charles B. Stebbins,

Townsite Transitman.

(Endorsed) Union Agency No.23027 Received Jun.24,1902 Office of U.S.Indian Inspector, for Indian Territory.Vinita,I.T.,June 21, 1902. Charles B. Stebbins, Townsite Transitman.----Report relative to conditions at the town of ECHO, Cherokee Nation, Indian Territory.----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,

Muskogee, I.T.  
June 26, 1902.

Hon. J. Geo. Wright,  
U.S. Indian Inspector,  
Muskogee, I.T.

Sir:-

Concerning the town of Eureka, Cherokee Nation, there is one small store, in which the Post office is kept, one dwelling, occupied by an Indian family, and some out buildings. The store is owned by a non-citizen, the Post Master, who boards with a family at some distance from the store, he says he has ample protection and there is no necessity for a townsite.

Very respectfully,

E.E. Colby.

Surveyor.

(Endorsed) Union Agency No. 23128 Received Jun. 27, 1902 Office of U.S. Indian Inspector, for Indian Territory. Muskogee, I.T., June 26, 1902 E.E. Colby, Townsite Surveyor.-----Report relative to conditions at the town of EUREKA, Cherokee Nation, Indian Territory.-----



Wimer.

Vinita, I.T. June 26, 1902.

Hon. J. Geo. Wright,  
U.S. Indian Inspector  
Muskogee, I.T.

Sir:-

Wimer is fairly located for a trading point but is a pretty insignificant place at present. It is on the prospective allotment of W.A. Gray and Mr. Gray promises to protect all of the property holders. When first approached on the question of a townsite the property holders said they desired that a townsite be given them but later on Mr. Gray promised them he would have 10 acres surveyed and would protect them as long as they wanted to stay and the property holders seem to favor that arrangement.

In the event that they should change their minds they will write you asking for a townsite.

Very respectfully,

J. Gus Patton.

Townsite Surveyor.

P.S. I would not feel disposed to recommend a townsite at Wimer since the improvements, in my opinion, would not justify it but it is a good location for an inland trading point.

J.G.P.

(Endorsed) Union Agency No. 23115 Received Jun. 27, 1902 Office of U.S. Indian Inspector., for Indian Territory. Vinita, I.T., June 26, 1902. J. Gus Patton, Townsite Surveyor. ---- Report rel. to conditions at town of WIMER, Cher. N., Indian Territory. ----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,  
Supervising Engineer, Indian Territory Townsites,

Muskogee, Ind.Ter.June 26,1902.

Hon.J.Geo.Wright,  
U.S.Indian Inspector,  
Muskogee,I.T.

Sir:-

Concerning Parkhill, Cherokee Nation, the Post Office is kept in the home of the Pres.Mission. The improvements connected with the Mission consist of three buildings, two large buildings and a small house or dwelling occupied by a family employed around the buildings and for the protection of the house.

They are located in Sec.21 T. 16N.R.22 E. I am informed they are held by a board of trustees under some agreement with the Cherokee Nation. There are no other improvements owned by non-citizens, and there is no necessity for a townsite for the purpose of protecting property, unless of the Mission, on which subject I am not informed.

Very respectfully,

E.E.Colby,

Surveyor.

(Endorsed) Union Agency No.23127 Received Jun.27,1902 Office of U.S.Indian Inspector, for Indian Territory.Muskogee,I.T., June 26, 1902.E.E.Colby,Townsite Surveyor.-----Report relative to conditions at the town of PARKHILL, Cherokee Nation, Indian Territory.----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,  
Supervising Engineer, Ind.Terry.Townsites,  
ELLIOTT OR SEMINOLE  
Cherokee Nat.Dist.4

Hugo, Ind.Ter. July 10, 1902.

Hon.J. Geo. Wright,  
U.S.Indian Inspector,  
Muskogee, I.T.

Sir:-

Elliott or Seminole is in Cherokee Nation Dist, No.4 on the K & A.V.Ry. 6 miles south of Coffeyville Kans. and 6 miles south of Coffeyville Kans. and 6 miles N. of Lenapah, I.T. It consists of a side track and the home and store of citizen G.W.Love who is also post master. Mr. Love has this selected as his allotment and will permit no one else to erect any improvements thereon. He does not want a townsite.

Very respectfully,

J.Gus Patton

U.S.Townsite Surveyor.

P.S.Love is a Negro.

(Endorsed) Union Agency No.23607 Received Jul.12,1902 Office of U.S.Indian Inspector, for Indian Territory.Hugo,I.T.,Hugo, July 10,1902.J.Gus Patton,Townsite Surveyor.-----Report relative to conditions at the town of ELLIOTT or SEMINOLE, Cherokee Nation, Indian Territory.-----



307

Oglesby.  
Cherokee Nat, Dist. 4

Ft. Towsan, I.T.  
July 12, 1902.

Hon. J. Geo. Wright,  
U.S. Indian Inspector  
Muskogee, I.T.

Sir:-

Oglesby situated about half way between Watova and Ochelata and not on any railroad, is nothing whatever but a post office.

I did not visit this town but got my information from Frank E. Lewis, Dawes Commission Surveyor who was camped near Oglesby and whom I met just as I was starting out.

Very respectfully,

J. Gus Patton

U.S. Townsite Surveyor.

(Endorsed) Union Agency No. 23649 Received Jul. 14, 1902 Office of U.S. Indian Inspector, for Indian Territory. Ft. Towson, I.T., July 12, 1902. J. Gus Patton, Townsite Surveyor. ---- Report relative to conditions at the town of OGLESBY, Cherokee Nation, Indian Territory. ----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,  
Supervising Engineer, Indian Territory Townsites,

Vinita, Ind.Ter.July 12,1902.

Hon.J.Geo.Wright,  
U.S.Indian Inspector,  
Muskogee, I.T.

Dear Sir:

I inclose in this my report of the town of Salina,I.T. There is at this place a large two story brick building used as the Cherokee Orphan Asylum, also a farm house belonging to the Asylum farm. The Superintendent of the farm requested me to delay this report until he could lay the business before the school board. Up to this date I have not heard from him farther about it. I do not believe they will want a town site.

I would recommend that no town site be located at that place.

Very respectfully,

Charles B.Stebbins,

Townsite Transitman.

(Endorsed) Union Agency No.23730 Received Jul.17,1902 Office of U.S.Indian Inspector, for Indian Territory.Vinita,I.T.,July 12, 1902.Charles B.Stebbins, Townsite Transitman.----Report relative to conditions at the town of SALINA, Cherokee Nation, Indian Territory.----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,  
Supervising Engineer, Indian Territory Townsites,  
Vinita, Ind. Ter., July 14, 1902.

Hon. J. Geo. Wright,  
U.S. Indian Inspector,  
Muskogee, I.T.

Dear Sir:

I inclose with this, my report of the town of Spavinaw, I.T.  
This place is surrounded by very rough rocky timbered land.

There is a good water mill on the Spavinaw Creek. The  
buildings are mostly good frame. There are two stores doing  
a fair business. The property belongs to two citizens, one being  
very anxious to have the government lay out a townsite and the  
other one opposed to it. As the improvements belong to citizens  
and they can protect themselves by making allotments, I would  
recommend that no town site be located at this place.

Very respectfully,

Charles. B. Stebbins,  
Townsite Transitman.

(Endorsed) Union Agency No. 23669 Received Jul. 14, 1902 Office of  
U.S. Indian Inspector, for Indian Territory. Vinita, I.T., July--1902.  
Charles B. Stebbins, Townsite Transitman.----Report relative to  
conditions at the town of SPAVINAW, Cherokee Nation, Indian  
Territory.----



DEPARTMENT OF THE INTERIOR.  
I.T.D.4946-1902. Washington.

August 15, 1902.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your report dated August 4, 1902, recommending that you be authorized to properly establish the limits of certain towns in the Cherokee Nation, and to cause the same to be surveyed and platted in the same manner as authorized by the Department concerning similar towns in the Choctaw and Chickasaw Nations. Said towns are as follows:

BRIARTOWN, BRAGGS, BIG CABIN, GRITTS, KANSAS, KETCHUM,  
LAWTON, LONG, McLAIN, MAPLE, OCHELATA, OWASSO, PEGGS,  
REDLAND, TEXANNA, VERA, WATOVA.

The Acting commissioner of Indian Affairs forwarded your said report on August 13, 1902, and concurs in your recommendation. A careful examination of the papers shows no legal objection to the establishment of said towns, the area to be reduced as much as possible, and you are therefore authorized to establish the limits of the towns and cause them to be surveyed and platted. You will furnish a list of said towns to the Dawes Commission, for its information.

The reports of the surveyors are returned in accordance



with your request, together with a copy of the report of the Acting Commissioner of Indian Affairs.

Respectfully,

Thos. Ryan

54 inclosures.

Acting Secretary.

(Endorsed) Union Agency No. 4646. Received Aug. 22, 1902 Office of U.S. Indian Inspector for Indian Territory . Washington, Aug. 15, 1902. Secretary.-----approves report that certain towns in Cherokee Nation be surveyed and platted.-----



Land.  
46689-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

August 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 4, 1902, by Inspector Wright, recommending that he be authorized to establish the limits and cause to be surveyed and platted, the following named small towns in the Cherokee Nation:

<u>NAME.</u>	<u>INHABITANTS.</u>		<u>AREA.</u>
BRIARTOWN,	8 families;	30 persons;	40 acres.
BRAGGS,	15 "	100 "	40 "
BIG CABIN,	35 "	146 "	112 "
GRITTS,	13 "	56 "	40 "
KANSAS,	18 "	90 "	40 "
KETCHUM,	13 "	65 "	40 "
LAWTON,	22 "	97 "	60 "
LONG,	12 "	65 "	40 "
McLAIN,	10 "	68 "	20 "
MAPLE,	17 "	55 "	40 "
OCHELATA,	7 "	40 "	40 "
OWASSO,	23 "	125 "	40 "
PEGGS,	20 "	100 "	40 "
REDLAND,	14 "	55 "	40 "
TEXANNA,	30 "	128 "	40 "
VERA,	16 "	80 "	75 "
WATOVA,	11 "	50 "	40 "

Area to be reduced as much as possible.

The Inspector's recommendation is respectfully concurred in.

Very respectfully,  
Your obedient servant,  
A.C. Tonner,

Acting Commissioner.

WCV  
55 inclosures.



## THE WESTERN UNION TELEGRAPH COMPANY

31 Ks Bz An 35 Collect Government

RECEIVED at 240 PM 8:30 1902

DATED W Washington Dec 8/30

TO Acting United States Indian Insp. Muskogee, I.T.

Report by wire action taken on departmental letter of eighteenth  
inst concerning the denomination of townsite commissioner by  
principal Chief Cherokee Nation

Thos Ryan Acting Secy.

(Endorsed) Union Agency No. 4697 Received Sep. 2, 1902 Office of  
U.S. Indian Inspector, for Indian Territory. Washington, August  
30, 1902. Secretary.-----WIRE: Wants report by wire of action taken  
relative to nomination of Cherokee Townsite Commissioner.-----



## THE WESTERN UNION TELEGRAPH COMPANY.

48Ks Bz Un 35 Paid Government

RECEIVED at 415 PM 9/3 1902

DATED Washington D.C. 9/3

TO J. Geo. Wright Inspector Muskogee, I.T.

Buffington Highly and Edwin Long appointed Cherokee townsite Commissioners today and Commissions mailed to you Highley and Long instructed to report to you at once.

Thos Ryan Acting Secretary.

(Endorsed) Union Agency No.4713 Received Sep.4,1902 Office of U.S.Indian Inspector for Indian Territory. Washington,D.C.Sept.3,1902. Secretary.-----WIRE: Advises appointment of Buffington, Highley and Edwin Long as Townsite Commissioners for the Cherokee Nation; commissions mailed to Inspector, and Highley and Long notified to report at once.-----



## SENATE BILL NO. 1.

September 4, 1902.

## A N A C T

Providing for the sale of the buildings on what is known as the Military Reserve in the Townsite of Fort Gibson, Indian Territory.

-----0-0-----

Whereas, The Cherokee Nation has become the owner of all the improvements and buildings on the Military Reserve at Fort Gibson, Indian Territory, by reason of the Government of the United States abandoning the same as a Military Post and turning the same over to the Cherokee Nation as provided by treaty with said Government, and

Whereas, A part of the said Military Reserve has been by the government of the United States surveyed, platted, and included in the townsite of Fort Gibson, Indian Territory, and

Whereas, The buildings situated on said reserve are valuable and are the common property of the Cherokee Nation, and

Whereas, It is necessary that some disposition be made of said buildings, situated on said reserve and now on town lots, as aforesaid, Therefore,

Be it enacted by the National Council, That all the buildings and improvements situated on the lands formerly occupied by the Government of the United States as a Military Reserve at the town of Fort Gibson, in the Indian Territory, and now embraced in the town survey of the town of Fort Gibson by the United States, be sold by the Secretary of the Interior to the highest bidder for cash. The said sale to be made by the Secretary of the Interior



under such rules and regulations as he may deem to be to the best interest of the Cherokee Nation; provided, that any one purchasing any of the buildings so situated on a lot shall not have or acquire any right or title to such lot on which the building stands other than if the building had been placed there by himself, but the lot shall remain the property of the Cherokee Nation and be disposed of as provided by the Act of the Congress of the United States, approved July 1, 1902, and the proceeds of said sale shall be placed to the credit of the Cherokee Nation.

Passed the Senate August 13, 1902.

Ed. N. Washbourne  
-----  
Asst. Clerk of the Senate.

Geo. W. Mayes  
-----  
President of the Senate.

Concurred in by the Council August 14, 1902.

W. W. Harnager, Asst.  
-----  
Clerk of the Council.

M. V. Benge  
-----  
Speaker of the Council.

APPROVED August 14, 1902

T. M. Buffington  
Principal Chief C.N.

APPROVED by President,  
September 4, 1902.



November 26, 1902.

In accordance with regulations prescribed by the Secretary of the Interior, under date of November 26, 1902, notice is hereby given that the following buildings and improvements situated on lands formerly occupied by the United States as a military reservation, at the town of Fort Gibson, Cherokee Nation, Indian Territory, and now included within such townsite, will be sold at public auction, to the highest bidder for cash, such sale to take place--  
-----.

## OFFICERS QUARTERS.

1 one-story frame building, L shape; main part 30 ft. by 60 ft. wing 20 ft by 20 ft; lathed and plastered; 5 rooms and 3 closets; good cistern.

1 two and one-half story frame and stone building, 50 ft. by 70 ft; 18 rooms; 1st story stone basement; 2 good cellars; elevator from 1st to 2nd floor; 2 bath rooms, 2 halls, etc. good cistern.

1 two and one-half story stone building 42 ft by 45 ft. 14 rooms, 4 halls, bath room; lathed and plastered; finished in walnut; first story basement; elevator from first to second floor; stone in good condition; cistern.

1 two story frame building, T shape; main building 40 by 85 ft; wing 20 by 26 ft; 16 rooms, four 12 ft. halls; lathed and plastered; bath room; 3 cellars.

## BLACKSMITH SHOP

1 one story stone building 22 by 60 ft. 1 room

## Non-Commissioned Officers' offices.

1 one story stone building 24 by 86 ft. lathed and plastered; 5 rooms; 8 ft. porch on both sides.



## MESS HOUSE.

1 one story frame building 30 by 54 ft. stone foundation; 6 rooms; lathed and plastered; 8 ft. porch all around building; small cellar.

## LAUNDRY.

1 one story frame building 26 by 86 ft. Stone foundation; 8 rooms; lathed and plastered; small cellar.

## ARMORY HALL.

1 one story stone building 42 by 150 ft. 1 room; one-half of roof gone.

## TARGET HOUSE.

1 box building 12 by 14 ft. 12 ft. high; no floor.

## STORE HOUSE.

1 two and one-half story stone building 38 by 80 ft. first story basement; one room on each floor.

## POWDER HOUSE.

1 one story stone building 16 by 18 ft. stone floor; one door.

## BAKERY.

1 one story frame building 18 by 34 ft. 2 rooms; lathed and plastered; brick bake oven 6 by 8 ft.

## BARRACKS.

1 two and one-half story stone building 38 by 160 ft; 14 rooms; cellar; two cisterns.

## CALABOOSE.

1 one story frame building 38 by 44 ft. four compartments.

## CHAPEL.

1 one story frame building 30 by 50 ft. 2 rooms; lathed and plastered; 8 ft. porch on north and west sides.

## HOSPITAL.

1 two story frame building 70 by 105 ft, including porch; 16 rooms; 3 halls; lathed and plastered; cellar; cistern.

## CANTEEN.

1 box house 18 by 36 ft. one story; two rooms; ceiled;



stone foundation.

BARN.

1 frame building, one story, 16 by 40 ft. 4 rooms; lathed and plastered; formerly part of Hospital.

1 frame building, one story, 12 by 16 ft. 1 room; lathed and plastered; formerly part of Hospital.

WARDEN'S QUARTERS.

1 one story frame building 30 by 65 ft. Stone foundation; 4 rooms; cistern.

(Endorsed) Union Agency No. 4754 Received Sep.15,1902 Office of U.S.Indian Inspector for Indian Territory.Washington,Sept.8, 1902.Secretary.-----Act of Cherokee Council providing for sale of buildings on Military Reserve in the townsite of Fort Gibson, approved by President Sept. 4, 1902.-----



## DEPARTMENT OF THE INTERIOR,

Washington.

ITD. 5425-1902.

September 8, 1902.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T.

Sir:

The Act of the Cherokee National Council entitled "An Act Providing for the sale of the buildings on what is known as the Military Reserve in the Townsite of Fort Gibson, Indian Territory," transmitted by you August 18, 1902, and forwarded by the Acting Commissioner of Indian Affairs August 29, 1902, was approved by the President September 4, 1902, and it is returned herewith for proper disposition, together with departmental letter to the President and copy of the Acting Commissioner's report.

By direction of the Secretary.

Respectfully,

Edward M. Dawson

3 inclosures.

Chief Clerk.



Regulations prescribed by the Secretary of the Interior in the matter of the sale of the buildings on what is known as the old Military Reservation, in the townsite of Ft. Gibson, Cherokee Nation, Indian Territory.

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By an act of the National Council of the Cherokee Nation, approved by the Principal Chief on August 14, 1902, and by the President on September 4, 1902, it is provided that all the buildings and improvements situated on the lands formerly occupied by the United States as a military reservation at the town of Ft. Gibson, Indian Territory, and now embraced in the survey of that townsite, and which improvements are the common property of the Cherokee Nation, shall be sold by the Secretary of the Interior under such rules and regulations as he may prescribe, to the highest bidder for cash, provided that any one purchasing any of the buildings situated upon a town lot shall not have or acquire any right or title to such lot on which the building stands, other than if the building had been placed there by himself, but the lot shall remain the property of the Cherokee Nation and be disposed of as provided by the act of Congress approved July 1, 1902 (32 Stat., 716).

In accordance with the provisions of the act above mentioned the following regulations are prescribed:

First. The sale of the buildings shall be made after due notice, at public auction by or under the direction of the United States Indian Inspector for Indian Territory.



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Second. The United States Indian Inspector for Indian Territory shall give public notice of such sale in such manner as he shall deem most expedient, and shall cause to be prepared an advertisement setting forth as briefly as possible a description of the buildings and improvements to be sold, which advertisement shall be published and notice of sale given at least twenty days prior to the date of the sale, and such sale shall take place at the earliest date practicable.

Third. The United States Indian Inspector for Indian Territory shall inform himself, so far as he is able to do so, as to the present value of the buildings and improvements to be sold, and shall endeavor to procure as nearly as possible not less than the actual value of such improvements, and he is authorized to reject any or all bids, as in his judgment is for the best interests of the Cherokee Nation.

Fourth. The successful bidders at this sale shall be required to pay cash for the improvements purchased, which payment shall be made to the United States Indian Agent at Union Agency, Indian Territory, and the moneys so received shall be in the usual manner deposited in the Treasury of the United States to the credit of the Cherokee Nation. Said Indian Agent shall furnish a receipt to the person purchasing the improvements for the money paid, and such receipt shall be evidence of the right of the purchaser to the possession of the buildings or improvements described.

DEPARTMENT OF THE INTERIOR,

Washington, D.C.

November 26, 1902.

APPROVED:  
4754.

E.A. HITCHCOCK.  
Secretary.



DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

January 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward a letter of the Acting Insepctor for Indian Territory for the 9th instant submitting an act of the National Council of the Cherokee Nation approved by the Principal Chief on December 6, 1902, and entitled "An Act providing for the appointment of accountants to settle with the late Townsite Commissioner, T.A.Chandler."

It appears that Mr. Chandler, as Townsite Commissioner of the Cherokee Nation, has failed to make a settlement or to turn over his books or the books and papers of the office as Townsite Commissioner; that a resolution was passed by the Council two years ago directing the Principal Chief to appoint an expert accountant to examine the records and books of Chandler, but that there was no appropriation to pay the expenses of this examination. It is hardly necessary to call attention to the fact that Mr. Chandler was Townsite Commissioner of the Cherokee Nation, acting under lawn of the Cherokee Nation, before the creation of the present Townsite Board acting under the jurisdiction of the Department.

This act provides for the expenditure of not to exceed \$250 to pay two expert accountants and such incidental expenses



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as may be necessary in the prosecution of the duties, one to be appointed by the Principal Chief and one by the Secretary of the Interior, the two to be authorized to call upon and make a settlement with Chandler and to receive and receipt for, in the name of the Cherokee Nation, all moneys, credits, books, papers, and records of the Townsite Commissioner's office, and to require him a detailed statement of all moneys, etc., that may have come into his hands, and all facts with reference to their distribution; that said proposed commission is authorized to send for books and papers, take testimony, and take such other measures as may be deemed necessary for the full discharge of the duties imposed, and upon completion of the work report shall be made in duplicate to the Secretary of the Interior and the Principal Chief, all books, papers, and records to be turned over to the Principal Chief of the Nation all all moneys to the Treasurer of the nation; that in the event Chandler fails to make satisfactory settlement as required the principal chief is authorized to prosecute him in the United States Courts as the facts and findings of the commission may warrant.

The Acting Inspector says he believes this work is necessary and the expenditure proper, and recommends that the act be approved. The Acting Inspector being on the ground and familiar with the circumstances, I concur in his recommendation.

Very respectfully,  
W.A. Jones,  
Commissioner.

(Endorsed) Union Agency # 5658 received Feb. 2, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 27, 1903. Secretary. Cherokee act providing for appointment of accountants to settle with townsite com'r Chandler, approved by President Jan. 23, 1903.



## DEPARTMENT OF THE INTERIOR.

Washington.

ITD 2110-1903.

March 3, 1903.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a report from the Acting Inspector, dated February 13, 1903, referring to sections 58 and 59 of the act of July 1, 1902 (32 Stat., 716,) relative to blank patents for conveyances in the Cherokee Nation. He incloses two blanks and recommends that steps be taken as soon as possible to have 10,000 copies of said blanks printed, 5,000 of each of the forms inclosed.

The Acting Commissioner of Indian Affairs forwarded said report on February 26, 1903, and concurs in the recommendation of the Acting Inspector.

Provision is made in the legislative appropriation bill (Public No. 115), approved February 25, 1903, for the appointment of a clerk to sign the approval of the Secretary of the Interior, under his direction, of all tribal deeds to allottees and deeds to town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory.

Said form has been changed by adding after the word "Secretary" at the end of the form, the words "by \_\_\_\_\_, Clerk." Requisition has been made for the printing of



10,000 copies of the same, as recommended. As soon as received they will be duly forwarded to you.

Respectfully,

E.A.Hitchcock.

Secretary.

(Endorsed) Union Agency No. 5916 Received Mar.9,1903 Office of U.S.Indian Inspector for Indian Territory.Washington, Mar.3,1903. Secretary.----Blank deeds to convey town lots in Cherokee Nation will be furnished as requested; deeds will hereafter be signed by clerk, as provided in act of Feb.25, 1903.-----



Refer in reply to the following:

Land.  
13848--1903.

327

Department of the Interior,  
Office of Indian Affairs,  
Washington,

March 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for Departmental action a letter of the Acting Inspector for Indian Territory of the 24th ultimo forwarding a schedule, in triplicate, of lots in the town of Chelsea, Cherokee Nation. The Acting Inspector states that attached to this schedule is a certificate signed by all of the members of the Commission as to its correctness, and there is also submitted a list of the lots in contest, giving the names of the claimants, and in the body of the schedule the word "contest" has been inserted after the description of the lots involved; that this schedule has been prepared following the plan heretofore adopted for towns in the Cherokee Nation, as fully explained in connection with the Vinita schedule.

Mr. Zevely says there is a very large number of fractional mete and bound description in this town made necessary by reason of the fact that one corner of the blocks point almost directly north, not making it possible to describe parts of lots as the north or south half. These descriptions, however, have all been carefully checked and it is believed in this



regard the schedule has been properly prepared. Explanation is made with reference to the manner of listing lots under the various provisions of the Cherokee agreement and the class of improvements recognized as entitling the owners to have the lots scheduled in the manner in which it has been done.

Mr. Zevely says, following the decision in the case of the Vinita Schedule concerning the listing of church property, such property in Chelsea has been listed under section 53, which action he recommends be approved, but he does, however, invite attention to the lots in block 74 listed to the trustees of the Chelsea Academy is a mission school conducted within the town site of Chelsea, and it is in possession of all the lots shown to it upon this schedule. It appears that the Academy is governed jointly by the Church and local people interested in the school, and he instructed the Commission to look into the matter of the scheduling of this property, and the scheduling under section 41 is the result.

The Acting Inspector states that the schedule has been carefully checked, he believes it to be properly prepared, and recommends its approval.

With reference to the scheduling of the lots in block 74 to the Chelsea Academy and Cumberland Presbyterian Church, the Acting Inspector and the Townsite Commission builded wiser than they knew, as an opinion had been rendered by the Assistant



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Attorney General on the question of scheduling lots to churches on the 19th ultimo which changed the rule laid down in connection with the Vinita schedule, and under this opinion the scheduling of the lots under section 41 was justified, even though the Adademy were exclusively a church organization (I.T.D.621-03).

With reference to the scheduling of the lots under section 53, the Commission scheduled part of lot 12, block 27 under that section and subdivided it so as to limit the amount of land secured by the church without compensation to the area which it is entitled to and appraised the balance under the second clause of section 53 which, in the judgment of this office, is the correct method to pursue. Lots 1 and 2, block 31 are scheduled to the Missionary Baptist Church of Chelsea. No improvements are shown to exist on these lots and they are scheduled under section 53. The office is unable to determine whether the scheduling of these lots under section 53 is correct or not as no explanation is given of the circumstances. In case these lots had never been transferred to this church by the Cherokee Nation and there are no improvements on them they would be subject to being scheduled under section 53, or the second clause of section 43, but in case the church had secured title to these lots from the Cherokee Nation I do not believe they are subject to being scheduled under section 53. The same may be said with reference to part of lot 11, block 32 scheduled to the Methodist Episcopal Church South of Chelsea.

I therefore recommend that the Inspector be requested to



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make report on the scheduling of these lots in the light of the opinion of the Assistant Attorney General referred to above.

The schedule has been examined in this office and, barring the point made with reference to the scheduling of lots under section 53, I concur in the recommendation of the Acting Inspector that the schedule be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(Endorsed) Union Agency No. 6032. Received Mar. 17, 1903. Office of U.S. Inspector for Indian Territory. Washington, Mar. 10, 1903. Secretary----Calls for further report relative to certain lots in Chelsea, scheduled to Chelsea Academy & Cumberland Presbyterian Church, before action is taken on the schedule.



## DEPARTMENT OF THE INTERIOR.

ITD 3820-1903.

Washington.

April 22, 1903.

The United States Indian Inspector  
for the Indian Territory, Muskogee.

Sir:

The Department is in receipt of the Acting Inspector's letter of the 2nd instant, transmitting deed No. 1 executed by the Principal Chief of the Cherokee Nation, conveying to Ludie H. Parker, in consideration of the sum of \$72.00, lots 3, 4, 17 and 18, block 18, in the town of Vinita, Cherokee Nation. Attached to the deed is certificate of the U.S. Indian Agent at Union Agency, showing that full payment of the amount due for each lot has been made. The deed bears date of March 25, 1903.

In accordance with the recommendation of the Acting Inspector said deed has this day been approved and sent to the Commission to the Five Civilized Tribes for appropriate action.

A copy of the report of the Acting Commissioner of Indian Affairs, dated the 14th instant, is inclosed.

Respectfully,

E.A. Hitchcock.

Secretary.

1 inclosure.



-2-

(Endorsed) Union Agency No. 6290 Received April 23, 1903 Office of U.S. Indian Inspector for Indian Territory. Washington, April 22, 1903. Secretary.-----Approved deed No. 1 to lots in Vinita, Cherokee Nation.-----



## DEPARTMENT OF THE INTERIOR.

Washington.

ITD 5356-1903.

July 6, 1903.

The U. S. Indian Inspector

for Indian Territory, Muskogee.

Sir:

June 19, 1903, you reported relative to a communication from Dr. I. D. Burdick, of Fort Gibson, Indian Territory, in which he stated that Mrs. Lora Adair in being imposed upon by certain persons in taking possession of her land for park purposes.

You state that the tract of land referred to by Dr. Burdick, containing 20 acres, was taken for park purposes at the town of Fort Gibson, as is shown upon the report of the exterior limits of the town, approved by the Department July 27, 1902; that you visited Fort Gibson at the time the exterior limits were being established and in company with the mayor and town council determined that this tract was best suited for park purposes; that the communication of Dr. Burdick is the first that has been known that there was any objection to this selection; and that if Mrs. Adair has any improvements upon the land the question of compensation for the same is one which should be taken up with the municipal authorities. You also report that Mrs. Adair called at your office and it appears that she understood that more than 20 acres of land was to be taken from her; it also appearing that some private parties



-2-

had made a survey looking to the establishment of an artificial lake in that vicinity providing they could secure her consent; that she was told, so far as the Department was concerned, only 20 acres would be set aside for park purposes; that your office had nothing to do with private surveys or plans for an artificial lake; and that no one would have any right to encroach upon lands in her possession without her consent.

The Commissioner of Indian Affairs reporting in the matter June 29, 1903, concurs in your recommendation that Dr. Burdick be advised in accordance with your statement to the Department. The Department concurring in your recommendation, it is requested that you accordingly advise Dr. Burdick in the matter.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

(Endorsed) Union Agency No. 6829. Received Jul. 14, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, July 6, 1903 Secretary.-----Approves report on letter of I. D. Burdick, relative to taking land claimed by Mrs. Lora Adair for a park at Ft. Gibson; should advise Burdick.



Land.  
66833-1903.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

Nov.9,1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit for Departmental action letter of the Indian Inspector for Indian Territory of October 13, acknowledging the receipt of Departmental letter of October 5, (I.T.D.7048-1903), in the matter of the communication of Mr. Charles A.Wilson, clerk of the Choctaw Townsite Commission, with regard to the so called townsite of Marble City in the Cherokee Nation, Indian Territory, in which the Inspector was instructed that if he considered the townsite company had violated the law in any particular by false representations or otherwise it would be his duty to call the attention of the proper United States Attorney to the matter with a view to prosecution.

Alluding to Departmental letter of September 11, (I.T.D. 6596-1903), referring to a similar case at Herbert, in the Choctaw Nation, Mr.Wright reports that he forwarded copy of Departmental letter of that date, together with a copy of the opinion of the Assistant Attorney General, dated June 12, 1902, referred to therein, and also report as to conditions at the so called townsite of Marble City, to Mr.P.L.Soper, United States Attorney for the Northern District of the Indian Territory on October 1, and now transmits his reply under date of October 9, together



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with the accompanying papers.

Mr. Wright says it will be noted Mr. Soper states that as the town has never been legally surveyed and non-citizens settling therein can be removed therefrom; that it does not appear any false representations have been made upon which he could base a prosecution, but upon the complaint of the allottee the Indian Agent could place him in possession. Mr. Soper further states if the allottees have certificates, he does not see that the Nation has any further interest in the land; that unfortunately he is not aware of any provision for legal proceedings other than putting the allottee in possession; that an injunction might have been originally maintained, but as no ground for injunction now exists, he is unable to advise any other remedy.

The Inspector is advised that the so called Marble City Townsite Company is not taking any further action in the matter of the disposition of this townsite and that the Indian allottee has made application to the Commission to the Five Civilized Tribes for authority to alienate his land for townsite purposes.

The recommendation of the United States Attorney is in accordance with the recommendation of the United States Attorney for the Central District of the Indian Territory on the townsite of Herbert, and I recommend that the decision in this case follow the decision in the case with reference to Herbert.

Very respectfully,

W.A. Jones.  
Commissioner.

E.B.H.-L.C.

(Endorsed) Union Agency No. 7943 Received Nov. 2, 1903. Office of  
U.S. Ind. Inspector, for I.T. Washington, Nov. 13, 1903. Secretary.----  
Rel. to report concerning new town of Marble City, Cherokee  
Nation.-----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD 2380-1904.

March 22, 1904.

The U.S. Indian Inspector  
for the Indian Territory, Muskogee.

Sir:

The Department is in receipt of your report of the 9th instant, concerning the appointment of an accountant to settle with T. A. Chandler, late Cherokee townsite commissioner, in accordance with the act of the National Council of the Cherokee Nation, approved by the President on January 30, 1904, and advising that the Principal Chief of said nation has appointed Mr. Joe M. LaHay as accountant on behalf of the nation.

You recommend that Mr. William H. Trapp, clerk with the Cherokee Townsite Commission, be appointed as the accountant on behalf of the Government, he to be detailed from his present work and on furlough during the time he is performing service for the Cherokee Nation, and to receive the same pay and expenses that he now receives, such payment, however, not to be made by the Government, but from the appropriations made by the Cherokee National Council.

The Acting Commissioner of Indian Affairs forwarded your report on the 17th instant, and he concurs in your recommendation. A copy of his communication is inclosed.

A protest was filed by Charles B. Rogers against the appointment of Trapp, and since the receipt of your said report the Department has received your telegram of the 21st instant,



-2-

in answer to its inquiry as to whether Trapp should be appointed in view of said protest. The telegram is as follows:

Answering telegram twenty-first, I consider Trapp competent but in view of protest received today and to avoid complaints I recommend Clarence G. McKoin, townsite clerk under appointment dated Feby. fourteenth, nineteen hundred one, now in my office, be detailed and appointed to this place; fully qualified, familiar with accounts and unknown to interested parties.

The Department concurs in the recommendation made in said telegram and Clarence G. McKoin is hereby appointed, subject to the conditions above stated.

Respectfully,

Thos. Ryan.  
Acting Secretary.

1 inclosure.

(Endorsed) Union Agency # 9194 Received Mar. 29, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, March 22, 1904. Secretary. Appoints Clarence G. McKoin, townsite clerk, as member of commission to settle with T. A. Chandler, late townsite com'r of Cherokee Nation.



DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney-General.

WASHINGTON,

April 26, 1904.

2954-1904.  
Ind. Ter. Div.

The Secretary

Of the Interior,

Sir:

The United States Indian Inspector for Indian Territory having asked to be instructed as to the proper construction of section 40 in the act of July 1, 1902 (32 Stat., 716), especially in respect of the sale of lots in towns in the Cherokee Nation having less than 200 inhabitants, the matter has been referred to me for opinion. Said section 40 reads as follows:

All town sites which may hereafter be set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved May thirty-first, nineteen hundred (Thirty-first Statutes, page two hundred and twenty-one), with the additional acreage added thereto, as well as all town sites set aside under the provisions of this Act having a population of less than two hundred, shall be surveyed, laid out, platted, appraised, and disposed of in like manner, and with like preference rights accorded to owners of improvements as other town sites in the Cherokee Nation are surveyed, laid out, platted, appraised, and disposed of under the Act of Congress of June twenty-eighth, eighteen hundred and ninety-eight. Thirtieth Statutes, page four hundred and nine-five), as modified or supplemented by the Act of May thirty-first, nineteen hundred:



-2-

Provided, That as to the town sites, set aside as aforesaid the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in said Act of June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes, page four hundred and ninety-five).

The Indian inspector recommends that, if possible, the proviso to said section should be construed as referring only to townsites thereafter set aside on the recommendation of the Commission to the Five Civilized Tribes and not to include the towns having a population of less than 200.

If the construction recommended by him be adopted citizens of the Cherokee Nation having improvements upon lots in such towns may purchase such lots by paying one-half the appraised value thereof, as provided in section 43 of said act. The Commissioner of Indian Affairs, reporting in the matter, expresses the opinion that under section 40 of said act lots in such towns must be paid for at the full appraised value.

There is no rule of construction that would authorize the holding that the proviso relates to only one of the two classes of townsites mentioned in the body of the section. All townsites set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized tribes, as well as all townsites set aside under the provisions of said act having a population of less than 200, are to be surveyed, laid out, platted, appraised and disposed of in like manner and with like preference rights accorded to owners of improvements as in the case of other townsites in the Cherokee Nation, with the exception that as to the townsites set aside as aforesaid, which clearly include both



classes theretofore mentioned, the owner of the improvements shall be required to pay the full appraised value of the lot.

The act of June 28, 1898, referred to in the section under consideration, made provision for surveying and laying out townsites where towns with a population of two hundred or more were located but no provision was made there or in any subsequent law until that now under consideration for surveying townsites in the Cherokee Nation where towns with a population of less than two hundred were located. Section 48 of this law of July 1, 1902, provides:

Such towns in the Cherokee Nation as may have a population of less than two hundred people not otherwise provided for and which in the judgment of the Secretary of the Interior, should be set aside as townsites, shall have their limits defined as soon as practicable after the approval of this Act in the same manner as provided for other townsites.

As said by the Commissioner of Indian Affairs, there seems to be no good reason for making a distinction between towns of less and those of more than two hundred inhabitants. That was, however, a matter wholly within the discretion of Congress. As indicated before, the language of the proviso to said section 40 is sufficiently comprehensive to embrace both classes of townsites described in the body of the section. The wording of the law being thus plain the Department may not disregard it or adopt a forced construction to avoid what may be considered an inconsistency. The construction recommended by the Indian Inspector is not authorized.

The papers are returned.

Approved: April 26, 1904.  
E. A. Hitchcock.  
Secretary.

Very respectfully,  
Frank L. Campbell,  
Assistant Attorney General.



-4-

(Endorsed) Union Agency No. 9458. Received May 6, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, April 28, 1904. Secretary-----Transmits opinion of Asst. Attorney General, dated April 26, 1904, construing sec. 40, Cherokee agreement; holds owners of lots in towns set aside under such act having population of less than 200 must pay full appraised value of lots.



Refer in reply to the following:

343

Land.  
37829-1904.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Indian Inspector for Indian Territory, of the 4th instant, relative to the list of vacant or unimproved lots sold at auction in the town of Chelsea, Cherokee Nation, which was forwarded by him on January 4, 1904.

The Inspector says this report shows Lots 9 and 10 and part of Lot 11, Block 12, they having been originally scheduled as vacant by the Townsite Commission, to have been sold to the following persons:

Lots 9 and 10 to John Sharp,  
Part of Lot 11 to John A. Spaulding and  
Andrew J. White.

The Inspector transmits a communication from the Chairman of the Commission, dated April 21, 1904, referring to a supplemental schedule which he had submitted, showing this property listed to William W. Hastings. He returned this schedule to the commission, advising them that these lots had all been sold at public auction, and they report the lots should have been reserved from sale and listed to Mr. Hastings.

They therefore recommend if practicable that the purchase price of the lots be refunded to the parties purchasing them, and that they then be shown to Mr. Hastings upon the supplemental schedule.



The Inspector has personally conferred, in reference to this matter, with the Commission, and it developed that in some way Mr. Hastings failed to present his Cherokee deeds to these lots at the time the original schedule of Chelsea was prepared, and the lots were therefore listed as vacant. Shortly thereafter the Commission was furloughed, and the sale of vacant lots in that town was made by the Inspector's office, which had no information as to the claims of Mr. Hastings.

Mr. Wright says Mr. Hastings has acquired the right of occupancy to these lots under the Tribal Townsite Law and claims them under Section 42, of the Act of July 1, 1902, (32 Stats. 716), and he has presented to the Commission his deeds from the tribal authorities. He did not learn the lots were to be sold by the Inspector's office in view of the furlough of the Commission, and considered his rights would be protected by the filing of his Cherokee deeds after the Commission returned to duty in February last.

The Commission has conferred with the persons who purchased the lots at public sale, and explained to them that through an unavoidable error or oversight they were not scheduled to Mr. Hastings as they should have been, and each and all of them have agreed to withdraw their claims upon the return of the money which they have paid. The Inspector encloses from the Chairman of the Townsite Commission a letter dated May 18, 1904 to this effect.

Mr. Wright finds from the records of the United States Indian Agent that the following payments have been made in each case.

Lot 9 by John Sharp-----	\$145.00
Lot 10 " " "-----	110.00
Part of Lot 11 by Messrs.	
Spaulding and White-----	17.50.



-3-

While final payment has been made on Lots 9 and 10, no final certificate has been issued by the Indian Agent, the matter being held up pending instructions from the Department.

Under the circumstances, Mr. Wright recommends that authority be granted the United States Indian Agent at Union Agency to return the amounts indicated above, and that the sales made be cancelled, and authority granted to schedule the lots to Mr. Hastings upon the first supplemental schedule of Chelsea that is prepared.

Mr. Hastings has more than an occupance right in these lots, he having a deed from the Cherokee Nation for them. It is evident therefore that he had a right to the lots which could not be taken from him by an erroneous sale to other parties. The lots having been sold by mistake, and the parties purchasing at that sale being willing to accept the return of their money, I recommend that the course suggested by the Inspector as to the refunding of the money and the rescheduling of the lots be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H.-L.C.

(Endorsed) Union Agency No. 9802. Received Jun. 28, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, June 23, 1904. Secretary----Grants authority to schedule lots 9, 10 and 11, block 12, in the town of CHELSEA, Cherokee Nation, to W. W. Hastings; Agent to return money paid by parties on these lots.



Land  
40864-1905.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

June 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:-

Referring to Department letter of October 18, 1904 (I.T.D. 5716), relative to the settlement of the accounts of T.A.Chandler, late tribal Cherokee Townsite Commissioner, I have the honor to inclose a report from Inspector Wright in which he says that on November 27th last, Mr.L.F.Parker, Jr., National Attorney for the Cherokee Nation, advised him that the Principal Chief had again presented the subject to the National Council, and that further action would be deferred until the council had acted; that on December 24, 1904, W.P.Thompson, who represented the nation before the council owing to the absence of Mr.Parker, transmitted the report of the joint committee which was adopted by the council, reviewing the original settlement with Chandler, and finding that the amount justly due the Cherokee Nation from him was \$5,864.62.

The copy of the report was transmitted by Mr.Wright, who says that since the receipt of said report he has asked the tribal authorities several times for report as to the action they have taken; and that on May 19th last, the National Attorney addressed a communication to him stating demand had been made upon Chandler to pay the net amount found due by the joint



committee of the council, but that it is evident Chandler does not intend to pay the claim, and that his property is in such condition that a judgment, if obtained, could not be collected. Mr. Parker also says that the Judge of the Northern District expressed doubt from the bench, of the authority of the Cherokee Nation to institute an original proceeding without Congressional authority. Mr. Parker does not consider that the Cherokee agreement is broad enough to confer on the Department power to sue for the collection of a claim of this character, but says he would be glad if the Department arrived at the conclusion that such a suit can be maintained. He says however, that he has about concluded that if Chandler will agree to a reasonable compromise, to recommend to the Principal Chief and the Department that the same be accepted; otherwise to bring suit in the hope that a judgment, when obtained, can be collected.

Mr. Wright says that he has been verbally advised by the National Attorney that he is now negotiating with Mr. Chandler along the lines above mentioned, and that he confidently believes that this is the best solution of the whole affair; that Chandler cannot be prosecuted criminally because, first, the statutes of limitation have run, and secondly, the crime, if any, was committed at a time when it was entirely within the jurisdiction of the Cherokee tribal courts which have been abolished by Congress; and that he has taken the matter up with the United States District Attorney for the Northern District who entertains the same views as Mr. Parker. The Inspector submitted the subject for such action as the Department may consider proper.

Under the circumstances I do not believe that it is necessary for the Department to take any action at this time, as it seems



that the National Attorney is trying to bring about a compromise, and I suggest that Mr. Wright's action be approved, and that he be requested to advise the Department of the outcome of the negotiations instituted with a view to effecting a compromise relative to the amount due.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

GAW-AAG

(Endorsed) Union Agency No.12009 Received Jul.17,1905 Office of U.S.Indian Inspector for Indian Territory.Washington,July 11, 1905.Secretary.----In re. settlement with T.A.Chandler, former Tribal Cherokee Townsite Commissioner.----



## JOINT RESOLUTION NUMBER TEN

48

349

Resolved by the National council:

That the Principal Chief  
be and he is hereby required to call upon T. A. Chandler,  
late town commissioner, for a settlement of his accounts  
with the Cherokee Nation as town Commissioner and for a  
delivery to him of all books, papers, records, and money  
in his hands as town commissioner.

Passed by the Council December 7, 1900

(Signed) C. S. Shelton  
Clerk of council

(Signed) Fred M. Daniel  
Speaker of Council, pro tem

Concurred in by the Senate December 7, 1900.

L. B. Bell (Signed)  
Clerk of the Senate

(Signed) J. E. Gunter  
President of the Senate

Approved December 8, 1900

(Signed) T. M. Buffington

Principal Chief

Cherokee Nation

No. 1609



(Copy)

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

49  
250

Washington Dec. 20, 1900

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on Dec. 12, 1900, by J. George Wright, U. S. Indian Inspector for the Indian Territory, transmitting a joint resolution of the Cherokee National Council approved by the Principal Chief Dec. 8, 1900. The resolution is as follows:

Resolved by the National Council that the Principal Chief be and he is hereby required to call upon T. A. Chandler, late town commissioner, for a settlement of his accounts with the Cherokee Nation as town Commissioner and for a delivery to him of all books, papers, records, and money in his hands as town Commissioner.

The Inspector recommends that the resolution be approved if it is deemed proper to submit it to the President. This office does not believe that this resolution should be submitted to the President for his action and therefore transmits it for such action as the Department may deem proper.

Very respectfully  
Your obedient servant  
W. A. Jones  
Commissioner



## DEPARTMENT OF THE INTERIOR

49-A

WASHINGTON

December 26, 1900

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The President.

Sir:

I have the honor to submit herewith for executive action, under the provisions of the act of Congress approved June 7, 1897 (30 Stat., 62-84), "Joint Resolution Number Ten" of the National Council of the Cherokee Nation.

Said resolution declares that the Principal Chief of said nation shall call upon T. A. Chandler, late town commissioner, for the settlement of his accounts with said nation as town commissioner and the delivery of all books, papers, records and money in his hands as such commissioner.

The United States Indian Inspector for the Indian Territory recommends that said resolution be approved if the Department shall consider that this is a proper one to be submitted for executive action.

The Commissioner of Indian Affairs states that his office "does not believe that this resolution should be submitted to the President for his action and therefore transmits it for such action as the Department may deem proper."

It is declared in the act of Congress approved June 7, 1897 (30 Stat., 84):

"That on and after January 1, 1898, all acts, ordinances and resolutions of the council of either of the aforesaid Five tribes, passed shall be certified immediately



upon their passage to the President of the United States, and shall not take effect if disapproved by him, or until thirty (days) after their passage."

Under said provision it is considered that said resolution should be submitted for executive action, and there appearing to be no valid objection to said resolution I have to recommend that the same be approved.

The letter of the Inspector and copy of report of the Commissioner of Indian Affairs are enclosed herewith.

Respectfully

(Signed) Tho. R. Ryan

Acting Secretary

Ind. Ter. Div.  
4226-1900

No. 1609



## DEPARTMENT OF THE INTERIOR

WASHINGTON

January 5, 1901

United States Indian Inspector  
for the Indian Territory  
Muskogee, I. T.

Sir:

"Joint Resolution Number Ten" of the Cherokee National Council, approved by the Principal Chief December 8, 1900, was transmitted by you December 12th and by the Indian Office December 20th.

I am directed by the Secretary to inform you that said resolution was approved by the President December 27, 1900, and returned this day to the Indian Office for its files, and to enclose herewith departmental letter to the President and copy of the report of the Indian Office, for proper disposition.

Respectfully

(Signed) Edward M. Dawson

Chief Clerk

Ind. Ter. Div.  
4226-1900

L. S.  
No. 1609

Endorsement: Wash. Jan. 5, 1901. Secretary. "Joint Resolution Number Ten" of Cherokee Council relative to demanding settlement with T. A. Chandler, late Town Comm'r., APPROVED

Copied GBD  
3/29/34



CHEROKEE - TRADERS



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Adair, I.T.  
April 19, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Adair, I.T. Cherokee Nation, Indian Territory, during the period commencing Jan. 1st, 1899, and ending March 31st 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$1010.66) Ten hundred ten dollars and 66 cents, subject to a tax of 1/4 per cent and amounting to two and 52/100--dollars.

D.S.Cumming.

Sworn to and subscribed before me this 19 day of Apr. 1899.

W.G.Langley.

Notary Public--Northern  
district, Ind. Ter.

(Endorsed) Union Agency No. 63 Sworn statement accompanying remittance of D.S. Cummings, Catoosa, I.T. to Mar. 31, 1899--amount \$12.87--received Apr. 20, 1899 Office of U.S. Indian Agent, Muscogee, I.T.-----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

February 22, 1899

We do hereby certify that we have received and offered for sale at our regular place of business at Bartlesville, Ind. Ter. Cherokee Nation, Indian Territory, during the period commencing July 1, 1899 and ending Dec. 31, 1898, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$20000.00) Two thousand dollars and-----cents, subject to a tax of 1/4 of 1 per cent and amounting to five and no/100 dollars.

Cherokee Lbr. Co.

by A. S. Rupard

Sworn to and subscribed before me this 22 day of Feb. 1899.

F. M. Overlees.

Notary Public.

(Endorsed) Union Agency No. 235 Received at Union Agency Muscogee, I. T. March 31, 1899 Sworn statement accompanying remittance of Cherokee Lumber Co. Bartlesville, I. T. for month of to Dec. 31, 1899. amount \$5.00----



FISCAL QUARTERS

FIRST QUARTER Ends December 31.

THIRD QUARTER Ends June 30.

SECOND QUARTER Ends March 31.

FOURTH QUARTER Ends Sept.30.

I do hereby certify that I have received and offered for sale at my regular place of business at Catoosa Cooweescoowee District, Cherokee Nation, during the Second Quarter closing March 31, 1899, of the fiscal year ending September 30, 1898 goods, wares and merchandise, agreeable to original invoice, amounting in the aggregate to sum five thousand one hundred and fifty dollars and forty cents, subject to a tax of one-fourth of one per cent, and amounting to twelve-----87/100---dollars.

T.J.Daugherty

Sworn to, and subscribed before me this 18th day of April A.D.,  
1899.

Charles B.Hamilton  
N.P.  
My commission expires  
Oct.31st,1902.

(Endorsed) Union Agency No.62 Received Apr.20,1899 Office of U.S.  
Indian Agent,Muscogee,Ind.Ter.Sworn statement accompanying  
remittance of T.J.Daugherty Catoosa,I.T.to Mar.31,1899 amount  
\$12.87-----



March 31, 1899

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DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Chelsea, I.T.

I do hereby certify that I have received and offered for sale at my regular place of business at Chelsea, I.T. Cherokee Nation, Indian Territory, during the period commencing March 1st, 1899, and ending March 31st, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of \$4,000.00 (four thousand dollars) subject to a tax of 1/4 per cent, and amounting to \$10.00.

I.A.Gohlke

Sworn to and subscribed before me this 4th day of March 1899.,  
at Muscogee, Ind. Ter.

David W. Yancey

Notary Public.

(Endorsed) Union Agency No. 239 1/2 Received at Union Agency, Muscogee, I.T. Sworn statement accompanying remittance of I.A. Gohlke Chelsea, I.T. for month of March 31, 1899 amount \$10.00----



April 21, 1899

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## FISCAL QUARTERS

FIRST QUARTER Ends December 31.  
SECOND " " March 31.

THIRD QUARTER ENDS June 30.  
FOURTH " " Sept. 30.

We do hereby certify that we have received and offered for sale at our regular place of business at McFall, I.T. Cooweescoowee district, Cherokee Nation, during the month-March, Quarter closing Mar. 31st, 1899, of the fiscal year ending September 30, 1899 goods, wares and merchandise, agreeable to original invoice, amounting in the aggregate to sum One hundred and forty dollars and 80.100 cents, subject to a tax of one-fourth of one per cent, and amounting to thirty five cents.

McFall Merchandise Co.

By Eli Carr, Manager.

Sworn to, and subscribed before me this 18 day of April A.D. 1899.

Notary Public--Northern  
District.

(Endorsed) Union Agency no 64 Received Apr. 21, 1899 Office of  
U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying  
remittance of McFall Mer. Co. McFall, I.T. to Mar. 31, 1899----



Union Agency,  
Muscogee, I. T.,  
March 16, 1899.

Messrs O. S. Skidmore & Co.,

Oolagah, I. T.

Gentlemen:-

Replying to your communication of the 14th instant, I have to say that the Cherokee law fixes a tax of 1/4 of 1% on all merchandise introduced into said nation. This tax must now be paid to me. I send you herewith two blanks on which to make out a sworn statement in connection with your remittance.

You should write to D. W. Lipe, Treasurer of the Cherokee Nation for a blank on which to make application for license. After he has sent you the blank you should then submit your application for license, through this office to the Treasurer.

Very respectfully,

D. M. Wisdom,

U. S. Indian Agent.

Approved;

J. Geo. Wright,

U. S. Indian Inspector.

(Endorsed) Union Agency-Muskogee, Oklahoma. Press book no. 1---  
letter 252.



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Ruby, I.T. May 4th, 1899

I do hereby certify that I have received and offered for sale at my regular place of business at Ruby Cherokee Nation, Indian Territory, during the period commencing Feb. 1st, 1899, and ending May 1st, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$1535.29) one thousand five hundred thirty five and twenty nine cents, subject to a tax of 1/4 per cent and amounting to (\$3.84) three 84/100--- dollars.

L.R.Shreck.

Sworn to and subscribed before me this 4 day of May 1899.

John C. Nelson

Notary Public.-Northern  
Judicial District.

my commission expires Oct 15, 1899.

(Endorsed) Union Agency No. 84 Received May 8, 1899 Office of U.S.  
Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying  
remittance of L.R.Shreck Ruby, I.T. for month to May 1st, 1899--  
amount \$3.84-----



Land  
29552-1900.

Department of the Interior,  
Office of Indian Affairs,  
Washington, June 22, 1900.

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The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letters of July 21 and 26, 1898, July 11, 1899, September 22, 1899, and October 13, 1899, and to office reports of July 7, September 20, and October 10, 1899, respectively, there is transmitted herewith a report from Inspector Wright dated June 21, 1900, relative to the collection of the tribal merchandise tax and also to the collection of royalty on hay in the Cherokee Nation, Indian Territory.

In Inspector Wright's report it is stated that one W.C. Rogers, a citizen (mixed-blood) of the Cherokee Nation, who, it seems, is the proprietor of stores at Talala and other places in the Indian Territory, repeatedly and persistently refused to pay the merchandise tax in accordance with the Cherokee law and that he (Wright), acting under the Department's instructions of Sept. 22, 1899, instructed Revenue Inspector Churchill to direct Indian policeman West to close Mr. Roger's merchandise establishment at Talala; that said establishment was closed in accordance with said instructions; and that said policeman was instructed to permit no one to enter the store building except the proprietor or manager, and was also instructed to use every precaution to pre-



vent any damage to the property, which said instructions Inspector Wright states were adhered to.

In said report it is further stated that on June 8, 1900, Judge Gill, one of the Federal Judges for the Northern District of Indian Territory, issued a temporary injunction enjoining and restraining Revenue Inspector Churchill, Agent Shoenfelt, and Inspector Wright from the collection of said tribal merchandise tax from said Rogers and that injunction case is set for hearing on July 7, 1900.

In said report, it is also stated that the Indian Agent recently seized hay that was about to be shipped on which the royalty had not been paid; that subsequently an attempt was made to replevin the hay; that the court refused to grant the writ of replevin; that the parties have since commenced mandamus proceedings to compel the railroad company to ship the hay whether the royalty has been paid or not; and Inspector Wright concludes his report with a request to be "further advised as to future actions in these matters as soon as possible."

The matter of the injunction suit mentioned in Inspector Wright's report is of the utmost importance, and it is the opinion of this office that proper effort should be made to sustain the position the Department has heretofore taken and the office therefore concurs in Inspector Wright's suggestion that the Attorney General be advised of the importance of the matter and requested to have it taken up and disposed of at the earliest practicable date.



With reference to that part of Inspector Wright's report in which he asks to be further advised relative to the collection of taxes and royalties in the Cherokee Nation, as he was fully advised and instructed in the premises in Department letter of September 22, 1899, it is thought that he should comply fully with said instructions until such time as they shall have been revoked and as this matter has been fully discussed in the Department letters and office reports above referred to, not only in the Cherokee nation but also in the other nations, it is thought unnecessary to again enter into a discussion of the law and the matter is respectfully transmitted for such action as you may be pleased to direct in the premises.

Very respectfully,  
Your obedient servant,

W.A.Jones,  
Commissioner.

G.A.W.(L'e)

(Endorsed) Union Agency No.859 Received Jul.2,1900 Office of U.S.Indian Inspector for Indian Territory. Washington D.C., June 28,1900, Secretary.-----Department has requested Attorney General to have counsel represent Department in injunction suit brought to prevent removal of a citizen merchant for non-payment of tribal taxes.



DEPARTMENT OF THE INTERIOR,  
Washington.

August 2, 1900.

United States Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your communication of the 25th ultimo, relative to the application of W.C. Rogers in the United States court for the northern district of the Indian Territory for an order restraining Frank C. Churchill et al., from the collection of the tribal tax levied by the laws of the Cherokee Nation, and stating that the matter was heard by the court at Vinita on the 24th ultimo, and that the court will render an opinion thereon sometime in August.

You also report that "the Government was represented in the case by United States Attorney Pliny L. Soper who made an able and exhaustive argument on the subject, evidently having given much time and labor in the preparation of the case. "(Inspector Zevely was also present."

The Department is gratified in the knowledge that the Government was ably represented in the presentation of the case, and you will so advise the United States Attorney.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.  
2542-1900.



(Endorsed) Union Agency No.979 Received Aug.9, 1900 Office  
of U.S.Indian Inspector for Indian Territory. Washington,  
Aug.2, 1900, Department.----Directs to notify U.S.Attorney  
the Department is gratified at being well represented in the  
case of W.C.Rogers vs. F.C.Churchill, et al.----



S.B.S.  
10246-1900.

DEPARTMENT OF JUSTICE,  
Washington, D. C.

HCL

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September 26, 1900.

The Secretary of the Interior.

Sir:

In compliance with the request contained in your letter of the 13th instant (I.T. 3038-1900, L.R.S.) the Department directed the U. S. Attorney for the northern district of Indian Territory to take an appeal from the decision rendered by the U. S. Court for that district in the case of W. C. Rogers vs. Frank Churchill et al, in which the defendants were enjoined from collecting tribal taxes from the aforesaid plaintiff who, it is alleged, is a citizen of the Cherokee Nation.

Very respectfully,

John W. Griggs

Attorney-General.

(Endorsed) Union Agency # 1159 received Oct. 4, 1900 Office of U. S. Indian Inspector for I. T. Washington, Sept. 28, 1900. Secretary. Transmits copy letter of Attorney General directing Atty. Soper to appeal W. C. Rogers case.



W. H. KORNEGAY,  
Attorney-at-Law.

Notary in office  
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Vinita, Ind. Ter.,  
January 13, 1902.

Guy P. Cobb,  
Rev. Inspector,  
Muscogee, I. T.

Dear Sir;

I understand that you are demanding taxes from the Ratcliff Halsell Grocer Company, and have stated that if not paid you will ask for the removal of the noncitizen stockholders. I own a small amount of stock in the corporation five hundred dollars worth, and am a noncitizen, but can not control the action of the corporation as the majority of the stock is held by citizens, and I therefore (Sic) write you to know what your demands are of the noncitizen members.

Yours Truly,

W. H. Kornegay,  
Attorney.

(Endorses) Union Agency No. 480. Revenue Inspector. Vinita, I. T., Jan. 13, 1902. W. H. Kornegay (Sic) --- States he is a stockholder in the Ratcliff-Halsell Grocer Company, and asks information.



E.N.RATCLIFF, President.

J.T.Ratcliff, Secretary.

Branch Houses:  
Sapulpa, I.T.  
Muskogee, I.T.

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\* OLD JURY \*

RATCLIFF-HALSELL GROCER CO.  
(incorporated)  
WHOLESALE GROCERS.

Vinita, Ind. Ter. Jan. 13, 1902.

Mr. Guy P. Cobb,

Muscogee

Dear Sir:

There is some difference of opinion among the members of our Firm as to what the demands made by you upon us contemplate, please inform us whether our corporation owes you taxes on all goods purchased or only for the noncitizen portion of such purchases.

An early reply will oblige,

Yours Truly,

Ratcliff Halsell Grocer Co.,

J. T. Ratcliff, Sec.

(Endorsed) Union Agency No. 481. Revenue Inspector. Vinita, I.T., Jan. 13, 1902. Ratcliff-Halsell Gro. Co., ---Ask relative to taxes due from them.



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,

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Kansas, I.T. January 2, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Kansas, Cherokee Nation, Indian Territory, during the period commencing-----and ending Dec. 31, 1898, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$400.00) subject to a tax of 1/4-1 per cent and amounting to one-dollars.

Rev. B.M. Ofield.

(Endorsed) Union Agency No. 51 Sworn statement accompanying remittance of B.M. Ofield Kansas, I.T. --amount \$1.00---dollars----



## DEPARTMENT OF THE INTERIOR,

## United States Indian Service.

Braggs January 19, 1899.

\_\_\_\_\_ do hereby certify that \_\_\_\_\_ have received and offered for sale at \_\_\_\_\_ regular place of business at Braggs, Cherokee Nation, Indian Territory, during the period commencing \_\_\_\_\_ 189-, and ending \_\_\_\_\_ 189-, hay to original invoices, amounting in the aggregate to the sum of-----dollars and-----cents, subject to a tax of 70 per cent per ton to ---- sixteen and 40/100 dollars.

Chas. Pierce.

(Endorsed) Union Agency No. 54 Sworn statement accompanying remittance of Chas. Pierce Braggs for month of-----1899-amount---\$16.40-----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Fort Gibson, I.T.  
March 17th, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Fort Gibson, Cherokee Nation, I.T. Indian Territory, during the period commencing July 1st, 1898, and ending December 31st, 1898, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$600.00) six hundred dollars and----cents, subject to a tax of 1/4 of 1 per cent and amounting to \$1.50---(one and 50/100 dollars.

City Drug Store.

Sworn to and subscribed before me this the 17th day of March 1899.

My commission expires Oct. 4th, 1901. M.D.L. Dowell

Notary Public.

(Endorsed) Union Agency No. 265 Received at Union Agency, Muscogee, I.T. Mar. 24, 1899 Sworn statement accompanying remittance of City Drug Store Ft. Gibson, I.T. for month of to Dec. 31st, 1898. amount-- \$1.50----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

I do hereby certify that Harry F. Nash have received and offered for sale at regular place of business at Fort Gibson Cherokee Nation, Indian Territory, during the period commencing Sept. 28, 1898, and ending Dec. 31, 1898, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of \$874.00-----dollars and----cents, subject to a tax of 1/4 of 1 per cent and amounting to two and 18/100----dollars.

A.R.Matheson..

Manager Palace Drug Store.

Sworn to and subscribed before me this 9th day of March, 1899.

M.D.L.Dowell

Notary Public.

(Endorsed) Union Agency No. 52 Sworn statement accompanying remittance of Palace Drug Store Fort Gibson for month of to 12/31/98.--amount \$2.18----



April 13, 1899

INDIAN TERRITORY,  
CHEROKEE NATION,-----SS

W.M.Francis do hereby certify that we are engaged  
in the business of Gen.Mdse under the firm name of  
W.M.Francis & Co. and that we have received and  
offered for sale at our regular place of business at Sallisaw  
saw, Cherokee Nation, during the quarter beginning on  
the 1st day of Jan. and ending on the 31st day of  
March, of the fiscal year 1899, goods, wares and merchandise,  
agreeable to the original invoice, amounting in the aggregate  
to the sum of \$3000.00 subject to a special tax of one-fourth  
of one per cent and amounting to 7.50 amount due.

W.M.Francis &amp; Co.

Subscribed and sworn to before me this the 5 day of April  
1899.

H.L.Rogers.

My com. expires Nov.22,1899. ----Notary Public-Sallisaw,I.T.

(Endorsed) Union Agency No.36 Received Apr.13,1899 Office of  
U.S.Indian Agent,Muscogee,Ind.Ter.Sworn statement accompanying  
remittance of Wm.Francis & Co. Sallisaw,I.T. for month of---  
to 3/31/1899 Amount \$7.50.----



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March 31, 1899

INDIAN TERRITORY,--

SS.

CHEROKEE NATION.---

Gus Wanhauer do hereby certify that we are engaged in the business of General Mdse, under the firm name of Mayer Wolf and Company, and that we have received and offered for sale at the regular place of business at Sallisaw, Cherokee Nation, during the quarter beginning on the 1 day of Jany and ending on the 31st day of March, of the fiscal year 1899, goods, wares and merchandise, agreeable to the original invoice, amounting in the aggregate to the sum of \$8000.00 subject to a special tax of one-fourth of one per cent and amounting to \$20.00 amount due.

Mayer Wolfe &amp; Co.

Gus. Wanhauer

R.L. ROGERS

Notary Public (Seal)  
Southern District  
Sallisaw, Ind. Terry.

Subscribed and sworn to before me this the 31st day of March, 1899.

H.L. Rogers

My com. expires Nov. 22, 1899

Notary Public.

(Endorsed) Union Agency No. 5 Recd at Muscogee, I.T.---Sworn statement accompanying remittance of Mayer Wolf and Co. Sallisaw, I.T. to March 31, 1899. Amount \$20.00----



## REPORT TRADER'S TAX

375

I hereby certify that I have received and offered for sale at my regular place of business at Sallisaw, Sequoyah District, Cherokee Nation, Indian Territory, from the 1st day of Jan. 1899, to the 1st day of April 1899, goods, wares and merchandise amounting in the aggregate, as per original invoices, to the sum of \$56.57/100 fifty six  $\frac{57}{100}$  dollars, subject to a tax of one-fourth of one per cent., and amounting to  $\frac{15}{100}$  dollars.

W.I.Pollock.

Subscribed and sworn to before me this 17 day of April 1899.

W.N.Littlejohn

Notary Public--Sallisaw,  
I.T.

(Endorsed) Union Agency No.47 Received Apr.18,1899 Office of U.S.  
Indian Agent,Muscogee,Ind.Ter. Sworn statement accompanying  
remittance of W.I.Pollock Sallisaw,I.T. for month to 3/31/1899  
amount--15¢-----



Union Agency,  
Muscogee, I.T.

March 30th, 1899.

Mr. H. L. Rogers,  
Sallisaw, Indian Territory.

Sir:-

Replying to your communication of the 29th instant, I send you herewith a number of blanks to be used in connections with remittances on account of merchandise introduced into the Cherokee Nation.

All remittances must be accompanied by sworn statements in duplicate.

The Cherokee law imposes a tax of one quarter of one percent on all merchandise introduced into said Nation.

Very respectfully,

D.M.Wisdom.

U.S. Indian Agent.

Approved;

J. Geo. Wright,

U.S. Indian Inspector.

(Endorsed) Union Agency Press Book no. 1. letter 410. Muskogee, Okla.



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Tahlequah, I.T. April 17th, 1899.

We do hereby certify that we have received and offered for sale at our regular place of business at Tahlequah, Cherokee Nation, Indian Territory, during the period commencing January 1st, 1899, and ending April 1st, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of \$224.19----two hundred and twenty four dollars and nineteen cents, subject to a tax of  $1/4$  of one per cent and amounting to---no-and-56/100 dollars.

Billing & Bitting

Sworn to and subscribed before me this 17th day of April 1899.

Wm.F.Rasmus.

Commission expires February 1, 1901.

(2nd term)

(Endorsed) Union Agency No. 59 Received Apr. 19, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Bitting and Bitting Tahlequah, I.T. for month of--to 3/31/1899. amount 56/100----



April 7, 1899

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## FISCAL QUARTERS.

First Quarter Ends December 31.

Third Quarter Ends June 30.

Second " " March 31.

Fourth " " Sept. 30.

we \_\_\_\_\_ do hereby certify that \_\_\_\_\_ we \_\_\_\_\_ have received and offered for sale at \_\_\_\_\_ our \_\_\_\_\_ regular place of business at \_\_\_\_\_ Tahlequah \_\_\_\_\_, \_\_\_\_\_ Tahlequah \_\_\_\_\_ District, Cherokee Nation, during the \_\_\_\_\_ 2nd \_\_\_\_\_ Quarter closing \_\_\_\_\_ March 31, \_\_\_\_\_ 1899, of the fiscal year ending September 30, 1899 goods, wares and merchandise, agreeable to original invoice, amounting in the aggregate to sum \_\_\_\_\_ Seven thousand one hundred sixty four \_\_\_\_\_ Dollars and \_\_\_\_\_ eighty-eight \_\_\_\_\_ cents, subject to a tax of one-fourth of one per cent and amounting to \_\_\_\_\_ Seventeen &  $\frac{91}{100}$  \_\_\_\_\_ Dollars.

W.T.Richards &amp; Co.

Per J.W.McSpadden

Sworn to, and subscribed before me this 4 day of April A.D.1899.

S.S.Boyles, Notary Public

Commission expires July 19,1899.

Notary Public, Tahlequah, Ind.Ter.

(Endorsed) Union Agency No.21 Received Apr.7,1899 Office of U.S.Indian Agent,Muscogee,Ind.Ter.Sworn statement accompanying remittance of W.T.Richards & Co.Tahlequah,I.T. for month of--- to 3/3/1899 Amount \$17.91----



4009-A  
May 1, 1899

379

FISCAL QUARTERS.

FIRST QUARTER Ends December 31.  
SECOND " " March 31.

THIRD QUARTER Ends June 30.  
FOURTH " " Sept. 30.

I do hereby certify that we have received and offered for sale at our regular place of business at Tahlequah, I.T. Tahlequah District, Cherokee Nation, during the second Quarter closing March 31st, 1899, of the fiscal year ending September 30, 1899, goods, wares and merchandise, agreeable to original invoice, amounting in the aggregate to sum Seven thousand, six hundred, eleven dollars and seventeen cents, subject to a tax of one-fourth of one per cent and amounting to nineteen and  $\frac{02}{100}$  dollars.

E.M. Landrum-Bookkeeper

for Jno. W. Stapler & Son

Sworn to, and subscribed before me this 3rd day of May A.D., 1899.

Leon C. Ross,

Notary Public, Northern District

Indian Territory.

My commission expires Sept. 21st, 1900.

(Endorsed) Union Agency No. 82 Received May 1, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Jno. W. Stapler & Son Tahlequah, I.T. to 3/31/99 amount \$19.02----



Union Agency.

Muskogee, I.T., Feb. 24th, 1899.

Messrs J. M. Hall & Co.,  
Tulsa, I.T.

Gentlemen:

All of our blanks were destroyed by fire and therefore cannot send you any at this time. You can make out a sworn statement, giving the amount of goods and the period in which they were introduced, the rate of taxation and the amount remitted. Send the statements in duplicate.

Very respectfully,

D. M. Wisdom,  
U. S. Indian Agent.

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed)  
Union Agency Press Book, # 1, Letter 12,



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Manard, Ind. Terry April 17, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Manard Cherokee Nation, Indian Territory, during the period commencing January 1, 1899, and ending March 31, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of \$320.00---Three hundred and twenty dollars and no cents, subject to a tax of 1/4 of one per cent and amounting to no and 80/100 dollars.

Nancy A. Capps

Sworn to and subscribed before me this 17th day of April, 1899.

William F. Rasmus.

Notary Public.

Commission expires Feby. 1st, 1901

(2nd term)

(Endorsed) Union Agency No. 60 Sworn statement accompanying remittance of Mrs. Nancy A. Capps Manard, Ind. Terry for month of -to 3/31/1899. amount .80¢----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.  
United States Indian Service.

Hillside, I.T.

May 5, 1899.

We do hereby certify that we have received and offered for sale at our regular place of business at Hillside, Cherokee Nation Indian Territory, during the period commencing Feb. 7, 1899 and ending May 1st, 1899, goods, wares, and merchandise, agreeable to original invoices amounting in the aggregate to the sum of (\$1300.00) Thirteen hundred dollars and ---- cents, subject to a tax of  $1/4$  of 1 per cent and amounting to three and 25/100-- dollars.

Henley Mer. Co.

W. W. Loyd, Manager

Sworn to and subscribed before me this 5th day of May 1899.  
Helen C. Helmick.

Notary Public.

Witness,  
(Endorsed) Union Agency No. 85 Sworn statement accompanying remittance of Henley Mer. Co. Hillside, I.T. to May 1, 1899--- amount \$3.25----

Union Agency No. 7 received Jan. 12, 1899 Office of U.S. Indian Agent, Muskogee, Ind. For sworn statement accompanying remittance of Sarah Brackett Hillside, I.T. for month to 3/31/99-- amount 3.45 cents.---